

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, February 11th, 2025
6:00 p.m.

Council Chambers
City Hall

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 82572324434# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/82572324434>. 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 Vacant
Commissioner Timothy Riche
Commissioner Balwinder Singh
Commissioner Saim Mohammad
Commissioner Jose Eduardo Chavez

INTRODUCTION OF STAFF:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

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 2024-33 & SPR 2024-33 – Used Car Sales (Adi Rueda)

Subject: Consideration of applications for a Conditional Use Permit (CUP 2024-03) and Site Plan Review (SPR 2024-33) requesting authorization to add used car sales with no outdoor display to an existing auto repair and smog shop on property located on the southerly corner of East 6th St. and South E St. at 96 E. 6th St. (APN: 007-152-007).

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2024-23 and Site Plan Review (SPR) 2024-33, subject to the findings and conditions of approval.

2. TSM 2022-04 MOD – Ventana Subdivision (Robert Smith)

Subject: Consideration of an application for a modification (MOD) to the conditions of approval for Tentative Subdivision Map (TSM) 2022-04 pertaining to ±237.5 acres of land located on the southwest corner of the intersection of East Pecan Avenue (Avenue 13) and Road 28 ¼ (Assessor’s Parcel Numbers [APN’s]: 012-490-002, 012-490-004, 012-490-005, and 012-490-006). The amendment to the conditions proposes an allowance for the filing of multiple final maps relating to TSM 2022-04.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera determining the project was previously assessed for compliance with the requirements of the California Environmental Quality Act (CEQA) and no further documentation is required; and, approving TSM 2022-04 MOD, subject to the findings and amended conditions of approval.

3. OTA 2024-03 – Ordinance Text Amendment to Title X: Planning and Zoning of the City Municipal Code (Robert Smith)

Subject: Consideration of a proposed amendment to Chapter 3 of Title X: Planning and Zoning of the City Municipal Code (CMC). The proposed amendments pertain amendments are related to the lapse of site plan approval, termination of a use permit and termination of a variance within the City’s Zoning Regulations, to provide additional time to exercise rights associated with entitlements.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera recommending the City Council of the City of Madera adopt an ordinance amending Title X of Chapter 3: Planning and Zoning of the City Municipal Code (CMC) regarding Lapse of Site Plan Approval (CMC § 10-3.4.0114); Termination of a Use Permit (CMC § 10- 3.1311[A]); and, Termination of a Variance (CMC § 10-3.1411).

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.

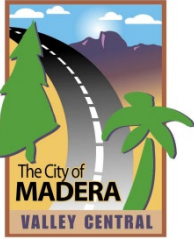
Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

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: February 11, 2025

Agenda Number: 1

SUBJECT:

Consideration of applications for a Conditional Use Permit (CUP 2024-23) and Site Plan Review (SPR 2024-33) to permit an existing auto repair shop to include used car sales.

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 Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2024-23 and Site Plan Review (SPR) 2024-33, subject to the findings and conditions of approval.

SUMMARY:

The applicant, Ranjodh Singh, has filed applications for a Conditional Use Permit (CUP 2024-23) and Site Plan Review (SPR 2024-33) requesting authorization to include the sale of used cars at 96 East 6th Street (APN: 007-152-007).

The project site is located on the southerly corner of the intersection of East 6th and South E Streets. The project site is located within the C1 (Light Commercial) zone district and the property is designated for Commercial (C) uses on the General Plan Land Use Map. The project site comprises ±0.16 acres of property located within the City's Downtown District.

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

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2024-23 and SPR 2024-33
<i>Applicant:</i>	Ranjodh Singh
<i>Property Owner:</i>	BONANDER DONALD E & WENDY D TRUSTEE
<i>Location:</i>	96 E. 6 th Street
<i>Project Area:</i>	±0.16 acres

<i>Land Use:</i>	Commercial
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics:</i>	An existing ±0.16 sq. ft. developed parcel located within the Downtown District.

ANALYSIS

Previous Entitlements

Historically, the project site has been operating businesses related to automotive uses. Previous entitlements such as CUP 2015-26/SPR 2025-30, CUP 2018-02/SPR 2018-04, and CUP 2018-02 MOD (Modification) have previously approved auto related uses such as mobile tinting, smog services, and used car sales. CUP 2015-26 and SPR 2015-30 were for the approval of a used car sales lot, however, the rights authorized by the conditional use permit were not exercised within one year and the use permit expired.

The existing business Madera Auto Smog has been operating at 96 E 6th Street since the year 2018 and operates their smog services under entitlements CUP 2018-02 and SPR 2018-04. Madera Auto Smog has been conditioned to operate under its existing conditions of CUP 2018-02, CUP 2018-02 MOD, and SPR 2018-04 and the conditions presented under CUP 2024-23 and SPR 2024-33.

Conditional Use Permit (CUP) 2024-23

City Municipal Code (CMC) Section 10.3.405 requires a use permit for the establishment and operation of used car sales. CUP 2024-23 will permit an existing auto repair and smog shop to include used car sales at the project site.

The used car sales will operate as an addition to Madera Auto Smog but not act as the main business. Therefore, CUP 2024-23 shall allow used car sales at the site but will not be permitted for the outdoor storage or display of vehicles for sale (i.e., CUP 2024-23 authorizes indoor storage and display only).

Site Plan Review (SPR) 2024-33

Pursuant to Section 10.3.4.0102 of the CMC, site plan review applies to all new uses subject to a use permit.

The project site proposes no interior or exterior improvements. The site will continue to operate during its usual business hours from 8:00 am to 6:00 pm, Monday through Sunday. The site is located within the Downtown District therefore off-site parking is limited. To maintain existing customer parking, staff has conditioned the business to only allow the sale, storage and display of cars to occur indoors.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the State of California Environmental Quality Act (CEQA) Guidelines because the project is operational only with respect to an existing use, within an existing building on an existing lot with existing services and utilities, no physical changes to the property, structure or facilities are proposed and operational changes are considered to constitute negligible or no expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2024-23 and SPR 2024-33. Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2024-23 and Site Plan Review (SPR) 2024-33, 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 Image
2. General Plan Land Use & Zoning Maps
3. Planning Commission Resolution
Exhibit "A": Conditions of Approval

ATTACHMENT 1

Aerial Image



ATTACHMENT 2
General Plan Map & Zoning Map



**General Plan
Land Use Designations**

- C - Commercial
- O - Office
- I - Industrial
- VLD - Very Low Density Residential
- LD - Low Density Residential
- MD - Medium Density Residential
- HD - High Density Residential
- NMU - Neighborhood Mixed Use
- VMU - Village Mixed Use
- VR - Village Reserve
- OS - Open Space
- RC - Resource Conservation/Agriculture
- P&SP - Other Public and Semi-Public Uses



Project Site





Commercial Districts

-  C1 - Light Commercial
-  C2 - Heavy Commercial
-  CH - Highway Commercial
-  CN - Neighborhood Commercial
-  CR - Restricted Commercial
-  PO - Professional Office
-  POWYO - Professional Office
West Yosemite Avenue Overlay

Industrial Districts

-  I - Industrial
-  IP - Industrial Park

Other Districts

-  PF - Public Facilities
-  RCO - Resource Conservation and Open Space
-  U - Unclassified
-  S - Special Provisions Applicable



ATTACHMENT 3

Planning Commission Resolution for
CUP 2024-23 & SPR 2024-33
Includes Exhibit "A": Conditions of Approval

RESOLUTION NO. 2021

**RESOLUTION OF THE CITY OF MADERA PLANNING COMMISSION
DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO
SECTION 15301/CLASS 1 (EXISTING FACILITIES) OF THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVING
CONDITIONAL USE PERMIT (CUP) 2024-23 AND
SITE PLAN REVIEW (SPR) 2024-33**

WHEREAS, Ranjodh Singh (“Applicant”) submitted applications for Conditional Use Permit (CUP 2024-23) pertaining to ±0.16 acres of land located on the southerly corner of the intersection of East 6th and South E Streets at 96 East 6th Street (APN: 007-152-007) (the “Project Site”); and

WHEREAS, the Project Site is designated for Commercial planned land uses on the General Plan Land Use Map and is zoned C1 (Light Commercial); and

WHEREAS, pursuant to City Municipal Code (CMC) § 10-3.802, used car sales are permitted in the C1 (Light Commercial) zone district subject to obtaining a Conditional Use Permit (CUP); and

WHEREAS, the Applicant currently operates the auto repair and smog shop, Madera Auto Smog at the project site; and

WHEREAS, CUP 2024-23 and SPR 2024-33 have been filed requesting authorization to authorize used car sales with no outdoor storage or display as a permitted use in association with the existing auto repair and smog services business on the project site; and

WHEREAS, operations proposed in accordance with CUP 2024-23 have been determined to be able to occur on the project site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

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

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

WHEREAS, the City provided notice of the Planning Commission hearing on February 11, 2025 as required by law; and

WHEREAS, the Planning Commission received and reviewed CUP 2024-23 and SPR 2024-33 at the duly noticed meeting on February 11, 2025; and

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

WHEREAS, after due consideration of the items before it, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2024-23 and SPR 2024-33.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA Recommendation: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project will occupy an existing building on an existing lot with existing services and utilities, and any modifications to the structure including interior and exterior changes involving negligible or no relative expansion of use have not been proposed. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.
3. Findings to Approve CUP 2024-23: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2024-23, 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.

CUP 2024-23 is found to be consistent with all regulations set forth by the City's Municipal Code with the approval of a conditional use permit.

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

The project site is suited for commercial uses as it is a developed property within a commercial zone district. No outdoor vehicular storage or display will be permitted, and the project will not involve new physical changes to the site. The proposal is for an existing building zoned commercial and surrounded by other retail and office uses to the north, east, west, and south of the property. As conditioned, the use will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

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

The proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. These conditions ensure that the general welfare and safety of the surrounding uses and the City at large are not negatively impacted. The surrounding uses are also similar in nature and therefore an auto smog shop including retail at this location will not be detrimental or injurious to property and improvements in the neighborhood.

4. Findings to Approve SPR 2024-33: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2024-33, 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 site is zoned C1 (Light Commercial) which is consistent with the General Plan designation of Commercial. The project proposal includes the addition of used automobile sales with no outdoor storage display in association with an existing commercial automotive service building on the 0.16 acre site. The intended use is consistent with the intent and purpose of the C1 zone with a conditional use permit, and the conditions of approval ensure the project does not conflict with any City standards or Municipal Code requirements.

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

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

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

The proposed project has been found to be consistent with surrounding uses. Conditions of approval will ensure improvements are made and adequate parking spaces are provided such that traffic and pedestrian safety are maintained. The proposed plan and associated activities will not generate an excessive amount of light, noise, or traffic.

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

The proposed project is within a developed area and does not propose any extension to the existing building or other physical changes to the site. The existing use of the project site is an automobile repair and smog service. Adequate parking is provided, public improvements are already present and complete.

5. Approval of CUP 2024-23 and SPR 2024-33: Given that all findings can be made, the Planning Commission hereby approves CUP 2024-23 and SPR 2024-33 as conditioned and set forth in the Conditions of Approval attached as Attachment 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 February 2025, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

Exhibit "A": Conditions of Approval for CUP 2024-23 and SPR 2024-33

EXHIBIT "A"
CUP 2024-23 & SPR 2024-33 (USED CAR SALES)
CONDITIONS OF APPROVAL
February 11, 2025

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

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

All discretionary conditions of approval for CUP 2024-23 and SPR 2024-33 will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of 96 East 6th Street that are being developed under CUP 2024-23 and SPR 2024-33. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

CONDITIONS OF APPROVAL

General

1. Approval of this conditional use permit and site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
3. Vandalism and graffiti shall be corrected per the City Municipal Code (CMC).
4. The project site shall be held to the City's commercial standards as listed in the CMC.
5. 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 2024-23 and SPR 2024-33.**

6. Approval of CUP 2024-23 and SPR 2024-33 is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively “claim”).

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

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

PLANNING DEPARTMENT

Conditional Use Permit (CUP 2024-23)

7. CUP 2024-23 permits used cars sales with no outdoor storage or display to occur in association with the existing auto repair and smog shop located at 96 E. 6th Street.
8. All operations authorized by CUP 2024-23 shall occur within the enclosed commercial building.
9. The outdoor storage of vehicles and/or display of used cars for sale shall be prohibited.
10. Uses and operations on the site shall comply with all conditions of previous entitlements (CUP 2018-02, CUP 2018-02 MOD, and SPR 2018-04) pertaining to the existing use of the site for the existing auto repair and smog shop are incorporated herein by reference.

Site Plan Review (SPR 2024-33)

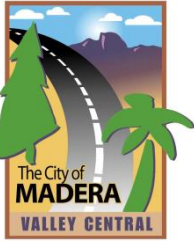
11. Hours of business operation shall be limited as follows:
 - a. Monday through Sunday from 8:00 AM to 6:00 PM.
12. All parking and loading areas shall be marked, striped and maintained at all times in conformance with City standards. All modifications in the approved parking layout shall require the approval by the Planning Development.

13. Off-street parking shall be designated for customer parking. Parking stalls shall be free of merchandise and car sale displays, and long-term parking.
14. No parking shall be allowed along curb cuts and drive approaches.

FIRE AND BUILDING DEPARTMENT

15. Provide fire extinguishers. A minimum of 1, 2A10BC rated fire extinguisher for each 3,000 square feet. Travel distance not to exceed 75 feet.
16. Repair facilities shall comply with the CFC.
 - a. Storage of tires shall be limited to 5 feet high, and volume shall be within the requirements of CFC Chapter 32 and other chapters as applicable.
 - b. Non-Combustible containers with self-closing lids shall be provided for oily rags.
 - c. Secondary containment shall be provided for all hazardous materials including combustible and/or flammable liquids.
17. Welding is not permitted without special permitting and requirement compliance.
18. A Knox Box is required for access if not existing.
19. Display vehicles placed indoors shall have the batteries disconnected and the fuel storage shall be limited to $\frac{1}{4}$ tank.

END OF CONDITIONS



REPORT TO THE PLANNING COMMISSION

Prepared by:

Robert Smith, Senior Planner

Meeting of: February 11, 2025

Agenda Number: 2

SUBJECT:

Consideration of an application for modification (MOD) of the conditions of approval for Tentative Subdivision Map (TSM) 2022-04 - Ventana II.

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the Planning Commission of the City of Madera determining the project was previously assessed for compliance with the requirements of the California Environmental Quality Act (CEQA) and no further documentation is required; and, approving TSM 2022-04 MOD, subject to the findings and amended conditions of approval.

SUMMARY:

The applicant, Lak Brar / Brar Construction, has filed an application for modification of a Tentative Subdivision Map (TSM 2022-04 MOD) requesting authorization to amend the conditions of approval for TSM 2022-04 (Ventana II) for the purpose of allowing the filing of multiple final maps (phasing) relating to conditionally approved TSM 2022-04.

TSM 2022-04 was approved authoring the subdivision of four parcels encompassing approximately 237.5 acres of land located on the southwest corner of the intersection of East Pecan Avenue (Avenue 13) and Road 28 ¼ (Assessor's Parcel Numbers [APN's]: 012-490-002, 012-490-004, 012-490-005, and 012-490-006) into 19 lots for subsequent residential subdivision (in accordance with TSM 2022-03 – Ventana I) and 23 lots (Outlots) for public street and open space purposes.

TSM 2022-03 (Ventana I), a residential subdivision including 855 lots for single family residential development and two lots for multifamily residential development (in addition to outlots proposed to be dedicated for public street and open space purposes), was approved concurrently by the Planning Commission on December 12, 2023.

These subdivisions were approved subject to a condition of approval (COA #32) prohibiting the filing of phased final maps relating to TSM 2022-04. Condition of Approval (COA) #32 reads as follows:

32. A final subdivision map shall be required per Section 10-2.502 of the municipal code. TSM 2022-04 shall not be a phased map and must be recorded in advance of TSM 2022-03, or any phase of TSM 2022-03. If TSM 2022-03 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.

Section 66456.1 of the State of California Government Code (the Subdivision Map Act) provides:

Multiple Final Maps May be Filed from One Tentative Map

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if: (a) the subdivider, at the time the tentative map is filed, informs the advisory agency of the local agency of the subdivider's intention to file multiple final maps on such tentative map, or (b) after filing of the tentative map, the local agency and the subdivider concur in the filing of multiple final maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. The right of the subdivider to file multiple final maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple final maps.

The filing of multiple final maps (phasing) of TSM 2022-04 is permitted in accordance with the provisions of the Subdivision Map Act and will allow the subject property to be subdivided in a manner which is marketable to subdividers/home builders and facilitates project viability as well as completion of public improvement requirements. Accordingly, the application for consideration (TSM 2022-04 MOD) requests authorization to amend COA #32 to allow phasing relating to TSM 2022-04.

PUBLIC COMMENT

Comments were received from a surrounding property owner on an annexation agreement. The City of Madera is not party to the attached Annexation Agreement or Assumption of Annexation Agreements and is not responsible for its enforcement; the agreements and terms contained therein represent the agreements and responsibilities of the parties signature thereto. However, the proposed amendment to the conditions of approval, in no-way, has any effect on the terms of the private annexation agreement or assumption of annexation agreement. The conditions of approval identify conditions for phased improvements, which will remain unchanged and which will continue to ensure the ability of the City to impose reasonable conditions relating to the filing of multiple final maps and the timing of improvements which will be secured through respective subdivision agreements.

To the extent allowed by law, the City will honor and cooperate with the terms of the Annexation Agreement respective to zoning, including the legal non-conforming use of land, as well as the provision of services and acknowledge said agreement are intended to run with the land.

Tentative Subdivision Map 2022-04

TSM 2022-04 (Ventana II) proposes the creation of 19 lots ranging from 0.75 acres (Lot 5) to 22.7 acres (Lot 15) and a remainder of 5.24 acres. In addition to the 19 lots and remainder, the proposed subdivision map identifies the park and storm basin outlots as well as individual sections of the streets identified in TSM 2022-03 as Lots A through W. The purpose of this map is to allow sections of the Ventana Specific Plan Area to be sold to, and developed by, one or more home builders (refer to Exhibit “B” of Attachment 5).

As part of the adoption of the Ventana Specific Plan (refer to Attachment 2), an Environmental Impact Report (EIR) was previously prepared and certified for the Specific Plan on March 7, 2007 (Ventana Specific Plan EIR, SCH No. 2005091149) (refer to Attachment 4).

The Specific Plan and its EIR fully evaluated the project’s impact on City streets surrounding the project site. A large number of conditions of approval address any deficiencies created by the proposal and require a number of streets to be built to their planned maximum right of way to accommodate the development. Intersection controls are also included in Conditions of Approval to mitigate development impacts. The inclusion of conditions #84 through #123 detail all the required street enhancements required for the project to be approved and developed to avoid unnecessary impacts on the City and the project site’s streets. These conditions now account for the phasing plan for this subdivision.

SITE CHARACTERISTICS:

The project site consists of an active nut orchard with a rural single-family home and several agricultural buildings located at the southeastern corner of the site. As a site with a long history of agricultural disturbance, the site is devoid of most native and non-native species naturally occurring in this area. The built areas consist of structures, roads and parking areas. The plant diversity in this habitat is low and is composed primarily of non-native grasses and other ruderal plants.

The majority of the site is located within a Federal Emergency Agency (FEMA) 100-year floodplain (FEMA Special Flood Hazard Area, Zone AO). In major storm events, where large amounts of precipitation fall within a 24-hour period, run-off tends to pool in this floodplain.

An overview of the proposed project and project site characteristics are provided in Table 1 below.

Table 1: Project Overview	
<i>Project Number:</i>	TSM 2022-03, TSM 2022-04 (Ventana I & II)
<i>Applicant:</i>	Lak Brar / Brar Construction

Table 1: Project Overview	
<i>Property Owner:</i>	Lak Brar
<i>Location:</i>	Southwest corner of Pecan Avenue and State Route (SR) 99 (APNs 012-490-002, 004, 005, and 006); Bounded by Pecan Avenue to the north, Road 28 ¼ to the east, Hazel Avenue to the south, and an existing subdivision and Parkwood Elementary School to the west.
<i>Project Area:</i>	237.5-acres; Ventana Specific Plan Area.
<i>Planned Land Use:</i>	LD (Low Density Residential), MD (Medium Density Residential), P&SP (Other Public & Semi-Public Uses), and C (Commercial)
<i>Zoning District:</i>	PD 3000 (Planned Development, one unit per 3,000 square feet of site area), PD 4500 (Planned Development, one unit per 4,500 square feet of site area), PD 6000 (Planned Development, one unit per 6,000 square feet of site area), PF (Public Facilities), and CN (Neighborhood Commercial)
<i>Site Characteristics</i>	The project is located on land that is currently used for agriculture. Planned land use bordering the site is Low Density Residential and Other Public & Semi-Public land uses to the west, Village Reserve to the south and east, and Very Low Density Residential to the north.

SUMMARY:

The applicant modification to the COA will allow the project to move forward to subdivide and develop approximately 237.5 acres of land within the Ventana Specific Plan Area consistent with the framework and development standards of the Specific Plan. The lotting scheme, parkland space, storm drainage basin and circulation improvements depicted in both TSM 2022-03 and TSM 2022-04 are consistent with the conceptual lotting scheme and circulation improvements illustrated in the approved Ventana Specific Plan (refer to Attachment 2).

PRIOR ACTION:

The Ventana Residential Subdivision project has undergone previous project review, including prior approval of the Ventana Specific Plan and Ventana Specific Plan Final EIR, which was certified by the City

Council on March 7, 2007. On April 10 of 2007, the project was originally approved which included the annexation of land, a General Plan Amendment, a Specific Plan, Prezoning, Precise Plan, and two tentative subdivision maps. The two tentative maps and the precise plans were extended for several years, until they expired on April 10, 2016.

On June 12, 2018, TSM 2018-01 and 2018-02 were approved, once again initiating the intention to subdivide the Ventana Specific Plan Area. After a lack of development action on the two maps, the two TSMs expired. TSM 2022-03 and 2022-04 were approved by the Planning Commission on December 12, 2023 consistent with the approvals for TSM 2018-01 and 2018-02. The approvals for TSM 2022-03 and TSM 2022-04 remain effective and are set to expire on December 12, 2025. The proposed modification to amend the project conditions of approval as described herein will allow the property owner to continue to pursue development and implement the project.

ANALYSIS:

The project is part of the previously approved Ventana Specific Plan, which established specific development guidelines for the project site. Phasing amendments associated with TSM 2022-04 MOD will continue to conform to the Ventana Specific Plan and Madera General Plan. The lot sizes, lot pattern, street design, etc., will not change as part of this modification.

The EIR certified for the Ventana Specific Plan analyzed the potential physical impacts resulting from the projected development within the Plan Area and determined that with mitigation, the project would not cause substantial environmental damage or substantially and avoidable injury to fish or wildlife or their habitat, and that the development of the Plan Area would not cause serious public health problems. TSM 2022-04 MOD will not impact the findings of the EIR, nor alter the circumstances of the site to warrant further environmental review.

The proposed modification to the conditions of approval for the Tentative Subdivision Maps is permitted in accordance with the provisions of the Subdivision Map Act, which allows for the filing of multiple final maps (phasing) relating to an approved or conditionally approved tentative map but reserves the authority of the local agency to impose reasonable conditions relating to the filing of multiple final maps. The City retains the ability through the Conditions of Approval to ensure that with those final maps and Subdivision Improvement Agreements, required improvement associated with the project can be delivered at an appropriate time and in a manner which retains feasibility and the overall viability of project completion.

The Condition of Approval #32 has been amended to account for the proposed modification the applicant has requested. The amended condition (see Exhibit A of Attachment 5) reads as follows with redlines and strikethroughs representing amendments and modifications:

32. A final subdivision map shall be required per Section 10-2.502 of the municipal code. TSM 2022-04 ~~shall not be a phased map and~~ must be recorded in advance of TSM 2022-03, or any phase of TSM 2022-03.

a. Pursuant to the provisions of Section 66456.1 of the State of California Government Code (Subdivision Map Act), the right of the subdivider to file multiple final maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple final Maps.

i. If either TSM 2022-03 or TSM 2022-04 is phased, the phasing pattern is subject to approval by the Community Development Director (in consultation with the City Engineer) to ensure that the applicable conditions of approval are satisfied and at such time that completion of all conditions remains feasible for final phases and the viability of the project.

The Director, at their discretion and for good cause, may refer such matters to the Commission for consideration.

ii. 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.

The condition, as amended, will allow the applicant to be able to file multiple final maps relating to TSM 2022-04 in line with the Subdivision Map Act provisions and phasing subject to approval by the Community Development Director (in consultation with the City Engineer) or the Commission. This approach gives the City the ability to allow phasing while not incumbering specific phases of development while avoiding potential for deferral of improvements which may become infeasible if assumed solely by final phases.

GENERAL PLAN CONFORMITY:

The proposed lotting pattern and density will not change with TSM 2022-04 MOD. Amended phasing to accommodate development prior to the delivery of homes on individual lots is guided by Action Item CD33.1 which states that final designs within the PD (Planned Development) Zone District are approved as part of a precise plan. The Modification will therefore not impact the consistency with General Plan Conformity.

PUBLIC INFRASTRUCTURE:

Public infrastructure and utilities required by the former approval are maintained in their original format through conditions of approval and based on the Madera Municipal Code and the Madera General Plan. This infrastructure will be constructed in support of the tentative subdivision maps. Required infrastructure includes sewer, water and storm drainage improvements consistent with the City's infrastructure masterplans.

While not requested as part of the application for modification, City staff also propose an amendment to COA #66 to remove the requirement for construction of a parallel 18-inch sewer main on Pecan Avenue from Raymond Thomas to Watt Streets; this requirement has already been satisfied with other development in the vicinity of the project.

The modification will not impact provisions from the Madera County Fire Station #1, or the Madera Police Department. A Community Facility District (CFD) under CFD 2005-01 accounting for increased provision of public services would occur separately from the modified phasing (TSM 2022-04 MOD) allowing the project to annex into this district as part of a separate action.

The project will be served by two retention basins located near the project site. Retention basin #169050 basin #163050. The proposed modification does not alter this requirement, or the Storm drain infrastructure proposed and maintained by condition, including basement expansion to accommodate additional stormwater run-off. Conditions #76 to #83 deal with the requirements of storm drainage from project construction, through to project completion. These conditions and the project design are anticipated to be able to deal with the potential for stormwater management and control any risk of flooding on the project site or its surroundings.

ENVIRONMENTAL REVIEW:

This project has been previously assessed for compliance with the California Environmental Quality Act (CEQA). The City Council previously certified an Environmental Impact Report (EIR) for the project on March 7, 2007. The current modification to the previously approved conditions

of approval for the project has been reviewed for conformity with the previously certified EIR and has been deemed to be consistent with this previous action. The subdivision map with minor amendments to facilitate the filing of multiple final maps relating to TSM 2022-04 is a procedural matter that does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change that has not been previously taken into consideration through the former Ventana Specific Plan project EIR. Pursuant to CEQA Guidelines Section 15162, subsequent environmental review is not required for 2022-04 MOD based on the following:

- a. No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the application maintains density in line with that studied and is otherwise consistent with the development originally proposed for the subject site as contemplated by the EIR. As such, no further environmental review is necessary or required.
- b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the application is consistent with the originally approved tentative map that was assessed by the EIR and there are no new substantial changes in the physical environment that were not anticipated in the EIR, including its analysis in light of development contemplated in the General Plan.
- c. There is no new information, which was not known and could not have been known at the time of the previous EIR that the project will have significant effect not discussed in the EIR. The project will not have any more significant effects than those already discussed and assessed in the EIR. As an EIR was previously adopted for the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, it has been determined that no further environmental documents are required for this application for the amended proposal.

COMMISSION ACTION:

The Commission will be acting on TSM 2022-04 MOD. Staff recommend that the Commission:

1. Adopt a Resolution of the Planning Commission of the City of Madera determining the project was previously assessed for compliance with the requirements of the California Environmental Quality Act (CEQA) and no further documentation is required; and, approving TSM 2022-04 MOD, subject to the findings and amended conditions of approval.

ALTERNATIVES:

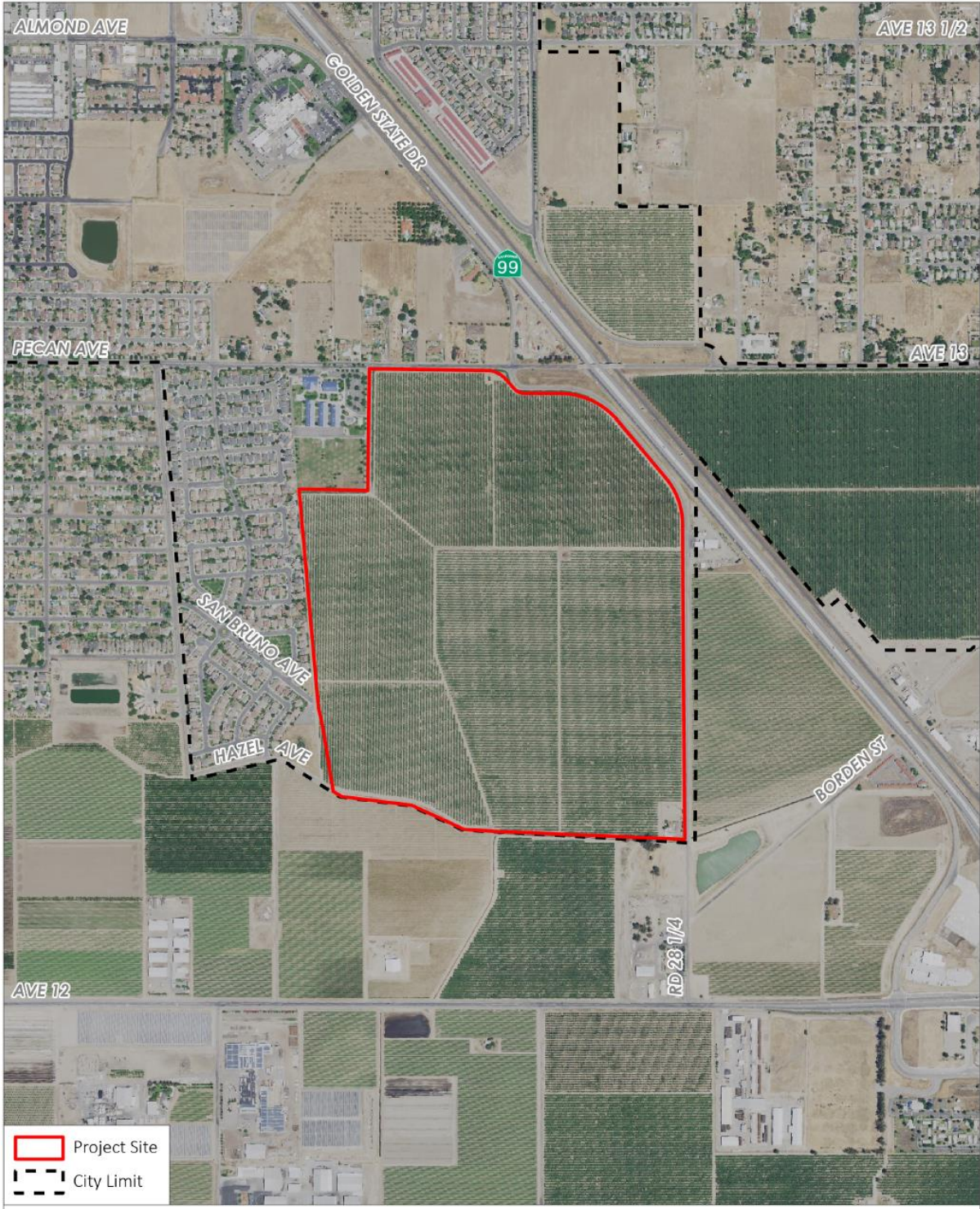
As an alternative, the Commission may elect to:

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 the request based on specific findings: (Planning Commission should articulate reasons for denial); or,
3. Provide staff with other alternative directives.

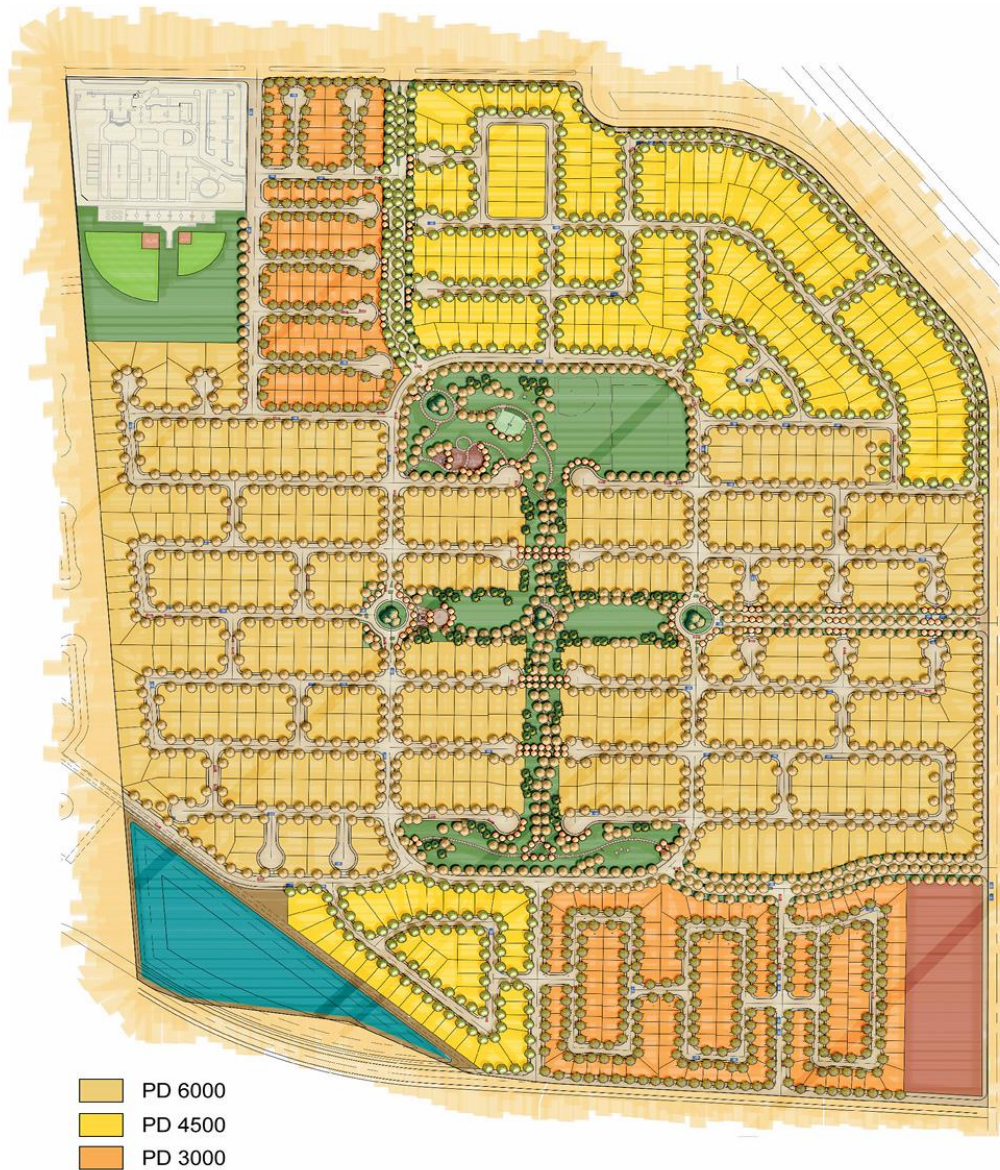
ATTACHMENTS:

1. Aerial - Vicinity Map
2. Ventana Specific Plan Land Use Map
3. City Zoning Map
4. Ventana Specific Plan EIR (Draft & Final)
5. Planning Commission Resolution
 - Exhibit "A" – Amended Conditions of Approval
 - Exhibit "B" – TSM 2022-04 (Ventana II Subdivision Map)
6. Public Comment

ATTACHMENT 1
Vicinity Map



ATTACHMENT 2
Ventana Specific Plan Map



Lotting Illustrative Only

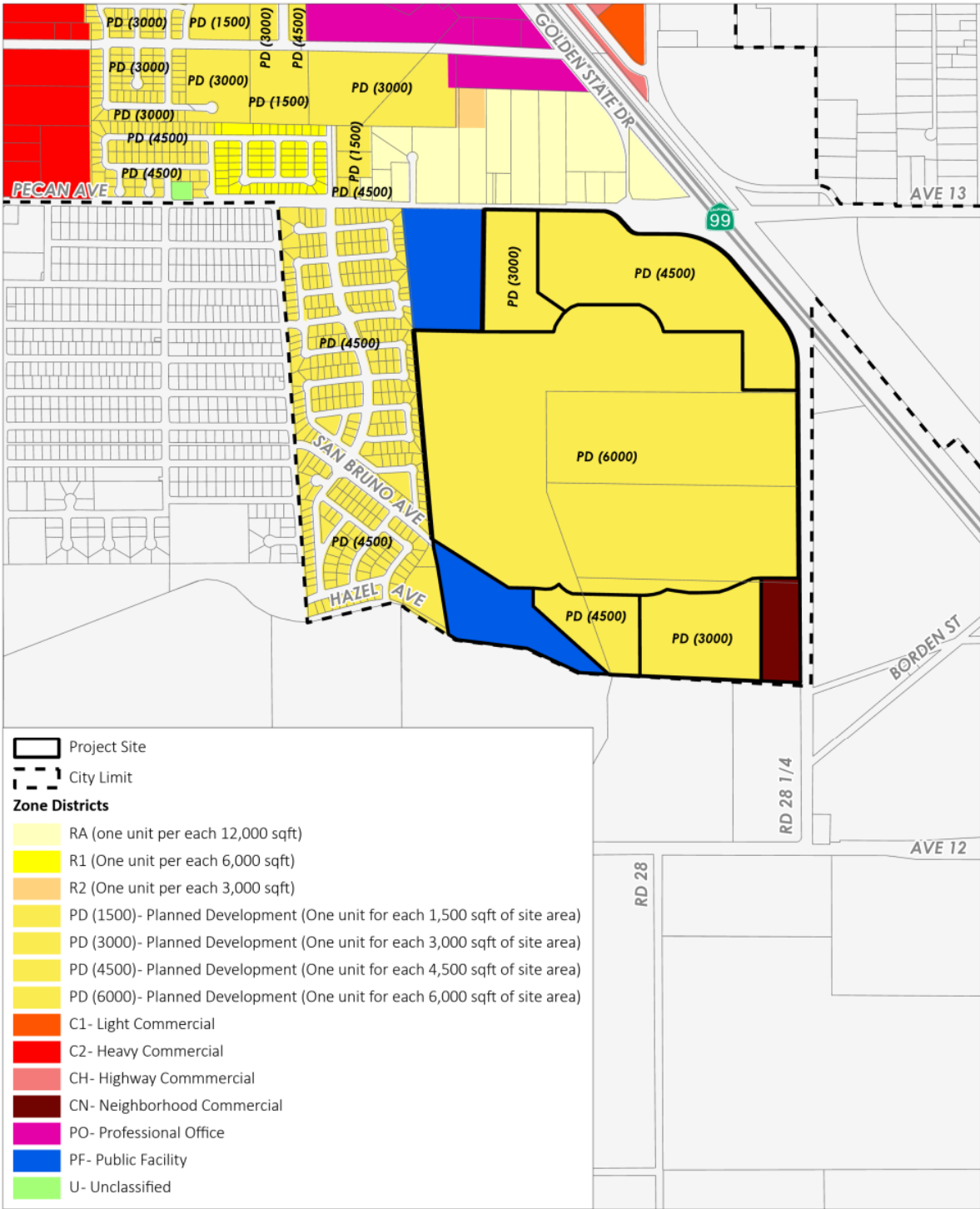
Source: O'Dell Engineering, 2006 / Quad Knopf, 2006



VENTANA SPECIFIC PLAN PROPOSED LAND PLAN

Figure 1-1

ATTACHMENT 3
City Zoning



ATTACHMENT 4
Ventana Specific Plan EIR
(Draft & Final)

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

ATTACHMENT 5

Planning Commission Resolution

Including:

Exhibit "A": Amended Conditions of Approval

Exhibit "B": TSM 2022-04 (Ventana II Subdivision Map)

RESOLUTION NO. 2022

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
DETERMINING THE PROJECT WAS PREVIOUSLY ASSESSED FOR COMPLIANCE
WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT (CEQA) AND NO FURTHER DOCUMENTATION IS REQUIRED; AND,
APPROVING TSM 2022-04 MOD**

WHEREAS, Lak Brar (“Owner”) owns Assessor’s Parcel Numbers (APNs) 012-149-002; 012-149-004; 012-149-005; and 012-149-006, in the City of Madera, California (“site”) comprising ±237.5 acres of land located on the southwest corner of the intersection of East Pecan Avenue (Avenue 13) and Road 28 ¼; and

WHEREAS, the Ventana Specific Plan has been adopted for the site and the site is zoned consistent with the Ventana Specific Plan Land Use Map, the City of Madera General Plan and the City Municipal Code (CMC); and

WHEREAS, Tentative Subdivision Map (TSM) 2022-04 was conditionally approved by the Planning Commission (“Commission”) on December 12th, 2023 relating to the project site, consistent with the adopted Ventana Specific Plan; and

WHEREAS, pursuant to the Conditions of Approval (COA) for the project, TSM 2022-04 shall not be a phased map; and

WHEREAS, The owner of the project site desires to file multiple final maps relating to TSM 2022-04 to facilitate phased development in accordance with the provisions of Section 66456.1 of the State of California Government Code (CGC); and

WHEREAS, The owner of the project site has filed an application for an amendment to the Conditions of Approval for TSM 2022-04 (TSM 2022-04 MOD) to allow the filing of multiple final maps relating to TSM 2022-04; and

WHEREAS, the project, including TSM 2022-04, was assessed in accordance with the provisions of the California Environmental Quality Act (“CEQA”) resulting in certification of an Environmental Impact Report (EIR) on March 7, 2007 by the City Council of the City of Madera (Ventana Specific Plan EIR, SCH No. 2005091149); 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 on February 11, 2025 as required by law; and

WHEREAS, the Planning Commission received TSM 2022-04 MOD at the duly noticed meeting on February 11, 2025; and

WHEREAS, at the February 11, 2025, 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 determining the project was previously assessed for compliance with the requirements of

the California Environmental Quality Act (CEQA) and no further documentation is required; and, approving TSM 2022-04 MOD, subject to the findings and amended conditions of approval.

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, based on its own independent judgment, after consideration of the whole of the administrative record, the project was assessed in the previously certified Environmental Impact Report No. SCH No. 2005091149 certified on March 7, 2007; and pursuant to CEQA Guidelines, Section 15162, that no major revisions to the EIR are required and no subsequent EIR, or negative declaration is required for approval of the project.
3. CEQA: This project has been previously assessed. The Planning Commission finds that pursuant CEQA Guidelines § 15162 subsequent environmental review is not required for TSM 2022-04 MOD based on the following:

- a. No substantial changes are proposed in the project which will require major revisions of the previous Environmental Impact Report (EIR) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the City Council certified the EIR (SCH No. 2005091149) on March 7, 2007. TSM 2022-04 is consistent with the same density, intensity, and use, and is exactly as contemplated by the EIR. As such, the proposed TSM 2022-04 MOD has the same environmental impacts assessed in the EIR.

- b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, TSM 2022-04 is exactly consistent with the EIR and specifically contemplated by it. Additionally, TSM 2022-04 MOD allows for the implementation of the conditionally approved subdivision map(s) as part of the approval of the EIR, the property will continue to be used for residential uses as originally contemplated by the EIR, and there are no new substantial changes in the physical environment that were not anticipated in the EIR, including its analysis in light of the development contemplated.

- c. There is no new information, which was not known and could not have been known at the time of the previous EIR that the project will have significant effect not discussed in the EIR. TSM 2022-04 MOD will not have any more significant effects than that already discussed and assessed in the EIR, and was specifically contemplated by the EIR. Furthermore, since an EIR was previously certified for the project, the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, the Planning Commission determines that this project has already been environmentally assessed and no further environmental documentation is required for TSM 2022-04 MOD.

4. Findings for TSM 2022-04 MOD: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support approval, as conditioned. With the conditions, the project is consistent with the requirements of the Municipal Code, 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 Map remains consistent and compatible with the City's General Plan land use designations and is consistent and compatible with the City's Ventana Specific Plan for the subject site and surroundings. The procedural requirements of the Subdivision Map Act have been met, and the proposed modifications to allow phasing does not alter compliance with the Specific Plan, including all applicable Specific Plan, General Plan, engineering, and zoning standards. The modification is 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 in the context of the surrounding property, incorporating the existing conditions and uses is consistent with the General Plan and Specific Plan. The project, with the approval of the minor amendment from that previously approved, will remain consistent with the General Plan, Specific Plan, and City's Zoning Ordinance 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.

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

The certified EIR is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

- 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 modification to allow phasing does not alter the design of the subdivision or the proposed improvements and is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. Approval of TSM 2022-04 MOD: Given that all findings can be made, the Planning Commission hereby approves TSM 2022-04 MOD 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 February 2025, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

Exhibit "A": Amended Conditions of Approval
Exhibit "B": TSM 2022-04 (Ventana II Subdivision Map)

EXHIBIT "A"
TSM 2022-03 (VENTANA I) & TSM 2022-04 (VENTANA II)
CONDITIONS OF APPROVAL
~~**DECEMBER 12, 2023**~~
AMENDED FEBRUARY 11, 2025

Notice to Applicant

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

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

Approval for TSM 2022-03 and 2022-04 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of the tentative subdivision maps, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative subdivision maps.

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 comply with all mitigation measures required by the Final Environmental Impact Report certified for the Ventana Specific Plan.
3. TSM 2022-03 and 2022-04 shall each be valid for a period of 24 months from the date of its conditional approval. Prior to expiration of either conditionally approved tentative map, an extension or extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act.

4. Any minor deviation from the approved map or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
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. 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

7. Any minor deviation from the approved TSM 2022-03 or TSM 2022-04 map or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
8. All modifications not considered minor changes in accordance with Section 10-2.402.9 (Amendments to Approved Subdivisions) shall require an amendment, as applicable to TSM 2022-03 and / or TSM 2022-04.
9. TSM 2022-03 and TSM 2022-04 shall comply with all mitigation measures outlined in the in the Mitigation and Monitoring and Reporting Program, dated January 2007 and included as Section Five of the Ventana Specific Plan Final Environmental Impact Report.
10. TSM 2022-03 and TSM 2022-04 shall be subject to all requirements, policies, and conditions of the Ventana Specific Plan.
11. All landscape plans for improvements within public right-of-ways shall be signed and stamped by a licensed landscape architect.
12. Applicant shall coordinate with the United State Postal Service relative to the location of postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five (5) feet.

13. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
14. 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.
15. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.

Street Names

16. Internal street names shall comply with the recommendations of the Planning Department with the approval of the Final Map.

Access Restrictions

17. Direct residential access to East Pecan Avenue, Road 28 ¼ and Hazel Avenue shall be prohibited and shall be noted on the final map.
18. There shall be no access to lots from the street side of corner lots or street rear of double frontage lots.

Fences and Walls

19. 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 East Pecan Avenue, Road 28 ¼, and Hazel Avenue.
 - 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.
 - c. 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.

20. Any retaining wall shall be split faced masonry block.
21. Except as provided in the above condition, six (6) foot tall wooden fencing shall be provided along all side and rear yards.
22. Street side yard fencing shall be setback no less than five (5) feet.
23. 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.

Precise Plan

24. Prior to the commencement of any grading, construction improvements or development activity in any "PD" Zone District, the applicant shall have an approved Precise Plan. The precise plan shall be processed under the provisions for use permits as set forth in Section 10-3.13 of the Madera Municipal Code.

Building Department

25. A building permit is required for all construction on the site.

Fire Department

26. All subdivision development shall be provided with a minimum of two points of access for emergency vehicles, prior to issuance of occupancy.
27. Prior to any on-site framing, fire hydrants or other acceptable fire suppression equipment shall be provided at the streets and shall comply with the City of Madera Engineering standards and the California Uniform Fire Code.
28. All homes shall be equipped with residential fire sprinklers.
29. The fire hydrant system shall comply with appendices B&C of the California Fire Code and the City of Madera Standards.

Engineering Department

General

30. Deferrals are not permitted for any condition included herein, unless otherwise stated.
31. 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.
32. A final subdivision map shall be required per Section 10-2.502 of the municipal code. TSM 2022-04 ~~shall not be a phased map and~~ must be recorded in advance of TSM 2022-03, or any phase of TSM 2022-03.
 - a. Pursuant to the provisions of Section 66456.1 of the State of California Government Code (Subdivision Map Act), the right of the subdivider to file multiple final maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple final Maps.
 - i. If either TSM 2022-03 or TSM 2022-04 is phased, the phasing pattern is subject to approval by the Community Development Director (in consultation with the City Engineer) to ensure that the applicable conditions of approval are satisfied and at such time that completion of all conditions remains feasible for final phases and the viability of the project.
The Director, at their discretion and for good cause, may refer such matters to the Commission for consideration.
 - ii. 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.

33. 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.
34. 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.
35. 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.
36. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
37. Development impact fees shall be paid at the time of building permit issuance.
38. 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.
39. 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.
40. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
41. 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.
42. Park land, as shown in TSM 2022-03 and TSM 2022-04, and 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.
43. Madera Irrigation District (MID) canal/pipeline on Hazel Avenue shall be placed underground or vacated as directed by MID. Comments from MID shall accompany first engineering plan submittals.
44. The developer shall comply with the Federal Emergency Management Agency (FEMA) requirements, as may be applicable. Proposed improvements shall account for the areas of the TSM which lie within the boundaries of FEMA Special Flood Hazard Area, Zone AO, as may be applicable.

45. The development is subject to the development standards of the Ventana Specific Plan, including any documents associated with it, as may be applicable. Improvements shall be constructed as detailed and within the time frame identified.
46. Development shall occur in a stepwise manner, moving outward from existing infrastructure. Geographically remote development (leapfrog development) of the TSM shall construct all master-planned infrastructure necessary (permanent full street width, water, sewer, storm drain, etc.) to provide adequate services from the nearest logical connection point.

Water

47. The water system shall be designed for the Ventana subdivision as a whole and for each proposed phase to meet the required fire flow for this type of development. The water system shall be approved by the Fire Department and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code appendix III-A. Copies of the water system analysis shall be reviewed and approved by the City Engineering Division and Fire Marshall. The construction of an additional water well, or wells, may be necessary to ensure redundancy and adequate fire flow in accordance with the Specific Plan.
48. Prior to commencement of any phase of development, developer shall construct and/or verify the completion of a 12-inch water main along Pecan Avenue from its current termination point at Parkwood Elementary School to the eastern property line of the proposed project site. The water main shall be constructed to current City standards.
49. Prior to commencement of any phase of development adjacent to Road 28 1/4, developer shall construct a 12-inch water main along Road 28 ¼ from Pecan Avenue to the southerly limits of the phase. The water main shall be looped through the phase to provide a redundant water source to that phase. Water line construction shall proceed in this manner with each new phase until such time as the improvements extend to and connect into Hazel Avenue. Water main shall be constructed to current City standards.
50. Developer shall construct a 12-inch water main along the entirety of Hazel Avenue from Road 28 ¼ and connect to existing water main from adjacent subdivision to the west at such time as the first phase is constructed adjacent to Hazel Avenue or at such time as a secondary connection is required to maintain domestic and fire flow demands. The water main shall be looped through the phase to provide a redundant water source to that phase. The water main shall be constructed to current City standards.

The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of these lines is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.

Half of the 8-inch component is reimbursable from adjacent properties to the Ventana Specific Plan as they develop and connect.

51. 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.

52. Pecan Avenue and Road 28 ¼ intersection requires installation of 12-inch cross with four (4) 12-inch valves and two stub outs, north past north right-of-way line and east approximately 40 feet. Crosses or tees will be installed at other locations as may be necessary for future expansion of the water system as identified by the City Engineer.
53. Each phase of development requires in-line valve installation and blow-off assembly to be installed at terminus point of water line for future continuation of each water main.
54. Each phase of development shall have a looped water system; two points of connection to existing mains outside of phase being developed.
55. Prior to commencement of any phase of development, developer shall commence construction of a new water well and all associated improvements, both on and off-site on a lot measuring a minimum of 150 feet by 150 feet, within the project site or within the vicinity of the project site but as far geographically as possible from Well #33 and shall be fully operational before approval of the first occupancy permit. The well site shall either be dedicated as part of the first tentative map or by separate instrument dependent on final location of the well site. The cost of the municipal well is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
56. A second water well may or may not be required dependent of the production rate of the first water well. That determination will be made by the City Engineer as a result of factors that include production capacity of the new well and the existing City water system capacity at the time of such review.
57. 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.
58. As part of typical subdivision requirements, 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.
59. One water quality sampling station, or additional as may be determined necessary by the Public Works Department, shall be shown on the improvement plans for each subdivision and installed within each corresponding subdivision and approved by the water quality division of the Public Works Department.

60. 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.
61. 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.
62. 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.
63. 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.
64. Developer shall reimburse its fair share cost to the city for previously constructed water main along the Parkwood entry street project frontage.
65. 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

66. The existing sewer system that serves this section of the City is approaching capacity due to constricted sections of the sewer system on Pecan Avenue. Only an approximate one-third (1/3) of the subdivision or approximately 329 units within the northern portion of Tentative Subdivision Map 2022-03 or 2022-04 will be permitted to discharge sewer effluent into the Pecan main contingent upon design and construction by the developer of the following master plan improvements prior to the commencement of any phase:
 - a. A parallel 18-inch sewer main in Pecan Avenue from Watt Street to Conrad Street
 - b. A parallel 18-inch sewer main in Pecan Avenue from Madera Avenue to approximately Seneca Drive
 - ~~c. A parallel 18-inch sewer main on Pecan Avenue from Raymond Thomas to Watt Street~~

The construction of these lines is considered 100% reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.

67. The remainder two-third (2/3) of the subdivision within the southern portion of TSM 2022-03 or 2022-04 shall discharge sewer into the future master planned sewer main improvements on Hazel Avenue, Road 12 ½ and Road 25. The Developer shall design and construct the following improvements:
 - a. 42-inch sewer main on Hazel Avenue/Burges Road from Road 28 ¼ to SR 145

- b. 42-inch sewer main on SR 145 from Burges Road to Avenue 12 ½
- c. 42-inch sewer main on Avenue 12 ½ from SR 145 to Road 25 (Granada Drive)
- d. 42-inch sewer main on Road 25 (Granada Drive) from Avenue 12 ½ to Pecan Avenue across the railroad tracks

The oversize component (difference in cost between 42-inch and 8-inch pipe) of the construction of these mains is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.

Half of the 8-inch component reimbursable from adjacent properties as they develop and connect.

The Developer shall secure all required easements, acquisitions of right-of-way, fees and all other components required for the installation of a fully functional sewer main capable of servicing this project and all other developable areas identified in the Sanitary Sewer Master Plan.

The sewer mains shall be installed at the depth and slope necessary to serve the areas delineated within the Sewer System Master Plan. Calculations shall be provided supporting the final design. Said analysis shall make use of the Sanitary Sewer Master Plan and various inputs (number of units, pipe slopes, etc.) utilized in sizing the pipeline. Said analysis shall also illustrate that future extensions of the sewer trunk main to the east side of the City will not be negatively affected by the selection of pipe depths or slopes required to be constructed by this project.

There are a number of development proposals at any given time. As such, the developer may wish to partner with other developments to share in costs.

- 68. All sewer mains shall be constructed per City standards and specifications current as of the time they are designed and constructed.
- 69. 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.
- 70. Sewer services shall be located at the approximate centerline of each lot or as required for construction of commercial or industrial buildings with a clean-out installed per City Standards and identified on the curb face. Termination of service shall be 10 feet past the 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.
- 71. Calculations for sanitary sewer pipe size design of all proposed sewer mains as a whole and for each proposed phase being developed, shall be submitted with first improvement plan submittal.

Copies of the sewer system calculations shall be reviewed and approved by the City Engineering Division.

72. Prior to recording the first final map, the developer shall reimburse City for half the cost of the 8-inch component of previously installed sewer mains on Pecan Avenue.
73. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

74. Storm runoff from this development is planned to go to the Hazel basin located to the southwest of the proposed project site. Prior to commencement of any phase of development, the developer shall expand the limits of the existing basin to accommodate the entirety of the TSMs and other tributary areas outside the subdivision mapping and/or may be identified in the Storm Drainage Master Plan. Said expansion shall include dedication of the property and construction of the fence line. Basin excavation shall occur in no more than two phases. Construction of basin improvement (pipe, outfalls, etc.) may occur in phases associated with the requirements of each phase.
75. A detailed drainage study shall be provided that depicts recommended storm drainage conveyance and storage improvements within the boundaries of the TSM. The drainage study shall, through detailed engineering calculations and/or modeling consistent with the City's Storm Drainage Master Plan and City standards, support the design of said facilities to be constructed by the developer.
76. The developer shall construct full storm drain improvements as depicted in the drainage study between the phase under construction and the basin.
77. Property for expansion of the existing basin shall be dedicated as part of the first phase of any development. The basin shall be complete prior to first anticipated rainfall event in which storm runoff will occur. The Project Storm Water Pollution Prevention Plan (SWPPP) may serve to further dictate basin needs and timing.
78. Temporary basins will not be allowed.
79. Rear yards along basin fencing shall require cyclone fence and wood fence to be installed.
80. 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.
81. Prior to the approval of the civil improvement plans, a storm water pollution plan shall be prepared, and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size. A plan and a copy of the permit and

report shall be submitted to the Engineering division prior to issuance of any encroachment permits of plan approvals.

Streets

82. The developer shall construct street improvements in accordance with the locations and cross-sections specified in the Specific Plan to the extent necessary to provide access to each phase, including but not limited to permanent paving, sidewalk, curb and gutter, park strip, streetlights, fire hydrants and all other components necessary to complete construction in accordance with City standards in effect at time of construction, prior to acceptance of improvements by the City.
83. All streets identified in the Specific Plan shall be constructed to the cross section delineated therein. Where not specifically identified, those streets shall be constructed in accordance with arterial and collector standards in effect at the time of construction.
84. Prior to commencement of any phase of development within either of the TSMs, Pecan Avenue shall be developed to a 100-foot street with a 14-foot sidewalk pattern and a 16-foot landscape median across the frontage of the subdivision. The south half shall include but not be limited to fire hydrants, streetlights, curb and gutter, sidewalk. The north side shall include one permanently paved 12-foot lane and 8-foot shoulder. Asphalt curbing may be considered permissible if existing right-of-way precludes the ability to install an 8-foot shoulder. Adequate pedestrian accessibility, similar to existing or better, shall be maintained on the north side of Pecan Avenue. Adequate transition with the existing improvements relative to grade and alignment shall be provided. All improvements shall be constructed per current City standards. The center three lanes, which include the median island, are eligible for reimbursement through the City's Impact Fee program, subject to funds being available.
85. All existing driveways located along the north side of Pecan Avenue fronting the subdivision shall be paved with asphalt or concrete apron a minimum of 6 feet from the edge of the paved shoulder subject to maximum reasonable approach slopes to match existing driveways. All improvements should fully account for existing drainage and new drainage needs as part of the design.
86. Temporary pavement shall be constructed to provide for two-way traffic during all phases of construction along Pecan Avenue.
87. Prior to commencement of any phase of development immediately adjacent to Road 28 ¼, Road 28 ¼ shall be developed to a 100-foot street, in accordance with the Specific Plan, adjacent to the project or phase to be constructed. In all cases, Road 28 ¼ shall be fully constructed between the phase under consideration and Pecan Avenue. West half shall include but not be limited to curb and gutter, sidewalk, park strip, streetlights, fire hydrants, a 26-foot paved asphalt section and 16-foot landscaped median island. East side shall include but not be limited to one permanently paved 12-foot travel lane, a paved 8-foot shoulder and drainage swale; or one 12-foot travel lane and a combination of shoulder/AC dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. All improvements shall be constructed per current City standards. The center three lanes (40-foot total), including the median island, are eligible for

reimbursement through the City's Development Impact Fee Program, subject to the availability of funds. Adequate transition with the existing improvements relative to grade and alignment shall be provided with each successive extension of Road 28 ¼.

88. Prior to commencement of any phase of development adjacent to Hazel Avenue or using Hazel Avenue as a circulation route, Hazel Avenue shall be developed to an 80-foot street with a 10-foot sidewalk pattern. North half shall include but not be limited to curb and gutter, sidewalk, streetlights, fire hydrants. The South side shall include but not be limited to a full 16-foot lane and edge swale graded for drainage storage as required. All improvements shall be constructed per current City standards. The center three lanes are eligible for reimbursement through the City's Impact Fee Program, subject to funds being available. Adequate transition with the existing improvements relative to grade and alignment shall be provided with each successive extension of Hazel Avenue.
89. Park strip and median island on Pecan Avenue and park strips on Road 28 ¼ and Hazel Avenue shall be landscaped and provided with an automatic irrigation system. A minimum of one city approved street tree every 50 feet shall be provided, along with root guards. No trees shall be planted within 30 feet of any streetlight, or 5 feet from any fire hydrant. Each street tree shall be planted with a city approved root barrier. Detailed landscaping, irrigation, and maintenance plans shall be submitted with the first public improvement plans.
90. Direct residential access to Pecan Avenue, Hazel Avenue and Road 28 ¼ other than those access point approved on the TSMs shall be prohibited and shall be noted on the final map.
91. Deceleration and acceleration lanes shall be constructed at the main entrance to the subdivision along Pecan Avenue in accordance with the traffic study. An east bound right turn lane shall be constructed at Road 28 ¼.
92. A traffic signal shall be constructed at the intersection of Pecan Avenue and Golden State Boulevard prior to the anticipated time at which traffic signal warrants will be met. Regardless of whether warrants are met prior to the first phase, the developer shall provide the complete signal design and construct all underground improvements and pole foundations with the construction of Pecan Avenue improvements. The intersection shall be widened along all 4 approaches to include left turn lanes in all four directions. This traffic signal shall be interconnected with the traffic signal to be constructed at the main entrance into the subdivision. This improvement is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.
93. A traffic signal shall be constructed at the intersection of Pecan and the main entrance into the subdivision prior to the anticipated time at which traffic signal warrants will be met. Regardless of whether warrants are met prior to the first phase, the developer shall provide the complete signal design and construct all underground improvements and pole foundations with the construction of Pecan Avenue improvements. Should the traffic signal not be warranted prior to the last phase, the developer shall provide a cash payment for the remaining traffic signal improvements with adequate contingency to accommodate 5 years of cost escalations as this location is not eligible for impact fee reimbursements.
94. A traffic signal shall be constructed at the intersection of Avenue 12 and Road 28 ¼ prior to the anticipated time at which traffic signal warrants will be met. The intersection shall be widened

to include auxiliary left turn lanes in accordance with the traffic study. This traffic signal shall be interconnected with the traffic signals at Avenue 12 and SR 99. The extent of the traffic signal improvements shall be determined by the County of Madera.

95. In satisfaction of the prior three conditions, the developer shall prepare traffic signal warrants prior to submittal of off-site improvement drawings for the first phase and all subsequent phases that support the determination as to whether a traffic signal design shall be completed with the intent of constructing as part of the off-site drawings for said phase. Warrants shall incorporate recently collected turning movement counts by the developer at the subject location along with projections of the additional traffic from the subdivision phase under consideration,
96. An access plan shall be developed for commercial site lot at such time as development occurs. The access plan shall be approved by the City Engineer. Driveway spacing shall be situated such that a minimum of 400 feet of spacing is provided.
97. The developer shall implement mitigation measures and contribute its fair share to the cost of the improvements as outlined in the traffic study for Ventana subdivision prepared by KD Anderson Transportation Engineers unless already completed as part of another development or public agency project. For those projects that have been completed, the requirement to participate on a fair share basis shall not be waived except under the direct approval of the agency or entity that constructed said improvements. As the traffic study did not prepare fair share calculations, the Developer shall prepare said calculations. Fair share payments shall be made on a per peak hour trip basis. Fair share payments shall be made prior to approval of any final map.
98. Developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Pecan Avenue to provide an ultimate right-of-way width of 100 feet to accommodate an arterial standard roadway.
99. Developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Road 28 ¼ to provide an ultimate right-of-way width of 100 feet to accommodate an arterial standard roadway.
100. Developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Hazel Avenue to provide an ultimate right-of-way width of 80 feet to accommodate a collector standard roadway.
101. Interior streets shall be constructed in accordance with the Ventana Specific Plan prepared by Quad Knopf which includes:
 - a. 100-foot residential project entryway
 - b. 65-foot loop road
 - c. 60-foot minor streets
 - d. 50-foot residential streets

Interior streets shall be constructed to include curb, gutter, sidewalk, curb ramps, streetlights, fire hydrants, and all other components necessary to complete said construction per City Standards.

102. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents.
103. Developer shall be a proponent of annexing into existing Landscape Maintenance District Zone 31A or 31B to include the median island and landscape improvements. If the expansion of the existing Landscape Maintenance District Zone 31A or 31B is not attainable, the developer shall at their sole expense form a Lighting and Landscape Maintenance District zone for the street median landscaping and landscaping adjacent to subdivision along park strip. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording any final map.
104. 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 Lighting and Landscape Maintenance District zone "LLMD" zone of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the City-wide LLMD, 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.
105. "No Parking" signs shall be installed along Pecan Avenue, Road 28 ¼ and Hazel Avenue frontages per City standards.
106. Traffic calming features, as approved by the City Engineer, shall be implemented throughout the interior subdivision streets. The maximum distance between calming devices shall be 300 feet. Speed bumps or humps are not permitted.
107. Access ramps shall be installed at all curb returns per current City Standards.
108. Driveway approaches shall be constructed per current City standards.
109. The developer shall be required to install streetlights along Pecan Avenue, Road 28 ¼ and Hazel Avenue frontage 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.
110. 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.

111. 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.

112. 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;
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans);
 2. Streetlights;
 3. Traffic signals;
 4. Construction details including traffic signage and striping plan.
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
 - d. Grading plan indicating flood insurance rate map community panel number and effective date;
 - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer;
 - f. Storm water pollution control plan and permit;
 - g. Itemized quantities of the off-site improvements to be dedicated to the City.

113. Submittals shall include (submit a PDF and 8 hard copies for each item):
 - a. Engineering Plan Review Submittal Sheet
 - b. Civil Plan Submittal Checklist – all required items shall be included on the drawings
 - c. Four copies of the final map
 - d. Two sets of traverse calculations

- e. Two preliminary title reports
- f. Two signed copies of conditions
- g. Six sets of complete improvements plans
- h. Three sets of landscaping plans
- i. Two sets of drainage calculations
- j. Two copies of the engineers estimate

Partial submittals will not be accepted by the Engineering Department.

- 114. 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.
- 115. 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 Pecan Avenue, Road 28 ¼, and Hazel Avenue adjacent to entire project site as well as all internal publicly dedicated streets.
- 116. 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.
- 117. 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.
- 118. 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.
- 119. The sub-divider shall enter an Improvement Agreement in accordance with the municipal code prior to recording 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.
- 120. 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.

121. 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.

Subdivision improvement inspections

122. Engineering Department plan check 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 the time that all other fees are due per the Improvement Agreement.
123. 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.
124. 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.
125. 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.

Special engineering conditions

126. Project grading shall not interfere with the natural flow or adjacent lot drainage and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls if required shall be approved as to design and calculations prior to issuance of a grading permit, therefore.
127. Lot fill in excess of 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.
128. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
129. Prior to the 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.
130. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID

facilities, the sub-divider must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion as built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.

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

San Joaquin Valley Air Pollution Control District

135. The applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM₁₀ Prohibitions) and Rule 9510 (Indirect Source Review).

Madera Unified School District

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

-END OF CONDITIONS-

PLAN REVISIONS		
NO.	DATE	REVISION



1165 Scenic Drive, Suite A
Modesto, CA 95350
odellengineering.com

TENTATIVE SUBDIVISION MAP NO. 2022-04
VENTANA II
A RESIDENTIAL PLANNED DEVELOPMENT
IN THE CITY OF MADERA
MADERA COUNTY, CALIFORNIA

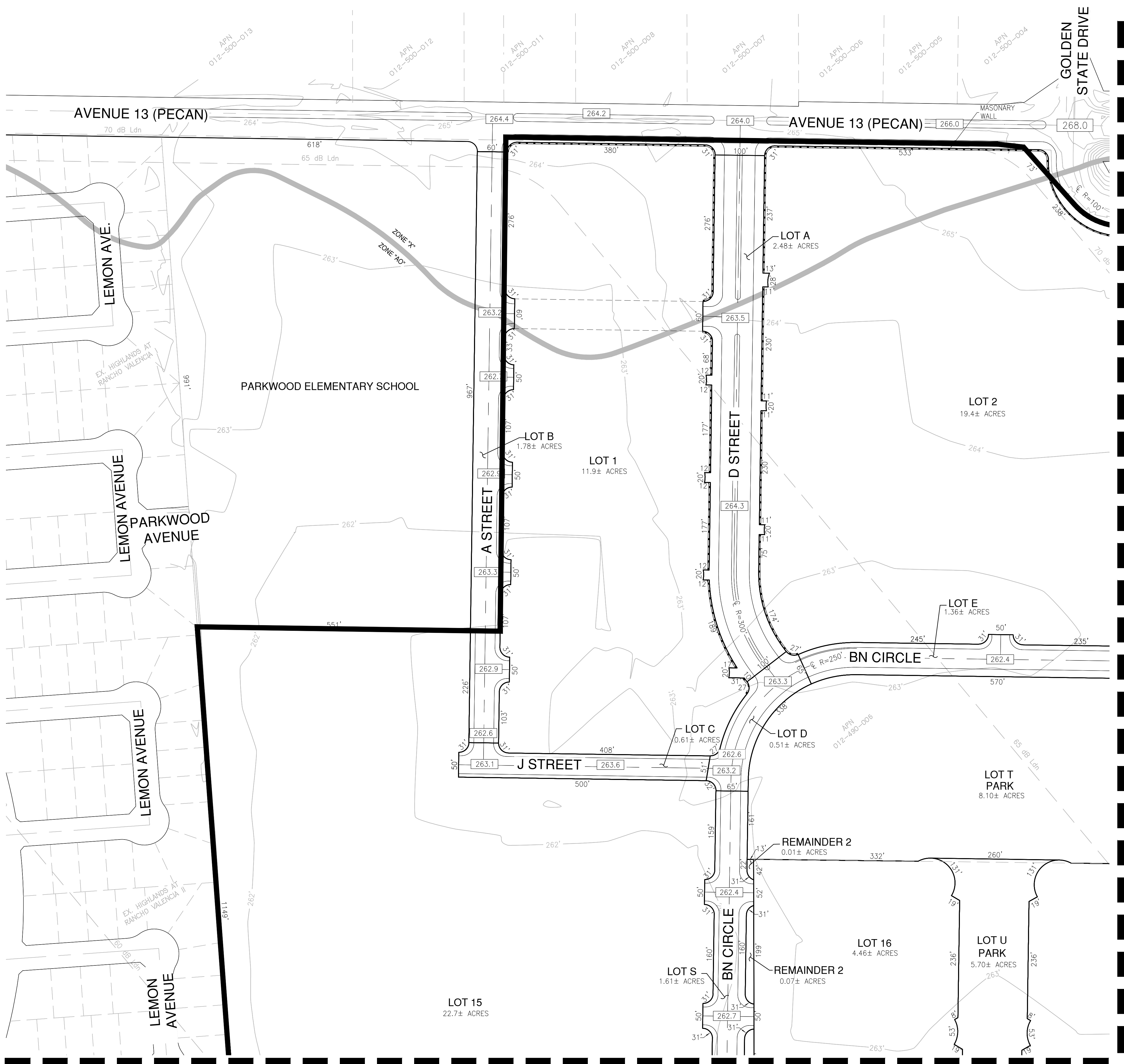
GRADING PLAN

NOT FOR CONSTRUCTION

APPROVED:

DESIGNED: RD
DRAWN: LH/SL
CHECKED: CC, YI
SCALE: AS SHOWN
DATE: 10/21/2022
JOB NO.: 33970
FILE NO.: 33970-TM 2.DWG

SHEET NO.
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SEE SHEET 3

SEE SHEET 4

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PLAN REVISIONS		
NO.	DATE	REVISION



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TENTATIVE SUBDIVISION MAP NO. 2022-04
VENTANA II
A RESIDENTIAL PLANNED DEVELOPMENT
IN THE CITY OF MADERA
MADERA COUNTY, CALIFORNIA

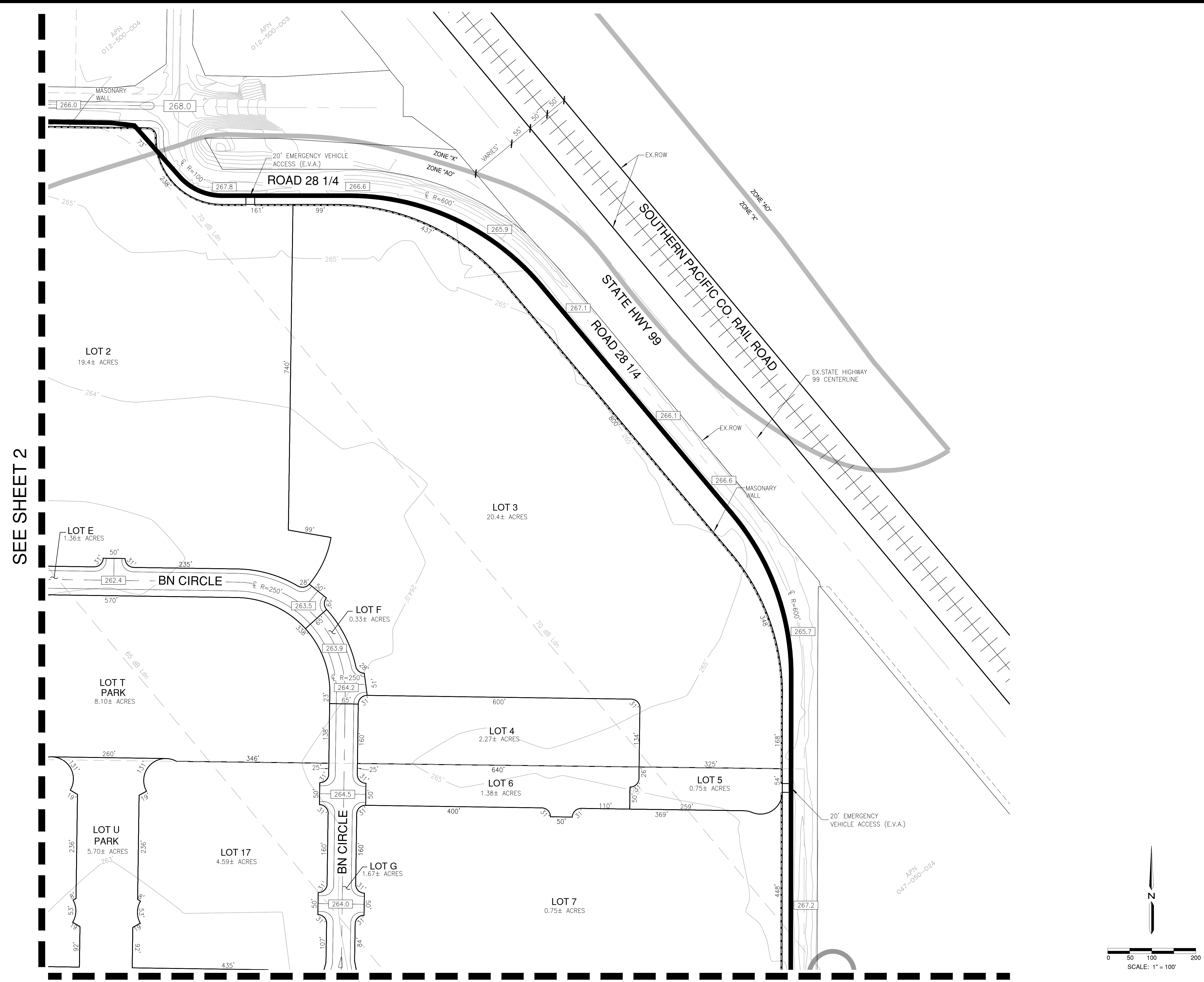
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PLAN REVISIONS		
NO.	DATE	REVISION



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TENTATIVE SUBDIVISION MAP NO. 2022-04
VENTANA II
 A RESIDENTIAL PLANNED DEVELOPMENT
 IN THE CITY OF MADERA
 MADERA COUNTY, CALIFORNIA

GRADING PLAN

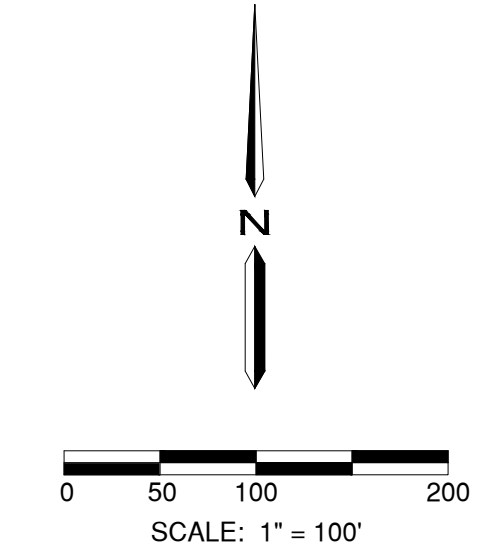
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TENTATIVE SUBDIVISION MAP NO. 2022-04
VENTANA II
A RESIDENTIAL PLANNED DEVELOPMENT
IN THE CITY OF MADERA
MADERA COUNTY, CALIFORNIA

GRADING PLAN

NOT FOR CONSTRUCTION

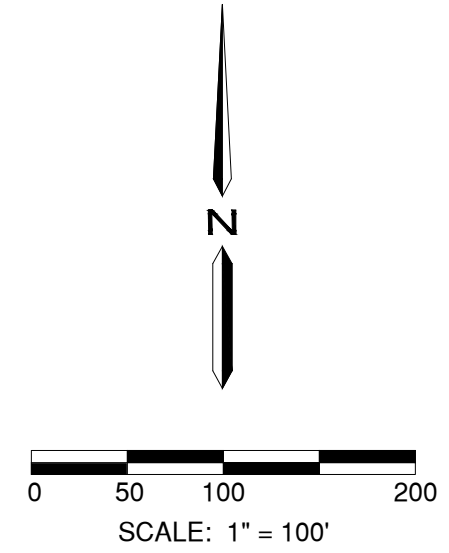
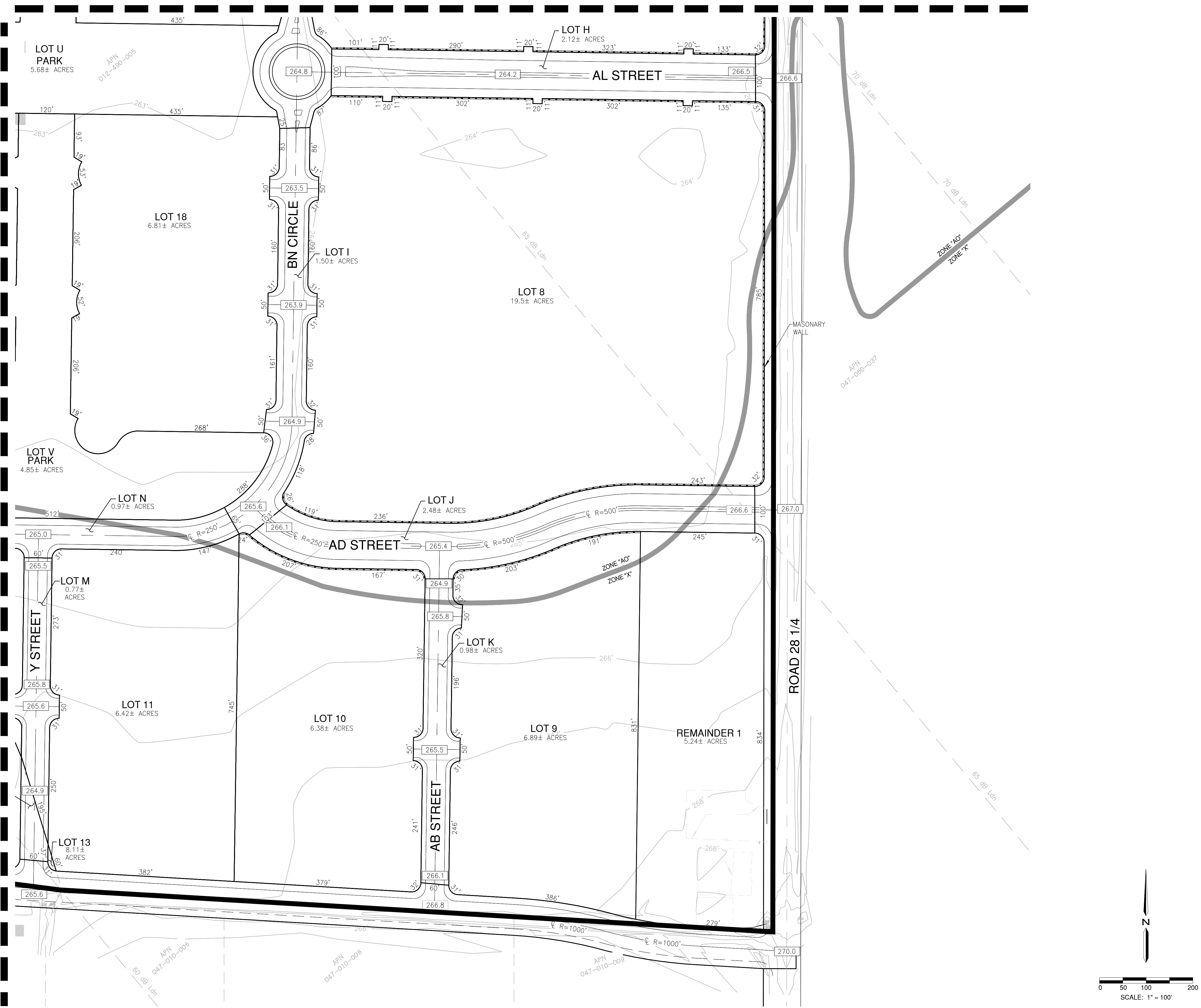
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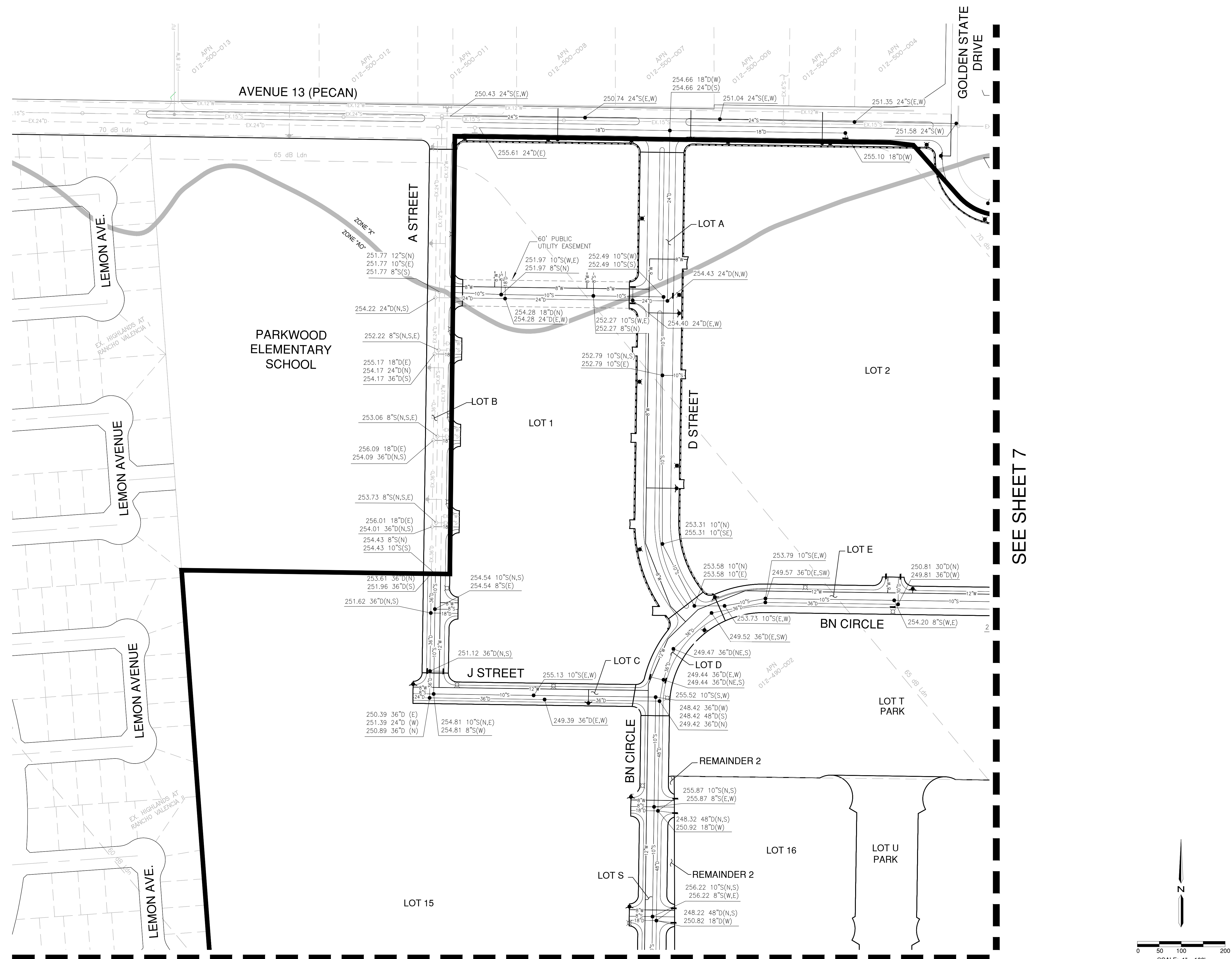
TENTATIVE SUBDIVISION MAP NO. 2022-04
VENTANA II
A RESIDENTIAL PLANNED DEVELOPMENT
IN THE CITY OF MADERA
MADERA COUNTY, CALIFORNIA

UTILITY PLAN

NOT FOR CONSTRUCTION

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PLAN REVISIONS		
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TENTATIVE SUBDIVISION MAP NO. 2022-04
VENTANA II
A RESIDENTIAL PLANNED DEVELOPMENT
IN THE CITY OF MADERA
MADERA COUNTY, CALIFORNIA

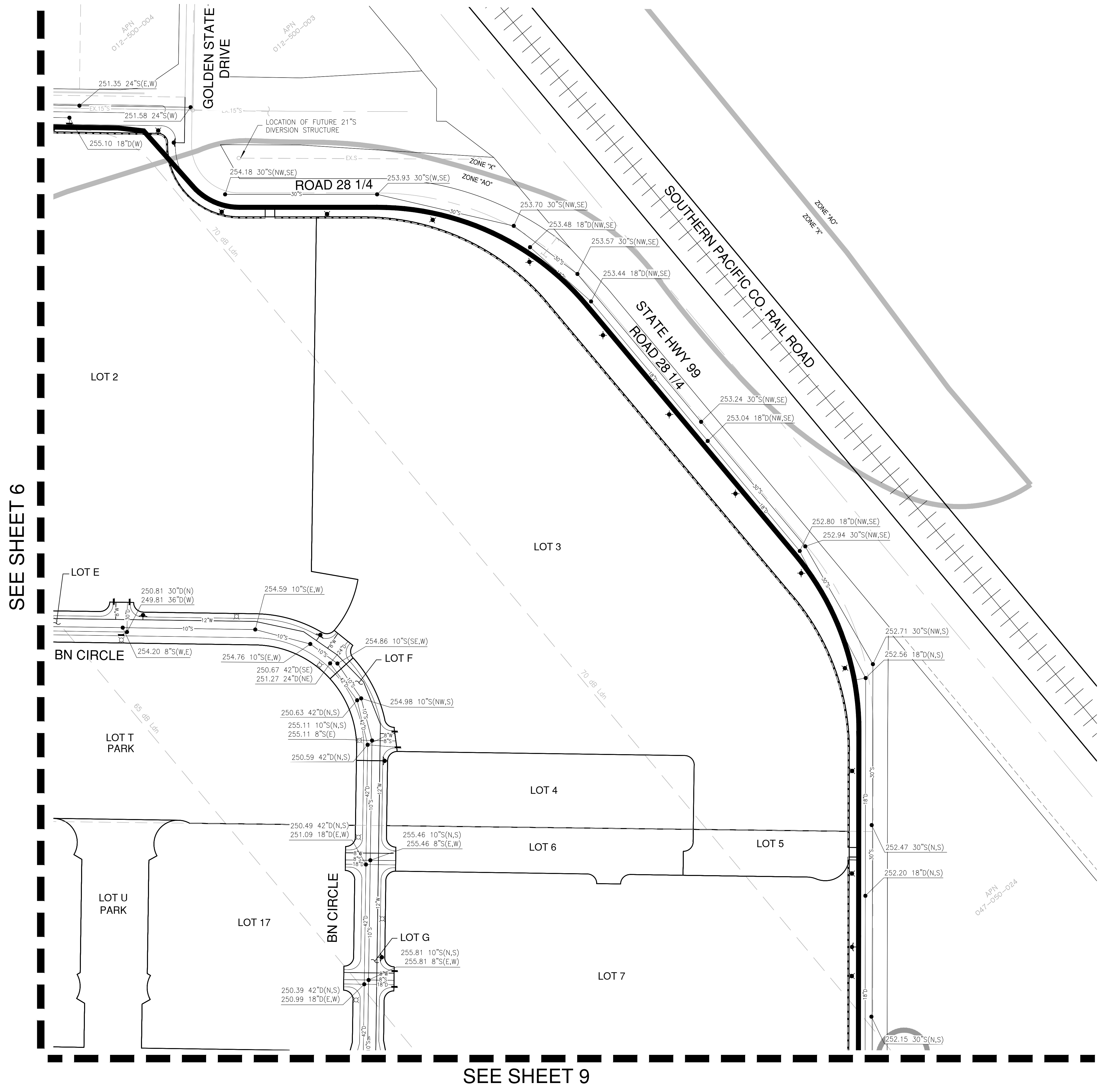
UTILITY PLAN

NOT FOR CONSTRUCTION

APPROVED:

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FILE NO.: 33970-TM 2.DWG

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PLAN REVISIONS		
NO.	DATE	REVISION



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TENTATIVE SUBDIVISION MAP NO. 2022-04
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MADERA COUNTY, CALIFORNIA

UTILITY PLAN

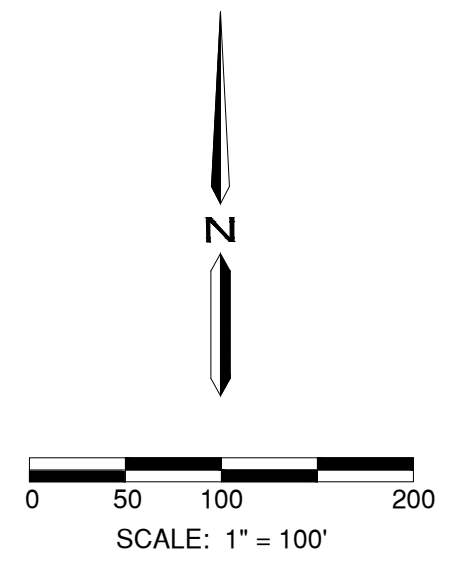
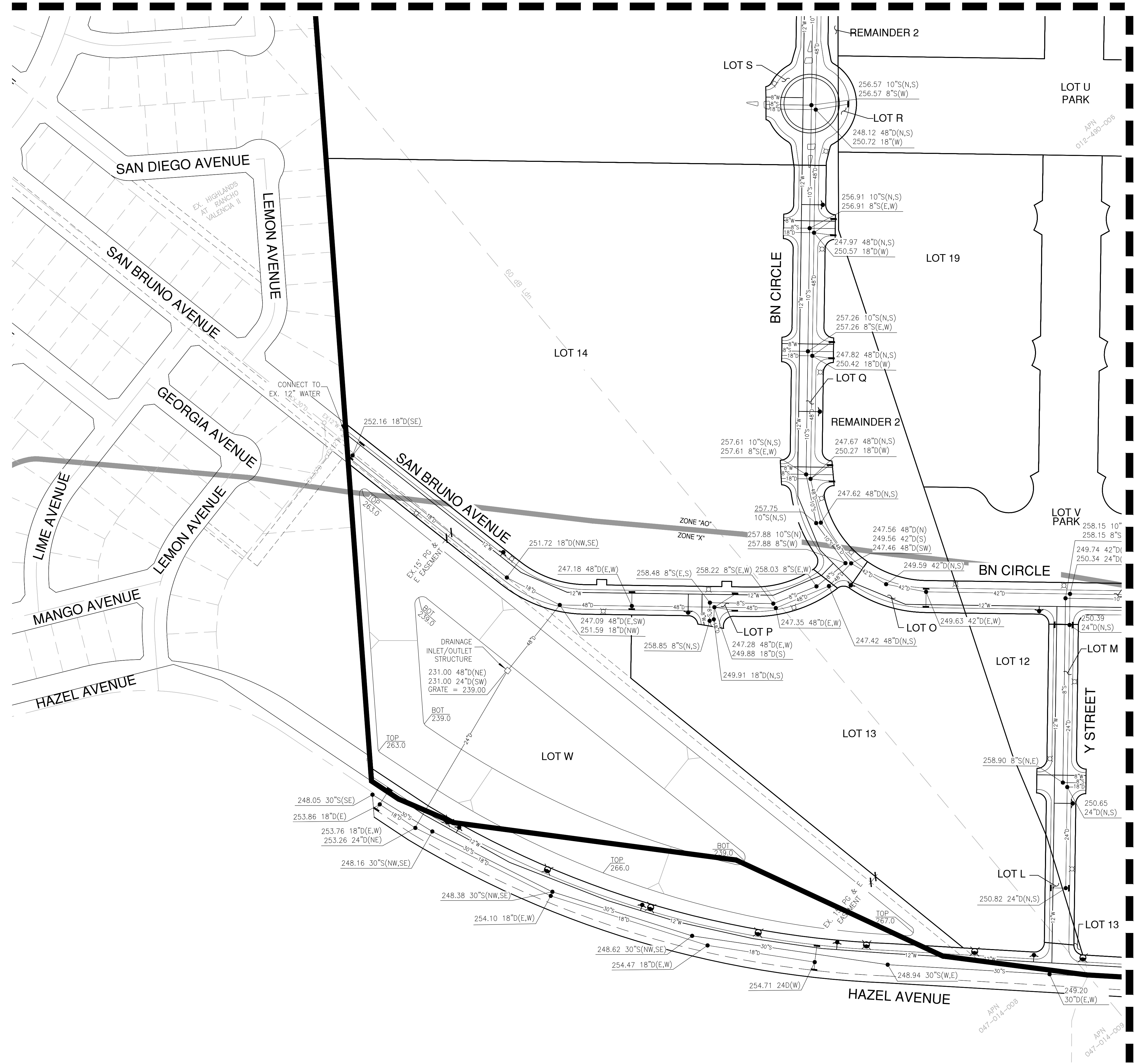
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OF
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SEE SHEET 9



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TENTATIVE SUBDIVISION MAP NO. 2022-04
VENTANA II
A RESIDENTIAL PLANNED DEVELOPMENT
IN THE CITY OF MADERA
MADERA COUNTY, CALIFORNIA

UTILITY PLAN

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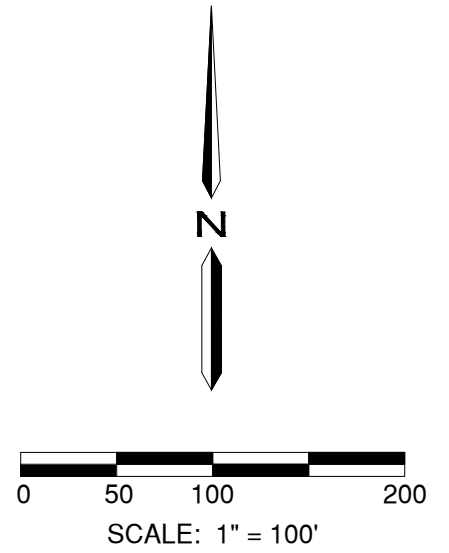
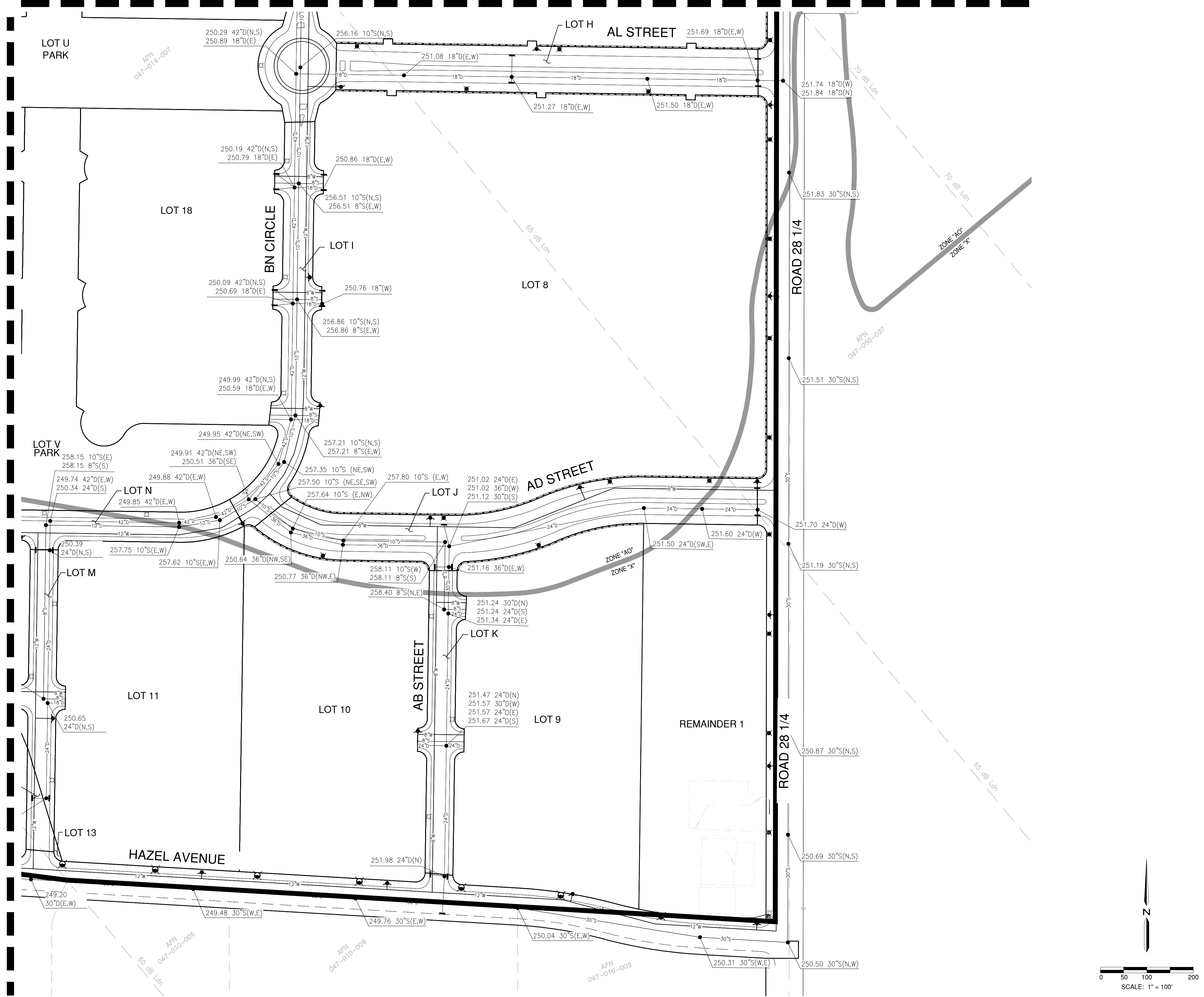
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DATE: 10/21/2022
JOB NO.: 33970
FILE NO.: 33970-TM 2.DWG

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OF
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SEE SHEET 7

SEE SHEET 8



ATTACHMENT 6

Public Comment

REBECCA MARTINEZ

Madera County Recorder

P Public

5/26/2009

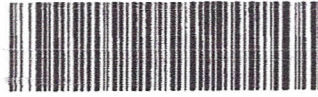
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RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:Bratton Investments, Inc
418 Clovis Avenue
Clovis, CA 93612
Attention: James Bratton

Doc#: 2009017303

Titles: 1 Pages: 6



Fees	23.00
Taxes	0.00
Other	0.00
PAID	\$23.00

APN : 047-014-005

ASSUMPTION OF ANNEXATION AGREEMENTS

This Assumption of Annexation Agreement Obligations (this "Agreement") is made as of February 24, 2009 by James Bratton, a married man, as his sole and separate property ("Bratton").

RECITALS

- A. Bratton owns approximately 137 acres of real property in Madera County ("County") within the City of Madera city limits identified as Madera County APN # 047-014-005, and more particularly described on Exhibit A attached hereto (the "Bratton Property").
- B. The City of Madera (the "City") has approved the Bratton Property for residential development as part of the Ventana Specific Plan Area, following the annexation to the City of the real property comprising such plan area (the "Ventana Annexation").
- C. The total Ventana Specific Plan Area is comprised of 300.2 acres of real property, including the Bratton Property, an adjacent 100 acre property (the "Meisner Property") owned by the Meisner family ("Meisner") and, eighteen (18) ranchette properties (the "Ranchettes"), aggregating approximately 63 acres, and a school site of approximately 15 acres.
- D. Madera Land Development Co. ("Madera Land") was formerly in contract with Bratton to purchase the Bratton Property and with Meisner on the Meisner Property. While that contract was in effect, Madera Land successfully obtained the consents required for the Ventana Annexation from owners of thirteen (13) of the Ranchettes, in return for obligations by Madera Land described in individual unrecorded annexation agreements (collectively, the "Annexation Agreements") between Madera Land and the consenting owners. Madera Land's performance of such obligations (the "Annexation Agreement Obligations") was conditioned upon Madera Land's completion of the Ventana Annexation.
- E. After Madera Land terminated its purchase contract with Bratton on November 29, 2007 and its purchase contract on the Meisner Property on February 5, 2008, Madera Land abandoned all further efforts to complete the Ventana Annexation without further obligation to perform the Annexation Agreement Obligations.
- F. Bratton elected to complete the Ventana Annexation, notwithstanding Madera Land's termination of its contracts to purchase their respective properties, at his sole expense. At the request of the City and Madera Land, the Bratton has voluntarily agreed, in an effort to be good

neighbors, to honor the Annexation Agreement Obligations by assuming the obligation of the Annexation Agreements on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the terms and conditions herein after contained, the receipt and sufficiency of which are hereby acknowledged, and intending to be mutually bound, the parties hereby agree as follows:

AGREEMENTS

1. Assumption of Annexation Agreements: Bratton hereby agrees to assume its proportionate share of the Annexation Agreements Obligations. For purposes of allocating the responsibility for the Annexation Agreement Obligations between Bratton and Meisner, Bratton shall ONLY be responsible for 60% (152/252 acres) of the costs of performing such obligations. Bratton acknowledges that those obligations consist generally of monetary compensation to be paid directly to the ranchette property owners, payment of sewer and water impact fees on their behalf to the City, and installation of certain physical improvements. A summary of the estimated financial obligations is attached hereto as Exhibit B.

2. Time for Performance of Obligations. Although Bratton agrees to perform the Ventana Annexation Obligations as described in Paragraph 1 above, any monetary payments which Madera Land agreed to pay to ranchette owners on the date of completion of the Ventana Annexation shall be paid instead upon the date of recordation of the first Final Map for subdivision of all or any portion of the Bratton property.

3. Agreement Runs with the Land. This Agreement and the covenants, benefits and obligations created hereby shall run with the land and inure to the benefit of and be binding upon each party and its successors and assigns.

4. Counterparts. This Agreement may be executed in one or more counterparts by the parties hereto. All counterparts shall be construed together and shall constitute one agreement.

5. Exhibits. The following attached exhibits are incorporated herein and made a part hereof by this reference:

EXHIBIT A

Legal Description of Bratton Property

EXHIBIT B

Financial Summary of Annexation Agreement Obligations

BRATTON:

James A Bratton

By:

JAMES A BRATTON

Print Name

ACKNOWLEDGMENT

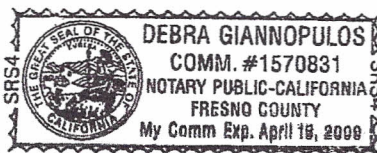
State of California
County of Fresno)

On February 24, 2009 before me, Debra Giannopoulos, Notary Public
(insert name and title of the officer)

personally appeared James A. Bratton
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are-
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in
his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature Debra Giannopoulos (Seal)

GOVERNMENT CODE 27361.7

I certify under penalty of perjury that the Notary Seal on the
Document to which this statement is attached, reads as follows:

Name of Notary: DEBRA GIANNOPULOS
Date Commission Expires: April 19, 2009
Commission Number: 1570831
Place of Execution: FRESNO, CA
Date of Execution: February 24, 2009

By: CHRISTYLER FBO BRATTON GROUP (Firm name, if any)

EXHIBIT A

Legal Description of Bratton Property

All of that certain real property situated in the State of California, County of Madera, described as follows:

Parcel No. 2 of Parcel Map 1831, recorded November 8, 1979 in Book 26 of Maps at Page 31, in the office of the County Recorder of Madera County.

Excepting therefrom that portion thereof described in the Grant Deed by James Bratton to Madera Unified School District recorded March 2, 2007 as Series No. 2007008848 in the office of the County Recorder of Madera County.

Exhibit B

Reimbursement Expenditures for Ranchette Property Owners (1)

Property Owner	APN	Totals	Sewer / Water		Estimated Finance Chg. (3)	Septic Removal:	Well Abandon (4)	Other	Notes:
			Connect	Chrg. (2)					
Royce Tiller Baker	034-100-064	\$31,534		\$10,480	\$8,154	\$1,250	\$1,650	\$10,000	Soundwall or in-lieu payment
Gomez	034-100-042	\$12,176		\$5,253	\$4,023	\$1,250	\$1,650	0	
Madera Baptist Church	034-100-071	\$40,827		\$9,430	\$13,497	\$1,250	\$1,650	\$15,000	Install Water and Sewer Lines To Church or \$15k in lieu payment
Tanas	034-100-069	\$19,044		\$12,040	\$4,104	\$1,250	\$1,650	0	
Sylvia Nassar	034-100-070	\$17,304		\$10,300	\$4,104	\$1,250	\$1,650	0	
Theodore Nassar	034-100-009	\$16,272		\$9,430	\$3,942	\$1,250	\$1,650	0	
Nassar II	034-100-068	\$25,044		\$12,040	\$4,104	\$1,250	\$1,650	\$6,000	for water and sewer laterals + either frontage improvements or 3k idence; curb and gutter costs
James Blanton	034-100-079	\$21,084		\$10,300	\$7,884	\$1,250	\$1,650	0	Extension of sewer line in Apricot Lane
Freda Blanton	034-100-077	\$20,458		\$9,430	\$8,128	\$1,250	\$1,650	0	
Daniel Loera	034-100-078	\$20,214		\$9,430	\$7,884	\$1,250	\$1,650	0	
Karen Gray	034-100-074	\$13,743		\$6,820	\$4,023	\$1,250	\$1,650	0	
Mariana Alvarado	034-100-041	\$16,394		\$9,430	\$4,064	\$1,250	\$1,650	0	
Subtotal		\$254,093	\$	114,383	\$73,910	\$15,000	\$19,800	\$31,000	

(1) Summary of expenses; for more information refer to individual unrecorded Annexation Agreements

(2) Estimated Sewer and Water Connection Charges / Development Impact Fees. Estimate Only. City to provide actual charges at time of payment. Based on l.f. of frontage and location of existing utilities

(3) Estimated City Finance Charge calculated by City Staff based on max assumed property size and known frontage LF; Individual agreements differ as to how many yrs of finance charges are covered.

Lump sum payment to be made to Property Owner based on individual agreements. City agreed to charge for water based on max assumed lot size of 8,000 s.f.

(4) If Property Owner elects to abandon on-site well before annexation must notify developer. No notices received prior to annexation.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Pacific Union Homes
675 Hartz Avenue, Suite #300
Danville, CA 94526
Attention: Chris Tyler

WITH A COPY TO:
Amal Tanas and Raja Tanas
1312 E. Brierwood Drive
Spokane, WA 99218

APN : 034-100-069

ANNEXATION AGREEMENT

This Annexation Agreement (this "Agreement") is made as of Jan. 24, 2006 ("Effective Date") between Amal Tanas and Raja Tanas (together, "Property Owner") and Madera Land Development Company, Inc. ("Developer").

RECITALS

- A. Property Owner owns property in Madera County ("County") located at 27845 Avenue 13, Madera, CA 93637, also known as Madera County APN # 034-100-069 ("Property").
- B. Property is part of peninsula of County land, surrounded to the north and west by City incorporated territory and bordered on the east by State Highway 99.
- C. Madera County LAFCO desires orderly growth, including wherever possible, eliminating the formation of County peninsulas or islands.
- D. Developer wishes to satisfy LAFCO by annexing Property to the City of Madera ("City").
- E. Property Owner wishes to minimize any change to Property's current permitted land usage following annexation to City.
- F. Developer wishes to minimize the expenses described herein that Property Owner may incur resulting from annexation.

NOW, THEREFORE, in consideration of the mutual terms and conditions herein after contained, the receipt and sufficiency of which are hereby acknowledged, and intending to be mutually bound, Property Owner and Developer hereby agree as follows:

1. Consent to Annexation. Property Owner agrees to sign the Petition of Annexation and intends to cooperate fully with the annexation proceedings. On and after the Effective Date of the annexation, the Property shall have the same rights and duties as other properties similarly zoned and currently located within the City of Madera.

2. Grandfathered Rights. Madera Municipal Code Section 10-3.406 is that portion of the municipal code that addresses non-conforming building and land uses. To the extent authorized by Section 10-3.406 of the Madera Municipal Code, following Annexation to City of Madera, Property Owner may continue to engage in the same activities and employ the same land uses, specifically including any hobby farming and animal raising operations, (the "Non-conforming Land Uses") as are currently enjoyed at the present time on the Property so long as said activities and land uses were permissible under applicable County regulations on the day prior to annexation. To the extent a particular use does not conform to the zoning adopted by the City for the Property, the City's provisions in Section 10-3.406 for the allowance of certain non-conforming use will apply. Property Owner represents that to the best of Property Owner's knowledge the following are the Non-Conforming Land Uses now conducted on the Property:

3. Zoning. Upon application by Developer, Property shall be considered for pre-zoning to Very Low Density Residential consistent with the City's General Plan. If pre-zone is approved then, upon annexation, the Property will be zoned Very Low Density Residential. Two years following annexation, Property Owner may petition City to re-zone Property to accommodate future desired land use applications. Subsequent re-zoning of the Property will require that said land uses conform entirely to City of Madera General Plan and Zoning Code as then in effect.

4. Fire and Police Services. The Property will be serviced by the City of Madera Fire Department and the City of Madera Police Department following annexation.

5. Water.

- a) Upon annexation, Property Owner shall have the right, but not the obligation, to connect to the City of Madera's domestic water system. If Property Owner elects to connect to the City of Madera's domestic water system, Developer shall cover the cost of completing the connection and shall pay all one-time City of Madera connection and impact charges for a single residential connection. If Property Owner elects NOT to connect to the City of Madera's domestic water system, Developer shall pay an amount equivalent to the then City connection fees directly to Property Owner and Developer shall have no further obligation regarding water to Property Owner.
- b) If Property Owner elects to connect to the City of Madera's domestic water system for potable water service, Property Owner may continue to maintain an ag well for irrigation provided that a physical disconnection between the well and residence to be supplied by the City system is made. Property Owner shall cause an inspection to be made by City of Madera staff to determine that there is no possible risk of water supply cross contamination.


- c) If a well fails, Property Owner may, after obtaining written authorization from the City of Madera, re-drill said well.
 - d) If Property Owner decides to abandon any well Property Owner shall notify Developer in writing prior to the annexation. In the event of such notice, Developer agrees to pre-pay to Property Owner at the time of annexation the fixed amount of \$1,650, the estimated cost of the well abandonment, and the abandonment must be completed to local standards.
 - e) If Property Owner maintains a well for irrigation purposes but receives domestic water from City services, the City's monthly water charge will be calculated as if the Property was an 8,000 sq. ft. residential lot as long as City water is only used for domestic water purposes and not agriculture uses. This provision will remain in effect as long as the City bills for potable water on an unmetered basis. Developer agrees to pre-pay Property Owner \$3,237.60, representing the estimated finance charge for sixty months of City services, including domestic non-metered water, street cleaning, and sanitation services. This one-time payment shall be made at the time of annexation and Developer shall have no further obligation regarding said services.
6. Sewer.
- a) Developer shall be obligated at its sole cost to connect the Property to the City of Madera's sewer system within one year of annexation. Developer shall bear responsibility for all City of Madera impact and connection fees associated with said connection.
 - b) At time of connection, Property Owner's septic system must be abandoned and removed in conformance with State of California standards. Developer agrees to pre-pay to Property Owner the fixed amount of \$1,250, representing the estimated cost of a septic system abandonment and removal. This payment shall be made at the time of annexation.
8. Dispute Resolution. Property Owner and Developer agree that any controversy or claim arising out of or related to this Agreement, or the breach thereof, shall be settled and decided by arbitration conducted in accordance with the California Code of Civil Procedure, as then in effect, unless the parties hereto mutually agree otherwise in writing.
9. Termination. Should the current annexation proceedings not be successful this Agreement shall be deemed null and void.
10. Exhibits. The following attached exhibits are incorporated herein and made a part hereof by this reference:

EXHIBIT A

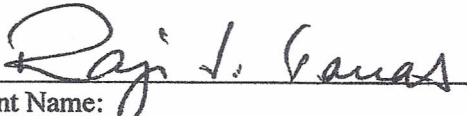
Legal Description of Property

DEVELOPER:

Madera Land Development Company Inc., a
California corporation

By: 
Tom Pentecost, CEO
Print Name

PROPERTY OWNER:

By:  1/24/06
Print Name:

RAJA S. TANAS

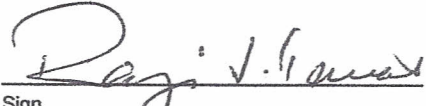
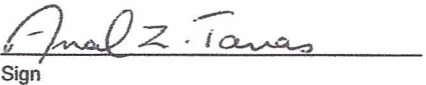
By:  1/24/06
Print Name:

AMAL Z. TANAS

LAND OWNER PETITION

Each of the undersigned states:

1. I personally signed this petition.
2. I am a property owner of the City, County, or District of Madera.
3. I personally affixed hereto the date of my signing this petition and my place of residence, or if no street or number exists, then a designation of my place of residence that will enable the location to be readily ascertainable.
4. My residence and address are correctly written after my name.
5. My signature below indicates that I support the following action(s) Annexation Agreement

NAME OF SIGNER	ASSESSOR'S PARCEL NUMBER(S)	DATE	OFFICIAL USE ONLY
<div style="text-align: center;">  Sign <u>RAJA S. TANAS</u> Print </div>	034-100-069	3/7/2007	
<div style="text-align: center;">  Sign <u>AMAL Z. TANAS</u> Print </div>	0.34-100-069	3/7/2007	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

**CONSENT
TO INCLUSION OF PROPERTY**

The undersigned owner(s) of property hereby consent(s) to inclusion of that property within a proposed change of organization consisting of: (please list all actions)

Annexation to the City of Madera and/or

Annexation to the _____ District.

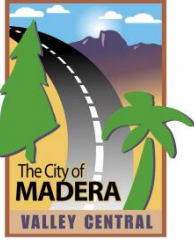
Detachment from the City of _____ and/or

Detachment from the _____ District.

If consent of 100% of the affected property owners is affixed, the Commission may consider the proposal without a public hearing. If the proposal is submitted by a petition signed by 100% of the affected property owners, this consent form is not necessary. (Government Code Section 56837)

DATE	NAME	ASSESSOR'S PARCEL NUMBER(S)
March 7, 2007	RAJA S. TANAS Raja S. Tanas	034-100-069
March 7, 2007	AMAL Z. TANAS Amal Z. Tanas	034-100-069

Attach additional sheets if necessary.



REPORT TO THE PLANNING COMMISSION

Prepared by: Robert Smith

Meeting of: November 12, 2024

Agenda Item: 3

SUBJECT

Initiation of a Text Amendment to the Zoning Regulations of the City Municipal Code to amend provisions relating to the lapse and termination of approvals for Site Plan Reviews, Use Permits, and Variances.

RECOMMENDATION

1. Adopt a Resolution of Intention of the Planning Commission of the City of Madera to initiate procedure to amend Title X, Chapter 3 of the City Municipal Code (CMC) relating to: Lapse of Site Plan Approval (CMC § 10-3.4.0114); Termination of a Use Permit (CMC § 10- 3.1311[A]); and, Termination of a Variance (CMC § 10-3.1411).

SUMMARY:

Due to the frequency of which the approval of Planning entitlements expire (or for which extensions of approvals are required) prior to the exercise of rights, at the regularly scheduled meeting of the Planning Commission held on October 8, 2024 and during the Administrative Reports section of its agenda, staff inquired if the Commission desired to consider initiating the procedure to amend the provisions of the Zoning Regulations, contained in Title X, Chapter 3 of the City Municipal Code (CMC) relating to lapse and termination of entitlements.

Pursuant to Section 10-3.1501 of the CMC, an amendment to the Zoning Regulations contained in Title X, Chapter 3, may be initiated by resolution of intention of the Planning Commission.

Staff presents the proposed Resolution of Intention to the Commission with a recommendation for adoption to initiate the procedure for an Ordinance Text Amendment (OTA) relating to the Lapse of Site Plan Approval (CMC § 10-3.4.0114); Termination of a Use Permit (CMC § 10-3.1311[A]); and, Termination of a Variance (CMC § 10-3.1411)

ANALYSIS:

Procedure:

Commission adoption of a Resolution of Intention to Initiate the Procedure to Amend Title X, Chapter 3 of the Municipal Code Relating to extending time expiration periods will provide legal authorization to staff to pursue Planning Commissions direction to research, analyze, and present recommendations for amendments to the Zoning Regulations for this purpose. In accordance with the Provisions of Section 10-3.1500 et seq. of the Municipal Code, and following adoption of a Resolution of Intention to Initiate Procedure to Amend the Zoning Regulations, staff will:

- Prepare proposed amendments to the Zoning Regulations in the form of a draft ordinance;
- Present said draft ordinance to the Planning Commission for consideration at a public hearing; and
- Present said draft ordinance, along with any findings and/or recommendations of the Commission, to the City Council at a noticed public hearing to consider the proposed ordinance for adoption in order to amend the Zoning Regulations accordingly.

The following sections and provisions of the CMC pertaining to expiration of Planning entitlements will be considered:

- § 10-3.4.0114 LAPSE OF SITE PLAN APPROVAL.

A site plan approval shall be void one year following the date on which approval by the Community Development Director, Planning Commission, or City Council became effective unless, prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. Approval may be extended for one year periods of time, upon written application to the Director before expiration of the approval.

- § 10-3.1311 TERMINATION AND REVOCATION.

(A) Any use permit granted by the city as herein provided shall be conditioned upon the privileges granted therein being utilized within 12 months after the effective date thereof. Failure to utilize such permit within such 12-month period shall render the permit null and void unless a written request for extension is submitted to the Planning Commission prior to the expiration of the permit. The Planning Commission shall review the request at its next regular meeting and may grant or conditionally grant an extension as it deems appropriate. Use permits utilized but later abandoned for a period of 12 consecutive months shall automatically terminate unless a written request for extension is submitted and approved as described in this section.

- § 10-3.1411 TERMINATION.

If the use authorized by any variance is or has been unused, abandoned, or discontinued for a period of six months, or if the conditions of the variance have not been complied with, the variance shall become null and void and of no effect; excepting that where

construction of buildings, structures, and/or facilities is necessary, work on such construction shall be actually commenced within the aforesaid six-month period and shall be diligently prosecuted to completion; otherwise the variance shall be automatically null and void and of no effect.

These provisions of the CMC require that the rights or privileges authorized through approval of Site Plan Reviews and Use Permits be exercised within 12 months and that any Variance granted from the provisions or standards of the Zoning Regulations be utilized within 6 months, or the respective approvals expire. Rights are exercised through either obtaining a building permit for development (Site Plan Review) and/or through use/utilization of the privileges (e.g., commencement of operations) granted (CUP & Variance).

Staff acknowledges the short lengths of time afforded by the Zoning Regulations to exercise rights and privileges associated with Planning entitlement approvals have the potential to place an unnecessary and undue burden on applicants and developers. These existing regulations require an applicant to complete, submit, and obtain approval of permit plans and/or complete construction associated with development projects and/or commence operations within six months to one year. While it is acknowledged the CMC does permit discretionary extensions, the processing and consideration of such requests require the filing of additional applications, payment of additional fees, and may require additional public hearings. The processing of such requests also requires greater demand on limited staff resources, affecting capacity and the ability to process greater volumes of projects and serve the City's customers in a more expeditious manner.

ALTERNATIVES:

Should the Commission not take action to adopt a Resolution of Intention to Initiate Procedure to Amend Zoning Regulations in accordance with the Provisions of Section 10-3.1500 et seq. of the City Municipal Code, staff will be unable to proceed with consideration or processing of a text amendment to Title X, Chapter 3 of the City Municipal Code as described herein. No changes to the Zoning Regulations would result.

ATTACHMENTS:

1. Resolution of Intention of the Planning Commission of the City of Madera

ATTACHMENT 1

Resolution of Intention of the Planning Commission
of the City of Madera

RESOLUTION NO. 2008

RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA TO INITIATE PROCEDURE TO AMEND TITLE X, CHAPTER 3 OF THE CITY MUNICIPAL CODE (CMC) RELATING TO: LAPSE OF SITE PLAN APPROVAL (CMC § 10-3.4.0114); TERMINATION OF A USE PERMIT (CMC § 10- 3.1311[A]); AND, TERMINATION OF A VARIANCE (CMC § 10-3.1411).

WHEREAS, the City of Madera Planning Commission (Commission), during the Administrative Reports section of its regularly scheduled meeting on October 8, 2024, directed staff to bring forward an item regarding time limits for expiration of Planning entitlements; and

WHEREAS, Sections 10-3,4.0114, 10-3.1311(A) and 10-3.1411 of the City Municipal Code (CMC) contain provisions relating to the lapse and termination of Site Plan Reviews, Use Permits and Variances; and

WHEREAS, Section 10-3.1500 et seq. of the CMC contain provisions for amending or changing the Zoning Regulations contained in Title X, Chapter 3 of the CMC whenever the public necessity, convenience, general welfare, or good zoning practices require; and

WHEREAS, City staff is requesting an Initiation of Procedure to amend the text of the Zoning Regulations in accordance with direction provided by Planning Commission; and

WHEREAS, pursuant to Madera Municipal Code Section 10-3.1502(B), initiation of amendments to the Zoning Regulations in Title X, Chapter 3, may be made by the Commission by resolution of intention; and

WHEREAS, the Planning Commission now desires to adopt this Resolution of Intention to initiate procedure to amend the Zoning Regulations.

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

1. The recitals listed above are true and correct.
2. The Commission hereby initiates a zoning text amendment (“ordinance”) to the City Municipal Code to relating to the timeframes for expiration of Planning entitlements, specifically: Lapse of Site Plan Approval (CMC § 10-3.4.0114); Termination of a Use Permit (CMC § 10-3.1311[A]); and, Termination of a Variance (CMC § 10-3.1411).
3. The Resolution is effective immediately upon adoption.

Passed and adopted by the Planning Commission of the City of Madera this 12th day of November 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director