

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, July 8, 2025 6:00 p.m. Council Chambers City Hall

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 88336185965# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at https://www.zoom.us/j/88336185965# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at https://www.zoom.us/j/88336185965. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

Chairperson Robert Gran Jr. Vice Chair Ramon Lopez-Maciel Commissioner Tim Riche Commissioner Abel Perez Commissioner Balwinder Singh Commissioner Saim Mohammad Commissioner Jose Eduardo Chavez

INTRODUCTION OF STAFF:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: December 10, 2024 / January 14, 2025 / April 8, 2025

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 2025-07 & SPR 2025-08 – Madera Ave Market ABC License (Report by Adi Rueda)

Subject: Consideration of an application for a Conditional Use Permit and Site Plan Review requesting authorization to upgrade an existing Alcohol Beverage Control (ABC) Type 20 (Off-Sale Beer & Wine) License for the Madera Avenue Market located on the northwest corner of Madera Avenue and Maple Street at 416 Madera Avenue, to a Type 21 (Off-Sale General) License. A Type 21 License is issued to retail stores and authorizing the sale of beer, wine, and distilled spirits for consumption off the premises where sold. The project site is designated for Commercial land uses within the Madera General Plan and is Zoned C1 (Light Commercial).

Recommendation:

Conduct a public hearing and adopt:

a. A Resolution of the Planning Commission of the City of Madera determining the project is Categorically Exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit 2025-07 and Site Plan Review 2025-08, subject to the findings and conditions of approval.

2. CUP 2025-06 & SPR 2025-10 – Veterans Thrift U-Haul Storage (Report by Adi Rueda)

Subject: Consideration of an application for a Conditional Use Permit, Site Plan Review and Determination of Use to authorize a U-Haul vehicle and equipment rental business to be located on ± 0.34 acres of vacant land located at 217 South C Street. The site is zoned C1 (Light Commercial) with a C (Commercial) General Plan land use designation.

Recommendation:

Conduct a public hearing and adopt:

a. A Resolution of the City of Madera Planning Commission determining the is Categorically Exempt pursuant to Sections 15301 (Existing Facilities) and 15311 of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit 2025-06 and Site Plan Review 2025-10, subject to the findings and conditions of approval.

3. PPL 2022-01 & SPR 2022-02 – Pecan Stadium Multifamily (Report by Robert Smith)

Subject: A continued public hearing to consider an application for a Precise Plan and Site Plan Review to approve the development of a 102-unit multifamily residential development on a \pm 4.93-acre project site comprising a portion of property located at the northeast corner of the intersection of Stadium Road and Pecan Avenue. The project site is planned for High Density Residential use by the Madera General Plan and is Zoned PD-2000 (Planned Development, one unit for each 2,000 sq. ft. of site area).

Recommendation:

Conduct a public hearing and adopt:

a. A Resolution of the Planning Commission of the City of Madera determining the project is Categorically Exempt pursuant to Section 15332 (Infill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Precise Plan 2022-01 and Site Plan Review 2022-02 subject to the findings and conditions of approval.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

- 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. 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 <u>planninginfo@madera.gov</u> 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.

The City of MADERA VALLEY CENTRAL

Prepared by: Adileni Rueda, Assistant Planner

Meeting of: July 8, 2025 Agenda Number: 1

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2025-07) and Site Plan Review (SPR 2025-11) requesting authorization to obtain a Type 21 (Off-Sale General) Alcoholic Beverage Control (ABC) License for the Madera Avenue Market located at 416 Madera Ave (APN: 012-083-017).

REPORT TO THE PLANNING COMMISSION

RECOMMENDATION:

Conduct a public hearing and adopt:

 A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-05 and Site Plan Review (SPR) 2025-08, subject to the findings and conditions of approval.

SUMMARY:

The applicant, Pabla Petroleum Inc., has filed applications for a Conditional Use Permit (CUP 2025-07) and Site Plan Review (SPR 2025-11) requesting authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 21 (Off-Sale General) License, which are issued to retail stores and authorizing the sale of beer, wine, and distilled spirits for consumption off the premises where sold for the Madera Avenue Market located on the northwest corner of Madera Avenue and Maple Street at 416 Madera Avenue (APN: 012-083-017) (the project site).

The project site is located within the C1 (Light Commercial) zone district, and the property is designated for Commercial uses on the General Plan Land Use Map.

Currently, the project site operates under a Type 20 (Off-Sale Beer and Wine) ABC License. CUP 2025-07 allows for their existing Type 20 ABC License to be replaced with a Type 21 (Off-Sale General) ABC License.

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

Table 1: Project Overview		
Project Number:	CUP 2025-07 and SPR 2025-11	
Applicant:	Pabla Petroleum INC	
Property Owner:	Satnam Singh Pabla	
Location:	416 Madera Ave / APN: 012-083-017	
Project Area:	±0.42 acres	
Land Use:	Commercial (C)	
Zoning District:	Light Commercial (C1)	
Site Characteristics:	Project site includes an existing 4,300 square foot building operating	
	as a convenience store.	

BACKGROUND

The following entitlements have been approved at the project site:

- SPR 1989-20
- SPR 1989-20 MOD
- SPR 1989-20 MOD 2

The previous entitlements were submitted requesting authorize to include an outdoor BBQ restaurant and to construct a detached solar carport.

ANALYSIS

Alcohol Beverage Control (ABC) License Type 21

ABC administers and issues licenses that allow establishments to serve alcohol. The applicant has requested approval for the existing retail store to sell wine, beer, and distilled spirits under the ABC Type 21 License.

The ABC Type 21 License authorizes retail stores to sell beer, wine, and distilled spirits for consumption off the premises. Minors are allowed on the premises.

Alcohol Sales

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 the City Council in an administrative report during the April 20, 2011, Council hearing with a 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.

The project site is within Census Tract 5.11. The City's Police Department was notified and presented no opposition to the request.

Census Tract 5.11 does not have an over concertation of ABC Type 21 Licenses. According to the Alcoholic Beverage Control License Report, Census Tract 5.11 has three (3) active Type 21 Licenses. Please see below for more information.

Table 2: ABC License Type 21				
Business	Census Tract	Year Issued	ABC Type	Jurisdiction
The Local Shoppe	5.11	2007	Type 21	City of Madera
1488 Madera				
Ave				
Dollar General	5.11	2016	Type 21	City of Madera
1200 Madera				
Ave				
GMG Food Store	5.11	2015	Type 21	City of Madera
755 Madera Ave				

Staff has reviewed the project site and supports approval in accordance with the following General Plan Policy:

 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 business growth within the City.

Staff is in support of CUP 2025-07 and SPR 2025-11 to authorize the applicant to move forward with a Type 21 license. The site is in good standing with the city and has no previous violations of mistreatment of the ABC regulations.

Conditional Use Permit (CUP) 2025-07

City Municipal Code (CMC) Section 10.3.405 requires a use permit for the sale and consumption of alcohol. CUP 2025-05 would authorize the applicant to obtain an ABC Type 21 License for the sale of beer, wine, and distilled spirits for consumption off the premises in accordance with ABC regulations.

The project site currently operates under a Type 20 License. While there is an ABC License at the location, there is no approved conditional use permit. The project site is considered "grandfathered" in terms of a use permit being required for their Type 20 License. The project site obtained an ABC License prior to when the municipal code was amended to require conditional use permits for operations involving retail alcohol sales. Approval of CUP 2025-07 will authorize the Type 21 License and condition operations pertaining to alcohol sales; resolving the legal nonconformity.

PC 07/08/25 – (CUP 2025-07 & SPR 2025-11 – Madera Avenue Market ABC Use Permit)

Site Plan Review (SPR) 2025-08

Pursuant to Section 10.3.4.0102 of the CMC, site plan review applies to all new, expanded, or changed uses of property which involve the construction or placement of new structures or buildings on the site, new uses which necessitate on-site improvements to comply with the provisions of the City Municipal Code, including uses subject to a use permit.

SPR 2025-08 does not propose any interior or exterior changes to the project site and Site Plan Review did not reveal any necessary on-site or public improvements required to comply with the provisions of the City Municipal Code.

ENVIORNMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the State of California Environmental Quality Act (CEQA) Guidelines because the project is operational only with respect to an existing use, within an existing building on an existing lot with existing services and utilities, no physical changes to the property, structure or facilities are proposed and operational changes are considered to constitute negligible or no 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 and the project does not present any unusual circumstances.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2025-07 and SPR 2025-11. Staff recommends that the Commission:

 Adopt a Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-05 and Site Plan Review (SPR) 2025-08, subject to the findings and conditions of approval.

ALTERNATIVES:

As an alternative, the Commission may elect to:

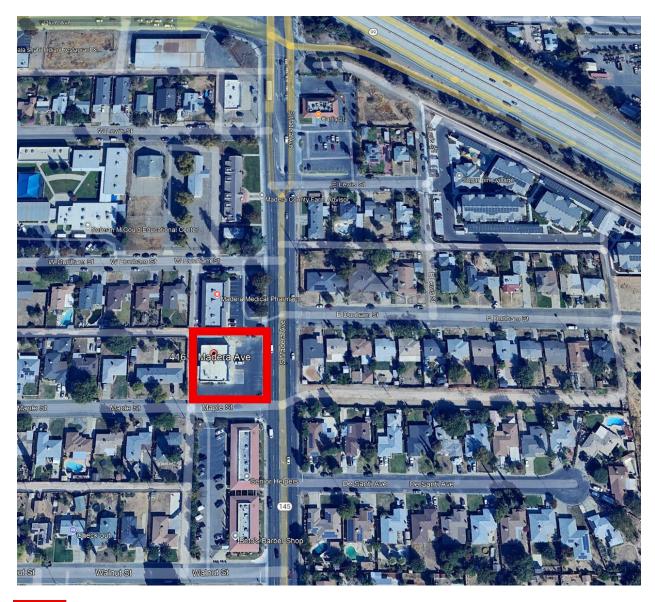
- 1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution (Commission to specify date and reasons for continuance).
- 2. Move to deny one more request based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

ATTACHMENTS:

PC 07/08/25 – (CUP 2025-07 & SPR 2025-11 – Madera Avenue Market ABC Use Permit)

- 1. Aeriel Image
- 2. General Plan Land Use & Zoning Maps
- 3. Concentration & Proximity Map
- 4. Planning Commission Resolution Exhibit A: Conditions of Approval

ATTACHMENT 1 Aerial Image

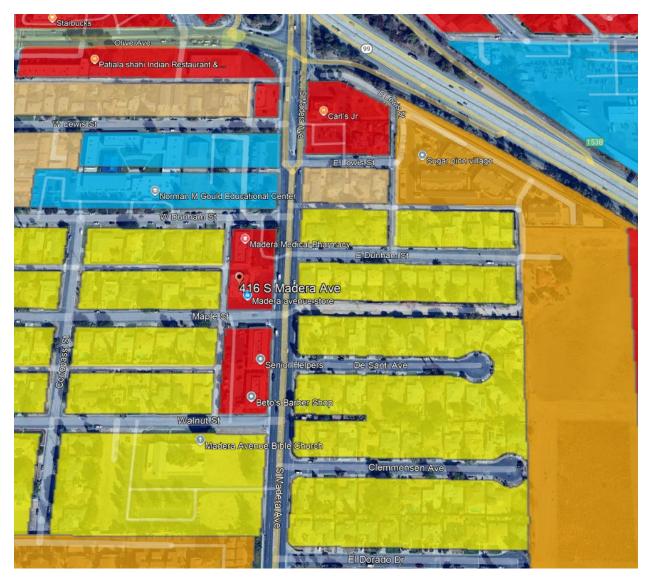


Project Site

ATTACHMENT 2

General Plan Map & Zoning Map

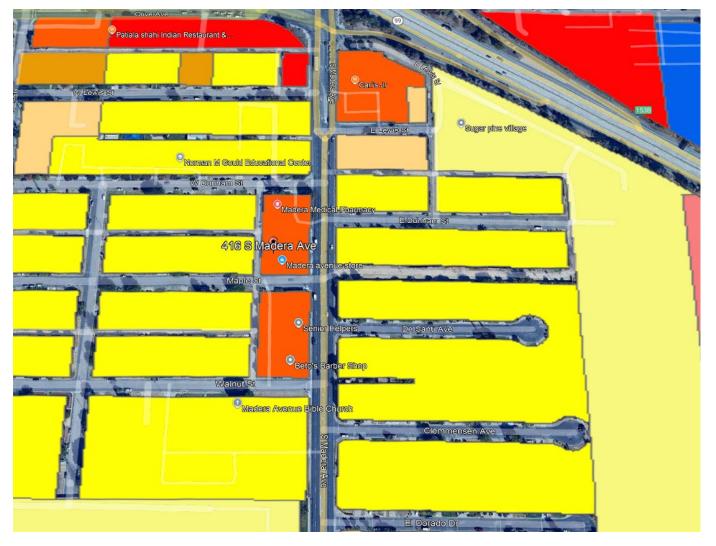
GENERAL PLAN LAND USE



General Plan Land Use Designations



ZONING DISTRICT



Commercial Districts

- 루 C1 Light Commercial
- F C2 Heavy Commercial
- 루 CH Highway Commercial
- CN Neighborhood Commercial
- F CR Restricted Commercial
- PO Professional Office
- POWYO Professional Office West Yosemite Avenue Overlay
- Industrial Districts
- I Industrial
- IP Industrial Park
- Other Districts
- PF Public Facilities
- RCO Resource Conservation and Open Space
- U Unclassified
- G S Special Provisions Applicable

ATTACHMENT 3

Concentration & Proximity Map



ATTACHMENT 4

Planning Commission Resolution for CUP 2025-07 & SPR 2025-11 Includes Exhibit A: Conditions of Approval

RESOLUTION NO. 2028

A RESOLUTION OF THE CITY OF MADERA PLANNING COMMISSION DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301/CLASS 1 (EXISTING FACILITIES) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVING CONDITIONAL USE PERMIT (CUP) 2025-07 AND SITE PLAN REVIEW (SPR) 2025-11.

WHEREAS, Pabla Petroleum Inc. ("Owner") submitted an application for a Conditional Use Permit (CUP 2025-07) and Site Plan Review (SPR 2025-11), the "Project," pertaining to the Madera Avenue Market developed on ±0.42 acres of property located on the northwest corner of the intersection of Maple Street and Madera Avenue at 416 Madera Avene (APN: 012-083-017), in the City of Madera CA. 93637; and

WHEREAS, the site is designated for Commercial (C) planned land uses on the General Plan Land Use Map and is zoned C1 (Light Commercial) by the Zoning Ordinance; and

WHEREAS, the site has been developed with an existing $\pm 4,300$ square foot convenience store; and

WHEREAS, CUP 2025-07 was filed to request authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 21 (Off-Sale General) License issued to retail stores and authorizing the sale of beer, wine, and distilled spirits for consumption off the premises where sold and where minors are allowed on the premises; and,

WHEREAS, operations proposed in accordance with CUP 2025-07 and SPR 2025-11 have been determined to be able to occur on the site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was found to be Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, under the City's Municipal Code, the Planning Commission is authorized to review and approve conditional use permits, site plan reviews 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 independently reviewed CUP 2025-07 and SPR 2025-11 at a duly noticed meeting on July 8, 2025; 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, after due consideration of the items before it, the Planning Commission now desires to adopt this Resolution determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the CEQA Guidelines and approving CUP 2025-07 and SPR 2025-11.

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

- 1. <u>Recitals</u>: The above recitals are true and correct and are incorporated herein.
- 2. <u>CEQA</u>: A preliminary environmental assessment was performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the State CEQA Guidelines because operational changes proposed will result in negligible or no expansion of the use; only authorizing a variation of the same type of product which is permitted to be sold on the premises. The premises include an existing convenience store/market on an improved lot served by all required services and utilities. No physical changes to the project site are proposed. The proposed project is consistent with applicable general plan designations and policies. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and there are no unusual circumstances.
- 3. <u>Findings to Approve CUP 2025-07</u>: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit and site plan, 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 the site is zoned C1 (Light Commercial), which is consistent with the Commercial land use category pursuant to Table LU-A: General Plan/Zoning Consistency of the Madera General Plan. The existing use of the property and proposed operations requiring a conditional use permit are consistent with the goals, objectives and policies of the General Plan as well as with all development, performance or operational standards of the City Municipal Code and Zoning Regulations subject to the conditions of approval.

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

The project site is planned and zoned for commercial uses. The site is a developed lot with an existing convenience store. Project site has previously sold beer and wine under a Type 20 ABC License without serious

issue. Properties abutting and adjacent to the project site are planned and zoned for commercial and residential uses.

The Type 21 ABC license authorizes the sale of alcohol for consumption off the premises for beer, wine, and distilled spirits. The project has been conditioned to ensure 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 existing convenience store does not propose additions to the project site or building or operations that will be detrimental to the neighborhood or general welfare. The applicant is requesting to include the sale of distilled spirits to existing beer and wine sales authorized to occur at the establishment.

> The operations of this proposal have been conditioned as attached to this Resolution to ensure the general welfare and safety of the surrounding uses and the City at large will not be negatively impacted.

4. <u>Findings to Approve SPR 2025-11:</u> The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the Site Plan Review, 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, operative plans and Zoning Ordinance.

The General Plan designates the subject site for commercial uses and the site is zoned C1 (Light Commercial), which is consistent with the Commercial land use category pursuant to Table LU-A: General Plan/Zoning Consistency of the Madera General Plan. The existing use of the property and proposed operations requiring a conditional use permit are consistent with the goals, objectives and policies of the General Plan as well as with all development, performance or operational standards of

the City Municipal Code and Zoning Regulations subject to the conditions of approval.

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 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 C1 (Light Commercial) zone district. The project has been conditioned for consistency with City standards, regulations and policies. Review of the site determined that the project would not result in a significant generation of noise, light, and traffic. The proposal is operational in nature only; no physical changes to the existing developed project site or structure are proposed at this time.

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

The Site Plan Review will not have a significant impact on traffic or the environment. The project site is an existing building located within proximity to other commercial uses. The project is operational only and involves the addition of distilled spirits. The project will result in a negligible or no expansion of use.

- 5. <u>Approval of CUP 2025-07 and SPR 2025-11</u>: Given that all findings can be made, the Planning Commission hereby approves the use permit and site plan review as conditioned and set forth in the Conditions of Approval attached as Exhibit "A".
- 6. <u>Effective Date:</u> This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera, this 8th day of July 2025, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr. Planning Commission Chairperson

Attest:

Will Tackett Community Development Director

Exhibit A: Conditions of Approval for CUP 2025-07 and SPR 2025-11

<u>EXHIBIT A</u> <u>CUP 2025-07 & SPR 2025-11</u> <u>MADERA AVE MARKET ABC LICENSE</u> <u>CONDITIONS OF APPROVAL</u> July 8, 2025

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. 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.

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 2025-07 and SPR 2025-11 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 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 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 and/or operations are not commenced 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.

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, lessee, operator, or any other person or entity making use of this permit.

CONDITIONS OF APPROVAL

<u>General</u>

- 1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Planning Department Acknowledgement and Acceptance of Conditions of Approval form.
- 2. Project approval shall continue to operate under previous conditions stated in Site Plan Review 1989-20, Site Plan Review 1989-20 MOD, and Site Plan Review 1989-20 MOD 2.
- 3. 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 2025-07 and SPR 2025-11.
- 4. CUP 2025-07 and SPR 2025-011 will expire 24 months from the date of issuance, unless the rights granted by approval are exercised or required action is taken to extend the approval prior to the expiration date and in accordance with the provisions of the Zoning Regulations of the City Municipal Code.
- 5. Approval of a Conditional Use Permit and/or Site Plan Review does not constitute approval or authorization to commence activities or construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted

without prior approval of the City through issuance of any required grading, encroachment, or building permits.

- 6. Compliance with conditions of approval shall be demonstrated to the satisfaction of the City of Madera prior to issuance of building permits, final inspection, occupancy of the premises, issuance of a business license and/or commencement of operations, except as may be otherwise or specifically noted within these conditions of approval.
- 7. 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, and commencement of operations.
- 8. Approval of CUP 2025-07 and SPR 2025-11 is for the benefit of the applicant. The submittal of site plan review application 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.

Planning Department

- 9. All prior conditions pertaining to the development, use and/or operations on the subject property are included herein by reference and shall be complied with at all times; except, as may be modified herein these conditions of approval.
- 10. Vandalism and graffiti on the property shall be corrected in accordance with the provisions of the City Municipal Code (CMC).

11. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight, or vibration that adversely affects any adjacent properties.

Alcoholic Beverage Sales & Operations

- 12. Conditional Use Permit CUP 2025-07 authorizes the establishment of a State of California Department of Alcoholic Beverage Control (ABC) Type 21 Off-General license for use in conjunction with convenience store/market operations on the project site; and subject to compliance with these conditions of approval.
 - a. A Type 21 ABC license from the Department of Alcoholic Beverage Control must be obtained prior to the sale of beer, wine, and/or distilled spirits on the subject site. The applicant, its operators and successors shall comply with all applicable City, State and Federal requirements and standards.
 - i. The use of the subject site as authorized by CUP 2025-07, must comply with any license requirements of the Alcoholic Beverage Control at all times. 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 21 shall render this conditional use permit revocable.
- 13. Any modification to the ABC License type or extent or intensity of operations or changes to operational conditions shall first require an application to the Planning Department for an amendment to CUP 2025-07 and consideration by the Planning Commission for action.
- 14. Alcohol sales may occur on any day of the week. Any sale of alcohol between the hours of 2 a.m. and 6 a.m. shall be prohibited.
 - a. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.
- 15. No open alcoholic beverage containers or loitering shall be allowed on the premises.
- 16. The business owner/manager shall regularly monitor the area under its control to otherwise prevent the on-site consumption of alcohol or the loitering of persons about the premise.

The applicant shall post signs in the area under its control prohibiting open containers and loitering at the location.

- 17. All employees shall be trained to report emergencies to law enforcement and to the manager on duty.
- 18. Digital security cameras shall be installed to record the interior of the alcohol pointof-sale area. Footage from digital security cameras installed to monitor the interior and/or exterior of the premises shall be maintained in a digital format for no less than thirty (30) days. Footage shall be shared with law enforcement upon request.

Beer and Wine Sales

- 19. The sale of beer shall occur in packs of six (6) or greater. However, 24-ounce imported and/or specialty craft beers not normally sold in multi-package containers may be sold individually.
- 20. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
- 21. The sale of wine coolers shall occur in no less than packs of four (4).
- 22. The sale of wine shall not be sold in containers less than 750 ml.
- 23. No malt liquor or fortified wine products shall be sold.
- 24. No display of alcohol shall be made from an ice tub, barrel or similar container.

Merchandise & Advertising

- 25. Outdoor display of alcohol-related merchandise for sale is prohibited, any temporary outdoor display of merchandise for sale, including vending machines, shall not occur on the premises.
- 26. No adult magazines or videos shall be sold.
- 27. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
- 28. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
- 29. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco related products shall be utilized in any way.

END OF CONDITIONS

The City of MADERA VALLEY CENTRAL

REPORT TO THE PLANNING COMMISSION

Prepared by: Adileni Rueda, Assistant Planner Meeting of: July 8, 2025 Agenda Number: 2

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2025-06) and Site Plan Review (SPR 2025-10) and a Determination of Use (DOU) to allow the establishment of a U-Haul Vehicle & Equipment Rental and Outdoor Storage use on property located at 217 South C Street (APN: 007-164-007).

RECOMMENDATION:

Conduct a public hearing and adopt:

 A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) and 15311/Class 11 (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-06 and Site Plan Review (SPR) 2025-10, subject to the findings and conditions of approval.

SUMMARY:

The applicant, Leon Santos on behalf of California Veterans Thrift Store, has filed applications for a Conditional Use Permit (CUP 2025-06) and Site Plan Review (SPR 2025-10) requesting authorization to establish an outdoor storage use for rental vehicles and equipment on a ± 0.34 ac. vacant lot located at 217 S. C Street (APN: 007-164-007) (the "project site").

Approval of CUP 2025-06 will allow U-Haul rental vans, trucks, and/or trailers to be parked on the vacant lot. The project site is located within the C1 (Light Commercial) zone district, and the property is designated for Commercial uses on the General Plan Land Use Map. The project site comprises ±0.34 acres of property located within the City's Downtown District.

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

Table 1: Project Overview		
Project Number:	CUP 2025-06 and SPR 2025-10	
Applicant:	California Veterans Thrift Store	
Property Owner:	Carl Randal Silva	

Location:	217 S. C Street / APN: 007-164-007	
Project Area:	±0.34 acres	
Planned Land Use:	Commercial	
Zoning District:	C1 (Light Commercial)	
Site Characteristics:	Project site is a vacant unimproved lot abutting an existing	
	commercial building that currently operates as a thrift store.	

BACKGROUND

The project site has been operating outdoor storage without the approval of a conditional use permit and has been issued a Notice of Violation by the City's Code Enforcement Department. Outdoor storage of goods and materials is not a use listed as permissible within the C1 (Light Commercial) zone district but is listed as being permissible in the C2 (Heavy Commercial) zone district subject to a Conditional Use Permit.

ANALYSIS

Conditional Use Permit (CUP) 2025-06

City Municipal Code (CMC) Section 10-3.416 requires a CUP for the use of outdoor retail within a commercial and industrial zone district. While CMC Section 10-3.416 does pertain to sales, the section is not limited to only sales but to merchandising, display, exhibition, vending, demonstration or distribution of any product or service outside of a fully enclosed structure. The use of outdoor storage is silent in the CMC Light Commercial (C1) ordinance but present in Heavy Commercial with a conditional use permit.

Site Plan Review (SPR) 2025-10

Pursuant to Section 10.3.4.0102 of the CMC, site plan review applies to all new, expanded, or changed uses of property which involve the construction or placement of new structures or buildings on the site, new uses which necessitate on-site improvements to comply with the provisions of the City Municipal Code, including uses subject to a use permit. The applicant's extended business use of outdoor storage will require vehicles to be parked on an undeveloped lot. The project has been conditioned to ensure the City development standards and regulations are met under the following General Plan policies:

- Policy CD-61 All outdoor storage areas shall be visually screened with ornamental fencing or walls, and landscaping.
- Policy LU-28 To maintain the quality of life and aesthetic value of the major circulation routes used by both industrial and non-industrial traffic; the portions of industrial sites in public view along arterials and collectors shall be subject to the same standards for architectural review as commercial buildings, including architecture, street trees, frontage and parking lot landscaping, and screening of outdoor storage visible from public rights-of-way.

While a conditional use permit can be applied, the use of outdoor storage within the City's downtown district is not favorable in terms of development. Because of the project site's

association with the City's Downtown District, staff has conditioned the project to comply with commercial development standards. These conditions will require the vacant lot to be paved, landscaped, and to be properly fenced from the public right-of-way.

Determination of Use:

Under the Light Commercial Ordinance, outdoor storage is not listed under the provisions of Section 10-3.802. Planning staff has requested to classify the outdoor storage of U-Haul vehicles to be similar in nature to Outdoor Sales Establishment and Used/New Car Sales Lots through a Determination of Use (DOU). Such uses are subject to conditional use permits therefore the use of an outdoor storage of U-Hauls shall be reviewed similarly.

Through the Determination of Use, outdoor sales and car lots are operated and conducted in a similar fashion to outdoor storage. The parcel will be subject to the same commercial guidelines such as a paved area to store and park vehicles. While U-Haul storage is not a retail related use, it does provide a service in which vehicles are leaving the premises. Staff has concluded that this determination would not be more detrimental to the welfare of the neighborhood in which the project site is located than those uses permissible in the Light Commercial zone district.

ENVIORNMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the State of California Environmental Quality Act (CEQA) Guidelines because the project is operational only with respect to an existing use, within an existing building on an existing lot with existing services and utilities, no physical changes to the property, structure or facilities are proposed and the proposed operational changes are considered to constitute negligible or no 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 and the project does not present any unusual circumstances.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2025-06 and SPR 2025-10. Staff recommends that the Commission:

 Adopt a Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-06 and Site Plan Review (SPR) 2025-10, 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 (Commission to specify date and reasons for continuance).

PC 07/08/25 - (CUP 2025-06 & SPR 2025-10 - CA Veterans Thrift Store Outdoor Storage)

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

ATTACHMENTS:

- 1. Aerial Image
- 2. General Plan Land Use & Zoning Maps
- 3. Planning Commission Resolution Exhibit A: Conditions of Approval

ATTACHMENT 1 Aerial Image

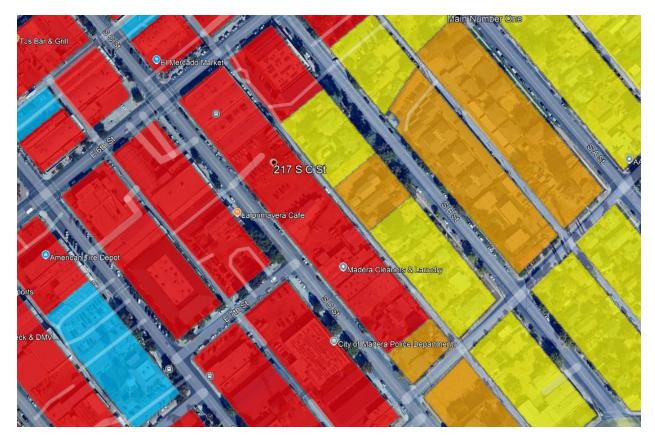


Project Site

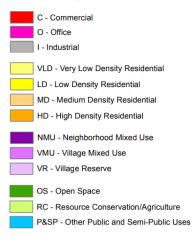
ATTACHMENT 2

General Plan Map & Zoning Map

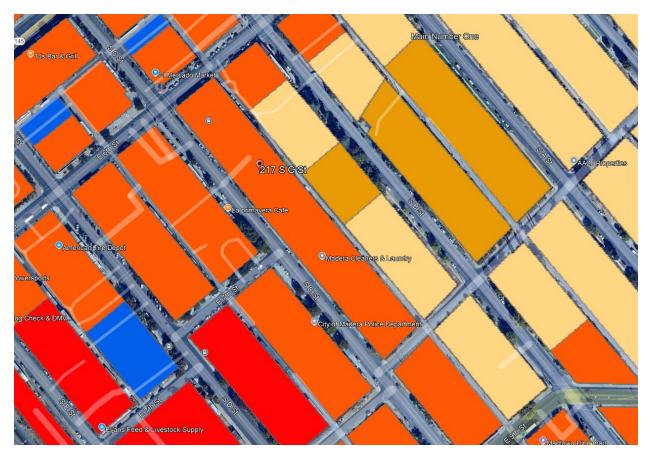
GENERAL PLAN LAND USE



General Plan Land Use Designations



ZONING DISTRICT



Commercial Districts

- F C1 Light Commercial
- F C2 Heavy Commercial
- CH Highway Commercial
- F CN Neighborhood Commercial
- F CR Restricted Commercial
- 루 PO Professional Office
- POWYO Professional Office
- West Yosemite Avenue Overlay
- Industrial Districts
- I Industrial
- IP Industrial Park
- Other Districts
- PF Public Facilities
- RCO Resource Conservation and Open Space
- 🚽 U Unclassified
- 🗊 S Special Provisions Applicable

ATTACHMENT 3

Planning Commission Resolution for CUP 2025-06 & SPR 2025-10 Includes Exhibit A: Conditions of Approval

RESOLUTION NO. 2029

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA ADOPTING A DETERMINATION OF CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND APPROVING CONDITIONAL USE PERMIT (CUP) NO. 2025-06 AND SITE PLAN REVIEW (SPR) NO. 2025-11

WHEREAS, California Veterans Thrift Store ("Applicant"), on behalf of Randall Carl Silva ("Owner"), submitted for a Conditional Use Permit No. 2025-06 and Site Plan Review No. 2025-11 for 217 South C Street, Madera, CA 93637 ("Site"); and

WHEREAS, the Applicant is seeking a conditional use permit to authorize the use of outdoor storage on a ± 0.34 acre vacant lot;

WHEREAS, the project site is located within the City's Downtown District which is designated for Commercial land use by the Madera General Plan and zoned C1 (Light Commercial); and

WHEREAS, outdoor storage, displays, sales, merchandising and/or service outside of a fully enclosed structure requires a conditional use permit in Commercial zone districts; and

WHEREAS, on July 8, 2025, the City of Madera Planning Commission considered Conditional Use Permit 2025-06 and Site Plan Review No. 2025-11; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was determined to be categorically exempt pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and

WHEREAS, under the City's Municipal Code, the Planning Commission is authorized to review and approve conditional use permits, site plan reviews 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 2025-06 and SPR 2025-11 at a duly noticed meeting on July 8, 2025; 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, after due consideration of all the items before it, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2025-06 and SPR 2025-11.

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

- 1. <u>Recitals</u>: The above recitals are true and correct and are incorporated herein.
- 2. <u>CEQA</u>: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is categorically exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines because the project site is within an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes and minor exterior alterations to the vacant lot. The proposed project involves less than 10,000 square feet of commercial building floor area within an existing tenants space in a commercially zoned integrated shopping center; and therefore involves a negligible expansion of the former 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 and the project does not present any unusual circumstances.
- 3. <u>Findings to Approve CUP 2025-06</u>: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit and site plan, 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 the site is zoned C1 (Light Commercial), which is consistent with the Commercial land use category pursuant to Table LU-A: General Plan/Zoning Consistency of the Madera General Plan.

Conditions of approval pertaining to operations will ensure consistency with General Plan goals and policies as well as the development, operational, and performance standards of the Zoning Regulations.

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

The project site is within existing commercial development within a Light Commercial zone district. The proposal is permitted with the approval of a conditional use permit by the City Municipal Code. 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 and operations are proposed indoors. The general welfare and safety of the surrounding uses and the City at large will not be negatively impacted.

4. <u>Findings to Approve SPR 2025-11:</u> The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the Site Plan Review, 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.

The General Plan designates the subject site for commercial uses and the site is zoned C1 (Light Commercial), which is consistent with the Commercial land use category pursuant to Table LU-A: General Plan/Zoning Consistency of the Madera General Plan.

Finding b: 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 Light Commercial zone district with the approval of a conditional use permit. There are no public right-of-way improvements required and on-site utilities present and have been constructed in accordance with City standards with adequate capacity to serve the proposed project. Review of the site determined that the project would not result in a significant generation of noise, light, or traffic.

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

The Site Plan Review will not have a significant impact on traffic or the environment as the project site is within an established commercial center. Project has been reviewed to not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

- 5. <u>Approval of CUP 2025-06 and SPR 2025-11:</u> Given that all findings can be made, the Planning Commission hereby approves the use permit and site plan review 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 8th day of July 2025, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr. Planning Commission Chairperson

Attest:

Will Tackett Community Development Director

Exhibit A: Conditions of Approval for CUP 2024-03 and SPR 2024-05

EXHIBIT A

<u>CUP 2025-06 & SPR 2025-11</u> CALIFORNIA VETERANS THRIFT STORE OUTDOOR STORAGE CONDITIONS OF APPROVAL July 08, 2025

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. 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 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 2025-06 and SPR 2025-11 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, lessee, operator, or any other person or entity making use of this permit.

CONDITIONS OF APPROVAL

<u>General</u>

- 1. CUP 2025-06 and SPR 2025-11 will expire twenty-four months from date of issuance, unless positive action is taken on the project as provided in the Madera Municipal Code or required action is taken to extend the approval before expiration date.
- 2. All on-site and off-site requirements listed herein shall be completed in advance of any request for a building permit final inspection, occupancy of the tenant suite or issuance of a business license, or as otherwise noted.
- 3. Vandalism and graffiti shall be corrected per the City Municipal Code (CMC).
- 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 2025-06 and SPR 2025-11.
- 5. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight, or vibration that adversely affects any adjacent properties.
- 6. Approval of CUP 2025-06 and SPR 2025-01 is for the benefit of the applicant. The submittal of site plan review application 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.

PLANNING DEPARTMENT

- Approval of CUP 2025-06 shall act as an extension to the existing thrift store business located at 213 S. C Street. CUP 2025-06 does not permit outdoor storage to act as a standalone business.
- 8. Changes or modifications to CUP 2025-06 will require an amendment to the conditional use permit by the Planning Director.
- 9. Business hours of operation shall be Tuesday through Sunday, 9:00 am to 4:00 pm.

Outdoor Storage

- 10. CUP 2025-06 shall be for the allowance of outdoor storage to be located at 217 S. C Street (APN: 007-164-007).
- 11. Project site shall be required to improve the existing lot in accordance with City Standard E-4 Off-Street Parking Lots before any outdoor storage can commence.
- 12. Project site shall be managed to not allow vehicles, trailers and/or trucks related to the outdoor storage to park on the City's right-of-way or on-site street parking.
- 13. Prior to continuing the outdoor storage use, project site shall be subject to a Planning inspection. Pavement of the site and parking spaces shall be marked prior to the issuance of a business license.

Fence

14. All outdoor storage shall be properly screened from the public right-of-way.

15. Chain link fencing and/or security wire shall be prohibited. Fencing shall be of wrought iron and shall comply with Commercial Development Design Guidelines.

Landscaping

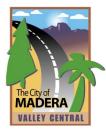
- 16. The property owner shall maintain all landscaping on the parcel in a healthy and wellmanicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation with drought tolerant plantings.
- 17. The project site shall provide street trees along the frontage facing South C Street parkstrip. This requirement shall be reviewed under the terms of the City's Commercial Design and Development Requirements as well as City Standards. The chosen street tree shall abide by the tree size and spacing as stated under the Recommended Tree List.
- 18. Landscaping and irrigation plans shall be submitted along with building plans for plan check review. The landscaping plans will need to be drawn and stamped by a California Landscaping Architect.
- 19. Landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall comply with all the specific landscape requirements and be approved by the Planning Department, unless specific deviation from the standards are approved by the Planning Manager, prior to issuance of building permits. The plans shall:
 - a. Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b. Provide permanent automatic irrigation systems for all landscaped areas with design to have moisture and/or rain sensor shutoff (weather based automatic, selfadjusting), minimize irrigation runoff, promote surface infiltration where possible, minimize the use of fertilizers and pesticides that can contribute to storm water pollution;
 - c. Provide vegetative matter coverage of a minimum of seventy percent (70%) of all landscaped areas;
 - d. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff, particularly the use of flow through planters from areas of impermeable paving (such as parking and circulation areas). In areas of water detention, species shall be tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - e. Screening landscaping shall be incorporated along the frontages of the proposed fence that will face the public street.

Signage

20. Business shall comply with the provisions of City Municipal Code Commercial District Signage Section 10-6.09.

END OF CONDITIONS

REPORT TO THE PLANNING COMMISSION



Prepared by: Robert Smith

Meeting of: July 8, 2025 Agenda Item: 3

SUBJECT

Site Plan Review 2022-02 and Precise Plan 2022-01 Pecan Stadium Multifamily.

RECOMMENDATION

Conduct a public hearing and adopt:

 A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15332/Class 32 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Site Plan Review 2022-02 and Precise Plan 2022-01 subject to the findings and conditions of approval.

SUMMARY:

The applicant and property owner, TP Holdings LLC has submitted applications for a Site Plan Review (SPR 2022-02), and Precise Plan (PPL 2022-01) proposing a new 102-unit multifamily residential development on 4.93 acres of vacant unimproved land (the Project Site) located at the northeast corner of the intersection of Stadium Road and Pecan Avenue (APN 012-460-005) (Attachment 1).

SPR 2022-02 proposes to construct 14 residential buildings, comprising 148,412 square feet of residential floor area and 102 dwelling units; one 1,788 square-foot community building; covered and uncovered parking, refuse enclosures, landscaping and other site improvements on the 4.93-acre project site. A 12,000 square-foot (0.27 acre) portion of the subject parcel and adjacent rights-of-way was previously dedicated and improved as an emergency access route serving the abutting multifamily property to the north.

The subject parcel is designated for High Density Residential (15.1-50 dwelling units per acre) land uses on the City of Madera General Plan Land Use Map and is zoned PD-2000, (Planned Development, one unit for each 2,000 square feet of site area). The proposed project of 102 dwelling units on 4.93 acres of land yields a density of 20.69 dwelling units per acre (or one unit for each 2,105 square feet of site area) in a manner consistent with the goals objectives and

policies of the General Plan policies and in conformance with the Zoning Regulations of the City Municipal Code.

Table 1: Project Overv	view
Project Number:	SPR 2022-02 and PPL 2022-01.
Applicant/Owner:	John Pestorich – TP Holdings LLC.
Location:	Northeast corner of Stadium Road and Pecan Avenue.
Project Area:	4.93 acres vacant land
General Plan	High Density Residential (15.1-50 dwelling units per acre)
Land Use:	
Zoning District:	PD 2000 (one unit for each 2000 sf)
Site	Vacant, flat, rectangular corner site with exiting unimproved sidewalks
Characteristics	along both frontages and adjacent improved fire lane.

Table 1 below provides an overview of the project site characteristics.

ANALYSIS:

Site Characteristics:

The Madera Family/Place Apartments, a 72-unit affordable housing development project abuts the project site to the north. Single family residential development abuts the property to the east and adjacent (across West Pecan Avenue) to the south. The Madera South High School campus is located adjacent (across Stadium Road) to the west.

Public right-of-way improvements (i.e. curb, gutter & sidewalk) are missing along the Stadium Road and Pecan Avenue frontages of the project site. Utilities and roadway improvements exist within both adjacent streets.

The project site is located within the city limits. Emergency vehicle access exists along the northern property line of the site which effectively creates a project site and development area that is less than 5 acres in size. Surrounding the site on all adjacent sides are urban uses, namely public facilities and residential development. The southwest corner of the project intersection has been approved for subdivision for single family residential development but remains agricultural land comprising substantially less than 75% of the surrounding land area.

Table 2: Bord	lering Site Information		
Direction	Existing Use	General Plan Designation	Zone District
North	Multifamily Residential	High Density Residential	PD-2000
East	Single Family Dwellings	Low Density Residential	R-1

Surrounding Land Uses:

South	Single Family Dwellings	Low Density	R-1
		Residential	
West	Madera South High School	Public and Semi	U
		Public	

<u>Circulation:</u>

The main entry to the development will be from Pecan Avenue through a gated entry accessing a two-way driveway to interior parking and interior circulation. Secondary ingress and egress will be provided through a gated access driveway at the northwesterly corner of the site from Stadium Road. The Stadium Road curb cut is within 20' of an existing restricted fire access lane serving the development to the north but which lies on the applicant parcel. The Emergency Vehicle Access (EVA) requires a locked fire gate to ensure the EVA point is restricted to emergency fire access only and is included as a Condition of Approval. Driveway separation due to the limited and occasional nature of the EVA is consdered acceptable.

<u>Parking:</u>

The 102 proposed units consist of: 12 one-bedroom units; 66 two-bedroom units; and 24 threebedroom units. Section 10-3.12 of the CMC establishes parking space requirements of 1.5 spaces (1 covered) per one-bedroom unit and 2 spaces (1 covered) per two or more-bedroom units. Guest parking is also required at a rate of 1 parking space for each group of four units. Therefore, a total of 203 parking spaces (102 covered) would be required. Under the PPL provisions in the Zoning Ordinance, the project may set it's own development standards beyond those required in the City Municipal Code, including parking requirements. The applicant is requesting a reduction in the parking spaces. The number of parking spaces (102 covered); a reduction of 4 uncovered guest parking spaces. The number of parking spaces will still be provided at just less than 2.0 parking spaces for all units in addition to still providing the number of covered resident parking spaces, consistent with the code requirements. The proposed parking count as presented in the precise plan is considered to be sufficient for the number of spaces required to serve the project and is therefore considered acceptable to staff.

<u>Traffic:</u>

The project site is accessible by multiple modes of transportation. Vehicle access is available by city streets, Pecan Road (a designated Arterial roadway) and Stadium Avenue (a designated Collector roadway with bicycle lanes). The Madera Metro local, Green Line bus route travels along both Stadium Road and Pecan Avenue with stops existing at the intersection and planned within the frontage of the project site, with regional bus services within 1.5 miles of the project site. Several bus stops are within two blocks of the project site. Walking is convenient to and from the project site to retail and services on Madera Avenue within half a mile of the site. With 102 units and 199 parking spaces proposed, in a location that is accessible to alternative modes of transportation and convenient access to goods and services, the project is anticipated to have a negligible impact on traffic. According to the ITE trip generation 11th Ed. (Land Use 220), Multi-Family (Low Rise), development projects are estimated to generate approximately 41 and 52 trips

during the morning and afternoon peak-hour periods, respectively. The City of Madera does not require a Traffic Impact Study or Analysis (TIS/TIA) for projects producing fewer than 100 peak hour vehicle trips. The City does reviews projects with consideration to: anticipated trips; trip length; proximity of development to work, shopping, recreation, etc; alternative transportation options. The nature of this residential development and project location does not trigger any unexpected VMT impacts and the approximate peak hour trips are not beyond what is typically expected as it will not create an impact.

The Madera County Transportation Commission has established a screening map to determine if project impacts related to VMT can be determined less than significant based on proposed use and project location. The map utilizes the Madera County Travel Demand Model. According to the VMT Baseline Table, "The SB743 VMT Tool can be used to calculate VMT per capita by TAZ for a residential development project, or VMT per job by (Transportation Analysis Zone) TAZ for an office development project for SB743 analysis using the MCTC Model outputs. The Madera County subregional baseline VMT per capita/job for the selected TAZ will also be reported for screening purposes." According to the screening map, the proposed project is located in Transportation Analysis Zone (TAZ) 246. TAZ 246 has a total of 2,501 resident related vehicle miles traveled with a current population of 415. This is equivalent to 6.03 VMTs per capita, which is more than 15% below the County Average of approximately 10.0 VMTs per capita. Given that this is below the identified threshold of significance, it can be determined that a less than significant impact would occur, and the Project would not conflict or be inconsistent with CEQA Guidelines Section 15064 (b).

The low number of trips that would be generated by this residential project and household vehicles is not anticipated to create air quality issues. The project site is located in proximity to school, work, shopping and amenity facilities to the extent that alternative transportation options exist to further reduce impacts. An Air Impact Assessment (AIA) Application was approved by the San Joaquin Valley Air Pollution Control District determining the baseline emissions for construction and operation will be less than regulation thresholds, the project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site fees. No impacts will be created from the project on surrounding air quality.

During construction of the project, there will be additional vehicles in the vicinity of the project site, including construction equipment vehicles, deliveries and contractor personal vehicles. The connected nature of the site through Stadium Road and Pecan Avenue will result in a construction period, traffic impact during construction and vehicle movements that will be temporary. Due to the relatively short term nature of the construction period no significant impacts or inconveniences are expected to surrounding properties. Conditions of Approval are included to limit the impact of the activities on surrounding uses, and the overall impact to the environment.

Open Space & Landscaping:

The Planned Development District zoning standards require a minimum of 750 square feet of open space (exclusive of drives and off-street parking areas) per unit for the use and enjoyment

of the residents. Application of this standard to the proposed project results in a minimum requirement of 75,500 square feet of open space; the project provides 83,530 square feet (39% of the project site) with qualifying usable open space.

A revised landscape and irrigation plan consistent with the conditions of approval will be required as part of the submittal for building permit. This will include details of drought-tolerant, native species with irrigation and requirements for continued maintenance for landscape appearance.

Precise Plan 2021-01:

In accordance with CMC § 10-3-4.103(A), no construction, grading, or new development activity shall commence in any PD Zone prior to the approval of a precise plan of the development by the Planning Commission. The proposed precise plan accords with the requirements of this CMC Section.

§ 10-3-4.101 et seq. of the CMC provide that the Planned Development district is intended to allow use of special design criteria for maximum utility of the site and to allow maximum design flexibility within the density limitations and variations from normal zoning standards may be considered. Nonetheless, the project was designed to conform to the development standards of the conventional R-3 zone district which is considered consistent with the High Density Residential General Plan land use designation pursuant to General Plan Table LU-A: General Plan/Zoning Consistency (see Site Plan Review section herein below for further information).

Specific development guidelines and standards for the project site will be created through the precise plan process and are set forth in the project Conditions of Approval. The location, size, height, arrangements and appearance of the proposed site structures are appropriate. The precise plan development standards will conform with the development standards of multifamily zoning wherever development standards are not specifically identified as set forth in Conditions of approval and by the applicant in the Precise Plan.

Site Plan Review:

The site is set out for the management of stormwater through the drainage basin approach. The residential project would not cause excessive noise, that would in particular impact surrounding residential occupants and will not impact air quality due to the proposed use and relatively small number of vehicle movements.

The Site Plan Review including conditions of approval identify all improvements and development standards associated with the project for purposes of the planned development. Interior site circulation, parking and residential amenities are proposed to support the development of the multifamily project and connections for ingress and, egress to existing surrounding streets (Exhibit "B" Attachment 5).

The Site Plan proposes residential building sizes ranging from a minimum of 12,756 sf to approximately 78,882 sf in floor area. Interior streets within the project will utilize at least 26-

foot-wide drive isles. Major street entryways propose minimum 18-foot-wide drive aisle in either direction. Entryways into the project will provide vehicular and pedestrian access to and from West Pecan Avenue to the south with a secondary access point from Stadium Road with minimum drive isles of 12-foot in either direction. All ingress and egress will be controlled by gates. Gates will be conditioned to be left open from 6:30 am to 8:00 pm to avoid queuing at the access/egress locations. Covered and uncovered parking is provided, with provisions for required ADA parking, EVA stalls and compact stalls. The project will have a centrally located common amenity area that includes a pool, BBQ and Community Centre building of 1,788 Square feet. Curb and sidewalk will be provided along both street frontages to accommodate pedestrian circulation through the site and landscaping, and street tree planting will encourage walkability and to surrounding streets.

The location of this project at the intersection of two multi-modal major streets provides future transit and active transportation options for residents, reduces impacts on the major street system from traffic generated and contributes to reductions in vehicle miles traveled. At the north of the site is a fire access road serving the adjacent multi-unit/family residential development to the north. As a dedicated fire lane, conditions of approval require this dedicated fire access to maintain locked gates and knox box. This area is excluded from the development to the north to the north the required conditions for the development to the north.

As indicated herein above, while located in the PD zone district, the project was designed to conform to the development standards of the conventional R-3 zone district which is considered consistent with the High Density Residential General Plan land use designation pursuant to General Plan Table LU-A: General Plan/Zoning Consistency.

Within multiple family projects of three or more units, the setback for any two-story building or structure from any property line immediately adjacent to an existing or planned single-family dwelling or low-density project or any R-1 zone shall be 15 feet. The setback for any three-story structure shall be 25 feet plus five feet for each additional story over three. Building heights are limited to 50 feet. The Site Plan Review process shall also take the relationship of second-story windows, doors, exterior stairways, exterior balconies, sun decks, and the like, with the privacy of the adjoining property.

No buildings proposed for development exceed three stories (or 41 feet) in height. Setbacks proposed for the buildings closest to the nearest adjacent low-density R-1 zoned properties is 83 feet. Landscaped open space areas adjacent to the buildings, covered and guest parking areas, vehicular circulation aisles and a 10-foot landscaped buffer along the property line are proposed to be included within the proposed setback area.

ENVIRONMENTAL REVIEW:

The proposed project has been reviewed for compliance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. Pursuant to the CEQA a preliminary environmental

assessment determined that the project is Categorically Exempt pursuant to the provisions of Section 15332/Class 32 (In-fill Development Projects) of the State of California Environmental Quality Act (CEQA) Guidelines. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.

Class 32 exempts from the provisions of CEQA, projects characterized as in-fill development, and which meet the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

PUBLIC COMMENTS:

A number of concerns were communicated to City staff and received as public comments from two owners of a property in proximity to the application site.

With consideration to the proposed multiple family residential housing development project and consideration to any public comments or testimony received, staff recommends the Commission be advised that Commission actions pertaining to consideration of a precise plan shall be processed under the provisions for use permits as set forth in MMC § 10-3.13 and should be predicated upon the findings contained therein; specifically: (1) The proposal is consistent with the General Plan and Zoning Ordinance; (2) The proposed use will be compatible with the surrounding properties; and, (3) 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 Commission may designate such conditions as it deems necessary to secure the purpose of the findings and may require such guarantees and evidence that such conditions are being or will be complied with.

It must also be noted that State legislation (i.e., Housing Crisis Act of 2019 [SB 330 & 8]) specifically enacted with intent to suspend restrictions and to curb local government capability to deny housing development projects provide that local agencies shall base decisions to deny proposed housing development projects only upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

- (1) The housing development project would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.
 - As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- (2) Denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.
- (3) The housing development project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
- (4) The housing development project is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application.

Public comments received identified a number of project elements which are included as Attachment 5 to this report; the general issues and concerns are summarily identified below with staff's responses following:

Significant decline and negative impacts on real estate value of single-family residential property.

Property values are not part of the evaluation of project impacts within the City's Municipal Code and based upon State legislation enacted described herein above, should not be considered a specific, adverse impact as part of the project evaluation or Planning Commission decision.

However, the Commission should be advised of the Report by the California Planning Roundtable and California Department of Housing and Community Development titled: Myths and Facts about Affordable & High-Density Housing, which provides no study in California has ever shown that affordable or high-density housing developments reduce property values: (https://cproundtable.org/static/media/uploads/publications/mythsnfacts .pdf)

Privacy concerns.

Privacy standards are codified within the City's Zoning Code and Development Standards to the extent that height limits and setbacks are required for projects in order to limit the impact of privacy concerns for surrounding residents. The High Density Residential land use for the site was designated through adoption of the General Plan in 2009. As discussed herein above, while the

PD zone district does allow for flexibility in development standards, the project complies with the conventional setback, building height and open space standards of the R-3 zone district, which is consistent with the High Density Residential General Plan land use designation for this zoning district pursuant to General Plan Table LU-A: General Plan/Zoning Consistency; and, which objective standards that would otherwise be applicable for by-right residential development on the property; excepting the applicable subjectivity to the provisions PD zoning. Compliance with these standards with inclusion of the conditions of approval pertaining to the provision of a 10-foot wide landscaped buffer and minimum 6-foot solid masonry wall along the entirety of the easterly property line, adjacent to single family residences; and, planted with trees to meet a minimum height of 8 feet; and, of a size and frequency so canopies could touch the entire length within 15 years.

Pursuant to Policy CD-36 of the General Plan, this combination of setbacks, the provision of a solid masonry wall adjacent to the parking areas and landscape screening is considered to be adequate protection for adjacent properties such that privacy will not be impacted; much less to the point that it is detrimental. An assessment of the window number and location adjacent to residential property boundaries shows the project design has taken additional precautions for privacy concerns to surrounding residential properties. This impact is not anticipated to be detrimental to surrounding properties to the extent amendments should be requested of the project design.

Increased Traffic Congestion and Urban Sprawl.

As indicated in the Traffic Section of this report included herein above the project will not generate 100 peak hour vehicle trips or more requiring preparation or evaluation of a Traffic Impact Study/Analysis. Fewer vehicle trips result from higher density residential and multiple family residential development when compared to lower density single family residential development.

The property is planned for High Density Residential land uses in the Madera General Plan which included a Circulation Element designating a major street network required to accommodate the type and volume of traffic that will be generated by the land uses designated therein. The project is consistent with the allowable density range (which would accommodate more than twice the number of dwelling units proposed).

The location of the project site at the intersection of two major streets with immediate proximity to public transit stops and provisions for multi-modal and active transportation and Madera South High School will further reduce reliance on automobiles for future residents of the project.

The project site is an infill parcel, which is surrounded by urban development on four adjacent sides, and which is located within the incorporated boundary of the City of Madera (approximately one and one-quarter miles from the nearest City of Madera Sphere of Influence and Urban Growth Boundary) where all existing services are available; this does not constitute urban sprawl.

Noise, Light, Air and Environmental Pollution.

Non-transportation noise sources within the community consist predominantly of commercial and industrial uses, as well as recreational events conducted at Madera Speedway and high school sports stadiums. While various other non-transportation noise sources can contribute to noticeable increases in ambient noise levels, such sources would generally include, but are not limited to, recreational uses, building mechanical systems, and landscape maintenance activities. Noise generated by such sources is often directional and can vary depending on site and operational characteristics. Multi-unit residential development is not generally considered to be a non-transportation noise source or to include stationary sources of noise; and, is considered a noise-sensitive use itself. Setback distances will ensure no such stationary sources produced from building mechanical systems will exceed acceptable noise levels identified in the General Plan or Municipal Code.

Construction noise typically occurs intermittently and varies depending upon the nature or phase (e.g., demolition/land clearing, grading and excavation, erection) of construction. Noise generated by construction equipment, including earth movers, material handlers, and portable generators are temporary. Although noise ranges were found to be similar for all construction phases, the building construction phases tended to be less noisy when compared to the initial site preparation and grading phases. Environmental analyses considered in conjunction wit the adoption of the General Plan determined that continued compliance with the City's Municipal Code limiting construction activities to the hours of 6 a.m. to 8 p.m., and subject to compliance with the policies in the Noise Element of the General Plan which impose quantitative limits on noise generation and standards for mitigation, any potential for impacts related to noise is considered less than significant.

The project will be required to comply with all provisions of the City Municipal Code as well as the provisions of the 2022 California Green Building Code, which require utilization of "dark sky" light fixtures that limit any light pollution into the surrounding environment.

All proposed elevations demonstrate quality in design, materials and construction.

No EPA Environmental Impact Assessments have been provided to the public.

As provided in the Environmental Review section of this report herein above, a preliminary environmental assessment determined that the project is Categorically Exempt pursuant to the provisions of Section 15332/Class 32 (In-fill Development Projects) of the State of California Environmental Quality Act (CEQA) Guidelines.

The provisions of CEQA require public review periods for Draft Environmental Impact Reports or Proposed Negative or Mitigated Negative Declarations. Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources

has found that the classes of projects listed in Article 19 of the CEQA Guidelines (§§ 15300-15322) do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

The site has been assessed for potential contamination and no known uses have been present on the site that would indicate recent pollution to the extent that broader environmental review shall take place. The site has remained vacant for the past 40 years or more. The site is not listed on the Department of Toxi Substances Control's (DTSC's) Hazardous Waste and Substances Sites (Cortese) list which is the established resource for identifying environmentally compromised sites in California. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances. No further environmental analysis is required.

Increased crime, gang activity, graffiti, drug use, littering, homelessness.

The Municipal Code does not address Increased crime, gang activity, graffiti, drug use, littering, homelessness activities as part of the Zoning Ordinance development standards.

Citing the Report by the California Planning Roundtable and California Department of Housing and Community Development titled: Myths and Facts about Affordable & High-Density Housing, there is no evidence to support the conception that density causes crime. Not one study has shown any relationship between population or housing density and violent crime rates; once residents' incomes are taken into account, the effect of density on non-violent crime decreases to non-significance. Therefore, there is no evidence that development of the project site with multi-unit residences would result in increased levels of crime within the neighborhood or a specific adverse impact.

The report suggests local governments can help address legitimate concerns about crime by working with existing residents and law enforcement to develop community-based strategies to reduce crime. Planning Department staff have consulted with the City Police Department and while Police Department staff recognize a recent "uptick" in graffiti within the City, the Police Department responds to every complaint made to the office and to proactively combat issues as they arise within the community. Arrests for graffiti and vandalism are made when crimes can be proven and has posited that such crimes should not be construed as reason to stop development or growth within the City.

In addition, City's Anti-Graffiti Program was formed in 2008 by the Madera City Council to create a comprehensive plan that reduces and prevents graffiti through a coordinated community-wide effort. Abatement, community involvement, education and enforcement are the foundations of the program. The program includes a graffiti abatement team responsible for cleaning up graffiti in the city.

Development of the vacant land within a gated development will minimize potential for encampment and will reduce potential for negative effects which may be perceived to be resultant from unhoused individuals.

Increased residential segregation.

The Municipal Code does not address residential segregation as part of the development process and this is not a consideration as part of this development standards in the zoning code. An analysis of the General Plan Land Use Map reveals there is not disparate concentration of high density residential planned lands within this geographic area of the City; and, that the allocation of sites designated for similar density are equitably spread throughout the City. The existing high density residential development to the north of the project site is part of the same contiguous ± 8 acres of land originally designated for high density residential use at this location on the General Plan Land Use Map.

Open Space.

The project provides 750 square feet of usable open space for each unit which is in compliance with the objective standards of the Zoning Regulations pertaining to the Planned Development zones (and exceeds the minimum objective standard for development within the conventional R-3 zone district). The project also provides communal amenities and facilities such as a community building, swimming pool, outdoor shade, barbecues and sinks providing a combination of active and passive usable open spaces.

RECOMMENDED ACTION:

The Commission will be acting on Site Plan Review Application No. 2022-02, and Precise Plan Application No. PPL 2022-01. Staff recommends that the Commission:

 Adopt a Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15332/Class 32 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Site Plan Review 2022-02 and Precise Plan 2022-01 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 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 referral/continuance).
- 2. Move to recommend denial of one or more requests based on specified findings (Commission to articulate reasons for denial).
- 3. Provide staff with other alternative directives.

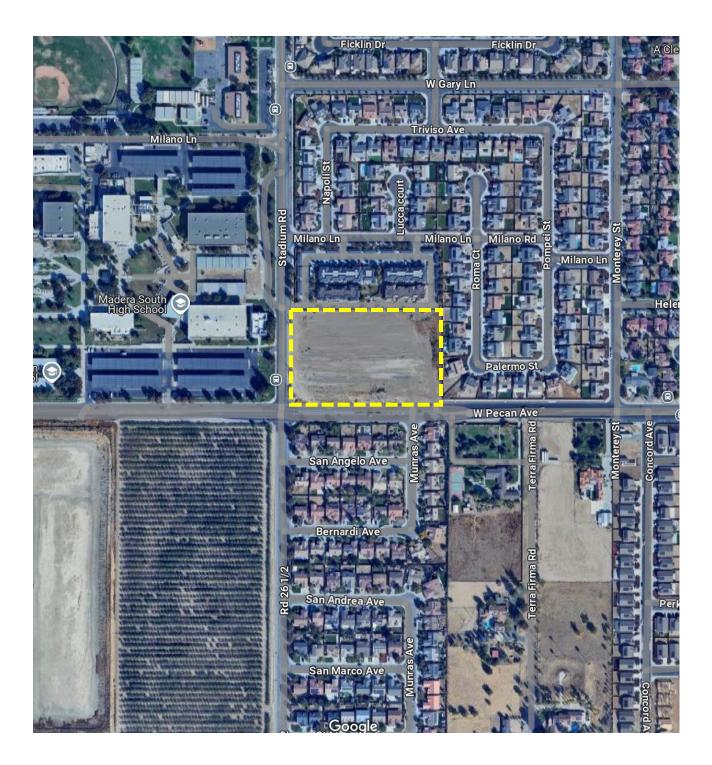
ATTACHMENTS:

- 1. Vicinity Map
- 2. General Plan Land Use Map

- 3. Official Zoning Map
- 4. Site Plan, Floor Plans and Elevations
- 5. Public Comments
- 6. Supplemental Information from Applicant
- 7. Planning Commission Resolution Exhibit A: Conditions of Approval

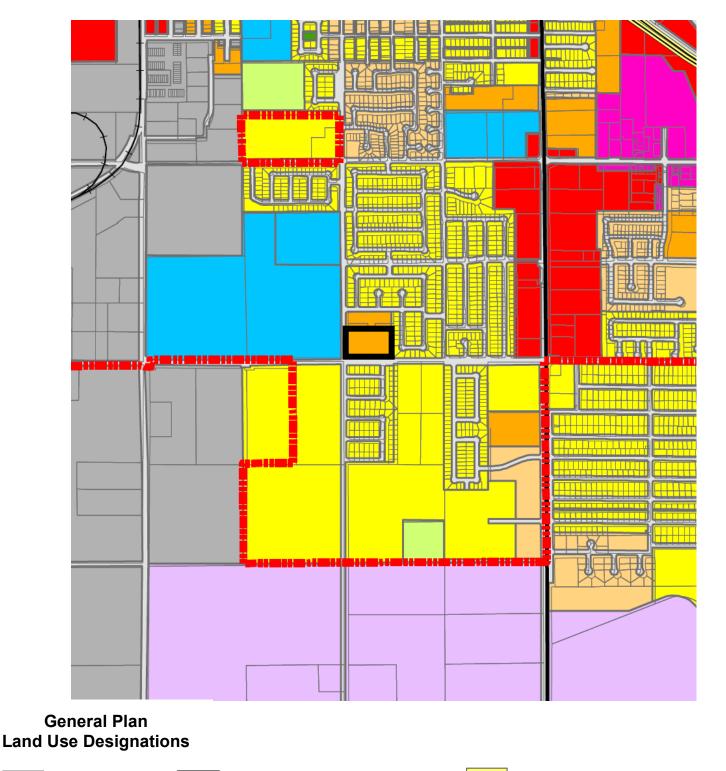
ATTACHMENT 1

Vicinity Map



ATTACHMENT 2

City of Madera General Plan Land Use Map





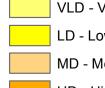
O - Office

I - Industrial

NMU - Neighborhood Mixed Use

VMU - Village Mixed Use

VR - Village Reserve

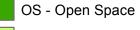


VLD - Very Low Density Residential

LD - Low Density Residential

MD - Medium Density Residential

HD - High Density Residential

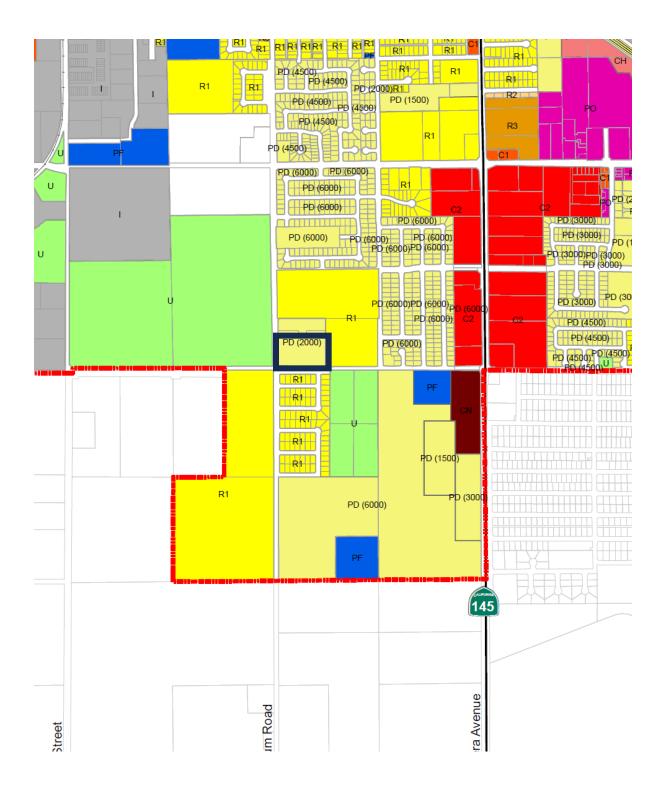


RC - Resource Conservation/Agriculture

P&SP - Other Public and Semi-Public Uses

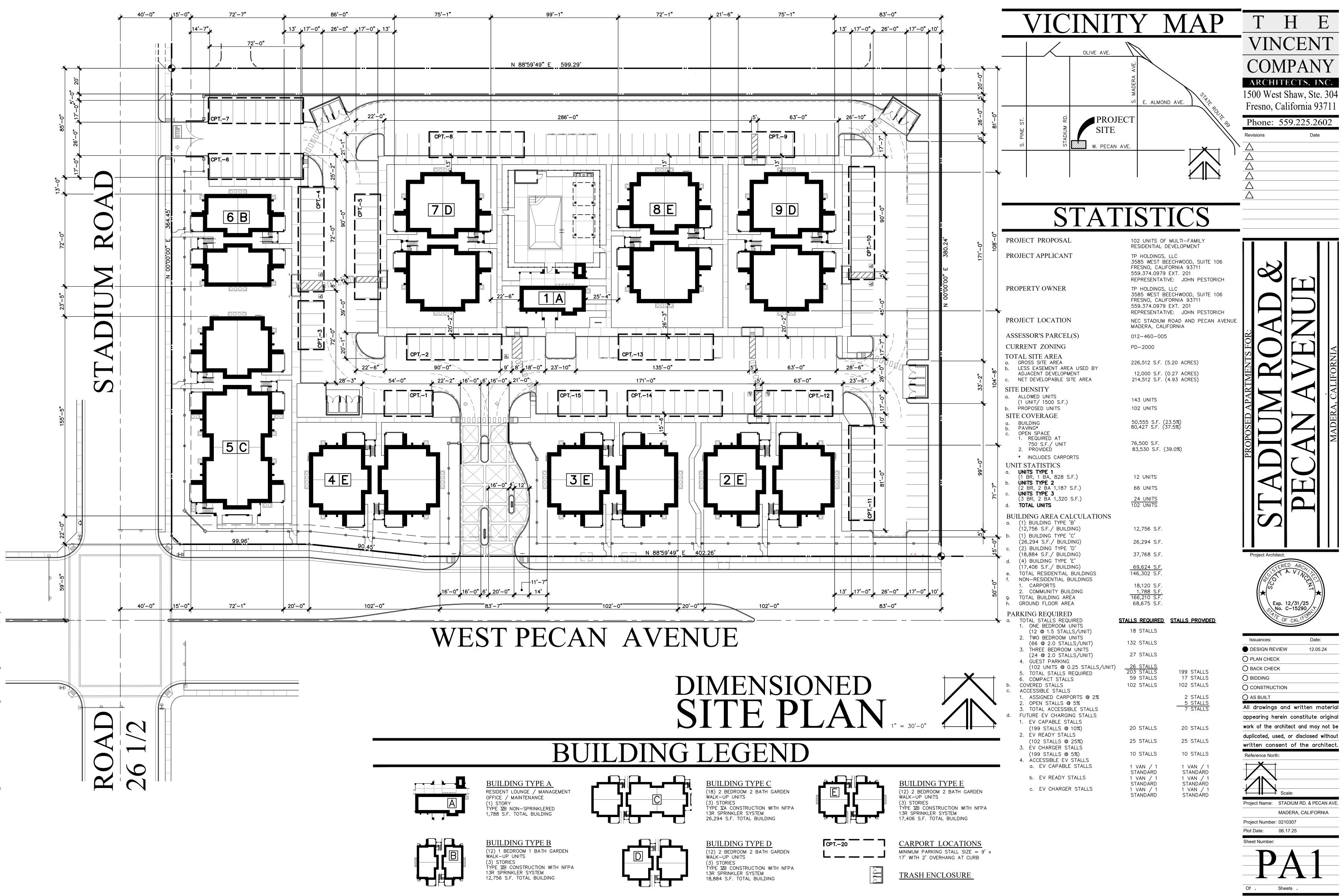
ATTACHMENT 3

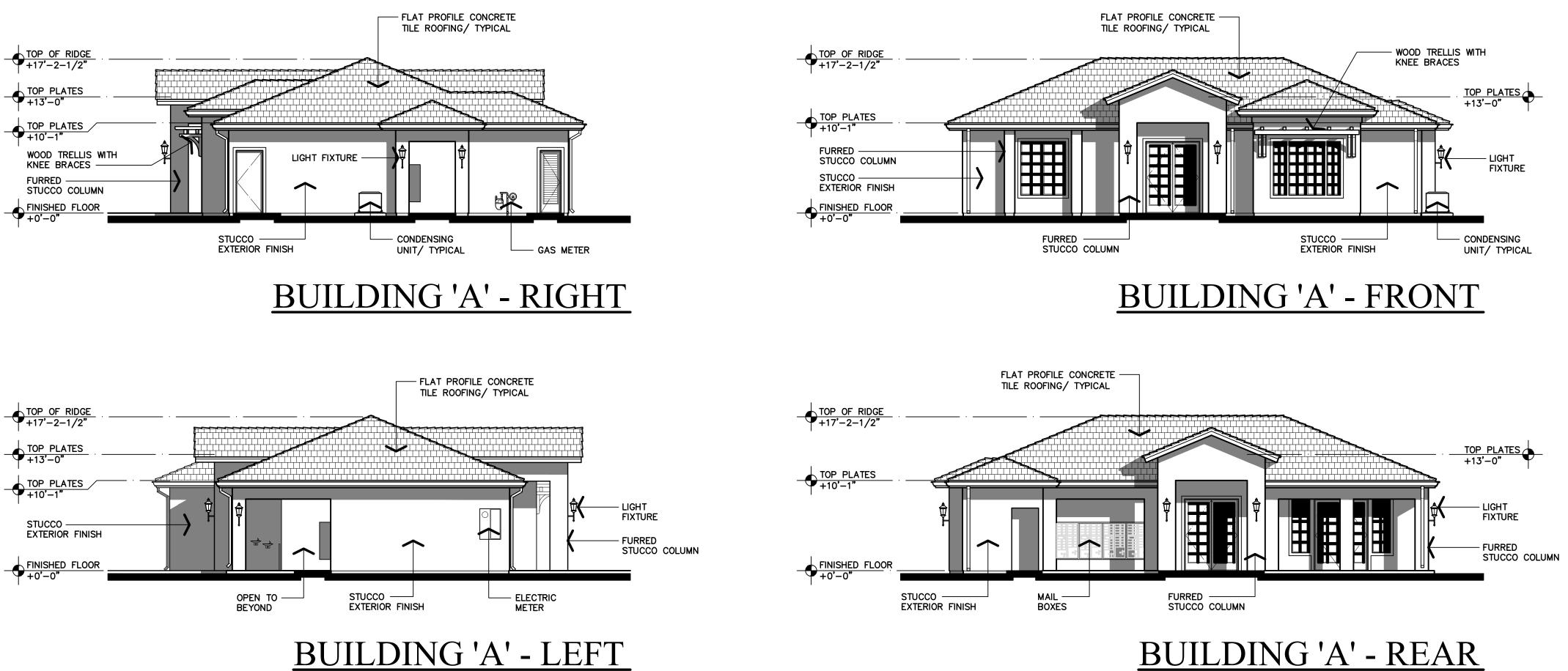
City of Madera Zoning Map

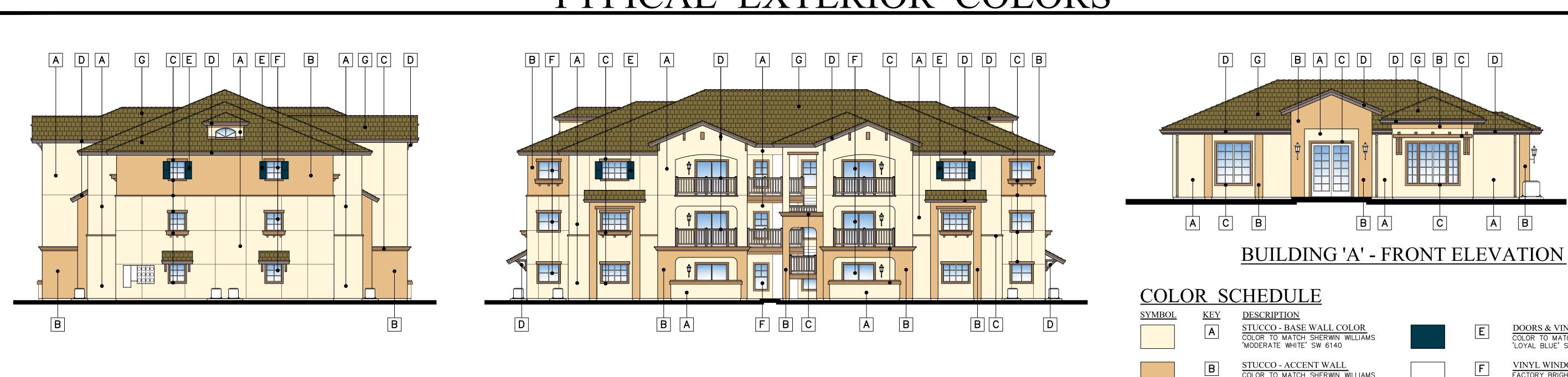


ATTACHMENT 4

Site Plan, Floor Plan & Elevations







TYPICAL EXTERIOR COLORS

EXTERIOR ELEVATIONS 1/8" = 1'-0"

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COLOR TO MATCH SHERWIN WILLIAMS 'MACADAMIA' SW 6142

DOOR & WINDOW TRIMS, PLANTER BOXES, ACCENT TRIMS & BANDS COLOR TO MATCH SHERWIN WILLIAMS 'DAPPER TAN' SW 6144

ASCIA, KNEE BRACES, RAILINGS,	
LASHING & DOWNSPOUTS	
OLOR TO MATCH SHERWIN WILLIAMS IRBANE BRONZE' SW 7048	

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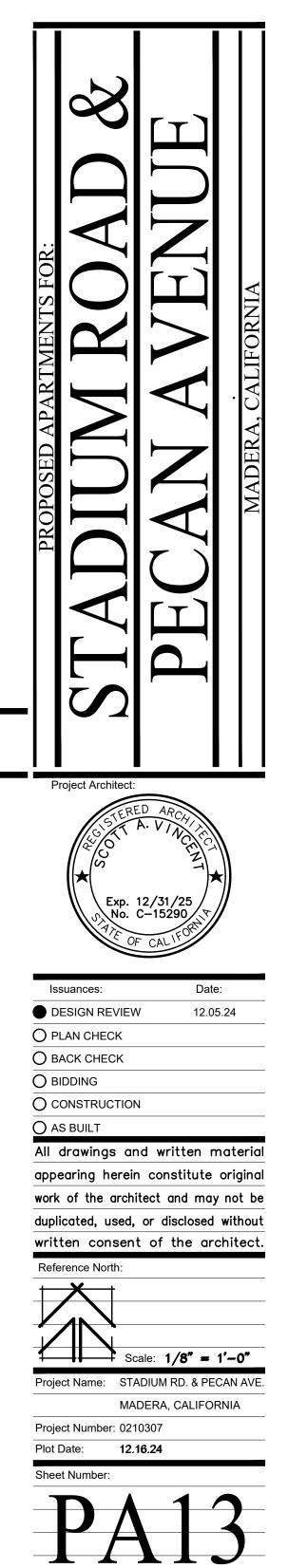
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•]	DOORS & VINYL SHUTTERS
•	COLOR TO MATCH SHERWIN WILLIAMS 'LOYAL BLUE' SW 6510
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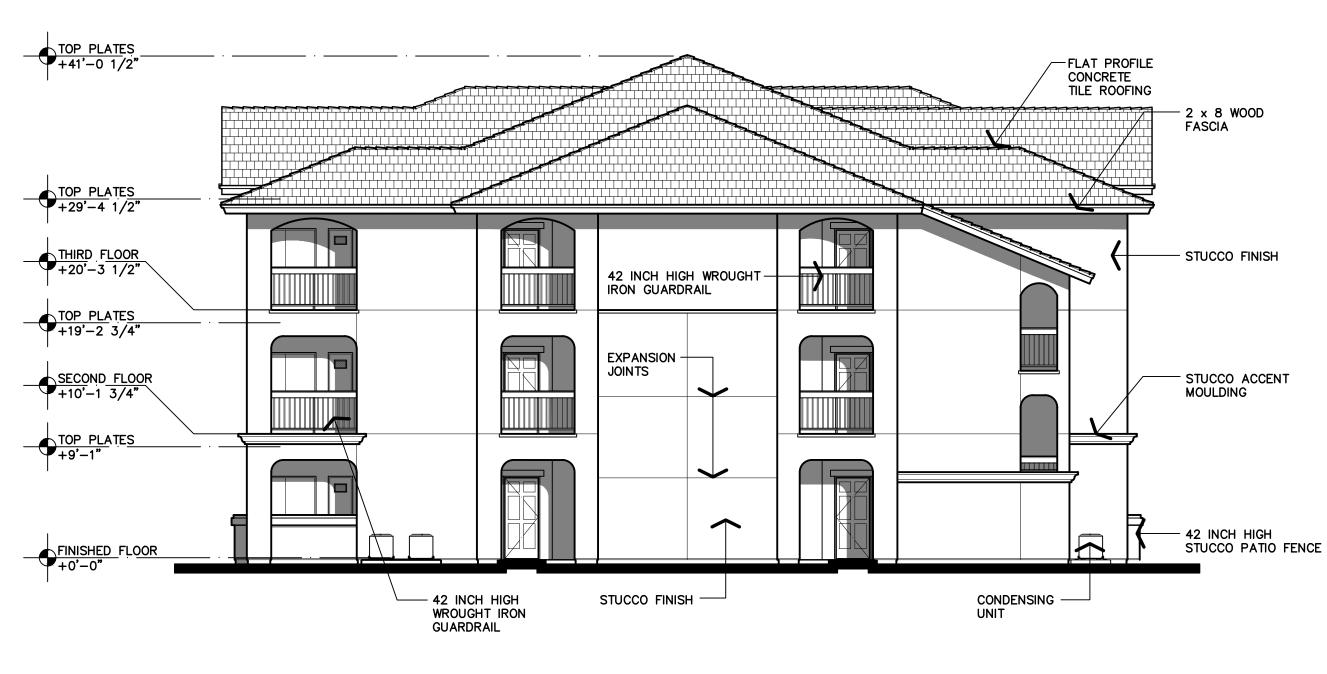
VINYL WINDOWS FACTORY BRIGHT WHITE

FLAT PROFILE TILE ROOF EAGLE ROOFING PRODUCTS "BEL AIR" SERIES, COLOR: NO. 4502 "ARCADIA"

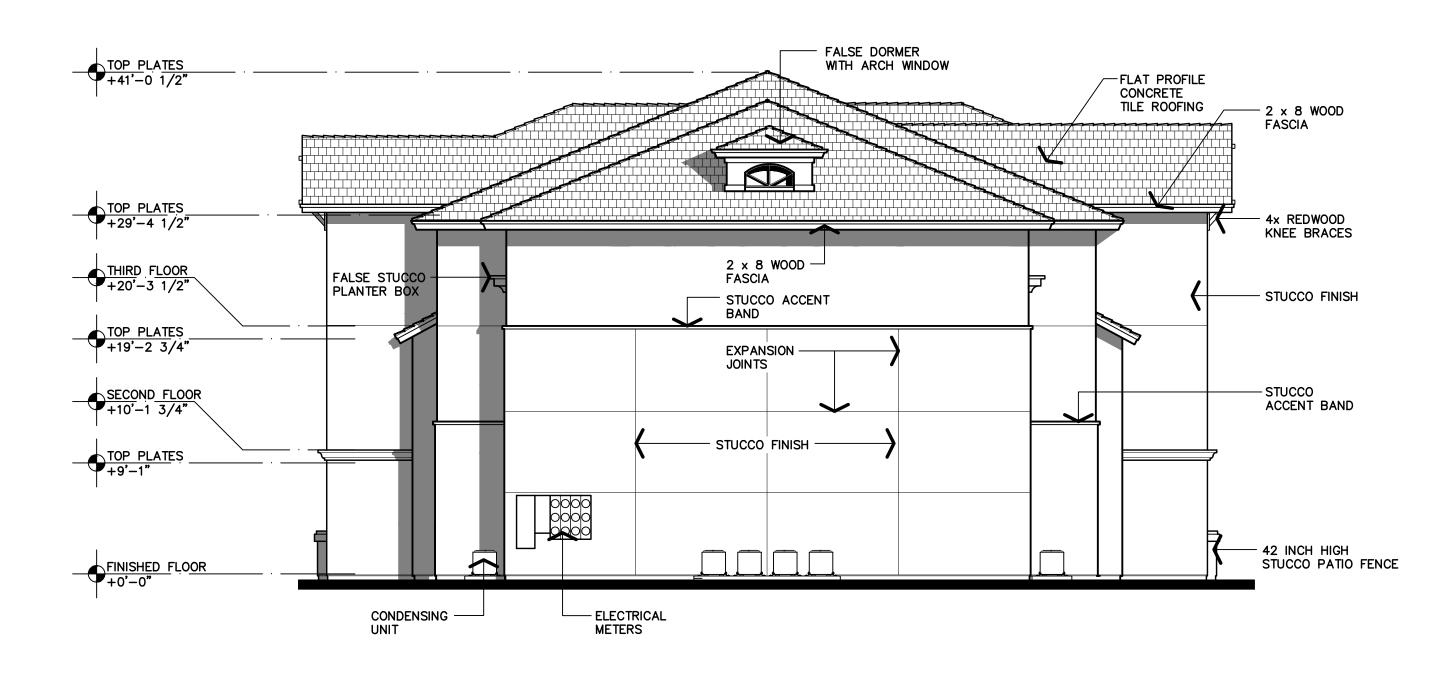
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Fresno.	Californ	ia 93711
	559.22	
Phone:		5.2602



Sheets .

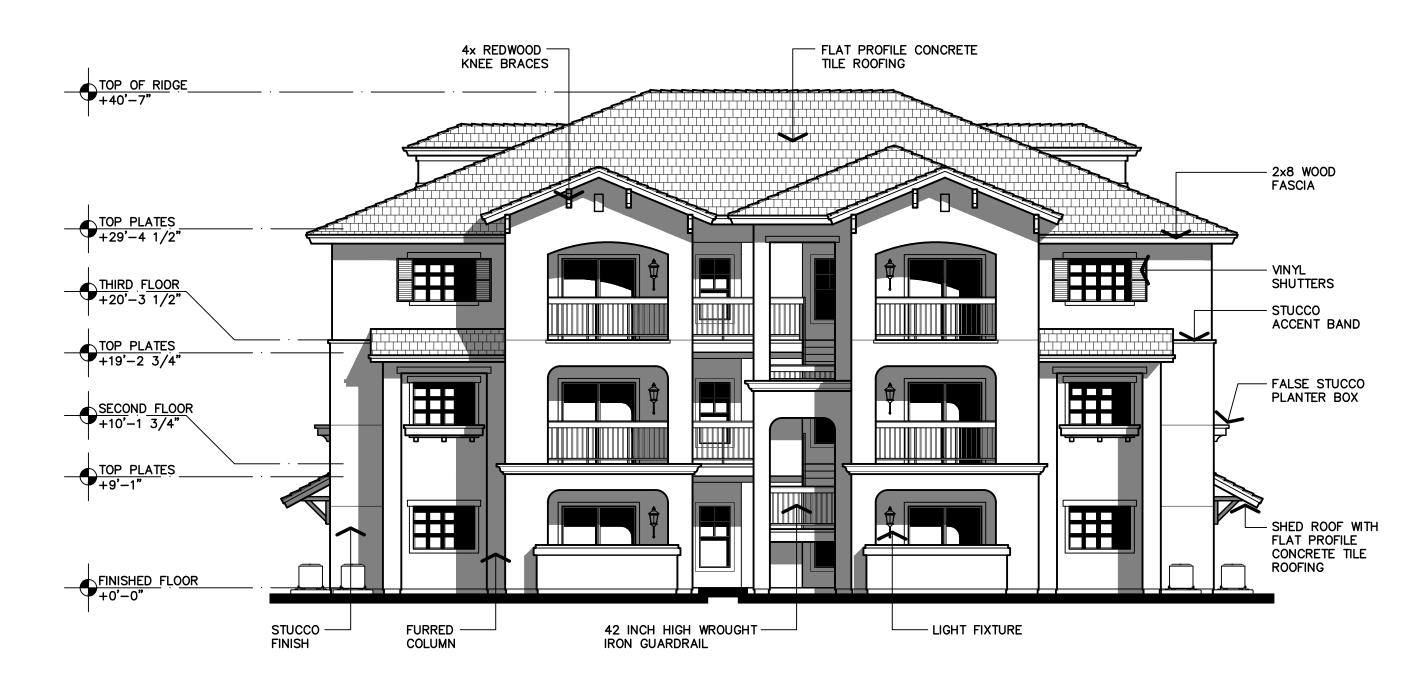


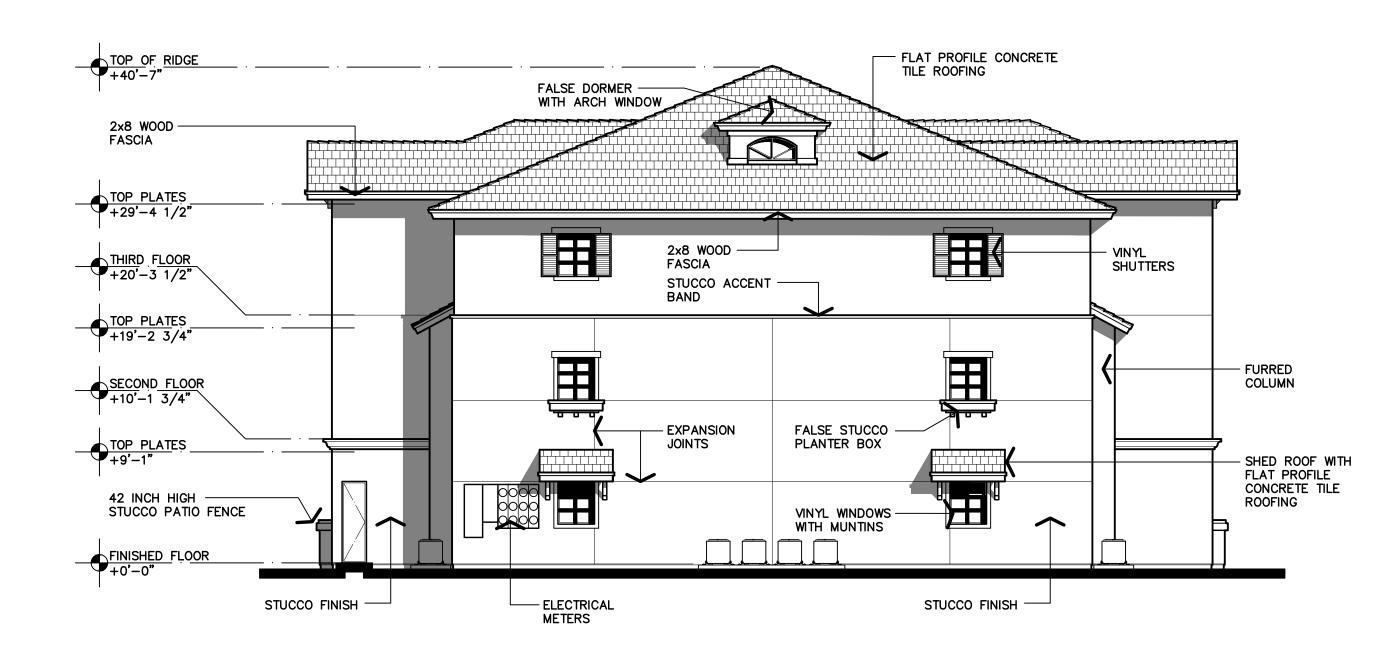
BUILDING 'C' - RIGHT



BUILDING 'C' - LEFT







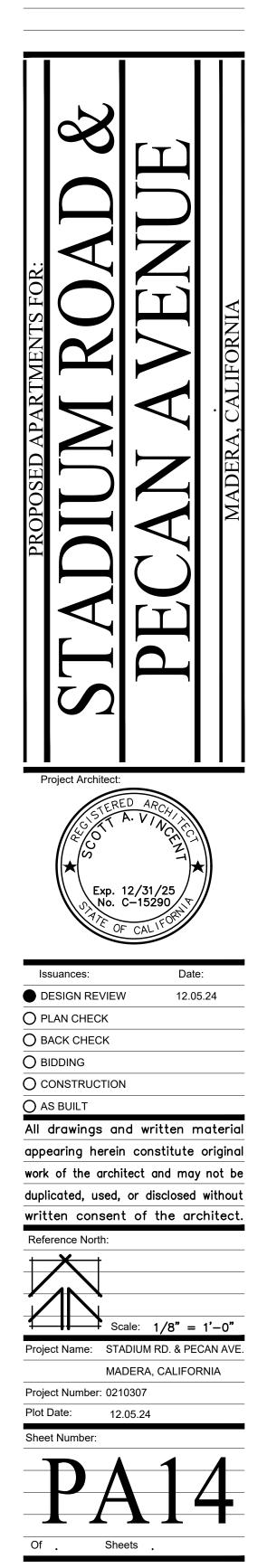


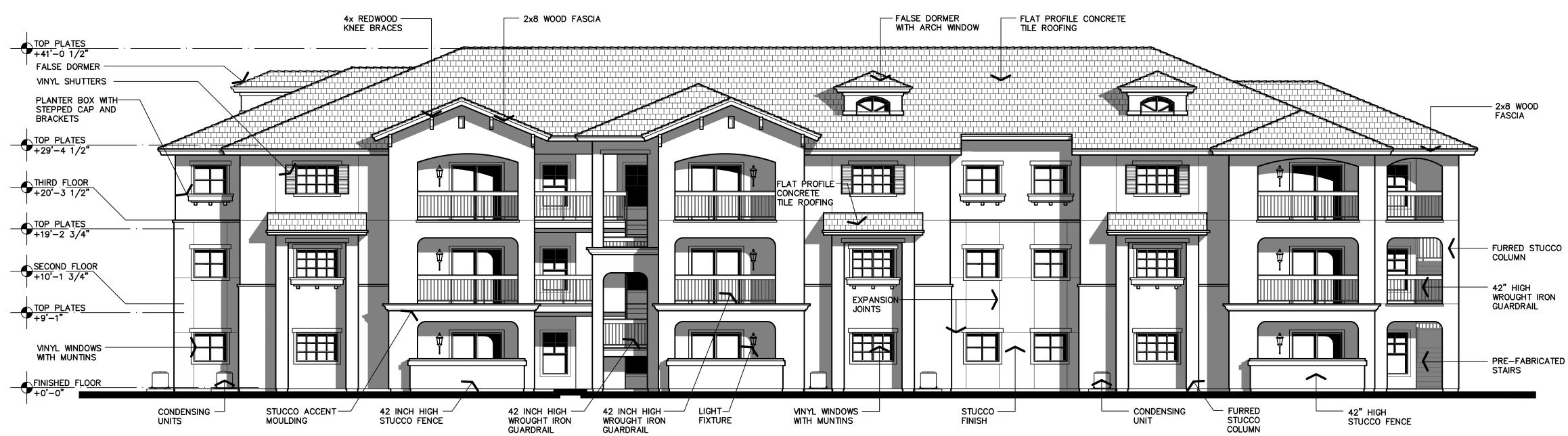
BUILDING 'B' - FRONT / REAR

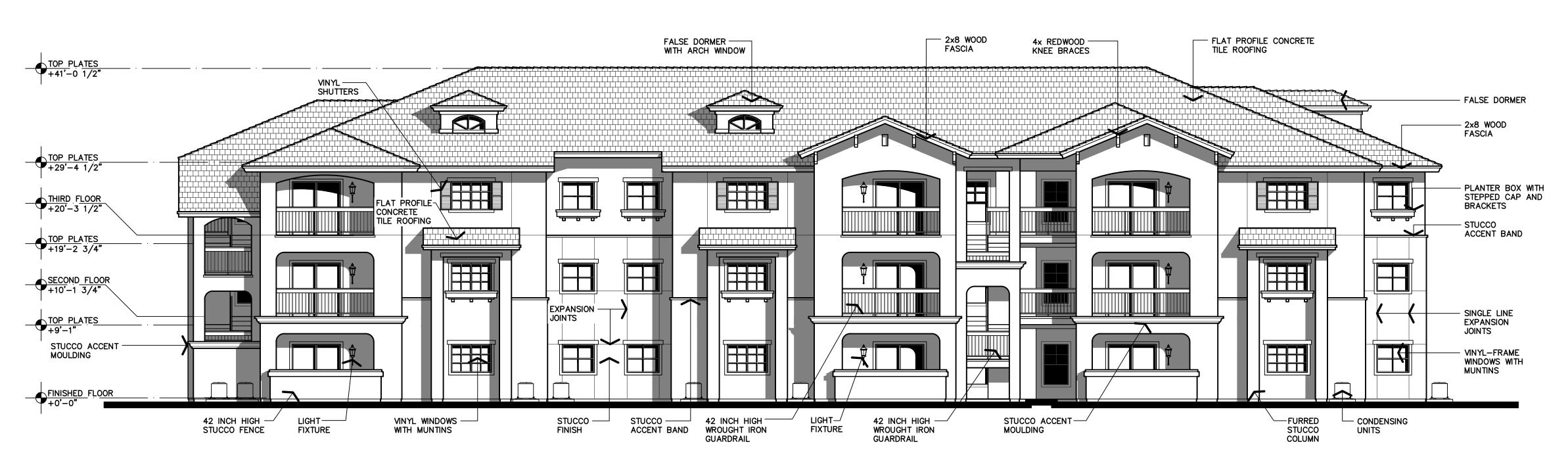
BUILDING 'B' - END

EXTERIOR ELEVATIONS 1/8" = 1'-0"

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CO	MPA	NY
1500 We	est Shaw, Californ	Ste. 304
Dhana	559.22	5 2602
Phone:	559.22	5.2002
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BUILDING 'C' - FRONT

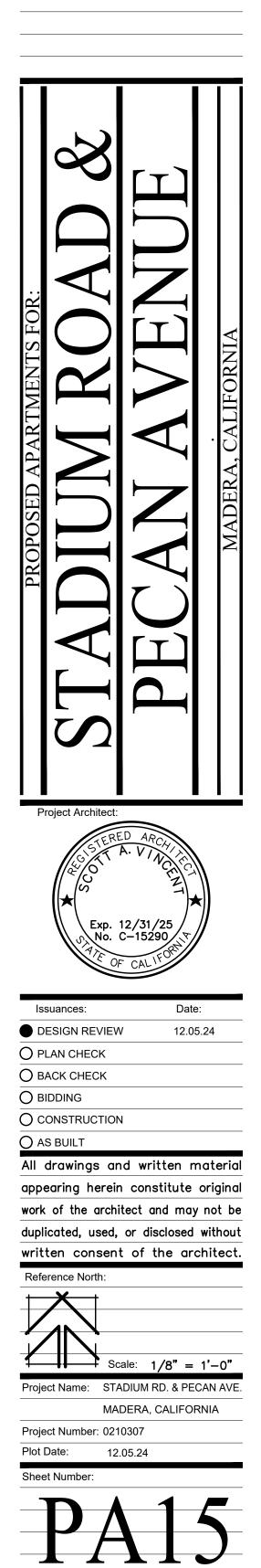




BUILDING 'C' - REAR







<u>TOP OF RIDGE</u> +41'-10"

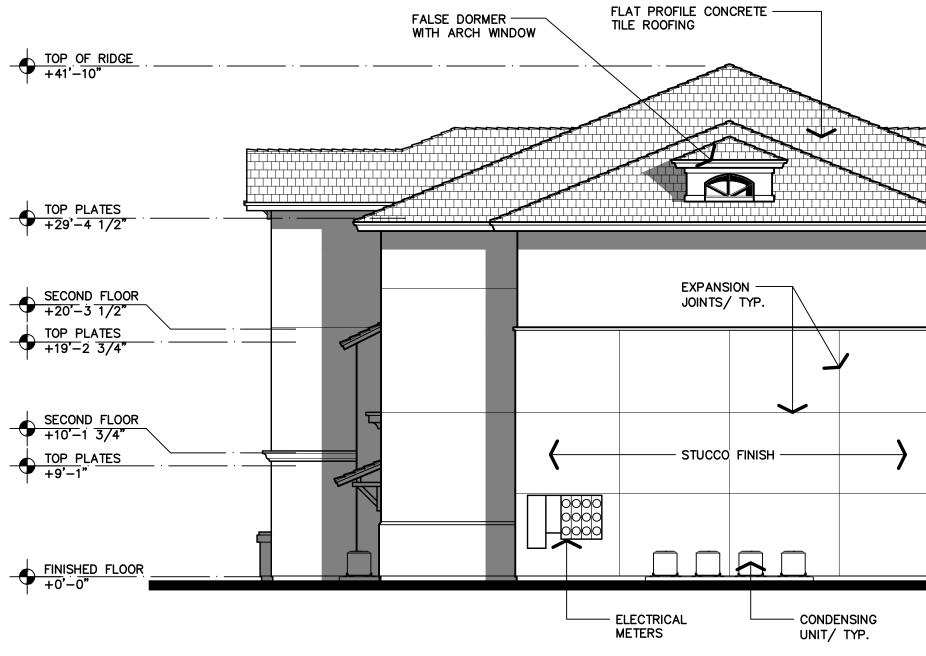
TOP PLATES +29'-4 1/2"

TOP PLATES +19'-2 3/4"

<u>TOP</u> <u>PLATES</u> +9'-1"



BUILDING 'D' - END



BUILDING 'D' - FRONT/ REAR

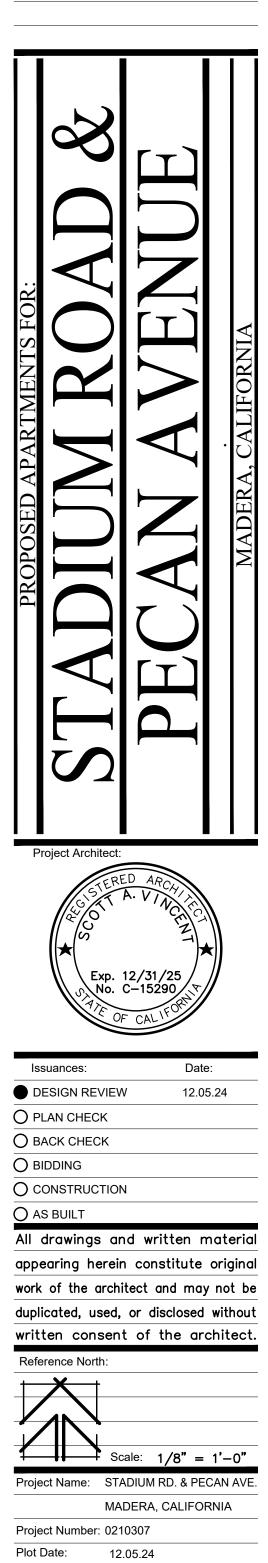


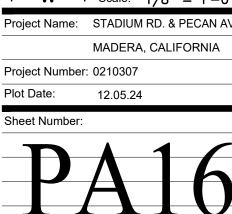
- 4x REDWOOD KNEE BRACES/ TYP.

TYP. - PLANTER BOX WITH STEPPED CAP AND BRACKETS/ TYP. - LOWER SHED ROOF/ TYP. - 42 INCH HIGH STUCCO FENCE

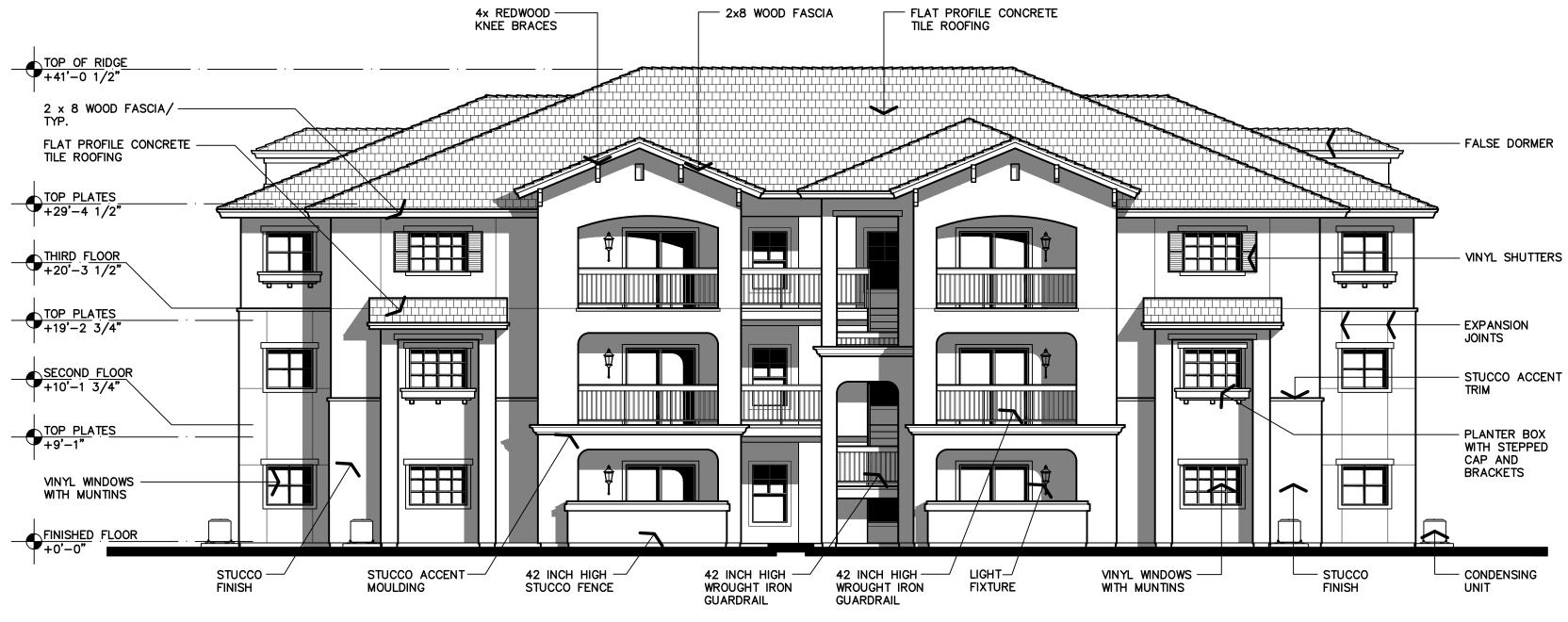
2 x 8 WOOD FASCIA/

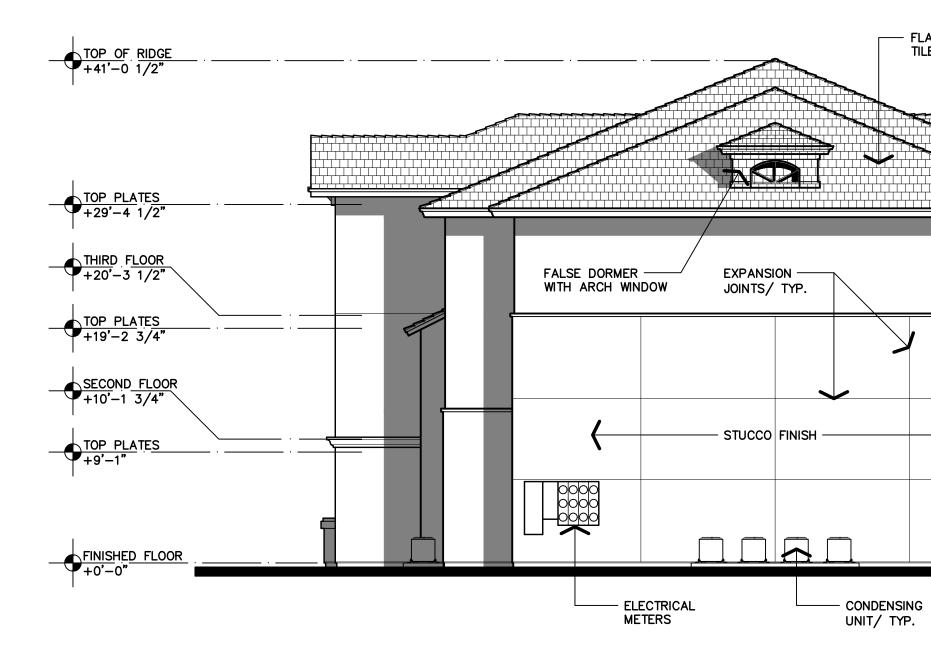
E Η VINCENT COMPANY ARCHITECTS, INC. 1500 West Shaw, Ste. 304 Fresno, California 93711 Phone: 559.225.2602 Revisions Date \bigtriangleup Δ





EXTERIOR ELEVATIONS 1/8" = 1'-0"









EXTERIOR ELEVATIONS 1/8" = 1'-0"

Project Architect: Exp. 12/31/25 No. C-15290 Issuances: Date: DESIGN REVIEW 12.05.24 O PLAN CHECK O BACK CHECK O CONSTRUCTION O AS BUILT All drawings and written material appearing herein constitute original work of the architect and may not be duplicated, used, or disclosed without written consent of the architect. Reference North: Scale: 1/8" = 1'-0"

Project Name: STADIUM RD. & PECAN AVE

12.05.24

Project Number: 0210307

Plot Date:

Sheet Number:

MADERA, CALIFORNIA

- 2 x 8 WOOD FASCIA/ TYP.

STUCCO ACCENT MOULDING

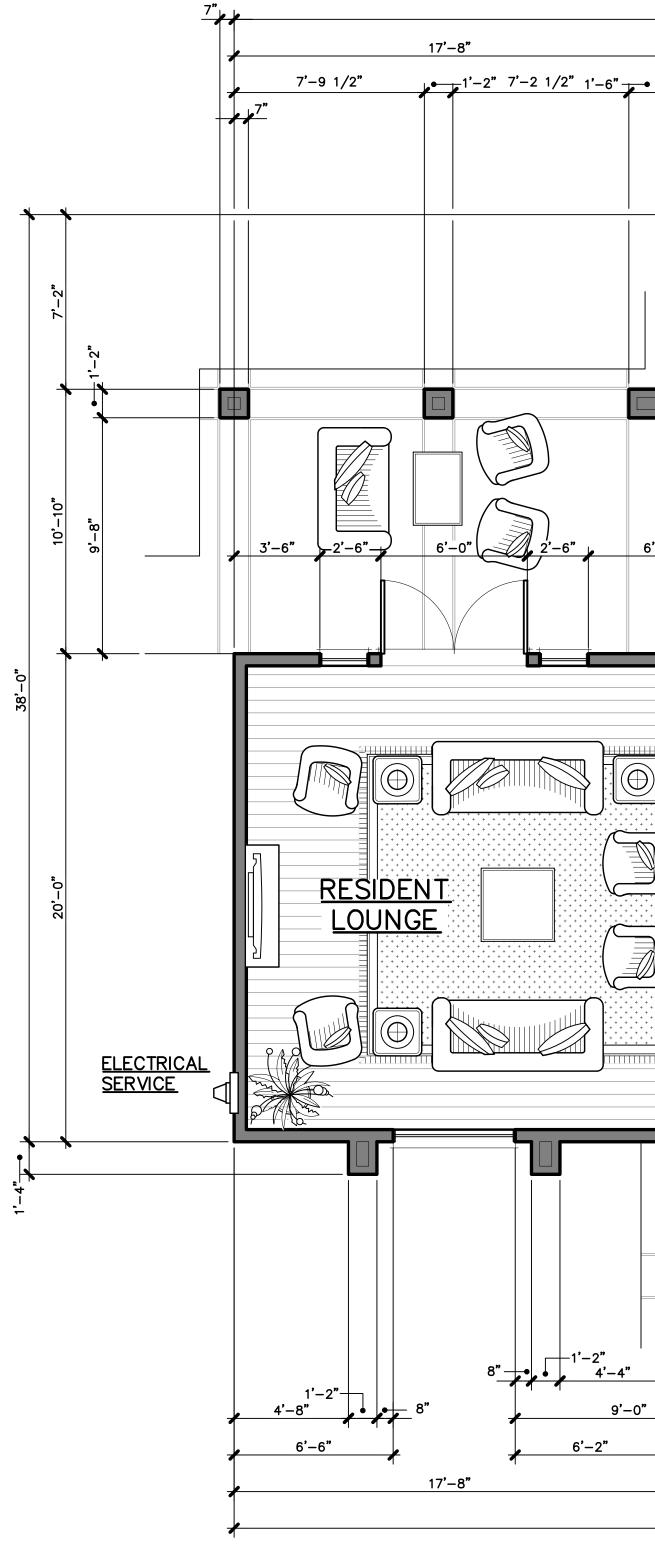
– 42 INCH HIGH

STUCCO FENCE

BUILDING 'E' - FRONT / REAR

- FLAT PROFILE CONCRETE TILE ROOFING





51'-4" 11'–8" 13'-0" 9'-0" $\underbrace{1'-2" \ 7'-2 \ 1/2" \ 1'-6"}_{0} \bullet \underbrace{1'-8" \ 8'-4" \ 1'-8"}_{0} \bullet \underbrace{1'-6"}_{0} \bullet \underbrace{1'-6"}_{$ <u>1'-4"</u> <u>3'-6"</u> <u>2'-4"</u> <u>3'-2"</u> 10'-2" POOL SHOWER \bigcirc <u>UNISEX 2</u> COVERED PATIO **-**6**'**-0" 11'–10" 6'-0" 4'-4" 8'-8" – <u>MAIL</u> 15" <u>CENTER</u> • WORK / X <u>UNISEX 1</u> \bigcirc BREAK ROOM <u>CONDENSING</u> \bigcirc <u>UNIT</u> Ð لائے LOBBY MAINTENANCE MANAGER <u>OFFICE</u> <u>COVERED</u> PORCH 9'-0" 2'-3" 1'-8" 8'-4" 2'-3" 11'–8" 12'-0" 6**'**—10" 51'-4"

BUILDING 'A' FLOOR PLAN

BUILDING STATISTICS T H E

PROPOSED USE

OCCUPANCY GROUP

a. RESIDENT LOUNGE/ COFFEE BARb. LEASING/WORK/BREAKROOM c. TOILETS/ MAINTENANCE

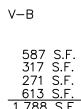
CONSTRUCTION TYPE

- AREA CALCULATIONS
- a. RESIDENT LOUNGE/ COFFEE BAR/ FOYER b. LEASING/WORK/BREAKROOM c. TOILETS/MAINTENANCE d. COVERED PORCH/ PATIO e. TOTAL BUILDING AREA

- FIRE RESISTANCE REQUIREMENTS a. EXTERIOR WALLS
- INTERIOR BEARING WALLS b.
- c. INTERIOR NON-BEARING WALLS d. CEILING/ROOF ASSEMBLY
- e. EXTERIOR OPENINGS
- OCCUPANCY SEPARATION a. B TO S-2 OCCUPANCY GROUPS

MANAGEMENT/ RESIDENT COMMUNITY CENTER

S-2

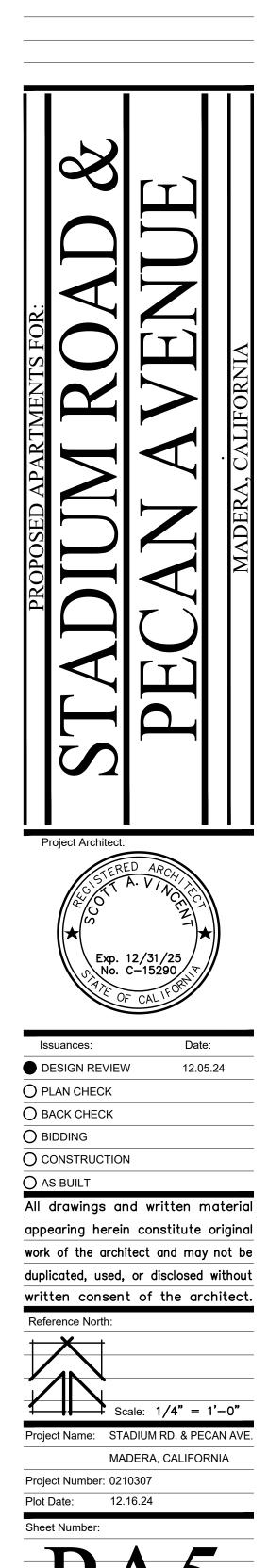


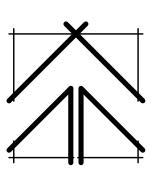
<u>613 S.F.</u> 1,788 S.F. NON-RATED

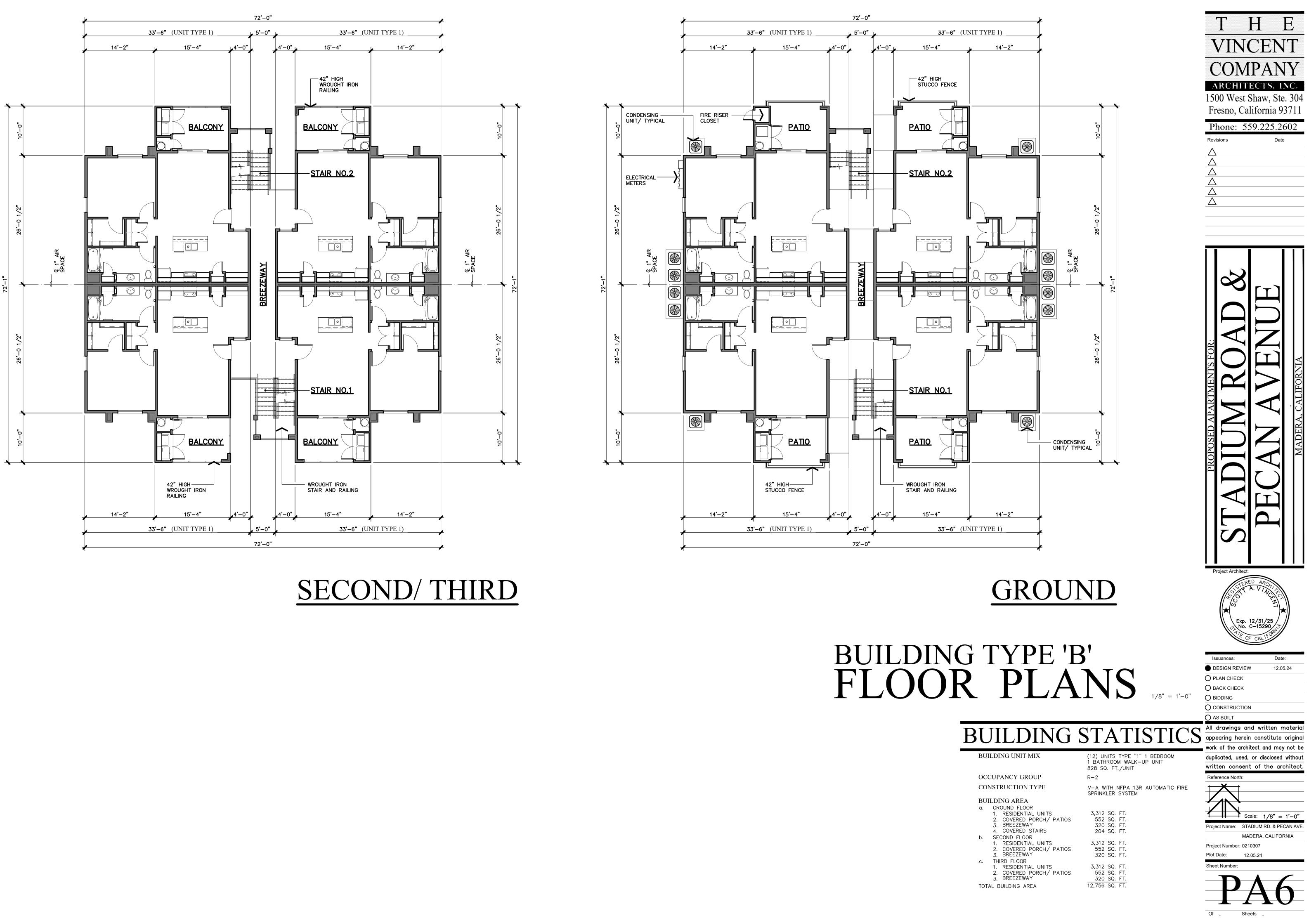
NON-RATED NON-RATED NON-RATED NON-RATED

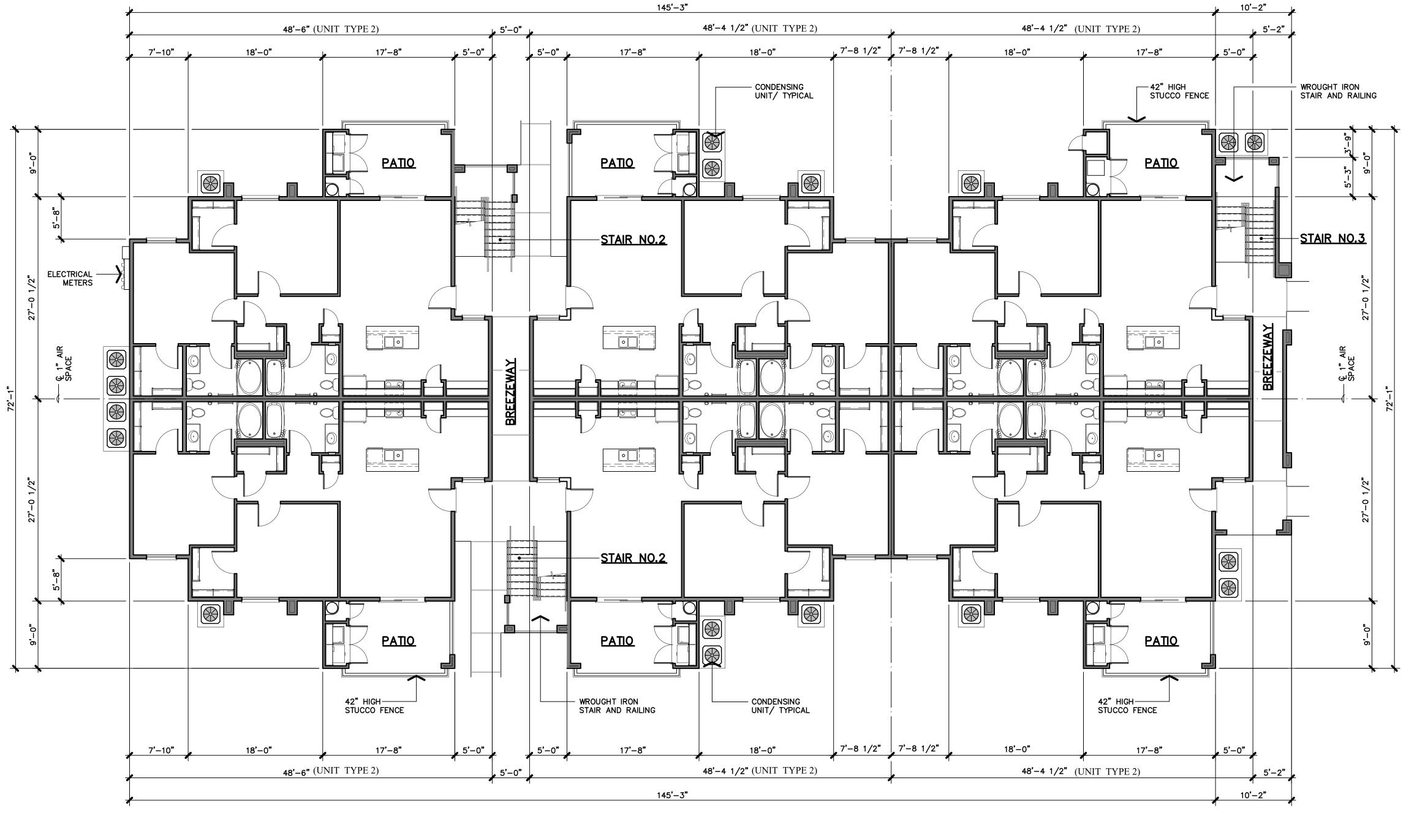
NONE REQUIRED PER CBC SECTIONS 503.1.2 AND 508.3











BUILDING TYPE 'C' FLOOR PLAN

GROUND

BUILDING STATISTICS T H E

BUILDING UNIT MIX

OCCUPANCY GROUP

CONSTRUCTION TYPE

BUILDING AREA

a. GROUND FLOOR

3. STAIRS

3. BREEZEWAYS c. THIRD FLOOR

TOTAL BUILDING AREA

b. SECOND FLOOR

1. RESIDENTIAL UNITS

1. RESIDENTIAL UNITS

2. COVERED PATIOS

1. RESIDENTIAL UNITS COVERED / PATIOS
BREEZEWAYS

COVERED PATIOS
BREEZEWAYS

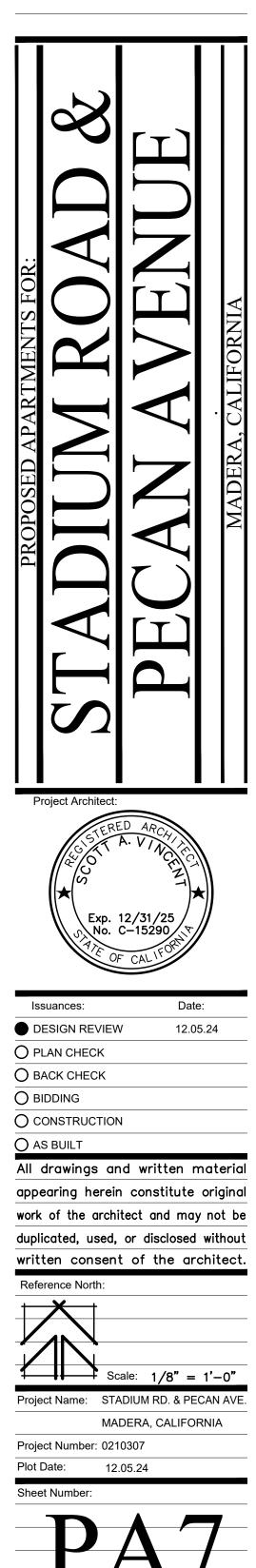
1/8" = 1'-0"

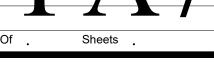
(18) UNITS TYPE "2" 2 BEDROOMS 2 BATHROOMS WALK—UP UNIT 1,187 SQ. FT./UNIT R-2

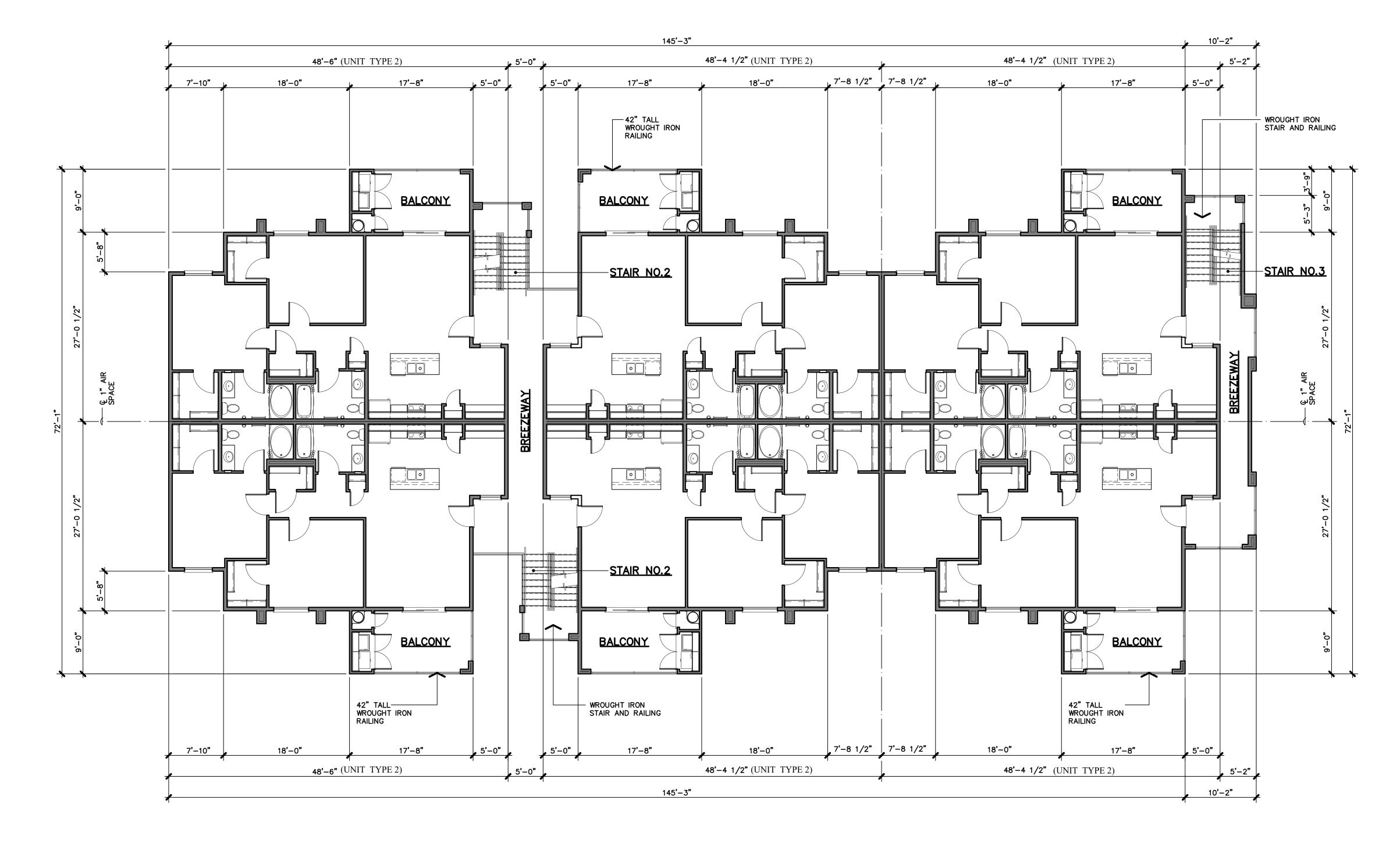
> V-A WITH NFPA 13R AUTOMATIC FIRE SPRINKLER SYSTEM

7,122	SQ.	FT.
954	SQ.	FT.
581	SQ.	FT.
323	SQ.	FT.
7,122	SQ.	FT.
954	SQ.	FT.
581	SQ.	FT.
7,122	SQ.	FT.
954	SQ.	FT.
581	SQ.	FT.
26,294	SQ.	FT.

VINCENT COMPANY ARCHITECTS, INC. 1500 West Shaw, Ste. 304 Fresno, California 93711 Phone: 559.225.2602 Revisions Date



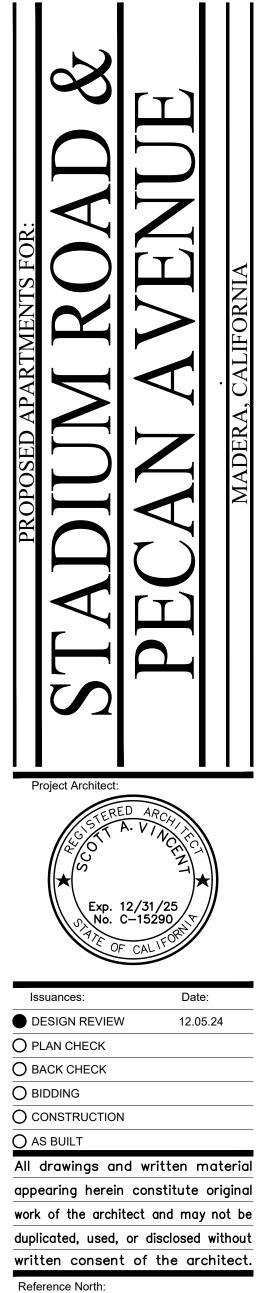


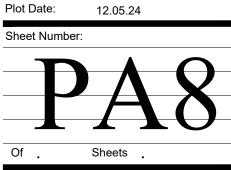


BUILDING TYPE 'C' FLOOR PLAN 1/8" = 1'-0"

SECOND/ THIRD





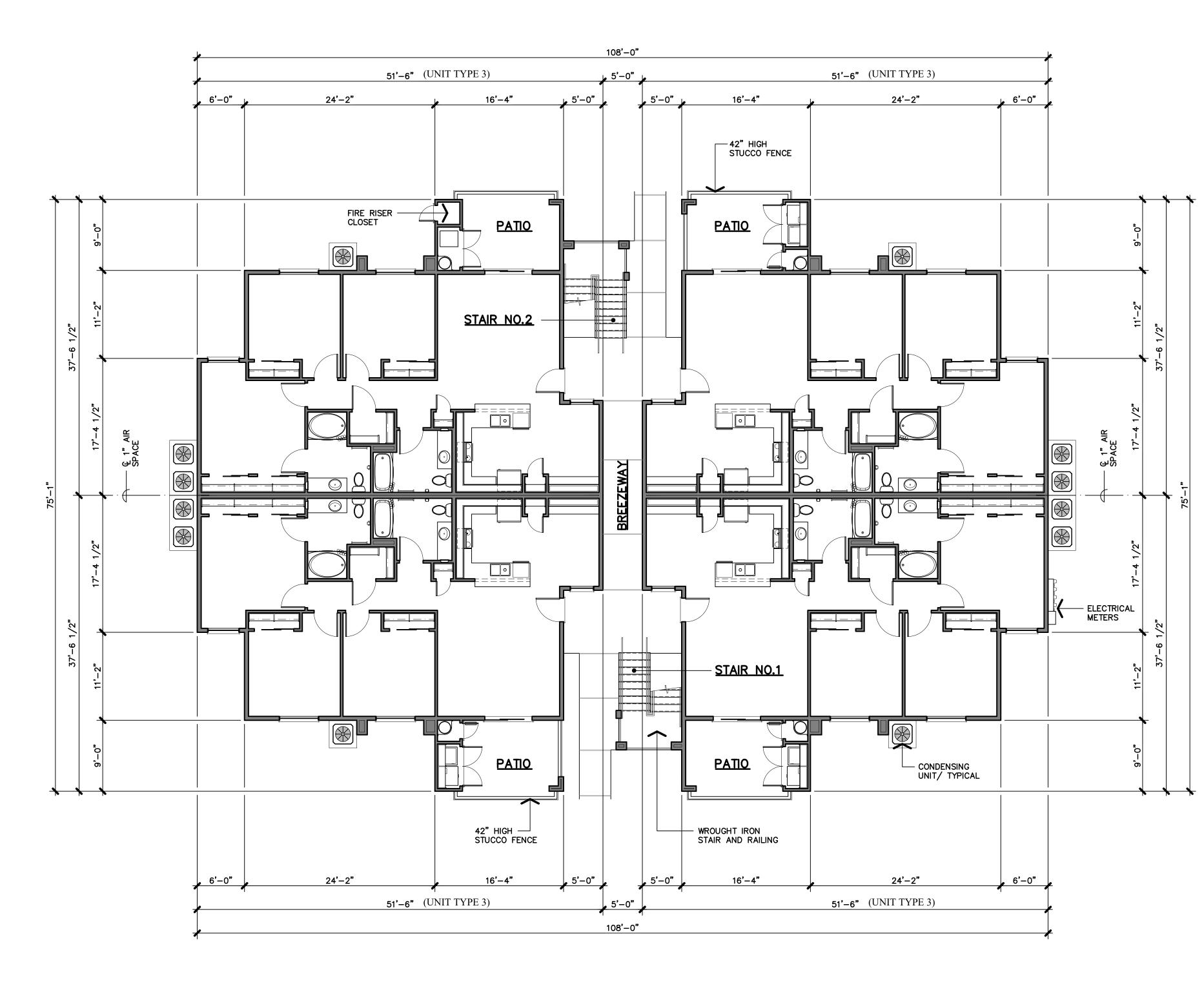


 -1° Scale: $1/8^{\circ} = 1^{\circ} - 0^{\circ}$

MADERA, CALIFORNIA

Project Name: STADIUM RD. & PECAN AVE.

Project Number: 0210307



BUILDING TYPE 'D' FLOOR PLAN 1/8" = 1'-0"

GROUND

BUILDING STATISTICS

R-2

BUILDING UNIT MIX

OCCUPANCY GROUP CONSTRUCTION TYPE

BUILDING AREA

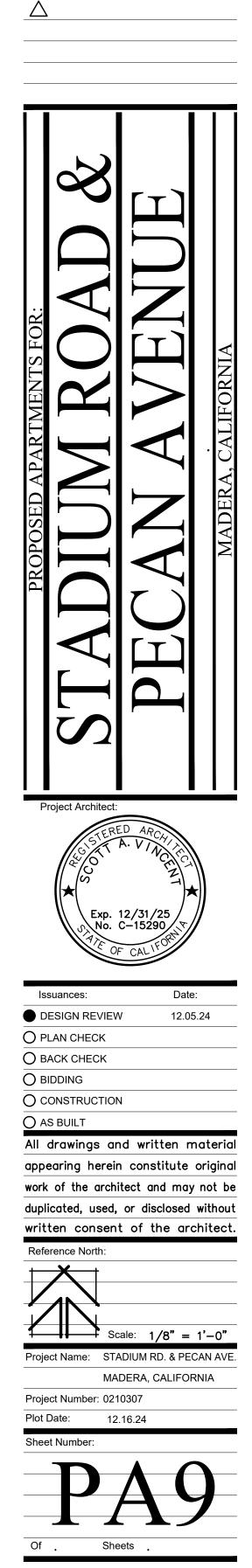
- a. GROUND FLOOR 1. RESIDENTIAL UNITS 2. COVERED PATIOS
- 3. BREEZEWAY 4. STAIRWAY
- SECOND FLOOR b. 1. RESIDENTIAL UNITS
- 2. COVERED BALCONIES 3. BREEZEWAY
- c. THIRD FLOOR
- 1. RESIDENTIAL UNITS 2. COVERED BALCONIES
- 3. BREEZEWAY TOTAL BUILDING AREA

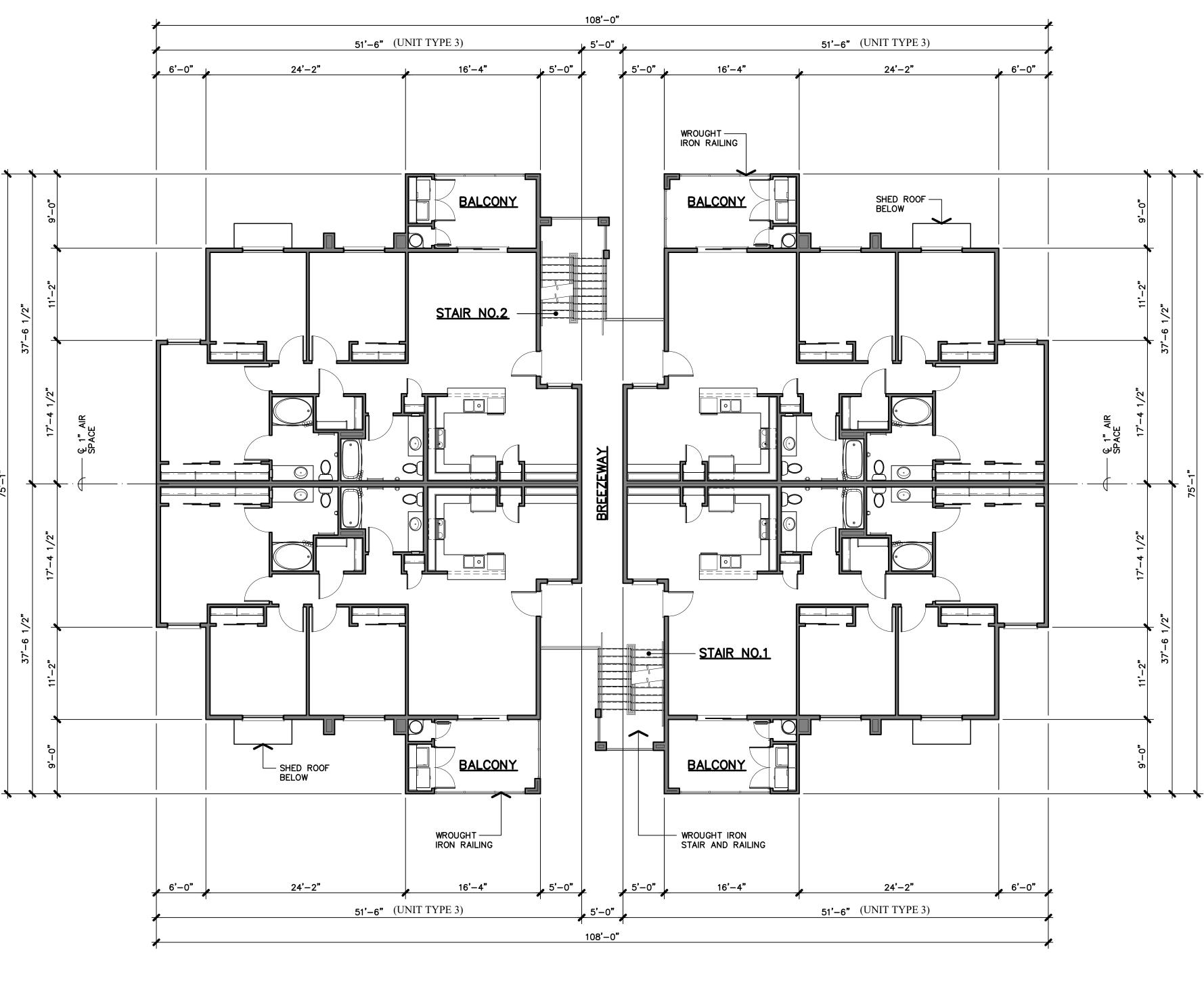
(12) UNITS TYPE "3": THREE BEDROOM TWO BATHROOM WALK–UP UNIT 1,320 SQ. FT. / UNIT

V—A WITH NFPA 13R AUTOMATIC FIRE SPRINKLER SYSTEM

5,280	SQ.	FT.
588	SQ.	FT.
360	SQ.	FT.
200	SQ.	FT.
5,280	SQ.	FT.
588	SQ.	FT.
360	SQ.	FT.
5,280	SQ.	FT.
588	SQ.	FT.
<u>360</u>	SQ.	FT.
18,884	SQ.	FT.
10,004	JQ.	ГΙ.

VINCENT COMPANY ARCHITECTS, INC. 1500 West Shaw, Ste. 304 Fresno, California 93711 Phone: 559.225.2602 Revisions Date	Τ	Н	E
ARCHITECTS, INC. 1500 West Shaw, Ste. 304 Fresno, California 93711 Phone: 559.225.2602	VIN	NCE	NT
1500 West Shaw, Ste. 304 Fresno, California 93711 Phone: 559.225.2602	CON	MPA	NY
	1500 We	st Shaw,	Ste. 304
Revisions Date	Phone:	559.22	5.2602
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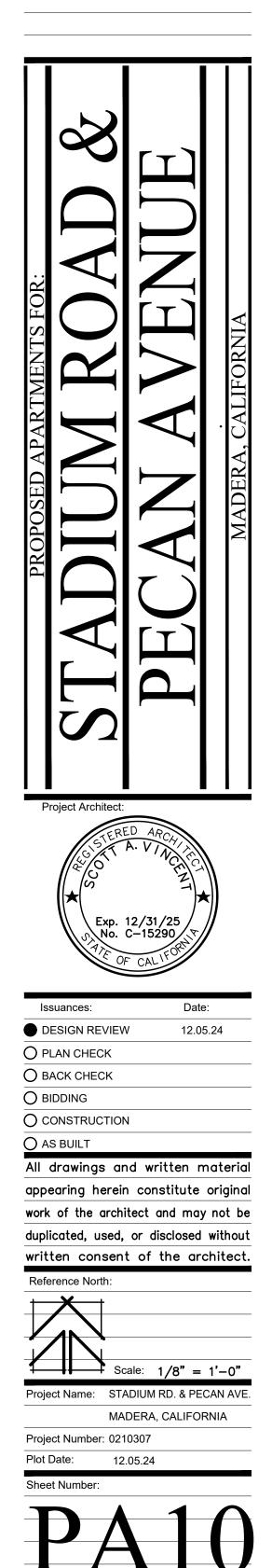




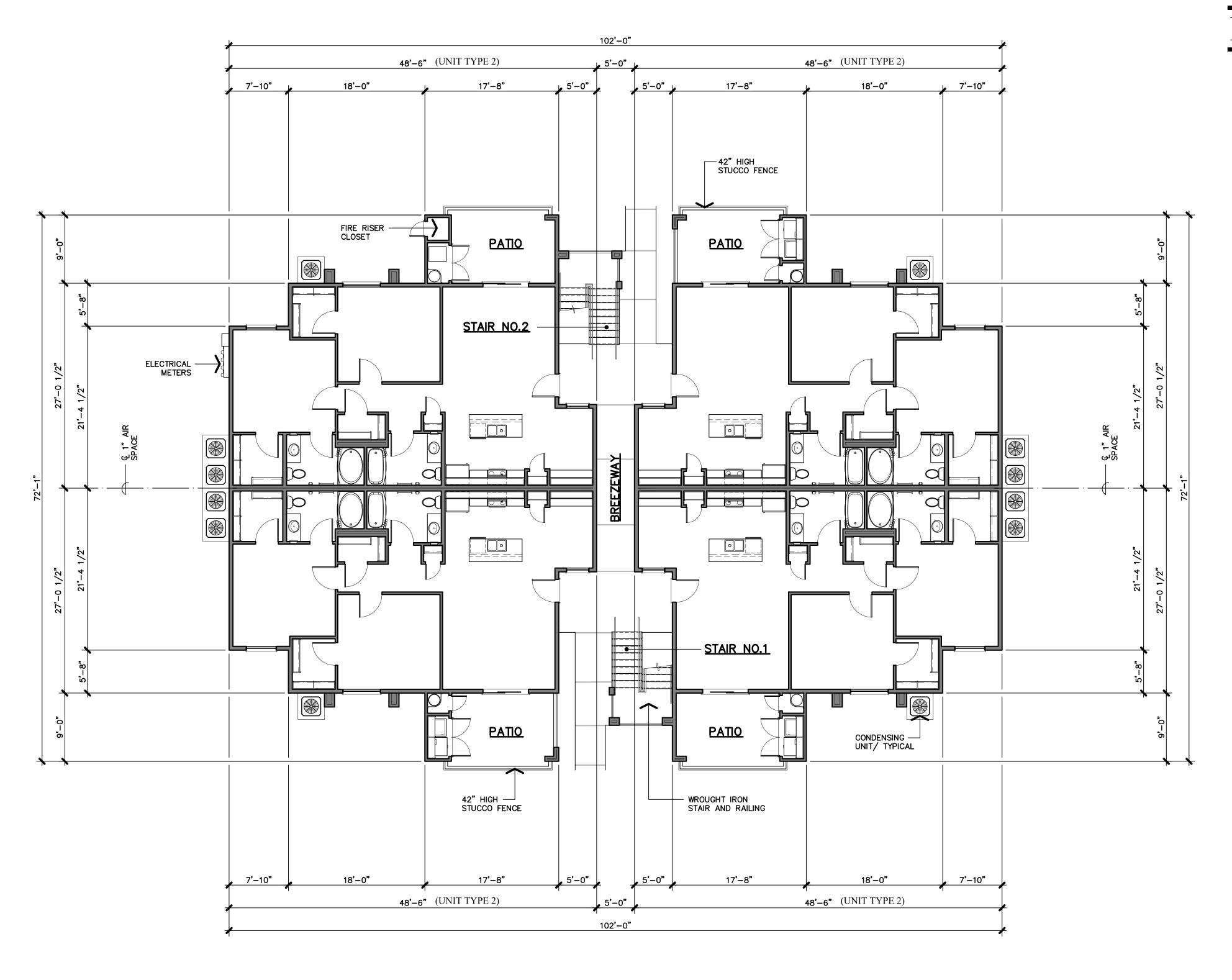
<u>SECOND/ THIRD</u>

BUILDING TYPE 'D' FLOOR PLANS





Sheets



BUILDING TYPE 'E' FLOOR PLAN 1/8" = 1'-0"

GROUND

BUILDING STATISTICS T H E

BUILDING UNIT MIX

OCCUPANCY GROUP CONSTRUCTION TYPE

BUILDING AREA

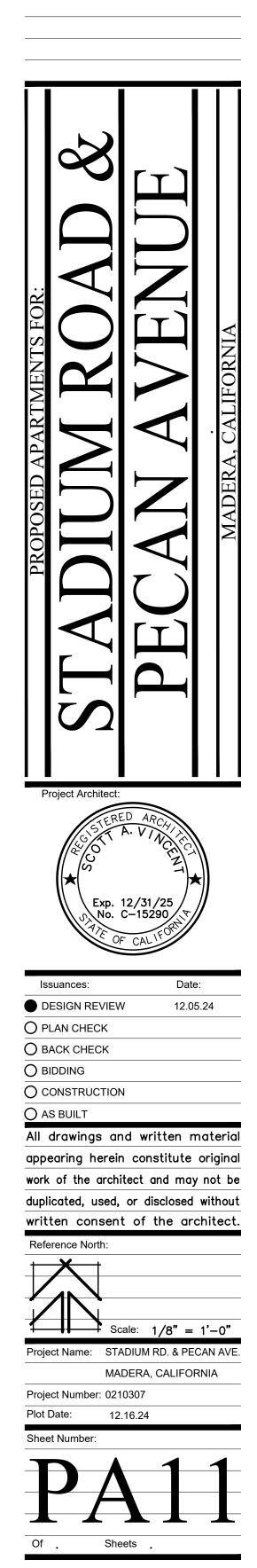
- a. GROUND FLOOR 1. RESIDENTIAL UNITS 2. COVERED PATIOS 3. BREEZEWAY 4. STAIRWAY SECOND FLOOR b.
- 1. RESIDENTIAL UNITS 2. COVERED BALCONIES 3. BREEZEWAY THIRD FLOOR с.
- 1. RESIDENTIAL UNITS 2. COVERED BALCONIES
- 3. BREEZEWAY TOTAL BUILDING AREA

(12) UNITS TYPE "2": TWO BEDROOM TWO BATHROOM WALK–UP UNIT 1,187 SQ. FT. / UNIT

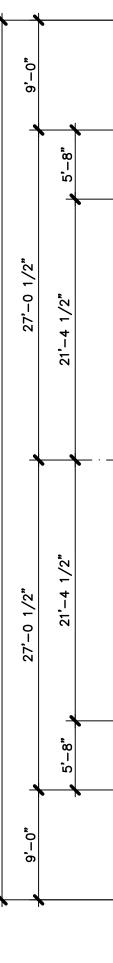
R-2 V—A WITH NFPA 13R AUTOMATIC FIRE SPRINKLER SYSTEM

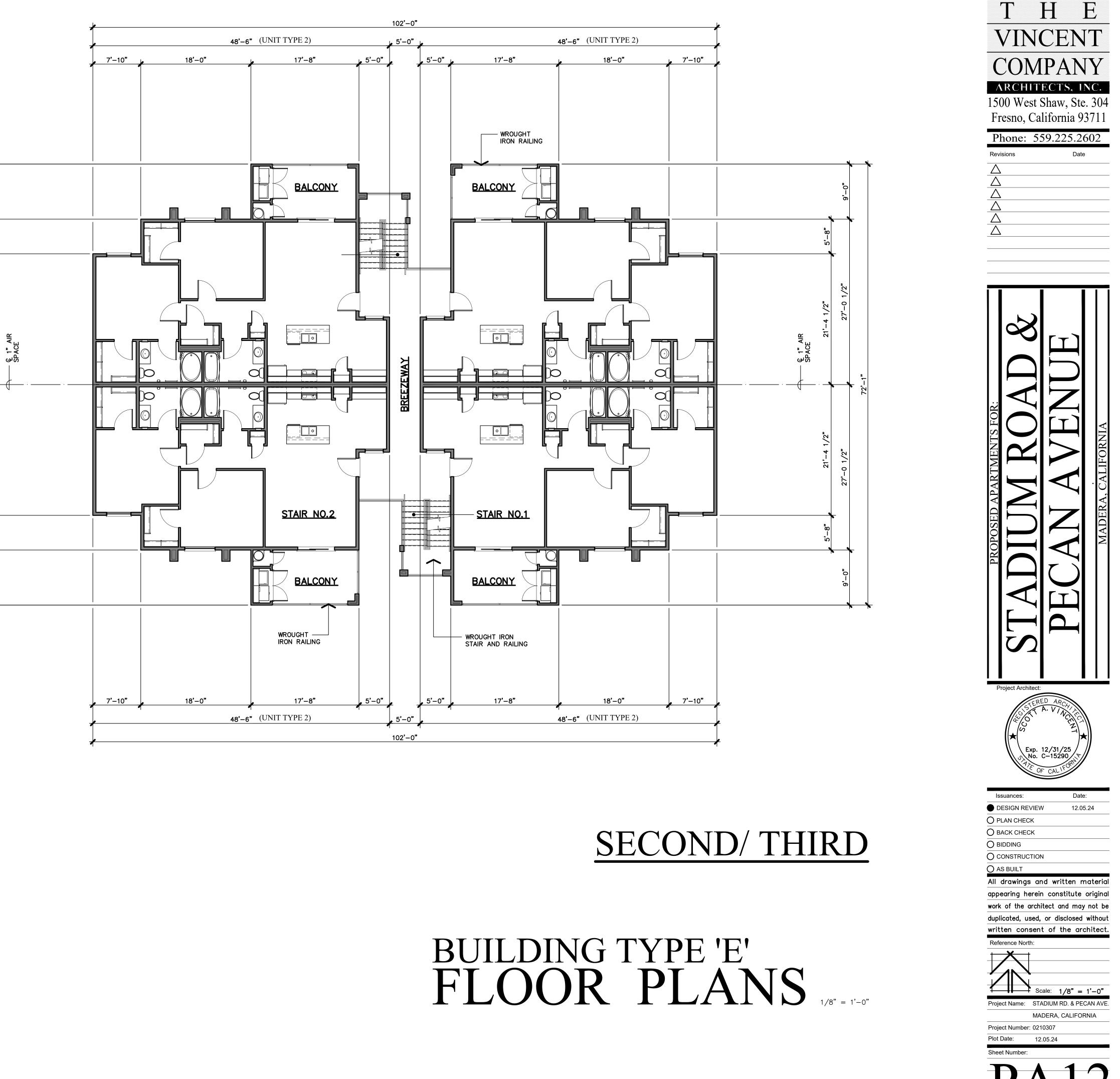
4,748	SQ.	FT.
636	SQ.	FT.
350	SQ.	FT.
204	SQ.	FT.
4,748	SQ.	FT.
636	SQ.	FT.
350	SQ.	FT.
4,748	SQ.	FT.
636	SQ.	FT.
350	SQ.	FT.
17,406	SQ.	FT.

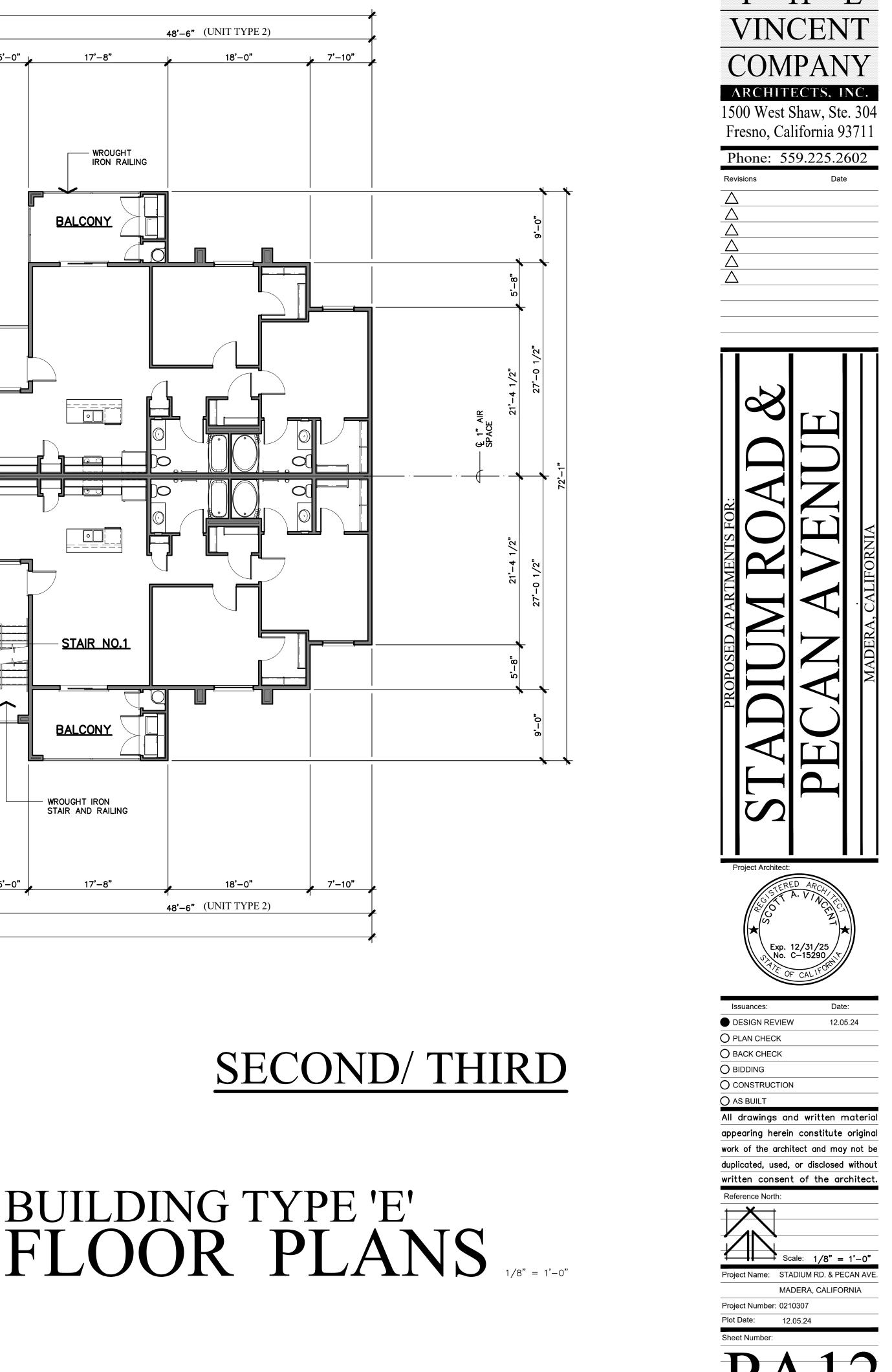












ATTACHMENT 5

Public Comments

Robert Smith

Subject:

FW: FW: Urgent Complaint: Re: SPR 2022-02 and PPL 2022-01-Pecan Stadium Multifamily Inbox

From:

Sent: Tuesday, May 13, 2025 4:42 PM

To: >Planning Info <<u>planninginfo@madera.gov</u>>; >Planning Info <<u>planninginfo@madera.gov</u>> Cc: Manny Rajpal Subject: Urgent Complaint: Re: SPR 2022-02 and PPL 2022-01-Pecan Stadium Multifamily Inbox

Some people who received this message don't often get email from manny.rajpal01@gmail.com. Learn why this is important

May 13, 2025

Re: SPR 2022-02 and PPL 2022-01-Pecan Stadium Multifamily

Mr. Tackett,

My family are the home and property owners at the 5 acre property located at <u>550 W Pecan Ave, Madera, CA</u> <u>93637</u>, which has been our primary residence for over forty years. I recently received a Notice of Public Hearing from the Planning Commission of the City of Madera regarding an application for Site Plan Review (SPR) 2022-02 and Precise Plan (PPL) 2022-01 proposing a high density 102-unit rental apartment project on the 5.20 acre parcel located at the northeast corner of the intersection of Stadium Road and Pecan Ave (APN 012-460-005). This property is across the street from my home and I am writing to bring my very serious concerns and opposition to this proposal to your attention, considering the numerous adverse impacts it will have on my home/property and indeed for numerous other properties and homeowners in the neighborhood.

Please refer to the bulleted points below which outline key concerns (though this list is not exhaustive) which I would like the City of Madera Planning Commission to bring into consideration:

• Significant decline and negative impact on real estate value of my family home/property. The proposed project will significantly reduce the value of my family home and property from its current market valuation, and will likely reduce the value of the property by several hundred thousand dollars. I make this statement based on the fact that my home/property has already experienced a significant decline in value (by several million dollars) after the City of Madera approved the two

existing high density rental apartment projects and low-income housing directly adjacent to and in the vicinity of my property, starting around 2003/2004 and again in 2010. I brought these concerns of serious financial devaluation of my property to the City of Madera's attention previously but my concerns were ignored, and my property's real estate value declined significantly as a result. It should be noted that the proposed development will also negatively impact the real estate values of numerous other homeowners in the surrounding neighborhoods, including the newly built homes in Pecan Square. Declining property values will create a flight of home-owners and an influx of renters who are not invested in the long term growth and vitality of the neighborhood.

• Privacy Concerns: The proposed multi-story apartment building will tower over my home, creating a direct line of sight for the multiple apartment units directly into my home and throughout my property, significantly impeding my family's right to privacy. The two existing apartment projects built by DMP Development Corporation (Mike Pistoresi) in the plots adjacent to the proposed lot in 2013 and 2022, already have direct views into my home and property, and the proposed project will be in even closer proximity, again negatively impacting our rights to privacy.

• Increased Traffic Congestion and Urban Sprawl: The proposed high density project will drastically increase traffic congestion and sprawl in the neighborhood, where traffic is already highly congested especially during peak school pickup/dropoff hours at Madera South High School and Alpha Elementary School. Vehicles already travel at excessively high speeds in front of my home, where traffic abruptly bottlenecks as a result of the City's most recent modification to the roadway, with drivers routinely exceeding the current 45 mph limit on Pecan Ave. The speed limit on Pecan Ave in front of my home and the surrounding neighborhood should be reduced to a 25 mph limit, given that it is already an extremely congested roadway which is in both a school zone and a residential neighborhood.

• Noise, Light, Air and Environmental Pollution: For the third time in the twenty some years since DMP started developing the land surrounding my property, my home will be subjected to an onslaught of noise, light, air and environmental pollution particularly from the increase in particulate matter associated with building construction. The two existing apartments built by DMP in 2013 and 2022 continue to create a great deal of noise and light pollution, and the light pollution and over-illumination from these properties continues to adversely impact my home. These buildings are also poorly designed from an aesthetic perspective and do not enhance – rather they negatively impact – the aesthetic of the neighborhood with their cheaply designed construction.

• No EPA Environmental Impact Assessments have been provided to the public to address the numerous environmental considerations impacting the adjacent property owners who have a long term stake in the neighborhood. The public has not been made aware of the various serious negative environmental impacts placing the health of the neighborhood's residents at risk.

• Increased crime, gang activity, graffitti, drug use, littering, homelessness: since the City of Madera approved the previous building projects near my property, there has been an uptick in these negative social phenomena near my home and I am concerned that the construction of a third set of apartments will only exacerbate this trend and further lower the public safety of the neighborhood. This is of particular concern since the proposed project will be built directly across from Madera South High School and will lower the esteem and reputation of the school. This land is already zoned for residential use; so rather than making more rental units, the land would be better used by making low-density residential homes for families. Having more home-ownership would increase the tax base for the City of Madera and would also be more beneficial for Madera South High School and Alpha Elementary School.

• Increased residential segregation: There are already two high-density low-income apartment projects in the neighborhood on the parcels directly adjacent to the proposed building which were made by the same developer (DMP)in 2013 and 2022. I am concerned that the City of Madera is enabling residential segregation to occur by concentrating the bulk of the high-density low-income housing units in my neighborhood and not making similar projects in the more affluent parts of town where the residents are primarily white and upper-middle class. For example, why doesn't the City of Madera sanction Section 8 housing in the neighborhoods near Lincoln Elementary School where the majority of the City's white upper-middle class residents reside? By not making the same high-

density low-income housing near these white affluent neighborhoods, the City of Madera is engaging in active residential segregation.

• Most developers will utilize some land to create a public park or green space to beautify a neighborhood. For instance, DR Horton made a park in the newly developed Pecan Square. This developer (DMP) is instead using every square foot of land to maximize their own profit, without any concern for the long-term impact on the neighborhood. This project only benefits the builder, who does not even reside in Madera and is clearly not concerned with the long-term prospects of the neighborhood. In fact, the same homes which this developer made in this neighborhood over the course of the past 20 years (via Carmel Homes) will also experience significant declines in home values and losses to their net worth, if the proposed project is approved. This project will create a flight of homeowners from the neighborhood, vital to the City of Madera's tax-base and is not a positive development for the long term vitality of the neighborhood surrounding Madera South High School.

For the foregoing reasons, I kindly request that the City of Madera's Planning Commission deny the aforementioned application proposed in the Notice of Public Hearing.

Thank you,

Mansheel "Manny" Singh Rajpal

Robert Smith

From:	Manny Rajpal
Sent:	Tuesday, June 3, 2025 4:48 PM
То:	>Planning Info; Robert Smith
Cc:	Manny Rajpal
Subject:	Re: FW: Urgent Complaint: Re: SPR 2022-02 and PPL 2022-01-Pecan Stadium Multifamily Inbox
Attachments:	20220308_081705.jpg; 20250603_132629.jpg; 20250531_111752.jpg; 20250603_ 132641.jpg; 20181010_121323.jpg; 20220308_081717.jpg; 20181013_152134.jpg

Some people who received this message don't often get email from manny.rajpal01@gmail.com. Learn why this is important

Hello Robert,

I did not receive a phone call or written response from you, so I am writing to follow-up on this important matter.

As the Senior Planner for the City of Madera, I hope that you and the Planning Commission will consider the disparate impact and long-term legal and ethical considerations at stake for the City of Madera in this decision. The City's zoning policies and general plan must comply with The Fair Housing Act of 1968, which includes considering the disparate impact of its zoning policies. By concentrating low-income housing in one particular neighborhood, while having restrictive and exclusionary zoning in the City's predominantly white suburb, the City is perpetuating past patterns of discrimination by lowering the racial and socio-economic diversity and composition of the neighborhood's public schools and decreasing access to socio-economic opportunity. This proposed project will exacerbate the historical and contemporary patterns of racial and socio-economic residential segregation in the City of Madera. If this project is approved – which unfortunately seems like a forgone conclusion given previous actions of the Planning Commission, the haste in which this process is being conducted, and the lack of responsiveness to my previous communications – then the Planning Commission must take steps to integrate the aforementioned white suburbs of Madera as well, by amending its zoning policies to come into compliance with The Fair Housing Act.

During the 2010 public hearing for the approval of the initial rental complexes, Robert Gran Jr., who currently serves as the chair of the Planning Commission, gave us false assurances that there would be increased police surveillance in the neighborhood to ensure that gang activity and vandalism did not occur. Attached please find several photos of the aforementioned uptick in graffiti/property vandalism and gang activity that ensued in my neighborhood after that decision was made. The brick wall in front of our home (550 W Pecan Ave) was just vandalized with gang affiliated (Sureno) graffiti this past Friday 5.30.2025 (See Police Report # 5469). We have incurred significant financial costs to attempt to remove it. Our brick wall was also previously vandalized with gang affiliated graffitti (Norteno) in 2018 (see attached). I have also attached photographs of recent gang graffiti vandalism to the neighborhood wall adjacent to our property (across from Madera High South) as well as graffiti vandalism on the brick walls directly across from our home in 2022. The fact of the matter is that crime and gang activity has increased since the previous rental units were built, and the Madera Police Department has not provided adequate surveillance of the neighborhood to investigate and apprehend culprits, or to protect our property, or that of our neighbors. In fact, it was guite bizarre, that a Madera Police officer was dispatched to my property while I was removing the graffiti from my wall over the weekend, yet they were nowhere to be seen when the actual vandal was doing serious damage to our property. In another instance of crime in 2023, we had to defend our home from an attempted home invasion which occurred in broad daylight.

For reasons unclear, the speed limit directly in front of our property (which is in both a residential and school zone) is currently 45mph, with drivers routinely exceeding that speed limit, despite the fact that it is within a block of Madera South High School, while the speed limit in the predominantly white suburb of Madera maintains a 25 mph speed limit. Due to traffic congestion caused by the uptick in urban sprawl related to these developments, my mother's car was seriously rear-ended by a speeding driver while exiting our driveway in 2023. It is only a matter of time before there is a speed related fatality in front of our property on Pecan Ave, and this is entirely preventable by reducing the speed limit to 25 mph on both sides of Pecan Ave.

Suffice it to say, the myriad issues which have been brought to your attention are very serious particularly with regard to upholding the rule of law with respect to The Fair Housing Act and merit the full attention of you as the City of Madera's Senior Planner and indeed for the entire Planning Commission.

I will again kindly request a response from your office.

Thank you, Manny Rajpal















ATTACHMENT 6

Supplemental Information from Applicant

MYTHS AND FACTS About Affordable & High Density HOUSING

A Report by California Planning Roundtable California Department of Housing & Community Development **T**N THE PAST 30 YEARS, CALIFORNIA'S HOUSING PRICES HAVE STEADILY OUTPACED ITS RESIDENTS' INCOMES. Housing production hasn't kept up with job and household growth within the State.¹ The location and type of new housing does not meet the needs of many new California households. As a result, only one in five households can afford a typical home, overcrowding doubled in the 1990's, and more than three million California households pay more than they can afford for their housing.²

Meanwhile, the federal government has dramatically cut back programs that used to help local governments accommodate new growth. Voterimposed property tax and spending freezes have further constrained local governments from responding effectively to new growth. And affordable housing development, while still funded in part by the federal government, requires a larger local commitment than ever before.

Against this backdrop, it should surprise no one that many communities no longer accept population growth with open arms. When anyone proposes the development of affordable or multifamily housing, ambivalence about growth often shifts to hostility. Hostility feeds and strengthens certain myths, and deep emotional perceptions of how the world works. Mythsimportant sources of meaning in all societies-provide shared rationales for community members to behave in common ways, having a strong moral component, with clear lines between right and wrong. Although myths are sometimes positive, they can also serve as shields for deeper and uglier motivations: racism, fear of outsiders, and/or greed. When people argue against new high-density and affordable housing, often myths are used to convince decision-makers that the new development and its residents don't belong there. Traffic will be too heavy; schools will become

overcrowded; buildings will clash with existing neighborhoods; people won't fit in; and maybe even a criminal element.

Opponents often believe these myths. But it's essential to counter these myths with facts. California desperately needs new affordable housing to reverse recent increases in overcrowding and overpayment. We also need new high-density housing to support economic stability and prosperity. We need housing to accommodate new workers and their families and to economize on infrastructure costs, while preserving open space and reducing the distance between homes and jobs.

Fortunately, the facts of California's recent experiences with high-density and affordable housing often contradict the myths. We can now begin to rely on this recent experience to reassure concerned residents that the myths don't have to come true.

Myth #1 High-density housing is affordable housing; affordable housing is high-density housing.

Fact #1 Not all high density housing is affordable to low-income families.

This myth expresses an essential truth: more units per acre mean lower land costs per unit, especially if local governments allow builders meaningful density bonuses; smaller units cost less to build than larger ones. To encourage housing affordability, California cities do need to promote higher densities.

But we also know from experience and observation that not all high-density housing is affordable to low-income families. San Francisco's Nob and Telegraph Hills, Los Angeles' Wilshire Corridor, and high-rises in downtown San Diego are all examples of upper-income areas where housing densities are quite high. Similarly, most Californians know that low-density neighborhoods often accommodate people of modest means. The residents of these neighborhoods often moved in shortly after the homes were built (several decades ago) —and before the huge escalation in California's home values that began in the early 1970's. With assistance, many families with limited incomes will continue to buy homes in these neighborhoods. Many other low-income households will continue to rent single-family homes because they offer more space in low-density neighborhoods.

For the most part, of course, low-density neighborhoods offer more expensive housing than high-density areas. Detached homes cost much more than most apartments and condominiums. Among new units, the difference is even more striking; new high-density units are much more likely to be affordable than new singlefamily units.

Density is not always enough, however. To ensure affordability, local governments must intervene with programs and additional concessions if the new high-density units are also to be affordable. For a list of resources on affordable housing techniques, see Resources: *Making Housing More Affordable*, at the end of this report.

Myth #2 High-density and affordable housing will cause too much traffic.

Fact #2

People who live in affordable housing own fewer cars and drive less.

In many high-density neighborhoods, and in most neighborhoods with a mix of housing types, traffic isn't a big problem.

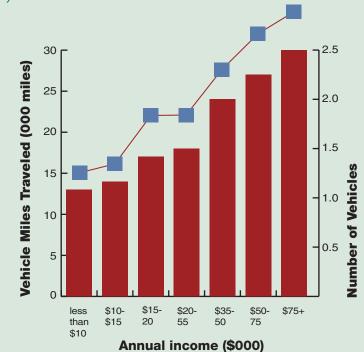
n California's six largest metropolitan areas, two-thirds of renters and over three-fourths of the households living below the poverty line own no vehicles or only one car, compared to 54 percent of all households and 44 percent of homeowner households.³ With lower car ownership rates come fewer trips, and fewer single occupant auto commutes. According to the National Personal Transportation Survey in 1995, low-income households make 40 percent fewer trips per household than other households. Recent traffic growth owes much to existing development.

In many high-density neighborhoods, and in most neighborhoods with a mix of housing types, traffic isn't a big problem. Fewer auto trips occur in higher-density areas. In a neighborhood of 15 homes to the acre, one-third fewer auto trips occur, compared to a standard suburban tract.⁴ A 1990 survey by the Sierra Club's Transportation Committee found that for every doubling of neighborhood density, vehicle miles traveled are reduced by 20 to 30 percent.

Car ownership rates are less in higher density areas. According to recent American Housing Survey data, multifamily developments have lower car ownership rates than single-family home tracts.

To encourage housing affordability, California cities need to promote higher densities.

Low-income households own fewer cars, drive less



Source: U.S. Energy Information Administration, Residential Transportation Energy Comsumption Survey, Household Vehicles Energy Consumption, 1994

High-density housing can encourage nearby retail development, along with ease of walking and transit use. Mixing housing with commercial development is ever more crucial for traffic control, since nonwork trips constitute the largest number of trips.

Över three-fourths of trips in Southern California are non-work trips. With high-density housing, stores serving neighborhood residents move in, allowing residents to walk to buy groceries or to the dry cleaner instead of driving.

Transit connections also become more common when neighborhood density increases, as transit is only cost-effective at densities above eight or 10 units per acre.⁵

Myth #3

High-density development strains public services and infrastructure.

Fact #3

Compact development offers greater efficiency in use of public services and infrastructure.

igher-density residential development requires less extensive infrastructure networks than does sprawl. California developers must usually pay for sufficient infrastructure capacity to serve their own projects. When communities cannot take advantage economies of scale in providing infrastructure, extension costs rise. High-density housing helps provide economies of scale both in trunk lines and in treatment plants. The cost savings can be passed on to new residents, and the smaller debt load can help ensure fiscal stability throughout the community.

Infill development can sometimes take advantage of unused capacity in public services and infrastructure. Communities can save taxpayers and new residents money when housing construction is allowed in areas where infrastructure and service capacity has already been paid for and is underutilized. Infill development can also make use of a transit and provide better access to services, while improving economic viability.

Higher-density infill residential development can translate to higher retail sales. By approving new highdensity development in infill locations, communities can revitalize stagnant Librarians, sheriffs' deputies, nurses, fire fighters, and many other vital members of our communities all need affordable housing.

commercial districts and increase taxable sales—the primary source of revenue in most California jurisdictions.

According to the American Housing Survey, the development of single-family homes is much more likely to cause strain on local schools than high-density development. In most cases, a single-family home can have two to three times the numbers of school aged children per household.⁶

Myth #4

People who live in high-density and affordable housing won't fit into my neighborhood.

Fact #4 People who need affordable housing already live and work in your community.

ccording to government definitions of affordable housing, families should devote no more than 30% of their income to rent or mortgage payments and utilities. Affordable housing often means housing whose residents don't pay too large a share of their incomes on rent or a mortgage.

Households earning lower incomes can have a variety of occupational and educational backgrounds. Families earning less than four-fifths (80%) of the area's median income are officially lowerincome households; families earning less than half of the median are known as very low-income households. For example, a starting elementary or high-school teacher in Mountain View (Santa Clara County), with a gross monthly income of around \$3,200, can afford to pay \$960 a month in rent, which qualifies as low-income if the teacher lives alone; if the salary must support a spouse and a child, the family would be a very low-income household. A starting air-traffic controller in San Diego County, with income barely higher than \$31,000 a year, would also qualify for affordable housing. Librarians, sheriffs' deputies, nurses, fire fighters, and many other vital members of our communities all need affordable housing.

People motivated by these concerns may just need to "meet" the residents of high-density and affordable housing. Residents often have been long time members of the community, and will continue to make contributions to their neighborhoods. For a list of resources that can introduce people to those who live in high-density and affordable housing, see Resources: *Meeting the Residents of Affordable Housing*, at the end of this report.

Myth #5 Affordable housing reduces property values.

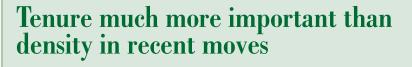
Fact #5

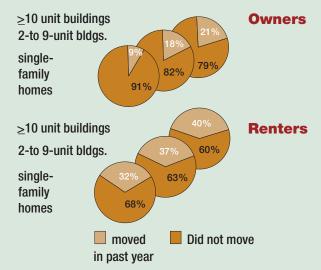
No study in California has ever shown that affordable housing developments reduce property values.⁷

Architectural standards and adequate maintenance also strongly influence property values

Any studies have been done. The truth is the single most significant factor affecting property values is the preexisting value of the land in a given community or area. This is turn is based on supply and demand, proximity to major urban centers, nearby attractions (beachfront property, panoramic views), any negative factors such as environmental contaminants, and availability of adequate infrastructure and services.

Architectural standards and adequate maintenance also strongly influence property values, particularly as they apply to affordable rental properties. Properly maintained affordable housing developments, designed and built with sensitivity to the architectural and aesthetic standards desired by the community, may even increase property values.⁸





The majority of both renters and homeowners in California metropolitan areas move less than once a year. Homeowners move less often than renters, but even renters move seldom enough to form long-term ties to neighbors.

* Source: U.S. Dept. of HUD, American Housing Surveys for San Francisco-Oakland, San Jose, Los Angeles-Long Beach, San Diego, Riverside-San Bernardino, and Anaheim-Santa Ana.

Myth #6

Residents of affordable housing move too often to be stable community members.

Fact #6

When rents are guaranteed to remain stable, tenants move less often.

ccording to San Francisco's BRIDGE Housing, annual turnover in their affordable housing projects is less than 10 percent annually. This turnover rate is approximately the same as most single-family homeowners, around 10

percent, and much less than marketrate renters.

Affordable housing tenants invest in a neighborhood and community just as much as any other resident. Affordable housing tenants include families with school Affordable housing tenants invest in a neighborhood and community just as much as any other resident

age children, where the mother and father attend PTA meetings, and spend their spare time enjoying parks and other community facilities. These families and other affordable housing tenants are concerned for the public's health and safety just like other residents of the community.

(5)

Myth #7

High-density and affordable housing undermine community character.

Fact #7

New affordable and high-density housing can always be designed to fit into existing communities.

Density, as measured in units per acre, can be a deceiving measurement, but new housing at between 20 and 50 units per acre can be designed to fit in most California communities. The best way to convince people of this is to show them how well new housing can fit into their neighborhoods. see Resources: *Increasing housing densities*, at the end of this part, for a list of slide shows and videos.

Communities can also achieve higher densities by filling in the existing urban fabric with second units, duplexes, and conversion of outmoded or abandoned commercial buildings. Local governments most often encourage infill by reducing regulations and restrictions.

New affordable housing differs little or not at all from any other development. When BRIDGE Housing opened its affordable *Pickleweed* housing development in upscale Mill Valley, potential buyers for neighboring condominiums mistook *Pickleweed* for the marketrate project. And when Habitat for Humanity built its self-help project in Rancho Santa Margarita, local developers and subcontractors contributed materials identical to those used in nearby market-rate High-density doesn't mean high-rise. When most people hear high-density housing, they imagine high-rise housing. But in most California cities, the market won't even support high-rise housing. More often than not, high-density development now means two- and threestory wood frame garden apartments that frequently are similar in scale to large home luxury housing.

homes. Thanks to sensitive work by experienced architects, the new townhomes fit in perfectly (see case study). These developments are proof that affordable housing doesn't mean high-rise slums.

Myth #8 High-density and affordable housing increase crime.

Fact #8 The design and use of public spaces has a far more significant affect on crime than density or income levels.

Density does not cause crime. For many years social scientists have asked whether highdensity housing causes crime. Not one study has shown any relationship between population or housing density and violent crime rates; once residents' incomes are taken into account, the effect of density on non-violent crime decreases to non-significance.

After studying housing and neighborhoods throughout the country, Oscar Newman concluded that the design and use of public spaces, and particularly the sense of ownership and control that residents have over these areas, has far more significant affect on crime than density or income levels.

In neighborhoods suffering from disinvestment, particularly those areas lacking jobs and community services, crime can be higher.

Local governments can help address legitimate concerns about crime by working with existing residents and law enforcement to develop community-based strategies to reduce crime.

(6)

Management & Design are Key. Local governments can also help protect the entire community, including new affordable housing residents themselves, by attending to details at the project level. Most important is effective professional onsite management, with strong tenant-screening and good security systems. Design, too, can play an important role in protecting residents and neighbors of high-density or affordable housing, especially by ensuring visibility. New developments should also contain a mix of unit types to accommodate different kinds of households. When residents have different occupations and family types, someone will probably be home in the development almost all the time.

In Conclusion

n this decade, California's persistent affordable housing commonplace that it seems natural. Planners and elected officials must stop believing another pervasive myth: that they can do nothing to create affordable housing. This report shows that many California communities now believe they have the creativity, resources, and will to house all those who need shelter. As a result, they have established that, in fact, California communities can become more open, more accepting, and better places for old-timers, new immigrants, or their children.

Case Studies Renaissance High-Density and Affordable Housing Help Balance Silicon Valley



igh-technology firms create thousands of jobs in Silicon Valley, but housing construction does not keep pace. New workers have to commute long distances to reach their jobs. As a result, Silicon Valley suffers from some of the worst traffic in California and from the State's highest housing prices. In the late 1980s, San Jose set out to clear traffic and ease the housing shortfall by changing its land-use policies. The Renaissance project, on a 56-acre site in north San Jose, was originally designated for research and development. It had enough infrastructure -- including a wide road and convenient access to

planned light rail to handle a large number of new jobs.

In 1991, Renaissance Associates, a partnership between General Atlantic Development and Forest City Development, proposed with the landowners that San Jose rezone the site for over 1,500 moderate -- and high-density rental apartments and for-sale town homes, neighborhood retail, and a day-care center. San Jose readily agreed.

The project developers started work early with neighbors living in an existing single-family development on the site's northern boundary to provide appropriate transitions into Renaissance, while making best use of the large existing road. In response to neighbors' concerns, the developers located the lowest-density town home component adjacent to the existing residences, and provided ample setbacks between the new attached homes & the 1950s-vintage single-family homes.

The developers responded to concerns about traffic by canceling initial plans for a through street that would connect the existing neighborhood with Renaissance Village.

This high-density development shows that often repeated myths about the effects of high-density housing on public services and transportation aren't always true. San Jose's ambitious plans for employment development in the area led the City to require the construction of more infrastructure than was eventually necessary both on the site itself and in neighboring areas of the City. Later, the City determined that it could alleviate traffic throughout its road network by shifting the location of new residences and workplaces.

The composition of the project itself, with over 250 affordable apartments, market-rate apartments, and attached ownership units, further assures balance between the housing and Silicon Valley's new jobs. The site design, which features pedestrian-friendly walkways and easy connections to the Tasman Light Rail, will allow Renaissance Village residents to leave their cars—in their garages altogether.

The development also shows that, with advance planning and sensitivity to neighbors' concerns, NIMBY sentiments can be prevented. The neighbors and the developers displayed an attitude of openness that ensured both a smooth approval process and a better project.

San Paulo Good Design Beats NIMBYism in Irvine



The City of Irvine, one of California's largest planned communities, added tens of thousands of new jobs as the information economy boomed. But the City's housing supply—especially housing for families with modest incomes—could not keep up with its job creation. In late 1990s, the City and The Irvine Company, which owns all the undeveloped land in the City, identified a 15-acre multifamily site as appropriate for new affordable housing.

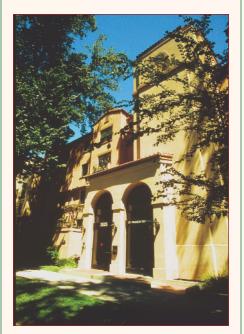
To ensure that such a large and prominent new development would fit into West Park Village, the Irvine neighborhood that surrounds it, The Irvine Company contacted the Costa Mesa-based architecture firm of McLarand Vasquez & Partners (MV&P). MV&P, which had also designed the dense and highly popular Corte Bella town homes across the street from the project site, designed San Paulo's 382 units in 27 separate buildings, with flats and town homes of various sizes. San Paulo's overall density reaches about 25 units per acre, with room left over for two swimming pools, generous landscaping, a tot lot, and numerous features to smooth the transition from San Paulo's surroundings into its highest-density areas.

To show the City's residents that affordable housing and its residents belong in Irvine, The Irvine Company also met early with West Park Village residents. The neighbors were won over by the open process and the high-quality design. The Irvine Company and the City emphasized that San Paulo's residents would be members of the Irvine community. Teachers, firefighters, and other essential contributors to the City's life previously forced out of the City by its high housing prices would find an affordable place to live if San Paulo were approved.

Also key to the project's success was the participation of its non-profit partner, San Francisco's BRIDGE Housing. BRIDGE provided vital advice on affordable housing to the other members of the development team, assisted in the City's approval process, and coordinated the project's financing, which came from City & county sources and State-authorized bonds and tax credits, with credit enhancement by Sumitomo Bank, Ltd. Forty percent of the units are affordable to families earning less than half of Orange County's median income of \$56,500; another 50 units are also designated as affordable to low- and moderate-income families.

In Irvine, the developer, architect, non-profit partner, and City staff needed to overcome one key obstacle: unfamiliarity. Residents' preconceptions fit the myths—and not the reality of today's mixed-income, non-profit sponsored affordable housing. By being sensitive to both the design of surrounding developments and neighboring residents' desires to feel included in decisions, the development team has created a successful model for emulation throughout southern California.

Midtown Sacramento Residents Play a Role in Creating Affordable Family Housing in Neighborhood



idtown Sacramento boasts a diverse mix of housing and small businesses. Midtown streets are lined with early 1900 Victorian houses, some of which are occupied by high-income families, others have been converted into multiple rental units and more still are occupied by office-type businesses, primarily law firms.

Building family housing in an established downtown isn't easy, but Mercy Housing California demonstrates that when the lines of communication are opened, a dense multifamily project can gain public support.

Saint Francis of Assisi Elementary School and Church is located in a midtown neighborhood, a block from historic Sutter's Fort

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and nearby a number of boutiques interspersed in a largely residential neighborhood. The School and Church occupied over half of a city block and the Church had rights to the entire block. The bishop was interested in developing housing on the underutilized area of the block. One of the famous Victorian houses succumbed to a fire by transients. The Church had the remains removed and was left with an eyesore and potentially hazardous attraction next to the School playground. Although there are high-rises housing elderly residents in the midtown neighborhood, community members and Saint Francis parishioners didn't perceive an affordable multifamily housing project fitting in to the existing residential neighborhood. There was significant opposition to building such a project.

Mercy Housing California enlisted the assistance of Michael Friedman, an experienced in fill development architect with Tong and Bottomly, to conduct a series of workshops to listen to community and parishioner concerns. To build the desired number of family units composed of one-, two-, and threebedroom units, the architectural firm designed the building from the inside out. Conscientious of local resident concerns, the project saved the School playground while preserving the privacy of the new 46 affordable family housing units. Additionally, local input resulted in new public space for the community to enjoy. The project has been built and occupied for several years and has become an integral part of the midtown neighborhood. Residents and parishioners, who at first feared the project, now point with pride to the community asset they had a hand in creating.

San Diego Small Scale, Mixed-Income Housing is good fit for Little Italy Neighborhood Development



The sloping landscape at the northern downtown edge of San Diego Bay was once home to the many Italian families who derived a living from the highly successful tuna fishing industry. Although large-scale commercial fishing is now a memory, the district's southern European character remains. Always a neighborhood first and then a commercial and light industrial center, Little Italy's spirit is perhaps best typified by the rebuilt Washington Elementary School and development of the adjacent Amici Park, which serves both as a playground for the school and a park including a bocce ball court for the community. Its lovely vistas now offer an urban neighborhood with single-family homes, condominiums, lofts and apartments. The India Street commercial strip is alive with Italian restaurants, small cafes, art and graphic studios/galleries, specialty shops and low-rise offices.

Little Italy Neighborhood Development (LIND), one of the region's most innovative residential ideas, was one of six new successful affordable housing projects that has received the State Housing Director's Award for Housing Development Excellence in 2000. The Little Italy development consists of 16 row homes, 12 affordable rental lofts and 37 low- and moderate-income apartments. This successful development demonstrates that smaller scale, mixed-income housing can be infilled in an urban setting.

Continuing infill for-sale and rental residential projects is further reinforcing little Italy's distinctive character. Property has been acquired recently by the Redevelopment Agency for future housing developments.

What Does Density Look Like?

Providing a broad range of housing densities is key to ensuring housing opportunities for all residents. Density is calculated by determining the number of dwelling units per acre (du/ac). But, what do different housing densities look like?



Coggins Square Pleasant Hill, Walnut Creek, CA 42 Units/Acre



Casa San Juan, Oxnard, CA 64 Units/Acre of Family Housing



Russell Manor, Sacramento, CA 66 Unites/Acre of Elderly Housing



Chesnut Place, Orange, CA 100 Unit/Acre



San Marcos Apartments, Irvine, CA 64 Units/Acre



Arroyo Vista Apartments, Mission Viejo, CA 14 Units/Acre



Woodpark Apartments, Aliso Viejo, CA 24 Units/Acre



Fullerton City Lights, Fullerton, CA 83 Units/Acre



San Paulo Apartments, Irvine, CA 25 Unit/Acre

Resources

▼ ome communities will need to see more specific examples of good high-density and affordable housing before being convinced that they can live with it. In other cases, residents may need to meet people who live in affordable housing. Almost universally, local governments and planners need advice and information about how best to ensure the design of quality affordable and high-density housing in their communities. Luckily, more and more resources--books, pamphlets, handbooks, slide shows, and videos--are becoming available. This list includes only a few resources; those interested are encouraged to contact the California Department of Housing and Community Development (916/445-4728) for ordering information on most of these publications and for additional suggestions.

Making Housing More Affordable

Blue Print 2001: Housing Element Ideas and Solutions for a Sustainable and Affordable Future, Bay Area Housing, 2001. Blue Print 2001 includes a large directory of housing programs and strategies with a wealth of case studies, including adaptive reuse, air rights development, infill development, second units and density bonus developments.

There Goes the Neighborhood? The Impact of Subsidized Multi-Family Housing on Urban Neighborhoods, by Edward Goetz, Hin Kin Lam and Anne Heitlinger. Center for Urban and Regional Affairs and Neighborhood Planning for Community Revitalization, Minneapolis, Minnesota, 1996

Affordable Housing Slide Show. This 1989 slide show, also from LHEAP, focuses on the San Francisco Bay Area, on techniques for achieving housing affordability; available on loan from HCD for the cost of mailing plus a deposit. For more information, call HCD at 916/445-4728.

Affordable Housing Handbook. A 1991 publication of the California Coalition for Rural Housing. This handbook offers an exhaustive list of programs and policies that local governments can use to ensure the construction, rehabilitation, and preservation of affordable housing. \$5.00 To order, call CCRH at 916/443-4448.

Creating a Local Advisory Commission on Regulatory Barriers to Affordable Housing. This 1992 publication by the US Department of Housing and Urban Development guides local governments that want to establish committees to identify and reform ordinances and policies that reduce the supply of housing and increase its costs. \$4. To order, call HUD User at 800/245-2691.

Affordable Housing: Proactive & Reactive Planning Strategies. This recent publication discusses both "affirmative" measures such as, inclusionary zoning, linkage, affordable housing finance, affordable housing preservation, and infill-and reactive measures, including zoning and subdivision reform, growth management, impact fees, environmental legislation, and administrative reform. \$29 includes shipping and handling. To order, call the Planners' Bookstore at 312/955-9100.

Affordable Housing: Restoring the Dream. 15-

minute video (1989) by the Urban Land Institute promotes cost savings in single-family housing through flexible development standards and expedited processing. \$34.95 for non-ULI members. Order number A-17. To order, call 800/321-5011.

The Effects of Subsidized and Affordable Housing on Property Values: A Survey of

Research. Out of 15 published papers on subsidized housing, group homes for the handicapped, and manufactured housing, 14 concluded that this housing had no significant negative effects on the values of neighboring properties. Some reported positive property value effects. Free. To order, call HCD at 916/445-4728.

Second Units. This paper, updated to reflect 1990 amendments to State law increasing the permissible size of second units, describes the advantages of and statutory requirements for the development of second units. Free. To order, call HCD at 916/445-4728.

Meeting the Residents of Affordable Housing

California Homeless and Housing Coalition: A 42-minute video, Neighbors in Need, documents the experiences of three organizations in establishing facilities for the homeless. The 1991 video features interviews with residents and clients, as well as with one-skeptical neighbor who now advocate for other similar facilities, in Hayward, San Mateo County, and Los Angeles. \$15. To order, call 916/447-0390.

Realize the Dream. The City of Fremont Housing Department produced a five-minute video, now available through HCD introducing decision-makers and citizens to the residents of three of the City's bond-financed mixedincome apartment projects. Features interviews with residents of both subsidized and unsubsidized units. For information on how to obtain, call HCD at 916/445-4728.

We Call It Home: A Tour of Affordable Housing. 16-minutes. Recent video produced by Marin County's Ecumenical Association for Housing (EAH) introduces several of EAH's projects and the people who live there, in Marin and Contra Costa counties. \$15 to purchase, postage costs to borrow. Call Betty Pagett at 415/258-1800.

NIMBY fears, community perceptions: Analysis of Affordable and Market Rate Housing Developments in Oakland, California, by Cathy Cha. Dept. of City and Regional Planning, University of California at Berkeley, 1996

HCD offers a website with a section titled: NIMBY Resources at www.hcd.ca.gov/hpd/nimby. The page includes resources and tools for addressing NIMBY concerns about housing and especially affordable housing and/or high-density housing.

Increasing Housing Densities in New and Existing Development

Good Neighbors: Affordable Family Housing (Design for Living) by Tom Jones, William Pettus (Contributor), Michael Pyatok, and R. Thomas Jones. 1996. McGraw-Hill Professional Publishing. Based on the acclaimed AIA Design for Housing initiative and supported by and NEA grant. This is an authoritative guide to modern affordable housing design. This landmark book provides architects, landscape architects, planners, developers, advocates, government officials, and policy makers with workable answers for the design of affordable, anesthetically pleasing housing.

Density by Design: New Directions in Residential Development by Steven D. Fader, Vincent Scully. 137 pages 2nd edition, March 15, 2000, Urban Land Institute (ULI). This document provides innovative solutions to the challenge of developing higher density housing that will be successful in the marketplace. Case studies of 14 projects show how others have implemented the best new ideas in residential development and design. Projects covered range in density from single-family subdivisions to downtown high-rise apartments and illustrate many up-to-the minute concepts: new urbanism, transit-oriented development, mixed-income and mixed-housing types, urban infill, and adaptive use. They also reveal trends and standards for developing projects that provide a sense of place, use land efficiently without compromising livability, and that can pass the twin tests of governmental approval and marketability.

Compact Development Presentation. This presentation with 39 slides from the Local Government Commission highlights some of the needs, myths and misconceptions about compact housing and its role in helping to create more livable communities. Slide shows may be purchased or rented. \$50.00 for complete set, \$2.50 for individual slides, or rent for \$15.00 plus \$50.00 deposit.

Multifamily Residential Design Principles. The City of Sacramento published this excellent guidebook November 19, 1999 to provide multifamily design guidelines for the City Planning Commission.

Big Blue Book of Affordable Housing Case Studies, Alexander and Edwards Publishing, 2000 Compact and Balanced Development: Designs for California Living. This 15-minute video by the American Institute of Architects California Council provides tangible examples of infill and higher-density developments that enjoy community support, and highlights the role of local governments in their approval and construction. AIA members: \$25; nonmembers: \$40. To order, call 916/448-9082. In late 1993, the AIACC will release a follow-up urban design video demonstrating how to respond to community concerns, increase density, encourage mixed-use transit-oriented development, and obtain innovative financing. **Room Enough.** This publication, by San Francisco's Greenbelt Alliance, discusses five strategies using vacant land more effectively, building more housing along major streets, bringing homes and people downtown, adding second units on existing home sites, and recycling lands no longer needed for industry that communities can use to accommodate more housing while meeting concerns about community character and open space. \$9. To order, call Greenbelt Alliance at 415/543-4291.

Transit-Oriented, Mixed-Use and Infill Development

Building Livable Communities: A Policymaker's Guide to Infill Development. The January 2001 publication from the Local Government Commission helps to answer two of a policymaker's most frequently asked questions: "Why build in town?" and "What can local government do to encourage infill development?" This guidebook suggests a number of ways to create infill development in your community. These include: planning proactively; assuring public participation; using public facilities and development to attract investment; assisting with project financing; zoning for mixed-use and higherdensity development; encouraging rehabilitation; providing in-kind assistance; streamlining the permit process; providing public services; and addressing toxic contamination.

Building Livable Communities: A Policymaker's Guide to Transit-Oriented Development. This is a companion guidebook on transit-oriented development from the Local Government Commission. More and more, community leaders are recognizing that building residences. stores and work places near transit stops can play a major role in creating places where we enjoy living, working and playing. The guidebook addresses the questions of "why build near transit?" and "why should elected officials, land-use agencies and developers pay more attention to development near transit than to any other kind of development?" The guidebook has helpful advice, model examples, and resources to help create livable, transit-oriented communities in your region.

Notes

¹<u>Statewide Housing Plan: Raising the Roof,</u> <u>California Housing Development Projections</u> <u>and Constraints 1997-2020</u>, California Department of Housing and Community Development, May 2000

²<u>Still Locked Out: New Data Confirm that</u> <u>California's Housing Affordability Crisis</u> <u>Continues</u>, California Budget Project, March 2001

³American Housing Survey

⁴John Holtzclaw, 1997m Metropolitan Transportation Commission, 1990 Household Travel Survey ⁵Cambridge Systematics and Parsons Brinckerhoff Quade & Douglas. Making the Land Use Transportation Air Quality Connection: Analysis of Alternatives. Vol. 5 Friends of Oregon

⁶American Housing Survey, 1999; National Multi Housing Council, Research Notes, August 24, 2000

⁷Paul Cummings and John Landis, "Relationships between Affordable Housing Developments and Neighboring Property Values" (Berkeley: University of California Institute of Urban & Regional Development, 1993)

⁸California Department of Housing and Community Development, "The Effects of Subsidized and Affordable Housing on Property Values: A Survey of Research" (Sacramento: DHCD, 1988), 2

Published by the California Planning Roundtable

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In the current 10th edition of ITE's Trip Generation Manual, the categorization for a number of land uses has changed from previous editions. One of those changes is for multi-family housing. I thought I would take a closer look at the new ITE multi-family housing land uses to see how it compares to local data we have collected.

In previous versions of ITE's Trip Generation manual, apartments and condominiums/townhomes were separate from one another and the classification is further broken into various classifications such as height, rental versus owner and luxury versus standard. In the 10th edition, apartments and condominiums/townhomes have been combined under the same umbrella of multifamily housing.

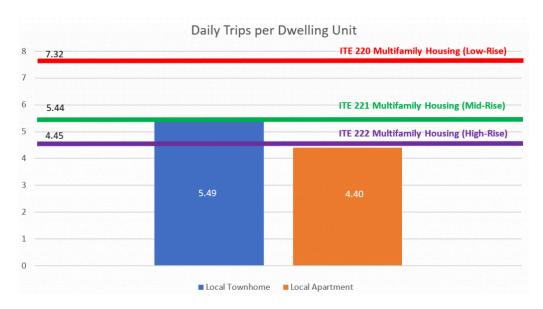
Multifamily housing in the ITE Trip Generation Manual is now broken up into:

- #220 Multifamily Housing (Low-Rise) containing one or two floors
- #221 Multifamily Housing (Mid-Rise) containing three to ten floors
- #222 Multifamily Housing (High-Rise) containing more than ten floors

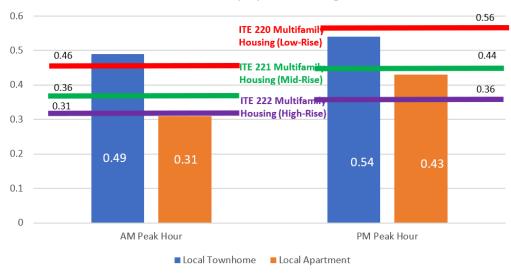
At **TripGeneration.org**, we also collected data at multifamily housing locations for the last few years. Our data has been categorized as either Townhomes or Apartments. All the townhomes we collected data at have either one or two floors and all the apartments we have collected data at have between three and ten floors.

Comparing the data we collected locally in the Minneapolis, Minnesota region for **TripGeneration.org** against the ITE data, our Townhome data fits neatly in the Multifamily Housing (Low-Rise) category and our Apartment data fits neatly in the Multifamily Housing (Mid-Rise) category.

The following charts compare our local Townhome and Apartment data against the three new ITE Multifamily categories.



Peak Hour Trips per Dwelling Unit



As shown in the charts, our local rates for Townhomes are in line with Multifamily Housing (Low-Rise) in the a.m. and p.m. peak hours, but the local rates are lower for the daily trips. For Apartments, our local data is in line with Multifamily Housing (Mid-Rise) in the p.m. peak hour, but the local rates are lower for the a.m. peak hour and daily trips.

[Download Free Trip Generation Data - TripGeneration.org]

While the locally collected data does not line up 100% with the ITE data, the trend is still the same between the two: as the buildings get taller, the trips per unit get smaller. The reasons behind this are multiple and varied and would take another blog post to get into, so rather than get into that, I will repeat myself because it is fun to rhyme:

As the buildings get taller, the trips per unit get smaller.

Of course, there are many factors that impact trip generation data for each of the new land uses, which is why we encourage everyone to collect trip generation for there region when preparing traffic studies.

What's your experience? How does your regional data compare to the numbers in ITE's Trip Generation Manual? Add your thoughts in the comments below.

Free Trip Generation Data at TripGeneration.org

At Spack Consulting, we collect local data on many, if not most, of our traffic studies. And we make this professionally collected data for free. Our document includes over 13,500 hours of data and allows you to see the full 24-hour data collected. Go to TripGeneration.org to download the raw data we've collected. Check out our free parking generation data as well!



Max Moreland, PE

Max is a traffic engineer with Spack Consulting, an engineering services company, and operations manager with Traffic Data Inc. a traffic data collection company. Both companies are part of the Spack Enterprise family of companies.

He oversee traffic impact studies for clients, organizes traffic counts and is an active contributor in the development of traffic



8 comments Oldest
comments first





May 6, 2025

John Pestorich TP Holdings, LLC. 3585 W Beechwood Suite #106 Fresno, CA 93711

Re: Air Impact Assessment (AIA) Application Approval ISR Project Number: C-20250141 Land Use Agency: City of Madera Land Use Agency ID Number: Unknown

Dear Mr. Pestorich:

The San Joaquin Valley Air Pollution Control District (District) has approved your Air Impact Assessment (AIA) for the Stadium Road and Pecan Avenue Apartment Complex Project project, located at Northeast Corner of West Pecan Avenue and Stadium Road in Madera, California. The project consists of 102 3-story multifamily apartment complex. The District has determined that the mitigated baseline emissions for construction and operation will be less than two tons NOx per year and two tons PM10 per year. Pursuant to District Rule 9510 Section 4.3, this project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. As such, the District has determined that this project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site fees. The determination is based on the project construction details provided with the application. Changes in the construction details may result in increased project related emissions and loss of this exemption.

Pursuant to District Rule 9510, Section 8.4, the District is providing you with the following information:

- A notification of AIA approval (this letter)
- A statement of tentative rule compliance (this letter)
- An approved Monitoring and Reporting Schedule
- An invoice for the project processing fees

Samir Sheikh Executive Director/Air Pollution Control Officer

Nosthern Region 4800 Enterprise Way Modesto, CA 95356-8718 Tel: (208) 557-6400 FAX: (209) 557-6475 Central Region (Main Office) 1990 E. Gettysburg Avenue Fresno, CA 93726-0244 Tel: (559) 230-6000 FAX: (559) 230-6061 Southern Region 34946 Flyover Court Bakersfield, CA 93308-9725 Tel: (661) 392-5500 FAX: (661) 392-5585 Mr. Pestorich Page 2

Please be advised that payment of the attached invoice is due within 60 days.

In addition, to maintain this exemption you must comply with all mitigation measures identified in the enclosed Monitoring and Reporting Schedule. Please notify the District of any changes to the project as identified in the approved Air Impact Assessment for this project.

Change in Developer Form

If all or a portion of the project changes ownership, a completed Change in Developer form must be submitted to the District within thirty (30) days following the date of transfer.

Additional Requirements

- <u>Dust Control Plan</u>. Please be aware that you may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.
- <u>Asbestos Requirements for Demolitions.</u> If demolition is involved, a Certified Asbestos Consultant will need to perform an asbestos survey prior to the demolition of a regulated facility. Following the completion of an asbestos survey; the asbestos survey, Asbestos Notification, Demolition Permit Release, and the proper fees are to be submitted to the District 10 working days prior to the removal of the Regulated Asbestos Containing Material and/or the demolition when no asbestos is present.
- <u>Permits</u>. Per District Rule 2010 (Permits Required), you may be required to obtain a District Authority to Construct prior to installation of equipment that controls or may emit air contaminants, including but not limited to emergency internal combustion engines, boilers, and baghouses.

To identify other District rules or regulations that apply to this project or to obtain information about District rules and permit requirements, the applicant is strongly encouraged to visit <u>www.valleyair.org</u> or contact the District's Small Business Assistance office nearest you:

Fresno office:	(559) 230-5888
Modesto office:	(209) 557-6446
Bakersfield office:	(661) 392-5665

Samir Sheikh Executive Director/Air Pollution Control Officer

Central Region (Main Office) 1990 E. Gettysburg Avenue Mr. Pestorich Page 3

Thank you for your cooperation in this matter. Please note the District also issued a letter to the land-use agency notifying the agency of this AIA approval. If you have any questions, please contact Mr. Harout A Sagherian by telephone at (559) 230-5860 or by email at harout.sagherian@valleyair.org.

Sincerely,

Mark Marte

Mark Montelongo Director of Policy and Government Affairs

Enclosures

cc: Kimber Johnson via email Firstcarbon Solutions 7726 N First Street, #413 Fresno, Ca 93720 Kjohnson@fcs-intl.com

ATTACHMENT 7

Planning Commission Resolution Exhibit A – Conditions of Approval

RESOLUTION NO. 2030

RESOLUTION OF THE CITY OF MADERA PLANNING COMMISSION DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15332/CLASS 32 (IN-FILL DEVELOPMENT PROJECTS) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVING SITE PLAN REVIEW 2022-02 AND PRECISE PLAN 2022-01

WHEREAS, TP Holdings LLC, ("Owner") submitted an application for a Site Plan Review (SPR 2022-02) and Precise Plan (PPL 2022-01) pertaining to 4.93-acres of vacant unimproved land area (the "Project Site"), comprising a portion of property (APN: 012-460-005), located on the northeast corner of the intersection of Stadium Road and Pecan Avenue, California; and

WHEREAS, SPR 2022-02 and PPL 2022-01 propose the construction of a 102-unit multifamily housing development project, including common areas with a community center, off-street parking facilities, landscaping, and related site improvements, on the project site; and

WHEREAS, the site is designated for High Density Residential (15.1-50 dwelling units per acre) land uses on the General Plan Land Use Map and is zoned PD-2000 (Planned Development, one unit for each 2,000 square feet of site area) by the Zoning Ordinance; and

WHEREAS, in accordance with the provisions of City Municipal Code (CMC) § 10-3-4.103(A), no construction, grading, or new development activity shall commence in any PD Zone prior to the approval of a precise plan of the development by the Planning Commission; and

WHEREAS, in accordance with the provisions of CMC § 10-3.4.0103, site plan review shall be required of all new, expanded, or changed uses of property which involve construction or placement of new structures or building additions on the site or new uses which necessitate on-site improvements, including uses subject to a precise plan; and

WHEREAS, pursuant to the provisions of CMC § 10-3-4.101 et seq., the PD district is intended to allow use of special design criteria for maximum utility of the site and to allow maximum design flexibility within the density limitations provided and that through the Planned Development process, special residential design standards may be established which regulate the development rather than the typical residential standards of the Municipal Code; and

WHEREAS, the conditions of approval for PPL 2022-01 establish the development standards for the proposed residential planned development project; and

WHEREAS, it has been determined that approval of PPL 2022-01 and SPR 2022-02, as conditioned, would not have a specific, adverse impact upon the public health or safety for which there is no feasible method to satisfactorily mitigate, and the project is consistent with both the Zoning Regulations of the CMC and the General Plan Land Use Designation; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was found to be Categorically Exempt pursuant to the provisions of Section 15332/Class 32 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, under the City's Municipal Code, the Planning Commission is authorized to review and approve precise plans, site plan reviews, and environmental assessments associated with 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 SPR 2022-02 and PPL 2022-01 at a duly noticed meeting on July 8, 2025; 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, after due consideration of the items before it, the Planning Commission now desires to adopt this Resolution determining the project is Categorically Exempt pursuant to Section 15332/Class 32 (In-fill Development Projects) of the CEQA Guidelines and approving SPR 2022-02 and PPL 2022-01.

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

1. <u>Recitals</u>: The above recitals are true and correct and are incorporated herein.

2. <u>CEQA</u>: A preliminary environmental assessment was performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is Categorically Exempt pursuant to the provisions of Section 15332/Class 32 (lin-fill Development Projects) of the CEQA Guidelines due to the following:

Class 32 exempts from the provisions of CEQA, projects characterized as in-fill development, and which meet the following conditions:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The subject parcel is designated for High Density Residential (15.1-50 dwelling units per acre) land uses on the City of Madera General Plan Land Use Map and is zoned PD-2000, (Planned Development, one unit for each 2,000 square feet of site area). The proposed project of 102 dwelling units on 4.93 acres of land yields a density of 20.69 dwelling units per acre (or one unit for each 2,105 square feet of site area) in a manner consistent with the goals objectives and policies of the General Plan policies and in conformance with the Zoning Regulations of the City Municipal Code (CMC). § 10-3-4.101 et seq. of the CMC

provides that the Planned Development district is intended to allow use of special design criteria for maximum utility of the site and to allow maximum design flexibility within the density limitations and variations from normal zoning standards may be considered. The project was designed to conform to the development standards of the conventional R-3 zone district, which is considered consistent with the High Density Residential General Plan land use designation pursuant to General Plan Table LU-A: General Plan/Zoning Consistency; excepting, a request for a reduction of four required off-street guest parking spaces (resulting in a requirement of 199 parking spaces or 1.95 parking spaces provided per unit). This represents an acceptable less-than two-percent reduction in the total number of required off-street parking spaces, is permitted by the provisions for the Planned Development zone district and will not have the potential to result in any significant effect on the environment.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is located within the incorporated boundary of the City of Madera. A 12,000 square-foot (0.27 acre) portion of the 5.2-acre subject parcel and the adjacent rights-of-way was previously dedicated and improved as an emergency access route and easement area serving the abutting multifamily property to the north, resulting in a project site and development area that is 4.93 acres in size. Urban uses, namely public facilities and residential development, surround the property on all four adjacent sides. The southwest quadrant of the project intersection has been approved for subdivision for single family residential development but remains agricultural land comprising substantially less than 75% of the surrounding land area.

(c) The project site has no value as habitat for endangered, rare or threatened species.

The project site is surrounded by urban development on all four adjacent sides and isolated from remaining agricultural land approved for residential development by two major street roadways, Pecan Avenue (Arterial) and Stadium Road (Collector) serving the existing urban development and vehicle trips within the area. There are no existing or mature trees on the site nor does the site collect stormwater or runoff which may be attractants to nesting birds, water fowl or birds of prey. While the project site remains vacant it has been subjected to regular disturbance for maintenance and weed abatement activities which maintain unsuitable conditions for burrowing or dens. The project site has no value for habitat to species other than rodents or vermin.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The Madera County Transportation Commission has established a screening map to determine if project impacts related to VMT can be determined less than significant based on proposed use and project location. The map utilizes the Madera County Travel Demand Model. According to the VMT Baseline Table, "The SB743 VMT Tool can be used to calculate VMT per capita by TAZ for a residential development project, or VMT per job by (Transportation Analysis Zone) TAZ for an office development project for SB743 analysis using the MCTC Model outputs. The Madera County subregional baseline VMT

per capita/job for the selected TAZ will also be reported for screening purposes." According to the screening map, the proposed project is located in Transportation Analysis Zone (TAZ) 246. TAZ 246 has a total of 2,501 resident related vehicle miles traveled with a current population of 415. This is equivalent to 6.03 VMTs per capita, which is more than 15% below the County Average of approximately 10.0 VMTs per capita. Given that this is below the identified threshold of significance, it can be determined that a less than significant impact would occur, and the Project would not conflict or be inconsistent with CEQA Guidelines Section 15064 (b).

Non-transportation noise sources within the community consist predominantly of commercial and industrial uses, as well as recreational events conducted at Madera Speedway and high school sports stadiums. While various other non-transportation noise sources can contribute to noticeable increases in ambient noise levels, such sources would generally include, but are not limited to, recreational uses, building mechanical systems, and landscape maintenance activities. Noise generated by such sources is often directional and can vary depending on site and operational characteristics. Multi-unit residential development is not generally considered to be a non-transportation noise source or to include stationary sources of noise; and, is considered a noise-sensitive use itself. Setback distances will ensure no such stationary sources produced from building mechanical systems will exceed acceptable noise levels identified in the General Plan or Municipal Code.

Construction noise typically occurs intermittently and varies depending upon the nature or phase (e.g., demolition/land clearing, grading and excavation, erection) of construction. Noise generated by construction equipment, including earth movers, material handlers, and portable generators are temporary. Although noise ranges were found to be similar for all construction phases, the building construction phases tended to be less noisy when compared to the initial site preparation and grading phases. Environmental analyses considered in conjunction with the adoption of the General Plan determined that continued compliance with the City's Municipal Code limiting construction activities to the hours of 6 a.m. to 8 p.m., and subject to compliance with the policies in the Noise Element of the General Plan which impose quantitative limits on noise generation and standards for mitigation, any potential for impacts related to noise is considered less than significant.

An Air Impact Assessment (AIA) Application was approved by the San Joaquin Valley Air Pollution Control District determining the baseline emissions for construction and operation will be less than regulation thresholds, the project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site fees. No impacts will be created from the project on surrounding air quality.

Existing water services are available within adjacent public street rights-of-way and adequate capacity is available from the City of Madera's municipal water system to meet the projected demands of the proposed project. New or existing water service connection(s), including landscape areas, 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. Existing water service connections that will not be used and/or any existing wells or private septic systems have been conditioned to be abandoned in compliance with State and local standards. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Discharge Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004.

(e) The site can be adequately served by all required utilities and public services.

Existing water and sewer services are available within adjacent public street rights-of-way and adequate capacity is available from and within the City of Madera's municipal water and sanitary sewer systems and treatment facility to meet the projected demands and generation of the proposed project. Existing storm drainage facilities are available subject to conveyance in accordance with Storm Drainage Master Plan.

None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.

3. <u>Findings for SPR 2022-02 and PPL 2022-01</u>: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2022-02 and PPL 2022-01, as conditioned. With conditions, the project is consistent with the requirements of the City Municipal Code, including Sections 10-3.4 and Sections 10-3.1001 through 10-3.1004. 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:

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

The subject parcel is designated for High Density Residential (15.1-50 dwelling units per acre) land uses on the City of Madera General Plan Land Use Map and is zoned PD-2000, (Planned Development, one unit for each 2,000 square feet of site area). The proposed project of 102 dwelling units on 4.93 acres of land yields a density of 20.69 dwelling units per acre (or one unit for each 2,105 square feet of site area) in a manner consistent with the goals objectives and policies of the General Plan policies and in conformance with the Zoning Regulations of the City Municipal Code (CMC). § 10-3-4.101 et seq. of the CMC provides that the Planned Development district is intended to allow use of special design criteria for maximum utility of the site and to allow maximum design flexibility within the density limitations and variations from normal zoning standards may be considered.

The project was designed to conform to the development standards of the conventional R-3 zone district, which is considered consistent with the High Density Residential General Plan land use designation pursuant to General Plan Table LU-A: General Plan/Zoning Consistency; excepting, a request for a reduction of four required off-street guest parking spaces (resulting in a requirement of 199 parking spaces or 1.95 parking spaces provided per unit). This represents an acceptable less-than two-percent reduction in the total number of required off-

street parking spaces, is permitted by the provisions for the Planned Development zone district and will not have the potential to result in any significant effect on the environment.

The project site is not located within the boundary of any applicable specific plan.

b. The proposed use will be compatible with the surrounding properties;

The project was designed to conform to the development standards of the conventional R-3 zone district (which is considered consistent with the High Density Residential General Plan land use designation pursuant to General Plan Table LU-A: General Plan/Zoning Consistency) with respect to building setbacks and heights.

Within multiple family projects of three or more units, the setback for any two-story building or structure from any property line immediately adjacent to an existing or planned single-family dwelling or low-density project or any R-1 zone shall be 15 feet. The setback for any three-story structure shall be 25 feet plus five feet for each additional story over three. Building heights are limited to 50 feet. The Site Plan Review process shall also take the relationship of second-story windows, doors, exterior stairways, exterior balconies, sun decks, and the like, with the privacy of the adjoining property.

No buildings proposed for development exceed three stories (or 41 feet) in height. Setbacks proposed for the buildings closest to the nearest adjacent low-density R-1 zoned properties is 83 feet. Landscaped open space areas adjacent to the buildings, covered and guest parking areas, vehicular circulation aisles and a 10-foot landscaped buffer along the property line are proposed to be included within the proposed setback area. Conditions of approval require the provision of the 10-foot wide landscaped buffer and a minimum 6-foot solid masonry wall along the entirety of the easterly property line, adjacent to single family residences; planted with trees to meet a minimum height of 8 feet; and, of a size and frequency so canopies could touch the entire length within 15 years.

Pursuant to Policy CD-36 of the General Plan, this combination of setbacks, the provision of a solid masonry wall adjacent to the parking areas and landscape screening is considered to be adequate protection for adjacent properties such that privacy will not be impacted; much less to the point that it is detrimental. An assessment of the window number and location adjacent to residential property boundaries shows the project design has taken additional precautions for privacy concerns to surrounding residential properties.

All proposed elevations demonstrate quality in design, materials and construction.

The project (SPR 2022-02 and PPL 2022-01) has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the planned development zoning district, including provisions for access to and from the site, parking, drainage, lighting, on-site and off-site improvements. The project will

not generate significant amounts of noise, light, traffic, or other environmental impacts.

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 project (SPR 2022-02 and PPL 2022-01) will be required to install missing public street improvements (i.e., curb, gutter, sidewalks, streetlights, street furniture, hydrants, etc.) in accordance with City standards. The project site has adequate access to Peacan Avenue and Stadium Road, which can accommodate the type and quantity of traffic generated from the proposed project. Based upon the information contained included within the Staff Report to the Planning Commission dated July 8, 2025 and the environmental and other findings included in this Resolution, it is determined project will not have a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions constituting a specific, adverse impact upon the public health or safety for which there is not feasible method to satisfactorily mitigate or avoid other than the disapproval of the project or the approval of the project upon the condition that it be developed at a lower density.

4. <u>Approval of PPL 2022-01; SPR 2022-02</u>: Given that all findings can be made, the Planning Commission hereby approves SPR 2022-02 and PPL 2022-01 as conditioned as set forth in the Conditions of Approval attached as Exhibit A.

5. <u>Effective Date</u>: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of July 2025, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr. Planning Commission Chairperson

Attest:

Will Tackett Community Development Director

Exhibit A – Conditions of Approval for SPR 2022-02 & PPL 2022-01

EXHIBIT A PPL 2022-01 & SPR 2022-02 PECAN STADIUM MULTIFAMILY HOUSING DEVELOPMENT PROJECT CONDITIONS OF APPROVAL July 8, 2025

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 conditional use permit, site plan review, tentative parcel map 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 SPR 2022-02 and PPL 2022-01 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (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.

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 APN 012-460-005 that are being developed under PPL 2022-01 and SPR 2022-02 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

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 filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following approval.
- 3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
- 4. SPR 2022-02 will expire two (2) years from the effective date of the approval, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan review or the required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
- 5. PPL 2022-01 shall be utilized within 12 months after the effective date of its approval. In accordance with CMC § 10-3-4.103(C), failure to utilize such approval within such 12-month period shall render the permit null and void unless a written request for extension is submitted to the Planning Commission prior to the expiration of the permit. The Planning Commission shall review the request, and may grant or conditionally grant an extension as it deems appropriate

- 6. 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, and as determined by the City of Madera Planning Department.
- 7. Deferrals are not permitted for any condition included herein, unless otherwise stated.
- 8. Development of the project shall conform to the plans designated by the City including those submitted 01.08.25, and dated 12.05.24, and subsequent amendments submitted 06.17.25, subject to the conditions noted herein. Minor modifications to this approval necessary to meet regulatory, engineering or similar constraints may at a minimum be made at the discretion and approval of the Engineering Manager and Planning Manager. However, should the Engineering Manager and Planning Manager determine that modifications are substantive, he/she may require that an amendment be filed for review and approval in accordance with CMC § 10-3.417.
- PPL 2022-01, SPR 2022-02 approval is not an authorization to commence construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading, encroachment, or building permits.
- 10. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.
- 11. It shall be the responsibility of the applicant, property owner and/or successor-in-interest to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to commencement of construction, operations or establishment of the use.
- 12. The applicant, property owner and/or successors-in-interest shall comply with all federal, State and local laws. Material violation of any applicable laws concerning the use of subject site will be cause for revocation of PPL 2022-01, SPR 2022-02.
- 13. 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 in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate 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.

PLANNING DEPARTMENT

General Conditions

- 14. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with PPL 2022-01, SPR 2022-02 to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
- 15. 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.
- 16. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
- 17. The property owner, operator, and/or manager shall develop and operate the site in a manner that does not generate noise, odor, blight, environmental harm, or vibration in excess of the thresholds included in the Noise Element of the General Plan or that adversely affects adjacent properties and shall keep the property clear of all trash, rubbish, and debris at all times.
- 18. The property owner, operator, and/or manager shall ensure the ingress/egress gates to the development are permanently open between the hours of 7:00 a.m. to 6:30 p.m. to avoid queueing on adjacent major street rights-of-way.

SITE PLAN REVIEW CONDITIONS (SPR 2022-02)

- 19. All roof and ground mounted utility, electrical and mechanical equipment shall be screened from view of public street rights-of-way. If ground mounted, applicant shall identify proposed methods to architecturally integrate equipment locations or identify proposed methods to screen equipment using landscaping. Any roof mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. Any wall mounted equipment shall be painted and screened to match the exterior wall.
- 20. All ducts and vents penetrating roofs or exterior building walls shall be directed away from the front of project site entrance sides of the buildings using methods to minimize their appearance and visibility from the street. All roof-mounted ducts and vents shall be painted with a color which is best-suited to minimize their appearance.
- 21. Fire sprinkler risers shall be located within the interior of the buildings or located out of public view.

- 22. Prior to issuance of a building permit, applicant and/or successors-in-interest shall identify the following information on permit plans for Planning Department review and approval:
 - a. Location of natural gas and electrical utility meters.
 - b. Location of all exterior heating, ventilation and air conditioning (HVAC) and / or evaporative cooler equipment.
 - c. Location of exterior mechanical and electrical equipment.
- 23. Any ground mounted electrical transformer or other type of ground mounted electrical cabinet shall be screened from the public viewshed.
- 24. Roof access ladders on buildings shall be located within the interior of the buildings.
- 25. Prior to issuance of a building permit, the applicant shall submit to the Planning Department for review and approval, a materials and color presentation board(s) detailing building; mechanical enclosure; and trash enclosure materials, and color elevations.
- 26. Prior to issuance of a building permit the applicant shall submit to the Planning Department for review and approval, a photometric plan including type and specifications of exterior lighting fixtures to be installed on the site. All exterior lighting shall be directed away from adjoining properties, shielded against the night sky (dark sky compliant), and not interfere with the driving safety of vehicular traffic. Exposed bulbs are not permitted.

Parking and On-Site Circulation

- 27. A minimum total 199 off-street parking spaces shall be provided with minimum 102 of the off-street parking spaces being covered. Parking areas shall be constructed according to the conditionally approved site plan. Any deviation from the conditionally approved site plan shall be evaluated by the Planning Manager to determine the need for modification to the site plan. Flow-through planters shall be incorporated into all landscape parking areas where feasible.
- 28. Off-street parking shall comply with the Americans with Disabilities Act (ADA) and with the California Building Code regulations for electric vehicle (EV) capable parking spaces. EV capable spaces shall have the electric vehicle supply (charging) equipment (EVSE) installed for the purpose of charging an electric vehicle with the required number of EVSE spaces to be van accessible in compliance with Section 11B-812 of the California Building Code.
- 29. Off-street parking areas shall be paved and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed to cross sidewalks, unless approved by the City Engineer.
- 30. Parking areas shall be constructed in accordance with City of Madera Standard E-4, have a width of not less than nine (9) feet and a length of not less than nineteen (19) feet except that up to 25 percent of the required parking spaces may be designated for compact car use.
- 31. No outdoor storage of materials or equipment shall be permitted.

- 32. The site's parking area shall not be used for alternative uses other than parking of vehicles.
- 33. Bicycle parking spaces and structures shall be provided to meet the needs and security of required bicycle parking. Bicycle racks shall be composed of one (1) of the following forms: "Inverted U" also referred to as the "Staple" or "Loop;" "Post & Ring;" or the "Staggered Wheel well-secured" type racks. Bicycle parking spaces shall be placed in a visible location and shall be a minimum of twenty-four (24) inches end to end and sixty (60) inches end to end between racks, and thirty-six (36) inches from side to side from the building as well as side to side between racks. Bicycle parking shall be well lit and placed outside of any exit door walkway, ADA path of travel or emergency corridor.

Trash Enclosures

- 34. Outdoor solid waste areas shall be screened on three sides with a masonry wall enclosure constructed in accordance with the following:
 - a. Each enclosure shall provide a minimum interior length of 27 feet measured to accommodate, one (1) general waste bin, one (1) recycle bin and one (1) compostable/food waste bin in accordance with the City's waste hauler bin specifications; and, shall otherwise be constructed in accordance with City of Madera Typical Refuse Container Enclosure Detail (Standard) E-7.
 - i. Where adequate levels or frequencies of service may be accommodated, alternative enclosure configurations constructed consistent with City Standard E-7 may be considered subject to approval by the Planning Manager.
 - b. Masonry walls shall be finished with an exterior cement plaster finish painted consistent with building colors to reduce visual appearance.
 - c. Solid waste enclosures gates shall be composed of metal and shall be hinged on the outside with cane bolts to hold the gates open.
 - d. The solid waste enclosure shall have a roof covering the entire structure to avoid stormwater infiltration of the area.
- 35. Driveways or travel aisles shall provide unobstructed access for waste collection vehicles to directly access solid waste enclosures without need of the waste hauler to rollout or reorient waste bins for loading operations, consistent and compliant with the servicing requirements established by the City's waste hauling operations. In loading areas, the minimum overhead vertical clearance shall be twenty-two (22) feet for loading operations.

Fences & Walls

36. In accordance with CMC § 10-3.1206(B)(2), every parking area abutting property located in any R or PD zone shall be separated from such property by a solid wall, view-obscuring fence, or compact evergreen hedge a maximum of eight feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous R or PD zone property, and a minimum of six feet in height as measured from the finished grade of the adjacent residential property; provided, however, no fence over three feet in height shall be constructed or grown within the front or street side yard setbacks.

- a. A minimum six-foot high solid, visually attractive, masonry wall (with PD allowance for up to a maximum seven-foot high) shall be constructed along the entirety of the eastern property line of the subject property adjacent to single family residential development.
 - i. Where a grade differential exists, the height of the fence/wall shall be measured from the higher of the two grades at the base of the fence/wall.
- b. Installation of barbed wire or other forms of security wire is prohibited.
- 37. Fencing/wall materials, location, and height shall be depicted on the submitted building permit application final site plan and shall be subject to review and approval by the Planning Department prior to installation. All fences shall be properly maintained so as not to create a hazard, public nuisance, or blight in the surrounding neighborhood.

Landscaping

- 38. A minimum 10-foot-wide landscaped buffer shall be provided along the entirety of the east property line adjacent to single family residential development. Landscaping shall be planted with trees to span the entire length to reach a minimum height of 8 feet; and, of a size and frequency so canopies could touch the entire length within 15 years.
 - a. Where a grade differential exists, the height of the landscaping shall be measured from the higher of the two grades at the base of the fence/wall.
- 39. Landscaping shall be installed in accordance with the submitted landscape sheets, showing landscaping on all property lines, and enhanced landscaping at the corner and entrances to the property, subject to final approval by the Planning Manager prior to issuance of building permits.
- 40. Landscape and irrigation plans shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall comply with all the specific landscape requirements and be approved by the Planning Department, unless specific deviation from the standards are approved by the Planning Manager, prior to issuance of building permits. The plans shall:
 - a. Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b. Provide permanent automatic irrigation systems for all landscaped areas with design to have moisture and/or rain sensor shutoff (weather based automatic, self-adjusting), minimize irrigation runoff, promote surface infiltration where possible, minimize the use of fertilizers and pesticides that can contribute to storm water pollution;
 - c. Provide vegetative matter coverage of a minimum of seventy percent (70%) of all landscaped areas;
 - d. Street trees shall be planted at a maximum thirty (30) foot intervals. Street tree selection shall be from the City's "Approved City Street Tree List". Trees must be

established to the satisfaction of the Planning Manager after three (3) years or shall be enhanced or replaced subject to the above condition for a further three (3) year period of establishment or to the Planning Managers satisfaction;

- e. Locate landscape material in such a way that it does not interfere with utilities above or below ground. All existing and proposed site utility features shall be fully screened with landscaping at appropriate clearances. A detail of screening shall be included on the plans and approved prior to building permit issuance and subject to Planning Manager review; and
- f. Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as tree staking, soil preparation techniques for all landscaped areas.
- g. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff, particularly the use of flow through planters from areas of impermeable paving (such as parking and circulation areas). In areas of water detention, species shall be tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
- 41. Parking lot shade trees should be planted within the parking area to provide a minimum of 50% shade coverage over parking bays at high noon or a rate of one 15-gallon tree for each 3 passenger parking spaces. The total number of required trees (one 15-gallon tree for every 3-parking spaces) shall be planted on the site.
- 42. On-site and off-site landscaping and irrigation shall not be installed until landscape planting and irrigation plans are approved by the Planning Department. Any deviation from the approved plan(s) shall require a written request and approval by the Planning Manager.
- 43. Approved landscape and irrigation plan(s) shall be fully installed and operational prior to granting occupancy.
- 44. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
 - a. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a certificate of occupancy, a landscape maintenance and irrigation program for the first three (3) years to ensure that streetscapes and landscaped areas are installed and maintained as approved.
- 45. A maintenance agreement is required for all landscaping located within the public rightof-way. Such agreement shall be entered into prior to issuance of a certificate of completion.

<u>Signage</u>

- 46. No signs apart from "No Parking" are approved nor does this constitute a basis for any exceptions to the Madera Sign Ordinance Section 10.6 and all permanent signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.
- 47. Applicant shall prepare and submit a Master Sign Program, if signs beyond that approved within the City Municipal Code are proposed, for the purpose of providing a cohesive, complementary, and proportionate signage for the entire project site. Master Sign Program shall at a minimum: 1) identify and define complex on-building and freestanding identification signage allowance, type, dimensions, material, colors, and location; 2) directional signage allowance, type, dimensions, material, color and location(s); 3) on-building signage allowances type, dimensions, material color and locations; and 4) address sign designs no plastic, vinyl or similar type of material shall be used for the building address. Master Sign Program is subject review and approval of the Planning Department prior to submittal of a building permit application.

ENGINEERING

General Conditions

- 48. Deferrals are not permitted for any condition included herein, unless otherwise stated.
- 49. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
- 50. Development Impact fees shall be paid at time of building permit issuance.
- 51. 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.
- 52. Improvement plans signed and sealed by an engineer shall be submitted to the Building department as part of the building permit submittal in accordance with the Civil Improvements Submittal Checklist.
- 53. The improvement plans for the project shall include the most recent version of the City's General Notes.
- 54. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
- 55. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
- 56. All off-site improvements shall be completed prior to issuance of final occupancy.

57. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

WATER

- 58. New or existing water service connection(s), including landscape areas, 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.
- 59. A separate water meter and backflow prevention device will be required for landscape area.
- 60. Water meters shall be installed and account activated through the City's Utility Billing Department prior to commencement of foundations and/or pads. Immediate installation can be delayed subject to use of a metered hydrant utilizing meter supplied through the Public Works Department along with appropriate measures to ensure water from the future lateral not be used until a permanent meter and backflow prevention device is installed.
- 61. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
- 62. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.
- 63. The developer shall reimburse one half of the 8-inch component, its fair share cost, to the City for the previously constructed water main along the entire project frontage on Pecan Avenue and Stadium Road.

SEWER

- 64. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
- 65. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
- 66. Sewer main connections six (6) inches and larger in diameter shall require manhole installation.
- 67. Existing septic tanks, if found, shall be removed, permitted and inspected by City of Madera Building Department.

68. The developer shall reimburse one half of the 8-inch component, its fair share cost, to the City for the previously constructed sewer main along the entire project frontage on Pecan Avenue and Stadium Road

STORM DRAIN

- 69. Storm runoff from this project site is planned to go to the Agajanian Basin (also referred to as the Atamian Basin) located south of this project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate the basin to an amount equivalent to this project's impact on the basin.
- 70. Support calculations shall be provided that prove the existing storm drainage facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
- 71. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Discharge Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall enter into a covenant with the City that allows for future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

STREETS

- 72. The east half of Stadium Road along the entire project frontage shall be improved to an 80-foot collector roadway standard utilizing the same cross section as that used for the Madera Family Apartments immediately to the north. The east half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip, sidewalk and remaining paved asphalt section.
- 73. A Public Utility and Pedestrian Easement (PUPE) 10-feet wide shall be dedicated along Stadium Road in conjunction with the development of the multifamily project. The PUPE contributes to the cross section noted in the previous condition.
- 74. The north half of Pecan Avenue along the entire project frontage shall be improved to a 100-foot arterial roadway standard. The north half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip, sidewalk and remaining paved asphalt section.
- 75. The proposed driveway approaches on Pecan Avenue and Stadium Road shall be constructed to street-type entrances with minimum face curb radius of 15 feet and be constructed to current City and ADA standards.

- 76. The emergency access for the Madera Place Apartments which currently resides on this project's parcel does not seem to match records on file. The fire gate at Stadium Road shall be reinstalled and locked to ensure traffic patterns proposed within the Madera Place Apartments are maintained, no general access shall be allowed along this section. The sidewalks and sidewalk underdrain shall be reconstructed as a result of existing significant damage. A reciprocal access agreement shall be prepared to address the access for Madera family Apartments residing on this project.
- 77. For proposed driveway location on Pecan Avenue, the potential for conflict with turning movements from the intersection of Pecan Avenue and Munras Avenue shall be addressed by either of the following:
 - a) The edge to edge separation shall be increased to 150 feet along with construction of a 100 foot right turn lane subject to ability to reasonably address conflicts with natural gas regulating facility.
 - b) Construct driveway directly in line with Munras Avenue. A minimum 100 feet east to north left turn pocket shall be constructed.
- 78. Driveway approaches shall have a minimum throat length of thirty (30) feet from face of curb to eliminate the possibility of vehicles queuing into the City right-of-way.
- 79. "No Parking" signs shall be installed along the Pecan Avenue and Stadium Road project frontages per City standards.
- 80. Bike lanes shall be striped along project frontages as available pavement width permits.
- 81. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purpose of participating in the cost of maintaining landscape improvements within said zone.
- 82. The developer shall be responsible for its fair share of improvements and shall install any offsite improvements determined to be necessary to address current conditions plus the proposed project as may be addressed in the Traffic Impact Study Proposed Madera Family Apartments dated April 18, 2012. The developer may need to utilize a traffic engineer to establish the fair share requirements.

The site plan currently depicts one of the mitigation measures proposed in the traffic study. That of the westbound right turn lane and bike lanes.

The traffic study indicates that the southbound approach shall consist of one left turn lane, one through lane and a right turn lane. This is in addition to a southbound lane

The southbound lane improvements shall be adjusted as necessary to accommodate conceptual road diet plans for Stadium.

DRY UTILITIES

83. 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. Undergrounding of utilities shall not result in the addition of new poles being installed on other properties or street frontages.

BUILDING DEPARTMENT

- 84. Submit one full digital set in Portable Document Format (PDF) of plans for review and approval prior to obtaining all required permits for construction of project.
- 85. A building permit is required for all construction on the site.
- 86. A business license is required, and a business license inspection shall be conducted prior to operation.
- 87. State and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be verified at the permit stage and confirmed at final inspection.

FIRE DEPARTMENT

- 88. Permits shall be submitted for the required fire sprinklers, fire alarm, underground fire main systems, and fire pump.
- 89. The Fire access along the northern portion of the property serving the apartments to the north shall be reinstated as an emergency vehicle access route only. Gates shall be installed and locked with an approved knox box and shall be in place prior to issuance of building permit.
- 90. A Knox Box type and location must be reviewed and approved and must be provided for access at all access, egress points.
- 91. Fire Lanes are required at the site and must be clearly posted with signs and red curb according to City Standards.
- 92. Sufficient clearances and height limits shall be applied to landscaping surrounding and existing or proposed fire hydrants or FDCs, so that it may not interfere with access or visibility.
- 93. Fire extinguisher placement shall comply with the CFC.
- 94. The address shall be posted and plainly visible from the street.
- 95. Provision shall be made in the project design and construction to allow for the discharge of fire sprinkler test water to an on-site vegetated area. If this is not feasible, provide for discharge to the sanitary sewer in accordance with the current plumbing codes.
- 96. On site fire hydrants shall be required due to the size of the site and structures.

97. Additional public road access must comply with the CFC including Appendix D, as well as the City of Madera Engineering Department Standards.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

- 98. Applicant shall consult with and shall comply with all the requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD), including but not limited to compliance with Regulation VIII (Fugitive PM10 Prohibitions), Rules 2010 and 2201 (Air Quality Permitting for Stationary Sources), Rule 9410 (Employer Based Trip Reduction), and Rule 9510 (Indirect Source Review).
- 99. Applicant shall submit to, and have approved by, the SJVAPCD an Authority to Construct (ATC) application and present a copy of an approved ATC application to the City prior to issuance of a grading or building permit.
- 100. Applicant shall submit to, and have approved by, the SJVAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit.
- 101. Applicant shall submit to, and have approved by, the SJVAPCD a "Dust Control Plan" and present a copy of an approved Dust Control Plan to the City prior to issuance of a grading or building permit.

-END OF CONDITIONS-