

ORDINANCE NO. 997 C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA
AMENDING SECTION 3-5.08 OF CHAPTER 5 OF TITLE III OF THE MADERA
MUNICIPAL CODE RELATING TO INCREASING STATE SPEED LIMIT IN
CERTAIN ZONES**

WHEREAS, California Vehicle Code Section 22352 establishes prima facie speed limits for streets; and

WHEREAS, California Vehicle Code Section 22357 provides that whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe; and

WHEREAS, according to California Vehicle Code (CVC) Section 40802, a “speed trap” is defined as a section of highway or street with a prima facie speed limit that is not justified by an engineering and traffic survey conducted within the time periods specified and the enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects; and

WHEREAS, the evidence of a speeding violation based on the maintenance or use of a speed trap is inadmissible in court per CVC Section 40803; and

WHEREAS, in order to establish speed limits and ensure a speed trap is not created, engineering and traffic surveys must be conducted in accordance with CVC Section 627 and the California Manual on Uniform Traffic Control Devices (MUTCD); and

WHEREAS, the City prepared an engineering and traffic survey (E&TS) for designated City streets from 6/3/22 through 2/9/23 and the proposed speed limit for each street as established by the 2023 E&TS; and

WHEREAS, CVC Section 40802(c) allows for engineering and traffic surveys to be valid for a period of seven years if the conditions specified in Section 40802(c), pertaining to officer training and equipment standards, are met; and

WHEREAS, the City has reviewed CVC Section 40802(c) and determined that the Madera Police Officers using radar/lidar equipment for determination of speed have been properly trained and the radar/lidar equipment used meets the required standards and is properly maintained and calibrated.

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection (B) of Sec. 3-5.08 of Chapter 5 of Title 3 of the Madera Municipal Code is hereby amended to read as follows:

(B) *Section 16.* It is determined upon the basis of an engineering and traffic survey that the speed permitted by state law upon the following streets is less than is necessary for the safe operation of vehicles thereon by reason of the designation and sign-posting of such streets as through highways and/or by reason of widely-spaced intersections and it is declared that the prima facie limit shall be as set forth in this section on those streets, or parts of streets, designated in this section when signs are erected giving notice thereof:

Item No.	Location	Declared Prima Facie Speed Limit (MPH)
1	Adell Street from Country Club Dr. to "D" Street	40
2	Almond Ave. from Pine Street to Granada Drive	45
3	Almond Ave. from Golden State Hwy to Madera Ave.	40
4	Almond Ave. from Madera Ave. to Stadium Road	40
5	Cleveland Ave. from Gateway Drive to Tulare St.	40
6	Cleveland Ave. from Granada Drive to Schnoor Ave.	40
7	Cleveland Ave. from Granada Dr. to W. City Limits	45
8	Cleveland Ave. from Schnoor Ave. to Freeway 99	40
9	Cleveland Ave. from Tulare Street to Tozer Road	40
10	Clinton Ave. from Lilly St. to Tozer Road	35
11	Country Club Drive from Cleveland Ave. to Clark	40
12	D Street from Central Ave. to Yosemite Ave.	35
13	D Street from Cleveland Ave. to Adell Street	40
14	D Street from Ninth Street to Olive Avenue	35
15	Ellis Street from Lake Street to Chapin Ave.	40
16	Fourth Street from I Street to Pine Street	35
17	Fourth Street from D Street to Lake Street	35
18	Gateway Drive from Cleveland Ave. to Avenue 16	50
19	Gateway Drive from Fresno River to Cleveland Ave.	40
20	Gateway Drive from Ninth Ave. to Olive Ave.	35
21	Granada Drive from Cleveland Ave. to Fresno River	45
22	Granada Drive from Howard Road to Sunset Ave.	35
23	Granada Drive from Howard Road to Industrial Ave.	40
24	Granada Drive from Industrial Ave. to South City Limits	45
25	Granada Drive from Sunset Ave. to Riverview Drive	35
26	Howard Road from Autumn Road to Pine St.	35
27	I Street from 4 th Street to Olive Ave.	35
28	I Street from 4 th Street to Central Avenue	35

29	Industrial Ave. from Granada Dr. to Schnoor Ave.	40
30	Kennedy Street from Lake Street to Tulare Ave.	35
31	Kennedy Street from Tulare Street to City Limits	40
32	Knox Street from Olive Avenue to Tozer Street	40
33	Lake Street from Cleveland Ave. to Ellis Street	40
34	Lake Street from Clinton Ave. to Sunrise Ave.	35
35	Pecan Ave. from Raymond Thomas to Golden State Blvd.	40
36	Pecan Ave. from Madera Ave. to Pine Street	45
37	Pecan Ave. from Schnoor Ave. to Pine Street	45
38	Pine Street from Howard Road to Pecan Street	45
39	Pine Street from Howard Road to Sunset Avenue	30
40	Schnoor Ave. from Dutra Way to Cleveland Ave.	35
41	Schnoor Ave. from Kennedy Street to Cleveland Ave.	40
42	Sherwood Way from Country Club Drive to Sonora Street	40
43	Sherwood Way from Sonora Street to Lake Street	35
44	Storey Road from Yosemite Ave. to City Limits	45
45	Sunrise Ave. from B Street to Lilly Street	40
46	Sunset Ave. from Fourth Street to Granada Drive	35
47	Sunset Ave. from Granada Drive to City Limits	45
48	Tozer Street from Avenue 15 to A Street	35
49	Tozer Street from Yosemite Ave. to Avenue 15	40
50	Tozer Street from Olive Ave. to Knox Street	45
51	Vineyard Ave. from Clinton Ave. to Yosemite Ave.	30
52	Westberry Blvd from Howard Road to Sunset Avenue	45
53	Westberry Blvd from Sunset Avenue to Riverview Drive	40
54	Yosemite Ave. from Gateway Drive to Olive Ave.	35
55	Pecan Avenue from Road 28 to Road 29	45
56	Falcon Drive from Yeager Drive to Aviation Drive	35
57	Aviation Drive from Condor Drive to Falcon Drive	35

SECTION 2. If any section, subsection, clause or phase of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional or otherwise invalid.

SECTION 3. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage or when appropriate signs giving notice thereof are erected upon street and shall not thereafter be revised except upon the basis of an engineering and traffic survey, whichever occurs later.

SECTION 4. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

The foregoing Ordinance No. 997 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 15th day of March 2023 and adopted after a second reading at a regular meeting of the City Council held on 5th day of April 2023 by the following vote:

AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, Mejia and Villegas.

NOES: None.

ABSTENTIONS: None.

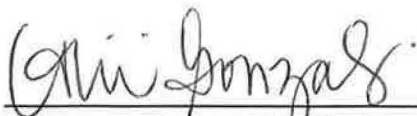
ABSENT: None.

APPROVED:



SANTOS GARCIA, Mayor

ATTEST:



ALICIA GONZALES, City Clerk



ORDINANCE 998 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA REPEALING SECTION 10-3.419 OF TITLE X, CHAPTER 3 OF THE MADERA MUNICIPAL CODE RELATING TO TELECOMMUNICATION TOWERS, ANTENNAS AND STRUCTURES AND FINDING THE ORDINANCE IS NOT A PROJECT SUBJECT TO CEQA PURSUANT TO CEQA GUIDELINES SECTION 15378, AND ALTERNATIVELY IS EXEMPT FROM CEQA UNDER CEQA GUIDELINES SECTION 15061(B)(3) (COMMON SENSE)

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. Section 10-3.419 Of Title X, Chapter 3 of the Madera Municipal Code Relating To Telecommunication Towers, Antennas And Structures is repealed.

SECTION 2. **CEQA.** The City Council finds that the Ordinance does not qualify as a “project” subject to California Environmental Quality Act (“CEQA”) Guidelines Section 15378 and California Public Resources Code Section 21065 because repealing Section 10-3.419 is a ministerial action that has no potential for resulting in either a direct or physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Alternatively, if this action qualified as a “project”, it would be exempt pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense) because there is no possibility that the project will have a significant impact on the physical environment. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

SECTION 3. **Effective Date.** This Ordinance shall become effective thirty (30) days after adoption.

SECTION 5. **Publication.** The City Clerk shall certify to 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.

* * * * *

The foregoing Ordinance No. 998 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 5th day of April 2023 and adopted after a second reading at a regular meeting of the City Council held on 19th day of April 2023 by the following vote:


AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, Mejia and Villegas.

NOES: None.

ABSTENTIONS: None.


ABSENT: None.

APPROVED:



SANTOS GARCIA, Mayor

ATTEST:



ALICIA GONZALES, City Clerk



ORDINANCE NO. 999 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE 2022 CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, FIRE, RESIDENTIAL, ENERGY, AND GREEN BUILDING STANDARDS CODES, INCLUDING APPENDIX P OF THE CALIFORNIA BUILDING CODE AND APPENDIX Z OF THE CALIFORNIA RESIDENTIAL CODE, BY REPEALING CHAPTER 1 OF TITLE IX, AND ADDING CHAPTER 1 OF TITLE IX OF THE MADERA MUNICIPAL CODE

WHEREAS, the California Building Standards Commission (CBSC) is an independent commission within the State Consumer Services Agency responsible for reviewing, adopting, and publishing building standards for the State of California; and

WHEREAS, every three years, the CBSC adopts a compilation of building regulations referred to as the California Building Standards Code (California Code of Regulations, Title 24), which cities and counties are then mandated to adopt; and

WHEREAS, local governments or jurisdictions can modify the code to add more restrictive provisions based on their specific local geologic, climatic, and topographic conditions to protect their communities; and

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

WHEREAS, the City Council now desires to adopt the codes as set forth herein.

NOW THEREFORE, the City Council of the City of Madera ordains as follows:

SECTION 1. Chapter 1 (Building Regulations) of Title IX of the Madera Municipal Code is repealed in its entirety.

SECTION 2. Title IX of the Madera Municipal Code is amended to add Chapter 1 (Building Regulations) as follows:

9-1.01 Adoption of Building Regulations

Pursuant to Cal. Gov't Code § 50022.1 through 50022.6, the texts of those certain publications of the International Code Council, and the National Fire Protection Association, together with parts of the appendices thereto, the 2022 California Building Code, based on the 2021 International Building Code, the 2022 California Mechanical Code, based on the 2021 Uniform Mechanical Code, the 2022 California Fire Code, based on the 2022 International Fire Code, the 2022 California Plumbing Code, based on the 2022 Uniform Plumbing Code, the 2022 California Residential Code based on the 2021 International Residential Code, the 2022 California Electrical Code, based on the 2020 National Electrical Code, the 2022 California Energy Code, the 2022 California Existing Building Code based on the 2021 International Existing Building Code, the 2022 California Green Building Standards,

(CALGreen) Code, as published by the California Building Standards Commission, are all hereby adopted as the rules, regulations and standards within this city as to all matters therein contained except as otherwise provided by this chapter. The applicable requirements of the adopted appendices to such codes shall be enforceable to the same extent as if contained in the body of such code of said regulations as the equivalent to a referenced standard. One copy of said regulations are and shall be at all times kept on file with the office of the chief enforcement officer (Building Official) in accordance with Government Code Section 50022.6.

Notwithstanding the forgoing, including Section 109.2 of Division II Scope and Administration, of the California Building Code 2022 edition, fees for permits, plan review, investigation, and re-inspection shall be as follows:

- (A) Permit Fees. The fee for each permit shall be set forth in the fee schedule established by resolution of the City Council. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official, who is the Director of the Department of Building and Safety for the city, or the designee of the Director of Building and Safety. The value to be used in computing the building permit and building plan review shall be the total value of all construction work for which the permit is issued, as well as all finished work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment whether donated, purchased or provided by self.
- (B) Plan Review Fees. When submittal documents are required, a plan review fee shall be paid at the time of submitting the documents for plan review. Said plan review fee shall be set forth in the fee schedule established by resolution of the City Council. The plan review fees specified in this subsection are separate fees from the permit fees specified above and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged as set forth in the fee schedule established by resolution of the City Council.
- (C) Investigation Fees. An investigation fee in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be set forth in the fee schedule established by resolution of the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provision of this code, nor from any penalty prescribed by law.
- (D) Re-inspection Fees. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available to the inspector, for

failure to provide access on the date for this inspection is requested, or for deviating from plans requiring the approval of the Building Official. To obtain a re-inspection, the applicant shall file an application therefor in writing on a form furnished for that purpose and pay the re-inspection fee as set forth in the fees schedule established by resolution of the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

9-1.02 Adoption of California Building Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures in the City, the 2022 California Building Code (CBC), excluding Chapter 29 Plumbing systems, and including Appendix P Emergency Housing, as promulgated by the California Building Standards Commission which incorporates the 2021 edition of the International Building Code with California amendments, is hereby adopted by reference thereto as if fully set forth in this Chapter, save and except such portions as are deleted, modified, or amended by the provisions of this Chapter. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

9-1.03 Adoption of the California Plumbing Code

For the purpose of regulating plumbing systems, the 2022 California Plumbing Code (CPC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2021 edition of the Uniform Plumbing Code, excluding Table 104.5, is hereby adopted by reference thereto as if fully set forth in this Chapter, save and except for portions as are deleted, modified, or amended by the provisions of this Chapter. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

9-1.04 Adoption of California Mechanical Code

For the purpose of regulating mechanical systems, the 2022 California Mechanical Code (CMC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2021 edition of the Uniform Mechanical Code, excluding Table 104.5, is hereby adopted by reference thereto as if fully set forth in this Chapter, save and except for portions as are deleted, modified, or amended by the provisions of this Chapter. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

9-1.05 Adoption of California Electrical Code

For the purpose of regulating electrical systems, the 2022 California Electrical Code (CEC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2020 edition of the National Electrical Code, is hereby adopted by reference thereto as if fully set forth in this Chapter, save and except such portions as are deleted, modified, or amended by the provisions of this Chapter. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

9-1.06 Adoption of California Fire Code

For the purpose of regulating fire protection systems, the 2022 California Fire Code (CFC) promulgated by the California Building Standards Commission, which incorporates the adoption of the 2021 edition of the International Fire Code, is hereby adopted by reference thereto as if fully set forth in this Chapter, save and except such portions as are deleted, modified, or amended by the provisions of this Chapter. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

9-1.07 [Reserved]

9-1.08 [Reserved]

9-1.09 Adoption of the California Residential Code

For the purpose of regulating one and two-family dwellings, the 2022 California Residential Code (CRC) promulgated by the California Building Standards Commission, and including Appendix Z Emergency Housing, which incorporates the adoption of the 2021 edition of the International Residential Code, is hereby adopted by reference thereto as if fully set forth in this Chapter. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

9-1.10 Adoption of the California Energy Code

For the purpose of regulating energy conservation standards for all residential and non-residential buildings, the 2022 California Energy Code promulgated by the California Building Standards Commission is hereby adopted by reference thereto as if fully set forth in

this Chapter. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

9-1.11 Adoption of the California Green Building Standards Code

For the purpose of regulating residential and non-residential buildings, the 2022 California Green Building Standards Code (CALGreen Code) promulgated by the California Building Standards Commission is hereby adopted by reference thereto as if fully set forth in this Chapter. Any changes made by the California Building Standards Commission applicable to the City, including new editions, shall be deemed incorporated herein. If any conflicts between this Code and any other City, State or Federal Code should arise, the most restrictive Code providing the highest level of safety as determined by the Building Official shall prevail.

SECTION 3. CEQA. The City Council finds that the update of the Madera City Municipal Code is exempt pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) as there is not a reasonable possibility that the amendments may have a significant adverse impact on the environment as i) California law mandates that on January 1, 2023, all portions of the 2022 California Code of Regulations Title 24 will be effective within the City regardless of whether the City takes any action, which regulations thereby serves as a baseline for the purposes of CEQA; and ii) no local amendments are being proposed to said regulations which would result in a significant, adverse impact to the environment given the environmental baseline. As such, no further analysis is required under CEQA.

SECTION 4. Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Madera hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact any one or more sections, subsections, clauses, or phrases be declared invalid.

SECTION 5. Effective 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. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. Posting. Within fifteen (15) days after its adoption, the City Clerk shall certify to 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 once in a newspaper of general circulation in accordance with Government Code Section 36933 as required by law.

The foregoing Ordinance No. 999 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 19th day of April 2023 and adopted after a second reading at a regular meeting of the City Council held on 3rd day of May 2023 by the following vote:


AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, Mejia and Villegas.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

APPROVED:



SANTOS GARCIA, Mayor

ATTEST:



ALICIA GONZALES, City Clerk



ORDINANCE NO. 1000 C.S.

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.

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Exhibit "A" – Existing and Proposed Zoning Maps

The foregoing Ordinance No. 1000 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 3rd day of May 2023 and adopted after a second reading at a regular meeting of the City Council held on 17th day of May 2023 by the following vote:

AYES:	Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, Mejia and Villegas.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

APPROVED:



SANTOS GARCIA, Mayor

ATTEST:

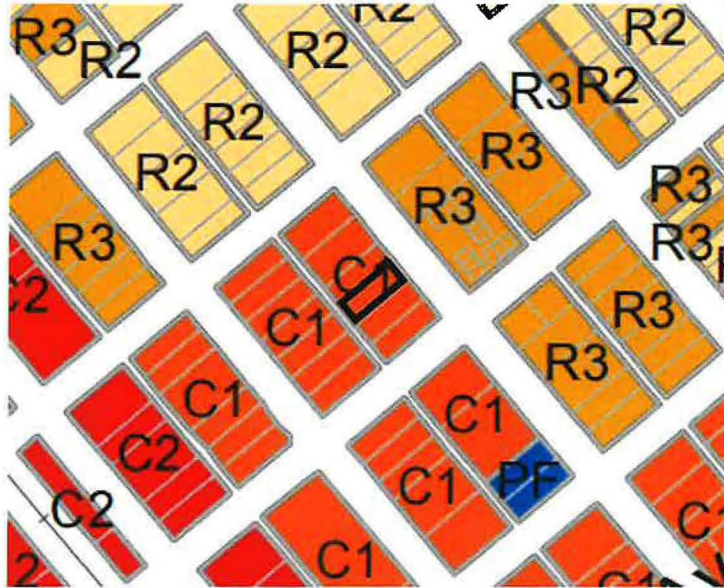


ALICIA GONZALES, City Clerk

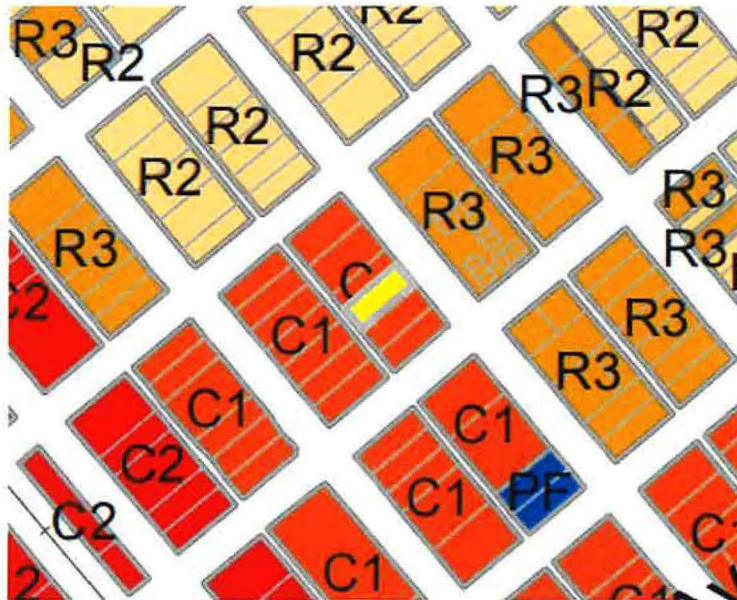


Exhibit A: Existing and Proposed Zoning Maps

Existing Zoning: C1 (Light Commercial)



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



ORDINANCE NO. 1001 C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING
REZ 2022-02 AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO
PREZONE THE APPROXIMATELY 242 ACRE "ARC ANNEXATION AREA" BOUNDED
BY MARTIN STREET ON THE NORTH, NORTH D STREET ON THE EAST, SOUTH TO
ELLIS STREET AND A PORTION FURTHER SOUTH TO ADELL STREET, AND WEST BY
THE UNITED STATES BUREAU OF RECLAMATION CANAL AND ROAD 26**

WHEREAS, The Arc Fresno/Madera Counties submitted an application for a General Plan Amendment (GPA 2022-03), Prezone (REZ 2022-02), Annexation (ANX 2022-03), Use Permit (CUP 2022-07), Site Plan Review (SPR 2022-01) and associated environmental review (ENV 2022-03) for approximately 242 acres for the purpose of constructing and operating a new Intellectual and Development Disability Center ("Project"); and

WHEREAS, annexation requires the pre zoning of all parcels subject to the annexation; and

WHEREAS, the requested REZ 2022-02 proposes to prezone the properties within the boundaries of ANX 2022-03 presently within the County of Madera in accordance to their General Plan Land Use designation pursuant to GPA 2022-03 as shown in Exhibit "A" attached hereto ("Arc Annexation Area"); and

WHEREAS, an Initial Study/Negative Declaration (IS/ND) (ENV 2022-03) was previously adopted by the City Council for the Project pursuant to the California Environmental Quality Act (CEQA), which included REZ 2022-02; and

WHEREAS, the City of Madera Planning Commission has reviewed REZ 2022-02, and adopted Planning Commission Resolution No. 1940 recommending City Council adopt the REZ 2022-02; and

WHEREAS, at the April 5, 2023 Council hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Council, and the City Council introduced this ordinance to approve REZ 2022-02; and

WHEREAS, after due consideration of all the items before it, the Council now desires to adopt this ordinance and approve REZ 2022-02.

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

SECTION 2. Based on the testimony presented at its public hearing and all of the evidence in the record, the City Council finds that REZ 2022-02 i) is consistent with the General Plan goals, objectives, and policies, and will provide the required consistency between the General Plan, as amended, and zoning; 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; iii) is necessary to promote public necessity, convenience, general welfare, and good zoning practices; iv) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and

protection of public and private improvements; v) City services are either available or can be extended to serve the area; and vi) adoption is in the best interests of the City. REZ 2022-02 shall result in the rezoning of each property within the approximately 242-acre Arc Annexation area according to its General Plan land use designation, including those amended by GPA 2022-03. Such determinations are based on the administrative record including the following:

- a) **General Plan Consistency.** Under REZ 2022-02, approximately 242 acres would be rezoned according to each affected property's General Plan land use designation, including those amended under GPA 2022-03. This would create consistency with between the General Plan land use diagram and the City's official zoning map. As a result, the project is consistent with General Plan Policy LU-32, which states "zoning shall be consistent with the General Plan land use designation". REZ 2022-02 promotes consistency with the General Plan, its land use designations, and its goals and policies.
- b) **The prezone will promote and protect the public's health, safety, peace, comfort, convenience, and general welfare.** As discussed above, REZ 2022-02 would create consistency between the General Plan and zoning. The project would promote the public welfare including providing opportunities for housing development, jobs, convenience of access, aesthetic values, protection of environmental values, protection of public and private improvements, etc.
- c) **City Services.** As discussed in the Initial Study/Negative Declaration, City services are available or can be made available to serve the area. City staff has reviewed and determined that the availability of City services within the Arc Annexation area would not be a roadblock to future development of the area.

SECTION 3. Given that all of the findings can be made, the City Council approves REZ 2022-02 to prezone the Arc Annexation area, an approximately 242-acre area bounded by Martin Street to the north, North D Street to the east, to the south by Ellis Street and a portion further south by Adell Street, and to the west by the United States Bureau of Reclamation Canal and Road 26. The City Council hereby amends the City of Madera Zoning Map as illustrated in Exhibit "A", which is attached and incorporated by reference, and which indicates the segment of the City of Madera Zoning Map to be amended. To the extent not already annexed, territory annexed to the City subject to REZ 2022-02 shall be automatically added to the City's official zone map. Pre-zoning shall be recorded on the official map in the same manner as change of zoning district amendments, but shall be identified by the use of parentheses enclosing the district symbols. Such pre-zoning classification shall become effective zoning of the property at the same time that the annexation becomes effective.

SECTION 4. Based on the testimony and information presented at its public hearing, the City Council finds that the City previously prepared and adopted an Initial Study/Negative Declaration for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. The Initial Study/Negative Declaration identified that several approvals were included within the scope of the project, including a prezone and annexation. Preparation of the environmental analysis necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the City Council finds there is no substantial evidence in the record that this project may have significant direct, indirect, or cumulative effects on the environment, and that a Negative Declaration is appropriate for this project. The City Council further finds the Initial Study/Negative Declaration was timely and properly published and noticed

as required by CEQA. As such, the City Council finds that REZ 2022-02 has been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines Section 15162, and no further action or review is required under CEQA.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 6. The City Clerk shall publish this ordinance pursuant to Government Code section 36933.

SECTION 7. 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 8. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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Exhibit "A" – Prezone District Map

The foregoing Ordinance No. 1001 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 5th day of April 2023 and adopted after a second reading at a regular meeting of the City Council held on 17th day of May 2023 by the following vote:

AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, Mejia and Villegas.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:


SANTOS GARCIA, Mayor

ATTEST:


ALICIA GONZALES, City Clerk



Exhibit "A"

Prezone District Map

