

## **SPECIAL MEETING OF THE MADERA PLANNING COMMISSION**

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

### **NOTICE AND AGENDA**

**Tuesday, May 14, 2024  
6:00 p.m.**

**Council Chambers  
City Hall**

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The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 87625889447# followed by \*9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/87625889447>. Comments will also be accepted via email at [planningcommissionpubliccomment@madera.gov](mailto:planningcommissionpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637.

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

#### **ROLL CALL:**

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

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

#### **PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:** None

#### **PUBLIC COMMENT:**

The first 15 minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on

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

**PUBLIC HEARINGS:**

**1. Villages at Almond Grove Subdivision Map Extensions (TSM 2020-02 EXT and TSM 2020-03 EXT)**

**Subject:** Consideration of an application requesting a three-year (36-month) discretionary extension of time to the expiration dates for the approvals of two Tentative Subdivision Maps (TSM 2020-02 EXT and TSM 2020-03 EXT), pursuant to the provisions of California Government Code § 66452.6(e). TSM 2020-02 pertains to approximately 645 gross acres of property located east of Road 23, between Avenue 16 and the Fresno River. TSM 2020-03 pertains to approximately 661 acres of property located west of Road 23, between Avenue 16 and Avenue 17.

**Recommendation:**

Conduct a public hearing and adopt:

- a. A Resolution approving a three-year (36-month) time extension to the expiration date of the approvals for Tentative Subdivision Map 2020-02 and Tentative Subdivision Map 2020-03, subject to the findings and conditions of approval dated March 29, 2022.

**2. CUP 2020-15 & SPR 2020-24 – Mixed Use Development**

**Subject:** Consideration of an application to extend the expiration dates for the approvals of Conditional Use Permit (CUP 2020-15 EXT) and Site Plan Review (SPR 2020-24 EXT), authorizing the construction of a mixed-use development at 401 East Yosemite (APN: 007-113-018) on the northeast corner of the intersection of North B Street and East Yosemite Avenue.

**Recommendation:**

Conduct a public hearing and adopt:

- a. A Resolution approving a one-year (12-month) extension of time to the expiration dates for the approvals of Conditional Use Permit (CUP) 2020-15 and Site Plan Review (SPR) 2020-24, subject to the findings and conditions of approval.

**3. CUP 2024-04 & SPR 2024-08 – Tattoo and Piercing**

**Subject:** Consideration of an application for a Conditional Use Permit (CUP 2024-04) and Site Plan Review (SPR 2024-08) to authorize the establishment of a tattoo and piercing shop to be located at 510 E. Almond Ave.

**Recommendation:**

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission determining the project is Categorical Exempt pursuant to Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving

Conditional Use Permit (CUP) 2024-04 and Site Plan Review (SPR) 2024-08, subject to the findings and conditions of approval.

**ADMINISTRATIVE REPORTS:**

**COMMISSIONER REPORTS:**

**ADJOURNMENT:**

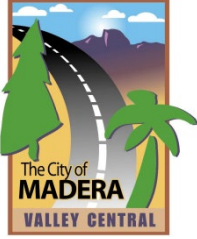
- 
- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the Planning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

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

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

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

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



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Robert Smith, Senior Planner

**Meeting of:** May 14, 2023

**Agenda Item:** 1

**SUBJECT:**

Consideration of an application requesting a three-year (36-month) discretionary extension of time to the expiration dates for two Tentative Subdivision Maps (TSM 2020-02 EXT and TSM 2020-03 EXT), pursuant to the provisions of California Government Code § 66452.6(e). TSM 2020-02 pertains to approximately 645 gross acres of property located east of Road 23, between Avenue 16 and the Fresno River. TSM 2020-03 pertains to approximately 661 acres of property located west of Road 23, between Avenue 16 and Avenue 17.

**RECOMMENDATION:**

Conduct a public hearing and adopt:

1. A Resolution approving a three-year (36-month) time extension to the expiration date of the approvals for Tentative Subdivision Map 2020-02 and Tentative Subdivision Map 2020-03, subject to the findings and conditions of approval dated March 29, 2022.

**SUMMARY:**

The City has received an application requesting a three-year (36-month) discretionary extension of time to the expiration dates of the Villages at Almond Grove Tentative Subdivision Maps (TSM 2020-02 EXT and TSM 2020-03 EXT) pursuant to the provisions the State of California Government Code (CGC) § 66452.6(e) and City Municipal Code (CMC) § 10-2.402.8.2. The tentative map approvals authorize the creation of a 2,390-lot residential subdivision with 29 outlots (TSM 2020-02) and the creation of a 2,815-lot residential subdivision with 17 outlots (TSM 2020-03).

CGC § 66452.6(a)(1) states an approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval. The current expiration date for the tentative map approvals is August 10, 2024 (see Analysis section herein below).

CGC § 66452.6(e) provides, upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years.

Accordingly, City of Madera Municipal Code § 10-2.402.8.2 includes provisions for implementation of the Government Code, including the discretion and authority for the Planning Commission to approve or conditionally approve an extension of a tentative map.

<b>Table 1: Project Overview</b>	
<i>Project Number:</i>	Tentative Subdivision Map Extension (TSM 2020-02 EXT and TSM 2020-03 EXT)
<i>Applicant:</i>	Precision Civil Engineering
<i>Property Owner:</i>	Links Ranch LLC, and Fagundes, Fagundes, Fagundes GP
<i>Location:</i>	TSM 2020-02 is generally located east of Road 23, between Avenue 16 and the Fresno River (APNs 033-180-002 and 033-180-003). TSM 2020-03 is generally located west of Road 23, between Avenue 16 and Avenue 17 (APN: 033-700-02, 03, 04, 05).
<i>Project Area:</i>	Approximately 645 acres (TSM 2020-02) and 661 acres (TSM 2020-03).
<i>Plan Land Use:</i>	TSM No. 2020-02; TSM No. 2020-03: General Plan Amendment was approved to change the planned land uses on the subject site to Specific Plan land use.
<i>Zoning District:</i>	TSM No. 2020-02; TSM No. 2020-03: Prezone has been complete on both sites to the Specific Plan Zone District.
<i>Site Characteristics</i>	The subject site is predominately characterized by active agriculture operations, with a mix of irrigated crops. The site has a few existing residential and agricultural support structures. The Fresno River abuts the southern portion of the project site and multiple irrigation canals traverse the Plan Area. The terrain is relatively flat, with few inclines aside from the Fresno River and irrigation canals.

**ANALYSIS:**

TSM 2020-02 and TSM 2020-03 were approved by the Planning Commission on March 29, 2022 (Resolution No. 1913). Approval of TSM 2020-02 authorized creation of a 2,390-lot residential subdivision with lots ranging from 40 feet by 80 feet to 55 feet by 110 feet, or 3,200 square feet (sf.) to 6,050 sf in size on 645-acres located east of Road 23, between Avenue 16 and the Fresno River. Approval of TSM 2020-03 authorized creation of a 2,815-lot residential subdivision with lots ranging in size from 40 feet by 80 feet to 55 feet by 110 feet on approximately 661 acres of land located west of Road 23, between Avenue 16 and Avenue 17.

Pursuant to CGC § 66454, any subdivider may file with a city the tentative map of a proposed subdivision of unincorporated territory adjacent to such city except that if it is approved, such approval shall be conditioned upon annexation of the property to such city and such approval shall not be effective until annexation of such property to the city has been completed. The certificate of completion for the Villages at Almond Grove Annexation was recorded with the County Clerk-Recorder on August 10, 2022 (Document No. 2022020949). The current expiration date of the approvals for the two tentative maps is August 10, 2024 (24 months from the conditionally effective tentative map approval/annexation date).

The applicant has filed a timely request for a discretionary extension, citing market conditions and interest rates as creating a need for an extended period of time in which to file a final map(s). Given the size of the subject tentative maps and cumulative project as well as the collapsing sales volumes experienced in 2022 and generally weak volumes experienced in 2023, staff recommends the requested (3) years (36 months) extension to the expiration date of the tentative map approvals to August 10, 2027, should be approved.

Both the CA Government Code and City Municipal Code provide discretion to impose new conditions or revise existing conditions on the approved extension of a tentative map. Staff recommends no changes to the original project conditions of approval dated March 29, 2022, for purposes of approving these requested extensions.

In accordance with the provisions of both local and state laws, any action of the Planning Commission (advisory agency), including a denial, may be appealed to the City Council (legislative body) within 15 days after the Planning Commission has acted on or denied the extension.

#### **ENVIRONMENTAL REVIEW:**

This proposed project has been previously reviewed environmentally assessed for compliance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. The City prepared an Environmental Impact Report (“EIR”) (SCH #2018081051) to evaluate the environmental effects of the project.

On April 20, 2022, the Madera City Council adopted Resolution 22-53 to (1) Adopt the findings required by CEQA Guidelines, Section 15091; (2) Certify the Environmental Impact Report (SCH #2018081051) for The Proposed The Villages At Almond Grove Specific Plan (a 1,883-acre area bounded by Avenue 17 on the North, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east), Including General Plan Amendment (GPA 2017-02), Pre-Zoning/ Rezoning (REZ 2017-05), Annexation (2022-01), Zoning Ordinance Text Amendment (Ota 2022-01) as well as the two related Subdivisions (TSMs 2020-02 And 2020-03); (3) Adopt The Proposed Mitigation Monitoring And Reporting Program, and (4) Adopt A Statement Of Overriding Considerations, pursuant to the California Environmental Quality Act.

As such, staff are proposing the Council find that this project has already been environmentally assessed, there have been no changes as contemplated by CEQA Guidelines Section 15162(a), and as such no further environmental documentation is required. Furthermore, the mere extension of maps is a procedural matter that does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

#### **RECOMMENDED ACTION:**

Conduct a public hearing and make the necessary findings to:

1. Adopt a Resolution approving a three-year (36-month) time extension to the expiration date of the approvals for Tentative Subdivision Map 2020-02 and Tentative Subdivision Map 2020-03, subject to the findings and conditions of approval dated March 29, 2022.

#### **ALTERNATIVES:**

As an alternative, the Commission may elect to:

- 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).
- Move to conditionally approve one or both tentative maps (Commission to identify new or revise conditions to be imposed); and/or, approve one or both of the tentative map extensions for a

period other than the requested 3-year extension (e.g., one or two years or up to a maximum six years).

- Move to deny one or more request(s), based on specified findings: (Commission to articulate reasons for denial[s]).
- Provide staff with other alternative directives.

**ATTACHMENTS:**

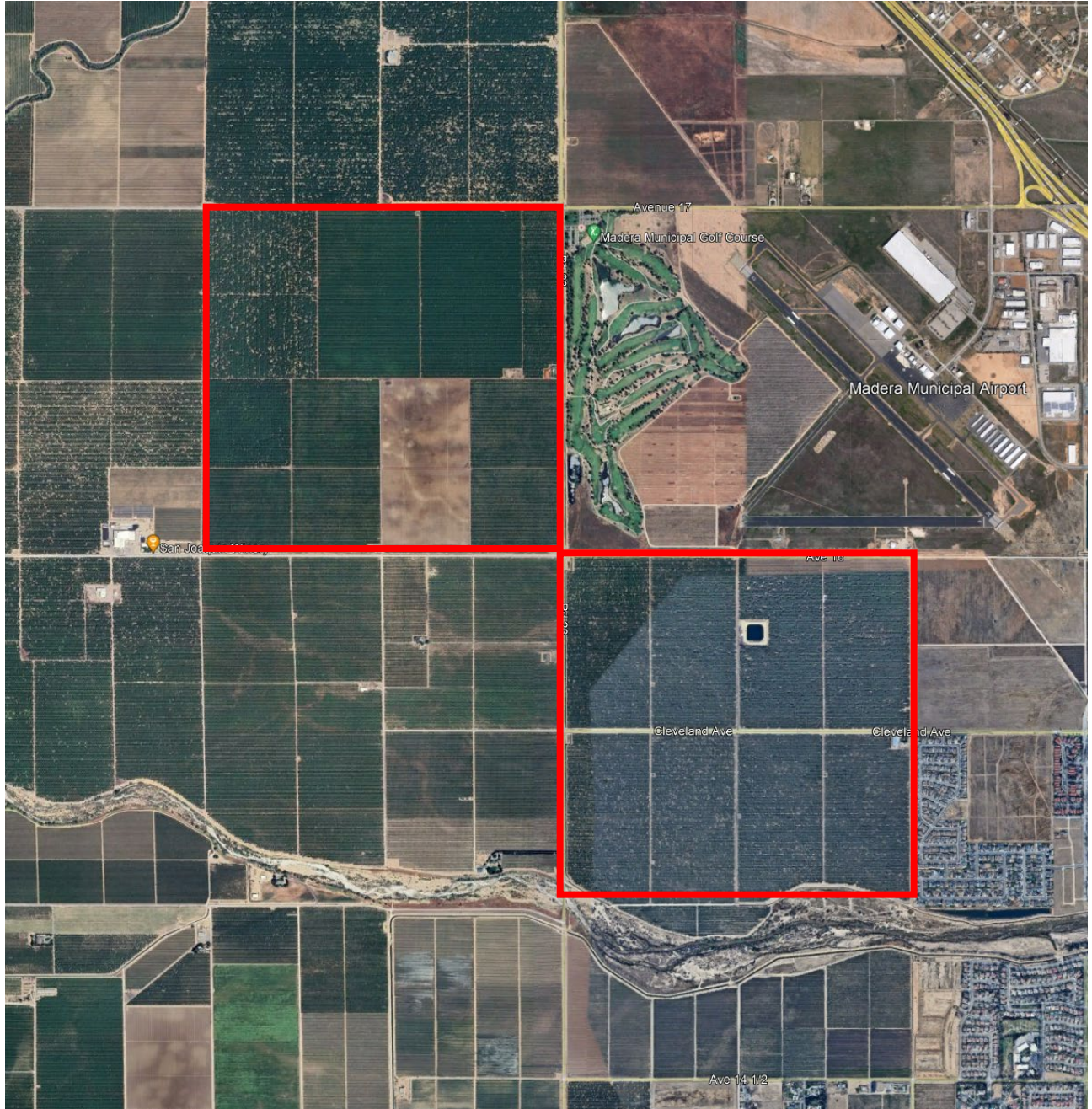
1. Vicinity Map
2. Aerial Photo
3. Tentative Subdivision Maps 2020-02 and 2020-03
4. Planning Commission Resolution TSM 2020-02 and TSM 2020-03
  - Exhibit A: Conditions of Approval for TSM 2020-02
  - Exhibit B: Conditions of Approval for TSM 2020-03
5. Environmental Impact Report (SCH #2018081051)

ATTACHMENT 1  
Vicinity Map





ATTACHMENT 2  
Aerial Photo



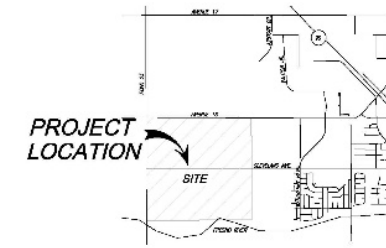
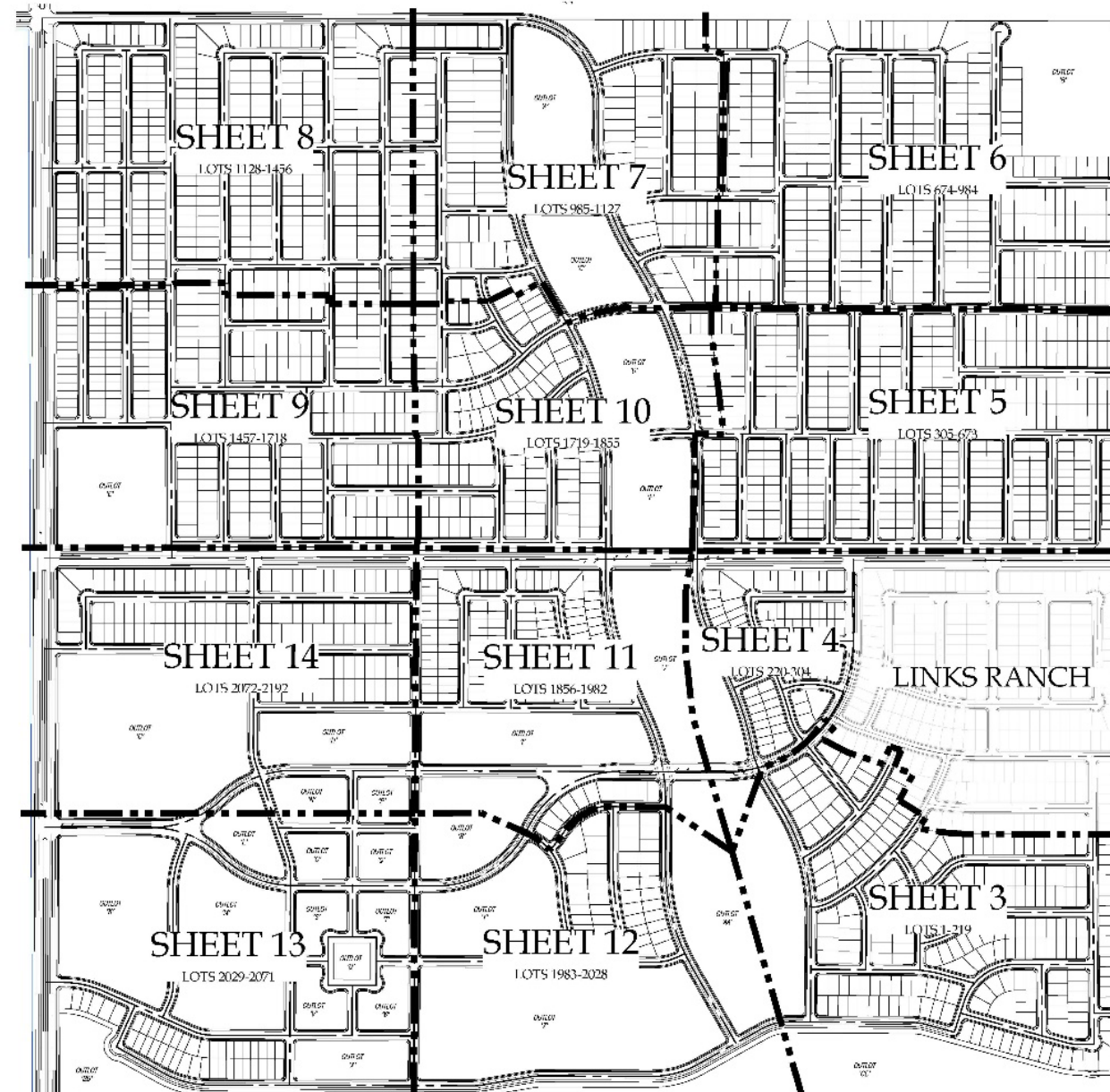
**ATTACHMENT 3**  
Tentative Subdivision Maps 2020-02 and 2020-03



TSM 2020-02 Overall Map

TENTATIVE TRACT MAP NO. 2020-02

IN THE CITY OF MADIRA, COUNTY OF MADERA, CALIFORNIA  
 PREPARED ON JANUARY 2, 2020  
 SHEET 1 OF 14



VICINITY MAP  
 NOT TO SCALE

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BEING IS SITUATED IN THE COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

APN : 023-180-002 AND 023-180-003  
 AKA : 1445 ACRES (PART OF 1432)

LOT SIZE COUNT

4300'S	567
4400'S	140
2200'S	759
2300'S	417
2400'S	146
2500'S	06
2600'S	18
TOTAL	2192

OUTLOT NOTES

- OUTLOT A - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT B - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT C - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT D - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT E - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT F - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT G - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT H - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT I - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT J - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT K - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT L - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
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- OUTLOT O - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
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- OUTLOT Q - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT R - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT S - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
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- OUTLOT V - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT W - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT X - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT Y - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA
- OUTLOT Z - SHALL NOT BE DEEMED TO BE ASSIGNED TO THE CITY OF MADIRA

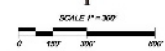
SITE INFORMATION

GENERAL PLAN USE	RESIDENTIAL
EXISTING ZONING	RESIDENTIAL
SITE ADDRESS	SECTION 1445 AC
SECTION OF BOOK	2192
APPROX. LOT AREA	1445 AC +/-
SECTION	2.000 ACRES PER ACRE
ADJACENT PARCEL NUMBER	023-180-002
FORM USED	FORM 1 - 2018
DATE	01/02/2020
PREPARED BY	F.F. & F.
DATE	01/02/2020

NOTES

1. THIS MAP IS SUBJECT TO THE CITY OF MADIRA'S ZONING ORDINANCES.
2. THE CITY OF MADIRA, COUNTY OF MADERA, CALIFORNIA, IS THE JURISDICTIONAL AGENCY FOR THE CITY OF MADIRA.
3. THE CITY OF MADIRA, COUNTY OF MADERA, CALIFORNIA, IS THE JURISDICTIONAL AGENCY FOR THE CITY OF MADIRA.
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9. THE CITY OF MADIRA, COUNTY OF MADERA, CALIFORNIA, IS THE JURISDICTIONAL AGENCY FOR THE CITY OF MADIRA.
10. THE CITY OF MADIRA, COUNTY OF MADERA, CALIFORNIA, IS THE JURISDICTIONAL AGENCY FOR THE CITY OF MADIRA.

SECRETARY OF PLANNING COMMISSION DATE



PRECISION CIVIL ENGINEERING  
 1040 G STREET, MADIRA, CALIFORNIA 95371  
 TEL: 509-449-4300 FAX: 509-449-4373  
 WWW.PRECISION-ENG.NET



PROJECT TITLE: THE VILLAGES AT ALMOND GROVE  
 SHEET DESCRIPTION: TENTATIVE TRACT MAP NO. 2020-02  
 CITY OF: MADIRA  
 COUNTY OF: MADIRA

F.F. & F.  
 PO BOX 2117  
 MADERA, CA 95344

REVISIONS

DRAWN BY: JML  
 CHECKED BY: DY  
 DATE: 01/18/2020



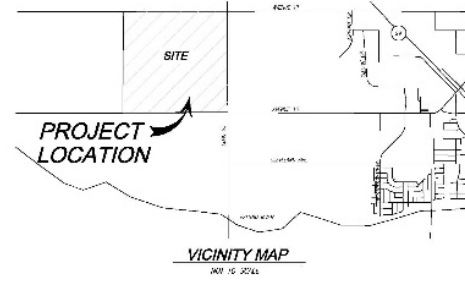
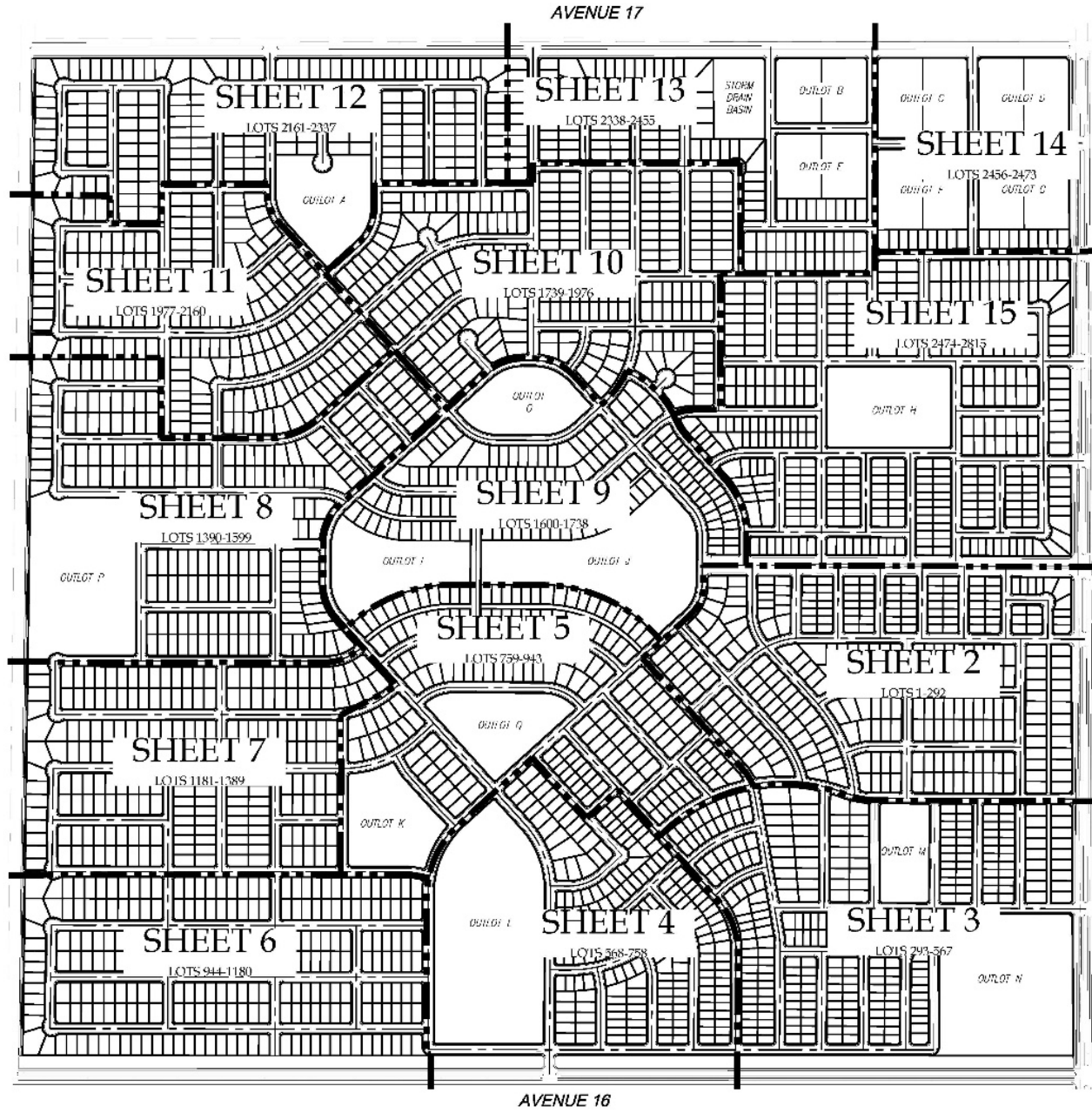
SHEET NUMBER: 1 OF 14  
 JOB NUMBER: 18-0002

PREPARED BY: PRECISION CIVIL ENGINEERING AND ARCHITECTURE, 1040 G STREET, MADIRA, CA 95371, TEL: 509-449-4300, FAX: 509-449-4373, WWW.PRECISION-ENG.NET

TSM 2020-03 Overall Map

# VESTING TENTATIVE TRACT MAP NO. 2020-03

IN THE CITY OF MADERA, COUNTY OF MADERA, CALIFORNIA  
 PREPARED ON MARCH 18, 2020  
 SHEET 1 OF 16



**SITE INFORMATION**

GENERAL PLAN AND USE DESIGNATION: RESIDENTIAL  
 LEGAL COIL: EXISTING ZONING: RM1P  
 SITE ADDRESS: 2456-2473  
 COUNTY OF: MADERA  
 MAP NUMBER: 2020-03  
 PREPARED BY: J. J. & J. J.  
 DATE: 03/18/2020

**LOT SIZE COUNT**

43950: 70  
 43950: 20  
 50000: 114  
 50000: 404  
 50000: 207  
 50000: 246

**LEGAL DESCRIPTION**

THE LAND DESCRIBED TO BE HEREIN SHOWN IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:  
 APT. 1: 033-079-002, 033-079-003, 033-079-004, AND 033-079-005  
 APT. 2: 1.001 ACRES (MORE OR LESS)

**OUTLOT NOTES**

- OUTLOT A: PART TO BE DESIGNATED TO THE CITY OF MADERA
- OUTLOT B: BOUNDARY TYPE
- OUTLOT C: BOUNDARY TYPE
- OUTLOT D: BOUNDARY TYPE
- OUTLOT E: BOUNDARY TYPE
- OUTLOT F: BOUNDARY TYPE
- OUTLOT G: BOUNDARY TYPE
- OUTLOT H: BOUNDARY TYPE
- OUTLOT I: BOUNDARY TYPE
- OUTLOT J: BOUNDARY TYPE
- OUTLOT K: BOUNDARY TYPE
- OUTLOT L: BOUNDARY TYPE
- OUTLOT M: BOUNDARY TYPE
- OUTLOT N: BOUNDARY TYPE

**NOTES**

1. THERE ARE NO EXISTING EASEMENTS ON THIS TRACT.
2. USE ANY OTHER ALTERNATIVE DESIGN OR PLAN INCLUDING ANY EXISTING EASEMENTS, EASEMENTS, OR RIGHTS OF WAY AND AVOID USE OF UNDESIRABLE OR UNLAWFUL EASEMENTS OR RIGHTS OF WAY.
3. ALL BUILDING SEPARATORS SHALL BE IN ACCORDANCE WITH CITY OF MADERA ZONING CODE.
4. ALL STREET SEPARATORS ARE PROPOSED TO BE PROVIDED BY THE FOLLOWING: (SEE NOTE 5)
5. THE CITY OF MADERA SHALL BE RESPONSIBLE FOR PROVIDING THE FOLLOWING: (SEE NOTE 4)
6. THE CITY OF MADERA SHALL BE RESPONSIBLE FOR PROVIDING THE FOLLOWING: (SEE NOTE 4)
7. THE CITY OF MADERA SHALL BE RESPONSIBLE FOR PROVIDING THE FOLLOWING: (SEE NOTE 4)
8. THE CITY OF MADERA SHALL BE RESPONSIBLE FOR PROVIDING THE FOLLOWING: (SEE NOTE 4)
9. THE CITY OF MADERA SHALL BE RESPONSIBLE FOR PROVIDING THE FOLLOWING: (SEE NOTE 4)
10. THIS TRACT IS NOT WITHIN 200 FEET OF ANY HIGHWAY, FERRYWAY OR AIRWAY.

SECRETARY OF PLANNING COMMISSION

DATE



PLANNING & SURVEYING & CIVIL ENGINEERING  
 1334 G STREET, FRESNO, CALIFORNIA 93721  
 TEL: 559-233-4455  
 WWW.PRECISIONEARTH.COM

**PRECISION**  
 CIVIL ENGINEERING, INC.

PROJECT FILE: THE VILLAGES AT ALVARO CIRCLE  
 SHEET NUMBER: TENTATIVE TRACT 2020-03  
 CITY OF: MADERA  
 COUNTY OF: MADERA

PREPARED FOR:  
 F. F. & F.  
 PO BOX 2717  
 MERCED 95344

DESIGNED BY: LC  
 CHECKED BY: DY  
 DATE: 03/18/2020

SHEET NUMBER:  
 1 OF 16  
 JOB NUMBER:  
 18-059

# ATTACHMENT 4

## Planning Commission Resolution

Including

Exhibit A: Conditions of Approval for TSM 2020-02

Exhibit B: Conditions of Approval for TSM 2020-03



**RESOLUTION NO. 1990**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA APPROVING A  
THREE-YEAR (36-MONTH) TIME EXTENSION TO THE EXPIRATION DATES OF TENTATIVE  
SUBDIVISION MAP 2020-02 AND  
TENTATIVE SUBDIVISION MAP 2020-03**

**WHEREAS**, the Planning Commission of the City of Madera (Commission) on March 29, 2022 conditionally approved the Villages at Almond Grove Tentative Subdivision Maps (TSM 2020-02 and TSM 2020-03) through adoption of Commission Resolution No. 1913; and

**WHEREAS**, approval of TSM 2020-02 authorized creation of a 2,390-lot residential subdivision on 645-acres of land located east of Road 23, between Avenue 16 and the Fresno River and approval of TSM 2020-03 authorized creation of a 2,815-lot residential subdivision on approximately 661 acres of land located west of Road 23, between Avenue 16 and Avenue 17 (the sites); and

**WHEREAS**, in accordance with Section 66454 of the State of California Government Code, the conditional approval of TSM 2020-02 and TSM 2020-03 were respectively conditioned upon annexation of the sites to the City of Madera and approval was not effective until annexation of the site(s) had been completed; and

**WHEREAS**, the certificate of completion for the Villages at Almond Grove Annexation was recorded with the County Clerk-Recorder on August 10, 2022 (Document No. 2022020949); and

**WHEREAS**, the expiration date for the approvals of TSM 2020-02 and TSM 2020-03 is August 10, 2024, 24 months from the date annexation/effective approval; and

**WHEREAS**, pursuant to the provisions of Government Code Section 66452.6(e) upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by an advisory agency authorized to approve or conditionally approve discretionary extensions to tentative maps for a period or periods not exceeding a total of six years; and

**WHEREAS**, prior to the expiration of TSM 2020-02 and TSM 2020-03, a timely request was filed by the subdivider request a three (3) year (36-month) extension for TSM 2020-02 and TSM 2020-03; and

**WHEREAS**, this project was assessed in accordance with the provisions of the California Environmental Quality Act ("CEQA") resulting in preparation of an Environmental Impact Report (SCH #2018081051) including a Mitigation Monitoring and Reporting Program, Findings of Fact, and a Statement of Overriding Considerations, which were circulated, and made available for public review pursuant to CEQA as well as the City of Madera Municipal Code (CMC) prior to certification by the City Council; and

**WHEREAS**, pursuant to the provisions of Section § 10-2.402.8.2 et. Seq., of City Municipal Code (CMC), the Planning Commission is authorized to review and approve tentative subdivision map extensions 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 TSM 2020-02 EXT and TSM 2020-03 EXT at a duly noticed public hearing at the regularly scheduled meeting of the Planning Commission on May 14, 2024; and

**WHEREAS**, at the May 14, 2024, public hearing, the public was provided an opportunity to comment and evidence, both written and oral, was considered by the Commission; and

**WHEREAS**, after due consideration of all the items before it, the Commission now desires to adopt this resolution approving a three-year (36-month) time extension to the expiration date of the approvals for Tentative Subdivision Map 2020-02 and Tentative Subdivision Map 2020-03, subject to the findings and conditions of approval dated March 29, 2022.

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

1. Recitals: The foregoing recitals are true and correct and are incorporated herein.
2. CEQA: This project has been previously assessed. The Planning Commission finds that the mere extension of time to complete an approved map is a procedural matter that does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. In the alternative, Planning Commission also finds that pursuant to CEQA Guidelines Section 15162 subsequent environmental review is not required for TSM 2020-02 EXT and TSM 2020-03 EXT based on the following:
  - a. No substantial changes are proposed in the project which will require major revisions of the previous Environmental Impact Report (EIR) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the application maintains the same density, intensity and is otherwise consistent with, and proposes no changes to, the development originally proposed and approved for the subject site exactly as contemplated by the EIR. As such, an extension of the tentative maps has the same environmental impacts assessed in the previous EIR and no further environmental review is necessary or required.
  - b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the application is exactly consistent with the originally approved tentative map as assessed by the EIR and there are no new substantial changes in the physical environment that were not anticipated in the EIR, including its analysis in light of development contemplated in the General Plan and Specific Plan for the Villages at Almond Grove.
  - c. There is no new information, which was not known and could not have been known at the time of the previous EIR that the project will have significant effects

not discussed in the EIR. The extension of the time limits for the project will not have any more significant effects than that already discussed and assessed in the EIR and was specifically contemplated by the EIR. As an Environmental Impact Report was previously certified for the project, the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, the Commission determines that this project has already been environmental assessed and no further environmental documentation is required for this application for a discretionary extension of the tentative maps.

3. Findings for TSM 2020-02 EXT and TSM 2020-03 EXT: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support approval, as conditioned. With the conditions, the project is consistent with the requirements of the Municipal Code. 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. *There have been no changes to the provisions of the General Plan, any applicable specific plan or the development code applicable to the project since the approval of the tentative map.*

The Tentative Subdivision Maps remain consistent and compatible with the City's General Plan land use designations for the subject site and surroundings. The project site(s) is subject to a Specific Plan adopted specifically for purposes of facilitating the project and including these tentative subdivision maps.

- b. *There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of the development code apply to the project.*

Surrounding properties, existing conditions and uses remain relatively unchanged since the approval of the tentative subdivision maps. No changes are proposed; the project will remain consistent with the City's Zoning Ordinance.

- c. *There have been no changes to the capacities of community resources, including but not limited to, water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.*

Adequate service capacity remains available to service the subject site.

- d. *There have been no changes in the character of the site, its surroundings, or the project that that would require major revisions to the previous EIR or would cause substantial environmental damage or injury to wildlife.*

No changes are proposed to the development originally approved for the project site(s). The Project remains exactly as contemplated by the EIR. The adopted Environmental Impact Report remains adequate. Pursuant to State CEQA

Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, including but not limited to changes in project conditions or circumstances, no further environmental review is required.

4. Approval of TSM 2020-02 EXT and TSM 2020-03 EXT: Given that all findings can be made, the Planning Commission hereby approves TSM 2020-02 EXT and TSM 2020-03 EXT as conditioned as set forth in the Conditions of Approval attached as Exhibit "A" and Exhibit "B" to extend the expiration of approvals for TSM 2020-02 and TSM 2020-03 an additional three years (36 months) to August 10, 2027.
5. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 14<sup>th</sup> day of May 2024, 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 TSM 2020-02  
'EXHIBIT B' Conditions of Approval for TSM 2020-03

**EXHIBIT "A"**  
**TSM 2020-02, THE VILLAGES AT ALMOND GROVE**  
**CONDITIONS OF APPROVAL**  
**MARCH 29, 2022**

**Notice to Applicant**

Pursuant to Government Codes Section 66020(d)(l) 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)(l) in effect before January 1, 1997.

**IMPORTANT: PLEASE READ CAREFULLY**

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval for TSM 2020-02 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, 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 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 tentative subdivision map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative subdivision map.

**GENERAL CONDITIONS**

1. Approval of this project 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.
2. Approval of this project may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this project, the zoning ordinance, and all City standards and specifications. These applications are 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 project. Unless the conditions of approval specifically require operation inconsistent with the application, new or revised applications are required if the operation is found to be out of conformance 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 project or subsequent amendments or revisions. These conditions are conditions imposed solely upon the project 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.

3. 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.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee and the Department of Fish and Game de minimis filling 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 action on these applications.
5. 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.
6. TSM 2020-02 shall be valid for a period of 24 months from the date of its conditional approval, unless modified by a Development Agreement. Prior to expiration of the conditionally approved tentative map an extension or extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act.
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, as determined appropriate by the City of Madera Planning Department.
8. 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").

9. 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.
10. 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.
11. The project site shall be developed in conformance with the plans as reviewed and approved. Minor modifications to the site plan, which are necessary to meet regulatory, engineering, or similar constraints or requirements may be made at the discretion of the Planning Manager without an amendment. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to the applications be filed for review and approval through the applicable City process. Please see requirements contained in the Villages at Almond Grove Specific Plan for specific processing procedures.
12. Any proposed modifications not considered minor changes in accordance with the Villages at Almond Grove Specific Plan (and the Madera Municipal Code, as referenced) shall be processed according to the procedures of this Specific Plan.
13. 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.
14. All on-site improvements shall be completed prior to final building inspection and shall be completed to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
15. The Planning Manager and City Engineer shall be notified immediately in any event any prehistoric, archaeological, or fossil artifact or resource is uncovered or discovered during construction activities on site. All construction within 50 feet of the discovery must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's or developer's expense, to evaluate the finds and recommend appropriate action according to CEQA Guidelines Section 15064.5. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project site while assessment of historic resources or unique archaeological resources is being carried out.

16. All construction must stop if any human remains are uncovered, and the Planning Manager, City Engineer and County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.
17. The subject is currently utilized for agricultural purposes and will continue to be allowed to be utilized for these purposes during the implementation of the Specific Plan and this subdivision map.
18. An Environmental Impact Report (SCH #2018081051) ("EIR") was prepared that assessed this subdivision map, and a mitigation monitoring and reporting program (MMRP) was adopted by City Council consistent with the requirements of the California Environmental Quality Act (CEQA). All construction and use of the property must comply with the requirements of the MMRP.
19. Consistent with Government Code section 66454, approval of TSM 2020-02 is contingent upon on annexation of the property to the City within 12 months of the date the decision to approve TSM 2020-02 becomes final.

#### **PLANNING DEPARTMENT**

20. All setbacks, revisions to lot sizes, architectural elements, and other applicable property development and design standards shall be in compliance with the Villages at Almond Grove Specific Plan.
21. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
22. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
23. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
24. Park land shall be dedicated, or payment of in-lieu fees shall be made, or combination of both, in accordance with the "City's Acquisition of Land and/or Payment of Fees for City Park Facilities," commencing with Section 10-2.1300 of the Municipal Code.
25. The developer shall cause such Right to Farm notice as required by Section 10-3.418(6) of the Municipal Code to be recorded in the Office of the County Recorder.
26. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees.

27. The applicant/developer shall coordinate with the United States Post Office and the Planning Department relative to the proposed location of the postal boxes for the project.
28. The internal street names shall comply with the recommendations of the Planning Department with approval of the Final Map.
29. There shall be no access to lots from street side of corner lots.

#### **Residences**

30. Each dwelling unit and siting of the unit shall be constructed consistent with the Villages at Almond Grove Specific Plan.
31. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.
32. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of building permits.

#### **Utility Placement Considerations/Screening Requirements**

33. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets shall be provided in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.

#### **Fencing and Walls**

34. All fencing and walls shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood and shall comply with requirements of the Specific Plan.
35. Decorative block walls in accordance with the Specific Plan shall be constructed as needed, for noise attenuation when homes back onto major streets.
36. Masonry wall design and plan details shall be approved by the Planning and Engineering Departments prior to issuance of building permits.

#### **Landscape**

37. 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 be approved by the Planning Department 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. Permanent automatic irrigation systems for all landscaped areas;
  - c. Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
  - d. At least one (1) City approved street tree planted in each front yard. Corner lots shall have at least two (2) additional trees planted along the exterior side yard. Said front yard and side street trees overall shall be planted thirty (30) foot on center. Trees should be carefully selected and located to shade the buildings during the summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the buildings during winter months.
  - e. Locate landscape material in such a way that it does not interfere with utilities above or below ground; 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 soil preparation techniques for all landscaped areas.
38. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved.
39. 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.

### **Signage**

40. All signage, including, but not limited to, on- or off-site temporary subdivision identification, directional or marketing/ sale signs for the purpose advertising homes for sale shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage, is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.

### **Construction Trailer & Sales Center**

41. Development of any temporary construction trailer and/or materials storage yard and/or parking on any lot in the subdivision requires the approval of the Planning Manager in advance of installation/placement.
42. The development of any model home sales center on any lot in the subdivision requires the approval of the Planning Manager.

## **BUILDING DEPARTMENT**

43. The development of any model home sales center on any lot in the subdivision requires the approval of the Planning Manager.
44. A building permit is required for all construction on the site.
45. All plans submitted for on-site construction or building permits shall incorporate and reflect all requirements outlined herein.
46. Current State of California and Federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked when the building permit is reviewed and confirmed at final inspection.

## **FIRE DEPARTMENT**

47. All homes shall be equipped with residential fire sprinklers in accordance with the CRC and NFPA 13D.
48. The fire hydrant system shall comply with appendices B&C of the California Fire Code and the City of Madera Standards.

## **ENGINEERING DEPARTMENT**

### **General Conditions**

49. Prior to recording of each final map, all actions necessary for annexation into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
50. A final subdivision map shall be required per Section 10-2.502 of the municipal code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
51. Park land internal to or immediately adjacent to each corresponding final subdivision map as shown in the Tentative Subdivision Map (TSM), shall be dedicated to the City in advance of, or in conjunction with, recordation of said corresponding final subdivision map.
52. Developer shall coordinate with Madera Unified School District the location of the School Site shown in the TSM in advance of, or in conjunction with, recordation of first final subdivision map. The school sites shall be considered "floating".
53. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive

phase number shall identify multiple final maps filed in accordance with an approved tentative map.

54. A survey benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the improvements of each phase. The City Engineer shall designate or approve the location.
55. Prior to any site construction or initiation of work within a public right-of-way, a construction route and traffic control plan will be reviewed and approved by the City Engineer. The construction route and traffic control plan shall depict proposed construction vehicle routes to and from the site. This will minimize potential damage to other streets and disruption to the neighborhood.
56. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification
57. Development impact fees shall be paid at time of building permit issuance or as otherwise agreed upon (i.e. an approved development agreement).
58. Development impact fees are not generally expected to generate a sufficient stream to reimburse all improvements in a manner that coincides with requirements for construction of infrastructure. Developer shall anticipate such in the funding of infrastructure.
59. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
60. The developer shall pay all required fees for processing the subdivision map and completion of the project. Fees due may include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.
61. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit is required from the Engineering Division. For subdivisions, an Encroachment Permit is only required if construction of improvements is initiated prior to execution of an Improvement Agreement.
62. The improvement plans for the project shall include the most recent version of the City's General Notes.
63. The developer shall comply with the Federal Emergency Management Agency (FEMA) requirements, as may be applicable. Proposed improvements shall account for the areas of the TSM which lie within the boundaries of FEMA Special Flood Hazard Areas, Zone A and Zone AO, as may be applicable.

64. This development is subject to the development standards of The Villages at Almond Grove Specific Plan (Specific Plan), including the associated Infrastructure Master Plan, Water Supply Assessment and Traffic Impact Analysis, as may be applicable. Improvements shall be constructed as detailed and within the time frame identified
65. Development shall occur in a stepwise manner, moving outward from existing infrastructure. Geographically remote development (leapfrog development) of the TSM shall construct all master-planned infrastructure necessary (permanent full street width, water, sewer, storm drain, etc.) to provide adequate services from the nearest logical connection point as determined by the City Engineer.

### **Water**

66. Prior to framing construction on-site, a water system shall be designed to meet the required fire flow for the type of development planned and approved by the fire department. Fire flows shall be determined by Uniform Fire Code appendix III-A.
67. Unless the City Engineer or fire flow analysis specifies larger water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works.
68. The developer shall install master-planned water supply facilities in accordance with the Specific Plan and/or the City of Madera Water System Master Plan as indicated below:
  - a. Road 23 - Install 18-inch main along property frontage.
  - b. Avenue 16 - Install 12-inch main along property frontage.
  - c. Cleveland Avenue - Install 12-inch main from Road 24 alignment to Road
  - d. Road 24 alignment - Install 12-inch main along property frontage.
  - e. Southern boundary of TSM - Install 12-inch main along property frontage.
  - f. Residential streets (60-feet) as depicted in the Specific Plan - Install two

Reimbursements are based on the current impact fee program and are subject to change based on future updates to the program.

The oversize component (difference in cost between constructed pipe size and 8-inch pipe) of the construction of these lines are considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half the 8-inch component is reimbursable from adjacent properties as they develop and connect.

69. Infrastructure shall be installed to the extent necessary to provide a looped water main system that provides an adequate potable water supply that meets fire flow requirements

for each phase. Water mains shall be constructed to current City standards in effect at time of construction and in accordance with the Specific Plan, Infrastructure Master Plan and Water Supply Assessment, as may be applicable.

70. The developer shall design, dedicate right-of-way and construct municipal water wells in accordance with the Specific Plan, Infrastructure Master Plan and the City of Madera Water System Master Plan as needed for each phase of the TSM. If a water well is not determined to be needed for any phase of the TSM, an appropriate well site shall be identified, dedicated to the City and appropriate block wall perimeter constructed. The cost of the municipal wells is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
71. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet) or commercial development (300 feet). For each phase, a copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
72. For subdivisions, water services shall be placed 3 feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or streetlight locations.
73. One water quality sampling station, or additional may be determined necessary by the Public Works Department, shall be shown on the improvement plans for each subdivision and installed within each corresponding subdivision and approved by the water quality division of the Public Works Department.
74. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved backflow device installed. All water trucks/storage tanks will be inspected for proper air gaps or backflow prevention devices.
75. Water service connection(s) shall be shown on the improvement plans for each phase and shall be constructed to current City standards in effect at time of construction including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way. Backflow prevention devices shall be required for any water service not serving a residence and installed within private property.
76. For non-single-family residential development, each parcel shall have a separate water service connection or record a reciprocal easement agreement across all parcels as a result of a commercial subdivision or similar type of development.
77. A separate water meter and backflow prevention device shall be required for landscape areas.

78. Existing wells if any shall be abandoned as directed and permitted by the 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.
79. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to construction activities commencing on individual dwelling units.

### **Recycled Water**

80. The developer shall install recycled water facilities in accordance with the Specific Plan and expand the City's Wastewater Treatment Plant (WWTP) to treat effluent that shall be used by the development of the TSM and future development for irrigation of parks and outdoor landscaped areas. The expansion of the WWTP shall be designed in a scalable manner that allows for future expansion as growth occurs within the City.
81. First phase to be constructed shall be designed and constructed to accommodate future connection to the recycled water system when it becomes available.

### **Sewer**

82. The developer shall install master-planned sewer facilities in accordance with the Specific Plan, Infrastructure Master Plan and the City of Madera Sanitary Sewer System Master Plan, as may be applicable, as indicated below:
  - a. Road 23 - Install 30-inch main, pressure main and sewer lift station between Avenue 16 and Pecan Avenue.
  - b. Cleveland Avenue - Install 15-inch main from Road 24 alignment to Road

Reimbursements are based on the current impact fee program and are subject to change based on future updates to the program.

The oversize component {difference in cost between constructed pipe size and 8-inch pipe) of the construction of these lines are considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half the 8-inch component is reimbursable from adjacent properties as they develop and connect.

The sewer lift station and force main are considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.

83. Connection to the existing Westberry Trunk is permitted for the first phase of an approximate maximum 200 lots on a temporary basis. Provisions shall be made to reverse the flows for these 200 lots back to the future Road 23 trunk.
84. Sewer lines installed within internal publicly owned streets to serve the development within the subdivision shall be sized accordingly and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to



paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.

85. Sewer services shall be located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards in effect at time of construction and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
86. For non-single-family residential development, each parcel shall have a separate sewer service connection or record a reciprocal easement agreement across all parcels as a result of a commercial subdivision or similar type of development.
87. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

#### **Storm Drain**

88. The developer shall install master-planned or equivalent facilities such as storm retention basins and pipes in accordance with the Specific Plan. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Specific Plan, Infrastructure Master Plan and Storm Drainage System Master Plan, as may be applicable, to convey storm runoff to the corresponding master-planned basins and excavate or expand the basins to an amount equivalent to each project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities. Regardless of whether the basins are fully excavated at time of first development, the entirety of the ultimate basin land shall be dedicated, fenced, frontage improvements constructed, and outfall structures constructed at ultimate depths and locations.
89. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant 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 be subject to 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. This condition is directly applicable to this project or any portion thereof if drainage is directed to the Fresno River.

#### **Streets**

90. The developer shall implement mitigation measures recommended by the Traffic Impact Analysis that correspond to each phase of development to mitigate the impacts of each

phase on the street system. The mitigation measures may result in additional right-of-way dedications and construction of additional improvements internal and external to the TSM than that specified herein.

91. The developer shall construct street improvements in accordance with the locations and cross-sections specified in the Specific Plan to the extent necessary to provide access to each phase, including but not limited to permanent paving, sidewalk, curb and gutter, park strip, streetlights, fire hydrants and all other components necessary to complete construction in accordance with City standards in effect at time of construction, prior to acceptance of improvements by the City.
92. All streets identified in the Specific Plan shall be constructed to the cross sections delineated therein. Where not specifically identified, those streets shall be constructed in accordance with arterial and collector standards in effect at time of construction.
93. The east half of Road 23 along the entire project frontage shall be improved to a 135-foot roadway standard with an eight-foot sidewalk, seven-foot park strip, eight-foot bicycle lane, 42-foot asphalt section and a 17-foot landscaped median island in accordance with the Specific Plan. The west half of the street shall include one permanently paved 12-foot lane and 8-foot shoulder (shoulder requirement per Air District Standards), and drainage swale, or a 12-foot travel lane and a combination of shoulder/AC dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The center three lanes (40-feet total), which includes 16 feet of the median island, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
94. West Cleveland Avenue from the Road 24 alignment to Road 23 shall be improved to a 110-foot arterial roadway standard with a five-foot sidewalk, 10-foot park strip and eight-foot bicycle lane on both sides of the roadway, 60-foot asphalt section in total and a 16-foot landscaped median island in accordance with the Specific Plan. The developer to construct the first half of the street (north or south of the centerline) shall construct the 16-foot landscaped median island centered on the centerline. The developer to construct the first half of the street shall also construct on the opposite half of the street one permanently paved 12-foot lane and 8-foot shoulder (shoulder requirement per Air District Standards), and drainage swale, or a 12-foot travel lane and a combination of shoulder/AC dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The center three lanes (40-feet total), which includes the median island, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
95. Along the north side of West Cleveland Avenue, a frontage road shall be constructed to a 50-foot frontage roadway standard in accordance with the locations and cross-section specified in the Specific Plan.



96. Interior streets shall be constructed in accordance with the Specific Plan and City standards in effect at time of construction for collector streets (90-feet), residential streets (60-feet) and couplet streets (67-feet).
97. The developer shall be a proponent of, and agrees to, annex into existing Landscape Maintenance District (LMD) Zone 21D or successor LMD zone. If the annexation into LMD Zone 21D is not attainable, the developer shall at their sole expense, form a new Landscape Maintenance District zone. The subdivider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.
98. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required LMD Zone 21D, or successor LMD zone, or new LMD Zone for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the Citywide LMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
99. The divided community entry streets within the TSM shall be in accordance with the Specific Plan and shall be constructed and landscaped in accordance with plans approved by the City Engineer and the Fire Marshall. Landscaping shall be maintained by the Landscape Maintenance District.
100. All streets internal and external to the subdivision shall be designed with a 2% cross slope. Variations to absorb grade variations on private property are not permitted.
101. Street Easement Dedications shall be made to dedicate sufficient right-of-way to accommodate the corresponding street cross-sections as specified in the Specific Plan or as may be identified in the Traffic Impact Analysis.
102. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents.
103. "No Parking" signs shall be installed along the frontage of arterial and collector roadways per City standards in effect at time of construction.
104. Industry standard traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with each subdivision. Maximum

distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer.

105. Landscaping and irrigation systems shall be installed in accordance with the approved landscaping and irrigation plans before the final building inspection of any adjacent residential units or commercial buildings.
106. Access ramps shall be installed at all curb returns per current City standards in effect at time of construction.
107. Driveway approaches shall be constructed per current City standards in effect at time of construction.
108. The developer shall be required to install streetlights along the frontage of all streets associated with each subdivision and other developments in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
109. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
110. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "A" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding the imposed loads of fire apparatus. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
111. Improvement plans prepared in accordance with City Standards in effect at time of construction by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total linear feet of all streets, fire hydrant and street water main linear feet, and sewer line linear feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards in effect at time of construction, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:
  - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;

- b. Street plans and profiles;
    - 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
    - 2. Streetlights
    - 3. Traffic signals
    - 4. Construction details including traffic signage and striping plan.
  - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
  - d. Grading plan indicating flood insurance rate map community panel number and effective date;
  - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer.
  - f. Storm water pollution control plan and permit.
  - g. Itemized quantities of the off-site improvements to be dedicated to the City.
112. Submittals shall include (submit a PDF and the stated number of hard copies for each item):
- a. Engineering Plan Review Submittal Sheet
  - b. Civil Plan Submittal Checklist - All required items shall be included on the drawings
  - c. Four copies of the final map
  - d. Two sets of traverse calculations
  - e. Two preliminary title reports
  - f. Two signed copies of conditions
  - g. Four hard copies of complete improvement plans
  - h. Three hard copies of landscape and irrigation plans
  - i. Two sets of drainage calculations
  - j. Two copies of the engineers estimate

Partial submittals will not be accepted by the engineering department.

113. All utilities {water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a 3-sack sand slurry mix extending one-foot past curb and gutter in each direction.
114. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages.
115. 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 subdivision 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.

116. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the improvements shall be submitted with the initial improvement plan submittal for each phase. Inspection fees shall be paid prior to initiating construction.
117. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
118. The subdivider shall enter an Improvement Agreement in accordance with the municipal code prior to recording of each final map. The Improvement Agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
119. The subdivider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing the corresponding improvement plans are approved and submitting bonding and insurance in conformance with that called for in the Improvement Agreement rather than that which is required with a typical encroachment permit application. Said permit shall be submitted and issued prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council and shall be paid at the time of permit.
120. For each phase, the developer's engineer, upon completion of the improvements, shall certify to the City Engineer that the improvements are made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the improvements by the City.

**Improvement Inspections:**

121. Engineering department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans for each phase.
122. Prior to the installation of any improvements or utilities, the general contractor shall notify the engineering department 48 hours prior to construction. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
123. No grading or other construction activities, including preliminary grading on site, shall occur until the City Engineer approves the improvement plans or grading plans. The

inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.

124. No occupancy of any buildings within the subdivision or parcels shall be granted until improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five working days.

**Special Engineering Conditions:**

125. Direct residential access to all collector and arterial streets as well as entry streets is prohibited, and this shall be noted on the final map for each phase.
126. Project grading shall not interfere with the natural flow or adjacent lot drainage and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls if required shall be approved as to design and calculations prior to issuance of a grading permit, therefore.
127. Lot fill in excess of 12 inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 12 inches or more will require construction of a retaining wall.
128. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
129. Prior to the issuance of any building permits or any construction on the subdivision or parcels, a storm water pollution plan shall be prepared, and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size.
130. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID facilities, the developer must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion, as-built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.
131. Prior to recording each final map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.

132. The developer of the property can expect to pay current and future development impact fees, including, but not limited to sewer (special service area), water, streets, bridge, public works, parks, public safety and drainage, that are in place at the time building permits are issued.
133. Final street names shall be approved by the Planning Department prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing county roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts should utilize the name of the nearest subdivision street.
134. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

#### **SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

135. The applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM10 Prohibitions) and Rule 9510 (Indirect Source Review).
136. Applicant shall submit to, and have approved by, the SJCAPCD an Authority to Construct (ATC) application prior to issuance of a grading or building permit.
137. Applicant shall submit to, and have approved by, the SJCAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit.
138. Applicant shall submit to, and have approved by, the SJCAPCD a Dust Control Plan prior to issuance of a grading or building permit.

#### **MADERA UNIFIED SCHOOL DISTRICT**

139. The applicant shall be responsible for payment of fees to the Madera Unified School District and shall provide the City with evidence of payment, or evidence of the District's determination that no payment is required, prior to issuance of a certificate of occupancy.

#### **AIRPORT LAND USE COMMISSION**

140. No component of operations of the subdivision shall create, or cause to be created, electrical interference with aircraft communications or navigation. (TSM, PPL)
141. No component of operations of the facility shall create, or cause to be created, any form of visual or other sensory distractions to those aircraft landing or taking off from the airport.



## PG&E (WHERE APPLICABLE)

142. There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>
143. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of our work.
144. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
145. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe:
  - a. Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.
  - b. Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).
  - c. No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.
146. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
147. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So, to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the

math for a 24-inch-wide trench being dug along a 36-inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away or be entirely dug by hand.) Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away. Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

148. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations. For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.
149. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, waterline 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement. If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.
150. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.
151. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16-foot-wide gate for vehicular access. Gates will be secured with PG&E corporation locks. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



152. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.
153. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.
154. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities. It is PG&E's policy to permit certain uses on a case-by-case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and way they are exercised, will not interfere with PG&E's rights, or endanger its facilities.
155. Buildings and Other Structures: No buildings or other structures including the footprint and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA- NO BUILDING."
156. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed, and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
157. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences, and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
158. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

159. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
160. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case-by-case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
161. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
162. Streets and Roads: Access to facilities must be maintained at all times. Streetlights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.
163. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.
164. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.
165. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue, and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.
166. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/G095/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/G095/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed. Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

167. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

-END OF CONDITIONS-

**EXHIBIT "B"**  
**TSM 2020-03, THE VILLAGES AT ALMOND GROVE**  
**CONDITIONS OF APPROVAL**  
**MARCH 29, 2022**

**Notice to Applicant**

Pursuant to Government Codes Section 66020(d)(l) 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)(l) in effect before January 1, 1997.

**IMPORTANT: PLEASE READ CAREFULLY**

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval for TSM 2020-03 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, 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 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 tentative subdivision map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative subdivision map.

**GENERAL CONDITIONS**

1. Approval of this project 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.
  
2. Approval of this project may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this project, the zoning ordinance, and all City standards and specifications. These applications are 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 project. Unless the conditions of approval specifically require operation inconsistent with the application, new or revised applications are

required if the operation is found to be out of conformance 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 project or subsequent amendments or revisions. These conditions are conditions imposed solely upon the project 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.

3. 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.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee and the Department of Fish and Game de minimis filling 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 action on these applications.
5. 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.
6. TSM 2020-03 shall be valid for a period of 24 months from the date of its conditional approval, unless modified by a Development Agreement. Prior to expiration of the conditionally approved tentative map an extension or extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act.
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, as determined appropriate by the City of Madera Planning Department.
8. 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").
9. 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.

10. 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.
11. The project site shall be developed in conformance with the plans as reviewed and approved. Minor modifications to the site plan, which are necessary to meet regulatory, engineering, or similar constraints or requirements may be made at the discretion of the Planning Manager without an amendment. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to the applications be filed for review and approval through the applicable City process. Please see requirements contained in the Villages at Almond Grove Specific Plan for specific processing procedures.
12. Any proposed modifications not considered minor changes in accordance with the Villages at Almond Grove Specific Plan (and the Madera Municipal Code, as referenced) shall be processed according to the procedures of this Specific Plan.
13. 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.
14. All on-site improvements shall be completed prior to final building inspection and shall be completed to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
15. The Planning Manager and City Engineer shall be notified immediately in the event any prehistoric, archaeological, or fossil artifact or resource is uncovered or discovered during construction activities on site. All construction within 50 feet of the discovery must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's or developer's expense, to evaluate the finds and recommend appropriate action according to CEQA Guidelines Section 15064.5. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project site while assessment of historic resources or unique archaeological resources is being carried out.
16. All construction must stop if any human remains are uncovered, and the Planning Manager, City Engineer and County Coroner must be notified according to Section



7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.

17. The subject is currently utilized for agricultural purposes and will continue to be allowed to be utilized for these purposes during the implementation of the Specific Plan and this subdivision map.
18. An Environmental Impact Report (SCH #2018081051) ("EIR") was prepared that assessed this subdivision map, and a mitigation monitoring and reporting program (MMRP) was adopted by City Council consistent with the requirements of the California Environmental Quality Act (CEQA). All construction and use of the property must comply with the requirements of the MMRP.
19. Consistent with Government Code section 66454, approval of TSM 2020-03 is contingent upon on annexation of the property to the City within 12 months of the date the decision to approve TSM 2020-03 becomes final.

#### **PLANNING DEPARTMENT**

20. All setbacks, revisions to lot sizes, architectural elements, and other applicable property development and design standards shall be in compliance with the Villages at Almond Grove Specific Plan.
21. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
22. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
23. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
24. Park land shall be dedicated, or payment of in-lieu fees shall be made, or combination of both, in accordance with the "City's Acquisition of Land and/or Payment of Fees for City Park Facilities," commencing with Section 10-2.1300 of the Municipal Code.
25. The developer shall cause such Right to Farm notice as required by Section 10-3.418(6) of the Municipal Code to be recorded in the Office of the County Recorder.
26. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees.
27. The applicant/developer shall coordinate with the United States Post Office and the Planning Department relative to the proposed location of the postal boxes for the project.

28. The internal street names shall comply with the recommendations of the Planning Department with approval of the Final Map.
29. There shall be no access to lots from street side of corner lots.

### **Residences**

30. Each dwelling unit and siting of the unit shall be constructed consistent with the Villages at Almond Grove Specific Plan.
31. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.
32. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of building permits.

### **Utility Placement Considerations/Screening Requirements**

33. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets shall be provided in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.

### **Fencing and Walls**

34. All fencing and walls shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood and shall comply with requirements of the Specific Plan.
35. Decorative block walls in accordance with the Specific Plan shall be constructed as needed, for noise attenuation when homes back onto major streets.
36. Masonry wall design and plan details shall be approved by the Planning and Engineering Departments prior to issuance of building permits.

### **Landscape**

37. 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 be approved by the Planning Department 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. Permanent automatic irrigation systems for all landscaped areas;



- c. Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
  - d. At least one (1) City approved street tree planted in each front yard. Corner lots shall have at least two (2) additional trees planted along the exterior side yard. Said front yard and side street trees overall shall be planted thirty (30) foot on center. Trees should be carefully selected and located to shade the buildings during the summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the buildings during winter months.
  - e. Locate landscape material in such a way that it does not interfere with utilities above or below ground; 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 soil preparation techniques for all landscaped areas.
38. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved.
39. 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.

### **Signage**

40. All signage, including, but not limited to, on- or off-site temporary subdivision identification, directional or marketing/ sale signs for the purpose advertising homes for sale shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.

### **Construction Trailer & Sales Center**

41. Development of any temporary construction trailer and/or materials storage yard and/or parking on any lot in the subdivision requires the approval of the Planning Manager in advance of installation/placement.
42. The development of any model home sales center on any lot in the subdivision requires the approval of the Planning Manager.

### **BUILDING DEPARTMENT**

43. The development of any model home sales center on any lot in the subdivision requires the approval of the Planning Manager.

44. A building permit is required for all construction on the site.
45. All plans submitted for on-site construction or building permits shall incorporate and reflect all requirements outlined herein.
46. Current State of California and Federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked when the building permit is reviewed and confirmed at final inspection.

#### **FIRE DEPARTMENT**

47. All homes shall be equipped with residential fire sprinklers in accordance with the CRC and NFPA 13D.
48. The fire hydrant system shall comply with appendices B&C of the California Fire Code and the City of Madera Standards.

#### **ENGINEERING DEPARTMENT**

##### **General Conditions**

49. Prior to recording of each final map, all actions necessary for annexation into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
50. A final subdivision map shall be required per Section 10-2.502 of the municipal code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
51. Park land internal to or immediately adjacent to each corresponding final subdivision map as shown in the Tentative Subdivision Map (TSM), shall be dedicated to the City in advance of, or in conjunction with, recordation of said corresponding final subdivision map.
52. Developer shall coordinate with Madera Unified School District the location of the School Site shown in the TSM in advance of, or in conjunction with, recordation of first final subdivision map. The school sites shall be considered "floating".
53. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive phase number shall identify multiple final maps filed in accordance with an approved tentative map.

54. A survey benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the improvements of each phase. The City Engineer shall designate or approve the location.
55. Prior to any site construction or initiation of work within a public right-of-way, a construction route and traffic control plan will be reviewed and approved by the City Engineer. The construction route and traffic control plan shall depict proposed construction vehicle routes to and from the site. This will minimize potential damage to other streets and disruption to the neighborhood.
56. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification.
57. Development impact fees shall be paid at time of building permit issuance or as otherwise agreed upon (i.e. an approved development agreement).
58. Development impact fees are not generally expected to generate a sufficient stream to reimburse all improvements in a manner that coincides with requirements for construction of infrastructure. Developer shall anticipate such in the funding of infrastructure.
59. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
60. The developer shall pay all required fees for processing the subdivision map and completion of the project. Fees due may include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.
61. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit is required from the Engineering Division. For subdivisions, an Encroachment Permit is only required if construction of improvements is initiated prior to execution of an Improvement Agreement.
62. The improvement plans for the project shall include the most recent version of the City's General Notes.
63. The developer shall comply with the Federal Emergency Management Agency (FEMA) requirements, as may be applicable. Proposed improvements shall account for the areas of the TSM which lie within the boundaries of FEMA Special Flood Hazard Areas, Zone AO.
64. This development is subject to the development standards of The Villages at Almond Grove Specific Plan (Specific Plan), including the associated Infrastructure Master Plan, Water Supply Assessment and Traffic Impact Analysis, as may be applicable. Improvements shall be constructed as detailed and within the time frame identified

65. Development shall occur in a stepwise manner, moving outward from existing infrastructure. Geographically remote development (leapfrog development) of the TSM shall construct all master-planned infrastructure necessary (permanent full street width, water, sewer, storm drain, etc.) to provide adequate services from the nearest logical connection point as determined by the City Engineer.

### **Water**

66. Prior to framing construction on-site, a water system shall be designed to meet the required fire flow for the type of development planned and approved by the fire department. Fire flows shall be determined by Uniform Fire Code appendix III-A.
67. Unless the City Engineer or fire flow analysis specifies larger water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works.
68. The developer shall install master-planned water supply facilities in accordance with the Specific Plan and/or the City of Madera Water System Master Plan as indicated below:
  - a. Road 23 - Install 18-inch main along property frontage.
  - b. Avenue 16 - Install 12-inch main along property frontage.
  - c. Avenue 17 - Install 12-inch main along property frontage.
  - d. Avenue 17 - Install 24-inch main between Road 23 and Airport Drive/Golden State Boulevard.
  - e. Road 22 alignment - Install 12-inch main along property frontage.
  - f. Arterial street (110-feet) located mid-way between Avenue 16 and Avenue 17 as depicted in the Specific Plan – Install 12-inch main.
  - g. North-south residential streets (60-feet) located approximately mid-way between Road 22 and Road 23 as depicted in the Specific Plan – Install 12-inch water mains connecting to Avenue 17 and Avenue 16.

Reimbursements are based on the current impact fee program and are subject to change based on future updates to the program.

The oversize component (difference in cost between constructed pipe size and 8-inch pipe) of the construction of these lines are considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half the 8-inch component is reimbursable from adjacent properties as they develop and connect.

69. Infrastructure shall be installed to the extent necessary to provide a looped water main system that provides an adequate potable water supply that meets fire flow requirements for each phase. Water mains shall be constructed to current City standards in effect at time of construction and in accordance with the Specific Plan, Infrastructure Master Plan and Water Supply Assessment, as may be applicable.
70. The developer shall design, dedicate right-of-way and construct municipal water wells in accordance with the Specific Plan, Infrastructure Master Plan and the City of Madera Water System Master Plan as needed for each phase of the TSM. If a water well is not determined to be needed for any phase of the TSM, an appropriate well site shall be identified, dedicated to the City and appropriate block wall perimeter constructed. The cost of the municipal wells is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
71. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet) or commercial development (300 feet). For each phase, a copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
72. For subdivisions, water services shall be placed 3 feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or streetlight locations.
73. One water quality sampling station, or additional may be determined necessary by the Public Works Department, shall be shown on the improvement plans for each subdivision and installed within each corresponding subdivision and approved by the water quality division of the Public Works Department.
74. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved backflow device installed. All water trucks/storage tanks will be inspected for proper air gaps or backflow prevention devices.
75. Water service connection(s) shall be shown on the improvement plans for each phase and shall be constructed to current City standards in effect at time of construction including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way. Backflow prevention devices shall be required for any water service not serving a residence and installed within private property.
76. For non-single-family residential development, each parcel shall have a separate water service connection or record a reciprocal easement agreement across all parcels as a result of a commercial subdivision or similar type of development.

77. A separate water meter and backflow prevention device shall be required for landscape areas.
78. Existing wells if any shall be abandoned as directed and permitted by the 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.
79. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to construction activities commencing on individual dwelling units.

### **Recycled Water**

80. The developer shall install recycled water facilities in accordance with the Specific Plan and expand the City's Wastewater Treatment Plant (WWTP) to treat effluent that shall be used by the development of the TSM and future development for irrigation of parks and outdoor landscaped areas. The expansion of the WWTP shall be designed in a scalable manner that allows for future expansion as growth occurs within the City.
81. First phase to be constructed shall be designed and constructed to accommodate future connection to the recycled water system when it becomes available.

### **Sewer**

82. The developer shall install master-planned sewer facilities in accordance with the Specific Plan, Infrastructure Master Plan and the City of Madera Sanitary Sewer System Master Plan, as may be applicable, as indicated below:
  - a. Road 23 - Install 15-inch main along the property frontage.
  - b. Avenue 16 – Install 18-inch main, pressure main and sewer lift station along the property frontage to the extent required by the Specific Plan, Infrastructure Master Plan and the City of Madera Sanitary Sewer System Master Plan.

Reimbursements are based on the current impact fee program and are subject to change based on future updates to the program.

The oversize component {difference in cost between constructed pipe size and 8-inch pipe) of the construction of these lines are considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half the 8-inch component is reimbursable from adjacent properties as they develop and connect.

The sewer lift station and force main are considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.

83. Sewer lines installed within internal publicly owned streets to serve the development within the subdivision shall be sized accordingly and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to



paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.

84. Sewer services shall be located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards in effect at time of construction and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
85. For non-single-family residential development, each parcel shall have a separate sewer service connection or record a reciprocal easement agreement across all parcels as a result of a commercial subdivision or similar type of development.
86. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

#### **Storm Drain**

87. The developer shall install master-planned or equivalent facilities such as storm retention basins and pipes in accordance with the Specific Plan. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Specific Plan, Infrastructure Master Plan and Storm Drainage System Master Plan, as may be applicable, to convey storm runoff to the corresponding master-planned basins and excavate or expand the basins to an amount equivalent to each project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities. Regardless of whether the basins are fully excavated at time of first development, the entirety of the ultimate basin land shall be dedicated, fenced, frontage improvements constructed, and outfall structures constructed at ultimate depths and locations.
88. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant 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 be subject to 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**

89. The developer shall implement mitigation measures recommended by the Traffic Impact Analysis that correspond to each phase of development to mitigate the impacts of each phase on the street system. The mitigation measures may result in additional right-of-

way dedications and construction of additional improvements internal and external to the TSM than that specified herein.

90. The developer shall construct street improvements in accordance with the locations and cross-sections specified in the Specific Plan to the extent necessary to provide access to each phase, including but not limited to permanent paving, sidewalk, curb and gutter, park strip, streetlights, fire hydrants and all other components necessary to complete construction in accordance with City standards in effect at time of construction, prior to acceptance of improvements by the City.
91. All streets identified in the Specific Plan shall be constructed to the cross sections delineated therein. Where not specifically identified, those streets shall be constructed in accordance with arterial and collector standards in effect at time of construction.
92. Road 23 along the entire project frontage shall be improved to a 135-foot arterial roadway standard with an eight-foot sidewalk, seven-foot park strip and eight-foot bicycle lane on both sides of the roadway, 84-foot asphalt section in total and a 17-foot landscaped median island in accordance with the Specific Plan. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The center three lanes (40-feet total), which includes 16 feet of the median island, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
93. The arterial roadway mid-way between Avenue 16 and Avenue 17 connecting Road 23 to the residential street as depicted in the Specific Plan shall be improved to a 110-foot arterial roadway standard with a five-foot sidewalk, 10-foot park strip and eight-foot bicycle lane on both sides of the roadway, 60-foot asphalt section in total and a 16-foot landscaped median island in accordance with the Specific Plan. The developer to construct the first half of the street (north or south of the centerline) shall construct the 16-foot landscaped median island centered on the centerline. The developer to construct the first half of the street shall also construct on the opposite half of the street one permanently paved 12-foot lane and 8-foot shoulder (shoulder requirement per Air District Standards), and drainage swale, or a 12-foot travel lane and a combination of shoulder/AC dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The center three lanes (40-feet total), which includes the median island, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
94. Interior streets shall be constructed in accordance with the Specific Plan and City standards in effect at time of construction for collector streets (90-feet), residential streets (60-feet) and couplet streets (67-feet).
95. The developer shall be a proponent of, and agrees to, annexing into existing Landscape Maintenance District (LMD) Zone 21D, or designated successor LMD. If the annexation into LMD Zone 21D or its successor is not attainable, the developer shall at their sole expense, form a new Landscape Maintenance District zone. The subdivider shall sign

and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.

96. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required LMD Zone 21D, or its successor LMD Zone, or a new LMD Zone for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the Citywide LMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
97. The divided community entry streets within the TSM shall be in accordance with the Specific Plan and shall be constructed and landscaped in accordance with plans approved by the City Engineer and the Fire Marshall. Landscaping shall be maintained by the Landscape Maintenance District.
98. All streets internal and external to the subdivision shall be designed with a 2% cross slope. Variations to absorb grade variations on private property are not permitted.
99. Street Easement Dedications shall be made to dedicate sufficient right-of-way to accommodate the corresponding street cross-sections as specified in the Specific Plan or as may be identified in the Traffic Impact Analysis.
100. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents.
101. "No Parking" signs shall be installed along the frontage of arterial and collector roadways per City standards in effect at time of construction.
102. Industry standard traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with each subdivision. Maximum distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer.
103. Landscaping and irrigation systems shall be installed in accordance with the approved landscaping and irrigation plans before the final building inspection of any adjacent residential units or commercial buildings.
104. Access ramps shall be installed at all curb returns per current City standards in effect at time of construction.

105. Driveway approaches shall be constructed per current City standards in effect at time of construction.
106. The developer shall be required to install streetlights along the frontage of all streets associated with each subdivision and other developments in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
107. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
108. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "A" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding the imposed loads of fire apparatus. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
109. Improvement plans prepared in accordance with City Standards in effect at time of construction by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total linear feet of all streets, fire hydrant and street water main linear feet, and sewer line linear feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards in effect at time of construction, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:
  - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
  - b. Street plans and profiles;
    1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
    2. Streetlights
    3. Traffic signals
    4. Construction details including traffic signage and striping plan.
  - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);

- d. Grading plan indicating flood insurance rate map community panel number and effective date;
  - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer.
  - f. Storm water pollution control plan and permit.
  - g. Itemized quantities of the off-site improvements to be dedicated to the City.
110. Submittals shall include (submit a PDF and the stated number of hard copies for each item):
- a. Engineering Plan Review Submittal Sheet
  - b. Civil Plan Submittal Checklist - All required items shall be included on the drawings
  - c. Four copies of the final map
  - d. Two sets of traverse calculations
  - e. Two preliminary title reports
  - f. Two signed copies of conditions
  - g. Four hard copies of complete improvement plans
  - h. Three hard copies of landscape and irrigation plans
  - i. Two sets of drainage calculations
  - j. Two copies of the engineers estimate

Partial submittals will not be accepted by the engineering department.

111. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a 3-sack sand slurry mix extending one-foot past curb and gutter in each direction.
112. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages.
113. 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 subdivision 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.
114. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the improvements shall be submitted with the initial improvement plan submittal for each phase. Inspection fees shall be paid prior to initiating construction.
115. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map,

if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.

116. The subdivider shall enter an Improvement Agreement in accordance with the municipal code prior to recording of each final map. The Improvement Agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
117. The subdivider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing the corresponding improvement plans are approved and submitting bonding and insurance in conformance with that called for in the Improvement Agreement rather than that which is required with a typical encroachment permit application. Said permit shall be submitted and issued prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council and shall be paid at the time of permit.
118. For each phase, the developer's engineer, upon completion of the improvements, shall certify to the City Engineer that the improvements are made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the improvements by the City.

**Improvement Inspections:**

119. Engineering department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans for each phase.
120. Prior to the installation of any improvements or utilities, the general contractor shall notify the engineering department 48 hours prior to construction. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
121. No grading or other construction activities, including preliminary grading on site, shall occur until the City Engineer approves the improvement plans or grading plans. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
122. No occupancy of any buildings within the subdivision or parcels shall be granted until improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five working days.

**Special Engineering Conditions:**

123. Direct residential access to all collector and arterial streets as well as entry streets is prohibited, and this shall be noted on the final map for each phase.



124. Project grading shall not interfere with the natural flow or adjacent lot drainage and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls if required shall be approved as to design and calculations prior to issuance of a grading permit, therefore.
125. Lot fill in excess of 12 inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 12 inches or more will require construction of a retaining wall.
126. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
127. Prior to the issuance of any building permits or any construction on the subdivision or parcels, a storm water pollution plan shall be prepared, and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size.
128. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID facilities, the developer must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion, as-built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.
129. Prior to recording each final map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.
130. The developer of the property can expect to pay current and future development impact fees, including, but not limited to sewer (special service area), water, streets, bridge, public works, parks, public safety and drainage, that are in place at the time building permits are issued.
131. Final street names shall be approved by the Planning Department prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing county roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts should utilize the name of the nearest subdivision street.

132. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

#### **SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

133. The applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM10 Prohibitions) and Rule 9510 (Indirect Source Review).
134. Applicant shall submit to, and have approved by, the SJCAPCD an Authority to Construct (ATC) application prior to issuance of a grading or building permit.
135. Applicant shall submit to, and have approved by, the SJCAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit.
136. Applicant shall submit to, and have approved by, the SJCAPCD a Dust Control Plan prior to issuance of a grading or building permit.

#### **MADERA UNIFIED SCHOOL DISTRICT**

137. The applicant shall be responsible for payment of fees to the Madera Unified School District and shall provide the City with evidence of payment, or evidence of the Districts determination that no payment is required, prior to issuance of a certificate of occupancy.

#### **AIRPORT LAND USE COMMISSION**

138. No component of operations of the subdivision shall create, or cause to be created, electrical interference with aircraft communications or navigation. (TSM, PPL)
139. No component of operations of the facility shall create, or cause to be created, any form of visual or other sensory distractions to those aircraft landing or taking off from the airport.

#### **PG&E (WHERE APPLICABLE)**

140. There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>
141. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This

inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of our work.

142. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
143. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe:
  - d. Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.
  - e. Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).
  - f. No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.
144. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
145. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So, to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24-inch-wide trench being dug along a 36-inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away or be entirely dug by hand.) Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away. Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
146. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations. For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore

path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

147. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^{\circ} \pm 15^{\circ}$ ). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, waterline 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement. If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.
148. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.
149. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16-foot-wide gate for vehicular access. Gates will be secured with PG&E corporation locks. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.
150. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.
151. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

152. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities. It is PG&E's policy to permit certain uses on a case-by-case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and way they are exercised, will not interfere with PG&E's rights, or endanger its facilities.
153. Buildings and Other Structures: No buildings or other structures including the footprint and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA- NO BUILDING."
154. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed, and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
155. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences, and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
156. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
157. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
158. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case-by-case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

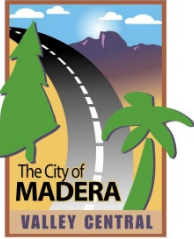
159. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
160. Streets and Roads: Access to facilities must be maintained at all times. Streetlights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.
161. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.
162. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.
163. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue, and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.
164. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/G095/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/G095/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed. Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.
165. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

-END OF CONDITIONS-



ATTACHMENT 5  
Environmental Impact Report (SCH #2018081051)

[https://www.madera.gov/wp-content/uploads/2021/12/The Villages at Almond Grove DEIR.pdf](https://www.madera.gov/wp-content/uploads/2021/12/The_Villages_at_Almond_Grove_DEIR.pdf)



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Adileni Rueda, Assistant Planner

**Meeting of:** May 14, 2024

**Agenda Number:** 2

**SUBJECT:**

Consideration of an application to extend the expiration dates for Conditional Use Permit (CUP 2020-15 EXT) and Site Plan Review (SPR 2020-24 EXT), authorizing the construction of a mixed-use development at 401 East Yosemite (APN: 007-113-018) on the northeast corner of the intersection of North B Street and East Yosemite Avenue.

**RECOMMENDATION:**

Conduct a public hearing and adopt:

1. A Resolution approving a one-year (12-month) extension of time to the expiration dates for the approvals of Conditional Use Permit (CUP) 2020-15 and Site Plan Review (SPR) 2020-24, subject to the findings and conditions of approval.

**SUMMARY:**

The applicant, Rafael Divina, has timely filed a request for a one-year (12-month) extension of time to the expiration dates for the approvals of Conditional Use Permit No. 2020-15 and Site Plan Review No. 2020-24. CUP 2020-15 and SPR 2020-24 authorized the development of a commercial and residential mixed-use project on approximately 0.17-acres of property located on the northeast corner of North B Street and East Yosemite Avenue at 401 East Yosemite (APN: 007-113-018). The project site is currently an undeveloped lot located in the Madera Downtown District.

Conditional Use Permit 2020-15 and Site Plan Review 2020-24 were previously approved at the regular meeting of the City of Madera Planning Commission held on May 9, 2023. The City Municipal Code (CMC) provides rights associated with the approvals of a use permit or site plan review shall be exercised/utilized within one-year (12-months) of the effective date of approval. The effective date of approval of a use permit is 15 days from the date of the action by the Commission. The current expiration date for the approval of CUP 2020-15 is May 24, 2024. The effective date of approval of a site plan review is 10 days from the date of action by the Director or Commission. The current expiration date for the approval of SPR 2020-24 is May 19, 2024.

The CMC also includes provisions to request a one-year (12-month) extension prior to the expiration of approvals. Adoption of the attached resolution will extend the expiration date for approvals (the time in which the applicant/developer must exercise privileges or rights) for an additional period of one-year (12-months) to May 24, 2025, for CUP 2020-15 and to May 19, 2025, for SPR 2020-24.

The project allows a mixed-use development that will grant both commercial and residential leasing. The site is zoned Light Commercial (C1) with a General Plan Land Use designation of Commercial (C). The two-story building will have three commercial suites on the first floor and the top floor will have two residential units. The building will total approximately 5,190 square feet in gross area. The first floor will have three commercial offices and will total approximately 2,576 square feet. The second floor proposes two residential suites that will total approximately 2,614 square feet.

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

<b>Table 1: Project Overview</b>	
<i>Project Number:</i>	CUP 2020-15, SPR 2020-24
<i>Applicant:</i>	Rafael Divina
<i>Property Owner:</i>	Ranveer Johal
<i>Location:</i>	401 E Yosemite Ave (007-113-018)
<i>Project Area:</i>	0.17 acres (7,564 sq ft)
<i>Plan Land Use:</i>	C – Commercial
<i>Zoning District:</i>	C1 – Light Commercial
<i>Site Characteristics</i>	Proposed site is located within the Downtown District along East Yosemite Ave. Site is currently vacant and abuts both residential and commercial lots.

**ANALYSIS:**

Lapse of Site Plan Approvals and Termination of Use Permits

City Municipal Code (CMC) § 10-3.1311(A) provides, any use permit granted by the city as herein provided shall be conditioned upon the privileges granted therein being utilized within 12 months after the effective date thereof. Failure to utilize such permit 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 at its next regular meeting and may grant or conditionally grant an extension as it deems appropriate.

CMC § 10-3.4.0114 provides, a site plan approval shall be void one year following the date on which approval by the Community Development Director, Planning Commission, or City Council became effective unless, prior to the expiration of one year, 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. Approval may be extended for one-year periods of time, upon written application to the Director before expiration of the approval.

The applicant submitted a timely letter to the Planning Department requesting an extension (Attachment 3) and underlining the reasons for the construction delay. Staff supports a one-year (12-month) extension.

### Conditional Use Permit

Madera Municipal Code § 10-3.802 allows residential development on commercially zoned property with the issuance of a conditional use permit. CUP 2020-15 will allow for the project to incorporate two residential units to locate on the second floor in a commercially zoned lot.

### Site Plan Review

A site plan review is required for all projects which require a use permit, propose an expansion to the site, or if a change in use occurs. The project will require a demolition permit along with other building permits to begin construction. Site Plan Review was required to examine the surrounding site, design elements, and parking lot requirements.

Building elevations and materials have been submitted and were reviewed and determined that they follow the City's Design and Development Guidelines.

### Parking

The site location is within the downtown district and proposes two residential units and three commercial suites. Due to the location, the project will abide to the downtown district parking requirements as stated under CMC § 10-3.1202. The site plan proposes to include eight (8) parking stalls which includes one (1) accessible parking stall.

CMC § 10-3.1202 requires residential dwellings with more than one bedroom to provide 2 parking spaces for each residential dwelling unit. Therefore, four (4) of the parking stalls will remain strictly residential.

Below, Table 3 shows the general parking spaces that would have been required based on the downtown parking district standards for commercial uses. Table 3 has calculated the total number of parking spaces needed to meet the spaces required. For overall general retail, the project should have provided nine (9) parking spaces.

<b>Table 3: Parking Requirements for 2,290 square feet of Commercial Space</b>	
<i>Use</i>	<i>Spaces Required</i>
General Retail/Professional Office	9 (general retail only)/ 5 (office use only)
Bulky Retail	4

Retail Food Stores/Banks	6
Beauty Shops and Service Establishments	5
<b>Parking Provided</b>	<b>4</b>

Since the project cannot meet the required parking under the Downtown Parking District standards, the project is subject to In Lieu Payments as stated under CMC § 10-3.1204. A payment of \$4,500 per parking space required under the provisions of the City’s Off-Street Parking Regulations.

If the Planning Commission does require the project to abide by the In Lieu Payments, the applicant will be subject to the calculated yearly fee and the first payment will be made after the approval of CUP 2020-15 and SPR 2020-24. Staff is also requesting whether the fee is to be made on an annual basis or if it is to be considered a one-time fee.

Mixed-Use Analysis

A mixed-use development will typically involve two or more uses within a zoning district or location to operate within a general area. Popular examples of such development can be regularly seen in denser cities and downtown districts. Currently, there is an absence of such development in the downtown district and within the City overall. To incorporate this type of development will adhere to a majority of the goals the City strives to accomplish such as creating walkable communities, encouraging small businesses to locate in the downtown district, and creating more housing opportunities.

The City’s General Plan identifies Downtown Madera as the lively heart and soul of a community by providing diverse businesses, dining, entertainment, and cultural opportunities. To allow mixed-use development, the site will be aligned with the following goals and policies stated in the General Plan:

- Goal CD-5 Walkable community.
- Goal CD-8 A downtown that is the center of the city, linking all parts of the community together with a vibrant, rich mix of uses that attracts residents, workers, and visitors.
- Policy CD-40 The City shall encourage a combination of retail, office, civic, entertainment uses, (e.g movie and performing arts theaters) in the downtown that serve the daily and occasional needs of all of Madera’s residents.
- Policy CD-41 A vertical mix of uses with residential and office above retail is encouraged in the downtown.

**ENVIRONMENTAL REVIEW:**

The project was previously determined to be categorically exempt under the California Environmental Quality Act (CEQA) Guideline Section 15332 (In-Fill Development). The project site is consistent with the General Plan and Zoning Ordinance. The development occurs within city limits and is no more than five acres.

**PLANNING COMMISSION ACTION:**

The Planning Commission (Commission) will be acting on CUP 2020-15 and SPR 2024-24. Staff recommends that the Commission:

1. Adopt a Resolution approving one-year (12-month) extensions of time to the expiration dates for the approvals of Conditional Use Permit (CUP) 2020-15 and Site Plan Review (SPR) 2020-24, 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:**

1. Aerial Map
2. Project Exhibits
3. Applicant letter for Extension
4. Planning Commission Resolution  
Exhibit A: Conditions of Approval dated May 9, 2023



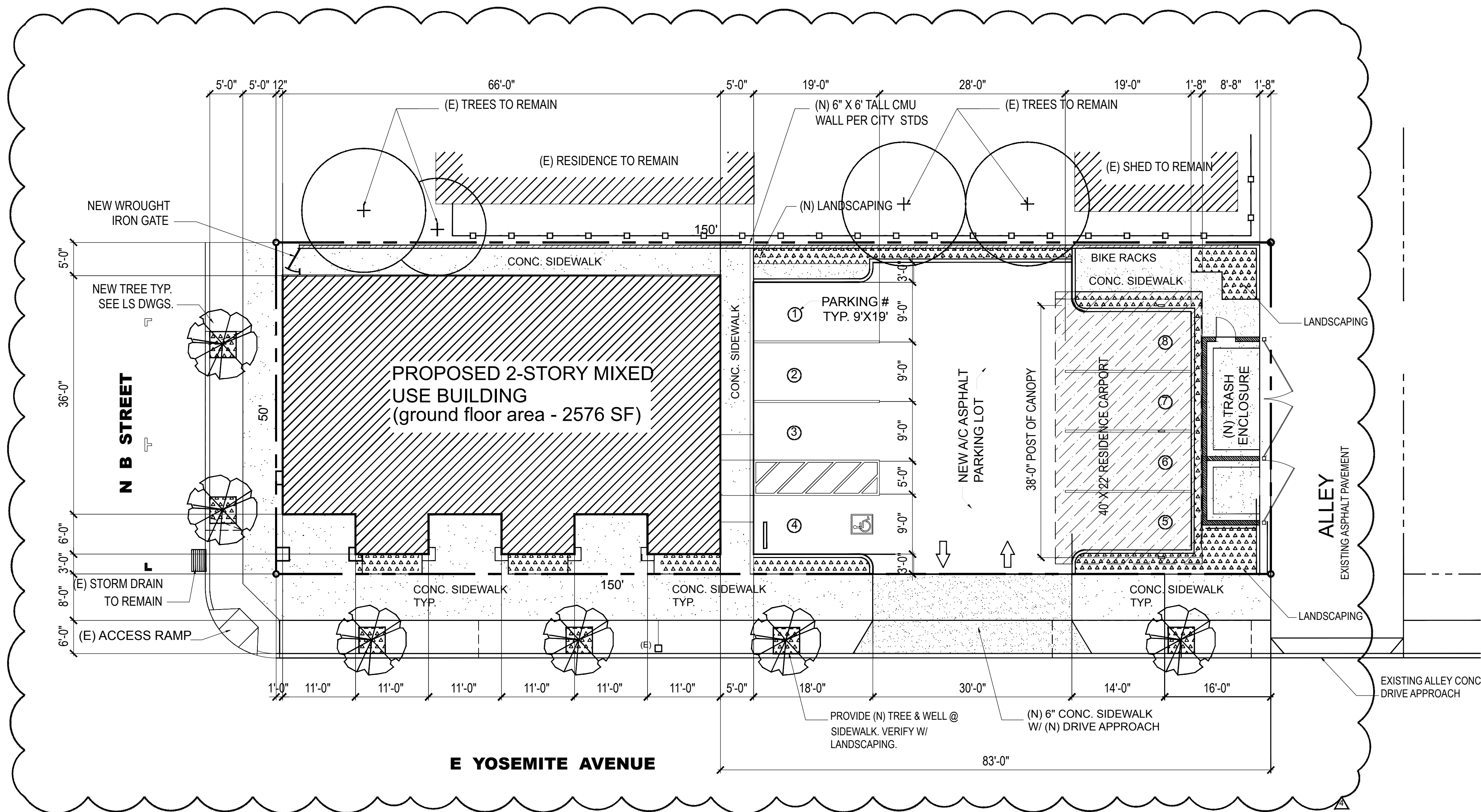
**ATTACHMENT 1**  
**Aerial Map**



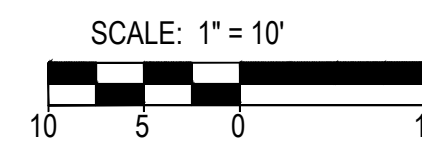
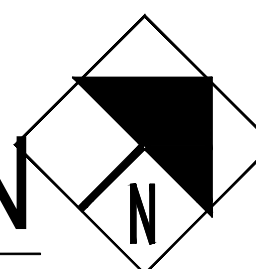
**ATTACHMENT 2**  
**Project Exhibits**

**SITE PLAN LEGEND**

- ⊕ — ELEVATION BENCHMARK
- ➔ — DIRECTION OF TRAFFIC
- ⊙ — STORM DRAIN CLEAN-OUT
- ⊙ — SAN. SEWER MANHOLE
- ⊙ — FIRE EXTINGUISHER
- ⊙ — CATCH BASIN
- △ — LANDSCAPED AREA
- ⊙ — REQUIRED TREE SYMBOL
- ▨ — ENGINEERED RETAINING WALL
- ➔ — DIRECTION OF FLOW (SURFACE)
- TC — TOP OF CURB
- FP — FINISHED PAVEMENT
- TW — TOP OF WALL
- BW — BOTTOM OF WALL
- FG — FINISHED GRADE
- FF — FINISHED FLOOR
- PL — PROPERTY LINE
- CL — CENTER LINE
- EP — EDGE OF PAVEMENT
- POC — POINT OF CONNECTION
- PP — POWER POLE
- — CONC. SPLASH BLOCK (ROOF DRAIN)
- 6" CONC. CURB W/ DRAIN OPENING
- ⊙ — SITE LIGHTING FIXTURE
- ⊙ — PARKING STALL MARKER
- 93.87 — CONTOUR ELEVATION
- CONCRETE SWALE
- DRAIN (OFF-SITE)
- EX. STRUCTURE (OFF-SITE)
- PL — PROPERTY LINE
- ⊙ — CONCRETE STEPPING STONE
- ⊙ — NUMBERED PARKING STALLS
- RW — RIGHT-OF-WAY/PROP. LINE
- GAS METERS (5)
- — STEEL BOLLARD
- ➔ — ACCESSIBLE ROUTE OF TRAVEL
- — HANDICAP ACCESSIBILITY
- ➔ — DIRECTION OF FLOW (CONDUIT)
- S — SEWER LATERAL
- (P) — PROPOSED
- (E) — EXISTING
- — WATER METER
- (E) 6" THK MASONRY WALL
- 6'-0" WOODEN FENCE, 60'-0" LONG
- REMOVED DRIVEWAY, REPLACED
- 5'-0" SIDEWALK
- 
- E-7 — CITY PUBLIC WORK STANDARD
- PROPERTY LINE
- CURB & GUTTER
- E-7 — CITY PUBLIC WORK STANDARD
- ε — PROPERTY LINE



**PROPOSED SITE PLAN**



CONSULTANT  
**Rafael D. Divina, P.E.**  
 Civil - Structural - Land Surveying  
 PO Box 186  
 Madera, CA 93638  
 Lic. # 30011  
 (559) 681-6869

OWNER  
**Ranveer Johal**  
 1123 Country Club Dr.  
 Madera, CA 93638  
 (559) 313-5280

PROJECT ADDRESS

PROPOSED:  
**MIXED USE OFFICES & RESIDENCES**  
 608 E YOSEMITE AVE. MADERA CA 93638

06/27/2022	SPR REVIEW
10/2/2022	SPR REVISION

DRAWN: JJB  
 DATE: 06/27/2022  
 FOR: REVIEW  
 SCALE: AS SHOWN

**A-1**



**HANDRAILS/GUARDRAILS:**

- STAIRWAYS SHALL HAVE HANDRAILS ON EACH SIDE AND SHALL COMPLY WITH C.B.C. SECTIONS 1012.2 THROUGH 1012.9
  - TOP OF HANDRAILS SHALL NOT BE PLACED LESS THAN 34" NOR MORE THAN 38" ABOVE LANDINGS, NOSING OF TREADS AND FINISH SURFACE OF RAMP SLOPE. (C.B.C. 1012.2)
  - HANDRAILS GRIPING SURFACES SHALL BE CONTINUOUS, WITHOUT INTERRUPTION BY NEWEL POSTS OR OTHER OBSTRUCTIONS. (C.B.C. 1012.4)
- EXCEPTIONS:
- HANDRAILS WITHIN DWELLING UNITS ARE PERMITTED TO BE INTERRUPTED BY A NEWEL POST AT A STAIR OR RAMP LANDING.
  - WITHIN A DWELLING UNIT, THE USE OF A VOLUTE, TURNOUT OR STARTING EASING IS ALLOWED ON THE LOWEST TREAD.
  - HANDRAIL BRACKETS OR BALUSTERS ATTACHED TO THE BOTTOM SURFACE OF THE HANDRAIL THAT DO NOT PROJECT HORIZONTALLY BEYOND THE SIDES OF THE HANDRAIL WITHIN 1 1/2" OF THE BOTTOM OF THE HANDRAIL SHALL NOT BE CONSIDERED OBSTRUCTIONS. FOR EACH 12" OF ADDITIONAL HANDRAIL PERIMETER DIMENSION ABOVE 4", THE VERTICAL CLEARANCE DIMENSION 1 1/2" SHALL BE PERMITTED TO BE REDUCED BY 1/8"
  - THE HANDGRIP PORTION OF HANDRAILS SHALL NOT BE LESS THAN 1 1/4" NOR MORE THAN 2" IN CROSS-SECTIONAL DIMENSION OR THE SHAPE SHALL PROVIDE EQUIVALENT GRASPABILITY. THE HANDGRIP PORTION OF HANDRAILS SHALL HAVE A SMOOTH SURFACE WITH NO SHARP CORNERS. (C.B.C. 1012.3)
  - CLEAR SPACE BETWEEN A HANDRAIL AND A WALL OR OTHER SURFACE SHALL BE A MINIMUM OF 1 1/2". A HANDRAIL AND A WALL OR OTHER SURFACE ADJACENT TO THE HANDRAIL SHALL BE FREE OF ANY SHARP OR ABRASIVE ELEMENTS (C.B.C. 1012.6)
  - TOP OF GUARDRAILS= +42" A.F.F. NOSING OF TREADS
  - OPEN GUARDRAILS SHALL HAVE INTERMEDIATE RAILS OR AN ORNAMENTAL PATTERN SUCH THAT A SPHERE 4" IN DIAMETER CANNOT PASS THROUGH. EXCEPTIONS: THE TRIANGULAR OPENINGS FORMED BY THE RISER, TREAD AND BOTTOM ELEMENT OF A GUARDRAIL AT THE OPEN SIDE OF A STAIRWAY MAY BE OF SUCH SIZE THAT A SPHERE 6" IN DIAMETER CANNOT PASS THROUGH. (C.B.C. SECTION 1013.3)

**ONE HOUR RATED PROVIDED ASSEMBLIES**

- C.B.C. TABLE 720.1(2), ITEM 14-1.3
- ONE HOUR INTERIOR RATED WALL
- 2x4 WOOD STUDS 24" ON CENTER WITH 5/8" TYPE X GYPSUM WALLBOARD APPLIED VERTICALLY OR HORIZONTALLY, EACH SIDE, NAILED WITH 6d COOLER OR WALLBOARD NAILS AT 7" ON CENTER WITH END JOINTS ON NAILING MEMBERS. STAGGER JOINTS EACH SIDE.
- C.B.C. TABLE 720.1(2), ITEM 15-1.1
- ONE HOUR EXTERIOR RATED WALL
- EXTERIOR SURFACE W/ 3/4" DROP SIDING OVER 1/2" GYPSUM SHEATHING ON 2"x4" WOOD STUDS @ 16" O.C., INTERIOR SURFACE TREATMENT AS REQUIRED FOR ONE-HOUR RATED EXTERIOR OR INTERIOR 2"x4" WOOD STUD PARTITIONS. GYPSUM SHEATHING NAILED WITH 1 3/4" BY NO. 11 GAGE BY 7/16" HEAD GALVANIZED NAILS @ 8" O.C. SIDING NAILED WITH 7d GALVANIZED SMOOTH BOX NAILS
- C.B.C. TABLE 720.1(3), ITEM 21-1.1
- ONE HOUR RATED CEILING
- PROVIDE A BASE LAYER 5/8" TYPE X GYPSUM WALLBOARD APPLIED AT RIGHT ANGLES TO JOIST OR TRUSS 24" O.C. WITH 1 1/4" TYPE S OR TYPE W DRYWALL SCREWS 24" O.C. FACE LAYER 5/8" TYPE X GYPSUM WALLBOARD OR VENEER BASE APPLIED AT RIGHT ANGLES TO JOIST OR TRUSS THROUGH BASE LAYER WITH 1 7/8" TYPE S OR TYPE W DRYWALL SCREWS 12" O.C. AT JOINTS AND INTERMEDIATE JOIST OR TRUSS. FACE LAYER TYPE G DRYWALL SCREWS PLACED 2" BACK ON EITHER SIDE OF FACE LAYER END JOINTS, 12" O.C.

**FLOOR PLAN GENERAL NOTES:**

- VERIFY ALL APPLIANCE, FIXTURE & EQUIPMENT SIZES AND LOCATIONS W/ OWNER, PRIOR TO INSTALLATION
- VERIFY ALL APPLIANCE REQUIRED TEMPERED GLAZING PER SPECIFICATION SHEET A-3.0 AND PER LOCAL JURISDICTION.
- PROVIDE BUILT-IN SHOP FABRICATION PLANS AND ELEVATIONS FOR APPROVAL PRIOR TO FABRICATION. VERIFY ALL LOCATIONS, SIZES AND CONFIGURATIONS W/ OWNER PRIOR TO FABRICATION.
- SHOWER AREA WALLS SHALL BE FINISHED WITH A SMOOTH NONABSORBENT SURFACE TO A HEIGHT OF 70" ABOVE DRAIN INLET.
- SUFFICIENT WOOD BLOCKING SHALL BE PROVIDED @ ALL STUDS FOR SECURING ALL ITEMS INCLUDING BUT NOT LIMITED TO COUNTERS, SHELVING, CASEWORK AND FURNITURE.
- PRIME ALL SIDES OF EXTERIOR TRIM PRIOR TO INSTALLATION.
- THE FLOOR ASSEMBLY SEPARATING THE TWO DWELLING UNITS AND THE OFFICE SPACES BELOW CANNOT HAVE PENETRATIONS SUCH AS RECESSED LIGHTING, RECESSED EXHAUST SYSTEMS, ETC., UNLESS LISTED FOR USE IN FIRE RESISTIVE CONSTRUCTION.

**WALL LEGEND:**

- 2" X 4" - INTERIOR FRAMING @ 16" O.C. W/ 1-HR RATING
- 2" X 6" PLUMBING WALL FRAMING @ 16" O.C.
- 2" X 6" EXTERIOR WALL FRAMING @ 16" O.C.
- 2 X 4 FRAMING FULL HEIGHT WALL
- 2 X 4 FRAMING PARTIAL HEIGHT WALL
- DETAIL NUMBER
- SHEET NUMBER
- WINDOW SYMBOL LETTER, REFER TO WINDOW SCHEDULE, SHEET A-3.0
- DOOR NUMBER, REFER TO DOOR SCHEDULE, SHEET A-3.0
- DESIGNATES THE ELEVATION (INTERIOR OR EXTERIOR) OR SECTION
- SHEET NUMBER

**FLOOR PLAN REFERENCE NOTES:**

- PANTRY CLOSET
- PROVIDE 36" REFRIGERATOR SPACE AND ROUGH PLUMB FOR ICE MAKER IN RECESSED WALL BOX
- DOUBLE KITCHEN SINK W/ GARBAGE DISPOSAL
- RANGE (VERIFY DIMENSIONS W/ MANUFACTURER) W/ MICROWAVE HOOD ABOVE
- BUILT-IN DISHWASHER. VERIFY DIMENSIONS WITH MANUFACTURER
- LINE OF CABINETS ABOVE
- +36" BREAKFAST BAR COUNTER W/ 1'-0" KNEE CLEARANCE
- ACRYLIC TUB/SHOWER WITH TILE WAINSCOT. PROVIDE ONE-PIECE WELDED TRAP OR ACCESS PANEL PER LOCAL CODE, TEMPERED GLASS ENCLOSURE W/ 6'-6" TILE WAINSCOT
- LOW FLOW TOILET (1.28 GPF)
- RECESSED MEDICINE CABINET
- MIRROR. TOP OF MIRROR TO +6'-10"
- LINEN CABINET (FACE FRAME), ADJUSTABLE SHELVES, FULL HEIGHT
- SINGLE POLE & SHELF
- 22" X 30" ATTIC ACCESS (30" X 30" WHEN F.A.U. IN ATTIC), PROVIDE 30" CLEARANCE ABOVE OPENING TO ROOF SHEATHING, PROVIDE LIGHT & SWITCH
- SOUNDWALL - PROVIDE INSULATION & STAGGER STUDS FOR SOUNDPROOF PERFORMANCE. REFER TO SOUND RATED PARTITION NOTE, THIS SHEET AND DETAIL 43/A-10.0
- LINE OF SOFFIT
- DECK - WATERPROOF FLEXIBLE MEMBRANE FINISH - SLOPE TO DRAIN
- +42" HIGH SOLID GUARDRAIL
- 1 1/2" Ø HANDRAIL, TOP @ +36"-REFER TO NOTES THIS SHEET
- ELECTRIC METERS - REFER TO E SHEETS FOR SPECIFICATION
- ELECTRIC SUB-PANEL - REFER TO E SHEETS FOR SPECIFICATION
- GAS METERS - REFER TO E SHEETS FOR SPECIFICATION
- WATER HEATER. INSTALL PRESSURE RELIEF VALVE W/ DRAIN TO EXTERIOR. (INSTALLATION OF WATER HEATER SHALL COMPLY WITH CHAPTER 5 OF THE UNIFORM PLUMBING CODE.) FOR ADDITIONAL INFORMATION, REFER TO SHEET T-1.2, ARCH NOTE #41
- FIRE SPRINKLER RISER
- CONCRETE STOOP SHALL HAVE A SMOOTH BROOM FINISH. SLOPE TO DRAIN.
- PROVIDE (2) LAYERS 5/8" TYPE X GYPSUM BOARD AT CEILING OF COMMERCIAL & ENCLOSED USEABLE SPACE UNDER STAIRS. REFER TO 1-HOUR RATED ASSEMBLIES NOTE, THIS SHEET AND DETAIL 53/A-10.0.
- PROVIDE 1 HOUR EXTERIOR RATED WALL AT STORAGE ENCLOSURE UNDER EXTERIOR STAIRS. REFER TO 1-HOUR RATES ASSEMBLIES NOTE, THIS SHEET AND DETAIL 51/A-10.0.
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- AUTOMATED WASTER STANDPIPE PER CPC TABLE 4-1
- FIRE ALARM CONTROL PANEL WITH FIRE RISER

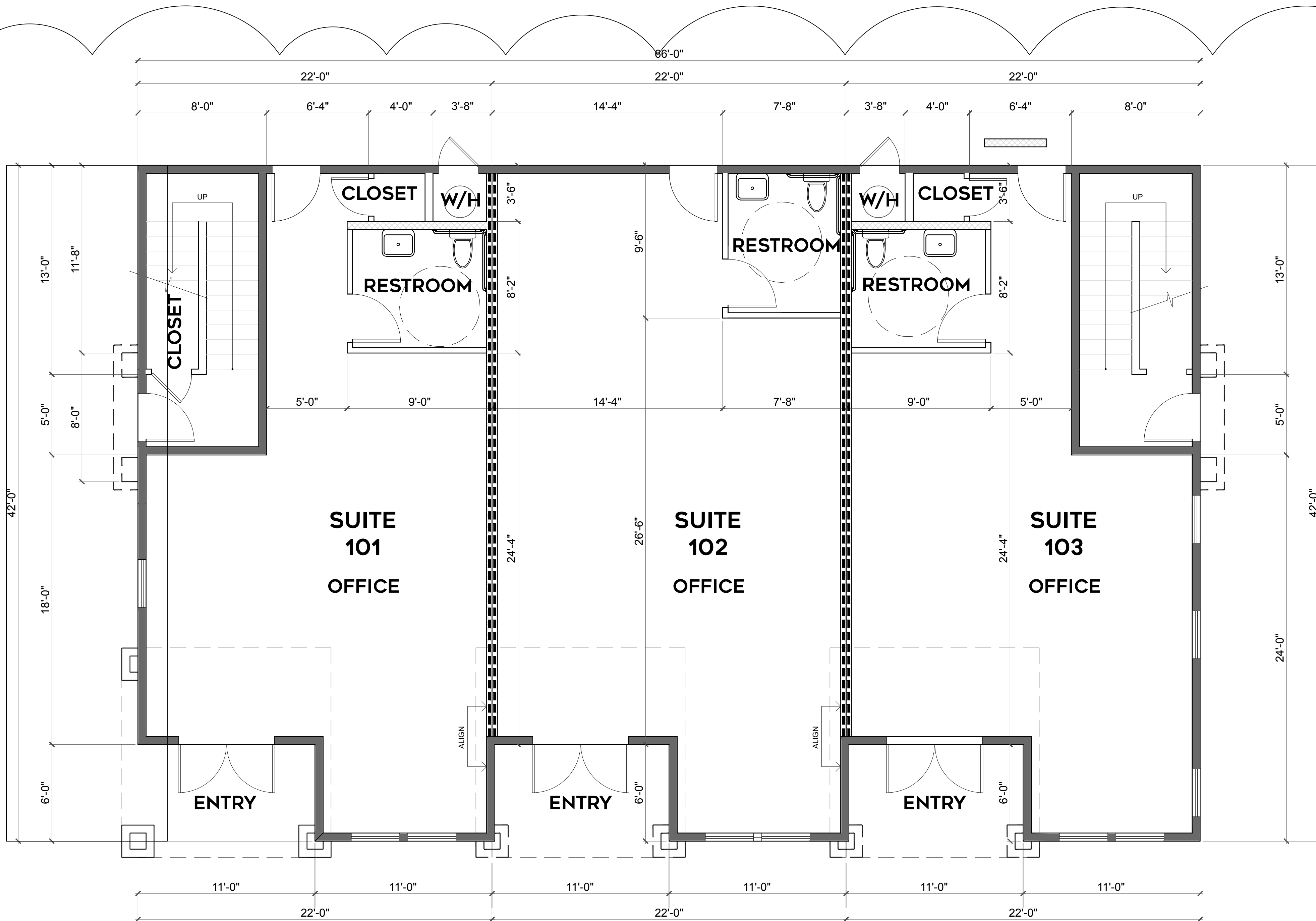
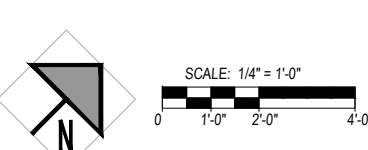
**DIMENSIONAL PLAN GENERAL NOTES:**

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- ALL ANGLES ARE AT 45°, U.N.O.
- VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT WITH ALL DISCREPANCIES PRIOR TO CONSTRUCTION
- SET BUILDING FOOTPRINT 3" MIN. AWAY FROM THE BUILDING SETBACK LINES TO ALLOW FOR FINISH MATERIALS
- ALL FINISH CEILING HEIGHTS SHALL BE +9'-0" TYP. U.N.O. REFER TO FLOOR PLANS
- PROVIDE BLOCKING @ ALL BUILT-INS AND MIRRORS
- NOTE: TEMP = TEMPERED GLAZING. REFER TO SHEET A-3.0 FOR ADDITIONAL INFORMATION.

**GROSS FIRST FLOOR AREA: 2,576 SF**

- SUITE 101 - 715 SF
- SUITE 102 - 860 SF
- SUITE 103 - 715 SF
- STAIRS - 260 SF
- UTILITY CLOSETS - 26 SF
- (OFFICES ONLY - 2,290 SF)

PROPOSED FLOOR PLAN  
FIRST FLOOR (OFFICES)



**CONSULTANT**

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(559) 313-5280

**PROJECT ADDRESS**

**PROPOSED MIXED-USE OFFICES/  
RESIDENCES DOWNTOWN MADERA**  
401 EYOSEMITE AVE, MADERA CA 93638

6/27/2022	SPR REVIEW
10/2/2022	△ SPR REVISIONS
	△

DRAWN: JJB
DATE: 06/27/2022
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SCALE: 1/4" = 1'-0"

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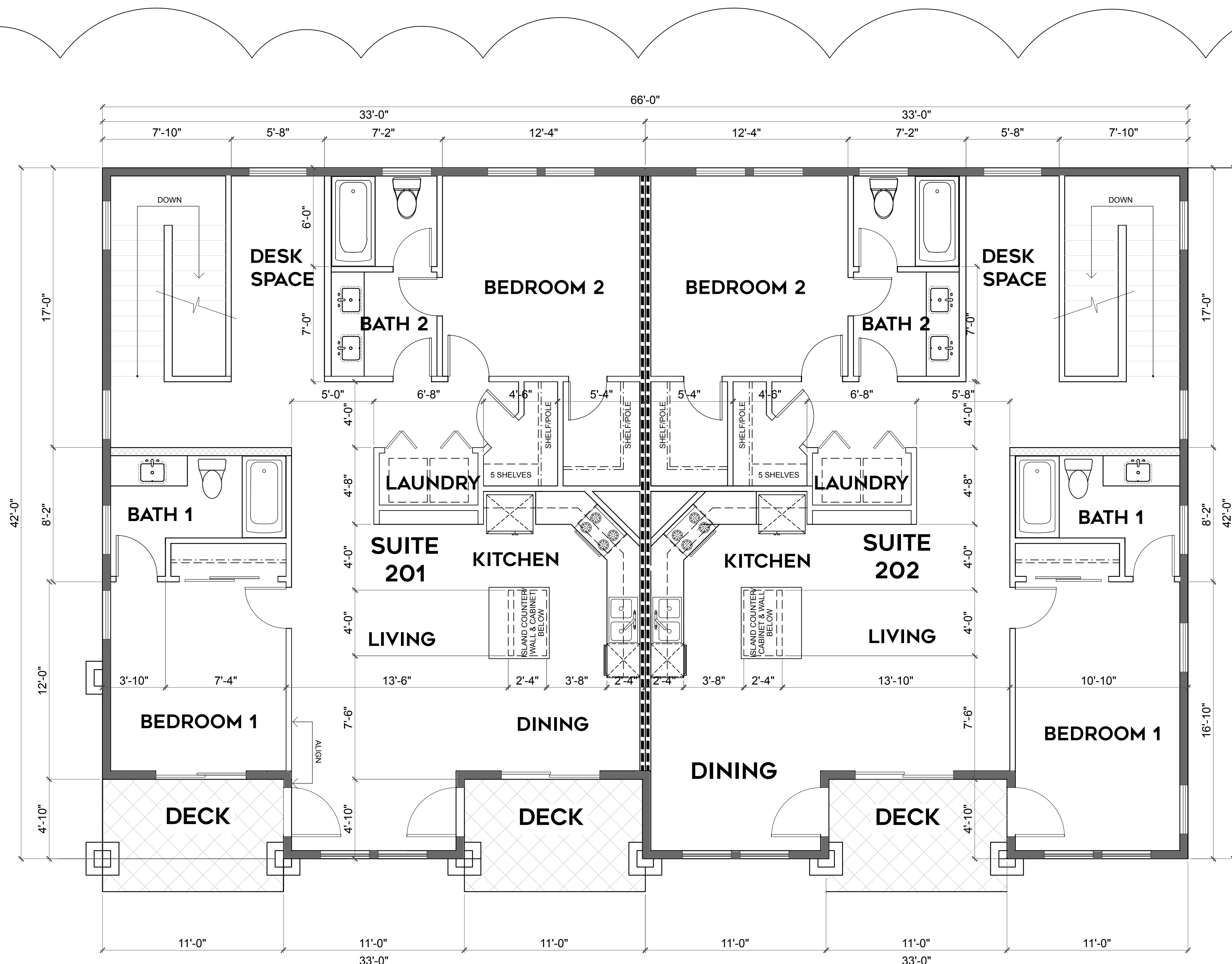
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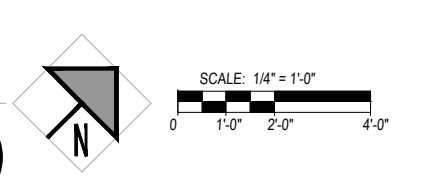
**DIMENSIONAL PLAN GENERAL NOTES:**

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- PROVIDE BLOCKING @ ALL BUILT-INS AND MIRRORS
- NOTE: TEMP = TEMPERED-GLAZING. REFER TO SHEET A-3.0 FOR ADDITIONAL INFORMATION.

**GROSS SECOND FLOOR AREA: 2614 SF**  
 SUITE 201 - 1,280 SF  
 SUITE 202 - 1,334 SF  
 SUITE 201 DECK - 71 SF  
 SUITE 202 DECK - 142 SF



**PROPOSED FLOOR PLAN  
 SECOND FLOOR (DWELLINGS)**



**CONSULTANT**

**Rafael D. Divina, P.E.**  
 Civil - Structural - Land Surveying  
 PO Box 186  
 Madera, CA 93639  
 Lic. # 30071  
 (559) 681-6869

**OWNER**

**Ranveer Johal**  
 1123 Country Club Dr.  
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**PROJECT ADDRESS**

**PROPOSED MIXED-USE OFFICES/  
 RESIDENCES DOWNTOWN MADERA**  
 401 EYOSEMITE AVE, MADERA CA 93638

6/27/2022	SPR REVIEW
10/2/2022	SPR REVISIONS

DRAWN: JUB  
 DATE: 06/27/2022  
 FOR: REVIEW  
 SCALE: AS SHOWN





LEFT SIDE ELEVATION  
(N B ST)

- SW 7530 BARCELONA BEIGE
- SW 6160 BEST BRONZE
- SW 7562 ROMAN COLUMN
- SW 7568 NEUTRAL GROUND

1. EXTERIOR WALL: 3-COAT STUCCO, 7/8" THICK OVER PAPER BACKED WIRE STUCCO NETTING W/ 16 GA X 7/8" STAPLES @ 6" O.C. W/ 2-LAYERS OF GRADE "D" BUILDING PAPER.
2. DECORATIVE STUCCO FOAM WINDOW TRIM PAINTED
3. CONC. ROOF TILE BY "BORAL" MANUFACTURER BARCELONA TYPE CALIFORNIA MISSION BLEND.
4. VINYL SINGLE HUNG WINDOW DUAL GLAZED WITH LOW E. ALL WINDOWS WITH OPENINGS HAVE A SCREEN.
5. VINYL SLIDING GLASS PATIO DOOR WITH SCREEN.
6. ANODIZED BRONZE ALUMINUM STOREFRONT SYSTEM.
7. DASHED LINE INDICATES FINISHED FLOOR ELEVATION.
8. L.E.D. WALL PACK LIGHT FIXTURE+24" A.F.F.
9. ADDRESS SIGNAGE 18" HIGH METAL REVERSE PAN
10. DECORATIVE QUATREFOIL PAINTED
11. 2X WOOD FASCIA
12. 24 GA. MIN. METAL PARAPET CAP FLASHING
13. METAL RAILING 42" HIGH PAINTED
14. EXTERIOR FIBERGLASS ENTRY DOOR
15. LIGHT FIXTURE
16. DECORATIVE TILE ACCENTS
17. METAL LOUVERED AWNING COLOR BRONZE

- +32' - 6" TOP OF ROOF
- +29' - 3" EAVE HEIGHT
- +27' - 6" TOP OF PARAPET
- +23' - 4" EAVE HEIGHT
- +20' - 0" TOP OF DOOR & WINDOW
- +12' - 0" SECOND FLOOR HEIGHT
- +10' - 0" SOFFIT UNDER DECK
- +8' - 0" TOP OF DOOR OPENING



FRONT ELEVATION  
(E YOSEMITE AVE)

EXTERIOR ELEVATIONS

CONSULTANT

Rafael D. Divina, P.E.  
Civil - Structural - Land Surveying  
PO Box 186  
Madera, CA 93639  
Lic. # 30011  
(559) 681-6869

OWNER

Ranveer Johal  
1123 Country Club Dr.  
Madera, CA 93638  
(559) 313-5280

PROJECT ADDRESS

PROPOSED MIXED-USE OFFICES/  
RESIDENCES DOWNTOWN MADERA  
401 E YOSEMITE AVE, MADERA CA 93638

6/27/2022 SPR REVIEW

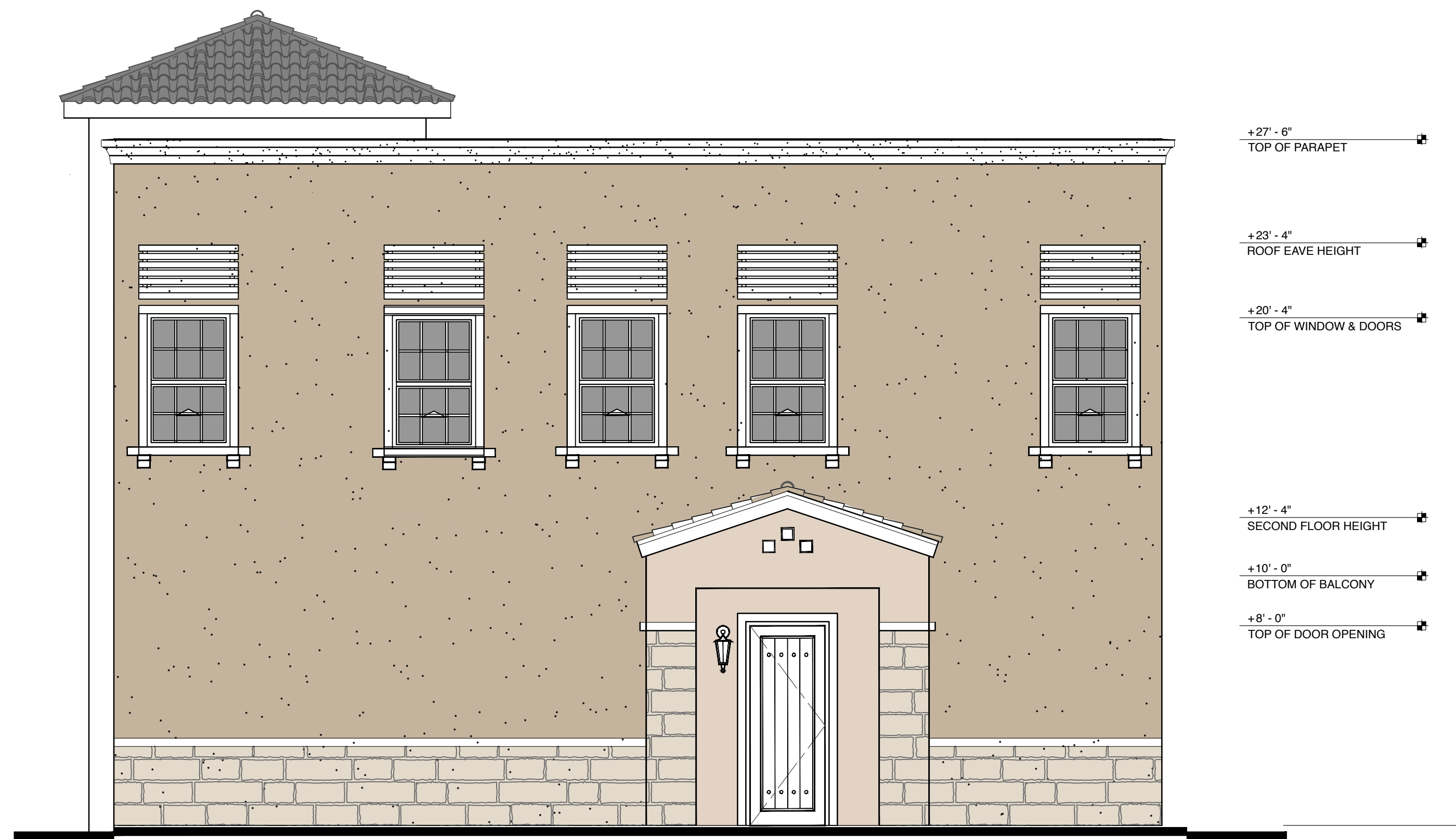
10/2/2022 SPR REVISIONS

DRAWN: JJB

DATE: 06/27/2022

FOR: REVIEW

SCALE: 1/4" = 1'-0"



- SW 7530 BARCELONA BEIGE
- SW 6160 BEST BRONZE
- SW 7562 ROMAN COLUMN
- SW 7568 NEUTRAL GROUND

1. EXTERIOR WALL: 3-COAT STUCCO, 7/8" THICK OVER PAPER BACKED WIRE STUCCO NETTING W/ 16 GA X 7/8" STAPLES @ 6" O.C. W/ 2-LAYERS OF GRADE "D" BUILDING PAPER.
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13. METAL RAILING 42" HIGH PAINTED
14. EXTERIOR FIBERGLASS ENTRY DOOR
15. LIGHT FIXTURE
16. DECORATIVE TILE ACCENTS
17. METAL LOUVERED AWNING COLOR BRONZE

RIGHT SIDE ELEVATION  
(ALLEY)



FRONT ELEVATION

EXTERIOR ELEVATIONS

**CONSULTANT**

Rafael D. Divina, P.E.  
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PO Box 186  
Madera, CA 93639  
Lic. # 30011  
(559) 681-6869

**OWNER**

Ranveer Johal  
1123 Country Club Dr.  
Madera, CA 93638  
(559) 313-5280

**PROJECT ADDRESS**

**PROPOSED MIXED-USE OFFICES/  
RESIDENCES DOWNTOWN MADERA**  
**401 E YOSEMITE AVE, MADERA CA 93638**

6/27/2022	SPR REVIEW
10/2/2022	△ SPR REVISIONS

DRAWN: JJB  
DATE: 06/27/2022  
FOR: REVIEW  
SCALE: AS SHOWN



# MATERIAL & FINISHES

## TILE ROOF: California Mission Blend



**Kawneer Anodized Finishes**  
Kawneer gives you a wide variety of anodized finishes with attractive alternatives. The benefit of a durable, anodized finish is married to the beauty of some very dynamic and exciting colors.

At the start of every design, there's a choice of how you want to finish. Contact your Kawneer sales rep for the information on these and other finishes available from Kawneer.

KAWNEER FINISH NO.	COLOR	ALUMINUM ASSOCIATION SPECIFICATION	OTHER COMMENTS
#14	CLEAR	AA-M10C21A41	Architectural Class I (.7 mils minimum)
#17	CLEAR	AA-M10C21A31	Architectural Class II (.4 mils minimum)
#18	CHAMPAGNE	AA-M10C21A44	Architectural Class I (.7 mils minimum)
#26	LIGHT BRONZE	AA-M10C21A44	Architectural Class I (.7 mils minimum)
#28	MEDIUM BRONZE	AA-M10C21A44	Architectural Class I (.7 mils minimum)
#40	DARK BRONZE	AA-M10C21A44	Architectural Class I (.7 mils minimum)
#29	BLACK	AA-M10C21A44	Architectural Class I (.7 mils minimum)

Store front entry

## WINDOWS: Bronze/Brown finish - Vinyl Frame



## STONE VENEER: Coronado Stone Santa Barbara Brookshire (Ashlar Pattern)



© Kawneer Company, Inc.

Rev. 2022-03-07

PROPOSED:  
MIXED USE OFFICES & RESIDENCES

401 E YOSEMITE AVE, MADERA CA 93638

**ATTACHMENT 3**  
**Letter of Extension**

Rafael D. Divina, P.E.  
Lic. 30011  
P.O. Box 186  
Madera CA 93637  
(559) 681-6869

April 29, 2024

Ms. Adilena Rueda, Assistant Planner  
Mr. Will Tacket, Director of Community Development  
City of Madera  
205 West Fourth Street  
Madera, CA 93637

Re: NEC East Yosemite Avenue and South "B" Street – CUP 2020-15 & SPR 2020-14

Adilena and Will,

This letter is to provide you with an update regarding the status for the Site Plan Review (SPR) and Conditional Use Permit (CUP) related to the property indicated above. As the property owner, I want to keep you informed about our project's progress.

- Demolition of Small Shack Structure: We have hired a contractor to demolish the small shack structure on the property. The demolition process is underway, and we anticipate its completion within the next 30 days. The contractor is coordinating with PGE, and we are waiting for the latest updates.
- Construction Documents and Building Permit: Our team have been diligently completing the necessary construction documents to obtain a building permit. Despite the challenges, we are making steady progress.
- Consultant Responsiveness: Unfortunately, we have encountered delays due to our survey engineering consultant facing staff issues. Their responsiveness has been affected, impacting the overall timeline. However, we are actively addressing this situation and seeking alternative solutions.

Given the circumstances, we anticipate completion of the construction documents within six months. This additional time will allow us to finalize the necessary paperwork, address any outstanding issues, and ensure compliance with all regulations.

We appreciate your understanding and cooperation during this process. If you require any further information or documentation, please feel free to contact me at (559) 681-6869.

Thank you for your attention to this matter.

Sincerely,



Rafael Divina, P.E.

cc: Ranveer Johal, Jason Burns

**ATTACHMENT 4**  
**Resolution**



**RESOLUTION NO. 1991**

**RESOLUTION OF THE PLANNING COMMISSION APPROVING A ONE-YEAR (12-MONTH) EXTENSION OF TIME TO THE EXPIRATION DATES FOR THE APPROVALS OF CONDITIONAL USE PERMIT (CUP 2020-15 EXT) AND SITE PLAN REVIEW (SPR 2020-24 EXT)**

**WHEREAS**, Johal Ranveer Singh (“Owner”) is the property owner of 401 East Yosemite Avenue in Madera, California (“site”) and Rafael Divina (“Applicant”) is acting on behalf of the Owner; and

**WHEREAS**, the Applicant applied for Conditional Use Permit (CUP) No. 2020-15 and Site Plan Review (SPR) No. 2020-24; and

**WHEREAS**, CUP 2020-15 and SPR 2020-24 were previously approved following a public hearing held during the regularly scheduled meeting of the Planning Commission on May 9, 2023 through adoption of Resolution No. 1956; and

**WHEREAS**, City Municipal Code (CMC) § 10-3.1311(A) states any use permit granted by the city as herein provided shall be conditioned upon the privileges granted therein being utilized within 12 months after the effective date thereof; and

**WHEREAS**, CMC § 10-3.1311(A) further states, “Failure to utilize such permit 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;” and,

**WHEREAS**, CMC § 10-3.4.0114 provides a site plan approval shall be void one year following the date on which it was approved unless, prior to the expiration of one year, 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; and

**WHEREAS**, CMC § 10-3.4.0114 further states a site plan approval may be extended for one year periods of time, upon written application to the Director before expiration of the approval; and

**WHEREAS**, approval of CUP 2020-15 will expire as of May 24th 2024 and approval of SPR 2020-24 will expire as of May 19, 2024; and

**WHEREAS**, on April 29, 2024, Applicant filed a timely request for a one-year (12-month) extension to the expiration date for the approvals for Conditional Use Permit No. 2020-15 and Site Plan Review No. 2020-24, herein known as CUP 2020-15 EXT and SPR 2020-24 EXT; and

**WHEREAS**, based on a preliminary environmental assessment, the project was previously determined to be Categorically Exempt pursuant to the provisions of Section 15332 (In-Fill Development) under the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, under the City’s Municipal Code, the Planning Commission (Commission) is authorized to review and approve conditional use permits, site plan reviews as well as requested extensions of the expiration dates for approvals on behalf of the City; and

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

**WHEREAS**, at the May 14, 2024, Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Commission; and

**WHEREAS**, the Commission now desires to approve the one-year (12-month) extension of time to the expiration date for the approvals for CUP 2020-15 and SPR 2020-24.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: This project has been previously assessed. A preliminary environmental assessment was prepared in accordance with the California Environmental Quality Act (CEQA). The Planning Commission adopted a determination that the project was Categorical Exemption pursuant to CEQA Guidelines Section 15332 (In-Fill Development). The project is within city limits, is of no more than five acres substantially surrounded by urban uses and is served by all required utilities and public services. The discretionary action pertains to an extension of time to the expiration date of the use permit and site plan review approvals. No changes are proposed to the previously approved project and no changes will or have occurred with respect to the circumstances under which the project will be undertaken. There is no new information, which was not known and could not have been known at the time the project was previously assessed, that the project will have a potential significant effect on the environment, that any of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to the project or that the project will present any unusual circumstances.
3. Findings for CUP 2020-15 EXT: CUP 2020-15 EXT requests a one-year (12-month) extension of time to the expiration date of the use permit approval. The Commission previously found and determined that there was substantial evidence in the administrative record to support the approval of CUP 2020-15, as conditioned. With conditions, the project was determined to be consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approved, accepted as its own, incorporated as if set forth in full herein, and made each and every one of the findings included herein below, based on the evidence in the record. No changes are proposed to the previously approved project and no changes will or have occurred with respect to the circumstances under which the project will be undertaken. All previous findings remain valid.

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

Basis for Finding: The site is zoned Light Commercial (C1) and has a land use designation of Commercial (C), which makes the proposed use consistent with both the General Plan and Zoning Ordinance. The development of a mixed-use development is consistent with the intent and purpose of the Madera Municipal Code's Light Commercial uses.

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

Basis for Finding: The project will be located in the downtown district. Downtown Madera strives to ensure diverse commercial, business opportunities, and affordable commercial spaces to be within the City's Vision of 2025. Currently, retail, and other permitted commercial uses surround the project site.

*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.*

Basis of Finding: The proposed use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons or property in the surrounding area. Staff has reviewed and conditioned the project to ensure that the project is compatible with its surrounding area and that all proposed development was to be properly developed under state and local code.

4. Findings for SPR 2020-24 EXT: SPR 2020-24 EXT requests a one-year (12-month) extension of time to the expiration date of the site plan approval. The Commission previously found and determined that there was substantial evidence in the administrative record to support the approval of SPR 2020-24, as conditioned. With conditions, the project was determined to be consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approved, accepted as its own, incorporated as if set forth in full herein, and made each and every one of the findings included herein below, based on the evidence in the record. No changes are proposed to the previously approved project and no changes will or have occurred with respect to the circumstances under which the project will be undertaken. All previous findings remain valid.

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

Basis for Finding: The site is zoned Light Commercial (C1) and has a land use designation of Commercial (C), which makes the proposed used consistent with both the General Plan and Zoning Ordinance. The development of a mixed-use development is consistent with the intent and purpose of the Madera Municipal Code's Light Commercial uses.

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

Basis for Finding: The property is not located within the boundary of a specific plan.

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

Basis for Finding: The property site will be developed along the Madera Downtown District. There are currently developed commercial facilities and other retail space that has provided pedestrian and vehicular safety and has maintained internal circulation among the existing buildings. 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.

5. Approval CUP 2020-15 EXT and SPR 2020-24 EXT: Given that all the previous findings remain valid, the Commission hereby approves CUP 2020-15 EXT and SPR 2020-24 EXT as previously conditioned as set forth in the Conditions of Approval attached as Exhibit "A" to Commission Resolution No. 1956 included and incorporated herein by reference. The new expiration date for CUP 2020-15 is May 24, 2025. The new expiration date for SPR 2020-24 is May 19, 2025.
6. Effective Date: the resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 14<sup>th</sup> day of May, 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 dated May 9, 2023

**Exhibit "A"**  
**CUP 2020-15 and SPR 2020-24 EXT**  
**Divina Mixed-Use Project**  
**Conditions of Approval**  
**May 09, 2023**

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 2020-15 will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission, and all discretionary conditions of approval for SPR 2020-24 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

1. Approval of this conditional use permit and site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. 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.
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 2020-15 and SPR 2020-24.**
4. CUP 2020-15 shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (MMC Section 10-3.1311, Termination and Revocation).
5. SPR 2020-24 shall expire one year from date of issuance, 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 or the required



action is taken to extend the approval before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).

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, as determined appropriate by the City of Madera Planning Department.
7. All construction shall cease, and the Planning Manager and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction shall immediately stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's and/or successors-in-interest's expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.
8. All construction shall cease if any human remains are uncovered, and the Planning Manager, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.

## **Engineering**

### **GENERAL**

9. Deferrals are not permitted for any condition included herein, unless otherwise stated.
10. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
11. Development Impact fees shall be paid at time of building permit issuance.
12. 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.
13. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.
15. 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.

16. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
17. Improvements within the State of California right-of-way require an Encroachment Permit from Caltrans.
18. All off-site improvements shall be completed prior to issuance of final occupancy.
19. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

#### WATER

20. New or existing water service connection(s), including landscape area, 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.
21. A separate water meter and backflow prevention device will be required for landscape area.
22. A separate water meter shall be installed for each office and residential unit.
23. At least one water meter shall be installed and account activated through the City's Utility Billing Department prior to commencement of foundations and/or pads.

#### SEWER

24. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
25. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
26. Sewer main connections six (6) inches and larger in diameter shall require manhole installation.

#### STORM DRAIN

27. Storm runoff from this project will surface drain into existing City storm drainage facilities and eventually into the Fresno River. Water runoff from the site must be cleaned before entering the existing storm water system through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
28. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant 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.

29. All Best Management Practices (BMP) implemented for the purpose of limiting or treating runoff shall be included in a Maintenance Agreement intended to guarantee those measures are protected and maintained by the developer/owner in perpetuity.

#### STREETS

30. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk to current City and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
31. Existing drive approaches on B Street and Yosemite Avenue shall be removed and replaced with concrete sidewalk, curb and gutter per current City and ADA standards.
32. Proposed drive approach on Yosemite Avenue shall be constructed per current City and ADA standards. Throat lengths for driveways shall be sufficient in length as to eliminate the possibility of vehicles queuing into the City right-of-way.
33. The developer shall install streetlights per City Downtown Street Light Standards, along Yosemite Avenue frontage in accordance with current City standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
34. The extent of improvements along Yosemite Avenue shall be determined by Caltrans as Yosemite Avenue is a State Highway.
35. 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.
36. Reconstruct alley approach to the extent necessary as part of removal of existing to remove unsafe bump between existing alley and existing driveway.
37. Reconstruct alley approach to the extent necessary to provide ADA accessibility.
38. If the applicant believes that a hardship waiver is applicable based on the cost of ADA improvements in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.
39. "No Parking" signs shall be installed along Yosemite Avenue project frontage per current City standards.

#### DRY UTILITIES

40. 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/Fire**

41. A building permit is required for all proposed work on the site.
42. The exterior wall to the North must be fire rated as it only has a 5-setback distance. See CBC Chapter 7. This includes a calculation for protected and unprotected openings.
43. Only 2 of the commercial tenant spaces are shown with water heaters.
44. Please clarify the placement of HVAC equipment, electrical panels and gas meters on the plans.
45. The building shall be equipped with fire sprinklers. As a mixed use a full 13 R System is required.
46. Fire extinguishers are required for each commercial unit.
47. A Knox box is required for access to the commercial structures.
48. Please clarify where the fire sprinkler riser will be located on the plans as well as the FDC.

### **Public Works**

49. All sidewalks and pedestrians access ramps need to be ADA compliant. Any raised sidewalks will need to be corrected.

### **Mid Valley Disposal**

50. The City requires adequate space for three separate containers. One for trash. One for recyclables. One for organic waste. The size of containers will depend on the waste generation for the site.

### **Planning**

51. Conditional Use Permit 2020-15 and Site Plan Review 2020-24 and allows for the construction of a 5,190 square foot building and eight (8) parking spaces to be located on 401 East Yosemite APN 007-113-018, subject to the conditional approved site plan. Any substantial alterations, as deemed by the Planning Manager, to the site plan, use permit, or building shall require Planning Commission approval.
52. Commercial and office uses shall be permitted on the first floor as a by-right use. However, recognizing the limited parking space, uses that require fixed seating, such as the sale of food and beverage consumption will need to be reviewed and approved by the Planning Department.
53. All Trash enclosures are to be constructed along the alleyway.
54. The applicant will be subject to the downtown In Lieu Payments that was created under the Parking District Act of 1951.

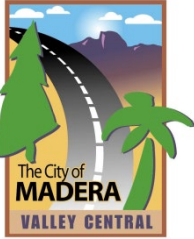
### **SIGNAGE**

55. All signage shall be in compliance with the Sign Ordinance of the MMC Section 10-6. All permanent signage, with the exception of required signs in accordance with City standards, is required to have an approved Sign Permit issued by the Planning Department per MMC Section 10-6.

#### LANDSCAPE

56. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted as part of the submittals for a building permit plan check.

-END OF CONDITIONS-



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Adileni Rueda, Assistant Planner

**Meeting of:** May 14, 2024

**Agenda Number:** 3

**SUBJECT:**

Consideration of an application for a Conditional Use Permit (CUP 2024-04) and Site Plan Review (SPR 2024-08) to authorize the establishment of a tattoo and piercing shop to be located at 510 East Almond Avenue (APN: 012-240-011).

**RECOMMENDATION:**

Conduct a public hearing and adopt:

1. A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2024-04 and Site Plan Review (SPR) 2024-08, subject to the findings and conditions of approval.

**SUMMARY:**

The applicant has filed applications for a Conditional Use Permit (CUP 2024-04) and Site Plan Review (SPR 2024-08) requesting authorization to establish a tattoo and piercing shop at 510 East Almond Avenue (APN: 012-240-011) (project site).

CUP 2024-04 will authorize the applicant to offer tattoo and piercing services within a 1,776 square foot building located on the southwest corner of the intersection of East Almond Avenue and Emily Way. The existing building is surrounded by Professional Office and Commercial zone districts. Facing north of the project site is the Bronco Professional Park. Dental and medical offices surround the rest of the project site.

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

<b>Table 1: Project Overview</b>	
<i>Project Number:</i>	CUP 2024-04 & SPR 2024-08
<i>Applicant:</i>	Mariana Perez
<i>Property Owner:</i>	Arain Mohammad Afzal & Zubaida Afzal Trustee
<i>Location:</i>	510 East Almond Avenue



<i>Project Area:</i>	1,776 square feet
<i>Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics:</i>	An existing building located on the southwest corner of East Almond Avenue and Emily Way.

**BACKGROUND:**

The City of Madera Planning Department presented a Determination of Use on July 12, 2022, Planning Commission for the use of body art shops in Commercial and Industrial locations.

**ANALYSIS:**

Conditional Use Permit (CUP)

The City’s Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to being able to make findings that the establishment, maintenance or operation of the use or building 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 the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Pursuant to Madera Municipal Code § 10-3.801, to operate a piercing and/or tattoo shop, the business must obtain approval through a Conditional Use Permit to operate in the City. CUP 2024-04 has conditioned the business to operate without being detrimental to the health and safety of the City.

The business proposes to operate between the hours of 12:00 pm to 7:00 pm, five days a week.

Site Plan Review (SPR)

The proposed site is within an existing commercial building surrounded by commercial and professional office uses. Currently, the business is not proposing exterior or interior improvements.

The proposed use is proposing to lease an existing 1,776 square foot commercial building on the subject property.

While the surrounding uses are predominantly medical and dental offices, the proposal to operate a body art shop is similar to the surrounding uses in terms of serving appointment and walk-in clients and being regulated by the Department of Environmental Health. The project has been conditioned to strictly operate within the building and to follow the California Medical Waste Management Act.

**ENVIRONMENTAL REVIEW:**

A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). Staff has determined the project is categorically exempt pursuant to Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines because the proposed use will occur within an existing building on an existing improved lot with existing services and utilities. Any modifications to the structure will be limited to minor interior changes or installation of new, small facilities and equipment within an existing structure and minor exterior alterations. The proposed use will occupy less than 10,000 square feet of commercial building floor area within an existing tenant space, previously utilized as a pharmacy 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.

**PLANNING COMMISSION ACTION:**

The Planning Commission (Commission) will be acting on CUP 2024-04 and SPR 2024-08. Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning adopting a determination of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) for the project and approving Conditional Use Permit (CUP) 2024-04 and Site Plan Review (SPR) 2024-08, subject to the findings and conditions of approval.

**ALTERNATIVES:**

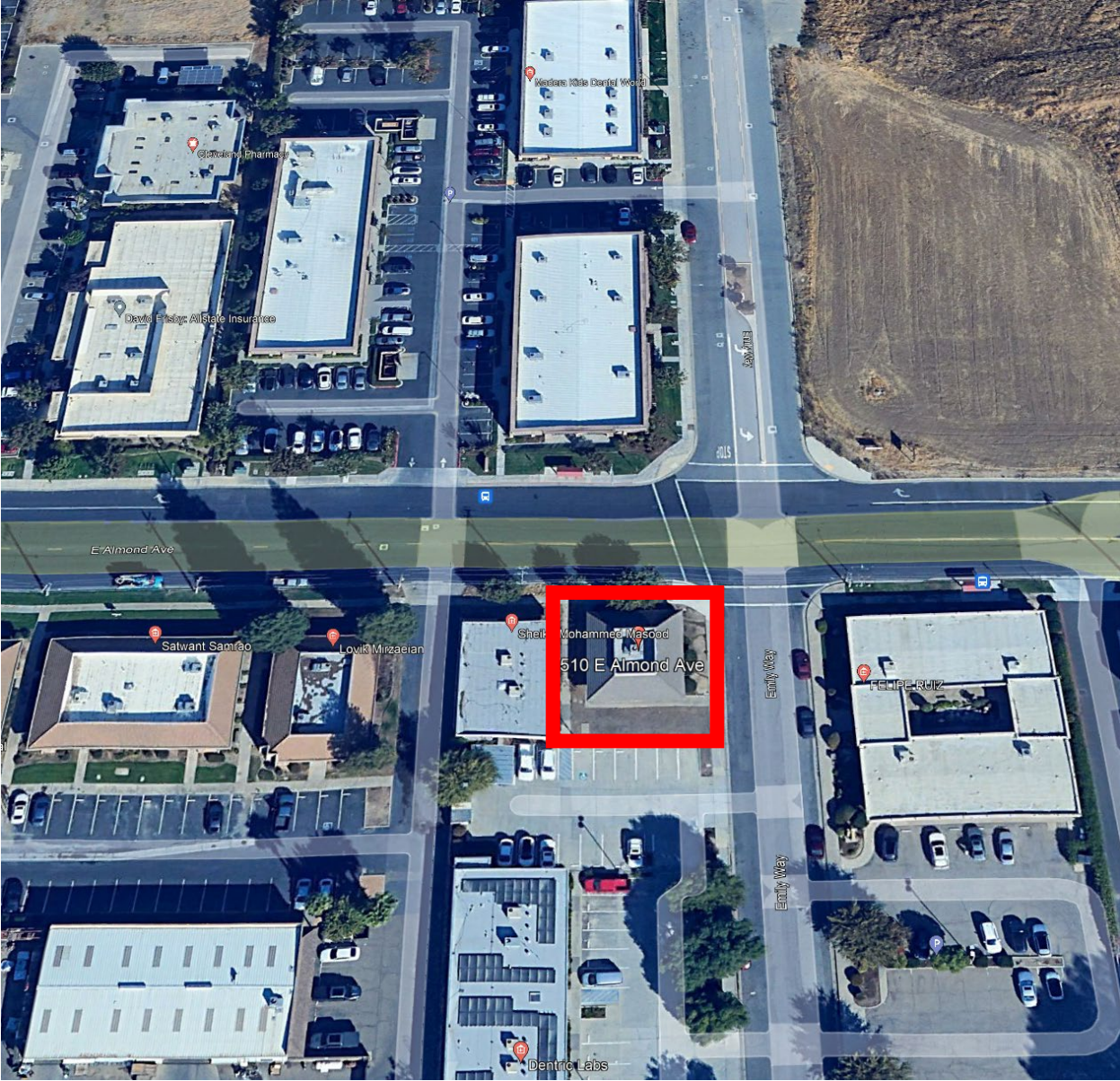
As an alternative, the Commission may erect to:

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:**

1. Aerial View
2. Planning Commission Resolution  
Exhibit A: Conditions of Approval

**ATTACHMENT 1**  
**Aerial View**



**ATTACHMENT 2**  
**Resolution**

**RESOLUTION NO. 1992**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES  
SECTION 15301 (EXISTING FACILITIES) AND APPROVING CONDITIONAL USE  
PERMIT (CUP 2024-04) AND SITE PLAN REVIEW (SPR 2024-08)**

**WHEREAS**, Arain Mohammad Afzal & Zubaida Afzal Trustee (“Owner”) owns 510 East Almond Avenue in Madera, California (“site”); and

**WHEREAS**, Mariana Perez (“Applicant”) on behalf of the Owner submitted an application for a Conditional Use Permit (CUP 2024-04) and Site Plan Review (SPR 2024-04) for the site located on the southwest corner of the intersection of East Almond Avenue and Emily Way; and

**WHEREAS**, CUP 2024-04 was filed to request authorization to establish and operate proposes to operate a body art shop which offers piercings and tattoos on the site; and

**WHEREAS**, the project site is zoned C1 (Light Commercial) and is designated for Commercial land uses by the Madera General Plan; and

**WHEREAS**, tattoo parlors and piercing shops are allowable uses in Commercial zone districts subject to a use permit; and

**WHEREAS**, SPR 2024-08 was filed in accordance with the requirements of the City Municipal Code (CMC) applicable to new uses requiring a use permit; and

**WHEREAS**, a preliminary environmental assessment was performed and the proposed project was determined to be Categorically Exempt pursuant to the provisions of Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, under the City’s Municipal Code (“MMC”), the Planning Commission is authorized to review and approve conditional use permits and environmental assessments for associated projects on behalf of the City; and

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

**WHEREAS**, the Planning Commission received and reviewed CUP 2024-04 and SPR 2024-08 at a duly noticed meeting on May 14, 2024; and

**WHEREAS**, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

**WHEREAS**, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2024-04 and SPR 2024-08.

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



1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA Determination: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project is exempt under Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines because the proposed use will occur within an existing building on an existing improved lot with existing services and utilities. Any modifications to the structure will be limited to minor interior changes or installation of new, small facilities and equipment within an existing structure and minor exterior alterations. The proposed use will occupy less than 10,000 square feet of commercial building floor area within an existing tenant space, previously utilized as a pharmacy 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. Findings to Approve CUP 2024-04: Pursuant to MMC § 10-3.1307 the Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2024-04, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The General Plan designates the subject site for commercial uses and is consistent with its zoning district of Light Commercial. As conditioned, CUP 2024-04 is consistent with the City's commercial regulations.

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

The project site is suited for commercial uses. The proposal is for an existing building zoned commercial and is surrounded by commercial and professional office uses. 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 is compatible with surrounding properties and will not have a significant, adverse environmental impact. The request will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of surrounding uses. The project has been conditioned to meet both the City's requirements and Madera County's Department of Environmental Health.

4. Findings to Approve SPR 2024-08: Pursuant to MMC § 10-3.4.0107, the Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2024-08, 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.*

In allowing this establishment of business and the occupancy of a an existing vacant commercial building, these entitlements support Vision Madera 2025 and encourage, "economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally" (City of Madera General Plan, p. 1-2).

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

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

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

The project has been reviewed and is consistent with the surrounding uses and conditioned for compliance with all applicable requirements for development in the C1 (Light Commercial) zone district. The project site is within an existing building on an existing improved property, therefore there are no public right way improvements required. Review of the site determined that the project would not result in a significant generation of noise, light, and traffic.

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

SPR 2024-08 will not have a significant impact on traffic or the environment. With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

5. Approval of CUP 2024-04 and SPR 2024-08: Given that all findings can be made, the Planning Commission hereby approves CUP 2024-04 and SPR 2024-08 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 14<sup>th</sup> day of May 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Will Tackett, Planning Manager

“Exhibit A” Conditions of Approval for CUP 2024-04 and SPR 2024-08

**EXHIBIT "A"**  
**CUP 2024-04 & SPR 2024-08**  
**Tattoo and Piercing**  
**CONDITIONS OF APPROVAL**  
**May 14, 2024**

**Notice to Applicant**

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

**IMPORTANT: PLEASE READ CAREFULLY**

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through site plan review, and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval of this permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

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

and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for CUP 2024-04 will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission, and all discretionary conditions of approval for SPR 2024-08 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to 501 East Almond for the leasing space for CUP 2024-04 and SPR 2024-08. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

## **CONDITIONS OF APPROVAL**

### General

1. Approval of this conditional use permit and site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. Approval of CUP 2024-04 and Site Plan Review 2024-08 will expire one year (12 months) from date of issuance unless rights and privileges granted by the use permit are exercised/utilized or required action is taken to extend the approval before the expiration date as provided in City Municipal Code (CMC).
  - NOTE: Pursuant to the provisions of § 10-3.1311 the City Municipal Code (CMC), any use permit granted by the city as herein provided shall be conditioned upon the privileges granted therein being utilized within 12 months after the effective date thereof. Failure to utilize such permit 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.

3. 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.
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 2024-04 and SPR 2024-08.**
5. Approval of CUP 2024-04 and SPR 2024-08 is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively “claim”).

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City’s attorneys’ fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

## **PLANNING DEPARTMENT**

### Conditional Use Permit

1. CUP 2024-04 allows for the establishment of a body art shop to operate at 501 East Almond Avenue.
2. All services shall be confined entirely within the building and all service areas shall not be visible from public view.

3. All operations and facilities shall, at all times, be conducted and managed in a manner which provides for the health, safety, and welfare of the public and which ensures compliance with California Health and Safety Code Section 119300 et seq.
  - a. All equipment used for related services shall be kept clean and sanitized at all times.
4. Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the Madera County Environmental Health Department (see additional Health Department requirements herein below).
5. A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed within the facility on the premises, unless accompanied by their parent or documented legal guardian. The operator of the establishment shall require all customers to show proof of age.
6. Business shall comply with all federal, state and local laws and regulations, including without limitation, the provisions of the California Health and Safety Code.

#### Site Plan Review

7. In addition to any landscaping in the public right-of-way, perimeter landscaping shall be provided in front and street side yards at an average width of eight feet along the street frontages, exclusive of driveways and walkways, but in no case may the landscape area width be less than four feet.
8. All landscape areas shall be planted so as to have at least 75% coverage within three years of planting.
9. In addition to perimeter landscape areas, 5% of all parking areas shall be landscaped.
10. Parking lot shade trees shall be planted within any parking area located on the subject property or within any area on the subject property adjacent to an off-street parking area serving the use, if no other planting area is available to achieve the required parking lot shading. Where required, trees shall be planted to provide a minimum of 50% shade coverage over parking bays at high noon or at a rate of one 15-gallon tree for each 3 parking stalls.
11. The provisions of the City's Approved Street Tree List for tree types and spaces shall be followed for tree planting in park strips and perimeter landscape areas unless an alternative plan is approved by the Community Development Director.
12. All landscape areas shall be fitted with an automatic irrigation system compliant with City of Madera Model Water Efficient Landscape Ordinance (MWELo) standards.
13. Prior to occupancy and/or commencement of operations, the property owner, operator, and/or manager shall install all required landscaping; or alternatively, develop and submit to the Planning Department for review and approval, a landscape replacement, maintenance and irrigation program agreement for the first three (3) years to ensure that streetscapes and landscaped areas are installed and maintained as approved.



- a. On-site and off-site landscaping and irrigation shall not be installed until landscape and irrigation plan(s) are approved by the Planning Department. Any deviation from the final approved plan(s) at any time shall require written request and approval by the Planning Department.

**MADERA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT**

14. The facility will be regulated under the Medical Waste Management Act, California Health and Safety Code, Section 117600-118360.
15. During the application process for required County health permit, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this Division. The owner/operator of this property must submit all applicable permit applications to be reviewed and approved by this Division prior to commencement of any work activities.
16. The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.

END OF CONDITIONS