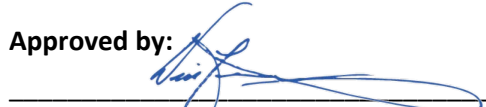


REPORT TO CITY COUNCIL

Approved by:


Will Tackett, Community Development Director


Arnoldo Rodriguez, City Manager

Council Meeting of: September 6, 2023

Agenda Number: C-1

SUBJECT:

Rezone property located at 405 Vineyard Avenue (REZ 2023-02)

RECOMMENDATION:

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

1. Adopt Findings of a Class 15 Categorical Exemption under California Environmental Quality Act (CEQA) Guidelines Section 15315 and Common Sense exemption set forth under CEQA Guidelines Section 15061(b)(3), and waive full reading and introduce an Ordinance of the City Council amending the official City of Madera Zoning Map rezoning approximately 0.3 acres at 405 Vineyard Avenue (APN 008-071-001) from a R2 (One unit for each 3,000 square feet of site area) zone district to a R1 (One unit for each 6,000 square feet of site area) zone district.

SUMMARY:

The applicant, Michael Ray Sutherland, on behalf of the property owner, Carmina Maldonado, is proposing to subdivide a developed 0.30 acre (13,175 square feet) irregular shaped parcel into two parcels (TPM 2021-02) as well as acquire a setback variance (VAR 2023-02) to address the present non-compliant front yard setback associated with the existing residential dwelling on the property. No development or improvements in association with the division of the land is proposed. The subject site, 405 Vineyard Avenue, is an exterior (corner) lot positioned at the southeast corner of Vineyard Avenue and Clinton Street (refer to Attachment 1).

In addition, the applicant is proposing to rezone the subject site to conform with the site's General Plan land use designation – LD (Low Density Residential) (refer to Attachment 2). The applicant proposes to rezone the subject site from R2 (One unit for each 3,000 square feet of site area) zone district to a R1 (One unit for each 6,000 square feet of site area) zone district (REZ 2023-02) (refer to Exhibit A of Attachment 3).

The project proposal was reviewed and considered by the Planning Commission (Commission) at its meeting on April 11, 2023. At the meeting, the Commission heard from the applicant's representative who expressed acceptance to all project conditions of approval. No public comments were received at the

The project proposal was reviewed and considered by the Planning Commission (Commission) at its meeting on April 11, 2023. At the meeting, the Commission heard from the applicant's representative who expressed acceptance to all project conditions of approval. No public comments were received at the Commission hearing. The Commission found the proposed rezone to be in conformance with the General Plan and has adopted Resolution No. 1954 recommending adoption of a Class 15 Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15315 and approval of rezoning the subject site R1 (One unit for each 6,000 square feet of site area) (refer to Attachment 4).

A resolution adopting the Categorical Exemption and an ordinance approving rezoning the subject site R1 (One unit for each 6,000 square feet of site area) has been prepared for Council action consistent with the Planning Commission's recommendation (refer to Attachment 3).

DISCUSSION:

The subject site's current zone district of R2 (One unit for each 3,000 square feet of site area) is inconsistent with the site's General Plan Land Use designation of LD (Low Density Residential) pursuant to Table LU-A General Plan/Zoning Consistency of the Madera General Plan. The applicant is proposing a rezone to the R1 zone district consistent with the residential density designation of the City's General Plan Land Use designation. The proposed rezone will also ensure that all future proposed uses are subject to the development standards of the R1 (One unit for each 6,000 square feet of site area) zone district.

REZ 2023-02 is consistent with i) the General Plan goals and policies; 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; and iii) 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. The project is consistent with the General Plan goals and policies as further set forth in the attached ordinance. A rezone also provides support for the City's Land Use Core Principles and fosters comprehensive planning "to ensure individual projects are integrated with existing and future projects and considers the form and function of the surrounding area" (City of Madera General Plan, p. 8-7).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW:

A preliminary environmental assessment was prepared for this project in accordance with the requirements of CEQA. The Commission has recommended the City Council find and determine that TPM 2021-02 is categorically exempt under Section 15315 (Minor Land Division) 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 and REZ 2023-02 and VAR 2023-02 exempt under the Common Sense exemption set forth in CEQA Guidelines Section 15061(b)(3). All required services and utilities to the proposed parcels are available. The subject parcel has not been involved in the division of a larger parcel within the previous two years or has an average slope greater than 20 percent. Additionally, the rezone, subdivision of land and variance are intended to bring the property and its existing buildings and structures into conformance with the City's General Plan and property development standards. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

CONSISTENCY WITH THE GENERAL PLAN AND ZONING ORDINANCE:

The proposed 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 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 site at an intensity consistent with the General Plan and in accordance with the allowable uses and development standards of the R1 residential zone district.

FISCAL IMPACT:

The applicant paid Planning Department entitlement fees pursuant to the City's adopted Master Fee Schedule to offset the costs associated with processing REZ 2023-02, VAR 2023-02 and TPM 2021-02. Additional fees will be required in conjunction with any proposed or required on- or off-site improvements in association with the proposed subdivision or future development. improvement plans and building plan check and permitting.

PUBLIC NOTICE:

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within at least a 300-foot radius of the subject property.

ALTERNATIVES:

The Council could consider alternatives other than the Planning Commission and staff's recommendation for approval of the rezone ordinance. Those include:

1. Denial of the request for rezone. Should the requests be denied, the project site would remain with the current zoning district and Commission approval of VAR 2023-02 and TPM 2021-02 would be suspended.
2. Continuing the item with direction to staff to provide additional information so as to allow the Council time to digest that information in advance of a decision.
3. Provide staff with other alternative directives.

ATTACHMENTS:

1. Aerial Vicinity Map
2. General Plan Land Use Map
3. City Council Ordinance for Rezone
Exhibit A – Existing and Proposed Zoning Districts
4. Planning Commission Resolution No. 1954

ATTACHMENT 1
Aerial Vicinity Map

**ATTACHMENT 1
AERIAL VICINITY MAP**



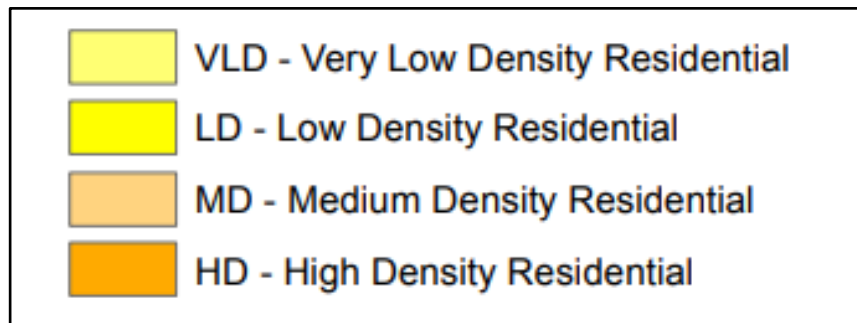
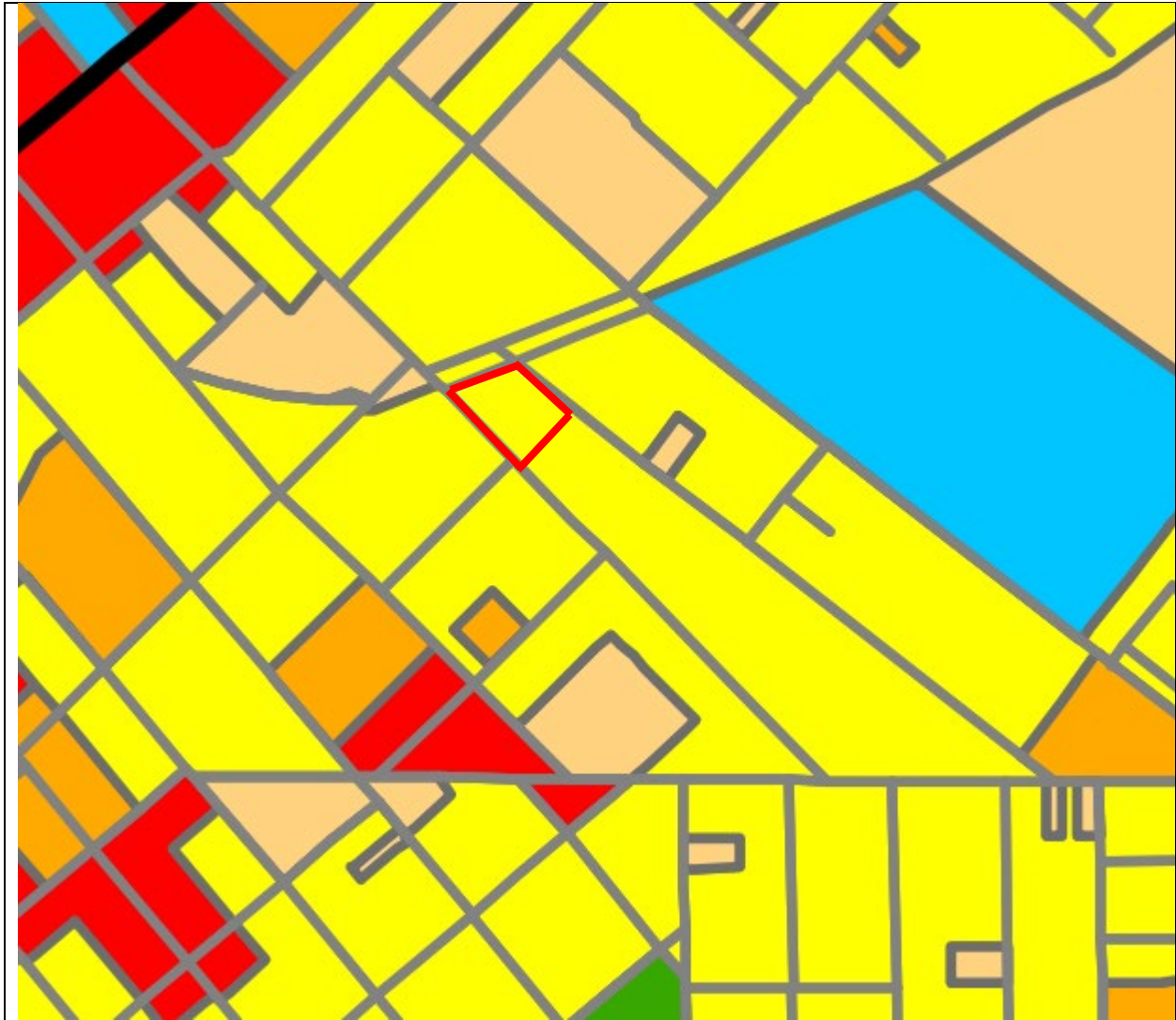
Project Site



North

ATTACHMENT 2
General Plan Land Use Map

ATTACHMENT 2
GENERAL PLAN LAND USE MAP



 Project Site

ATTACHMENT 3
City Council Ordinance for Rezone
(Including: Exhibit A – Existing and Proposed Zoning Districts)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE
OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 0.3
ACRES OF PROPERTY LOCATED AT 405 VINEYARD AVENUE (APN: 008-071-001)
FROM THE R2 (ONE UNIT FOR EACH 3,000 SQUARE FEET OF SITE AREA) TO THE
R1 (ONE UNIT FOR EACH 6,000 SQUARE FEET OF SITE AREA) ZONE DISTRICT**

WHEREAS, Carmina Maldonado (“Owner”) owns a developed 13,175 square foot (0.3 acre) parcel located at 405 Vineyard Drive (APN: 008-071-001) in Madera, California (“site”); 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, Michael Sutherland, on behalf of the Owner has submitted an application to the City requesting a rezone (REZ 2023-02) and setback variance (VAR 2023-02), and approval to subdivide the site into two (2) parcels of 7,167 square feet (sf) (Parcel 1) and 6,008 sf (Parcel 2) (TPM 2021-02) (collectively the “project”); and

WHEREAS, REZ 2023-02 would rezone the site from the current R2 (One unit for each 3,000 square feet of site area) zone district to a R1 (One unit for each 6,000 square feet of site area) zone district; and

WHEREAS, pursuant to Policy LU-32 of the City of Madera General Plan zoning shall be consistent with General Plan land use designations; and

WHEREAS, the site’s General Plan Land Use designation is LD – Low Density Residential; and

WHEREAS, the R1 (One unit for each 6,000 square feet of site area) zone district is consistent with the LD – Low Density Residential land use designation; and

WHEREAS, the rezone is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the TPM 2021-02 has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15315 (Minor Land Division) and REZ 2023-02 and VAR 2023-02 has been determined to be exempt under the common sense exemption under CEQA Guidelines, 15061(b)(3); and

WHEREAS, the proposed rezone will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

WHEREAS, the Planning Commission (Commission) received and reviewed application REZ 2021-02 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 Commission; and

WHEREAS, after its hearing, the Commission adopted Resolution No. 1954 recommending to the City Council of the City of Madera (Council) the approval of REZ 2023-02 as conditioned; and

WHEREAS, concurrently with the consideration of REZ 2021-02, the Commission approved Variance Permit 2023-02 (VAR 2023-02), and Tentative Parcel Map 2021-02 (TPM 2021-02) and submitted said approvals to Council; and

WHEREAS, conditional approval of VAR 2023-02 and TPM 2021-02 by the Commission are contingent to Council approval of REZ 2023-02; and

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

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

WHEREAS, the Council received and independently reviewed REZ 2023-02 at a duly notice meeting on September 6, 2023; and

WHEREAS, at the September 6, 2023 Council hearing, the public was provided an opportunity to comment, and evidence, both written and oral, received regarding the Project was considered by the Council; and

WHEREAS, after due consideration of the item before it, the Council now desires to adopt a Finding of a Class 15 Categorical Exemption for the proposed tentative parcel map (TPM 2021-02) and a Common Sense exemption set forth in CEQA Guidelines Section 15061(b)(3) for the proposed variance (VAR 2023-02) and REZON (REZ 2021-02) ordinance.

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 September 6, 2023 on the rezoning of the Site as shown in Exhibit "A."

SECTION 3. CEQA. The City Council finds and determines that TPM 2021-02 is exempt under Section 15315 (Minor Land Use Division) of the State CEQA Guidelines as this action is the division of property in an urbanized area zoned for residential use into two parcels which is in conformance with the City of Madera General Plan and Zoning Ordinance and REZ 2023-02 and VAR 2023-02 exempt under the Common Sense exemption set forth under Section 15061(b)(3) of the CEQA Guidelines. All services and access to the proposed parcels are available. Nor has the subject parcel been involved in the division of a larger parcel within the previous two (2) years or has an average slope greater than 20 percent. Furthermore, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

SECTION 4. 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 REZ 2023-02 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 in accordance with Table LU-A: General Plan/Zoning Consistency of the Madera General Plan.
2. The Rezone is not expected to be detrimental to the health, safety, peace, comfort, or general welfare of the neighborhood or the City.

SECTION 5. Approval of REZ 2023-02. The City Council hereby approves REZ 2023-02 and hereby amends the City of Madera Zoning Map as provided for in Chapter 3 of Title X of the Madera Municipal Code as illustrated in the hereto attached Exhibit “A” which indicates the segment of the City of Madera Zoning Map to be amended.

SECTION 6. Posting. 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.

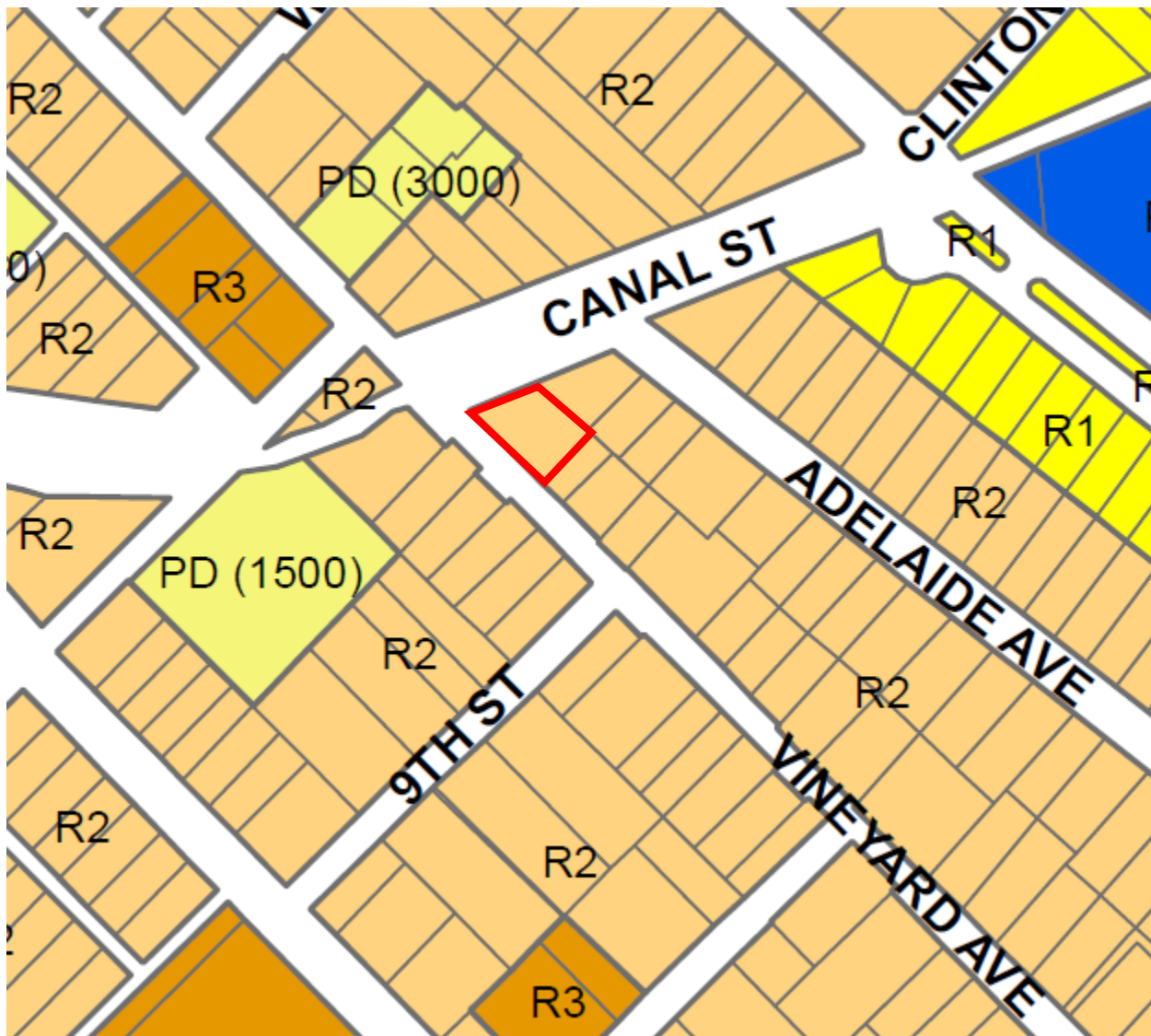
SECTION 7. Effect Date of Ordinance. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

SECTION 8. 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.

* * * * *

Exhibit “A” – Rezone District Maps

EXHIBIT A
EXISTING ZONING DISTRICTS



Zone Districts

Residential Districts





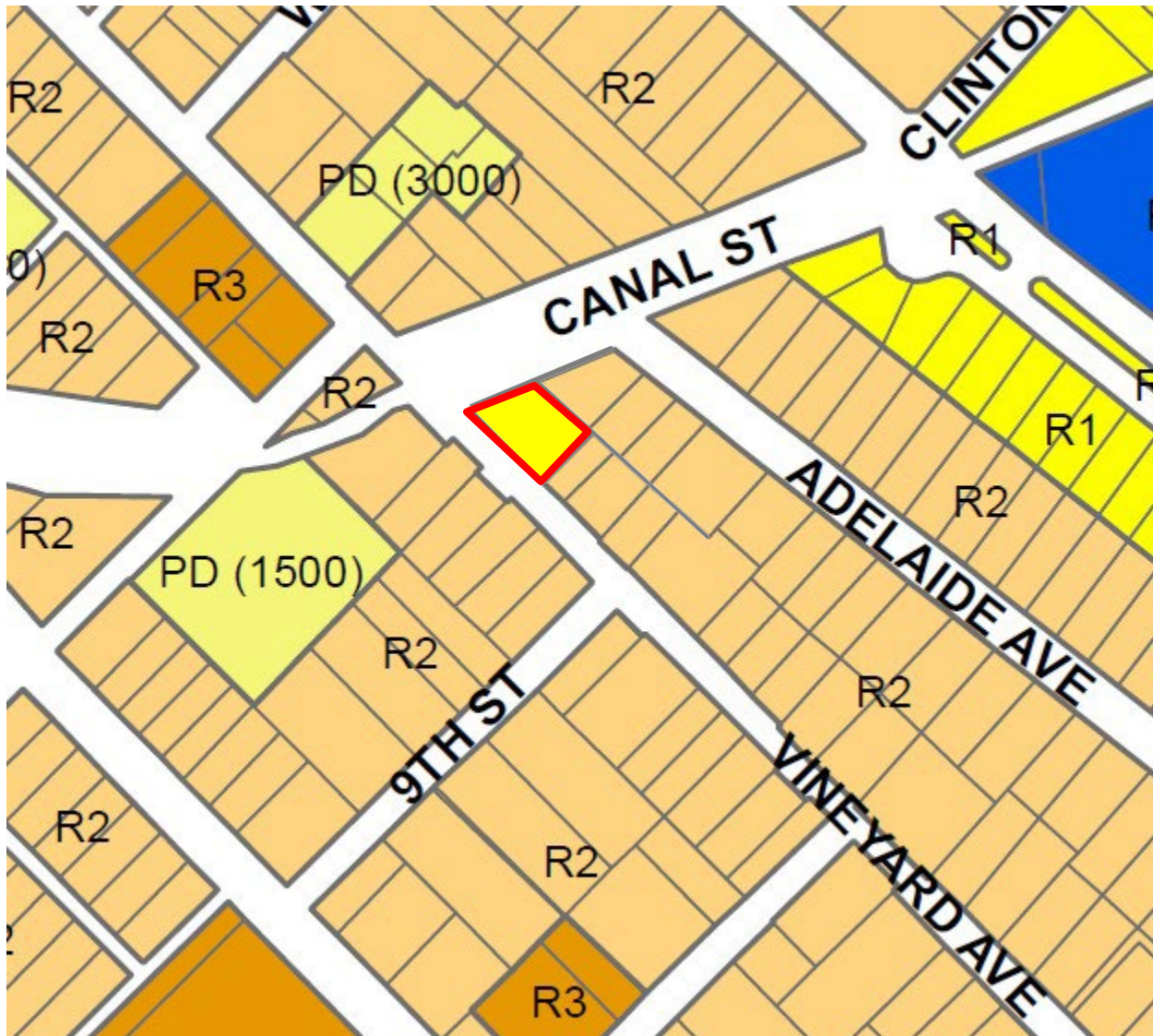




-  RA - (One unit per each 12,000 square feet)
-  R1 - (One unit per each 6,000 square feet)
-  R2 - (One unit per each 3,000 square feet)
-  R3 - (One unit per each 1,800 square feet)

EXHIBIT A
PROPOSED ZONING 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)

ATTACHMENT 4

Planning Commission Resolution No. 1954

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

AYES: Commissioner's Rohi Zacharia, Saim Mohammad, Bobby Sheikh, Balwinder Singh,
Jose Eduardo Chavez, Vice Chairperson Ramon Lopez, Chairperson Robert Gran Jr.

NOES: None

ABSTENTIONS: None

ABSENT: None

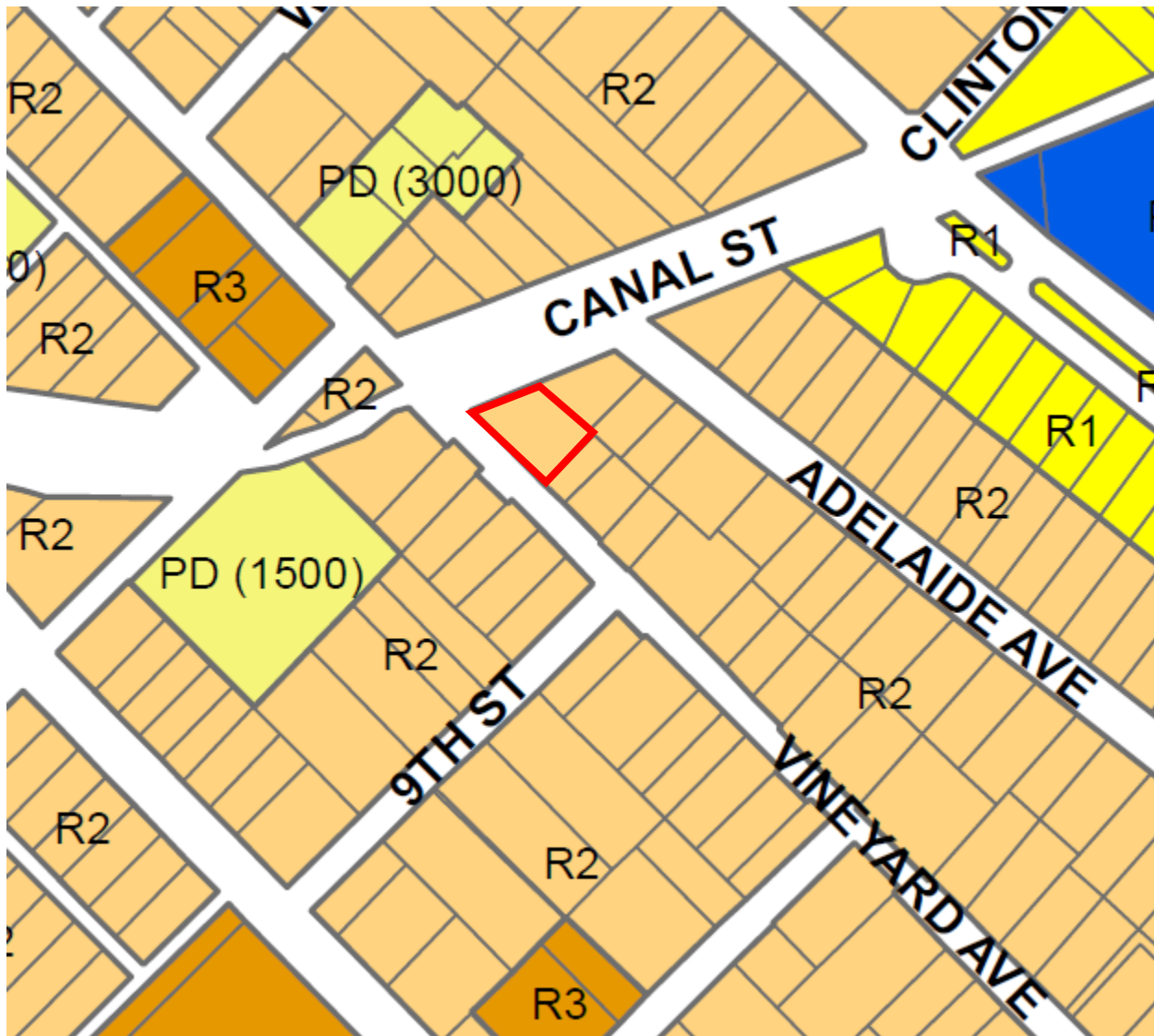

Robert Gran Jr.
Planning Commission Chairperson

Attest:


Gary Conte, AICP
Planning Manager





Exhibit "A": Zone District Map (Existing and Propose)

EXISTING ZONING DISTRICTS

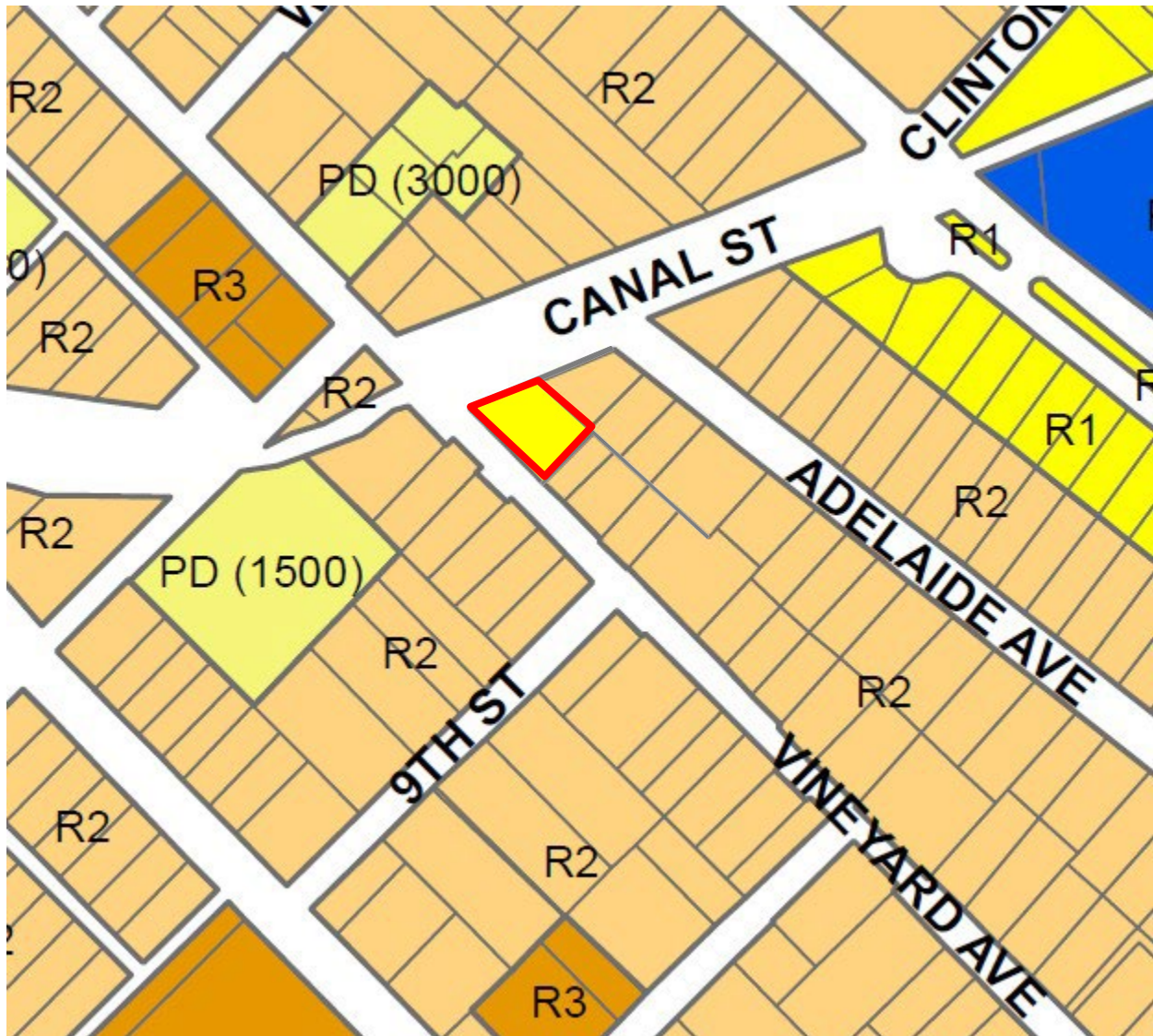






Zone Districts

Residential Districts

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-  R1 - (One unit per each 6,000 square feet)
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PROPOSED ZONING DISTRICTS



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