



REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, June 11, 2024
6:00 p.m.

Council Chambers
City Hall

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 81694213814# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/81694213814>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

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

INTRODUCTION OF STAFF:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: January 9, 2024, February 13, 2024, March 12, 2024, April 9, 2024, April 30, 2024 & May 14, 2024

PUBLIC COMMENT:

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

speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

PUBLIC HEARINGS:

1. CUP 2024-10 & SPR 2024-15 – Full O Bull ABC License (Report by Adileni Rueda)

Subject: Consideration of an application for a Conditional Use Permit and Site Plan Review to authorize the issuance of an Alcohol Beverage Control (ABC) Type 47 license (On-Sale General – Eating Place) allowing the sale of beer, wine and distilled spirits for consumption on or off the licensed premises in conjunction with a bona fide restaurant located at 224 E. Yosemite Ave.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission adopting a determination of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) for the project and approving Conditional Use Permit 2024-10 and Site Plan Review 2024-15, subject to the findings and conditions of approval.

2. PPL 2022-02 & SPR 2022-04 – West Park Duplexes (Report by Robert Smith)

Subject: Consideration of an application for a Precise Plan and Site Plan Review requesting authorization to construct four single story duplexes on ± 0.72 acres of vacant land located on the north side of West Park Drive between Linden and Laurel Streets (APN's 006-360-037, 038 & 039).

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission adopting a determination of Categorical Exemption pursuant to Section 15332 (Infill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Precise Plan 2022-02 and Site Plan Review 2022-04 subject to the findings and conditions of approval.

3. ANX 2023-01, REZ 2023-04, PPL 2023-01, TSM 2023-01, TSM 2024-02 & Mitigated Negative Declaration SCH 2024050494 – Adell St. and D St. Annexation (Report by Robert Smith)

Subject: Consideration of an application for an Annexation, Rezone, Precise Plan, two Tentative Subdivision Maps and the Mitigated Negative Declaration prepared for purposes of the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines. The project site includes four parcels totaling 9.82 acres located on the northeast corner of the intersection of Adell St and D St. and proposes a 42-lot residential planned development subdivision.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera recommending the Council of the City of Madera adopt the Mitigated Negative Declaration (SCH No. 2024050494) and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project; and recommending the Council approve Prezone REZ 2023-04; and
- b. A Resolution of the Planning Commission of the City of Madera contingently approving Tentative Subdivision Maps TSM 2023-01 & TSM 2024-02 and Precise Plan PPL 2023-01.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

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

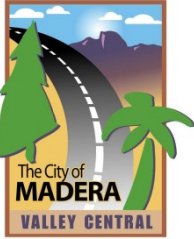
Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

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:

Adileni Rueda, Assistant Planner

Meeting of: June 11, 2024

Agenda Number: 1

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2024-10) and Site Plan Review (SPR 2024-15) for the restaurant Full O' Bull at 224 East Yosemite Avenue (APN: 007-161-008).

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) 2024-10 and Site Plan Review (SPR) 2024-15, subject to the findings and conditions of approval.

SUMMARY:

The applicant, George Buenrostro, has filed applications for a Conditional Use Permit (CUP 2024-10) and Site Plan Review (SPR 2024-15) requesting authorization for the sale of beer, wine, and distilled spirits for consumption at 224 East Yosemite Avenue (APN: 007-161-008) (project site).

CUP 2024-10 will authorize the applicant to obtain a California Department of Alcohol Beverage Control (ABC) Type 47 (On-Sale General) License, issued to restaurants. The applicant has requested to complete a transfer of alcohol license in which the restaurant Tijuana's Bar and Grill (216 East Yosemite Avenue) Type 47 License will transfer to 224 East Yosemite Avenue.

SPR 2024-15 proposes to extend services outside the interior building by constructing a new outdoor dining area. To note, interior and exterior services regarding alcohol consumption are covered under the ABC Type 47 License.

The project site is an existing ±2,500 square foot building located within the City's Downtown District. The site has a Light Commercial (C1) zone district and a Commercial (C) General Plan land use designation.

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

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2024-10 & SPR 2024-15
<i>Applicant:</i>	George Buenrostro
<i>Property Owner:</i>	George Cruz Buenrostro
<i>Location:</i>	224 East Yosemite Avenue (APN: 007-161-008)
<i>Project Area:</i>	±2,500 square feet
<i>Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics:</i>	The site is located on the easternly side of the intersection of North D Street and East Yosemite Avenue.

ANALYSIS

Alcohol Beverage Control (ABC) License Type 47

ABC administers and issues licenses that allow establishments to serve alcohol. The applicant has applied for a transfer of an ABC Type 47 License.

The ABC Type 47 License authorizes bona fide eating places (restaurants) to sell beer, wine, and distilled spirits for consumption on the licensed premises. Eligible facilities must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. This license type is subject to Responsible Beverage Service (RBS) requirements and requires alcohol servers and managers of alcohol servers to be RBS certified.

Public Convenience or Necessity for Issuance of Alcohol Licenses

Historically, the Police Department (PD) has opposed any request for the issuance of an alcohol license in Census Tract 8. Census Tract 8 previously represented the combined area of what is now Census Tracts 8.01 and 8.02. The contention behind the opposition is that the Downtown District has an overconcentration of alcohol licenses that has caused a public nuisance to the City’s welfare and safety in that area. This matter was brought to the City Council in an administrative report during the April 20, 2011, Council hearing with request from staff for direction regarding businesses who wish to obtain an ABC license in an overconcentrated census tract. The Council came to a unanimous decision that provided staff with direction to review each conditional use permit for the sale and/or consumption of alcoholic beverages within areas of overconcentration on an individual case by case basis and weigh each application on its own merits.

The project site is within Census Tract 8.02 which has an over concentration of ABC licenses for on-site and off-site sales and consumption. The City’s Police Department was notified and presented no opposition to the request.

With respect to the concerns identified above, staff has reviewed the project site and determined the project meets the following General Plan Polices:

- Goal LU-3 – Madera is a vibrant city that provides its residents with a high quality of life and attracts visitors with quality buildings, attractive streetscapes and public spaces, a wide variety of restaurants, entertainment, cultural venues and shops. Downtown Madera supports diverse commercial and business opportunities, and viable commercial spaces are available throughout the community.
- Policy CD-54 – Buildings should feature outdoor use areas such as plazas and open air seating in cafes and restaurants wherever possible.
- Policy SUS-13 – The City shall seek to develop a comprehensive and diverse economic development strategy to ensure that the downtown maintains a variety of shops, restaurants, entertainment, cultural venues, and supporting commercial businesses.

It should be noted that successful downtowns are comprised of active and vibrant uses which attract patrons and contribute to downtowns as a destination. The Planning Department believes that the addition of the new restaurant Full O’ Bull fits in with the City’s General Plan Vision for 2025 and would make a great addition to the Downtown District. Staff have provided conditions for the restaurant regarding the Type 47 License and is recommending approval of CUP 2024-10 and SPR 2024-15.

Conditional Use Permit (CUP) 2024-10

City Municipal Code (CMC) Section 10.3.405 requires a use permit for the sale and consumption of alcohol. CUP 2024-10 would authorize the applicant to obtain an ABC Type 47 License to sell or the sale of beer, wine, and distilled spirits for consumption on or off the premises in accordance with ABC regulations.

Site Plan Review (SPR) 2024-15

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

SPR 2024-15 proposes to construct an outdoor patio of approximately 480 square feet. The building presents both interior and exterior renovations. Currently, the interior renovations as well as the front building facade are under review with the Building Department. However, the proposed exterior plans will not be reviewed until after the approval of the Planning Commission. The exterior plans have been conditioned to meet the City’s commercial requirements. This will have the project provide a new trash enclosure and a wrought iron fence to enclose the outdoor patio.

The restaurant plans to be open between the hours of 6:00 am to 2:00 am, seven days a week. The proposed hours are within the allowable hours under the California Department of Alcohol Beverage Control.

ENVIORNMENTAL REVIEW:

A preliminary environmental assessment was performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines because the project is operational only with respect to an existing use, within an existing building on an existing lot with existing services and utilities, no physical changes to the property, structure or facilities are proposed and operational changes are considered to constitute negligible or no expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2024-10 and SPR 2024-15. 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) and 15303 (New Construction or Conversion of Small Structures) for the project and approving Conditional Use Permit (CUP) 2024-10 and Site Plan Review (SPR) 2024-15, subject to the findings and conditions of approval.

ALTERNATIVES:

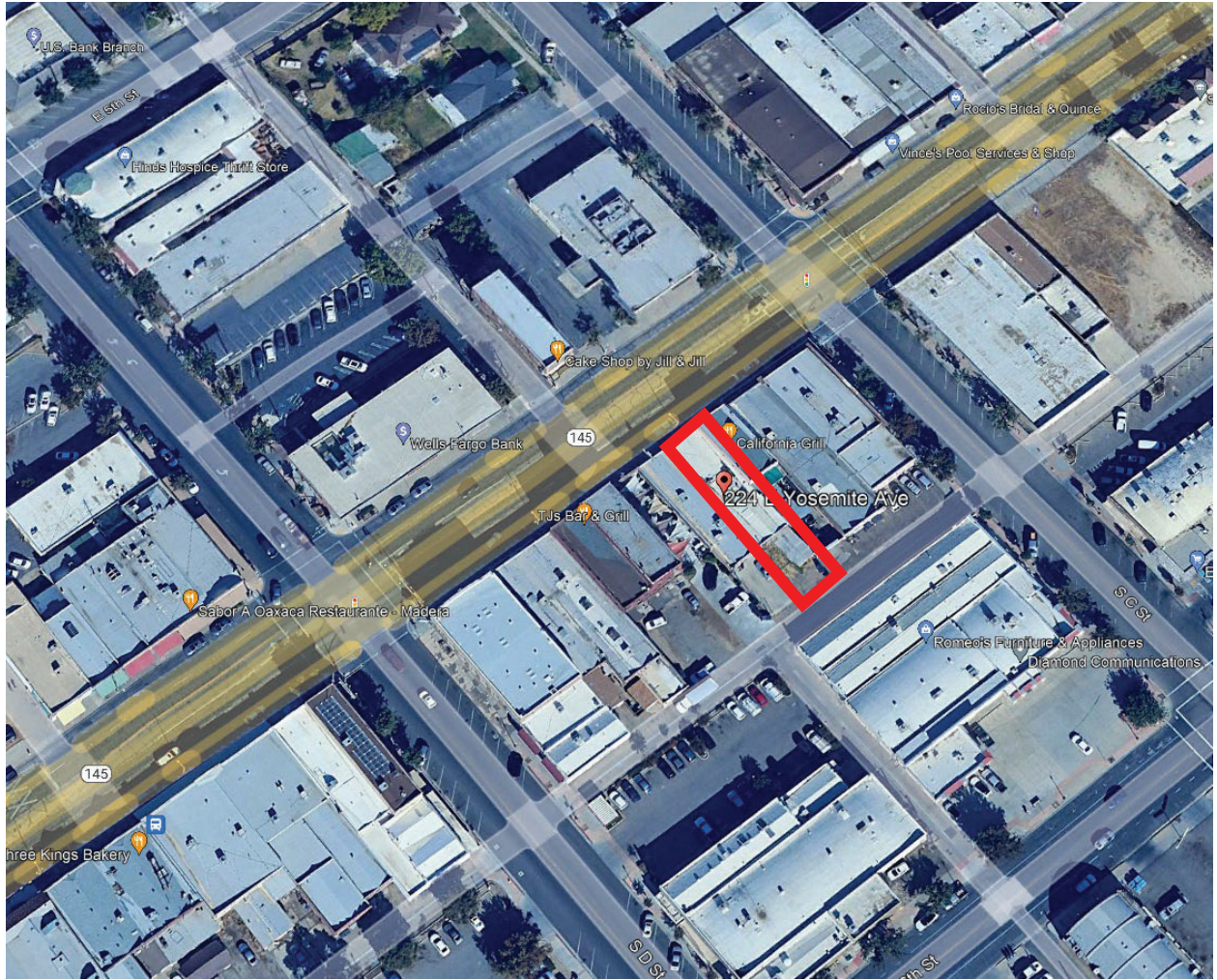
As an alternative, the Commission may elect to:

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 View
2. Floor Plan
3. Building Elevations
4. Planning Commission Resolution
Exhibit A: Conditions of Approval

ATTACHMENT 1
Aerial View



ATTACHMENT 2
Floor Plan

ATTACHMENT 3
Building Elevations

ATTACHMENT 4
Resolution

RESOLUTION NO. 1996

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING A DETERMINATION OF CATEGORICAL EXEMPTION PURSUANT
TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND
SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL
STRUCTURES) AND APPROVING CONDITIONAL USE PERMIT (CUP) NO.
2024-10 AND SITE PLAN REVIEW (SPR) NO. 2024-15**

WHEREAS, George Buenrostro (“Owner”) submitted an application for a Conditional Use Permit (CUP 2024-10) and Site Plan Review (SPR 2024-15) for the property located on 224 East Yosemite Avenue (APN: 007-161-008), Madera CA. 93637 (“site”); and

WHEREAS, CUP 2024-10 was filed to request authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 47 (On-Sale General – Eating Place) License issued to bona fide restaurants and authorizing the sale of beer, wine, and distilled spirits for consumption on or off the premises where sold; and

WHEREAS, the project site is within an existing building at approximately 2,500 square feet located in the City’s Downtown District; and

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

WHEREAS, operations proposed in accordance with CUP 2024-10 and SPR 2024-15 have been determined to be able to occur on the site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

WHEREAS, on June 11, 2024, the City of Madera Planning Commission considered Conditional Use Permit 2024-10 and Site Plan Review No. 2024-15; and

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

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve conditional use permits, site plan reviews and environmental assessments for associated projects on behalf of the City; and

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

WHEREAS, the Planning Commission received and reviewed CUP 2024-10 and SPR 2024-15 at a duly noticed meeting on June 11, 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, after due consideration of all the items before it, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2024-10 and SPR 2024-15.

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: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because operational changes proposed will result in negligible or no expansion of the existing restaurant use; the premises include an existing building on an improved lot served by all required services and utilities. The proposed project is consistent with applicable general plan designations and policies. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.
3. Findings to Approve CUP 2024-10: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit and site plan, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

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

In allowing this establishment to expand their business to include alcohol sales, these entitlements support Vision Madera 2025 and encourage, “economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally” (City of Madera General Plan, p. 1-2).

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

The project site is planned and zoned for commercial uses. The site is developed within the Downtown District which encourages commercial, retail, and restaurant uses. The Type 47 ABC license authorizes the sale of alcohol for consumption on and off the restaurant premises. The project

has been conditionally approved to be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

The proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned by staff. The general welfare and safety of the surrounding uses and the City at large will not be negatively impacted.

4. Findings to Approve SPR 2024-15: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the Site Plan Review, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Finding a: The proposal is consistent with the General Plan, operative plans and Zoning Ordinance.

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

In allowing this establishment to expand their business to include alcohol sales, these entitlements support Vision Madera 2025 and encourage, “economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally” (City of Madera General Plan, p. 1-2).

Finding b: The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged

that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.

The project has been reviewed and is consistent with the surrounding uses and with all applicable requirements for development in a Light Commercial zone district. The project site is an existing building located within the City's Downtown District.

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

The Site Plan Review will not have a significant impact on traffic or the environment. Any proposed interior or exterior construction has been reviewed to ensure improvements do not interfere with vehicular and pedestrian circulation.

5. Approval of CUP 2024-10 and SPR 2024-15: Given that all findings can be made, the Planning Commission hereby approves the use permit and site plan review as conditioned and set forth in the Conditions of Approval attached as Exhibit "A".
6. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 11th day of June 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 CUP 2024-10 and SPR 2024-15

Exhibit "A"
CUP 2024-10 and SPR 2024-15
Full O' Bull ABC License
Conditions of Approval
June 11, 2024

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 2024-10 and SPR 2024-15 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

General

1. CUP 2024-10 and Site Plan Review 2024-15 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Madera Municipal Code or required action is taken to extend the approval before expiration date.
2. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the tenant suite or issuance of a business license, or as otherwise noted.
3. Vandalism and graffiti shall be corrected per the Madera Municipal Code (MMC).
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 2024-10 and SPR 2024-15.**
5. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight, or vibration that adversely affects any adjacent properties.
6. Approval of CUP 2024-10 and SPR 2024-15 is for the benefit of the applicant. The submittal of site plan review application by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera

and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively “claim”).

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

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

Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

Planning Department

1. CUP 2024-10 and SPR 2024-15 shall authorize the approval for a 2,500 square foot building and an approximately 480 square foot outdoor patio to operate under an Alcohol Beverage Control License (ABC) Type 47 License.
2. CUP 2024-10 and SPR 2024-15 does not permit the uses of a dance hall, nightclub, or commercial club to occur.
3. Hours of operation for the restaurant and outdoor dining patio shall be within the hours of 6:00 am to 2:00 am, Monday through Sunday; alcohol shall only be served while kitchen facilities are operational and food may be ordered.
4. No outdoor display of merchandise shall be allowed.

Trash Enclosure

5. Trash enclosure shall be required to be constructed to City’s standards and accommodate refuse, recyclables, and organics.

Alcohol Beverage Control License (ABC)

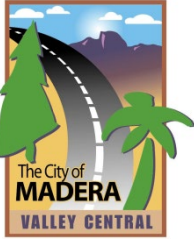
1. CUP 2024-10 is for the sale of beer, wine, and distilled spirits to be consumed on the premises based on the ABC Type 47 License.
2. The use is conditioned upon obtaining an appropriate permit from the Department of Alcohol Beverage Control. The applicant, operator and any successors shall comply with all applicable codes and requirements of the Department of Alcohol Beverage Control.

3. This conditional use permit shall be subject to periodic reviews and inspections by the City to determine compliance with the conditions of approval and applicable codes. If, at any time, the uses permitted by the use permit are determined by staff to be in violation of the conditions of approval, staff may schedule an item before the Planning Commission so that it may be determine whether to consider setting a hearing regarding revocation of the permit.
4. Any action taken by the owner, applicant, and/or business manager found to be in violation of any of the provisions set forth by the Alcohol Beverage Control License Type 47 shall render this conditional use permit revocable. The use must comply with any license requirements for the subject property by Alcohol Beverage Control at all times.
5. The property owner, operator, and/or manager, and/or benefactor of the use permit shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use(s) may be cause for revocation of said permit. Such conditions that constitute such violation include, but are not limited to:
 - a. The commission of three or more violent felonies (crimes against the person) and/or narcotic or dangerous drug sales within the subject premises or in the area immediately adjacent thereto.
 - b. The arrest of the owner and/or an employee for violations occurring within the subject premises, or in the area immediately adjacent thereto, which violations can be found to be reasonably related to the operation of the business.
 - c. The sustaining by the subject premises of an administrative suspension or revocation or other such sanction as may be imposed by the California State Department of Alcoholic Beverage Control, including payment in lieu of such suspension or revocation.
 - d. The failure by the owner or other person responsible for the operation of the premises to take reasonable steps to correct objectionable conditions after having been placed on notice by the official of the City that such conditions exist. Such official may include, but not be limited to the: Code Enforcement Officer, Police Chief, Fire Marshall or City Attorney. Objectionable conditions may include, but not be limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. Such conduct shall be attributable to the subject premises whether occurring within the subject premises or in the area immediately adjacent thereto.
6. In the event the property owner and/ or applicant chooses to modify the ABC License type, the applicant shall amend CUP 2024-10 and shall require reapproval of the Planning Commission.

Merchandise & Advertising. As an ongoing measure:

7. Outdoor display or advertisement of alcoholic merchandise for sale is strictly prohibited.
 - a. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability or promotion of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
8. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
9. No display or advertisement of alcohol shall be made from an ice tub, barrel or similar container or be visible from the exterior of the premises.

END OF CONDITIONS



REPORT TO THE PLANNING COMMISSION

Prepared by: Robert Smith

Meeting of: June 11, 2024

Agenda Item: 2

SUBJECT

Consideration of Site Plan Review 2022-04 and Precise Plan 2022-02 pertaining to ±0.72-acres of property located on the north side of West Park between North Linden and North Laurel Streets (APN[s]: 006-360-037, 038 & 039) - West Park Duplexes

RECOMMENDATION

Conduct a public hearing and adopt:

1. A Resolution of the City of Madera Planning Commission adopting a determination of Categorical Exemption pursuant to Section 15332 (Infill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Site Plan Review 2022-04, and Precise Plan 2022-02 subject to the findings and conditions of approval.

SUMMARY:

The applicant Tierra Vista Apartments, LLC, and property owner, Pestorich Holdings LLC, has submitted applications for a Site Plan Review (SPR 2022-04), and Precise Plan (PPL 2022-02) proposing to establish 8-units over three sites consisting of four duplexes on an existing 0.72-acre vacant lot. Each duplex will be comprised of one two-bedroom and one three-bedroom units. Each unit will have a two car garage with front and rear landscaping and other site improvements at West Park Drive (APN[s]: 006-360-037, 038 & 039).

SPR 2022-04 proposes three duplex buildings, each 14,984 square feet in floor area, on three parcels 0.24 acres in area for a total project site area of 0.72 acres. Proposed improvements will also include construction of perimeter landscaping; off-street parking; and other associated site improvements. The project site is designated for Medium Density Residential land uses in the General Plan and is zoned PD 2,000 (Residential).

Table 1: Project Overview	
<i>Project Number:</i>	SPR 2022-04, PPL 2022-02.
<i>Applicant:</i>	Tierra Vista Apartments, LLC.
<i>Owner:</i>	Pestorich Holdings LLC.
<i>Location:</i>	North West Park Drive at terminus of Linden Street.

<i>Project Area:</i>	0.72-acre lot
<i>General Plan Land Use:</i>	MD (Medium Density Residential)
<i>Zoning District:</i>	PD 2,000 (One unit for each 2,000 sf of site area)
<i>Site Characteristics</i>	Relatively flat, rectangular site with existing with exiting unimproved sidewalks along the frontage which does include curb and gutter.

ANALYSIS:

Site Characteristics:

The project site is adjacent to an existing undeveloped portion of a larger area of sporadic residential development formed around the loop road of Linden Street. To the direct north, southwest and east of the property is residential land with a number of existing residential developments and uses. Residential homes extend further beyond the perimeters of the property.

Street improvements are partially in place (curb & gutter) along the project’s frontage on the side of West Park. The development area has remained vacant for a number of years.

Surrounding Land Uses:

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Multifamily Residential	High Density Residential	PD 1,500
<i>East</i>	Multifamily Residential	Medium Density Residential	PD 4,500
<i>South</i>	Vacant Land	Medium Density Residential	PD 1,500
<i>West</i>	Multifamily Residential	Medium Density Residential	R-1

Circulation:

Curb cuts will be created from West Park Drive, accessing residential driveways to garage parking with additional parking provided in the driveway. An accessible path of travel can be established from both the front parking areas, subject to Building Code requirements.

Parking:

The project provides parking within garages for each unit in addition to driveways parking and space on the street for street parking. Front approach and side approach garages are appropriate and provide two interior parking spaces.

Landscaping:

A revised landscape and irrigation plan consistent with the conditions of approval will be required as part of any submittal for a building permit. This will include details of draught tolerant, native species with irrigation and requirement for continued maintenance to maintain landscape appearance.

Precise Plan:

The City's Municipal Code allows for the granting of specific Precise Plan development standards by the Planning Commission subject to being able to make findings based upon appropriateness. The precise plan shall not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

As proposed, the Precise Plan is required for the establishment of development standards in the PD zoning district. The proposed building design identified within the Precise Plan is subject to design review. Design review shows that the proposed buildings, site alternations, and site plan arrangement are appropriate and meet the requirements for residential standards.

Site Plan Review:

The proposed 14,984 sf of floor area within four new duplex buildings has been represented by plans and indicative images, with the more detailed form of these buildings to be reviewed through conditions of approval. The portion of development is less than 5-acres so qualifies for the CEQA infill exemption. No criteria for an infill exemption are triggered. The Institute of Transportation Engineers anticipated trip generation (Vehicle Miles Travelled – VMT) for residential use does not reach a point where there would be an impact beyond what has been modelled for this residential land use designation. The site may be set out for the management of stormwater on site through direction of downspouts to landscape areas for a typical drainage residential basin approach. The project is not likely to cause excessive noise, that would in particular impact surrounding residential occupants and will not impact air quality.

ENVIRONMENTAL REVIEW:

Staff have performed a preliminary environmental assessment and have determined that the project is categorically exempt pursuant to Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within City limits on a project site of approximately 0.72 acres in area, which is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effect relating to traffic, noise, air quality, or water quality. The site can adequately be served by all required utilities and public services. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply to this project. As such, the Commission adopts

a finding of a Categorical Exemption pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects) for this project

RECOMMENDED ACTION:

The Commission will be acting on Site Plan Review Application No. SPR 2022-04, and Precise Plan Application No. PPL 2022-02.

Staff recommends that the Commission:

1. Adopt a Resolution of the Planning Commission of the City of Madera determining the project is Categorically Exempt pursuant to 15332 (Infill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, and approving Site Plan Review 2022-04, and PPL 2022-02 subject to the findings and conditions of approval.

The Commission’s action is final unless appealed for consideration by the City Council in accordance with the provisions of the City Municipal Code.

ALTERNATIVES:

As an alternative, the Commission may elect to:

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

ATTACHMENTS:

1. Vicinity Map
2. Site Plan
3. General Plan Land Use Map
4. Zoning Map
5. PC Resolution

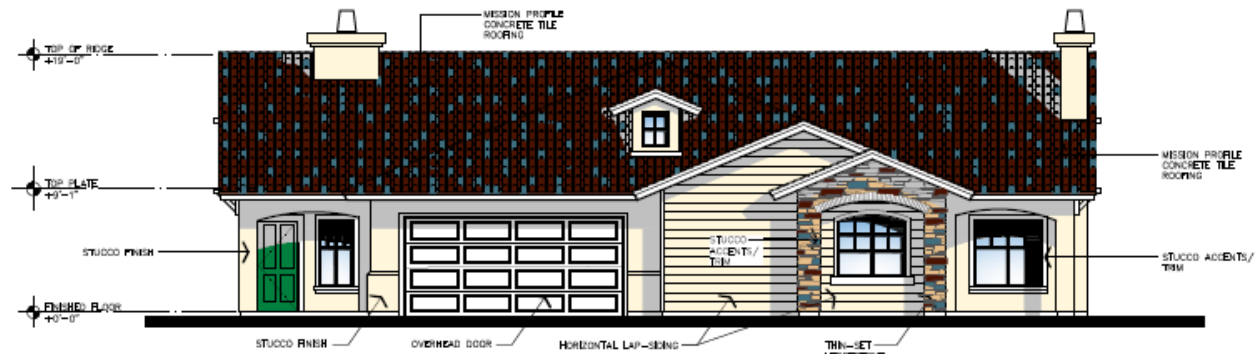
ATTACHMENT 1

Vicinity Map

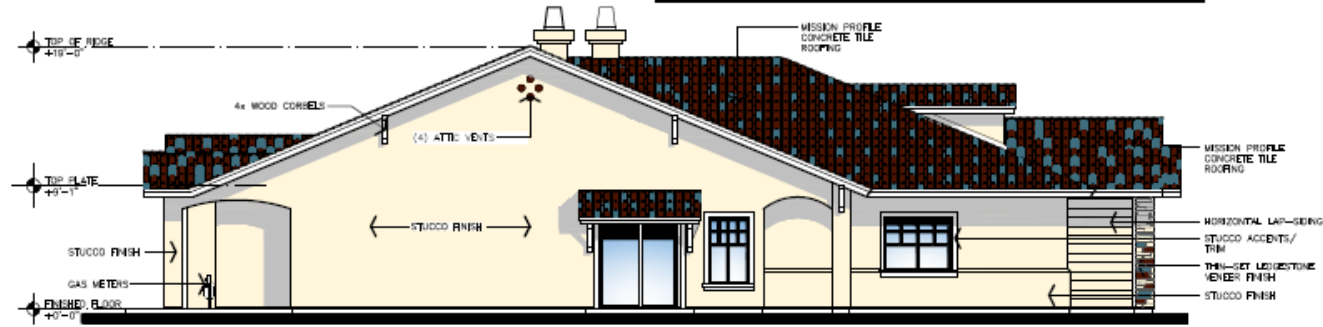


ATTACHMENT 2

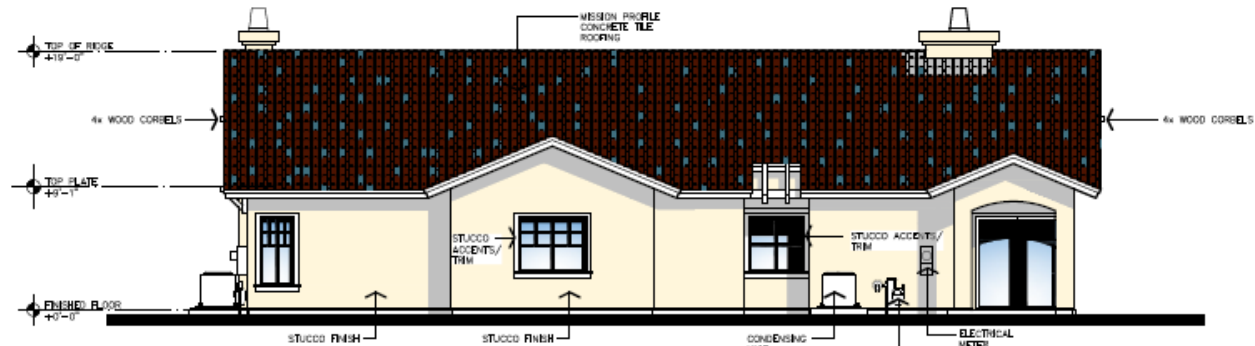
Proposed Plan



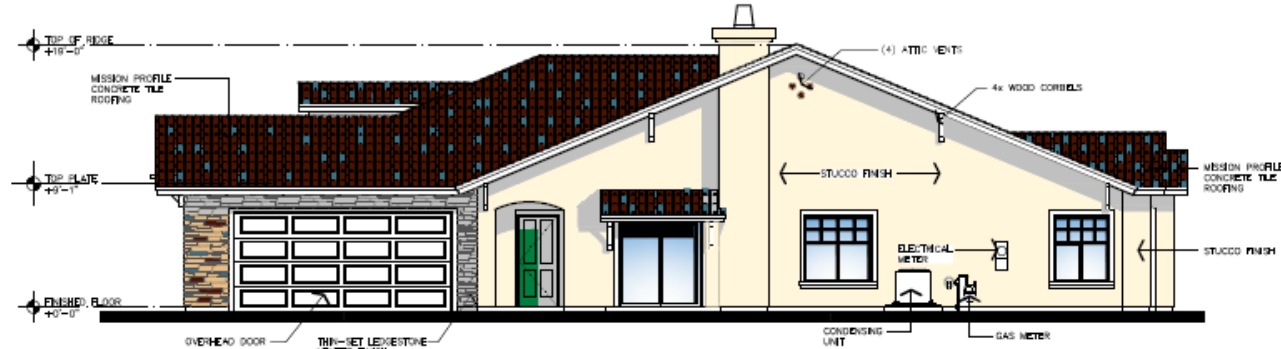
BUILDING 'A' - FRONT



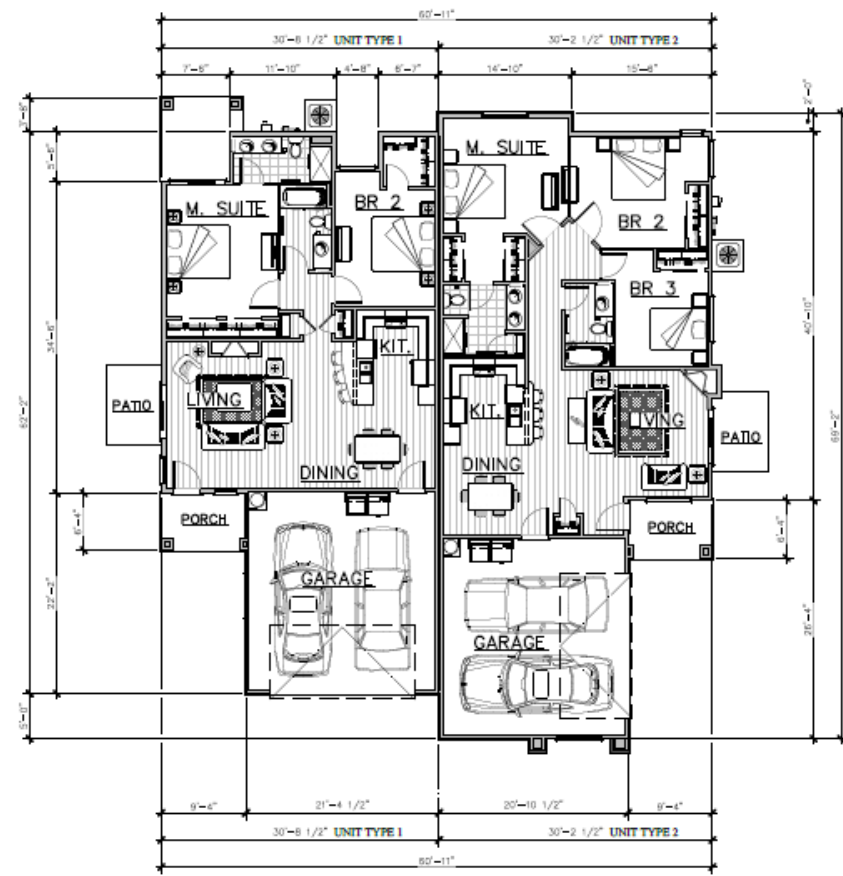
BUILDING 'A' - LEFT



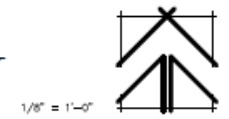
BUILDING 'A' - REAR



BUILDING 'A' - RIGHT



BUILDING 'A' FLOOR PLAN



BUILDING STATISTICS

BUILDING UNIT MIX	(1) UNIT TYPE "1" 2 BEDROOM 2 BATHROOM WALK-UP UNIT WITH ATTACHED GARAGE 1,185 SQ. FT./UNIT
	(1) UNIT TYPE "2" 3 BEDROOM 2 BATHROOM WALK-UP UNIT WITH ATTACHED GARAGE 1,348 SF. / UNIT
OCCUPANCY GROUP	R-3
CONSTRUCTION TYPE	V-B WITH NFPA 130 AUTOMATIC FIRE SPRINKLER SYSTEM
BUILDING AREA	
a. UNIT TYPE "1" FLOOR PLAN	1,185 SQ. FT.
1. RESIDENTIAL UNITS	488 SQ. FT.
2. GARAGE	488 SQ. FT.
3. COVERED PORCH/ PATIOS	167 SQ. FT.
b. UNIT TYPE "2" FLOOR PLAN	1,348 SQ. FT.
1. RESIDENTIAL UNITS	665 SQ. FT.
2. GARAGE	665 SQ. FT.
3. COVERED PORCH/ PATIOS	93 SQ. FT.
TOTAL BUILDING AREA	3,746 SQ. FT.
FIRE RESISTANCE REQUIREMENTS	
a. EXTERIOR WALLS	NON-RATED
b. INTERIOR BEARING WALLS	NON-RATED
c. INTERIOR NON-BEARING WALLS	NON-RATED
d. CEILING/ROOF ASSEMBLY	NON-RATED
e. UNIT COMMON WALLS	ONE HOUR RATED (O.A. FILE NO. WP-3370)
f. SHAFT ENCLOSURES	NONE OCCUR
g. EXTERIOR OPENINGS	NON-RATED

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

Revision	Date

TERRA VISTA DEVELOPMENT, LLC.
 2435-2451 WEST PARK DRIVE
 MADERA, CALIFORNIA



	Date:
<input type="checkbox"/> DESIGN REVIEW	
<input type="checkbox"/> PLAN CHECK	
<input type="checkbox"/> BACK CHECK	
<input type="checkbox"/> PERMITS	
<input type="checkbox"/> CONSTRUCTION	
<input type="checkbox"/> AS BUILT	

All drawings and written material appearing herein constitute original work of the architect and may not be duplicated, used, or disclosed without written consent of the architect.

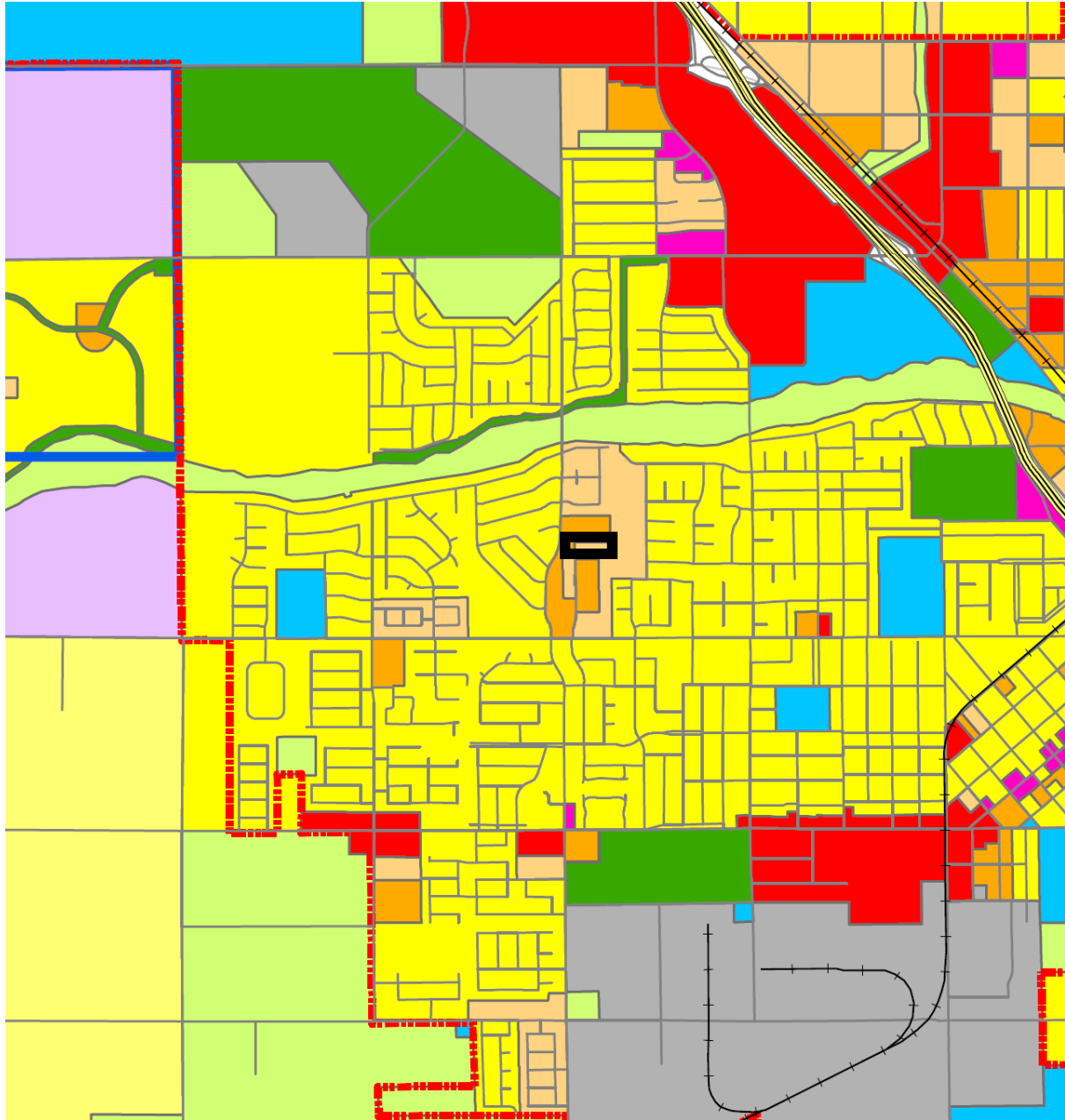
Project Name: TERRA VISTA
MADERA, CALIFORNIA
Project Number: 210208
Plot Date: 08.12.23
Sheet Number:
PA2

EXTERIOR ELEVATIONS

3/16" = 1'-0"

ATTACHMENT 3

City of Madera General Plan Land Use Map



ATTACHMENT 4

City of Madera Zoning Map

ATTACHMENT 5

Planning Commission Resolution

RESOLUTION NO. 1995

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING A DETERMINATION OF CATEGORICAL EXEMPTION
PURSUANT TO CEQA GUIDELINES SECTION 15332 (IN-FILL
DEVELOPMENT PROJECTS) AND APPROVING PRECISE PLAN 2022-02 AND
SITE PLAN REVIEW 2022-04
(WEST PARK DUPLEXES)**

WHEREAS, John Pestorich (“Owner”) owns Assessor’s Parcel Numbers 006-360-037, 006-360-038 and 006-360-039 comprising ±0.72 acres of vacant land located on the north side of West Park between North Linden and North Laurel Streets in Madera, California (“Site”); and

WHEREAS, the Owner has submitted applications for Site Plan Review (SPR 2022-04) and a Precise Plan (PPL 2022-02) proposing the development of four duplexes (8 dwelling units) on the Site; and

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

WHEREAS, pursuant to the provisions of the City Municipal Code (CMC), the Planning Commission is authorized to review and approve precise plans 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 PPL 2022-02 and SPR 2022-04 at a duly noticed meeting on June 11, 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, after due consideration of all the items before it, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to the CEQA and approve PPL 2022-02 and SPR 2022-04, with conditions.

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: The Planning Commission determines that the project is categorically exempt under Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines. The project will not exceed more than four dwelling units in an urbanized area. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within City limits on a project site of approximately 0.23 acres, which is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effect relating to traffic, noise, air quality, or water quality. The site can adequately be served by all required utilities and public services. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply to this project. As such, the Commission adopts a finding of a Categorical Exemption under CEQA Guidelines Section 15303

(New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) for this project.

3. Findings for PPL 2022-02: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of PPL 2022-02, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-3.4 and Sections 10-3.501 through 10-3.510. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The property is rezoned PD (2,000) *Planned Development, one unit for each 2,000 sq. ft. of site area*, which is consistent with the existing General Plan land use designation of MDR (Medium Density Residential). As allowed under the provisions of the PPL provisions. PPL 2022-02 may set its own development standards and as proposed is consistent with the purpose and intent of the PD 2,000 zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is not subject to any specific plans.

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.

PPL 2022-02 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the PD 2,000 zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. The project would not have an adverse effect on surrounding properties.

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

PPL 2022-02 will be required to install sidewalk and driveway improvements in accordance with City standards. Related infrastructure improvements may also be required for storm drainage in conformance with City standards. The project site has access to West Park and Linden Street, which can accommodate traffic generated from the proposed project.

4. Findings for SPR 2022-04: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2022-04, as conditioned. With conditions, the project is consistent with the requirements of the Madera Municipal Code, including Sections 10-3.4 and Sections 10-3.1001 through 10-3.1004. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The site is zoned PD 2,000, which is consistent with the existing General Plan land use designation. Among others, the proposed use under SPR 2022-04 is consistent with General Plan Policies including CD-52, as well as the Design and Development Guidelines for Commercial Development. SPR 2022-04 is consistent with the purpose and intent of the residential zoning

and does not conflict with City standards or other provisions of the Madera Municipal Code. Physical development of the site is limited to site improvements and further review of additional structures is subject to City review.

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

The site does not have a specific plan overly.

- 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 (SPR 2022-04) has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the PD 2,000 zoning district, including provisions for access to and from the site, parking, drainage, lighting, on-site and off-site improvements. The project will not generate significant amounts of noise, light, traffic, or other environmental impacts.

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

The project (SPR 2022-04) will be required to install sidewalk and driveway improvements in accordance with City standards. Related infrastructure improvements will also be required for curb, gutter, storm drainage, utilities and other related street infrastructure where it doesn't currently exist in conformance with City standards. The project site has access to West Park and Linden Streets, which can accommodate traffic generated from the proposed project. The project will not have a significant impact on traffic or the environment.

- 5. Approval of PPL 2022-02: Given that all findings can be made, the Planning Commission hereby approves PPL 2022-02 as conditioned as 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 11th day of June 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.

EXHIBIT "A"
PPL 2022-02 & SPR 2022-04 WEST PARK DUPLEXES
CONDITIONS OF APPROVAL
JUNE 11th, 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 PPL 2022-02 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. All discretionary conditions of approval for SPR 2021-07 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.

GENERAL CONDITIONS

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on PPL 2022-02 and SPR 2022-04.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
4. PPL 2022-02 and SPR 2022-04 will expire one (1) year from the effective date, 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 expiration date.
5. 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.
6. 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.
7. Development of the project shall conform to the plans designated by the City as plans dates 3/13/24; 9/12/23; and 9/12/23, subject to the conditions noted herein.
8. All construction shall cease, and the Community Development Director 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.

9. All construction shall cease if any human remains are uncovered, and the Community Development Director, 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 shall be followed.
10. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys’ fees, and damages arising therefrom (collectively “claim”).

The City shall promptly notify the applicant of any claim and the City shall cooperate 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

General Conditions

11. The project site shall be developed in conformance with the site plan as reviewed and approved under PPL 2022-02 and SPR 2022-04. 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 Community Development Director without an amendment to PPL 2022-02 and SPR 2022-04. However, should modifications be substantive, an amendment to PPL 2022-02 and/or SPR 2022-04 shall be filed for review and approval through the applicable City process.
12. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with the project approval to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
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. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.

15. 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.
16. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.

Parking Requirements

17. As approved the required number of ADA compliant parking spaces shall be provided in accordance with the Building Code.
18. Off-street parking areas shall be paved and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed to cross sidewalks, unless approved by the City Engineer.
19. Each off-street parking space shall have a width of not less than nine feet and a length of not less than 19 feet. Parking spaces shall be easily accessible by standard-size automobiles, shall be so designed as to be accessible from a public street or alley, and shall be located so that sufficient area is available for maneuvering purposes and any required easements to accommodate this must be permanently recorded with the properties.

Fencing

20. All fences shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood.
21. Fencing materials shall wood boards with dog eared corners.

Landscaping

22. A landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall 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) Provide permanent automatic irrigation systems for all landscaped areas;
 - c) Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d) Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - e) 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.
 - f) At least one tree shall be planted and permanently maintained within the front yard of each duplex. If tree is removed, it shall be replaced to the satisfaction of the Community Development Director.
 - g) Residential downspouts shall be directed to landscape areas to ensure stormwater management compliance.
23. 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 under PPL 2022-02 and SPR 2022-04.

24. 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.
25. A maintenance agreement is required for all landscaping located within the public right-of-way. Such agreement shall be entered into prior to issuance of a certificate of completion.

ENGINEERING

General Conditions

26. Deferrals are not permitted for any condition included herein, unless otherwise stated.
27. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
28. Development impact fees shall be paid at time of building permit issuance.
29. 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.
30. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
31. The improvement plans for the project shall include the most recent version of the City's General Notes.
32. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Division.
33. 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.
34. All off-site improvements shall be completed prior to issuance of final occupancy.
35. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.
36. Prior to building permit issuance, a lot line adjustment shall be recorded as the current proposed buildings cross multiple property lines.
37. In-lieu of applying for a lot line adjustment, the developer can choose to record a lot merger to merge the project parcels into one parcel as the buildings are proposed to cross multiple property lines. An application for a lot merger shall be submitted to the Engineering Department. A \$400 fee or the fee in effect at that time for lot merger shall be paid with the application to the Engineering Department.

Water

38. New or existing water service connection(s), including landscape areas, shall be upgraded or constructed 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. Each parcel shall have a separate domestic water service.
39. Water meters shall be installed and account activated through the City's Utility Billing Department prior to commencement of foundations and/or pads. Immediate installation can be delayed

subject to use of a metered hydrant utilizing meter supplied through the Public Works Department along with appropriate measures to ensure water from the future lateral not be used until a permanent meter and backflow prevention device is installed.

40. A separate water meter and backflow prevention device will be required for landscaped areas.
41. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
42. The developer shall reimburse its fair share cost to the city for the previously constructed water mains.
43. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.
44. The developer shall install fire hydrants in accordance with current City standards. Fire hydrant locations shall be approved by the Fire Marshal.

Sewer

45. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards. Each parcel shall have a separate sewer service.
46. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
47. Sewer main connections 6" and larger in diameter shall require manhole installation.
48. Existing septic tanks, if found, shall be removed pursuant to issuance of a permit and inspection by the City of Madera Building Department.

Storm Drain

49. Storm runoff from this project will surface drain into existing facilities and eventually into the MID Canal. Water runoff from the site must be cleaned before entering the existing City owned storm water system to the satisfaction of the MID through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
50. Support calculations shall be provided that prove existing storm drain facilities are capable of intercepting runoff in accordance with the provision of the Storm Drainage System Master Plan.
51. A Madera Irrigation District (MID) approval block shall be shown on the final improvement plans.
52. 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

53. 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.

54. The developer shall install sidewalk along the West Park Drive project frontage in accordance with City and ADA standards.
55. Existing access ramp located on the northwest corner of Linden Street and West Park Drive shall be removed and reconstructed or modified, as necessary, to meet current City and ADA standards.
56. All proposed drive approaches on West Park Drive shall be constructed per current City and ADA standards.
57. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 4 for the purpose of participating in the cost of maintaining landscape improvements within said zone.
58. The developer shall record a Reciprocal Easement Agreement for ingress/egress at a minimum and utility, drainage, access for emergency services and parking easements as may be necessary for the three project parcels in the City of Madera standard form. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall be responsible for paying all associated fees to the Engineering Department. If an existing cross access agreement has already been recorded, it shall be revised based upon the proposed changes.

Dry Utilities

59. 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.

BUILDING DEPARTMENT

60. Submit full sets of plans (5) for review and approval prior to obtaining all required permits for construction of project.
61. A building permit is required for all construction on the site.

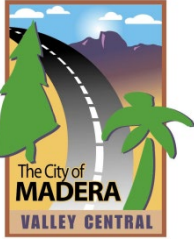
FIRE DEPARTMENT

62. All buildings shall be equipped with fire sprinklers. Fire Department Connections shall be placed at fire lanes and near fire hydrants. FDC's shall be labeled to indicate which building they serve.
63. All fire lanes shall be properly posted.
64. On site fire hydrants shall be provide in accordance with CFC Appendices B & C.
65. A Knox box will be provided for access. Powered gates shall prove a Knox override switch.
66. Building setbacks, and exterior wall protection shall comply with the CBC.
67. 2A10BC rated fire extinguishers shall be provided for each building in accordance with the CFC.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

68. 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), as referenced in the attached letter from the San Joaquin Valley Air Pollution Control District, dated April 27, 2021.

-END OF CONDITIONS-



REPORT TO THE PLANNING COMMISSION

Prepared by: Robert Smith, Senior Planner

Meeting of: June 11, 2024

Agenda Number: 3

SUBJECT:

Consideration of applications for Annexation (ANX 2023-01), Prezone (REZ 2023-04), Tentative Subdivision Maps (TSM 2023-01 & 2024-02), Precise Plan (PPL 2023-01), and associated Mitigated Negative Declaration (SCH 2024050494) pertaining to ± 9.82 acres of land generally located on the northeast corner of the intersection of Adell and North D Streets (APN[s]: 038-090-007, 008, 009 & 010).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the Planning Commission of the City of Madera recommending the Council of the City of Madera adopt the Mitigated Negative Declaration (SCH No. 2024050494) and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project; and recommending the Council approve Prezone REZ 2023-04; and
2. A Resolution of the Planning Commission of the City of Madera contingently approving Tentative Subdivision Maps TSM 2023-01 & TSM 2024-02 and Precise Plan PPL 2023-01.

SUMMARY:

The applicant, Land Design Consulting Inc., has filed applications for Annexation (ANX 2023-01), Prezone (REZ 2023-04), Precise Plan (PPL 2023-01, Tentative Subdivision Maps (TSM 2023-01 & 2024-02) pertaining to ± 9.82 acres of land comprising four parcels generally located on the northeast corner of the intersection of Adell and North D Streets (collectively, the "project site").

REZ 2023-04 proposes to prezone a ± 9.12 -acre portion of the subject property, consisting of two parcels (APN[s]: 038-090-009 & 010), the "development site," to the PD-4500 (Planned Development, one unit for each 4,500 sq. ft. of site area) zone district to facilitate approval of PPL 2023-01 and TSMs 2023-01 & 2024-02. Additionally, REZ 2023-04 proposes to prezone a ± 0.17 -acre portion of the project site, consisting of two single family residential parcels adjoining the development site (APN[s]: 038-090-007 & 008), to the R-1 (Residential, one unit for each 6,000 sq. ft. of site area) zone district. Prezoning pursuant to REZ 2023-04 is proposed to facilitate annexation of the entirety of the project site to the City of Madera in accordance with ANX 2023-

01 and the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

The development site is under separate ownership, with the two owners coordinating to deliver the project as a single entity. PPL 2023-01, TSM 2023-01 and TSM 2023-02 propose the creation of a single family residential planned development subdivision of the development site. The tentative subdivision maps will create a cumulative 42 residential lot subdivision, split into 22 lots (TSM 2023-01), and 20 lots (TSM 2024-02). The Precise Plan will establish and define the development standards for the subdivision.

Pursuant to the provisions of City Municipal Code (CMC) §§ 10-3.1507 & 10-3.1508, public hearings (for amendments to zone boundaries/changes of property from one zone to another) shall be held before the Commission; and the Commission shall render a report and recommendation (Resolution for adoption) to the Council, prior to the Council adopting the amendment or any part thereof. Planning Commission action pertaining to the proposed rezoning and Mitigated Negative Declaration prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) will be a recommendation to the City Council.

Pursuant to the provisions of CMC Section 10-2.202.6 & 10-3-4.104, the Planning Commission shall be responsible for approving, conditionally approving, or denying the application for tentative map approval of subdivisions of five or more units and precise plans prior to development within a Planned Development (PD) zone. An affirmative action (approval) by the Commission of the precise plan and tentative subdivision maps will be contingent upon Council adoption of the Mitigated Negative Declaration (and Mitigation Monitoring and Reporting Program) for purposes of CEQA and approval of REZ 2023-04.

Table 1: Project Overview	
<i>Project Number:</i>	ANX 2023-01, REZ 2023-04, TSM 2023-01; TSM 2024-02; PPL 2023-01.
<i>Applicant:</i>	Land Design Consulting Inc.
<i>Property Owners:</i>	Shahzada Farooq; Nadeem Ahmed (Development Site).
<i>Location:</i>	Generally located on the northeast corner of the intersection of Adell and North D Streets (APN[s]: 038-090-007, 008, 009 & 010)
<i>Project Area:</i>	±9.82-acres
<i>Planned Land Use:</i>	LD (Low Density Residential)
<i>Zoning District:</i>	Existing: RRM (Residential, Rural, Multiple Family – Madera County) Proposed: PD 4,500 (One unit per each 4,500 sf); and R-1 (One unit for each 6,000 sq. ft. of site area)
<i>Site Characteristics:</i>	Rural single family residential (to remain); and, level vacant land which consists of rural, former agricultural land, disked regularly for vegetation management.

ANALYSIS:

Site Characteristics:

The project site consists of four separate parcels containing two existing rural residences and vacant, previously agricultural land, grubbed of all vegetation and leveled.

The project site is located within an unincorporated area of the County, which is within the City of Madera’s Sphere of Influence and Urban Growth Boundary, and which is designated for Low Density Residential (2.1-7.0 dwelling units per acre) land uses by the City of Madera General Plan.

Utility infrastructure is required to be provided with the subdivision. Streets will be built to the ultimate City standards. Stormwater collection and discharge will be at the City owned basin on Sherwood with the applicant required to enhance capacity if required due to the stormwater runoff generated from the proposed project.

Surrounding Land Uses:

The proposed annexation area is generally surrounded by County rural residential uses to the east and north. Remaining rural residences, a religious facility and new single family residential subdivision are located within City limits on the east side of North D St., across from the project site. Vacant land presently proposed for subdivision and single-family residential development is located within City limits on the south side of Adell St, across from the project site. Table 2 below summarizes the existing development/uses, and the General Plan land use designations and zoning districts surrounding the proposed annexation area.

Table 2: Bordering Site Information (Annexation Area)			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Residential	Low Density Residential	RRS (County)
<i>East</i>	Vacant land	Low Density Residential	RRS (County)
<i>South</i>	Vacant land	Low Density Residential	PD (4500) (City)
<i>West</i>	Residential	Low Density Residential	R-1 (City)

RRS – Residential, Rural, Single Family (County)
PD 4500 – Planned Development (One Unit per each 4,500 sf of site area)
R1 – (One Unit per each 6,000 sf)

Development Site:

The development site is entirely bordered by existing residential uses or vacant land designated and zoned for residential uses. Portions of the City limits along the City’s existing northerly boundary have been extended over time with predominantly residential uses, typically with densities higher than the R-1 one unit per 6,000 sf. County land surrounding the development site is zoned for residential uses. Land in the County beyond the abutting/adjacent residential uses transitions to agricultural land away from the City limits.

Annexation Area (Project Site):

For purposes of Annexation, the ±9.12-acre development site is supplemented by two additional properties to ensure the annexation creates logical and square boundaries for acceptance by the Madera County Local Agency Formation Commission (LAFCO). The proposed annexation will therefore include APN(s): 038-090-007 & 008, an additional ±0.7 acres (62,640 sf) of area. The total annexation area is ±9.82 acres including the two adjacent parcel not proposed for subdivision or development.

Rezoning:

REZ 2023-04 proposes to rezone the project site to the PD-4500 (Planned Development, one unit for each 4,500 sq. ft. of site area) zone district, consistent with the existing Low Density Residential General Plan land use Designation. The adjacent parcels being annexed into the City and not proposed for development, are proposed to be rezoned to the R-1 (Residential, one unit for each 6,000 sq. ft. of site area) zone district.

Policy LU-32 of the Madera General Plan provides that zoning shall be consistent with General Plan land use designations. In areas where the zoning and the land use designation are not identical, Table LU-A: General Plan/Zoning Consistency of the Madera General Plan shall be used to determine consistency for rezoning applications. The PD-4500 and R-1 zone districts are both consistent with the Low-Density Residential land use designation pursuant to Table LU-A of the Madera General Plan.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code (CGC) § 56375(C)(7) provides, LAFCO shall require, as a condition to annexation, that a city rezone the territory to be annexed or present evidence satisfactory to LAFCO that the existing development entitlements on the territory are vested or are already at build-out and are consistent with the city's general plan. However, LAFCO shall not specify how, or in what manner, the territory shall be rezoned (this authority remains with the City Council as a legislative action).

Accordingly, CMC § 10-3.303 et seq. provides, all territory to be annexed to the city shall, prior to being considered by the Madera Local Agency Formation Commission, be rezoned by amendment of the official zoning map and shall be automatically in effect upon the certificate of completion for annexation of the area into the city being recorded by the County Clerk. The zone(s) established by rezoning shall become effective when the property is annexed. Failure to complete the annexation process for any reason shall render any rezoning zone classification(s) on the official zoning map to be null and void, and the zoning designation(s) shall be removed for the official zoning map. The subject property will be considered to be not rezoned, not within the city limits of the City of Madera, and instead subject to the zoning ordinance of the County of Madera.

Annexation:

ANX 2023-01 proposes to annex 4 parcels into the City, including one parcel of ±5 acres, one parcel of ±4.12 acres and two residential parcels of ±0.7 acres in area (the total territory proposed to be annexed is ±9.82 acres in area).

Actions related to the annexation of the subject property to the City of Madera fall under the jurisdiction of the Madera Local Area Formation Commission (LAFCO) pursuant to the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code [CGC] § 56000 et seq.). LAFCOs have numerous powers under the Act, but those of primary concern are the power to act on local agency boundary changes and to adopt spheres of influence for local agencies. Among the purposes of LAFCOs are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies; with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible.

City Council approval of the annexation application authorizes application, by petition, to the Madera Local Agency Formation Commission, to undertake proceedings for the proposed annexation. In this instance, the application to LAFCO will not be initiated by resolution of application of the legislative body (City Council). Payment of all required fees for application to LAFCO or for purposes of annexation shall be the sole responsibility of the applicant.

The territory proposed for annexation is located in an area that has already experienced some urban development. Existing City utilities are located beneath North D Street and Adell St. The project site would be served by the City water and sewer improvements.

The annexation area also includes previously developed storm drainage infrastructure at the existing Sherwood drainage basin. A County Drainage basin is located at Road 26 and Ellis Street which isn't intended to be used for this project. City water, sewer, and storm drainage infrastructure will be extended where required, consistent with City standards and subject to the project conditions of approval as development occurs within the annexation area.

Fire, emergency, medical, and police protection services for the annexation area are presently provided by the County of Madera and augmented through contracts and agreements with other agencies and service providers, including the City of Madera. The County of Madera has a contract with CalFire to provide management and staffing of the County's fire stations and equipment. Ambulance services are provided by a private contractor. The nearest ambulance contractor site is Pistoressi Ambulance, located 2.4 miles to the south. Madera City Fire Station 58 is located 1.25 miles to the southwest and Madera County Fire Station 1 is located 3 miles to the southeast. Madera Police Department is located 2.15 miles to the southeast, and the Madera County Sheriff's Headquarters is located 1.5 miles to the southwest. While County services currently have jurisdiction within the annexation area, mutual aid agreements allow for the provision of City services within the area presently.

Tentative Subdivision Maps & Precise Plan:

Two Tentative Subdivision Maps are proposed for purposes of subdividing a portion of the project site for purposes of creating single family residential lots within a planned development. TSM 2023-01 proposes a 22-lot subdivision on the existing ±4.12-acre parcel (APN: 038-090-009) and TSM 2024-02 proposes a 20-lot subdivision on the existing ±5-acre parcel (APN: 038-090-010). The lot sizes and street arrangement is generally consistent with conventional residential subdivisions; the largest lot being 8,252 sf with the smallest lot being 5,000 sf in area.

Pursuant to CMC § 10-3.507, the minimum site area for creation of new lots in a Residential Zone shall be 6,000 square feet for interior lots, and 6,500 square feet for corner lots. The purpose of the PD (Planned Development) zones is to authorize and regulate density of planned developments, and other residential subdivisions. The district is intended to allow use of special design criteria for maximum utility of the site and to allow maximum design flexibility. The proposed PD-4500 zone district allows for the creation of residential lots with an area of less than 6,000 square feet to facilitate approval of the proposed tentative maps.

The proposed rezoning to PD 4,500 would allow the most efficient use of land through the reduction in the typical R-1 lot size requirements. The PD-4500 zone district is consistent with the General Plan Land Use designation pursuant to Table LU-A, as such no amendment is required.

The CMC (§ 10-3-4.103) also provides, no construction, grading, or new development activity shall commence in any PD Zone prior to the approval of a precise plan of the development by the Planning Commission. The applicant has provided a Precise Plan (PPL 2023-01) to accompany the application which demonstrates the appearance and arrangement of proposed single-family buildings on the lots.

The Precise Plan provides a “fit-list” to demonstrate how each residential building model type will be situated on respective lots and identifies aesthetic and/or thematic designs for elevation and landscape appearances. Development standards for the planned development will be set through the Precise Plan and controlled by Condition of Approval.

The Precise Plan proposes to establish conventional development standards that seek to regulate development while providing flexibility to create a variety of development approaches within the City. The development standards proposed are consistent with residential subdivisions approved in the recent past throughout the City and are fully defined within the Precise Plan documents; a summary of typical standards is provided below:

Table 4: PD Zone District Development Standards		
<i>Standard</i>	<i>Typically Required (R-1)</i>	<i>Proposed (PD)</i>
<i>Front setback (minimum)</i>	15 ft.	12 ft. to porch / 15 ft. to living space
<i>Rear setback (minimum)</i>	15 ft.	15 ft.

<i>Interior/Exterior side setbacks (minimum)</i>	5 ft./10 ft.	5 ft./10ft.
<i>Building height (maximum)</i>	35 ft.	25 ft.
<i>Floor Area Ratio Limitation (FARL) / Lot Coverage (LC)</i>	1,400 sq. ft. + 20% of lot area (FARL)	36-39% (LC)
<i>Open Space</i>	1,000 sq. ft. / lot	750 sq. ft. / lot
<i>Parking Spaces (minimum)</i>	2 spaces for each SFR dwelling, at least one covered	4 spaces for each SFR dwelling, at least two covered

Compatibility with Surrounding Uses:

The applicant proposes to construct a residential development on parcels surrounded by existing zoned or developed residential land uses. The project would not place a use on-site that would be incompatible with the other uses in the surrounding area. A landscaped buffer is required along the street facing boundaries and the site will be laid out typical of a residential subdivision.

Circulation and Parking:

The project proposes to include parking spaces on-site for each of the residential properties. Two-car garages are a feature of the proposed unit designs. Driveways will also accommodate parking and street widths are designed to accommodate street parking.

All interior streets of the subdivision will be public streets dedicated to provide a 50-foot right-of-way cross-section; 36 feet curb-to-curb, with monolithic sidewalks on both sides of the streets. Street connections will provide vehicular and pedestrian access to Adell St and D St, with additional boundary streets incorporated within the subdivision for connections to surrounding properties should development come forward on those adjacent lands in the future. The map identifies the street right-of-way improvements to support the development of the subdivision map and connections to existing streets abutting the project site. A paved safe route to school exists on the north side of Adell Street, easterly to James Monroe elementary school; and, along the west side of N. D St., northerly to its intersection with Ellis St.

The existing and proposed circulation in and around the site and within the vicinity of the proposed project is appropriate and provisions have been arranged for connections with surrounding properties for their future development.

Site Plan and Elevations:

Three product model plans are proposed, and each will include three variations for materials, detailing and architectural treatment. Models will be conditioned to provide variation between neighboring lots. Variations in lot sizes and models as well as the provision of multiple aesthetic alternatives for each product type will contribute to diversity in appearances for development in the subdivision.

Landscaping:

The project will be conditioned to submit a detailed landscaping and irrigation plan to ensure compliance with state water efficient landscaping requirements and street tree species. The interior and perimeter of the development site, including street frontage parkway strips, are required to be landscaped, except where walks or accessways are proposed. Review and approval of the submitted landscape plan and related irrigation plans are required prior to building permit issuance. Per the conditions of approval, landscape improvements will be required to show planting within the front yards on the landscape plan submitted for approval.

Public Infrastructure:

The project would be required to make on-site improvements, including the connection to storm drainage facilities and the improvements on surrounding streets to City standards. Developer dedicates a 10-foot Public Utility Easement along all internal publicly dedicated streets. Site grading is required to be completed in such a way that prevents runoff from the exiting site prior to final buildout.

The project will be required to construct storm drainage facilities that would connect to the existing Sherwood basin approximately 2000 feet to the south of the development site. Any required construction required through the capacity review of the storm drainage facilities would be required to be approved by the City Engineer, including improvements within the public right of way. Other development standards associated with the development site would not be impacted.

The development will be required to connect to existing City sewer (installation of an 8" main) and water lines (installation of 12" main) and is required to pay the project's fair share cost where these facilities and improvements have been previously constructed. Applicant reimbursements may be appropriate where City facilities and public improvements are not currently in place and need to be constructed by the development.

ENVIRONMENTAL REVIEW:

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

Crawford & Bowen Planning, Inc. has prepared an initial study, performed environmental analyses and evaluated the project in accordance with the CEQA Guidelines and criteria on behalf of the City as lead agency. The conclusions and findings resultant from these environmental studies, analyses and an evaluation of the proposed project determined that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment to a level less-than-significant, and that preparation of a Mitigated Negative Declaration is appropriate for this project.

The Notice of Intent to Adopt a Mitigated Negative Declaration was filed on May 18, 2024, with the County Clerk, published in the Madera Tribune, and posted with the Governor's Office of

Planning and Research (OPR). This initiated a public review period effectively commencing on May 18, 2024, and ending June 10, 2024.

The Planning Commission with this action will be making a recommendation to the City Council regarding adoption of the Mitigated Negative Declaration (SCH No. 2024050494), including the Mitigation Monitoring and Reporting Program for purposes of the proposed project. The Planning Commission's recommendation, in the form of an adopted Resolution, will be presented with staff's report and considered by the City Council along with any/all other public comments received during the public review period prior to the Council taking action to adopt or reject Mitigated Negative Declaration (SCH No. 2024050494) for purposes of the proposed project.

COMMISSION ACTION:

The Commission will be acting on ANX 2023-01, REZ 2023-04, PPL 2023-01, TSM 2023-01, TSM 2024-02. Staff recommends that the Commission:

1. Move to adopt a Resolution of the Planning Commission of the City of Madera recommending the Council of the City of Madera adopt the Mitigated Negative Declaration (SCH No. 2024050494) and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project; and, recommending the Council approve Prezone REZ 2023-04; and
2. Move to adopt a Resolution of the Planning Commission of the City of Madera contingently approving Tentative Subdivision Maps TSM 2023-01 & TSM 2024-02 and Precise Plan PPL 2023-01.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to a future Planning Commission meeting at a date and time certain (Planning Commission to specify date) or refer the matter back to staff to be rescheduled at a later meeting date to-be-determined; with direction to staff.
2. Move to recommend denial of the proposed application based on specific findings: (Planning Commission should articulate reasons for denial).

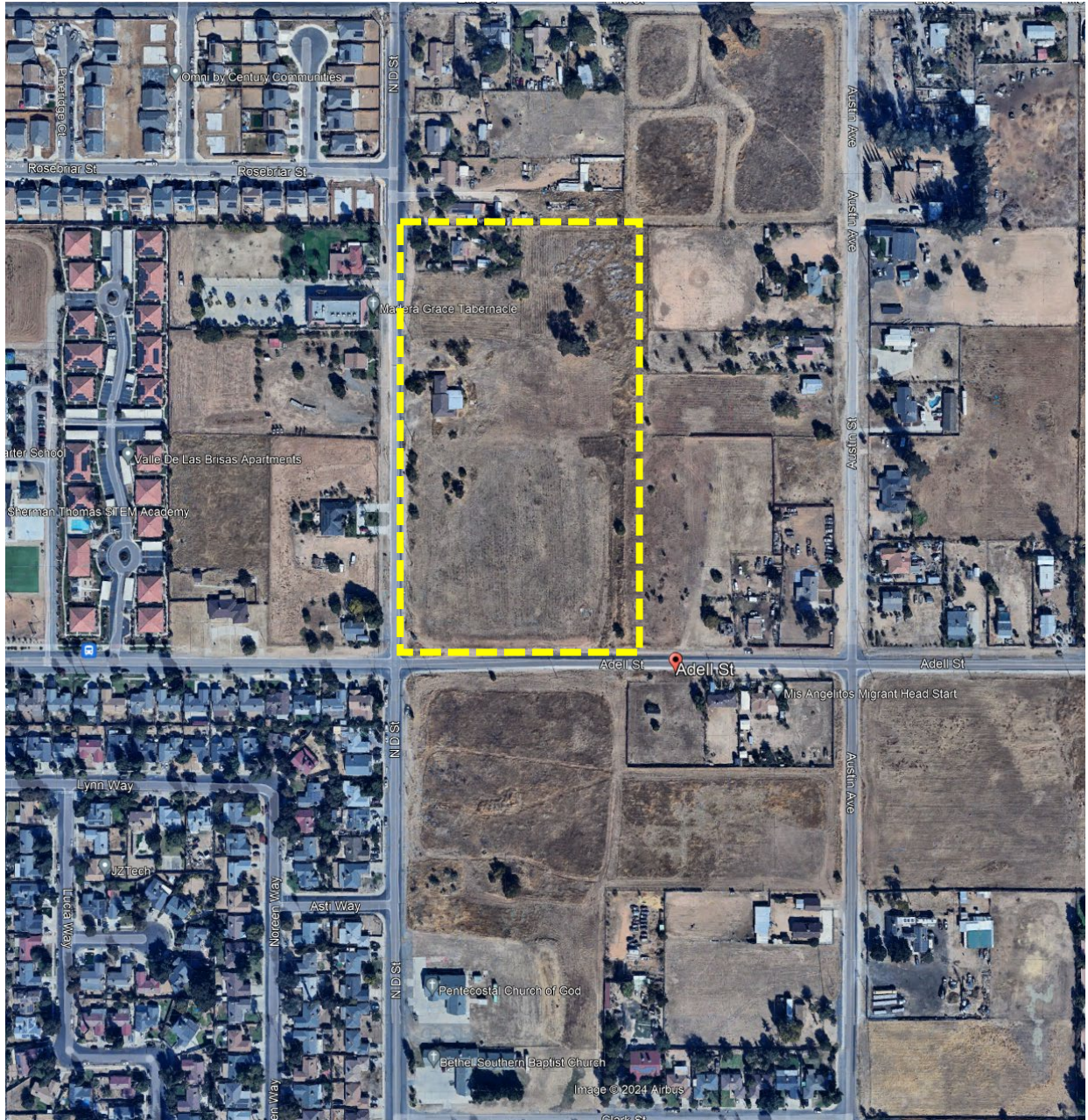
ATTACHMENTS:

1. Vicinity Map
2. General Plan Land Use Map
3. Proposed Rezoning Map (City)
4. Madera County Zoning Map (Existing)
5. Tentative Subdivision Map(s)
6. Precise Plan Documents & Exhibits
7. Initial Study/Mitigated Negative Declaration
8. Planning Commission Resolution REZ 2023-04 and IS/MND SCH 2024050494
Exhibit "A" – Mitigation Monitoring and Reporting Program
Exhibit "B" – Existing and Proposed Zone District Map

9. Planning Commission Resolution TSM 2023-01 & TSM 2024-02 and PPL 2023-01
Exhibit "A" – Conditions of Approval
Exhibit "B" – TSM 2023-01 & TSM 2024-02

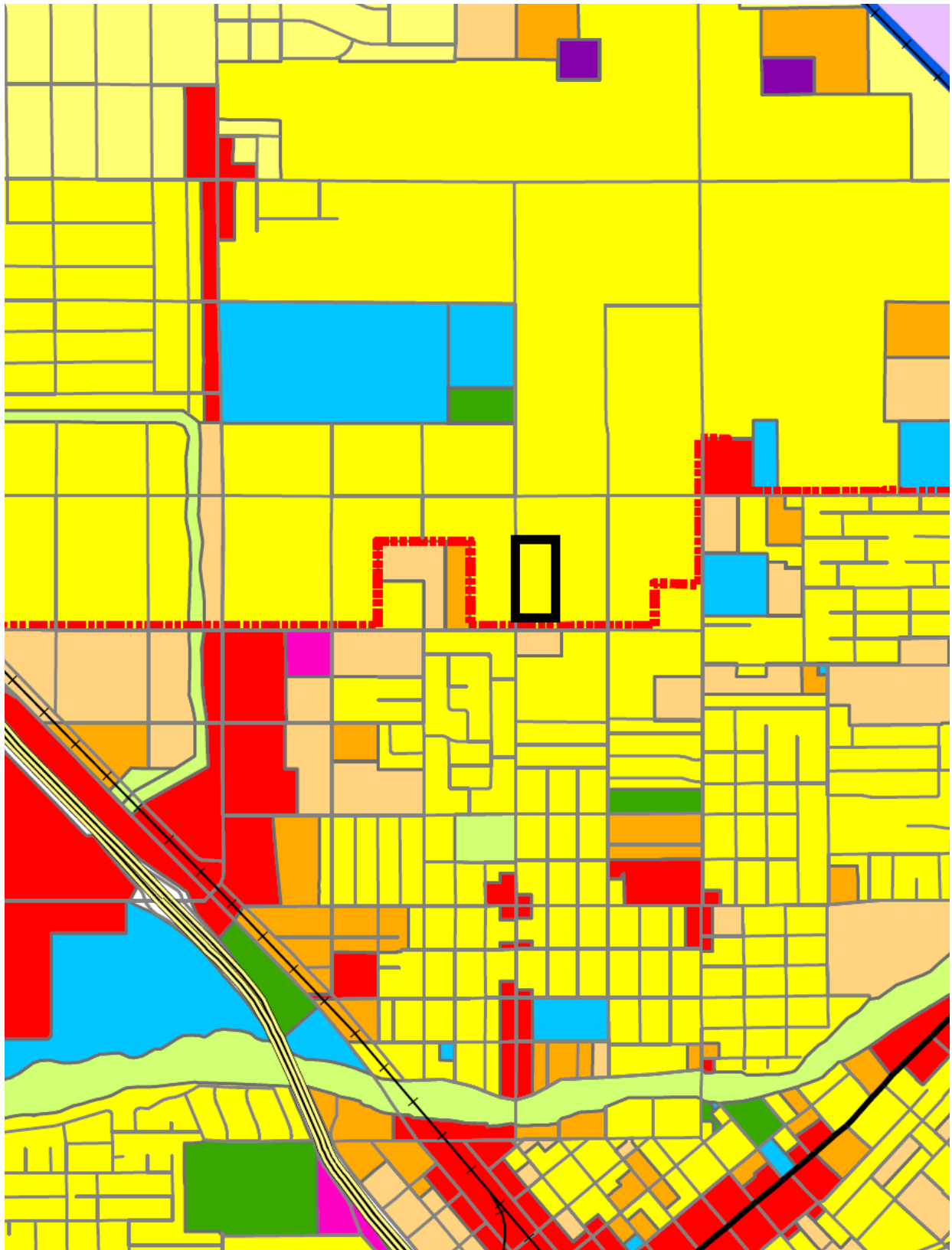
ATTACHMENT 1

Vicinity Map



ATTACHMENT 2

City of Madera General Plan Land Use Map

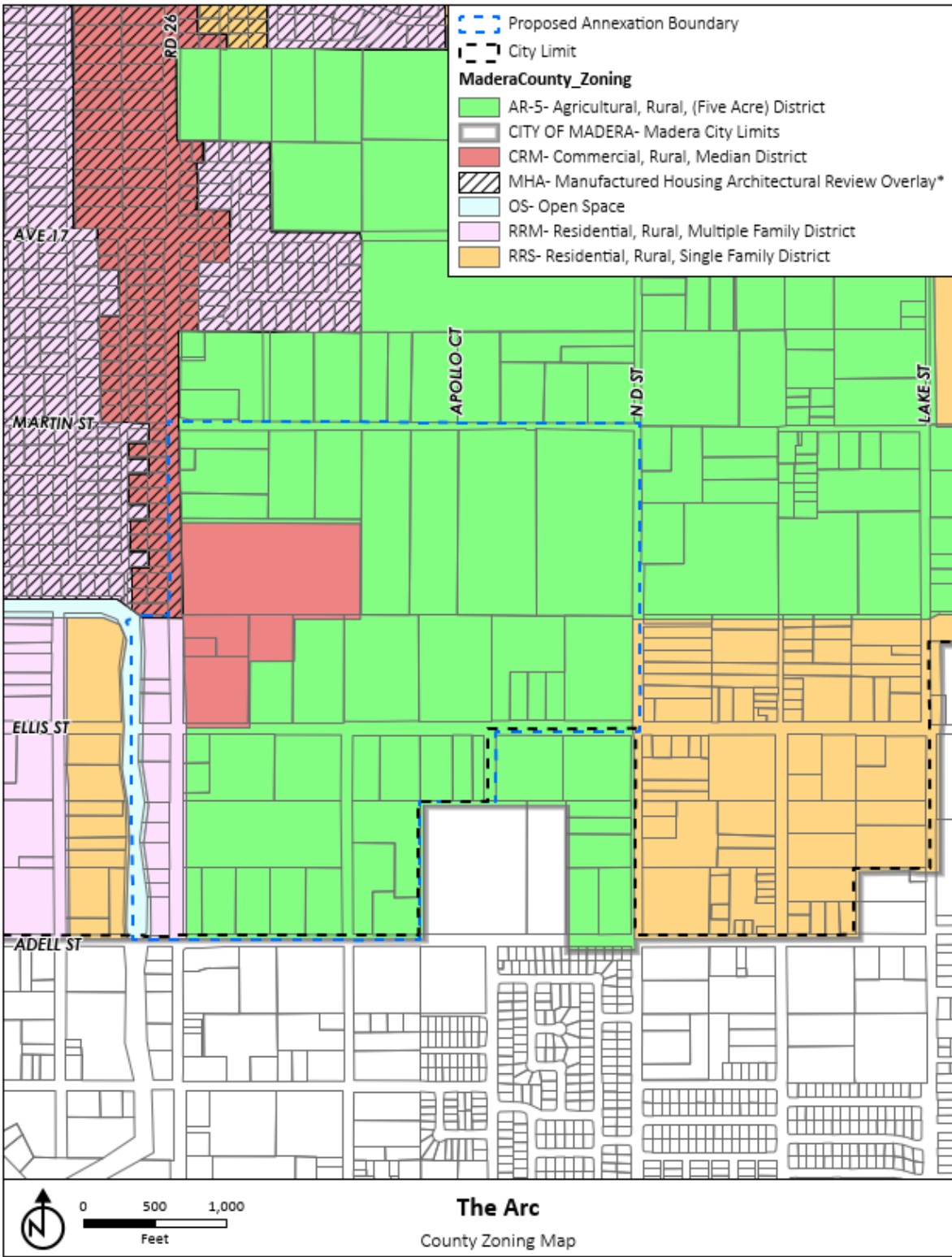


ATTACHMENT 3

City of Madera Zoning Map

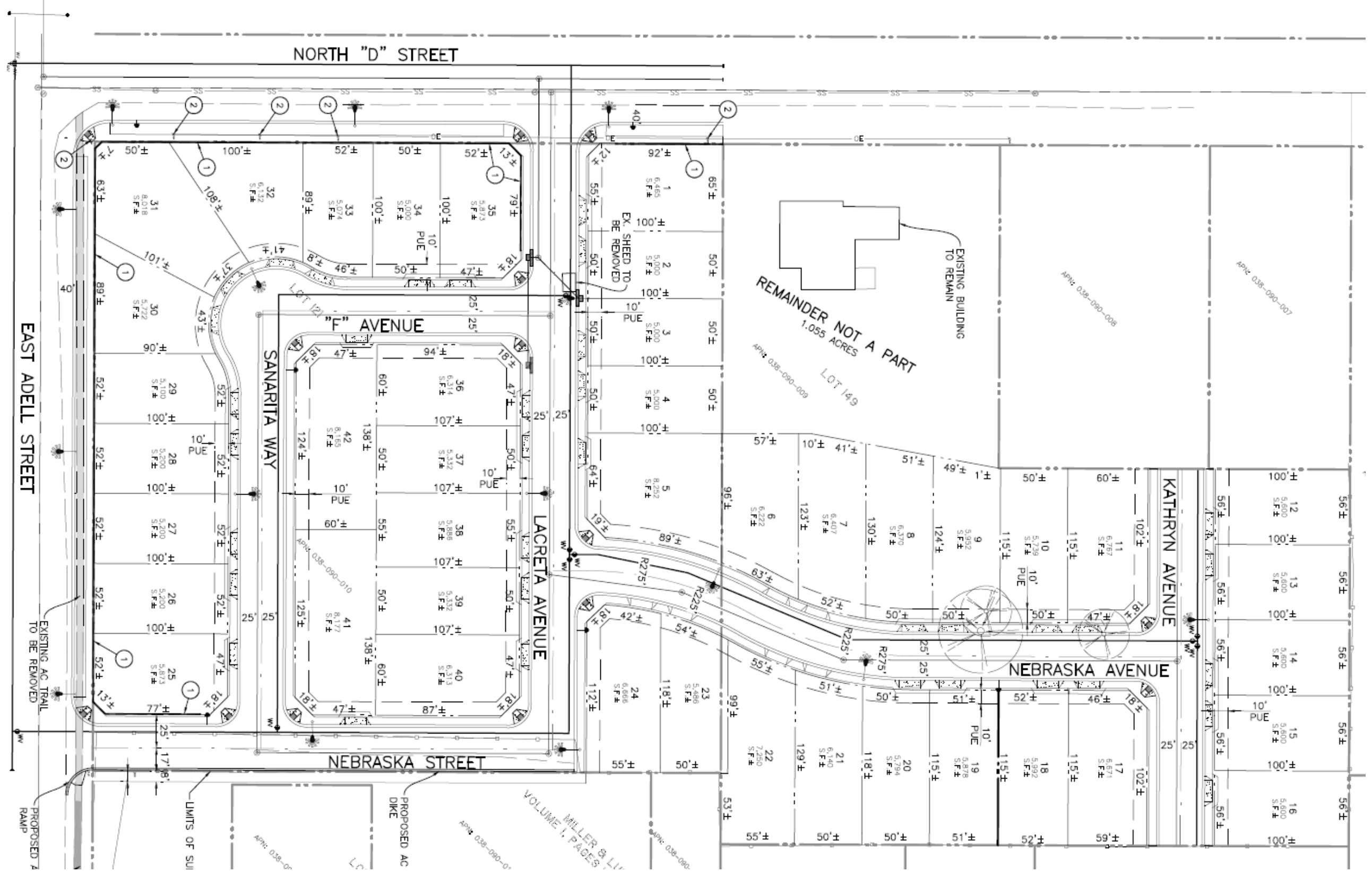
ATTACHMENT 4

Madera County Zoning Map (Existing)



ATTACHMENT 5

Tentative Subdivision Map(s)



NORTH "D" STREET

EAST ADELL STREET

SANARITA WAY

"F" AVENUE

LACRETRA AVENUE

KATHRYN AVENUE

NEBRASKA AVENUE

NEBRASKA STREET

REMAINDER NOT A PART
1.055 ACRES
LOT 149

EXISTING BUILDING
TO REMAIN

EXISTING AC TRAIL
TO BE REMOVED

PROPOSED AC
RAMP

LIMITS OF SUI

PROPOSED AC
DIKE

VOLUME 1, PAGES
MILLER & L...

APN: 038-090-008

APN: 038-090-007

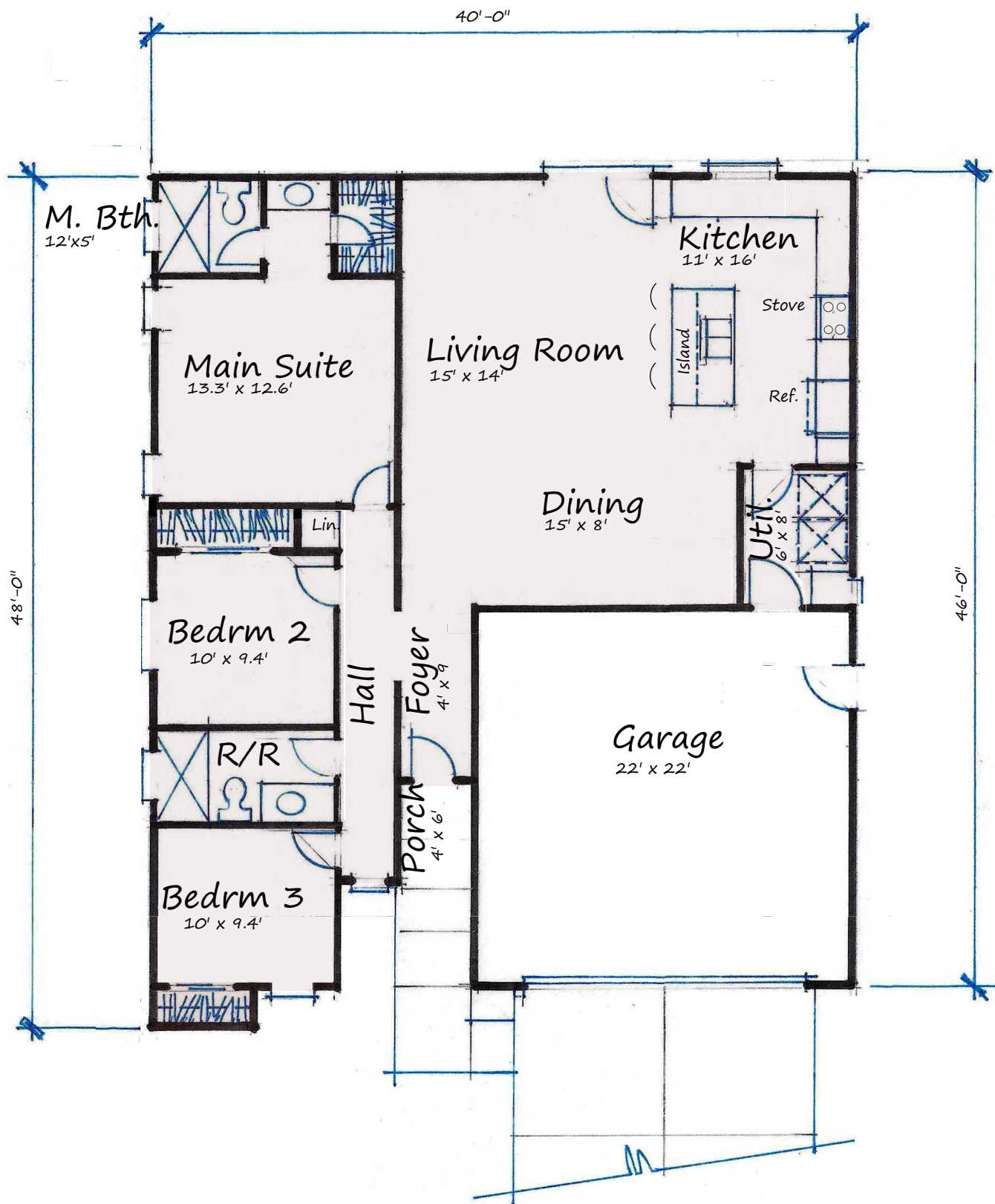
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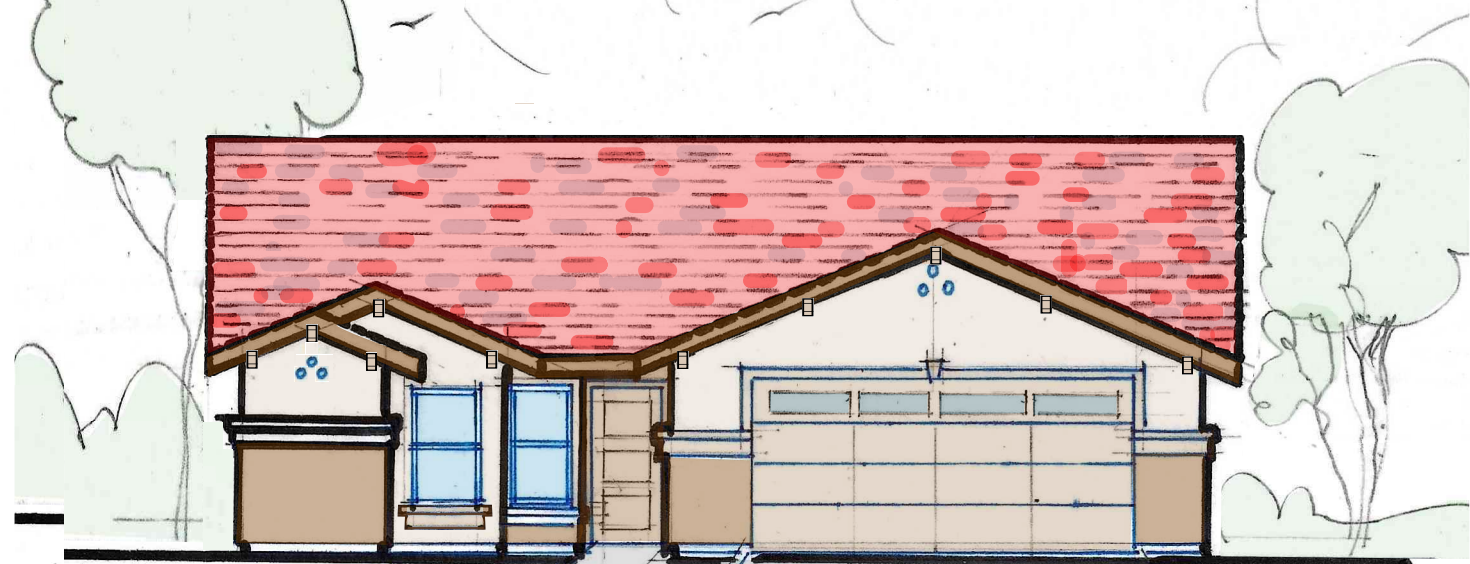
ATTACHMENT 6
Model 1305



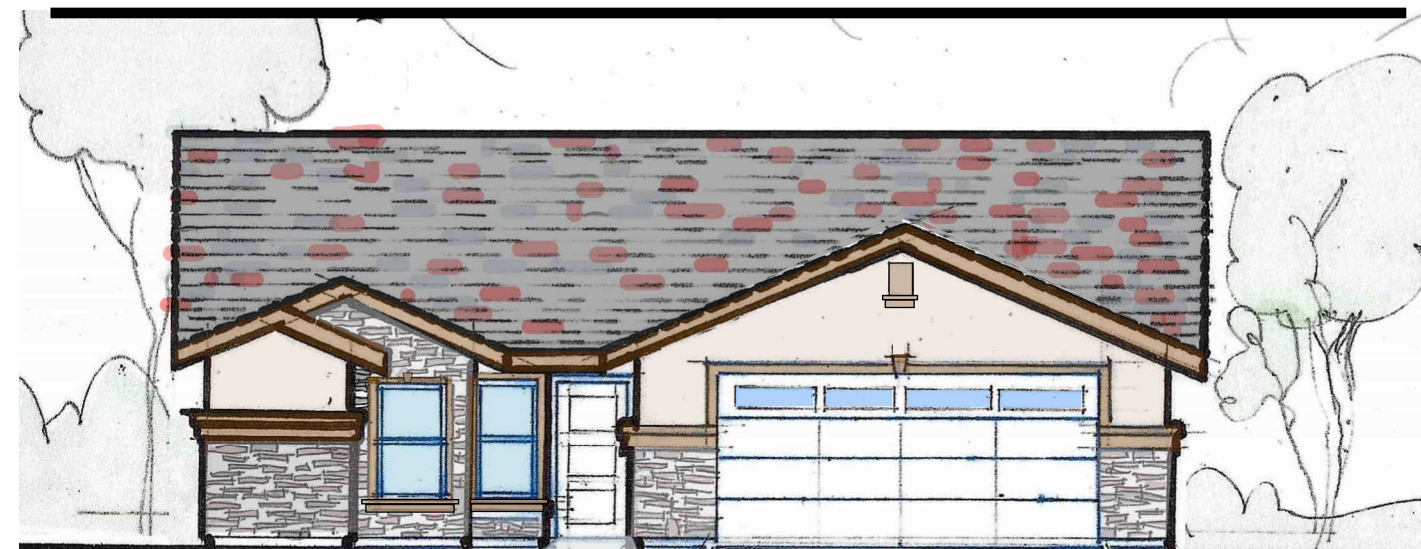
FLOOR PLAN DESIGN

06/23/2023

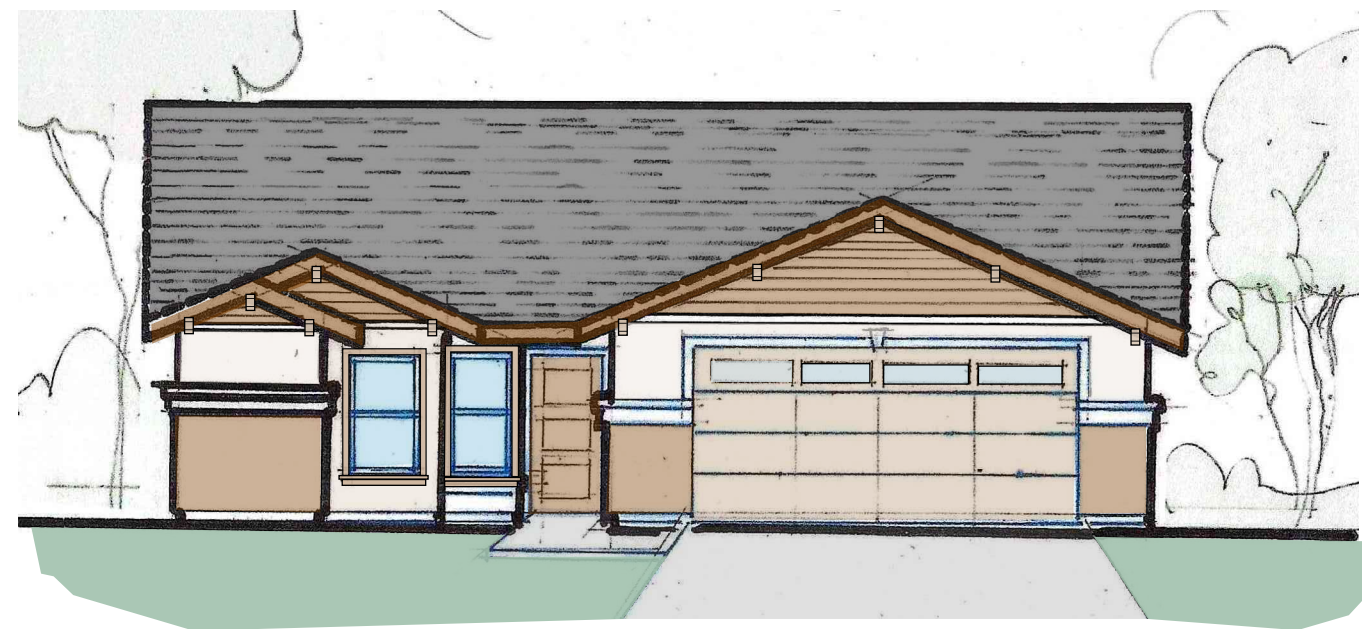
DESIGN FOR : Jose Lemus



FRONT ELEVATION 1305 A



FRONT ELEVATION 1305 B

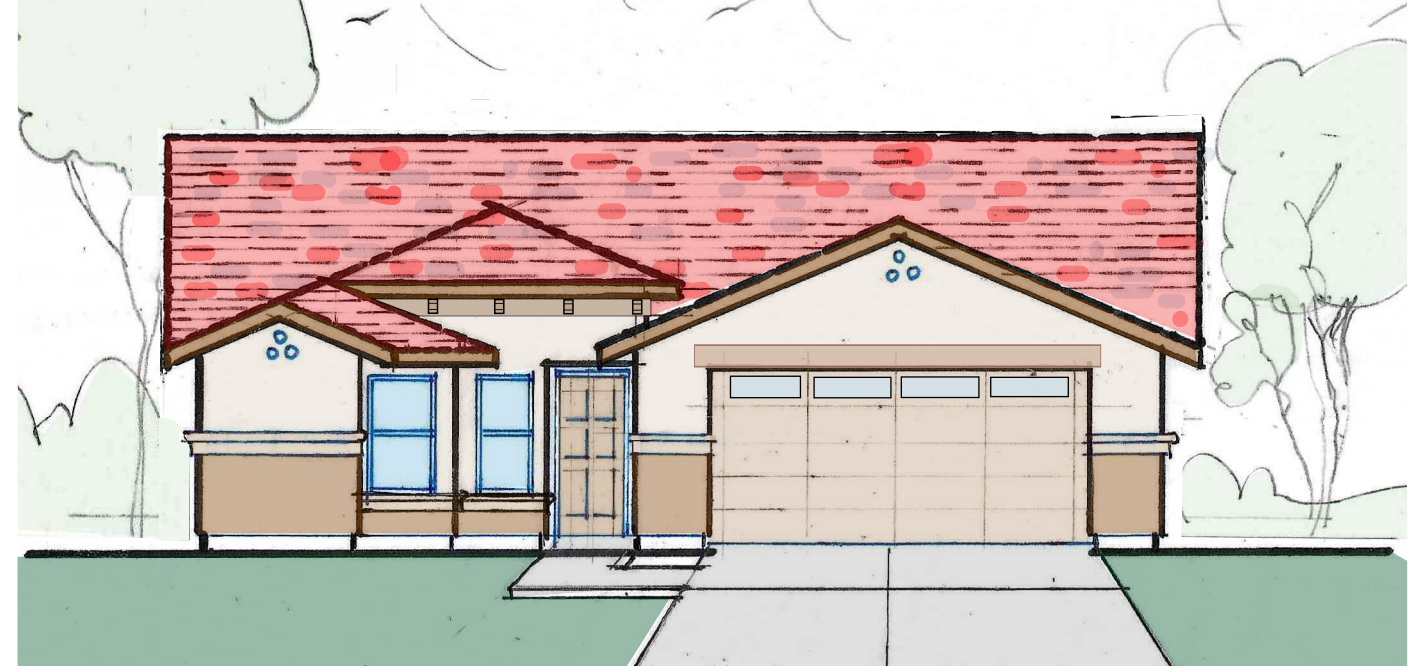
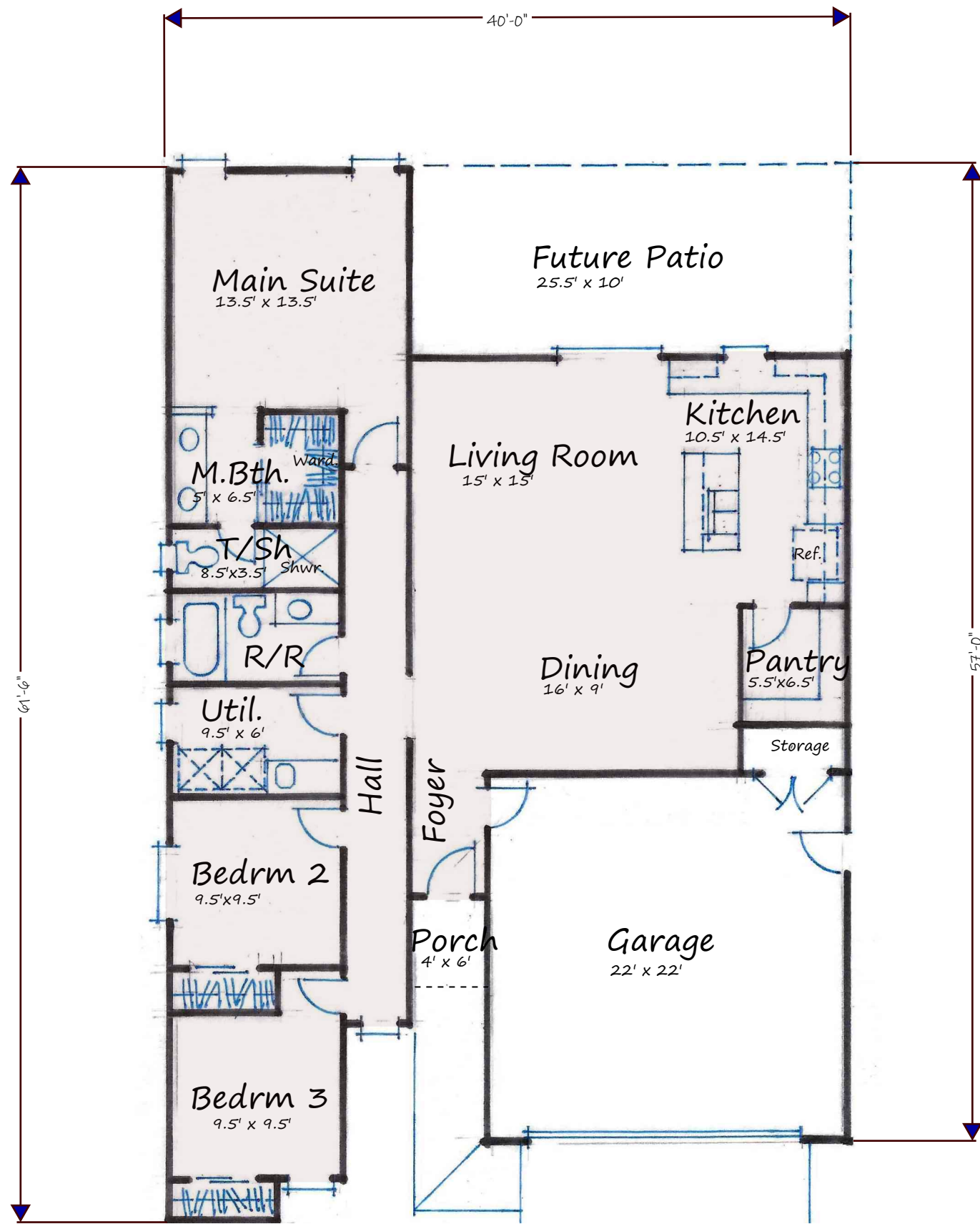


FRONT ELEVATION 1305 C

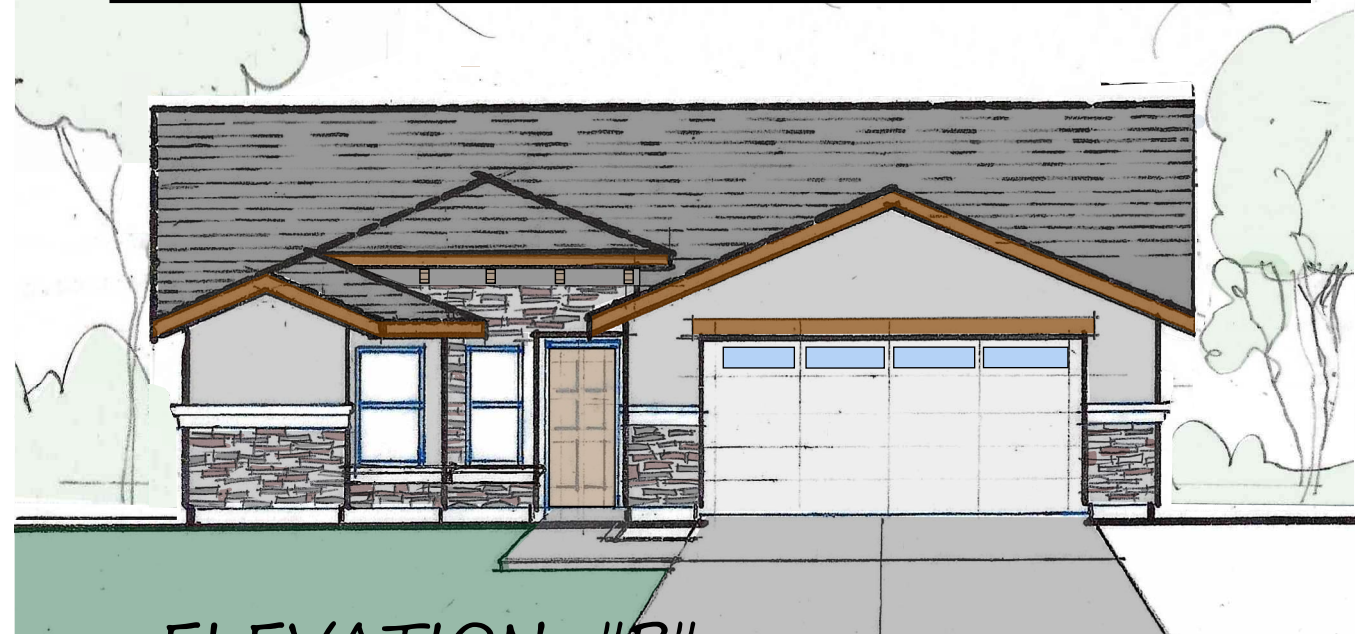
DESIGN FOR : Jose Lemus

03/06/2024

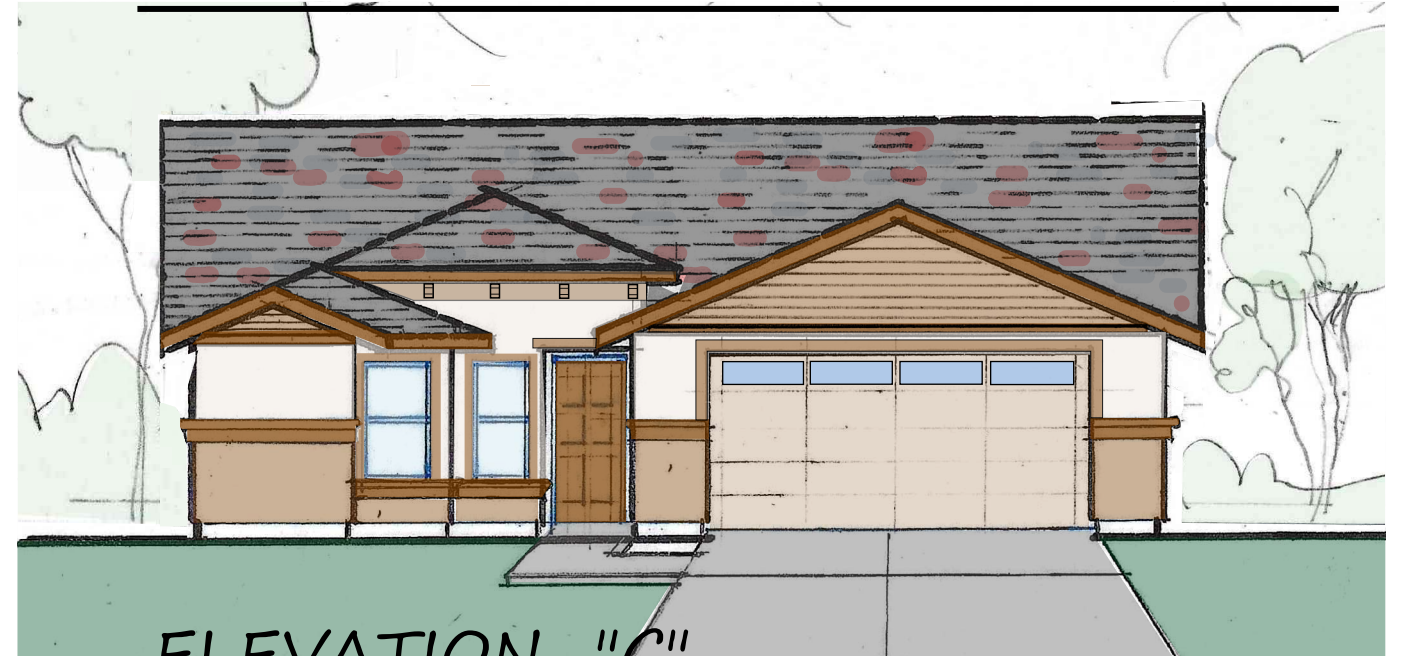
ATTACHMENT 6
Model 1505



ELEVATION "A"



ELEVATION "B"



ELEVATION "C"

FLOOR PLAN DESIGN

06/23/2023

DESIGN FOR : Jose Lemus

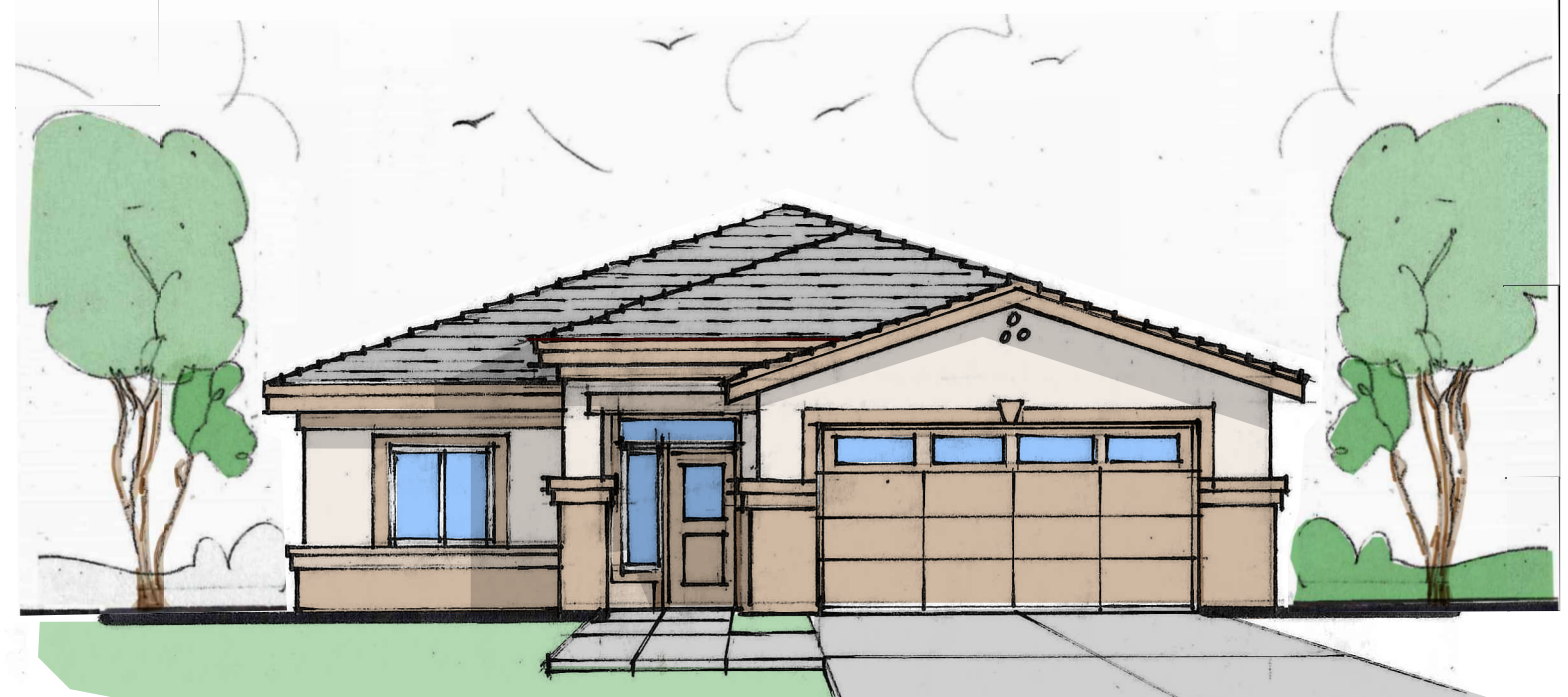
03/06/2024

ATTACHMENT 6
Model 1806



FLOOR PLAN 1806

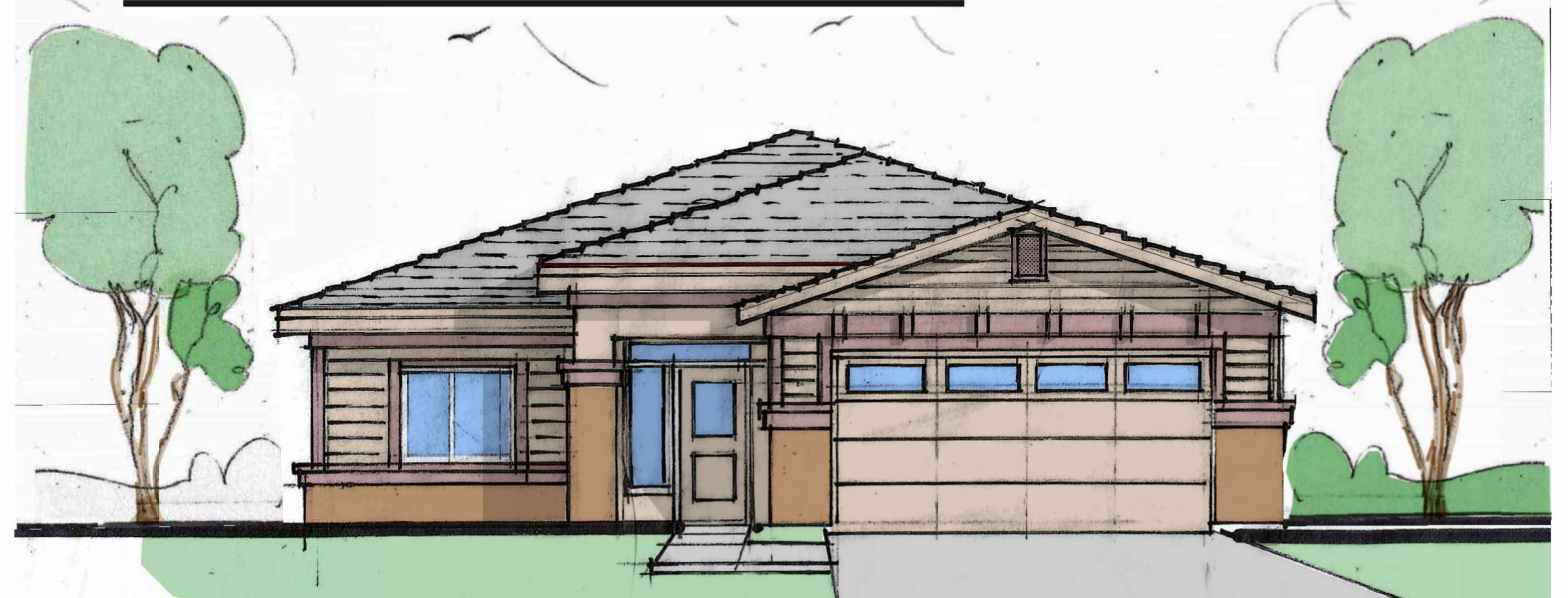
1,806 sq. ft. (Conditioned Space) / 420 sq. ft. @ Garage / 254 sq. ft. @ Patio and Porch 2-17-2024



FRONT ELEVATION 1806 A



FRONT ELEVATION 1806 B



FRONT ELEVATION 1806 C

ATTACHMENT 7
Mitigated Negative Declaration

<https://www.madera.gov/home/departments/planning/#tr-other-planning-documents-243607>

ATTACHMENT 8
Planning Commission Resolution ANX 2023-01; REZ 2023-04 and
IS/MND SCH 2024050494

RESOLUTION NO. 1993

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
RECOMMENDING THE CITY COUNCIL OF THE CITY OF MADERA ADOPT
MITIGATED NEGATIVE DECLARATION (SCH NO. 2024050494) AND THE
MITIGATION MONITORING AND REPORTING PROGRAM AND
APPROVE PREZONE REZ 2023-04**

WHEREAS, the City of Madera has received an application for Annexation (ANX 2023-01) of territory comprising ±9.82 acres of land generally located on the northeast corner of the intersection of Adell and North D Streets (APN[s]: 038-090-007, 008, 009 & 010) to the City of Madera; and

WHEREAS, the specific changes of organization requested consist of annexation to the City and detachment from the County of Madera of the territory known as The Adell- D Street No. 1 Annexation; and

WHEREAS, the territory to be annexed is within the Sphere of Influence (SOI) and the Urban Growth Boundary of the City of Madera; and

WHEREAS, Government Code (CGC) § 56375(C)(7) requires, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the Local Agency Formation Commission (LAFCO) that the existing development entitlements on the territory are vested or are already at build-out and are consistent with the city's general plan; and

WHEREAS, the City of Madera has received an application for Prezone (REZ 2023-04) to prezone the territory to the City of Madera PD-4500 (Planned Development, one unit for each 4,500 square feet of site area) and R-1 (Residential, one unit for each 6,000 square feet of site area) zone districts; and

WHEREAS, the territory proposed for annexation is designated for Low Density Residential land uses by the City of Madera General Plan; and

WHEREAS, the PD-4500 and R-1 zone districts, proposed in accordance with REZ 2023-04, are consistent with the Low Density Residential land use designation pursuant to Policy LU-32 and Table LU-A: General Plan/Zoning Consistency of the Madera General Plan; and

WHEREAS, ANX 2023-01 and REZ 2023-04 have been filed for purposes of facilitating a proposed 42-lot subdivision and single family residential planned development of a ±9.12-acre portion of the territory proposed for annexation in accordance with Tentative Subdivision Maps TSM 2023-01 and TSM 2024-02 (collectively, the "Project"); and

WHEREAS, the project is compatible with other properties and environs within the vicinity of the project and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, this project was assessed in accordance with the provisions of the California Environmental Quality Act ("CEQA") resulting in preparation of a Mitigated Negative Declaration (SCH No. 2024050494) including a Mitigation Monitoring and Reporting Program, which has been circulated, and made available for public review pursuant to CEQA and the City of Madera Municipal Code (CMC); and

WHEREAS, pursuant to the City’s Municipal Code and State Planning and Zoning Law, the Planning Commission (Commission) is authorized to review and make recommendations to the City Council (Council) for rezones on behalf of the City; and

WHEREAS, the City provided notice of the Commission hearing as required by law for the hearing of June 11, 2024; and

WHEREAS, the Commission received and independently reviewed and considered the information contained in the IS/MND pursuant to CEQA, and reviewed ANX 2023-01 and REZ 2023-04 at the duly noticed meeting on June 11, 2024; and

WHEREAS, at the June 11, 2024, Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Commission; and

WHEREAS, at the June 11, 2024, public hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after due consideration of all the items before it, the Commission now desires to adopt this Resolution recommending the Council adopt Mitigated Negative Declaration (SCH No. 2024050494) for purposes of the proposed project and recommending the Council approve REZ 2023-04 and authorize ANX 2023-01; and

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: The Planning Commission finds an environmental assessment initial study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed Project and relevant environmental issues. Based on this review and assessment, the Planning Commission finds that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the potential significant direct, indirect or cumulative effects on the environment to a level less-than-significant, and that a Mitigated Negative Declaration is appropriate for this project. The Planning Commission further finds the Initial Study and Mitigated Negative Declaration were timely and properly published and noticed as required by CEQA. As such, the Planning Commission recommends the City Council adopt Mitigated Negative Declaration (SCH No. 2024050494) including the Mitigation Monitoring and Reporting Program (Exhibit A).
3. Rezoning Findings: The Commission finds that REZ 2023-04 is consistent with the General Plan goals, policies and objectives and with the General Plan Land Use Plan. The Commission further recommends that the Council find that REZ 2023-04 is consistent with the General Plan goals, policies and objectives and with the General Plan Land Use Plan. The project is consistent with General Plan Policy LU-32, which provides zoning shall be consistent with General Plan land use designations and Table LU-A shall be used to determine consistency for rezoning applications. In accordance with Table LU-A, Rezoning to the PD-4500 (Planned Development, one unit for each 4,500 square feet of site area) and R-1 (Residential,

one unit for each 6,000 square feet of site area) zone districts is consistent with the Low Density Residential land use designation for the territory as designed by the General Plan.

4. Annexation Findings: The Commission finds that the annexation and development entitlements proposed for the territory to be annexed are consistent with the goals, objectives, and policies of the Madera General Plan. The project is consistent with General Plan Policy LU-13, which states “The City shall support annexation of property to its boundaries for the purpose of new development only when it determines that the following conditions exist:

- Sufficient public infrastructure, facilities, and services are available or will be provided in conjunction with new development; and
- Demands on public infrastructure, facilities and services created by the new development will not result in reductions in capacity that is necessary to serve the existing city limits (including demand created by potential infill development), reductions in existing service levels within the city limits, or the creation of detrimental fiscal impacts on the city”

The appropriate findings have been made and as a result, the project would be consistent with the City’s General Plan.

5. Recommendation for Approval: The Planning Commission finds and determines that the proposed PD-4500 and R-1 zone districts as requested for the territory to be annexed (comprising APN[s]: 038-090-007, 008, 009 & 010) pursuant to REZ 2023-04, is consistent with the adopted LD (Low Density Residential) General Plan land use designation for the territory pursuant to, and in accordance with, Policy LU-32 and Table LU-A: General Plan/Zoning Consistency of the Madera General Plan. The territory proposed for annexation is located within the Sphere of Influence and Urban Growth Boundary of the City of Madera and ANX 2023-01 accommodates additional growth through a logical formation and modification/expansion of the boundaries of the City of Madera and all necessary governmental services are available.

Therefore, based on evidence in the record, the Planning Commission recommends that the City Council approve REZ 2022-04 as shown in Exhibit B and approve ANX 2023-01, authorizing the submittal of a landowner petition to the Madera Local Agency Formation Commission.

6. Effective Date: This Resolution shall become effective immediately. The Secretary of the Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the Council of the City of Madera.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 11st day of June 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

Attachments:

Exhibit "A" – Mitigation Monitoring and Reporting Program
Exhibit "B" – Existing and Proposed Zone District Map

Chapter 5 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Adell Street Subdivision Project (Project) immediately north of the City of Madera. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table 5-1 presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 5-1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by City to ensure that individual mitigation measures have been complied with and monitored.

Table 5-1 Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Implementation	Method to Verify Compliance	Verification of Compliance
Biological Resources					
<p>Mitigation Measure BIO-1:</p> <p>To the extent practicable, construction shall be scheduled to avoid the Swainson’s hawk nesting season, which extends from March through August.</p> <p>If it is not possible to schedule construction between September and February, a qualified biologist shall conduct surveys for Swainson’s hawk in accordance with the Swainson’s Hawk Technical Advisory Committee’s Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley. These methods require six surveys, three in each of the two survey periods, prior to project initiation. Surveys shall be conducted within a</p>	Prior to and during construction	Six surveys / ongoing	Applicant / Project Contractor	<p>Applicant / project contractor shall submit preconstruction survey documentation of compliance to the City prior to issuance of grading or building permits.</p> <p>City Planning and Building Departments shall verify preconstruction survey documentation is complete prior to issuance of grading or building permit.</p> <p>City Planning Department to field verify prior to commencement of any project related grading or construction activities as applicable survey specifications are implemented.</p>	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Implementation	Method to Verify Compliance	Verification of Compliance
<p>minimum 0.5-mile radius around the Project site.</p> <p>If an active Swainson’s hawk nest is found within 0.5 miles of the Project site, and the qualified biologist determines that Project activities would disrupt the nesting birds, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW.</p>					
<p>Mitigation Measure BIO-2:</p> <p>To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.</p> <p>If it is not possible to schedule construction between September and January, pre-construction surveys for nesting birds shall be conducted by a qualified biologist to ensure</p>	<p>Prior to construction activities.</p>	<p>Once</p>	<p>Applicant / Project Contractor</p>	<p>Applicant / project contractor shall submit preconstruction survey documentation of compliance to the City prior to issuance of grading or building permits if construction is scheduled during the nesting season.</p> <p>City Planning and Building Departments shall verify preconstruction survey</p>	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Implementation	Method to Verify Compliance	Verification of Compliance
<p>that no active nests will be disturbed during the implementation of the Project. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has otherwise failed for non-construction related reasons.</p>				<p>documentation is complete prior to issuance of grading or building permit.</p> <p>City Planning Department to field verify prior to commencement of any project related grading or construction activities as applicable survey specifications are implemented.</p>	

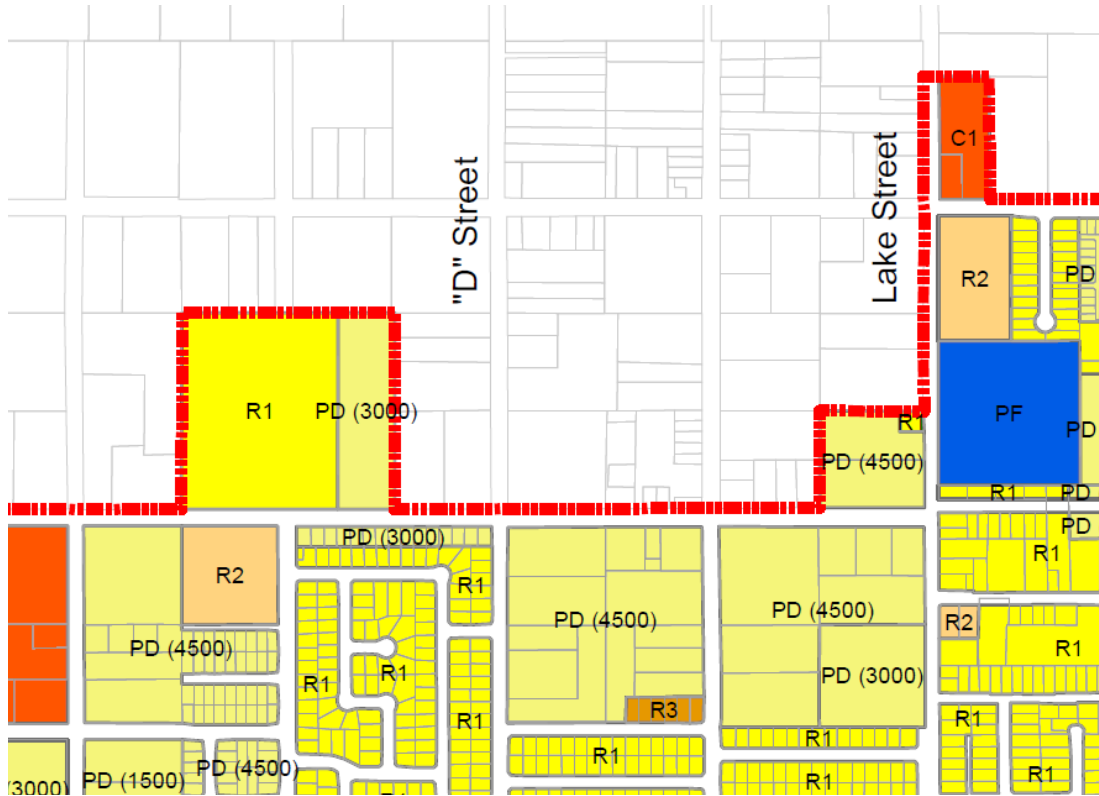
Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Implementation	Method to Verify Compliance	Verification of Compliance
<p>Mitigation Measure CUL-1:</p> <p>The following shall be implemented:</p> <p>Before initiation of construction or ground-disturbing activities associated with the Project, the City shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;</p> <p>The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and</p> <p>If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell,</p>	<p>Prior to and during construction.</p>	<p>Ongoing.</p>	<p>Applicant / Project Contractor</p>	<p>Applicant / project contractor shall submit documentation of compliance to the City prior to issuance of grading or building permits.</p> <p>City Planning and Building Departments shall verify preconstruction survey documentation is complete prior to issuance of grading or building permit.</p> <p>City Planning Department to field verify prior to commencement of any project related grading or construction activities as applicable survey specifications are implemented.</p>	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Implementation	Method to Verify Compliance	Verification of Compliance
<p>artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as</p>					

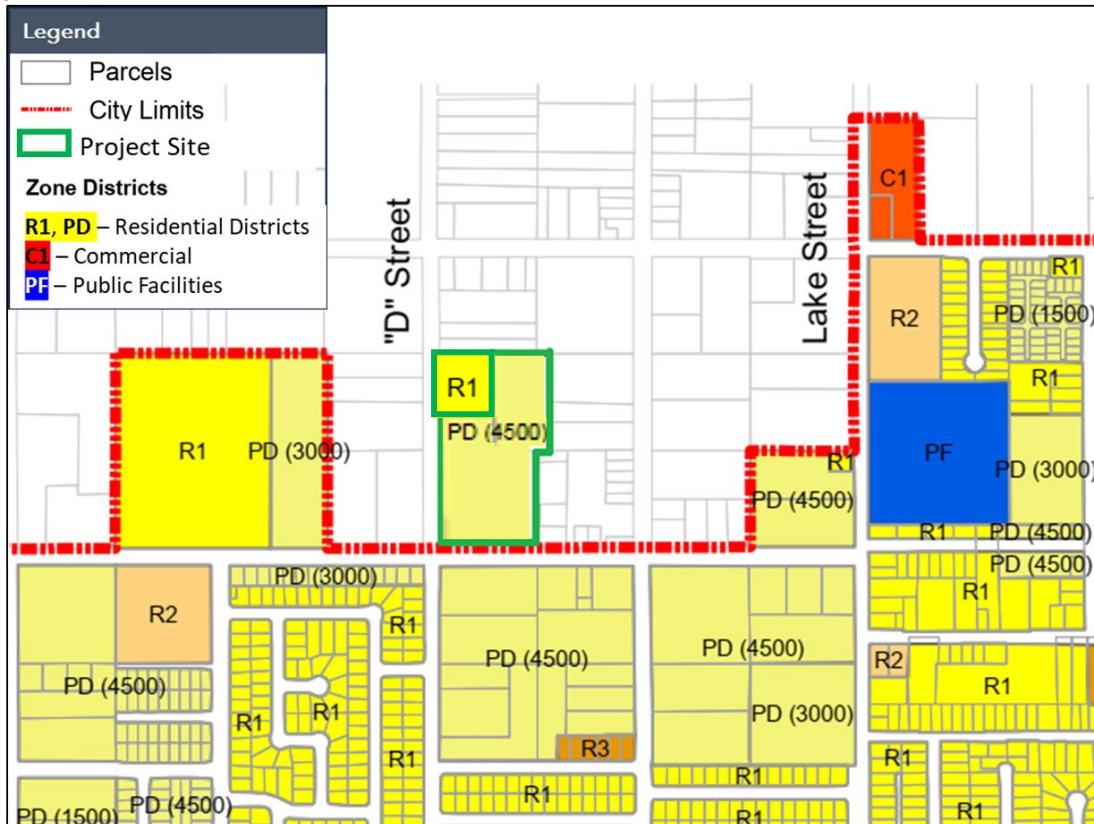
Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Implementation	Method to Verify Compliance	Verification of Compliance
outlined in Public Resources Code section 21083.2. City of Madera shall implement said measures.					
<p>Mitigation Measure CUL-2:</p> <p>City of Madera will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at City of Madera, who shall coordinate with the paleontologist as to any</p>	Prior to and during construction.	Ongoing.	Applicant / Project Contractor	City will incorporate into construction contract.	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Implementation	Method to Verify Compliance	Verification of Compliance
necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.					

EXISTING;



PROPOSED:



ATTACHMENT 9
Planning Commission Resolution TSM 2023-01; TSM 2024-02;
PPL 2023-01

RESOLUTION NO. 1994

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
CONTINGENTLY APPROVING TENTATIVE SUBDIVISION MAP 2023-01,
TENTATIVE SUBDIVISION MAP 2024-02 AND PRECISE PLAN 2023-01**

WHEREAS, Shahzada Farooq and Nadeem Ahmed (“Owners”) own APNs 038-090-009 and 038-090-010, comprising ±9.12 acres of land located on the northeast corner of the intersection of Adell and North D Streets in the County of Madera, California (“site”); and

WHEREAS, the Owner is also seeking approval to prezone the site to the PD-4500 (Planned Development, One unit for each 4,500 square feet of site area) zone district in accordance with Rezone REZ 2023-04 for purposes of annexing the site to the City of Madera in accordance Annexation ANX 2023-01 to facilitate approval of Tentative Subdivision Maps TSM 2023-01, TSM 2024-02 and Precise Plan PPL 2023-01 (collectively, the “Project”); and

WHEREAS, the Owner is seeking approval of the two tentative subdivision maps TSM 2023-01 and TSM 2024-02 for purposes of creating a 42-lot single family residential planned development on the site; and

WHEREAS, TSM 2023-01 proposes a 22-lot subdivision on a ±4.12-acre portion of the site (APN: 038-090-009), and TSM 2024-02 proposes a 20-lot subdivision on a ±5-acre portion of the site (APN: 038-090-010); and

WHEREAS, PPL 2023-01 has been filed in accordance with the provision of City Municipal Code § 10-3-4.103, which provides no construction, grading, or new development activity shall commence in any PD Zone prior to the approval of a precise plan; and

WHEREAS, this project was assessed in accordance with the provisions of the California Environmental Quality Act (“CEQA”) resulting in preparation of a Mitigated Negative Declaration (SCH No. 2024050494) including a Mitigation Monitoring and Reporting Program, which has been circulated, and made available for public review pursuant to CEQA and the City of Madera Municipal Code (CMC); and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve tentative subdivision maps on behalf of the City; and

WHEREAS, the City provided notice of the Planning Commission hearing as required by law for the hearing of June 11, 2024; and

WHEREAS, the Planning Commission received and reviewed TSM 2023-01, TSM 2024-02, and PPL 2023-01 at a duly noticed meeting on June 11, 2024; and

WHEREAS, at the June 11, 2024, public hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after due consideration of all the items before it, the Commission now desires to adopt this Resolution approving TSM 2022-01, TSM 2023-02 and PPL 2023-01 with conditions.

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: The Commission finds an environmental assessment initial study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed Project and relevant environmental issues. Pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration circulated on May 18, 2024, and all comments received, the Commission finds that with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. Furthermore, the Commission finds the Mitigated Negative Declaration reflects the independent judgment and analysis of the City and the mitigation measures have been made enforceable conditions on the project. The Commission further finds the Initial Study and Mitigated Negative Declaration were timely and properly published and noticed as required by CEQA. As such, the Commission recommends the City Council adopt the Mitigated Negative Declaration (SCH No. 2024050494) and the Mitigation Monitoring and Reporting Program (Exhibit A) for purposes of the proposed project.

3. Findings for TSM 2023-01, TSM 2024-02 and PPL 2023-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support approval of Tentative Subdivision Maps TSM 2023-01 and TSM 2024-02 as well as Precise Plan PPL 2023-901, as conditioned. With the conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-2.402. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:
 - a. *The proposed subdivision is consistent with the General Plan and specific plans.*

The Tentative Subdivision Maps and Precise Plan are consistent and compatible with the City's General Plan land use designations in the General Plan. The procedural requirements of the Subdivision Map Act have been met, and all parcels comply with the accompanying Precise Plan, including all applicable, General Plan, engineering, and zoning standards pertaining to grading, drainage, utility connections, lot size and density. In this regard, the design and improvements of the subdivision, subject to the conditions of approval, will be consistent with the requirements and improvement standards of the City of Madera.

 - b. *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The proposed subdivision and precise plan, in the context of the surrounding area, existing conditions and uses are consistent with the General Plan. The project will be consistent with the General Plan, City's Zoning Ordinance through the Precise Plan subject to condition of approval.

 - c. *The site is physically suitable for the type of development.*

Adequate service capacity is available to service the subject site.

The project site is planned for Low Density Residential land use by the Madera General Plan. The IS/MND prepared for the project sufficiently reviews the project pursuant to State CEQA Guidelines, which identifies the requirements for which analysis shall be carried out and the IS/MND provide sufficient analysis and project mitigations that, no further environmental review is required.

d: The site is physically suitable for the proposed density of development.

The proposed project of 42 single family residential units on ±9.12 acres of land at a density of approximately 4.61 dwelling units per acre is consistent with the Low Density Residential (2.1-7.0 dwelling units per acre) planned land use designation. The Precise Plan demonstrates compatibility with the conventional development standards for single family residential zoning in the City Municipal Code.

e: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision and the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

4. Approval of TSM 2023-01, TSM 2024-02 and PPL 2023-01: Given that all findings can be made, the Planning Commission hereby approves TSM 2023-01, TSM 2024-02 and PPL 2023-01 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A;" and, contingent upon City Council adoption of Mitigated Negative Declaration (SCH No. 2024050494), including the Mitigation Monitoring and Reporting Program, approval of REZ 2023-04, and annexation of the site to the City of Madera in accordance with ANX 2023-01.
5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 11th day of June 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
Exhibit "B" TSM 2023-01 and TSM 2024-02

EXHIBIT "A"
**Annexation (ANX) 2023-01, Prezone (REZ) 2023-04, Precise Plan (PPL) 2023-01, Tentative
Subdivision Map (TSM) 2023-01, Tentative Subdivision Map (TSM) 2024-02**
(THE ADELL ST AND D ST)
CONDITIONS OF APPROVAL
June 11, 2024

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 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.

GENERAL CONDITIONS:

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination 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 all approval actions. Applicant shall also submit to the City of Madera Planning Department a check in the amount necessary to file for the California Fish and Wildlife requirements.**
3. TSM 2023-01 and TSM 2024-02 shall expire 24 months from date of issuance, unless positive action or a written request for extension has been submitted to the Planning Commission before the expiration (MMC Section 10-3.1311, Termination and Revocation).
4. 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.
5. Development of the project shall conform to the plans designated by the City and subject to the conditions noted herein. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may at the discretion of the Community Development Director without an amendment. However, should the Community Development Director determine that modifications are substantive, he/she may require that an amendment be filed for review and approval through the applicable City process.
6. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.

7. All construction shall cease, and the Community Development Director 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.
9. Approval of this application 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

General

10. Approval of this application shall be considered null and void in the event of failure by the applicant and/or the authorized representative to disclose and delineate all facts and information relating to the subject property and proposed uses.
11. PPL 2023-01, TSM 2023-01, TSM 2024-02 shall not become effective and issued unless and until the Madera County Local Agency Formation Commission approves the Annexation (ANX 2023-01) and all actions associated with such annexation are satisfied.
 - a. Application to LAFCO shall be made by landowner petition. Payment of all required fees for application to LAFCO and all costs associated with annexation shall be the sole responsibility of the applicant.
12. Improvements within the limits of the tentative map and development of dwelling units thereon shall adhere to the development standards and details identified within Precise Plan (PPL) 2023-01. Any proposed amendments to the Precise Plan shall require a revision of the Precise Plan.
 - a. Minor, non-substantive, revisions may be considered and approved by the Development Director. Changes to development standards shall require Commission approval. The Director reserves the right to forward any consideration for revision to the Precise Plan to the Planning Commission for consideration.
13. Approval is not an authorization to commence construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading or building permits.
14. The proposed site shall be subject to periodic review and inspection by the City to determine compliance with the conditions of approval. If, at any time, the use is determined by staff to be in violation of the conditions, the property owner and/or operator may be subject to corrective action.
15. All on- and off-site improvements shall be completed prior to final building inspection and shall be completed in conformance with proposed tentative subdivision maps and Conditions of Approval to the satisfaction of the City of Madera prior to issuance of a certificate of completion, occupancy permit and/or issuance of a business license.
16. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
17. The property owner, operator and/or manager shall operate in a manner that does not generate excessive noise, odor, blight or vibration that is demonstrated to adversely affect-adjacent properties.
18. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster on the site.

19. Prior to the issuance of issuance of building permits, the applicant shall identify on the site plan and/or elevations the following information for Planning Department review and approval. All equipment shall be screened from view.
 - a. The location of all-natural gas and electrical utility meter locations
 - b. The location of all HVAC (heating, ventilation or air conditioning) equipment
 - c. The location of all compressor equipment, and mechanical and electrical equipment

Lighting

20. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.

Landscaping

21. A landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall 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. Provide permanent automatic irrigation systems for all landscaped areas;
 - c. Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d. Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - e. 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.
 - f. Integrate, to the extent feasible, low impact development practices to reduce, treat, infiltrate, and manage runoff flows caused by storms, urban runoff, and impervious surfaces.
 - g. Shrub planting shall be a minimum one (1) gallon size and include a mix of one (1) gallon and five (5) gallon shrubs.
 - h. Street and accent tree planting shall be a minimum a 15 gallon size.
 - i. Where landscaping is intended to provide a visual screen, the species, quantity, maturity (size), and spacing of the initial planting shall be sufficient to provide functional screening with a single growing season.
 - j. At least on tree shall be planted within each front yard and be maintained in perpetuity. Should a tree be removed, it shall be replaced to the satisfaction of the Community Development Director and if not established within 5 years be replaced with a tree that does establish.
 - k. Street trees shall be planted at an on-center spacing of one (1) tree per 30 linear feet. Street trees planted along Adell St and D St.

22. Landscaping shall be maintained in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. 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.
23. Internal street names shall comply with the recommendations of the Planning Department with the approval of the Final Map.
24. Direct residential access to Adell St, and D St shall be prohibited and shall be noted on the final map.
25. There shall be no access to lots from the street side of corner lots or street rear of double frontage lots.
26. A six (6) foot high decorative split face masonry block wall with capstone and stone columns with capstone shall be developed within the subdivision as follows:
 - a. Along the rear property lines of lots abutting Adell St, and D St.
 - b. Along the street side yard of corner lots which is extending from the rear property line subject to a masonry block wall to the front yard setback line.
27. Masonry block wall stone columns shall be provided at minimum interval of 64 feet on center along the length of the wall, at all locations where the wall changes direction, and at the terminus of the wall.

All walls proposed on property located in the side yard shall be six (6) feet tall along the side property line. In addition, when the wall is located with the front yard setback, the height of the wall shall be decreased to 2.5 feet. The height of any block wall shall be measured from the base of the wall visible to the public. No masonry block wall shall exceed a height of six (6) feet.
28. Any retaining wall shall be split faced masonry block.
29. Except as provided in the above condition, six (6) foot tall wooden fencing shall be provided along all side and rear yards.
30. Street side yard fencing shall be setback no less than five (5) feet.
31. Residential fencing shall have a gate that allows for easy access by waste containers provided by the City. The width of the gate shall be a minimum of 36 inches. The path of travel between the area set aside for waste containers and driveway shall be a minimum of 36 inches and not obstructed by utilities or mechanical equipment or hardware.

BUILDING DEPARTMENT

32. At time of submittal for building permit plan check, a minimum of three (3) sets of the following plans to the Building Department is required. Plans shall be prepared by an individual licensed to practice architecture and include the following required drawings drawn to an appropriate scale:
 - a. Site plan bearing City approval or a plan incorporating all site related conditions

- b. Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c. Floor plans - The uses of all rooms and activity areas shall be identified on the plans
 - d. All exterior elevations
 - e. Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities
33. Current State of California and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

ENGINEERING

General

- 34. Deferrals are not permitted for any condition included herein, unless otherwise stated.
- 35. Prior to recording of any final map, all action necessary for the formation of a community facilities district shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
- 36. 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. At a minimum, full street (both sides) and utility improvements shall be constructed on all boundaries to a phase in addition to all other improvements detailed within these conditions that are required to be constructed as part of any first phase of construction.
- 37. 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.
- 38. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The City Engineer shall designate the location, or the project engineer shall make a recommendation for the designated location.
- 39. All construction vehicles shall access construction sites by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
- 40. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
- 41. Development impact fees shall be paid at time of building permit issuance.

42. 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.
43. Developer shall pay all required fees for processing subdivision map and completion of project. Fees due include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, easement acceptance, and improvement inspection fees.
44. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
45. The improvement plans for the project, or any phases thereof, shall include the most recent version of the City's General Notes at the time the project or phase is expected to commence construction.
46. Park land, as may be identified elsewhere in these conditions, shall be dedicated to the City in advance of, or in conjunction with, recordation of the first final subdivision map.
47. Park land, as omitted from TSM 2023-01 and TSM 2024-02, and as may be identified elsewhere in these conditions, shall either be identified and dedicated to the City in advance of, or in conjunction with, recordation of the first final subdivision map, or the applicant shall pay a park in-leiu fee as required by the City Municipal Code.

Water

48. 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.
49. Unless the City Engineer or fire flow analysis specifies larger lines, 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 paid by the Developer. If additional testing is requested by the City, testing costs shall be paid by the developer or the cost shall be reimbursed to the City prior to approval of any units for final occupancy.
50. The developer shall install water supply facilities in accordance with the Adell Street Improvement project, on file in the City of Madera Engineering Department, as follows:
 - a. Adell Street – Install 12-inch main along the entire project frontage from the intersection of Adell Street and D Street to the most easterly property line.

The oversize component (difference in cost between constructed pipe size and 8-inch pipe) of the construction of the water main is considered reimbursable through the City's Development Impact Fee (DIF) Program, subject to the availability of funds. Half the 8-inch component is

reimbursable from adjacent properties as they develop and connect. While availability of funding cannot be predicted, approximate current fund balances can be stated. At the time these conditions were prepared, there was less than \$320,000 available in the Water Pipe DIF.

51. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet). 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.
52. 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 street light locations.
53. One water quality sampling station shall be installed within the subdivision and approved by the water quality division of the Public Works Department.
54. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
55. 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 Automatic Meter Reading (AMR) water meters installed within City right-of-way. Backflow prevention devices shall be required for any water service not serving a residence and installed within private property.
56. Water connections not serving a residence shall be constructed per current City standards including water meters located in the City's right-of-way and backflow prevention device installed within private property.
57. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.
58. Water meters shall be installed and account activated through the City's Utility Billing Department prior to construction activities commencing on individual dwelling units.

Sewer

59. The developer shall install sewer system facilities in accordance with the Adell Street Improvement Project, on file in the City of Madera Engineering Department, as follows:
60. Adell Street – Install an 8-inch main from the current termination point at Adell Street and D Street to the most easterly project property line.

61. All sewer mains shall be constructed per City standards and specifications current as of the time they are designed and constructed.
62. Sewer lines installed to serve this subdivision shall be sized accordingly and shall be a minimum of 8 inches in diameter or as required per the pipe size calculations. Sewer main connections to any existing city main that are 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. USB flash drives shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider.
63. 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 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.
64. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

65. Per the Storm Drainage System Master Plan, storm runoff from this development is planned to go to the County owned basin on Ellis Street approximately 500 feet east of Country Club Drive.
66. Storm runoff was designed to drain to the Sherwood basin per the Adell Street Improvement Project, on file with the City Engineering Department. Storm runoff shall be directed to the Sherwood Basin located south of this project site in accordance with the Adell Street Improvement Project. Runoff volume calculations shall be provided and the developer shall excavate the basin to an amount equivalent to this project impact on the basin.
67. Street construction shall address storm drainage needs in accordance with the Storm Drainage Master Plan.
68. The developer shall construct a 24-inch storm drain main in Adell Street from the current termination point at Adell Street and D Street to the most easterly project property line in accordance with the Adell Street Improvement Project, on file with City Engineering Department.
69. The construction of this line is considered 100% reimbursable, subject to the availability of funds, under the City's Development Impact Fee Program. While availability of funding cannot be predicted, approximate current fund balances can be stated. At the time these conditions were prepared, there was less than \$400,000 available in the NE Storm Drain DIF.
70. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer.

71. Support calculations shall be provided that prove the existing storm drainage facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
72. The 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.
73. The north half of Adell Street along the entire project frontage shall be improved to an 80-foot collector roadway standard in accordance with the Adell Improvement Project plans. The north half of the street shall include, but not be limited to, sidewalk, streetlights, fire hydrants, curb and gutter, park strip and a 28-foot paved asphalt section. Sidewalk and landscape area shall be per City standards and not be used to absorb grade differences for any reason. The south half of the street shall include, but not be limited to, a permanently paved 12-foot travel lane, one half (6-feet) of a twelve-foot center turn lane, a four-foot shoulder and drainage swale; or one 12-foot travel lane, one half (6-feet) of a 12-foot center turn lane and a combination of two-foot wide 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 to the east and west of the project site.
74. Existing private driveways on the south side of the street shall be designed to accommodate all reasonable vehicles entering and exiting. The maximum driveway slope is 10%. Grade breaks shall also be considered to ensure vehicles are not damaged as a result of a deficient design.
75. The center three lanes (36-feet total) are eligible for reimbursement through the City's Development Impact Fee Program, subject to the availability of funds. While availability of funding cannot be predicted, approximate current fund balances can be stated. At the time these conditions were prepared, there was less than \$1,600,000 in the Arterial/Collector DIF.
76. At a minimum, the east half of D Street along the entire project frontage shall be improved to an 80-foot collector roadway standard. The east half of the street shall include, but not be limited to, fire hydrants, streetlights, curb and gutter, park strip, sidewalk and a 28-foot paved asphalt section. Sidewalk and landscape area shall be per City standard and not be used to absorb grade differences for any reason. The west half of the street shall include, but not be limited to, a permanently paved twelve-foot travel lane, one half (6-feet) of a twelve-foot center turn lane, a four-foot shoulder and drainage swale; or one 12-foot travel lane, one half (6-feet) of a 12-foot center turn lane and a combination of two-foot wide 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 to the east and west of the project site.

77. Existing private driveways on the west side of the street shall be designed to accommodate all reasonable vehicles entering and exiting. The maximum driveway slope is 10%. Grade breaks shall also be considered to ensure vehicles are not damaged as a result of a deficient design.
78. The center three lanes (36-feet total) are eligible for reimbursement through the City's Development Impact Fee Program, subject to the availability of funds. While availability of funding cannot be predicted, approximate current fund balances can be stated. At the time these conditions were prepared, there was less than \$1,600,000 in the Arterial/Collector DIF.
79. Direct residential access to Adell Street and D Street, other than those access points approved on the Tentative Subdivision Map, shall be prohibited and shall be noted on the final map.
80. 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.
81. The Developer shall be a proponent of annexing into existing Landscape Maintenance District (LMD) Zone 51. If the expansion of the existing Landscape Maintenance District Zone 51 is not attainable, the developer shall at their sole expense form a new Lighting and Landscape Maintenance District zone. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.
82. 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 51 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 improvements which are required to be constructed by the developer and included in the City-wide 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.
83. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along all internal publicly dedicated streets.
84. Interior streets shall be constructed in accordance with City standards for a residential street including a five-foot sidewalk, curb and gutter, streetlights, fire hydrants and all other components necessary to complete construction per City standards.
85. The developer shall install traffic signal pole(s) less signal mast arm on the northeast corner of Adell Street and D Street, including all related pull boxes and conduit associated with said pole(s), as necessary, for a future four-leg intersection at Adell Street and D Street.
86. "No Parking" signs shall be installed along Adell Street and D Street frontages per City standards.

87. Traffic calming features, as approved by the City Engineer, shall be implemented throughout the interior subdivision streets. Maximum distance between calming devices shall be 300 feet. Speed bumps or humps are not permitted.
88. 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.
89. Access ramps shall be installed at all curb returns per current City Standards.
90. Driveway approaches shall be constructed per current City standards.
91. The developer shall be required to install streetlights along Adell Street and D Street frontages and interior subdivision streets in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
92. 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.
93. If development occurs 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 "B" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
94. Improvement plans prepared in accordance with City Standards 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 lineal feet of all streets, fire hydrant and street water main lineal feet, and sewer line lineal 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, 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;
 - c. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans);

- d. Streetlights;
 - e. Traffic signals;
 - f. Construction details including traffic signage and striping plan.
 - g. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
 - h. Grading plan indicating flood insurance rate map community panel number and effective date;
 - i. Landscape and irrigation plans shall be prepared by a landscape architect or engineer;
 - j. Storm water pollution control plan and permit;
 - k. Itemized quantities of the off-site improvements to be dedicated to the City.
 - l. Submittals shall include (submit a PDF and the stated number of hard copies for each item):
 - m. Engineering Plan Review Submittal Sheet
 - n. Civil Plan Submittal Checklist – all required items shall be included on the drawings
 - o. Four copies of the final map
 - p. Two sets of traverse calculations
 - q. Two preliminary title reports
 - r. Two signed copies of conditions
 - s. Six sets of complete improvements plans
 - t. Three sets of landscaping plans
 - u. Two sets of drainage calculations
 - v. Two copies of the engineers estimate
 - w. Partial submittals will not be accepted by the Engineering Department.
95. 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.
96. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and undergrounding of service lines. Developer shall dedicate a 10-foot Public Utility Easement (PUE) along all internal publicly dedicated streets.
97. All existing and proposed public utilities shall be underground except transformers, which may be mounted on pads, and 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.

98. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
99. 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 any 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.
100. The sub-divider shall enter an Improvement Agreement in accordance with the municipal code prior to recording of any final map. The Improvement Agreement shall include a 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.
101. Sub-divider may commence off site construction prior to approval of any final map in accordance with Section 7-2.02 MMC, provided that an encroachment permit has been issued and improvement plans have been submitted and approved. As a component of the encroachment permit, the applicant shall submit a 100% performance bond, additional bond (50% labor & material), Storm Water Pollution Prevention Plan (SWPPP), and insurance certificate 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.
102. For each phase, the developer's engineer, upon completion of subdivision related 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 subdivision improvements by the City.
103. Subdivision improvement inspections
104. 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. Inspection fees shall be due at time that all other fees are due per the Improvement Agreement.
105. 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.
106. 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.
107. No occupancy of any buildings within the subdivision shall be granted until subdivision 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.

108. Special engineering conditions
109. 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.
110. Lot fill in excess of twelve (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 twelve (12") inches or more will require construction of a retaining wall.
111. 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.
112. Prior to the approval of off-site improvement plans and any construction on the subdivision, a Storm Water Pollution Prevention Plan (SWPPP) 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.
113. Prior to recording the 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.
114. 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.
115. 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.
116. 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

FIRE DEPARTMENT

117. Fire sprinklers may be required based upon the occupancy classification.

118. A fire alarm system may be required based upon the occupancy classification. The Fire Department shall be counteracted prior to construction to confirm applicability.
119. New street hydrants shall be required. The location of any new hydrants required by the Fire Department shall be approved prior to construction.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

120. The applicant, property owner and/or successors-in-interest shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
121. Applicant, property owner and/or successors-in-interest shall submit to, and have approved by, the SJVAPCD an Authority to Construct (ATC) application prior to issuance of a grading or building permit. Copy of an approved ATC shall be submitted to the Planning and Building Departments prior to issuance of a grading or building permit.
122. Applicant, property owner and/or successors-in-interest shall submit to, and have approved by, the SJVAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit. Copy of an approved AIA shall be submitted to the Planning and Building Departments prior to issuance of a grading or building permit.
123. Applicant, property owner and/or successors-in-interest shall submit to, and have approved by, the SJVAPCD A “Dust Control Plan” prior to issuance of a grading or building permit. Copy of an approved Dust Control Plan shall be submitted to the Planning and Building Departments prior to issuance of a grading or building permit.

END

ATTACHMENT 9

Exhibit "B" – TSM Map

TENTATIVE SUBDIVISION MAP NO. 2023-XX ADELL STREET SUBDIVISION

A SINGLE-FAMILY RESIDENTIAL SUBDIVISION IN
THE CITY OF MADERA,
MADERA COUNTY, CALIFORNIA

OWNER
PARCEL 1: SHAHEBA FAROOQ
1501 E. YOSEMITE AVE.
MADERA, CA 95335
PARCEL 2: NAJEM AHMAD
1501 E. YOSEMITE AVE.
MADERA, CA 95335

PROPERTY ADDRESS
NORTHEAST CORNER OF EAST ADELL STREET
AND NORTH "D" STREET

NOTE
THE SITE IS LOCATED WITHIN PLANO ZONE X, PER
PDMA FIRM MAPS NUMBER 0603SC1155E AND
0603SC1166E, EFFECTIVE DATE SEPTEMBER 26,
2008.

EXISTING BUILDINGS
EXISTING HOUSE IS TO REMAIN
EXISTING TREES
EXISTING TREES ARE TO BE REMOVED
EXISTING ZONING
LD (LOW DENSITY) SINGLE-FAMILY RESIDENTIAL
PROPOSED ZONING
R9-1000 SINGLE-FAMILY RESIDENTIAL

EXISTING USE
VACANT
PROPOSED USE
SINGLE-FAMILY RESIDENTIAL

SOURCE OF WATER
CITY OF MADERA

SOURCE OF SEWAGE DISPOSAL
CITY OF MADERA

SOURCE OF WASTE DISPOSAL
CITY OF MADERA

SOURCE OF ELECTRICITY
PG&E

SOURCE OF GAS
PG&E

SOURCE OF CABLE T.V.
COMCAST

SOURCE OF TELEPHONE
AT&T

ASSESSOR'S PARCEL NUMBER
038-090-009 & 010

SITE AREA
9.137 ACRES (GROSS) 8.082 (NET)

NUMBER OF LOTS
42

DENSITY
5.20 UNITS PER NET ACRE

MINIMUM LOT SIZE
5,000 SF

MAXIMUM LOT SIZE
8,252 SF

AVERAGE LOT SIZE
6,023 SF

LEGAL DESCRIPTION
REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF MADERA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

TRACT ONE:
LOT 149 AND THE WEST 53.50 FEET OF LOT 150 IN SECTION 12, TOWNSHIP 11 SOUTH, RANGE 17 EAST, M.D.S.M., ACCORDING TO MAP ENTITLED, "VALLEY AND LUIS'S SUBDIVISION OF LANDS, AT MADERA, FRESNO COUNTY CAL.", FILED AND RECORDED IN THE OFFICE OF THE COUNTY OF MADERA, STATE OF CALIFORNIA, FEBRUARY 2, 1895 IN BOOK 1 OF MAPS, AT PAGE 11, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF LOT 149 OF SAID SUBDIVISION, SAID CORNER BEING IN THE CENTER OF AN 80 FOOT COUNTY ROAD, THENCE SOUTH 89°47' EAST A DISTANCE OF 559.99 FEET TO A POINT ON THE NORTH LINE OF LOT 150, THENCE SOUTH 0°13' WEST 466.69 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 150, THENCE NORTH 89°47' WEST ALONG THE SOUTH LINE OF SAID LOTS 150 AND 149, A DISTANCE OF 559.99 FEET TO A POINT AT THE SOUTHWEST CORNER OF LOT 149, THENCE NORTH 0°13' EAST ALONG THE WEST LINE OF LOT 149, A DISTANCE OF 466.69 FEET TO THE POINT OF COMMENCEMENT.

EXCEPTING THAT PORTION DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT THE NORTHWEST CORNER OF LOT 149 OF SAID SUBDIVISION, SAID CORNER BEING IN THE CENTER OF AN 80 FOOT COUNTY ROAD, THENCE SOUTH 89°47' EAST A DISTANCE OF 280 FEET TO A POINT, THENCE SOUTH 0°13' WEST A DISTANCE OF 280 FEET TO A POINT, THENCE NORTH 89°47' WEST A DISTANCE OF 280 FEET TO A POINT, THENCE NORTH 0°13' EAST ALONG THE WEST LINE OF LOT 149, A DISTANCE OF 280 FEET TO THE POINT OF COMMENCEMENT.

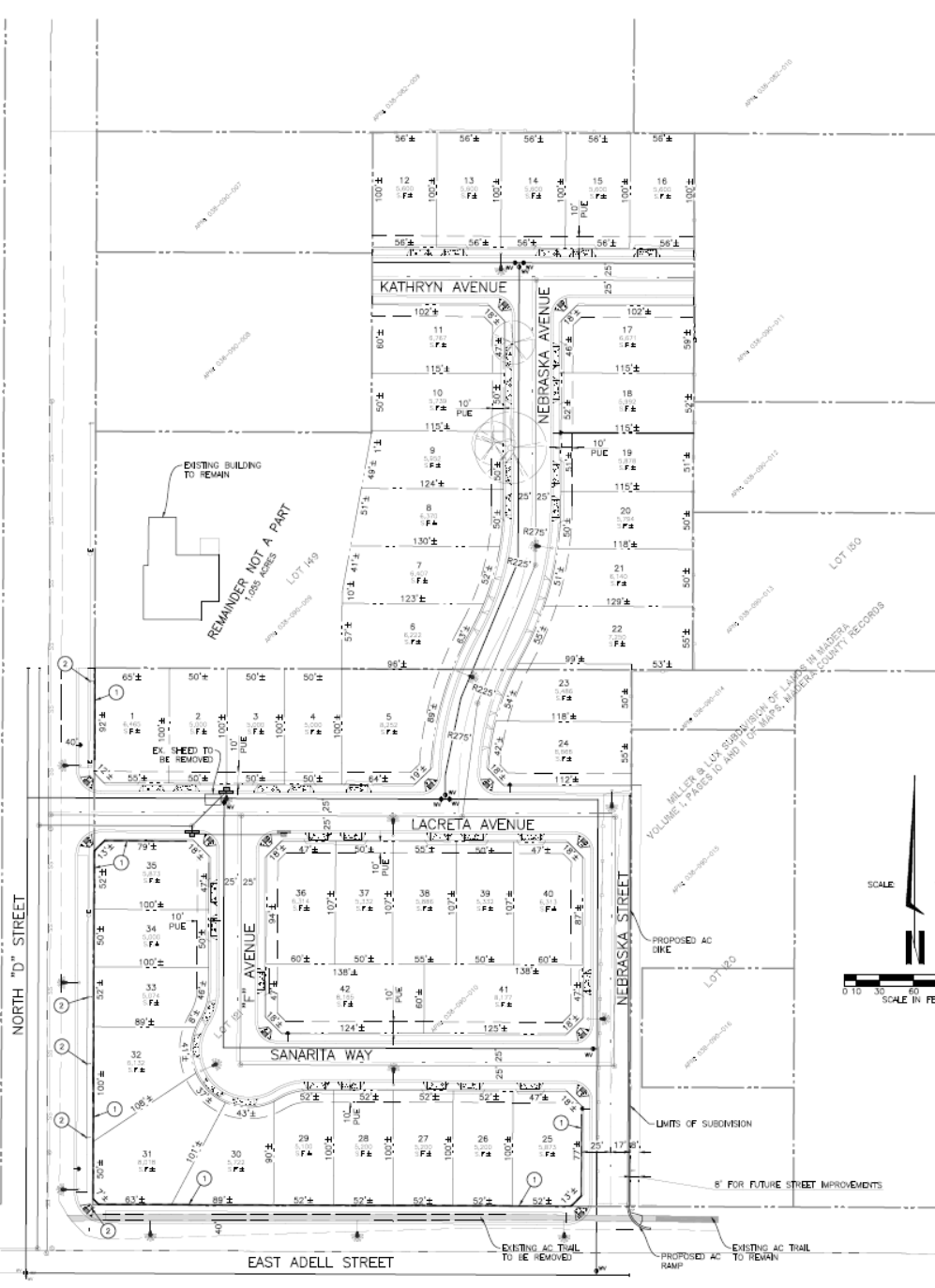
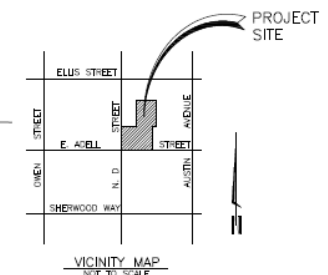
APN: 038-090-009-000

TRACT TWO:
LOT 121 IN SECTION 12, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT SHILOH GRAB AND MERIDIAN, ACCORDING TO MAP ENTITLED, "VALLEY AND LUIS'S SUBDIVISION OF LANDS AT MADERA, FRESNO CO., CAL.", IN THE UNINCORPORATED AREA, COUNTY OF MADERA, STATE OF CALIFORNIA, FILED AND RECORDED IN THE OFFICE OF THE COUNTY OF MADERA, FEBRUARY 2, 1895, IN VOL. 1 OF MAPS, AT PAGE 11.

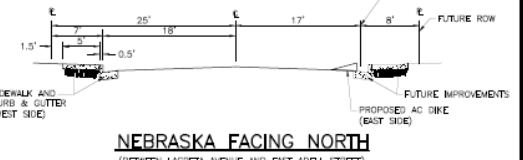
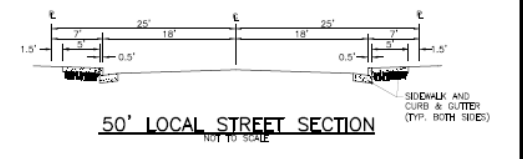
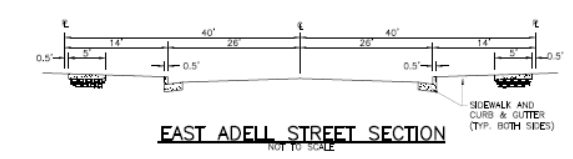
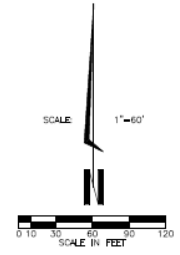
APN: 038-090-010-000

PLANNING COMMISSION CERTIFICATE
I, _____ SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MADERA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS TENTATIVE MAP WHICH IS IN AGREEMENT WITH THE ADOPTED GENERAL PLAN FOR THE CITY OF MADERA.

CITY CLERK'S CERTIFICATE
I, _____ DO HEREBY CERTIFY THAT THE COUNCIL OF THE CITY OF MADERA, BY RESOLUTION NO. _____ 2023, APPROVED THIS TENTATIVE MAP.



- LEGEND**
- EXISTING PROPERTY LINE
 - EXISTING WIRE FENCE
 - EXISTING EDGE OF PAVEMENT
 - EXISTING OVERHEAD ELECTRIC LINE
 - EXISTING CURB AND GUTTER
 - EXISTING STORM DRAIN PIPE LINE
 - EXISTING SEWER MAIN
 - EXISTING WATER MAIN
 - PROPOSED PROPERTY LINE
 - PROPOSED PUBLIC UTILITY EASEMENT
 - PROPOSED CENTER LINE
 - PROPOSED SEWER MAIN
 - PROPOSED WATER MAIN
 - PROPOSED STORM DRAIN
 - PROPOSED CURB AND GUTTER
 - PROPOSED BLOCKWALL PER CITY STD.
 - PROPOSED ACCESS RAMP PER CITY STD.
 - PROPOSED DRIVEWAY APPROACH PER CITY STD.
 - EXISTING TREE TO BE REMOVED
 - EXISTING WATER VALVE
 - EXISTING POWER POLE
- NOTES:**
1. PROPOSED 8 FT MIN. BLOCK WALL PER CITY STD.
 2. EXISTING POWER POLE AND OVERHEAD ELECTRIC LINE TO BE UNDERGROUND.



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