

**REGULAR MEETING AGENDA
CITY OF MADERA
PLANNING COMMISSION**

**CITY HALL – COUNCIL CHAMBERS
TUESDAY
May 12, 2020
6:00 pm**

This meeting will be conducted pursuant to the provisions of the Governor’s Executive Order which suspends certain requirements of the Ralph M. Brown Act. Members of the public may participate in the meeting remotely through an electronic meeting in the following ways; via phone by dialing (669) 900-6833 enter ID: 97313628604# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/97313628604>. Public comment will also be accepted via email at planningcommissionpubliccomment@madera.gov

CALL TO ORDER

ROLL CALL

Commissioner Israel Cortes (Chairperson)
Commissioner Robert Gran Jr. (Vice Chairperson)
Commissioner Richard Broadhead
Commissioner Ryan Cerioni
Commissioner Ramon Lopez-Maciel
Commissioner Pamela Tyler
Commissioner Alex Salazar

INTRODUCTION OF STAFF

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

The first fifteen 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 the hearing is opened. 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.

MINUTES: August 13, 2019, September 10, 2019, October 8, 2019 & April 2020

NON-PUBLIC HEARING ITEMS: None

CONSENT ITEMS:

1. GPC 2020-02 – Acquisition of Property for Fire Station #56 Expansion

Consideration of adoption of a resolution of the Planning Commission of the City of Madera finding that the City's acquisition of property located at 621 East 4th St. (APN: 007-093-003) is in conformance with the General Plan.

PUBLIC HEARING ITEMS:

1. GPA 2020-01, SPR 2020-01 & VAR 2020-01 – Sunset Apartments

A noticed public hearing for an application to consider a general plan amendment, a site plan review and a variance. The applicant is proposing the partial demolition and redesign of the former Gold's Gym into a 15- unit (*originally 20-unit*) apartment complex encompasses approximately 40,000 sq. ft. in the R3 (High Density Residential) Zone District. The applicant is request consideration of a variance from the building setbacks (*originally from the required parking stalls*). The amended planned land use request is from a Commercial land use to a High-Density land use designation, to allow for consistency between the current R3 (High Density Residential) zoning. The project location is on the northeast corner of Sunset Avenue and Orchard Avenue at 1803 Sunset Avenue (APN: 006-182-007). A Negative Declaration will also be considered by the Planning Commission.

The applicant is requesting this item be continued to the June 9^h, 2020 Planning Commission meeting.

2. GPA 2019-03, REZ 2019-06, TPM 2019-03 & TSM 2019-03, PPL 2020-04 & Mitigated Negative Declaration – Pecan Square

A noticed public hearing for an application requesting a general plan amendment, rezone, tentative subdivision map, tentative parcel map and a precise plan proposing the subdivision of an approximately 76-acre property. **GPA 2019-03** proposes to modify the areas designated for Low, Medium and High Density Residential and Commercial uses. **REZ 2019-06** adjusts zoning boundaries for PD-6000, PD-3000, PD-1500 and CN-Neighborhood Commercial and deletes the PF (Public Facility) zone district. **TPM 2019-03** proposes division of the property into two (2) parcels approximately 22 and 54 acres in size. **TSM 2019-03** proposes the subdivision of 22.5-acres into 110 single family residential lots to be developed in accordance with **PPL 2020-04**. The project site is located on the southwest corner of West Pecan Avenue and Madera Avenue. A Mitigated Negative Declaration will also be considered by the Planning Commission. (APN: 012-480-005).

3. Development Agreement Annual Review – Madera Travel Center

An annual development agreement approved in conjunction with the Madera Travel Center project (Ordinance 938) for the period running through December 21, 2019. This annual review has been scheduled pursuant to Section 10-3.1715 of the Madera Municipal Code, which requires that the Planning Commission determine whether the principal party to the agreement, Love's Travel Center, has complied in good faith with the terms of the development agreement (APNs: 013-240-004, 005, 006 & 007).

4. CUP 2020-04 & SPR 2020-02 – OLIVE Charitable Trust

A noticed public hearing for an application requesting a conditional use permit and site plan review to allow for a five-room women's residential shelter. The site is located at 610 West Yosemite Avenue in the POWYO (West Yosemite Avenue Overlay) Zone District with an O (Office) General Plan land use designation. A CEQA Categorical Exemption will also be considered. (APN: 010-121-001)

5. GPA 2020-02, REZ 2020-01, PPL 2020-03, VAR 2020-02 & Negative Declaration – Grove Gardens

A noticed public hearing for an application requesting a general plan amendment, rezone, precise plan, and a variance proposing the development of a 34-unit apartment complex on approximately 1.8-acres. **GPA 2020-02** proposes to modify the project site's I (Industrial) land use designation to an HD (High Density) General Plan land use designation. **REZ 2020-01** proposes rezoning the project site's I (Industrial) zone district to a PD-2000 (Planned Development) zone district consistent with the land use. **PPL 2020-03** will guide development of the apartment complex. The applicant is also requesting a variance from open space and parking requirements of the Planned Development zone district. The project site is located on the southeast corner of Maple Street and Noble Street. A Negative Declaration will also be considered by the Planning Commission. (APN: 012-026-001 & 012-402-006)

6. CUP 2020-08 & SPR 2020-05 – Berry Building Office Conversion

A noticed public hearing for an application requesting a conditional use permit and site plan review to allow for the interior conversion of an existing wholesale industrial retail and warehouse space to an office use. The project site is located on the northeast corner of South Pine Street and Gill Avenue, in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation. A CEQA Categorical Exemption will also be considered. (APN: 012-401-008)

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

The next regular meeting will be held on June 9, 2020.

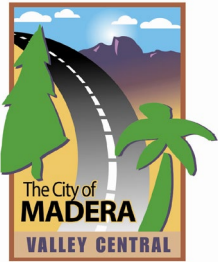
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. If you need special assistance to participate in a City meeting or other services offered by this City, please contact the Planning Department office at (559) 661-5430. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services. Any and all persons interested in this matter may provide comments.

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.



CITY OF MADERA PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

General Plan Conformity 2020-02 Acquisition of Property for Fire Station Expansion Consent Item #1 – May 12, 2020

PROJECT: Finding of General Plan Conformity for acquisition of property for expansion of Fire Station #56.

APPLICANT: City of Madera

PROPERTY OWNER: City of Madera

ADDRESS: 621 East 4th Street.

PARCEL NUMBER(S): 007-093-003

LOCATION: The subject property is located on the northwest side of East 4th Street between North Lake Street and Flume Street.

ZONING DISTRICT: R (2) Residential – One unit for each 3,000 square feet of site area.

GENERAL PLAN DESIGNATION: LD (Low Density Residential)

SUMMARY: The City is in the process of negotiating the acquisition of real property to accommodate future expansion of facilities related to Fire Station #56. California Government Code Section 65402 requires the acquisition of real property be submitted to and reported upon by the City's planning agency (Planning Commission) as to conformity with the adopted General Plan. The City is requesting a determination of General Plan conformity for the acquisition of property located on the northwest side of the of East 4th Street between North Lake Street and Flume Street (APN 007-093-003).

The Planning Commission's determination of General Plan conformity will be forwarded to the City Council for its consideration as part of the property acquisition.

By this action the Planning Commission is solely making a conformity determination with the General Plan. It is not making a determination as to whether the City should or should not enter into the acquisition transaction.

CONSISTENCY WITH THE VISION MADERA 2025 GENERAL PLAN

General Plan Policy HS-33 provides that the City shall ensure the safety and protection of Madera and its community members by providing adequate first response capabilities to emergencies and by maintaining sufficient resources to expand protection as the community grows. The subject property is presently developed with a single-family residence and is located immediately adjacent to Fire Station #56, located to the northwest. Immediately to the southwest is a pocket park owned by the City of Madera. Adjoining the property to the northeast is a single-family residence. There are no plans available specifying what immediate use of the property might occur. In the future a development plan

and approval of appropriate land use entitlement, such as a conditional use, will be required improvements and uses proposed.

ENVIRONMENTAL DETERMINATION: This project qualifies as exempt under §15303 (New Construction or Conversion of Small Structures) and §15332 (In-Fill Development Projects) CEQA Guidelines, “which consists of sales of surplus government property” that do “not have significant value for wildlife habitat or other environmental purposes” and “the use of the property and adjacent property has not changed since the time of purchase by the public agency.”

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution finding that the acquisition of property located on north side of East 4th Street, between North Lake Street and Flume Street is in conformity with the General Plan.

PLANNING COMMISSION ACTION:

The Planning Commission will be acting on this matter in the form of a resolution.

Motion 1: Move adopt a Resolution finding that the acquisition of property located at north side of East 4th Street, between North Lake Street and Flume Street is in conformity with the Madera General Plan.

ATTACHMENTS

- Attachment 1: Aerial Imagery
- Attachment 2: Street View
- Attachment 3: General Plan Map
- Attachment 4: Resolution

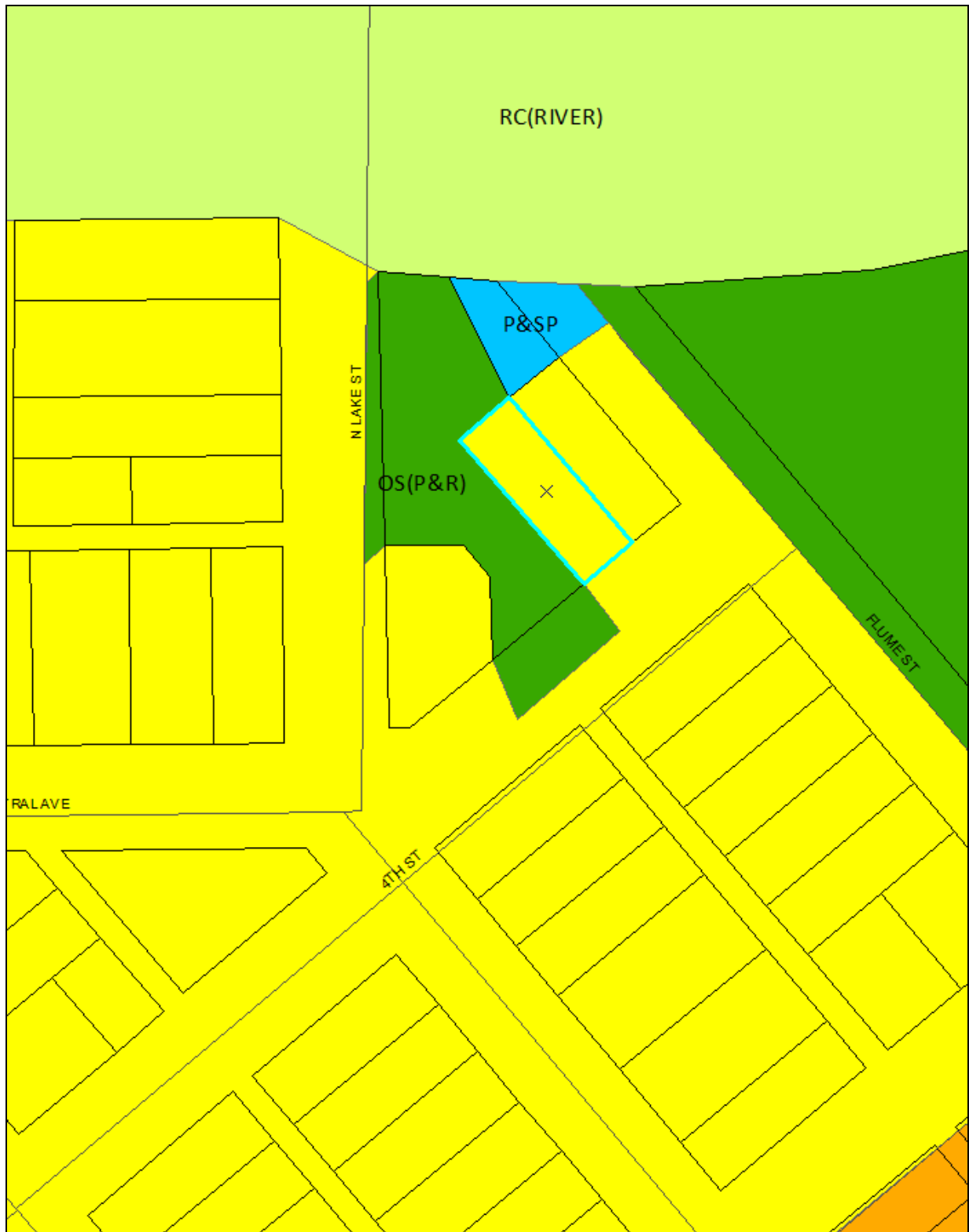
Attachment 1: Aerial Imagery



Attachment 2: Street View



Attachment 3: General Plan Map



RESOLUTION NO. 1851

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA FINDING THAT THE CITY'S ACQUISITION OF PROPERTY LOCATED AT 621 EAST 4TH STREET (APN: 007-003-003) IS IN CONFORMITY WITH THE GENERAL PLAN

WHEREAS, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, the City of Madera has adopted a Comprehensive General Plan Update and Environmental Impact Report, and the City of Madera is currently in compliance with State mandates relative to Elements of the General Plan; and

WHEREAS, Section 65402 of the California Government Code requires that the City Planning Commission review and report on proposed acquisitions and dispositions (sales) of property for conformity with the General Plan; and

WHEREAS, the City of Madera (City) is requesting a General Plan Conformity review for a proposed acquisition of property located on the north side of East 4th Street between North Lake Avenue and Flume Street (APN 007-093-003); and

WHEREAS, the Planning Commission met on May 12, 2020, and completed its review of the staff report and documents submitted for the requested review, evaluated the information, and considered testimony received as a part of the public comment process.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.
2. The foregoing recitals are incorporated herein by reference.
3. The Planning Commission hereby determines that the City's proposed acquisition of APN 007-093-003 is in conformity with the City's General Plan.
4. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 12th day of May 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Israel Cortes
Planning Commission Chairperson

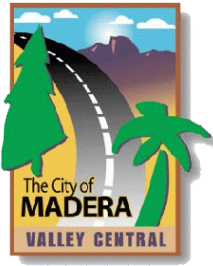
Attest:

Darrell Unruh
Interim Planning Manager

Sunset Apartments

GPA 2020-01, SPR 2020-01 & VAR 2020-1

**The applicant is requesting this item be continued to the
June 9th, 2020 Planning Commission Meeting**



CITY OF MADERA PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

Staff Report: Pecan Square GPA 2019-03, REZ 2019-06, TPM 2019-03, TSM 2019-03, PPL 2020-04 & Mitigated Negative Declaration Item #2 May 12, 2020

PROPOSAL: A request for a general plan amendment, rezone, tentative subdivision map, tentative parcel map, precise plan and mitigated negative declaration to allow for the development of an approximately 112 lot single-family residential subdivision map.

APPLICANT:	D. R. Horton CA 3 Inc	OWNER:	Robert Atamian
ADDRESS:	No address currently assigned.	APN:	012-480-005
APPLICATIONS:	GPA 2019-03, REZ 2019-06, TSM 2019-03, TPM 2019-03 PPL 2020-04	CEQA:	Mitigated Negative Declaration

LOCATION: The project site is located southwest of the intersection of West Pecan Avenue and Madera Avenue.

STREET ACCESS: The subject property will access to West Pecan Avenue and Madera Avenue (SR 145) and future subdivision to the south.

PARCEL SIZE: The project site is approximately 76.25 acres (after major street dedication).

GENERAL PLAN DESIGNATION (EXISTING): LD (Low Density Residential), MD (Medium Density Residential), HD (High Density), C (Commercial)

GENERAL PLAN DESIGNATION (PROPOSED): Adjusted configuration of the LD (Low Density Residential), MD (Medium Density Residential), HD (High Density), C (Commercial)

ZONING DISTRICT (EXISTING): PD-6000, PD-3000, PD-1500 (Planned Development: 6000, 3000, 1500 square feet site area per dwelling unit); CN (Commercial Neighborhood); PF (Public Facility)

ZONING DISTRICT (PROPOSED): PD-6000, PD-3000, PD-1500 (Planned Development: 6000, 3000, 1500 square feet site area per dwelling unit); CN (Commercial Neighborhood)

SITE CHARACTERISTICS: The project site is open land historically used for agricultural cultivation. Adjacent land to the south and southwest is open agricultural land; to the west is rural residential; to the north and east is single family residential; to the northeast is neighborhood commercial. Areas to the east, south and west are outside the current City limits.

ENVIRONMENTAL REVIEW: An initial study and a mitigate negative declaration have been prepared, with mitigation measures incorporated within the project entitlement conditions, for consideration by the Planning Commission in conformance with the California Environmental Quality Act (CEQA) Guidelines.

SUMMARY: The proposed plan amendment and rezone will remove the antiquated PF (Public Facility) Zone District and reconfigure the PD-6000, PD-3000, PD-1500 (Planned Development) and CN (Commercial Neighborhood) Zone Districts. The tentative subdivision map proposes the creation of approximately 112 lots to accommodate single-family residences and a park. The parcel map will establish two parcels with the approximately 22.5-acre parcel now proposed for development and the xxx-parcel planned and zoned for future urban development. A precise plan is required by the PD zoning which allows for flexibility and variation in lot area and dimension standards with a building design master plan to provide architectural and visual integrity together with functional use of space. The tentative subdivision map and precise plan propose development consistent with the General Plan's LD (Low Density) land use designation and the PD-6000 Zone.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1501 Amendments
MMC § 10-2.401 Subdivision Maps (five or more parcels)
MMC § 10-2.303 Division of Land, Four or Less Parcels
MMC § 10-3-4.101 P-D Zones

PRIOR ACTION

There has been no prior action with respect to approval of development entitlements on the project site.

ANALYSIS

Plan Amendment

The plan amendment proposes the adjustment of the site's presently designated planned land uses comprised of LD (Low Density), MD (Medium Density), HD (High Density) and C (Commercial) planned land uses. This modified configuration maintains the relative land use ratios and relations provided by the General Plan while providing for a configuration which facilitates design and land use compatibility measures. Reconfiguration of the planned land uses will facilitate property development design measures to provide enhanced quality, land use compatibility and the economic and resource efficient use of available land.

Rezone

The project site is currently zoned PD-6000, PD-3000, PD-1500 and CN which implements the planned land uses of the Madera General Plan. The portion of the site zoned PF is no longer appropriate for public facility uses and therefore the General Plan's Land Use Plan Map does not identify Public Facility uses for this site. The proposed rezone will accomplish the intent of the General Plan's planned land uses while providing an improved shape and configuration of planned use which will be more conducive to anticipate ultimate development. This reconfiguration will facilitate the achievement of the projected dwelling unit yield for the properties as identified by the City of Madera General Plan Housing Element.

Tentative Subdivision Map

The project site is an approximately 22.52-acre subdivision within an existing property of 76.25 acres in size. The proposal will subdivide the existing properties into an approximately 112-lot single-family residential subdivision with an approximately 25,543 square foot out lot parcel for community open space

use. The parcels range in size from 4,250 and 13,778 square feet, with the average lot size being 6,350 square feet. All interior streets of the subdivision will be public local residential streets. Street connections will provide vehicular and pedestrian access to West Pecan Avenue to the north, and to the planned residential areas located to the south and southeast. The street extending to the east will be required to be constructed with two travel lanes by the proposed subdivision in order to provide a second means of access needed for public safety access as well as traffic capacity to serve the future residents.

Parkland Acquisition

The Quimby Act authorizes the City to require dedication of parkland or the payment of fees in-lieu of such dedication in set amounts to meet the needs of the citizens of the community for parkland and to further the health, safety and general welfare of the community. The Quimby Act has been in effect since May 21, 2018 and this is the first subdivision map that has been submitted after the effective date. The dedication and improvement of this open space amenity would be eligible for credit toward the subdivision's obligation to provide open space or pay fees to obtain open space. The applicant proposes the provision of a 25,543-square foot parcel that would serve as a public park to the subdivision. This park space is located near the center of the larger property and is suitable for aggregation with additional open space to be provided by future developments. This dedication is consistent with the requirements of the City's parkland acquisition ordinance.

Density Requirements

The 22.52-acre proposed subdivision site will be reduced to 20.93-acres, subsequent to the dedication of required major street right-of-way. The project site is located within the LD (Low Density) General Plan land use designation, which has a density requirement of between 2.1 and 7 units per acre.

Per the General Plan, calculating residential density consists of the gross acreage of the project parcels less any acreage required for the following:

- Collector and arterial street rights-of-way
- Public parks
- Public facilities
- Floodways or flood plains
- Protected biological habitats
- Other unique constraints applicable to the property, as determined by the City

Based upon the site's net area of 20.93 acres, excluding both the arterial street right-of-way and park area, would yield between 43 minimum and 146 maximum number of dwelling units. Using the site's net acreage of 20.93 acres would result in a target number of 112 dwelling units (5.28 dwelling units per acre). The proposal for 112 single family residential lots provides consistency with Policy LU-7 and LU-19 of the General Plan. In addition to these dwelling units, the related plan amendment and rezoning provides for a reconfiguration of planned land uses and implementing zoning on the remainder of the site which will facilitate more efficient site utilization and designs with increased residential density while accommodating site amenities.

Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan will be constructed in support of the tentative subdivision map. Required infrastructure includes sewer, water, and storm drainage infrastructure consistent with the City's master plans. Street improvements include the completion of West Pecan Avenue to the City's half-street cross section for an arterial street and the construction of the interior local streets within the subdivision and including a connection to Madera Avenue.

A landscaped buffer setback will be constructed along the rear property lines of lots abutting West Pecan Avenue with a split-faced masonry wall for security and sound attenuation. Additionally, a proposed .5-acre park in the southeast portion of the site will allow expansion as adjacent parties develop with planned residential uses.

This residential subdivision will be included within the City's community facility district to collect assessments for increased demand on fire, police, storm water drainage and parks. The property is also required to annex into a lighting and landscape maintenance district.

Street, Vehicle Access, Pedestrian Improvements

West Pecan Avenue is classified as an arterial street which would provide four travel lanes (two in each direction), a center median island for controlled turning movements, outside parking lanes and pedestrian sidewalks. Madera Avenue is classified as an arterial street and is also a state facility (SR 145) and would also be planned for a minimum of four travel lanes with a center median island. Recommended conditions of approval address the project's requirements to participate in the construction of the planned street improvements for West Pecan and Madera Avenue including median island improvements consistent with the arterial and highway designations respectively by the City of Madera General Plan Circulation Element.

A traffic study has been prepared to evaluate the adequacy of existing and planned street improvements and traffic carrying capacities of West Pecan Avenue and Madera Avenue. Appropriate improvements are required based upon applicable standards and traffic evaluation practices. Because the subdivision's residential street design only provides one point of access to West Pecan Avenue, it is required to construct a second street access east to Madera Avenue, across the portion of the site not presently being developed.

Caltrans District 6 has reviewed the Pecan Square Development traffic impact study (TIS) prepared for the subdivision by VRPA Technologies, Inc., and provided comments:

- a) In the 2040 Scenario, it is recommended that a dual left turn lane be added to the northbound leg to maintain symmetry between the lane lines of the southbound and northbound approaches. Considering these improvements, the need for right-of-way is anticipated along the west side of Madera Avenue as well as the south side of Pecan Avenue including corner clearance on the southwest corner of the intersection.
- b) The approximate cost of the cumulative intersection improvements was found to be \$2,576,977. The approximate fair share cost that the developer can expect to contribute based on the fair share percentage of 7.4% as calculated on page 37 of the Pecan Square Development TIS is \$190,120.00.

The Caltrans comment further noted "Caltrans is willing to collect this mitigation for local developments, which impact State facilities. Caltrans has established a Traffic Mitigation Agreement (TMA) for the collection and tracking of these funds. The TMA needs to be executed prior to issuance of City building permits and payment of the fair share mitigation amount needs to occur prior to occupancy"

This requirement has been incorporated into the recommended conditions of approval included with this report to the Planning Commission.

Along the subdivision's Pecan Avenue frontage, a landscaped setback is required with design amenities and a landscaped area to provide an enhanced pedestrian environment. Future phases of development

will provide additional pedestrian and landscape improvements along West Pecan Avenue and Madera Avenue.

Within the residential subdivision, full street pavement, curb, gutter and sidewalk improvements will be completed together with streetlights and signs. Due to the length of the primary north-south local street, traffic calming measures are required to be implemented to manage traffic speeds and enhance pedestrian safety. Approval of the Precise Plan will require installation of front yard landscaping along the local the internal residential streets as well.

Tentative Parcel Map

TPM 2019-03 proposes to divide the subject site into two parcels of 22.5 and 53.75 acres to accommodate the residential development of the smaller parcel as provided by the accompanying tentative subdivision map.

Precise Plan

The properties being subdivided are located within a PD (Planned Development) Zone District, which requires approval of a precise plan by the Planning Commission when development is proposed. Because the Precise Plan zone allows for a variation in lot size, dimension and building area, subdivision maps are accompanied with the precise development plan that illustrates vehicular access, building footprint and yard spaces, together with architectural building elevations to demonstrate qualities of design and variety architectural elevations.

The precise plan illustrates four designs composed of two single and two two-story models, which are 1515, 1862, 2554 and 2814 square feet in size. Each residence will have a two-car garage (three-car option for larger residences) and an overall building depth ranging between 50 and 60 feet. With lot depths of 100 to 115 feet, the building designs will accommodate 20-foot long driveways and substantial backyard space. All four floor plans propose a living area forward design which allows for a front yard setback to be less than 20 feet while accommodating a 20-foot long driveway for vehicle parking. Three architectural styles submitted include the Americana, Farmhouse, and Craftsman which are generally adequate. Supplemental digital photographs of the front elevations have been provided which illustrate additional refinement and are generally adequate. The side and rear elevations do not propose window trim, shutters or other façade treatments. This has been typical in other subdivisions with the exception of residences oriented to a major street such as Pecan Avenue.

Staff has reviewed the concern regarding the elevations oriented to Pecan Avenue with the development representatives who have generally responded that the costs of these measures adversely affect the sales price and buyer qualification within a constrained market. Further, that these additional requirements and costs are not consistent with provisions of State laws and guidelines with respect to providing streamlined market rate housing. Staff supports approval of the precise plan by the Planning Commission and encourages the applicant and sub-divider to include wood window trim or other suitable feature to the second story windows of the residences which back onto Pecan Avenue.

Other Department and Agency Comments

The project was reviewed by various City Departments and outside agencies, including Caltrans as noted above. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is “A Well-Planned City.” The Planning Commission, by considering how this development connects to other future developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project will help provide consistency with Strategy 131, which states, “Create well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components.”

RECOMMENDATION

The information presented in this report supports adoption of the Mitigated Negative Declaration, adoption of a resolution recommending to the City Council approval of the Resolution approving the General Plan Amendment; approve an Ordinance to rezone the property, and approval of the Parcel Map, Tentative Subdivision Map and Precise Plan, subject to the recommended conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the CEQA environmental finding recommending a Mitigated Negative Declaration, GPA 2019-03, REZ 2019-06, TPM 2019-03, TSM 2019-03 and PPL 2020-04.

Motion 1a: Move to adopt a Mitigated Negative Declaration, consistent with Section 15070(a) of the California Environmental Quality Act, with the findings as stated:

Findings

- An initial study and mitigated negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment with the project’s compliance with applicable design and development standards and requirements, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

Motion 1b: Move to adopt a Resolution recommending to the City Council the adoption of GPA 2019-03 providing for reconfiguration of Low-Density, Medium-Density and High-Density Residential Uses and Commercial land uses.

Motion 1c: Move to adopt a Resolution recommending to the City Council the adoption of an Ordinance rezoning the subject properties to the PD-6000, PD-3000, PD-1500 (Planned Development) and CN (Commercial Neighborhood) Zone Districts, consistent with the findings as listed;

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgement of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- The proposed rezoning is consistent with and supports attainment of General Plan goals.

- The proposed rezone will provide the required consistency between the General Plan and zoning.
- The rezone is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.
- City services and utilities are available or can be extended to serve the area.

Motion 1d: Move to approve TSM 2019-03, TPM 2019-03, and PPL 2020-04 subject to the findings and conditions of approval as listed.

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgement of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- TSM 2019-03 and TPM 2019-03 are consistent with the provisions of the Madera General, the California Subdivision Map Act and the Madera Municipal Code and Zoning Ordinance.
- TSM 2019-03, TPM 2019-03 and PPL 2020-04 are consistent with the standards of the PD-6000, PD-3000, PD-1500 and CN Zone Districts.
- The proposed approximately 110-lot tentative subdivision does not conflict with City standards or other provisions of the code and subject approval and compliance with the recommended conditions as listed in the staff report to Planning Commission.
- City services and utilities are available or can be extended to serve the area.
- PPL 2020-04 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the Madera Municipal Code (MMC).
- PPL 2020-04 is consistent with the requirements for precise plans per Section 10-3-4.104 of the MMC.
- PPL 2020-04 is consistent with the goals and policies of the General Plan.
- PPL 2020-04 will implement the tentative subdivision map and conditions of approval for TSM 2019-03.
- PPL 2020-04 is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.

CONDITIONS OF APPROVAL

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. 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.
3. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Engineering

4. Prior to recording of the final map or parcel map, all action necessary for annexation into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision or parcel map shall be made a part of such district and subject to its taxes. *TSM & TPM*
5. A final subdivision or parcel map shall be required per Section 10-2.502 of the municipal code. For subdivisions, if the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied. *TSM & TPM*
6. The park land, as shown in the Tentative Parcel Map (TPM) and Tentative Subdivision Map (TSM), shall be dedicated to the City in advance of, or in conjunction with, recordation of the final subdivision map or parcel map. *TSM & TPM*
7. 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. *TSM*
8. A survey benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the improvements that correspond to the extent of the proposed development of the subdivision map. *TSM*
9. Prior to any site construction or initiation of work within a public right-of-way, a construction route and traffic control plan will be reviewed and approved by the City Engineer. The construction route and traffic control plan shall depict proposed construction vehicle routes to and from the site. This will minimize potential damage to other streets and disruption to the neighborhood. *TSM & TPM*
10. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification. *TSM & TPM*
11. Development impact fees shall be paid at time of building permit issuance. *TSM & TPM*
12. 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. *TSM & PM*
13. The developer shall pay all required fees for processing the subdivision or parcel map and completion of the project. Fees due may include but shall not be limited to the following:

subdivision or parcel map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees. *TSM & TPM*

14. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by State law can be implemented. *TSM & TPM*
15. Prior to the construction of improvements within the City right-of-way require an Encroachment Permit from the Engineering Division. *TSM & TPM*
16. The improvement plans for the project shall include the most recent version of the City's General Notes. *TSM & TPM*
17. Proposed improvements shall account for the areas of the TPM and TSM which lie within the boundaries of a FEMA Special Flood Hazard Area, Zone AO. *TSM & TPM*

Water

18. Prior to approval of subsequent development associated with Parcel 1 of the TPM, the City shall determine if a new water well is required to accommodate demands of the future proposed development. If a well is determined to be needed to accommodate anticipated needs of future development within Parcel 1 of the TPM the future developer of Parcel 1 will also be asked to design the well, dedicate right-of-way and construct a municipal well. The developer of the TPM may finance the development of the well, if the City has not acquired the proper funds at the time of construction. If City funding is not secured, then the developer of the TPM will construct and fund the municipal well. The cost of the well shall be 100% reimbursed by the City, upon the availability of funds. If a well is not immediately determined to be necessary, an appropriate well site shall be identified and offered for dedication as part of a future TPM or TSM. *TPM*
19. Prior to framing construction on-site, a water system shall be designed to meet the required fire flow for this type of development and approved by the fire department. Fire flows shall be determined by Uniform Fire Code appendix III-A. *TSM & TPM*
20. 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 proposed within each corresponding map. Water main installation shall be per the 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 connections to existing City main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works. *TSM & TPM*
21. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet) or commercial development (300 feet). 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. *TSM & TPM*
22. As it pertains to the TSM and future TSMs water services shall be placed 3 feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be

located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or streetlight locations. *TSM*

23. One water quality sampling station shall be shown on the improvement plans and installed within the subdivision and approved by the water quality division of the Public Works Department. *TSM*
24. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved backflow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices. *TSM & TPM*
25. Water service connections serving the TSM and developments within the TPM shall be constructed per current City standards including water meters located within the City's right-of-way. *TSM & TPM*
26. Water service connection(s) shall be shown on the improvement plans and shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way and a backflow prevention device installed within private property. *TSM & TPM*
27. A separate water meter and backflow prevention device shall be required for landscape areas. *TSM & TPM*
28. Existing wells if any shall be abandoned as directed and permitted by the City of Madera for compliance with state standards, prior to the 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. *TSM & TPM*
29. Prior to final occupancy pertaining to future development of Parcel 1 of the TPM, the future developer shall construct a 12-inch water main along State Route 145 from its current termination point at the intersection of Pecan Avenue and State Route 145 to the southern property line of the proposed project site. 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 this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect. *TPM*
30. Prior to the issuance of an encroachment permit for off-site improvements. The developer shall reimburse its fair share cost for the 8-inch component of the water line to the City for the previously constructed water main along the project frontage on Pecan Avenue. *TSM & TPM*

Sewer

31. The existing sewer system that serves this section of the City is approaching or at capacity due to a constricted section of the sewer system on Pecan Avenue. The developer shall construct the following master plan improvements to accommodate sewer loads for this development:
 - a. The developer of the TSM shall construct a parallel 18-inch sewer main in Pecan Avenue from the easterly edge of the TSM to the furthest extent west that the TSM expands. From the westerly edge of the TSM, the parallel 18-inch sewer main shall be constructed to extend to nearest sewer main on Stadium Road in place prior to final occupancy. *TSM*
 - b. The future developer of Parcel 1 of the TPM shall construct a parallel 18-inch sewer main on Pecan from the intersection of Pecan Avenue and State Route 145 to the easterly edge of the TSM, or to nearest sewer main in place at the time of construction to the west. *TPM*

- c. If the sewer main will be required to be extended beyond the extent of the TSM, reimbursement of construction costs shall be provided to the entity which installs the sewer main.
32. The construction of the parallel sewer main in Pecan Avenue mentioned in Conditions 31a, b and c is considered 100% reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Impact fee credits that are due and payable at the time of building permit issuance are available for use on these specific improvements due to identified deficiencies in the overall system capacity that will be improved at completion of said improvements. *TSM & TPM*
33. Sewer lines installed within internal publicly owned streets to serve the development within the TSM and TPM shall be sized accordingly and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing City main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider. *TSM & TPM*
34. Prior to recordation of the final subdivision map, the TSM'S approved improvement plans shall depict sewer services located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards and identified on the curb face. Termination of service shall be 10 feet past property the line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of the 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. *TSM*
35. Sewer service connections shall be constructed to current City Standards. Each parcel shall have a separate sewer service connection or record a reciprocal easement agreement across all parcels. *TPM*
36. Existing septic tanks, if found on-site or within any area subject to construction of public or private improvements, shall be removed, permitted, and inspected by City of Madera Building Department. *TSM & TPM*

Storm Drain

37. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities prior to any excavating or grading activities. *TSM & TPM*
38. Storm runoff from this project site is planned to go to the Agajanian Basin (also referred to as the Atamian Basin) located southwest of the proposed project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate or expand the basin to an amount equivalent to this project's impact on the basin. The extent of the improvements required shall correspond to the extent of the TSM and the remaining extent of the TPM. The improvements corresponding with the TSM shall be required to be complete within 24 months of recordation of the final subdivision map. The improvements pertaining to developments in Parcel 1 of the TPM shall be required prior to the issuance of the first building permit. Any temporary improvements installed that may need to be removed or re-located cannot be reimbursed. All improvements should be installed in their permanent location. *TSM & TPM*

39. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall be subject to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition. *TSM & TPM*

Streets

40. The developer shall be a proponent of annexing into existing Landscape Maintenance District (LMD) Zone 8. If the annexation into LMD Zone 8 is not attainable, the developer shall at their sole expense, form a new Landscape Maintenance District zone. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map. *TSM & TPM*
41. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required LMD Zone 8 or new LMD Zone for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvements which are required to be constructed by the developer and included in the City-wide LMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer. *TSM*
42. Prior to final occupancy of any development of Parcel 1 of the TPM, the west half of State Route 145 along the entire project frontage of Parcel 1 of the TPM shall be improved to a 100-foot arterial roadway per City standards. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. In addition to basic City arterial and Caltrans highway improvements, off-site construction requirements including additional lanes are subject to complying with the mitigation measures provided within the traffic study. *TPM*
43. The south half of Pecan Avenue shall be improved to a 100-foot arterial roadway standard with a five-foot sidewalk pattern. The extent of the improvements required shall correspond to the extent of the TSM and Parcel 1 of the TPM. The street frontage improvements for the TSM shall be required within 24 months of recordation of the final subdivision map and the improvements that pertain to the frontage along Parcel 1 of the TPM shall be required prior to first occupancy for the parcel map. The south half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip, sidewalk, a 30-foot asphalt section and a 16-foot landscaped median island. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The two lanes (28-feet total), which includes the median island and east bound travel lane, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds. *TSM & TPM*
44. Prior to or in conjunction with the recordation of final subdivision map, the developer shall provide sufficient right-of-way and associated improvements to allow for westbound U-turn movements at Pecan Avenue and Monterey Street. *TSM*
45. The developer shall provide a temporary paved pathway on the south side of Pecan Avenue between the westerly edge of the TSM connecting to the sidewalk approximately 150 east of

Munras Avenue. This is contingent on the City confirming the acquisition of right-of-way for the path of travel to connect with the existing sidewalk near Munras Avenue. *TSM*

46. An Irrevocable Offer of Dedication shall be made to dedicate sufficient right-of-way along the entire project parcel frontage on Pecan Avenue to provide a half-street width of fifty (50-ft) feet, south of the center line, to accommodate for an arterial standard roadway, prior to or in conjunction with the recordation of the final subdivision and parcel map. *TSM & TPM*
47. An Irrevocable Offer of Dedication or dedication deemed by Caltrans shall be made for additional right-of-way along State Route 145 in accordance with that specified by Caltrans through the traffic study, prior to, or concurrent, with the recordation of the final tentative parcel map. *TPM*
48. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along Pecan Avenue and State Route 145 adjacent to entire project site as well as all internal publicly dedicated streets prior to, or concurrent with, recordation of final subdivision map and final parcel map. . *TSM & TPM*
49. Interior streets shall be constructed in accordance with City standards for a residential street, or as may be applicable, including a five-foot sidewalk, curb and gutter, streetlights, fire hydrants and all other components necessary to complete construction per City standards, prior to acceptance of improvements by the City. *TSM & TPM*
50. 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. *TSM & TPM*
51. Prior to approval of the first project with Parcel 1 of the tentative parcel map, the future developer shall provide a traffic study that addresses and mitigates the impacts of the planned developments within the boundaries of the TSM and TPM on the street system. At a minimum, the intersection of Pecan Avenue & Madera Avenue, the intersection of Pecan Avenue & Monterey Street, the intersection of Madera Avenue & Avenue 12 and the project driveways shall be evaluated as part of the traffic study. Study shall also address minimum storage requirements and conflicts between study location and adjacent intersections or driveways. Caltrans should be contacted to confirm scope. *TPM*
52. Driveway locations shall be planned in conjunction with developments proposed as part of the Tentative Parcel Map as well as existing driveways and intersection. Minimum spacing of driveways/streets shall be a 400 to 500 feet regardless of individual project/phase limits. Failure to place initial driveways at proper minimum spacing and plan for left turn storage requirements may result in the inability to construct future driveways that adequately serve proposed land uses. *TPM*
53. The traffic generated as part of the traffic study prepared for the TSM shall be considered as the first phase of a multi-phase development for the purposes of preparing the traffic study associated with the development of Parcel 1 of the TPM and assigning fair share responsibility for identified mitigation measures to all land areas originally associated with the TPM (the TSM is included in TPM for the purposes of this condition). If fair share calculations as determined in the first phase traffic study are less than that determined in the TPM traffic study, those monetary amounts shall be assigned to the future developer of Parcel 1 of the TPM or shall be the responsibility of the future developer of the TPM. *TSM & TPM*

54. "No Parking" signs shall be installed along Pecan Avenue and State Route 145 frontages per City standards for corresponding frontage of the tentative subdivision map and tentative parcel map. *TSM & TPM*
55. Industry standard traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with the TSM and TPM. Maximum distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer. Approval of traffic calming features shall be sought prior to approval of the off-site improvement drawings. *TSM & TPM*
56. Landscaping and irrigation systems shall be installed in accordance with the approved landscaping and irrigation plans before the final building inspection of any adjacent residential units or commercial buildings. *TSM & TPM*
57. Access ramps shall be installed at all curb returns per current City standards prior to issuance of certification of complete of the improvements. *TSM & TPM*
58. Driveway approaches shall be constructed per current City standards. *TSM & TPM*
59. The developer shall be required to install streetlights along Pecan Avenue and Madera Avenue frontages and all interior streets associated with the TSM and TPM in accordance with current City spacing standards. The extent of the installation of streetlights required shall correspond to the extent of the tentative subdivision map and the remaining tentative parcel map. The adjacent installations for the TSM shall be required within 24 months from the recordation of the final subdivision map and the installations adjacent to the TPM shall be required prior to issuance of first occupancy for the parcel map. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards. *TSM & TPM*
60. 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. *TSM*
61. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "B" asphalt over 6 inches of 90% compacted native soil or four (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. *TSM & TPM*
62. 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 linear feet of all streets, fire hydrant and street water main linear feet, and sewer line linear feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. All development 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;
 - Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 - Streetlights
 - Traffic signals
 - 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. *TSM & TPM*
63. Submittals shall include (submit a PDF and the stated number of hard copies for each item):
- a. Engineering Plan Review Submittal Sheet
 - b. Civil Plan Submittal Checklist – All required items shall be included on the drawings
 - c. Four copies of the final map
 - d. Two sets of traverse calculations
 - e. Two preliminary title reports
 - f. Two signed copies of conditions
 - g. Four hard copies of complete improvement plans
 - h. Three hard copies of landscape and irrigation plans
 - i. Two sets of drainage calculations
 - j. Two copies of the engineers estimate

Partial submittals will not be accepted by the engineering department.

PLEASE NOTE: If COVID-19 measures are still in place at the time of submittal, all submittals must be electronic.

Caltrans District 6, Madera Avenue/State Route 145 Requirements

64. Caltrans District 6 Requirements pursuant to Pecan Square Traffic Impact Study (TIS) prepared by VRPA Technologies, Inc., for Q-K Inc.
 - a) In the 2040 Scenario, it is recommended that a dual left turn lane be added to the northbound leg to maintain symmetry between the lane lines of the southbound and northbound approaches. Considering these improvements, the need for right-of-way is anticipated along the west side of Madera Avenue as well as the south side of Pecan Avenue including corner clearance on the southwest corner of the intersection.
 - b) The approximate cost of the cumulative intersection improvements was found to be \$2,576,977. The approximate fair share cost that the developer can expect to contribute

based on the fair share percentage of 7.4% as calculated on page 37 of the Pecan Square Development TIS is calculated below:

Approximate Fair Share Cost = Fair Share Percentage x Intersection Improvements Cost
Approximate Fair Share Cost = 0.074 x \$2,576,977.00 = \$190,120.00.

Traffic Mitigation Agreement (TMA) for the collection and tracking of these funds needs to be executed prior to issuance of City building permits and payment of fair share mitigation amount needs to occur prior to occupancy.

TSM & TPM

65. 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. *TSM & TPM*
66. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines prior to approval of improvement plans. A ten-foot-public utility easement will be required along all interior lot frontages. *TSM & TPM*
67. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the public utilities Commission Regulations or operating at 70,000 volts or greater. All of which shall take place within 24 months from the recordation of any final map or prior to final occupancy of building permits for all other development types. *TSM & TPM*
68. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction. *TSM & TPM*
69. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map. *TSM*
70. The sub-divider shall enter a subdivision agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map. *TSM*
71. For all developments that may be eligible for reimbursements, a reimbursement agreement is required. *TSM & TPM*
72. The sub-divider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing improvement plans are approved and submitting 100% performance bond, additional bond (50% labor & material) and insurance certificate, shall be submitted 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. *TSM*

73. The developer's engineer, upon completion of the improvements, shall certify to the City Engineer that the improvements are made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the improvements by the City. *TSM & TPM*

Improvement Inspections:

74. Engineering department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans. *TSM & TPM*
75. 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. *TSM & TPM*
76. 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. *TSM & TPM*
77. No occupancy of any buildings within the subdivision or parcels shall be granted until improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five working days. *TSM & TPM*

Special Engineering Conditions:

78. 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. *TSM & TPM*
79. Lot fill in excess of 12 inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 12 inches or more will require construction of a retaining wall. *TSM & TPM*
80. 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. *TSM & TPM*
81. Prior to the issuance of any building permits or any construction on the subdivision or parcels, a storm water pollution plan shall be prepared, and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size. *TSM & TPM*
82. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID facilities, the developer must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion, as-built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard. *TSM & TPM*

83. Prior to recording the final subdivision map or parcel 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. *TSM & TPM*
84. 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. All fees must be paid, as applicable, prior to building permits. *TSM & TPM*
85. Final street names shall be approved by the Building Official 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. *TSM & TPM*
86. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project, prior to approval of final occupancy. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet. *TSM & TPM*

Fire Department

87. The subdivision development shall be provided with a minimum of two points of access for emergency vehicles, prior to the issuance of occupancy. *TSM*
88. 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 Fire Code (CFC). *TSM*

Planning Department

General

89. All conditions of approval shall be the financial responsibility of the developer/owner, except where specified in the conditions of approval listed herein or mandated in statutes. *TSM & TPM*
90. Project approval is conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the applicant/owner's signature on the required Acknowledgement and Acceptance of Conditions of Approval form.
91. Vandalism and graffiti on walls, fences and/or homes shall be corrected pursuant to the Madera Municipal Code.

Street Names

92. The internal street names shall comply with the recommendations of the Planning Department with approval of the Final Map. *TSM*

Tentative Subdivision Map

93. There shall be no access to lots from street side of corner lots or street rear of double frontage lots as noted by the relinquishment of access notation on the tentative subdivision map (lots 1-7, 39, 40, 43, 51, 52, 60, 61, 73, 74, 93, 102, 103, 112). *TSM*

Fences and Walls

94. A six (6') foot tall decorative split-faced masonry block wall with capstone shall be developed within the subdivision as follows: *TSM & PPL*
 - Along all rear property lines of lots abutting West Pecan Avenue (lots 1-6).
 - Along the street side yard of corner lot 6 and 7 which is extending from the rear property line to the front yard setback line.
 - Along all property lines abutting the dedicated park space (Lot 42).
 - All walls proposed on property located in the side yard shall be six feet tall along the side property line. In addition, when the wall is located within the front yard setback, the height of the wall will be decreased to 2.5 feet.
95. Except as provided for in the above condition, six (6') foot tall wooden fencing shall be provided along all side and rear yards. *TSM*
96. Any retaining walls greater than eighteen (18") inches in height shall be split-faced masonry block. Residential fencing shall have a gate that allows for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of thirty-six (36") inches. *TSM*

Precise Plan for the Tentative Subdivision Map

97. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within 30 days of the date of approval.
98. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within 30 days of the date of approval.
99. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
100. Any minor deviation from the approved elevations and floor plans or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager, at a minimum. *TSM*
101. Any substantial future modifications to the subdivision lots involving, but not limited to, building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to Precise Plan 2020-04. *TSM & PPL*
102. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use. *TSM & PPL*
103. The project shall be developed in accordance with the elevation drawings and floor plans, as reviewed and approved with Precise Plan 2020-04. Minor modifications to Precise Plan 2020-04 necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager. All site improvements shall be completed in advance of any request for building permit final inspection. *TSM & PPL*
104. Fire Department: All dwellings shall be equipped with residential fire sprinklers, smoke alarms and carbon monoxide detectors. *TSM & PPL*

- 105. Illuminated addresses shall be provided at certificate of occupancy and temporary construction addresses shall be provided during construction. *TSM & PPL*
- 106. Vandalism and graffiti on walls, fences and/or homes shall be corrected pursuant to the MMC. *TSM & PPL*
- 107. Four models are approved as part of Precise Plan 2020-04. The homes shall be constructed upon the lots encompassed within TSM 2019-03. The home models are as follows:

MODEL NAME	FLOOR AREA	BED/BATH
Adams	1,515 sq. ft.	3 bed/2 bath
Coolidge	1,862 sq. ft.	3 bed/2 bath
Lincoln	2,554 sq. ft.	4 bed/3 bath
Monroe	2,814 sq. ft.	4 bed/3 bath

Models have attached two-car garages with a three-car option. *PPL*

- 108. The Developer shall construct homes as they are shown in the rendered elevations, provided in PPL 2020-04 and included in the staff report to Planning Commission. Specifically, the N415, N419, N424 and N428 models. Each elevation of each model shall have at least three different three-color paint schemes. Any new or additional models require approval by the Planning Commission through an amendment to the Precise Plan. *The project’s architectural styles of the Americana, Farmhouse, Craftsman are generally adequate with the exception of the Farmhouse model which requires additional window shutters and facade features. TSM & PPL*
- 109. All standards for the location and design of buildings (including accessory structures) and fences which are not specifically included in Precise Plan 2020-04 and TSM 2019-03 shall conform to R1 (Residential) Zone District standards. *TSM & PPL*
- 110. Except otherwise conditioned herein, all driveways and encroachments shall conform to City standards regarding setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards. *TSM & PPL*
- 111. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property. *PPL*
- 112. The appearance of a home is affected by at least three primary features, which are the home model, alternative elevations for each plan, and color. Homes built on side-by-side lots shall not repeat more than two of these primary home features. The model floor plans shall not be repeated on more than two consecutive lots. *PPL*
- 113. The minimum setbacks for all lots within the TSM and PPL shall be:
 - Front: Twelve feet to living space, twenty feet to garage
 - Interior side: Five feet
 - Exterior side: Ten feet
 - Rear: Fifteen feet

114. The front setback shall vary from the minimum of twelve feet to living space to a maximum of twenty feet to living space, with at least a two-foot variation amongst any two adjacent lots, and a five-foot variation over any five consecutive lots, regardless of home model. Garages shall be setback a minimum of twenty feet. *TSM & PPL*
115. A ten percent minor variation for rear setbacks may be granted with approval by the Planning Director when deemed necessary. *PPL*
116. Any variation to the development standards of Precise Plan 2020-04 shall require an amendment to the precise plan. *PPL*
117. The applicant shall submit a color and materials presentation board as a component of the precise plan. The color and materials presentation board shall be approved by the Planning Manager and shall be included in the precise plan. *TSM & PPL*
118. The construction of buildings approved as a component of the precise plan shall be consistent with the approved color and materials presentation board, as reviewed and approved by the Planning Department. Any alteration shall require, at a minimum, approval by the Planning Manager. *TSM & PPL*
119. All lots where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way shall incorporate architectural treatments in keeping with the front (primary) elevation. *TSM & PPL*
120. All exterior lighting shall be down shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted. *TSM & PPL*
121. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of any building permit(s). *TSM*
122. The development of any temporary construction trailer, materials storage yard and/or model home sales center on any lot in the subdivision requires approval of a Zoning Administrator Permit. *TSM*
123. Along all side and rear property lines, wood fencing shall be required for all single-family homes. Any retaining walls greater than eighteen inches in height shall be split-block masonry. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches. *TSM*
124. Street side yard fencing shall be set back no less than five feet. *TSM*
125. Heating ventilation and air-conditioning (HVAC) units shall be ground-mounted. No roof-mounted HVAC units shall be allowed. All ground-mounted HVAC equipment shall be located in the interior side or rear yards behind six-foot tall fencing. There shall be no allowance for the placement of HVAC units in the exterior side yard. *TSM & PPL*
126. If fireplaces are installed, they shall be either gas-burning or EPA-certified wood-burning. Natural gas and electric outlets are recommended to be installed in the rear yard for

barbecues. Outside electric outlets are recommended in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide emitting gas-fired water heaters should be installed. *TSM*

127. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted as part of the submittals for a building permit plan check. Each home model shall have its own landscape and irrigation plan. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. Landscape and irrigation plans shall be designed for front yards for the entire subdivision as a whole. Installation shall be completed in conjunction with occupancy of the individual homes. The plans shall demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO). *TSM & PPL*

(OR)

Motion 2: Move to continue the public hearing on GPA 2019-03, REZ 2019-06 and TSM 2019-03, TPM 2019-03 and PPL 2020-04 to the June 9, 2020 regularly scheduled Planning Commission meeting or alternative date, for the following reasons: (specify)

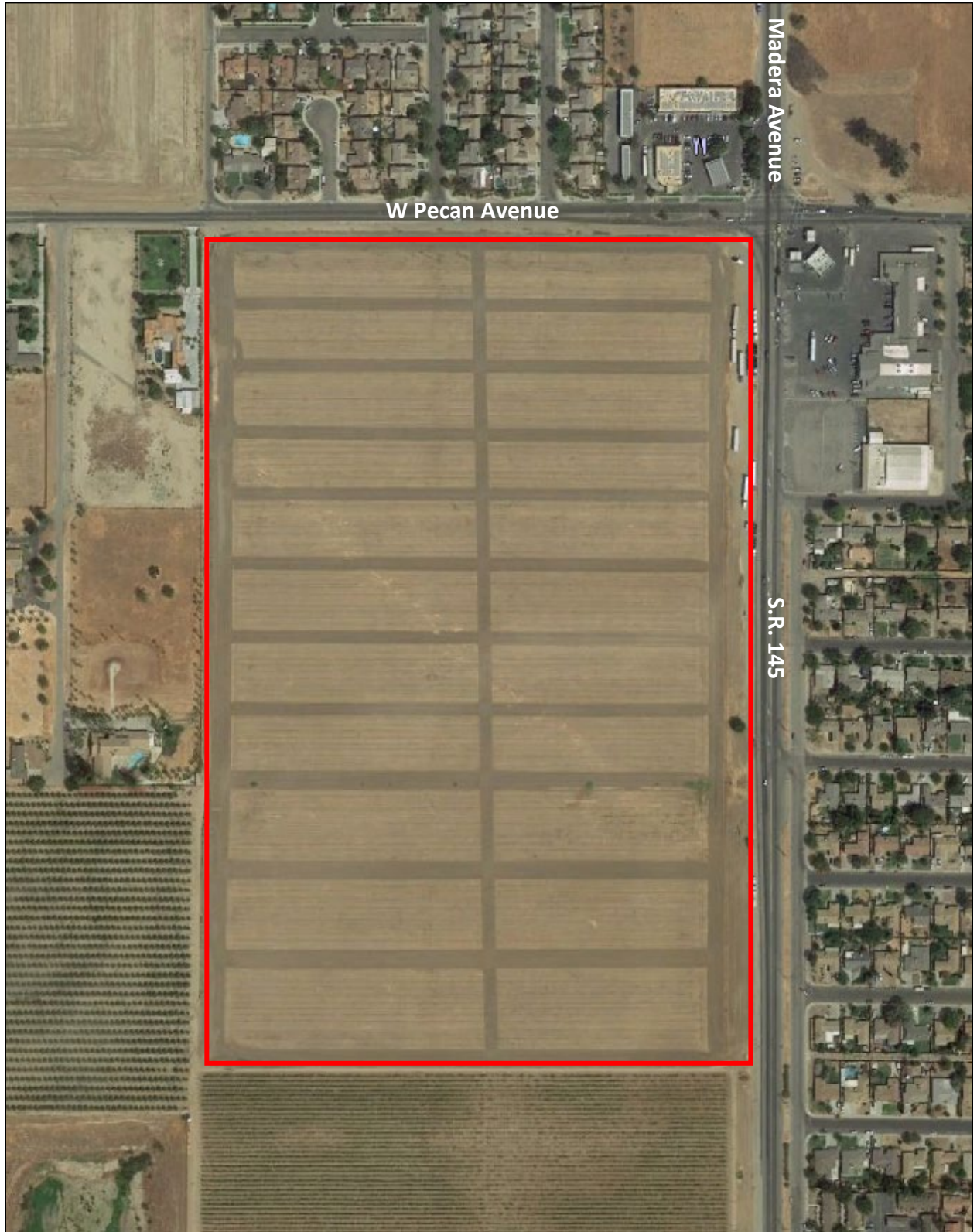
(OR)

Motion 3: Move to deny GPA 2019-03, REZ 2019-06 and TSM 2019-03, TPM 2019-03 and PPL 2020-04, based on the following findings: (specify)

ATTACHMENTS

- Attachment 1: Aerial Map
- Attachment 2A: Current Zoning Map
- Attachment 2B: Proposed Zoning Map
- Attachment 3A: Current General Plan
- Attachment 3B: Proposed General Plan
- Attachment 4: Tentative Parcel Map
- Attachment 5: Tentative Subdivision Map
- Attachment 6A: Precise Plan 2020-04
- Attachment 6B: Elevations and Floor Plans
- Attachment 7: Resolution of Recommendation to the City Council
- Attachment 8: Draft Ordinance to Amend General Plan Map and Amended Zoning Map
Exhibit A – Draft Ordinance
- Attachment 9: Initial Study and Negative Declaration

Attachment 1: Aerial Map

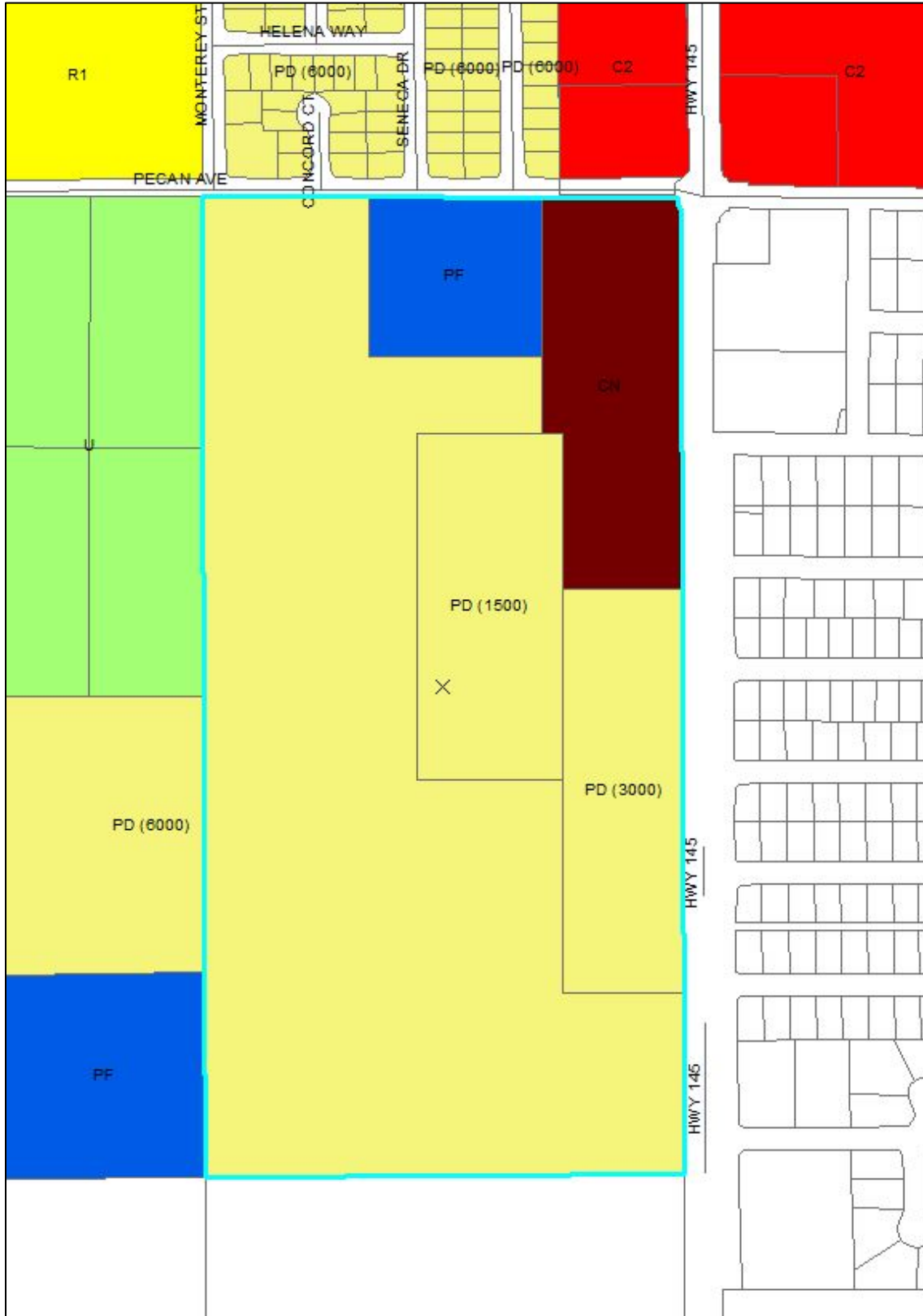


Madera Avenue

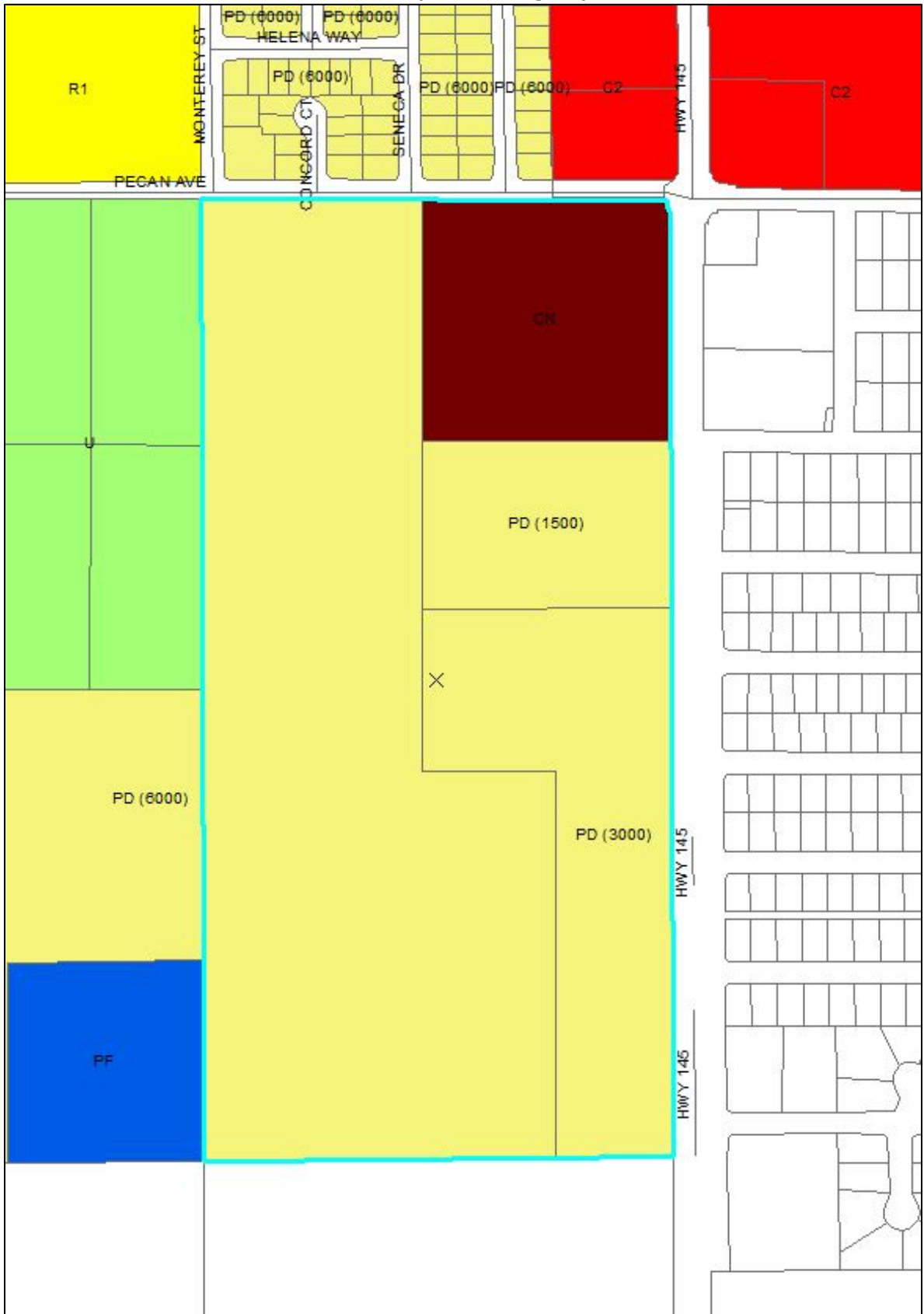
W Pecan Avenue

S.R. 145

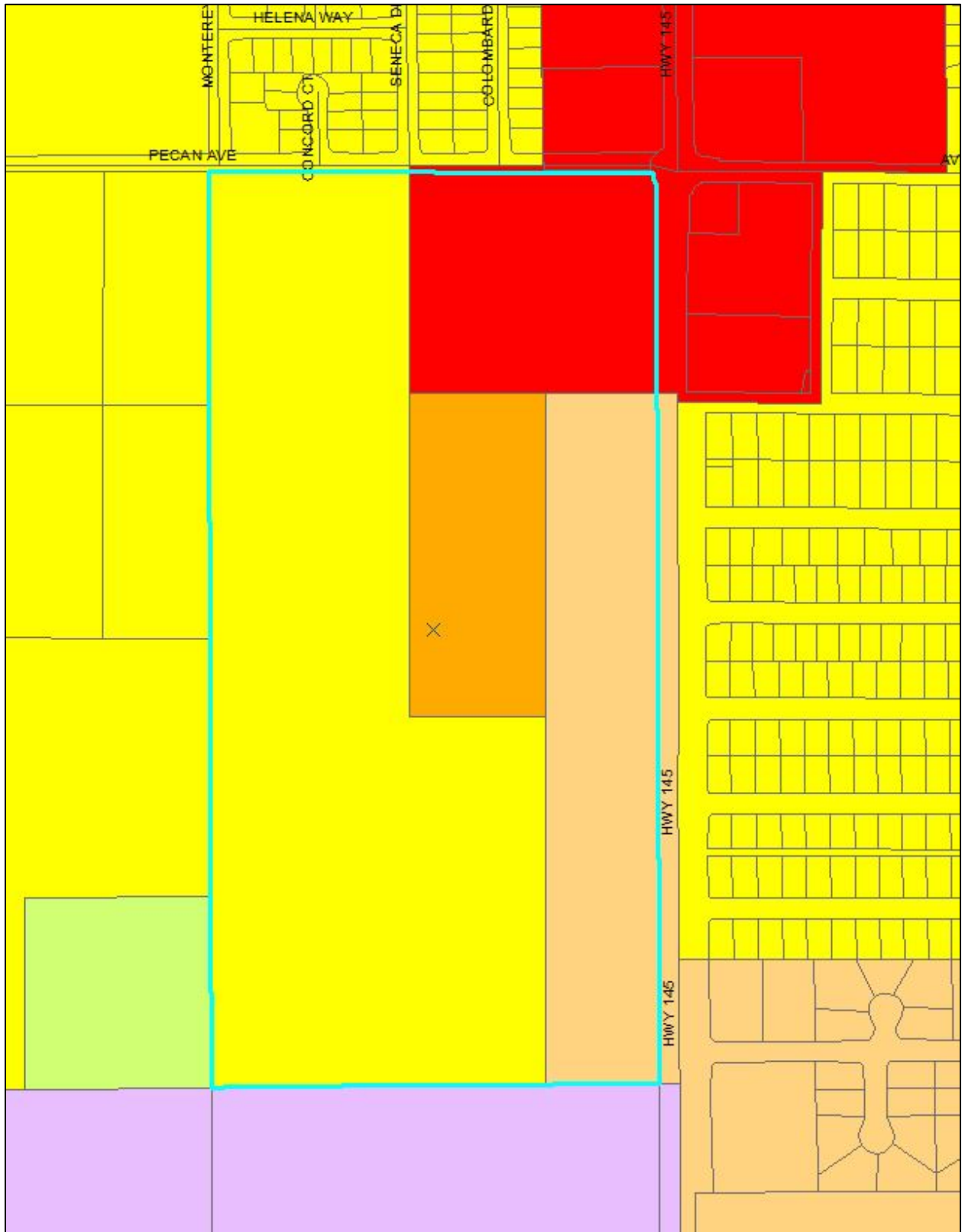
Attachment 2A: Current Zoning Map



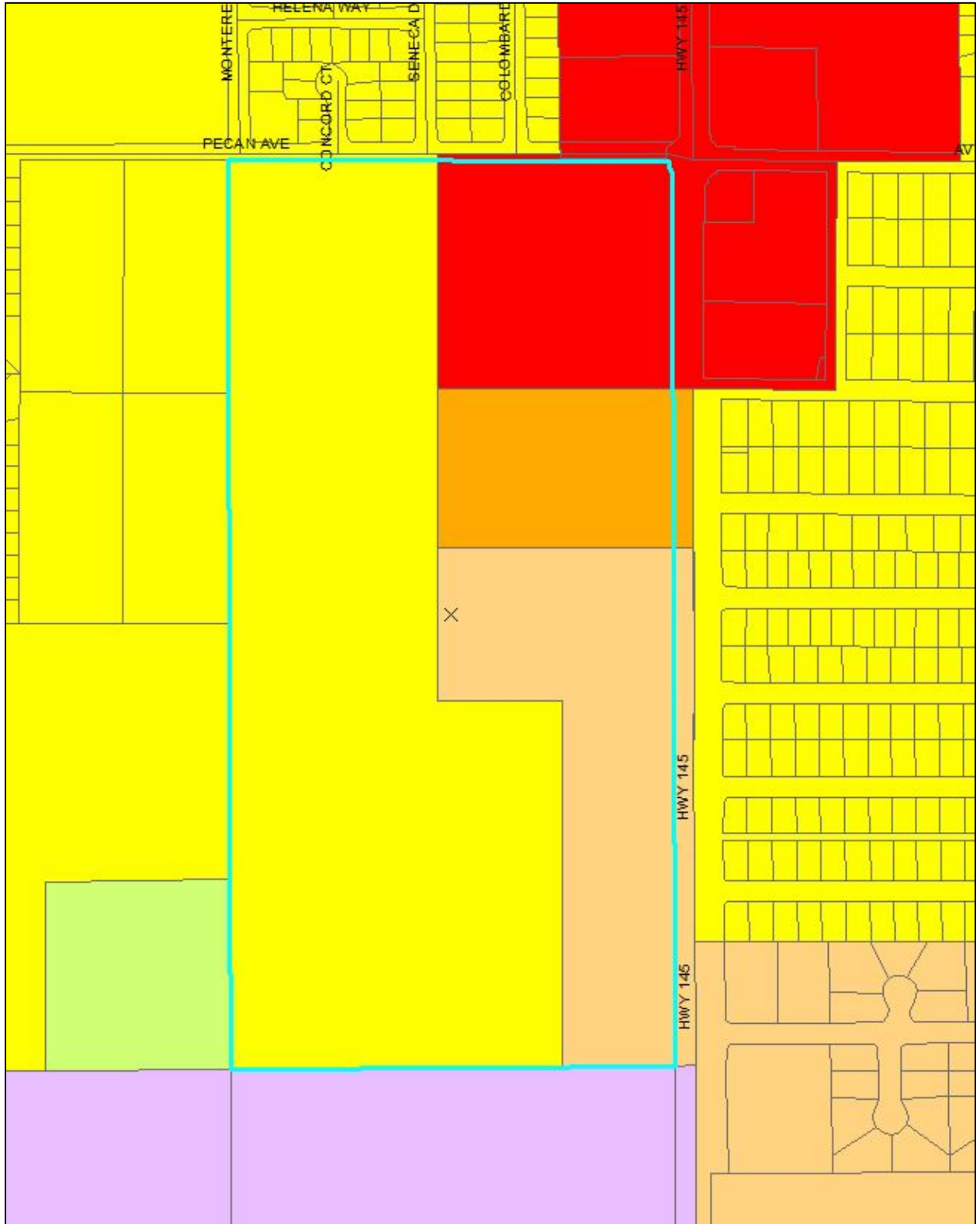
Attachment 2B: Proposed Zoning Map



Attachment 3A: Current General Plan



Attachment 3B: Proposed General Plan



Attachment 4: Tentative Parcel Map

TENTATIVE PARCEL MAP NO. 2019 -

IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA
CONSISTING OF 2 (TWO) SHEETS
SHEET 1 (ONE) OF 2 (TWO)
NOVEMBER 2019

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM, THOSE PORTIONS CONVEYED TO THE STATE OF CALIFORNIA BY DEEDS RECORDED NOVEMBER 21, 1974 IN BOOK 1214, PAGE 637 OF OFFICIAL RECORDS, AS DOCUMENT NO. 16054 AND RECORDED FEBRUARY 4, 1993 AS DOCUMENT NO. 9303243 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM, THOSE PORTIONS CONVEYED TO THE COUNTY OF MADERA BY DEED RECORDED APRIL 3, 1998 AS DOCUMENT NO. 9809005 OF OFFICIAL RECORDS.

APN: 012-480-005-000

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N00°46'04"W	22'
L2	N00°46'04"W	22'
L3	N89°44'42"E	30'
L4	N00°15'53"W	50'
L5	N89°44'42"E	10'

RECORD OWNERSHIP: SUBDIVIDER:

ROBERT "BOB" ATAMIAN AND JUDEE ATAMIAN
12180 ROAD 26 #1
MADERA, CA 93637
APN: 012-480-005

D.R. HORTON CA3, INC
419 W. MURRAY AVENUE
VISALIA, CA 93291
(559)636-9850

BASIS OF ELEVATIONS

MADERA COUNTY BRASS DISK IN CONCRETE LOCATED AT THE INTERSECTION OF PECAN AVENUE (AVENUE 13) AND ROAD 26. BENCHMARK ID = "5-B", ELEVATION=259.42 FT, DATUM=NGVD'29.

NOTES:

- EXISTING ZONING: PD(6000), PD(3000), PD(1500), PF, CN (PLANNED DEVELOPMENT, PUBLIC FACILITY, NEIGHBORHOOD COMMERCIAL)
- EXISTING USE: VACANT
- PROPOSED LAND USE: RESIDENTIAL, R1(RUS)
- SITE AREA: 22.504 ACRES (NET)
- SITE ADDRESS: 300 PECAN AVENUE, MADERA, CA 93637
- ASSESSOR'S PARCEL No.: 012-480-005
- ANY GRADE DIFFERENTIALS ACROSS EXISTING AND PROPOSED PROPERTY LINES WILL BE MITIGATED PER CITY OF MADERA REQUIREMENTS.
- ALL EXISTING WATER LINES, SEWERS, AND STORM DRAINS WILL REMAIN UNLESS OTHERWISE NOTED.
- NO EXISTING TREES WERE OBSERVED ON-SITE AT THE TIME OF THE FIELD SURVEY.
- THERE ARE NO KNOWN UNDERGROUND FEATURES SUCH AS WELLS OR CESSPOOLS WITHIN THE PROPOSED SUBDIVISION OTHER THAN WHAT IS SHOWN ON THE MAP.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO DUMP SITES ON THIS PROPERTY.
- WATER SUPPLY AND SEWER SERVICES ARE FROM THE CITY OF MADERA.
- A PORTION OF THIS AREA IS SUBJECT TO FLOOD INUNDATION PER FIRM PANEL 1170E, ZONE AO.
- BOUNDARY INFO SHOWN IS CONSIDERED APPROXIMATE AND IS BASED ON RECORD INFORMATION ONLY.

UTILITY INFORMATION:

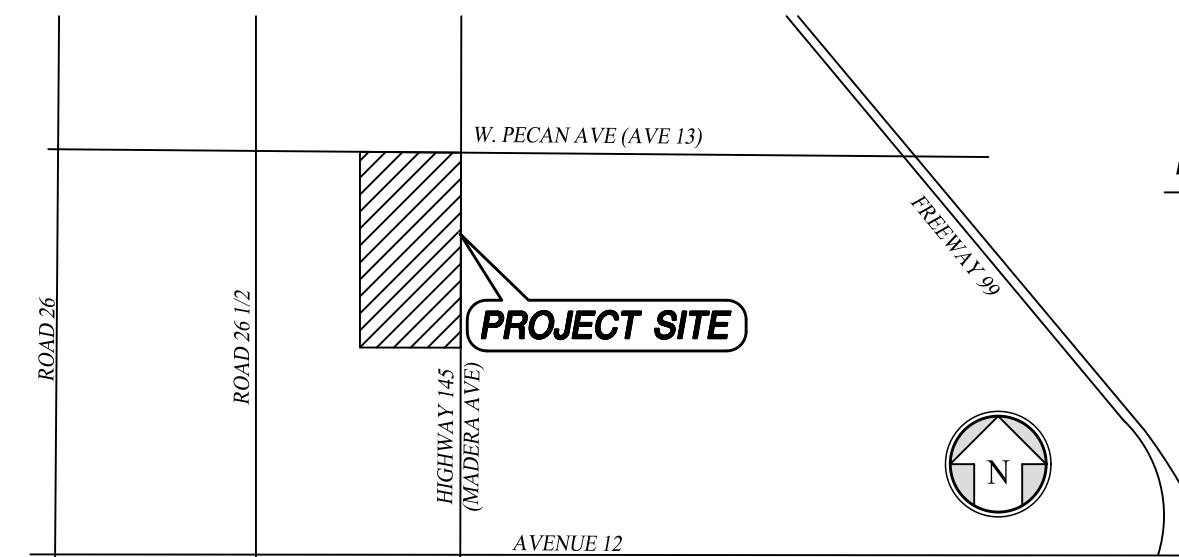
SEWER:
CITY OF MADERA
205 WEST FOURTH STREET
MADERA, CA 93637
PHONE: (559)661-5400

GAS AND ELECTRIC:
PACIFIC GAS AND
ELECTRIC COMPANY
2871 AIRPORT DRIVE
MADERA, CA 93637
PHONE: (800)743-5000

WATER:
CITY OF MADERA
205 WEST FOURTH STREET
MADERA, CA 93637
PHONE: (559)661-5400

TELEPHONE:
AT&T CALIFORNIA
5555 EAST OLIVE AVENUE,
RM. E-100-DE
FRESNO, CA 93762
PHONE: (559)454-3778

STORM DRAIN:
MADERA COUNTY WATER
& NATURAL RESOURCES
200 WEST 4TH STREET
MADERA, CA 93637
PHONE: (559)675-7703



VICINITY MAP

NTS

LEGEND

- EXISTING CONTOUR LINE
- EXISTING BARBED WIRE FENCE
- EXISTING CHAIN LINK FENCE LINE
- DENOTES AN EXISTING EASEMENT (SEE EASEMENT NOTE)
- EXISTING FIRE HYDRANT
- M.C.R.
- EXISTING STREET LIGHT
- ADJACENT PROPERTY LINE
- EXISTING EASEMENT LINE AS NOTED
- OVERALL PARCEL BOUNDARY LINE
- PARCEL BOUNDARY LINE
- ROAD RIGHT OF WAY LINE
- SECTION LINE
- SECTIONAL BREAKDOWN LINE
- EXISTING SEWER MANHOLE
- EXISTING SIGN
- EXISTING WATER VALVE
- EXISTING CONCRETE

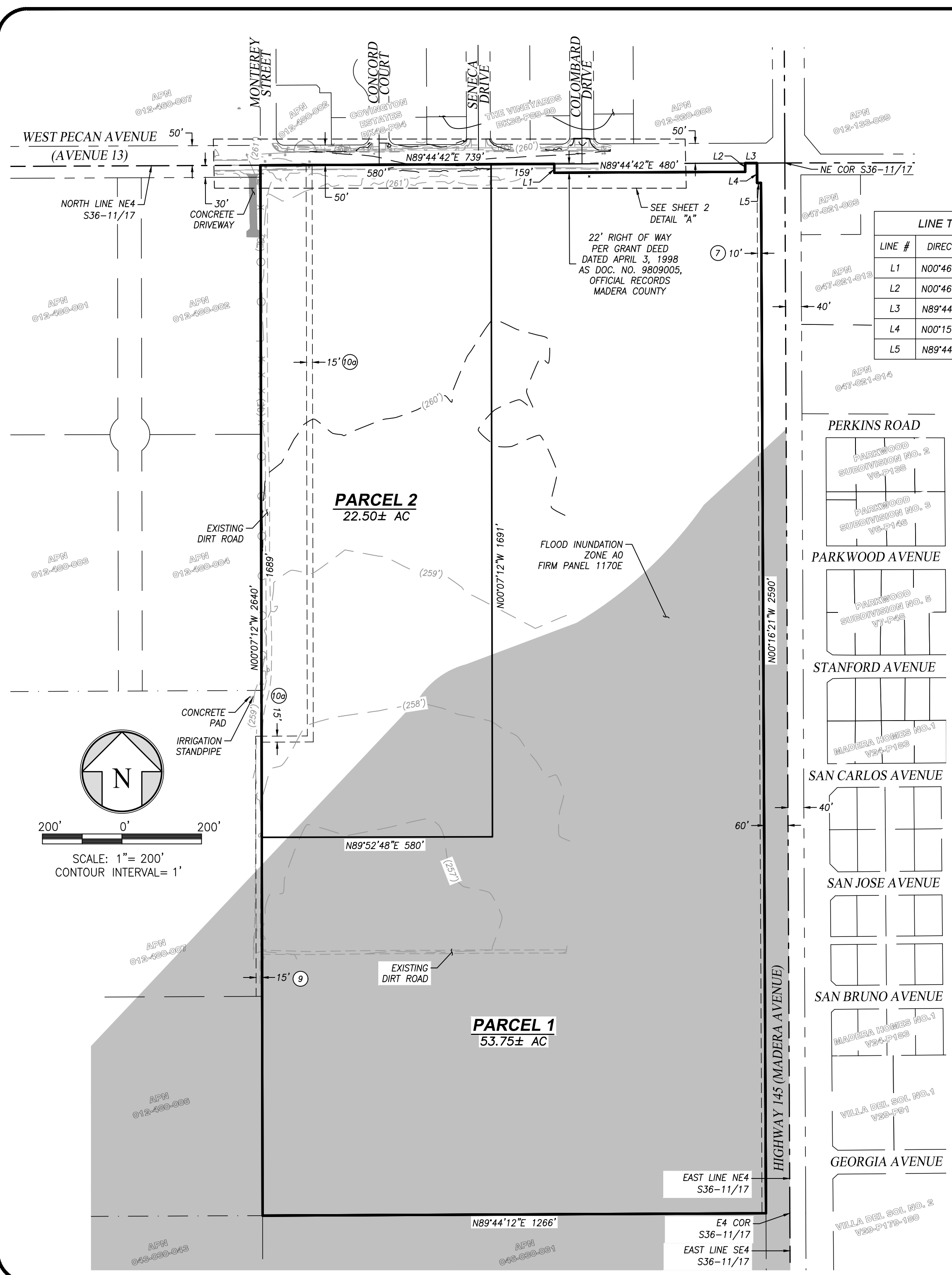
EASEMENT NOTES:

- ⑦ DENOTES AN EASEMENT FOR THE PURPOSE OF IRRIGATION PIPELINE FACILITIES IN FAVOR OF THE CITY OF MADERA PER GRANT DEED RECORDED FEBRUARY 4, 1993 AS DOCUMENT NUMBER 9303242, M.C.R.
- ⑩ DENOTES AN EASEMENT FOR THE PURPOSE OF AN UNDERGROUND DRAINAGE PIPELINE IN FAVOR OF THE CITY OF MADERA PER GRANT DEED RECORDED NOVEMBER 18, 1998 AS DOCUMENT NO. 9833820, M.C.R.

BY:



601 POLLASKY AVE., STE. 301 TEL: (559) 449-2400
CLOVIS, CA 93612 WWW.QKINC.COM
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Attachment 5: Tentative Subdivision Map

TENTATIVE TRACT MAP NO. _____

IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA
 CONSISTING OF 3 (THREE) SHEETS
 SHEET 1 (ONE) OF 3 (THREE)
 NOVEMBER 2019

LEGAL DESCRIPTION:

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ALSO EXCEPTING THEREFROM, THOSE PORTIONS CONVEYED TO THE COUNTY OF MADERA BY DEED RECORDED APRIL 3, 1998 AS DOCUMENT NO. 9809005 OF OFFICIAL RECORDS.

APN: 012-480-005-000

RECORD OWNERSHIP: SUBDIVIDER:

ROBERT "BOB" ATAMIAN AND JUDEE ATAMIAN
 12180 ROAD 26 #1
 MADERA, CA 93637
 APN: 012-480-005

D.R. HORTON CA3, INC
 419 W. MURRAY AVENUE
 VISALIA, CA 93291
 (559)636-9850

BASIS OF ELEVATIONS

MADERA COUNTY BRASS DISK IN CONCRETE LOCATED AT THE INTERSECTION OF PECAN AVENUE (AVENUE 13) AND ROAD 26. BENCHMARK ID = "5-B", ELEVATION=259.42 FT, DATUM=NGVD'29.

NOTES:

- EXISTING ZONING: PD(6000), PD(3000), PD(1500), PF, CN (PLANNED DEVELOPMENT, PUBLIC FACILITY, NEIGHBORHOOD COMMERCIAL)
- EXISTING USE: VACANT
- PROPOSED LAND USE: RESIDENTIAL, R1(RUS)
- SITE AREA: 22.504 ACRES (NET)
- SITE ADDRESS: 300 PECAN AVENUE, MADERA, CA 93637
- ASSESSOR'S PARCEL No.: 012-480-005
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- A PORTION OF THIS AREA IS SUBJECT TO FLOOD INUNDATION PER FIRM PANEL 1170E, ZONE AO.
- BOUNDARY INFO SHOWN IS CONSIDERED APPROXIMATE AND IS BASED ON RECORD INFORMATION ONLY.

UTILITY INFORMATION:

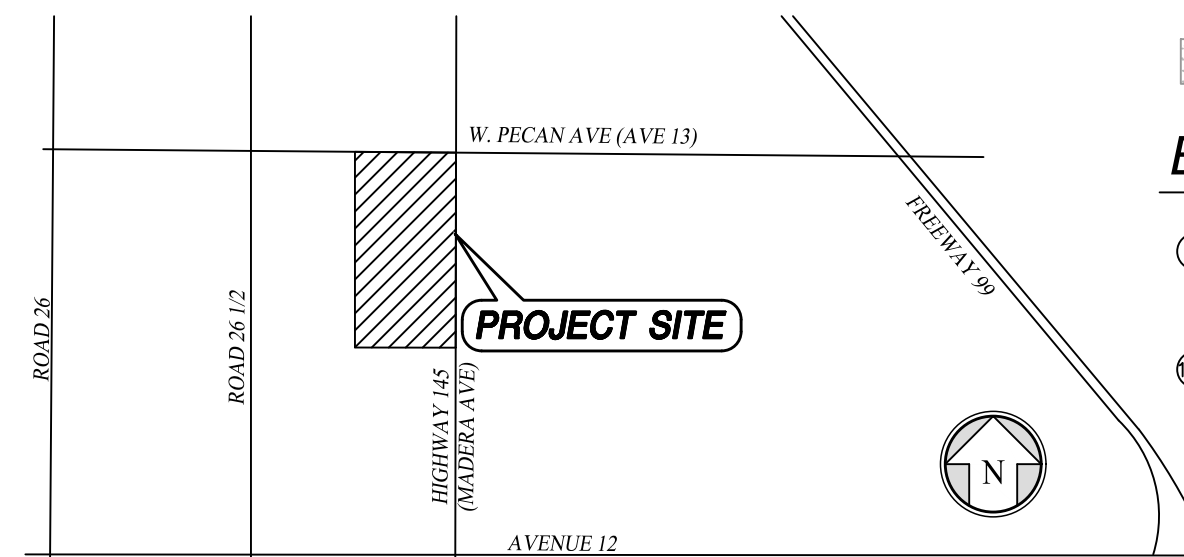
SEWER:
 CITY OF MADERA
 205 WEST FOURTH STREET
 MADERA, CA 93637
 PHONE: (559)661-5400

GAS AND ELECTRIC:
 PACIFIC GAS AND
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STORM DRAIN:
 MADERA COUNTY WATER
 & NATURAL RESOURCES
 200 WEST 4TH STREET
 MADERA, CA 93637
 PHONE: (559)675-7703



VICINITY MAP

NTS

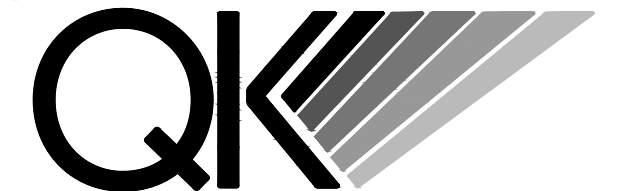
LEGEND

- EXISTING CONTOUR LINE
- EXISTING BARBED WIRE FENCE
- EXISTING CHAIN LINK FENCE LINE
- DENOTES AN EXISTING EASEMENT (SEE EASEMENT NOTE)
- EXISTING FIRE HYDRANT
- MADERA COUNTY RECORDS
- EXISTING STREET LIGHT
- ADJACENT PROPERTY LINE
- EXISTING EASEMENT LINE AS NOTED
- OVERALL PARCEL BOUNDARY LINE
- PARCEL BOUNDARY LINE
- ROAD RIGHT OF WAY LINE
- SECTION LINE
- SECTIONAL BREAKDOWN LINE
- EXISTING SEWER MANHOLE
- EXISTING SIGN
- EXISTING WATER VALVE
- EXISTING CONCRETE

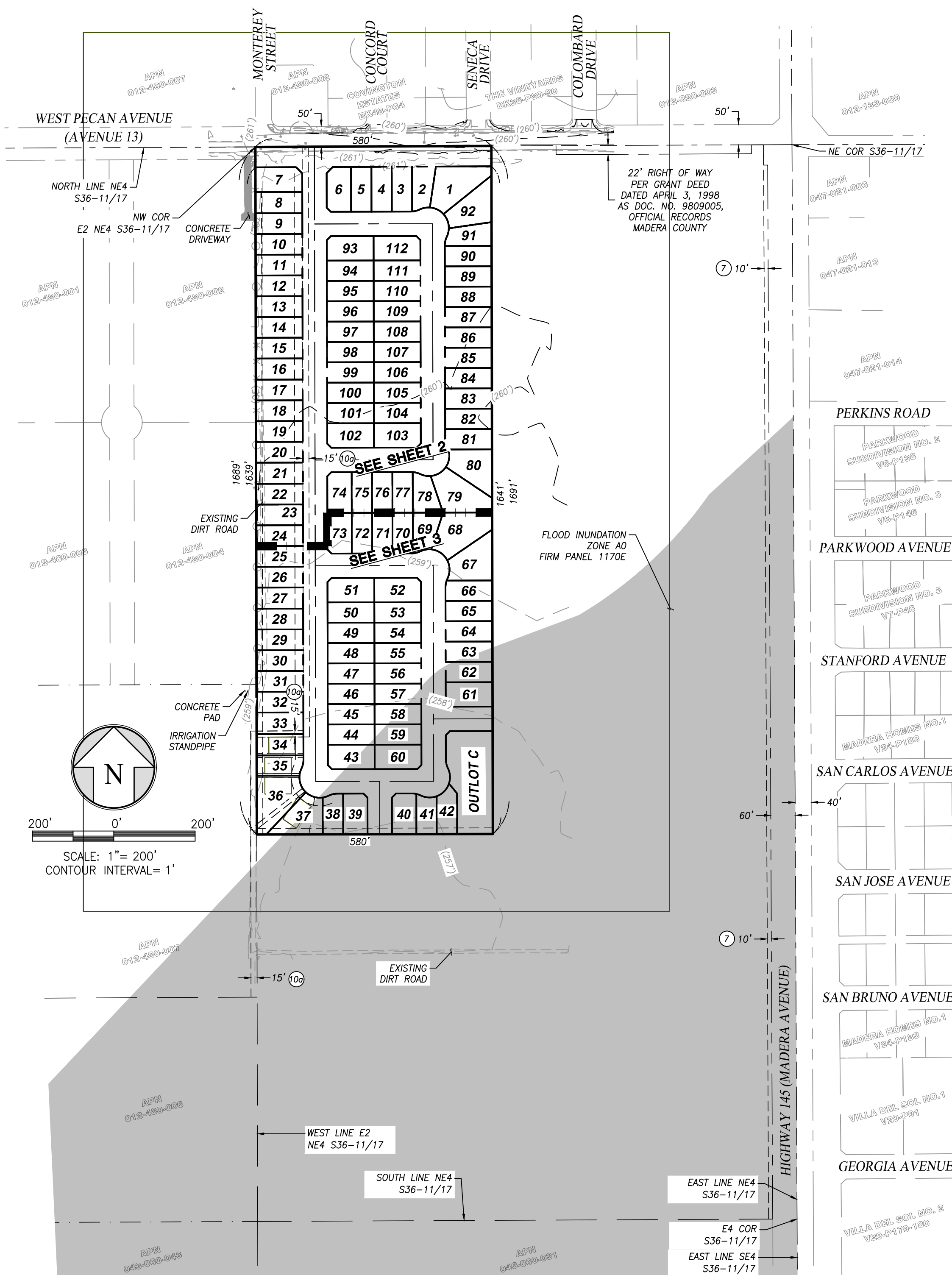
EASEMENT NOTES:

- DENOTES AN EASEMENT FOR THE PURPOSE OF IRRIGATION PIPELINE FACILITIES IN FAVOR OF THE CITY OF MADERA PER GRANT DEED RECORDED FEBRUARY 4, 1993 AS DOCUMENT NUMBER 9303242, M.C.R.
- DENOTES AN EASEMENT FOR THE PURPOSE OF AN UNDERGROUND DRAINAGE PIPELINE IN FAVOR OF THE CITY OF MADERA PER GRANT DEED RECORDED NOVEMBER 18, 1998 AS DOCUMENT NO. 9833820, M.C.R.

BY:

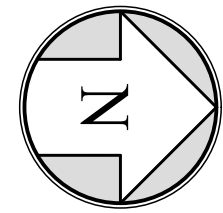


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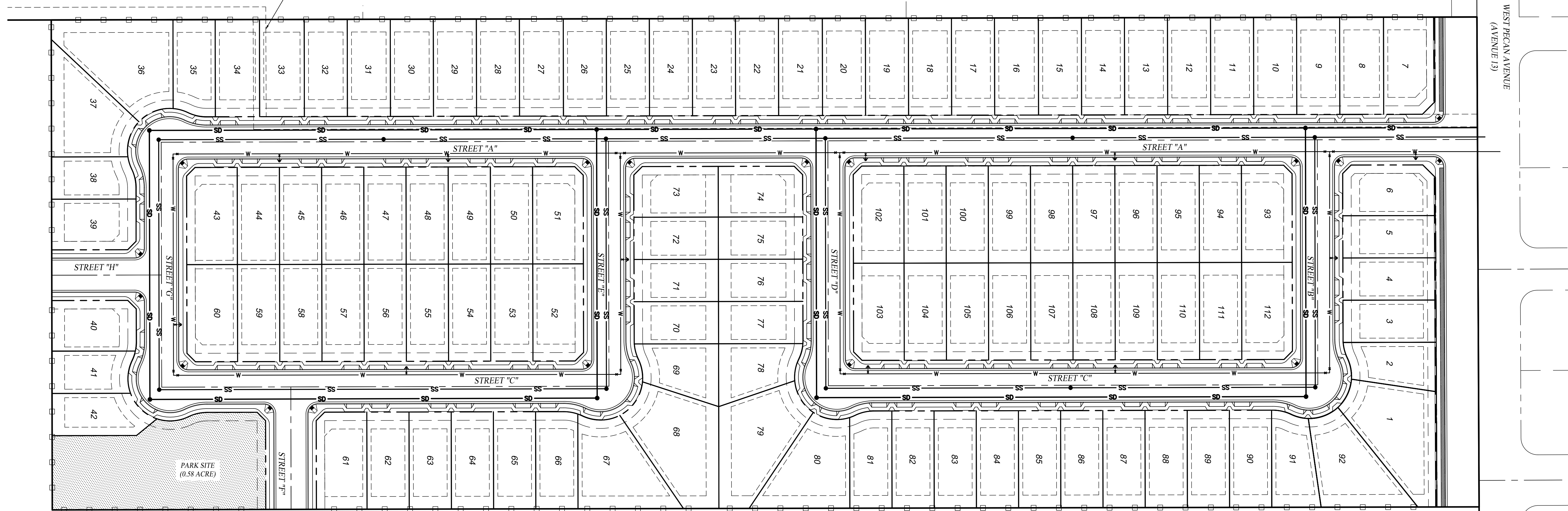
SCALE: 1" = 200'
 CONTOUR INTERVAL = 1'

Attachment 6A: Precise Plan 2020-04



60' 0' 60'
SCALE: 1" = 60'

EASEMENT FOR UNDERGROUND DRAINAGE PIPELINE
IN FAVOR OF CITY OF MADERA PER DOCUMENT 9833820, M.C.R.



WEST PECAN AVENUE
(AVENUE 13)

LEGEND:

- PROPOSED 6' HIGH WOOD FENCE PER CITY OF MADERA ORDINANCE
- PROPOSED 6' MASONRY WALL PER CITY OF MADERA STANDARD B-02
- PROPOSED 10' PUBLIC UTILITY EASEMENT
- BUILDING ENVELOPE
- PROPERTY LINE
- LOT BOUNDARY LINE
- LOT RIGHT OF WAY
- SANITARY SEWER MAIN
- STORM DRAIN MAIN
- WATER MAIN
- SANITARY SEWER MANHOLE PER CITY OF MADERA STANDARD S-1
- STORM DRAIN MANHOLE PER CITY OF MADERA STANDARD S-1
- WATER VALVE
- FIRE HYDRANT
- 18" DRIVEWAY APPROACH PER CITY OF MADERA STANDARD ST-13B
- LANDSCAPED AREA

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
 THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA ACCORDING TO THE OFFICIAL PLAT THEREOF.
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 APN: 012-480-005-000

RECORD OWNERSHIP:

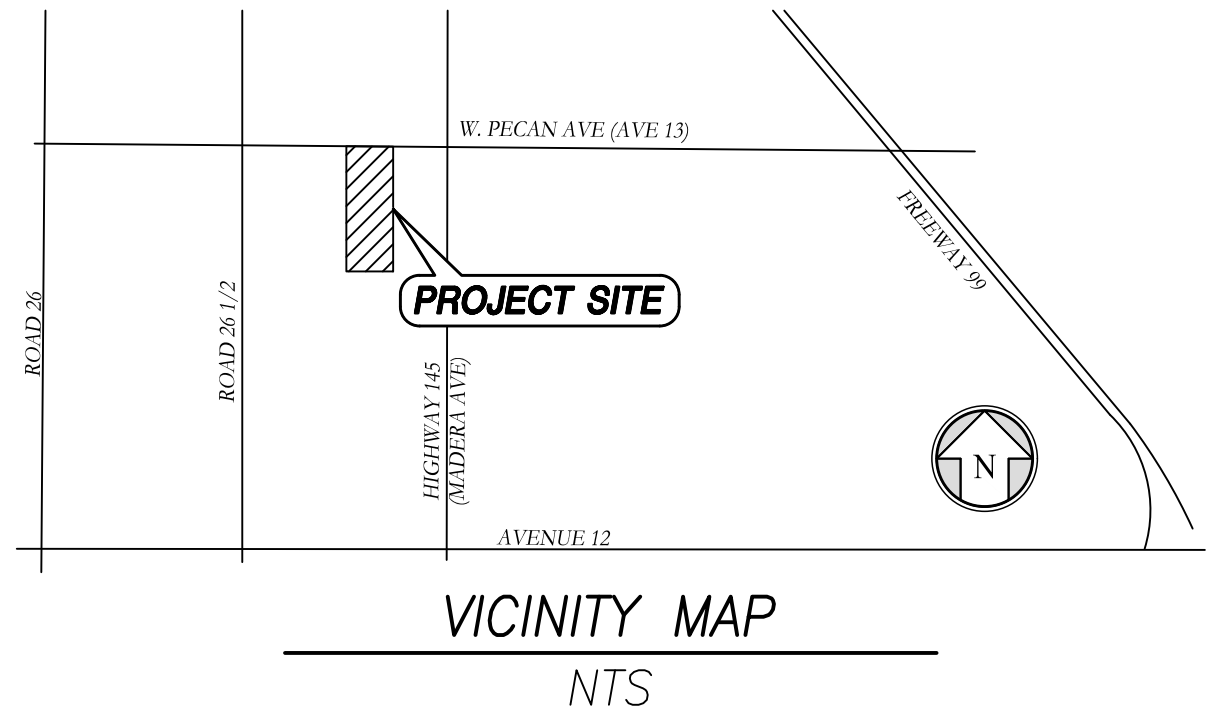
ROBERT "BOB" ATAMIAN AND JUDEE ATAMIAN
 12180 ROAD 26 #1
 MADERA, CA 93637
 APN: 012-480-005

NOTES:

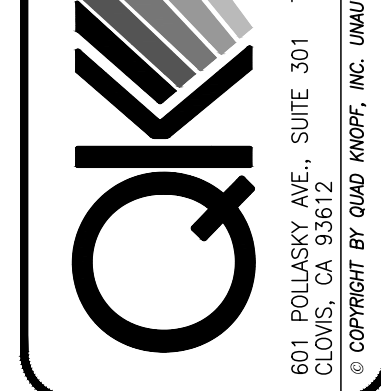
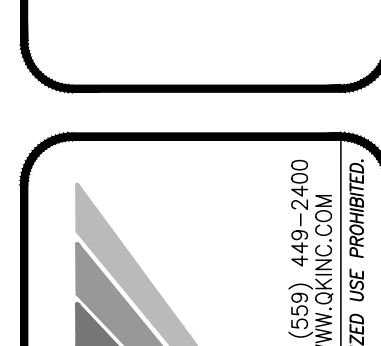
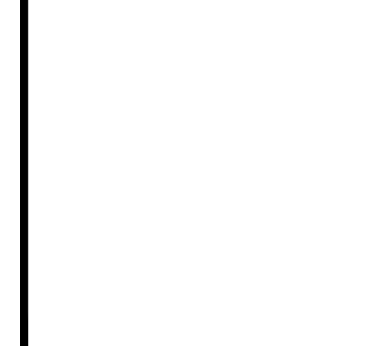
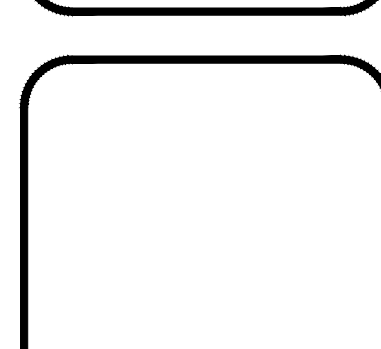
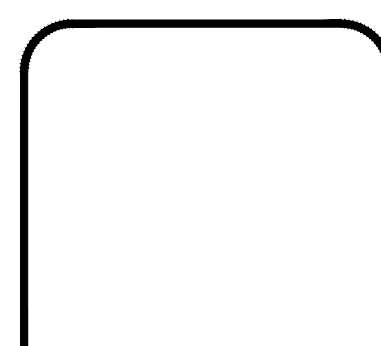
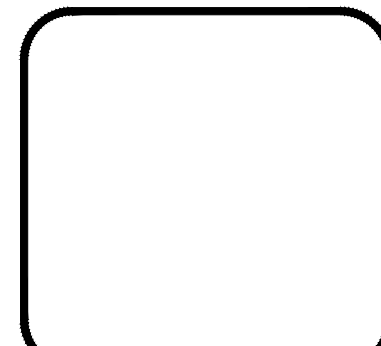
1. EXISTING ZONING: PD(6000), PD(3000), PD(1500), PF, CN (PLANNED DEVELOPMENT, PUBLIC FACILITY, NEIGHBORHOOD COMMERCIAL)
2. EXISTING USE: VACANT
3. PROPOSED LAND USE: RESIDENTIAL, PD(6000)
4. SITE AREA: 22,504 ACRES
5. SITE ADDRESS: 300 PECAN AVENUE, MADERA, CA 93637
6. ASSESSOR'S PARCEL No.: 012-480-005
7. ANY GRADE DIFFERENTIALS ACROSS EXISTING AND PROPOSED PROPERTY LINES WILL BE MITIGATED PER CITY OF MADERA REQUIREMENTS.
8. ALL EXISTING WATER LINES, SEWERS, AND STORM DRAINS WILL REMAIN UNLESS OTHERWISE NOTED.
9. NO EXISTING TREES WERE OBSERVED ON-SITE AT THE TIME OF THE FIELD SURVEY.
10. THERE ARE NO KNOWN UNDERGROUND FEATURES SUCH AS WELLS OR CESSPOOLS WITHIN THE PROPOSED SUBDIVISION OTHER THAN WHAT IS SHOWN ON THE MAP.
11. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO DUMP SITES ON THIS PROPERTY.
12. WATER SUPPLY AND SEWER SERVICES ARE FROM THE CITY OF MADERA.
13. A PORTION OF THIS AREA IS SUBJECT TO FLOOD INUNDATION PER FIRM PANEL 1170E, ZONE AO.
14. BOUNDARY INFO SHOWN IS CONSIDERED APPROXIMATE AND IS BASED ON RECORD INFORMATION ONLY.

UTILITY INFORMATION:

TELEPHONE: AT&T CALIFORNIA 5555 EAST OLIVE AVENUE, RM. E-100-0E FRESNO, CA 93762 PHONE: (559)454-3778	GAS AND ELECTRIC: PACIFIC GAS AND ELECTRIC COMPANY 2871 AIRPORT DRIVE MADERA, CA 93637 PHONE: (800)743-5000	LANDSCAPE AND LIGHTING: LANDSCAPING AND LIGHTING DISTRICT CITY OF MADERA 205 WEST FOURTH STREET MADERA, CA 93637 PHONE: (559)661-5400
SEWER: CITY OF MADERA 205 WEST FOURTH STREET MADERA, CA 93637 PHONE: (559)661-5400	STORM DRAIN: CITY OF MADERA 205 WEST FOURTH STREET MADERA, CA 93637 PHONE: (559)661-5400	WATER: CITY OF MADERA 205 WEST FOURTH STREET MADERA, CA 93637 PHONE: (559)661-5400



REVISIONS	ID	DATE	BY	DESCRIPTION



DR HORTON - CENTRAL VALLEY
 419 W. MURRAY AVENUE
 VISALIA, CA 93291
 (559) 636-9850

**PECAN SQUARE
 PRECISE PLAN**

PROJECT NO.:	190227
DRAWN BY:	SP
QA/QC BY:	RB
SCALE:	AS SHOWN
SHEET NO.:	1 of 1

L:\PROJECTS\2019\190227\ACAD\EXHIBITS\190227-PRECISE PLAN EXL.DWG 3/19/2020 5:10 PM

PROGRESS SET - NOT FOR CONSTRUCTION

Attachment 6B: Elevations and Floor Plans

**N415 Adams A
Americana**



**N415 Adams B
Farmhouse**



**N415 Adams C
Craftsman**



**Actual N415
Craftsman**



**N419 Coolidge A
Americana**



**N419 Coolidge B
Farmhouse**



**N419 Coolidge C
Craftsman**



**N424 Lincoln A
Americana**



**N424 Lincoln B
Farmhouse**



**N424 Lincoln C
Craftsman**



**Actual N424
Craftsman**



N424
Farmhouse



**N428 Monroe A
Americana**



**N428 Monroe B
Farmhouse**



**N428 Monroe C
Craftsman**

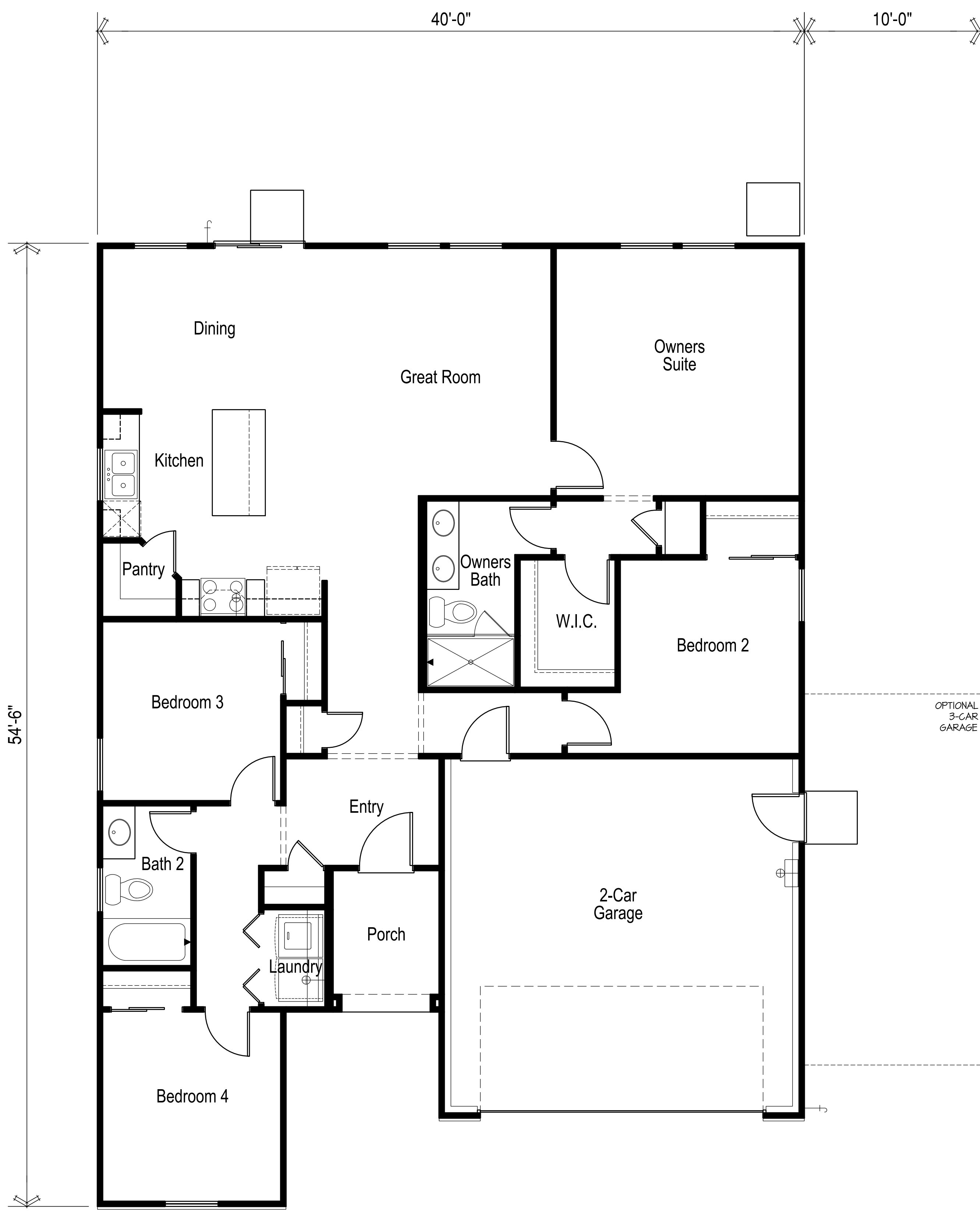


Actual N428 Americana



Actual N428 Farmhouse



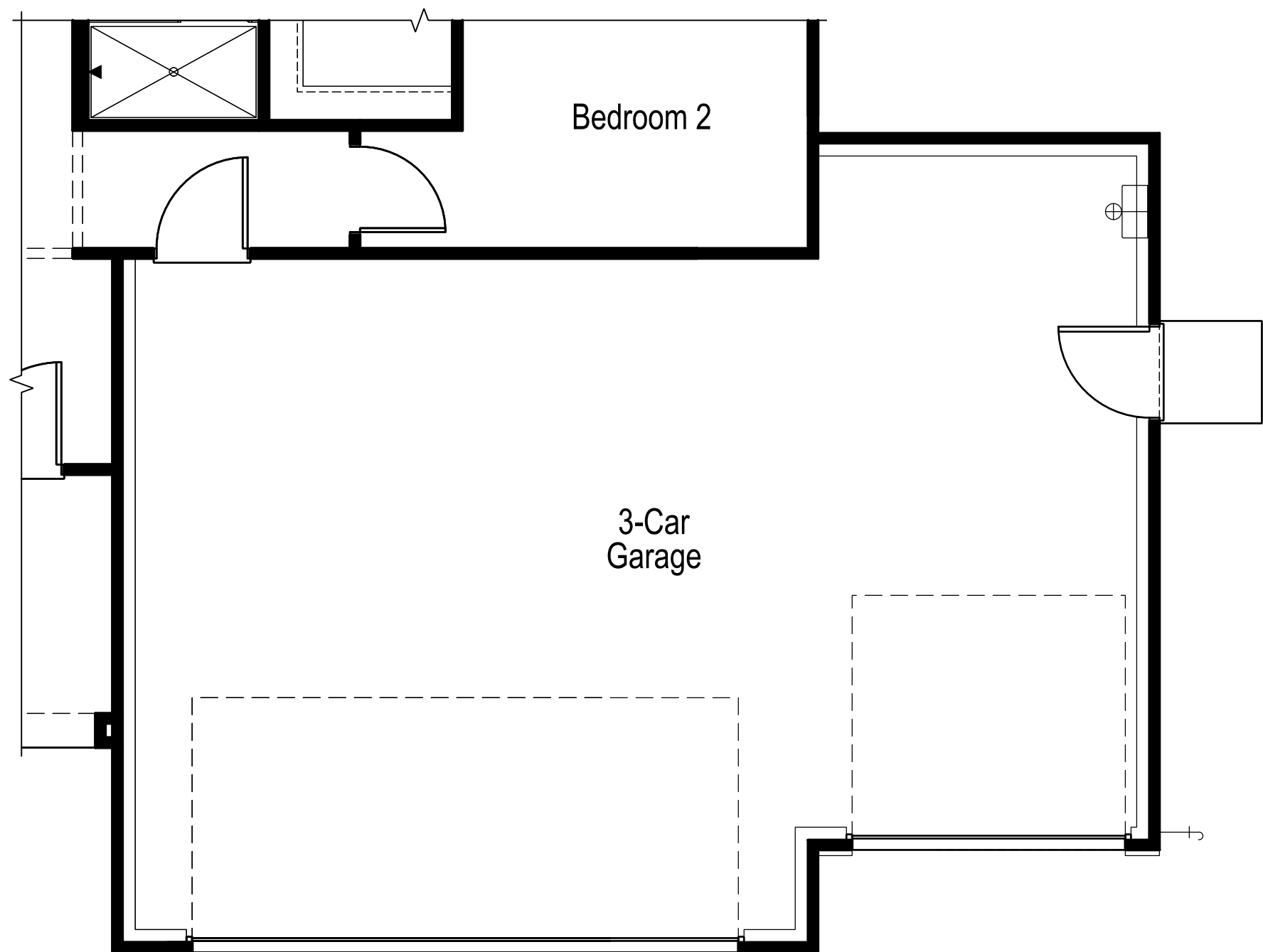


Main Floor Plan

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

Adams - N415

1515 SQ FT

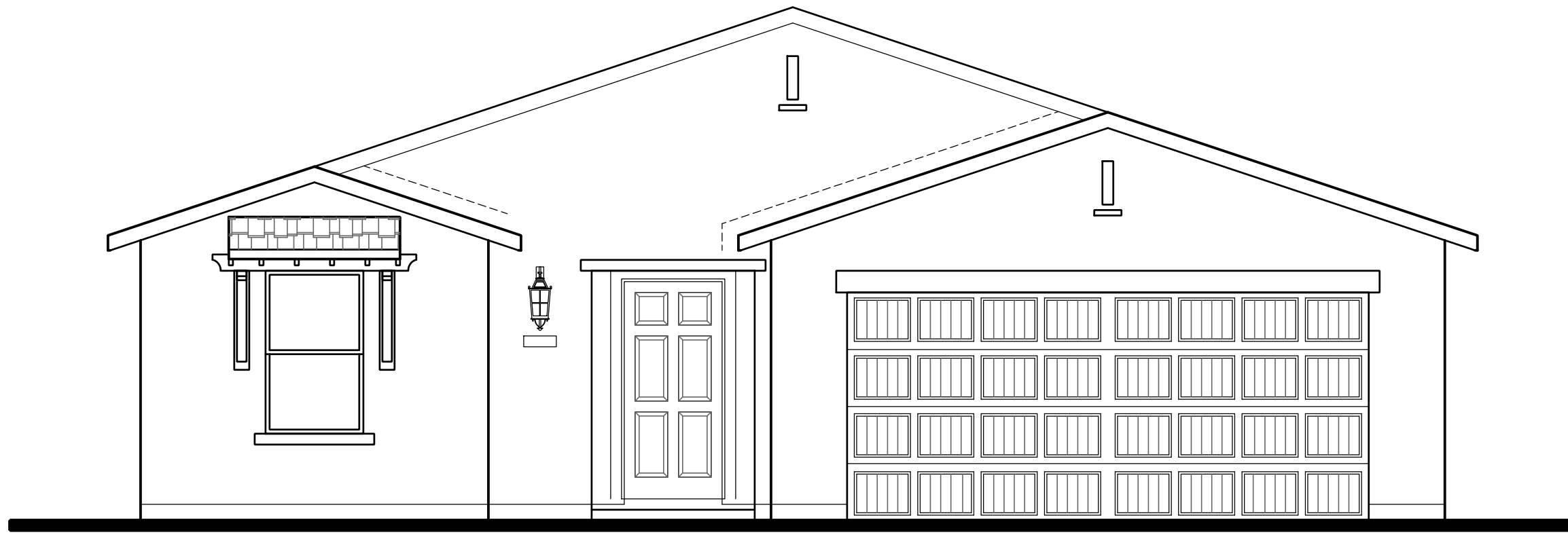


**Opt. 3-Car Garage
Partial Main Floor Plan**

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

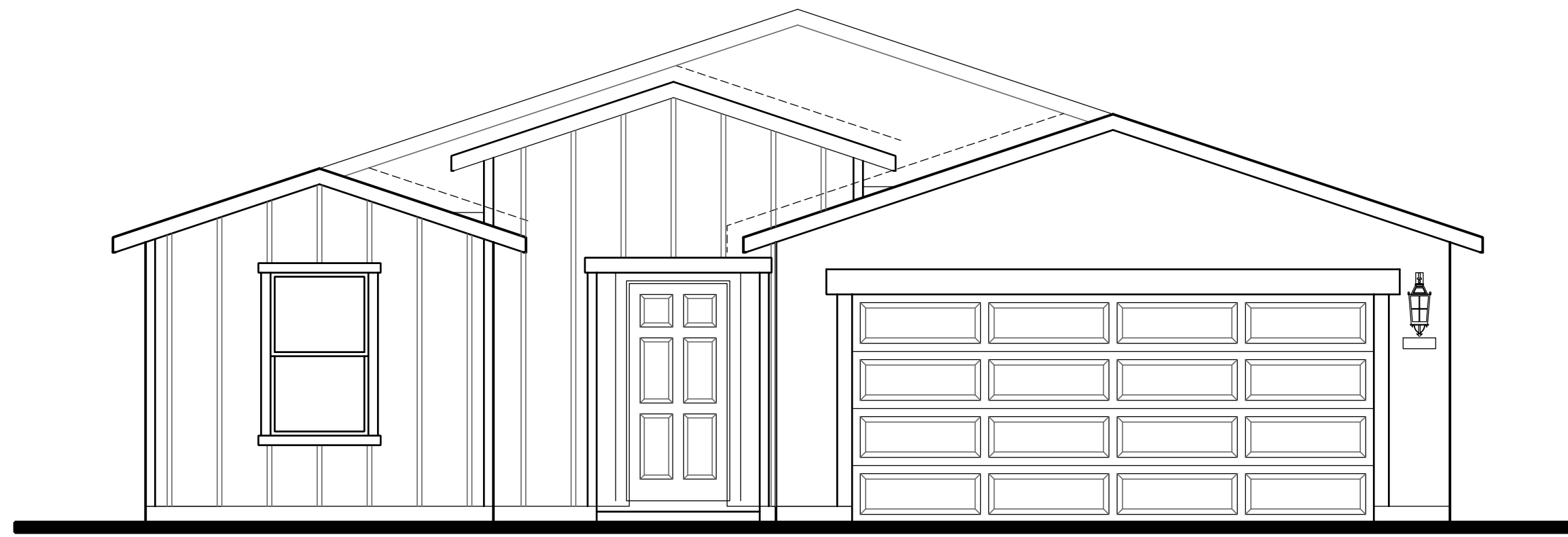
Adams - N415

1515 SQ FT



Elevation "A" - Americana

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Elevation "B" - Farmhouse

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)

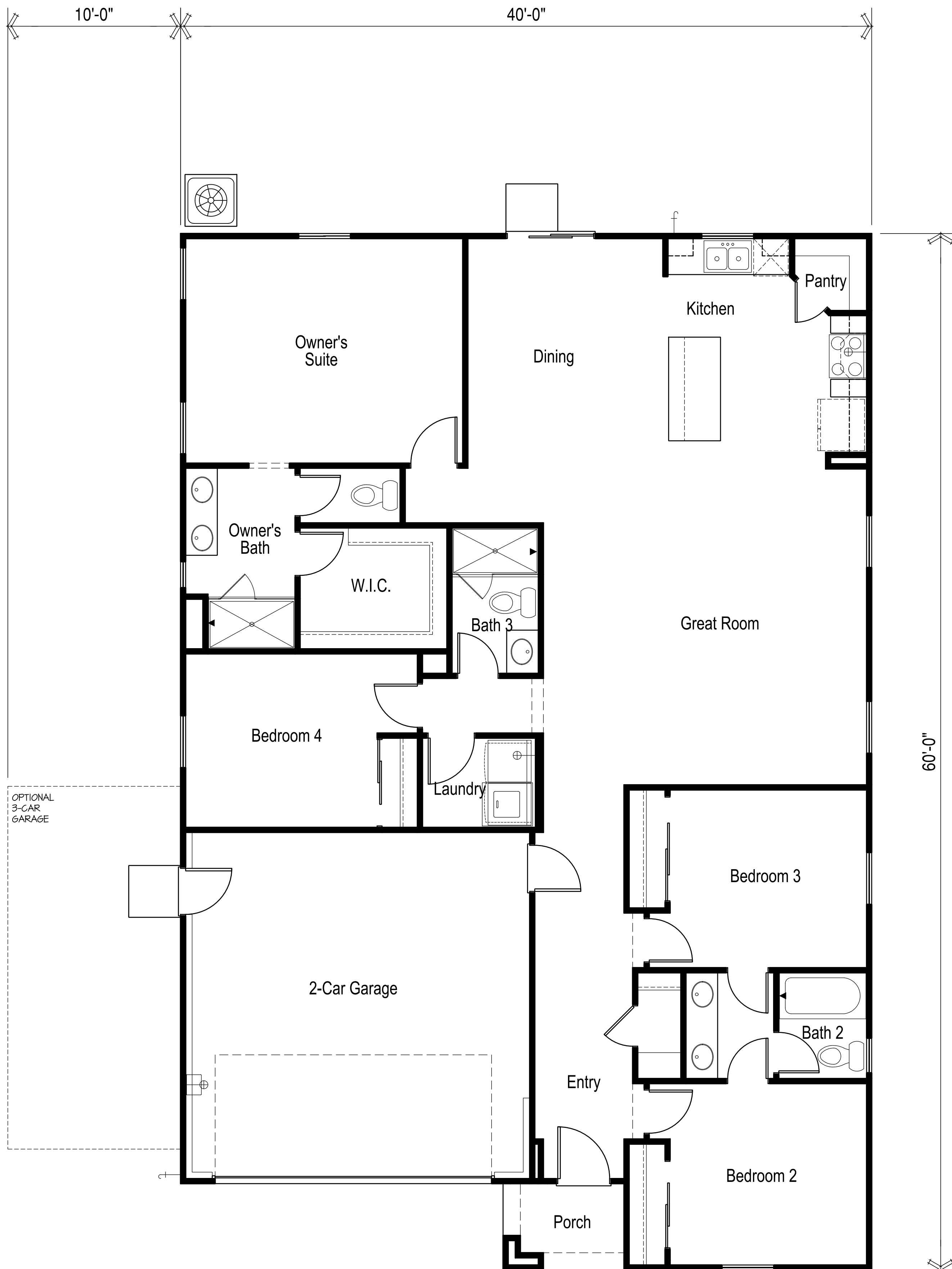


Elevation "C" - Craftsman

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)

Adams - N415

1515 SQ FT

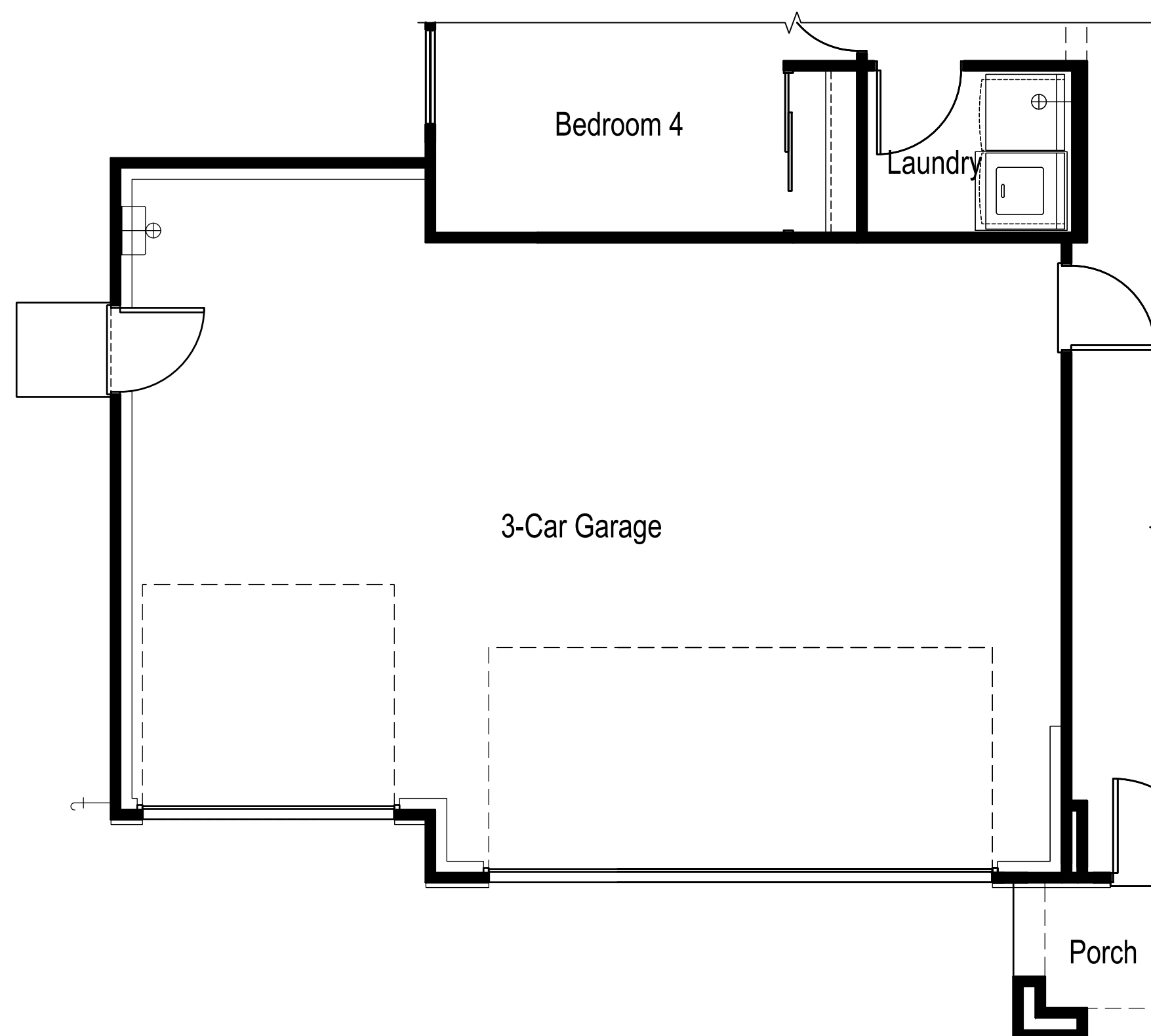


Main Floor Plan

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

Coolige - N419

1862 SQ FT

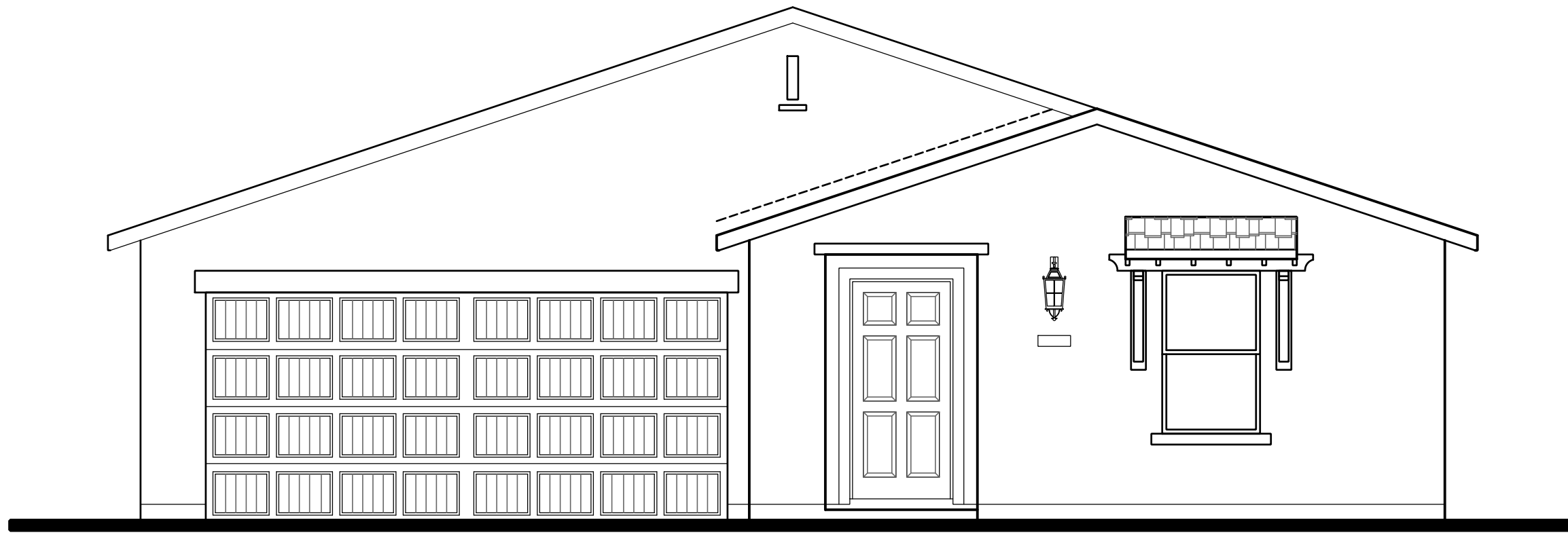


**Opt. 3-Car Garage
Partial Main Floor Plan**

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

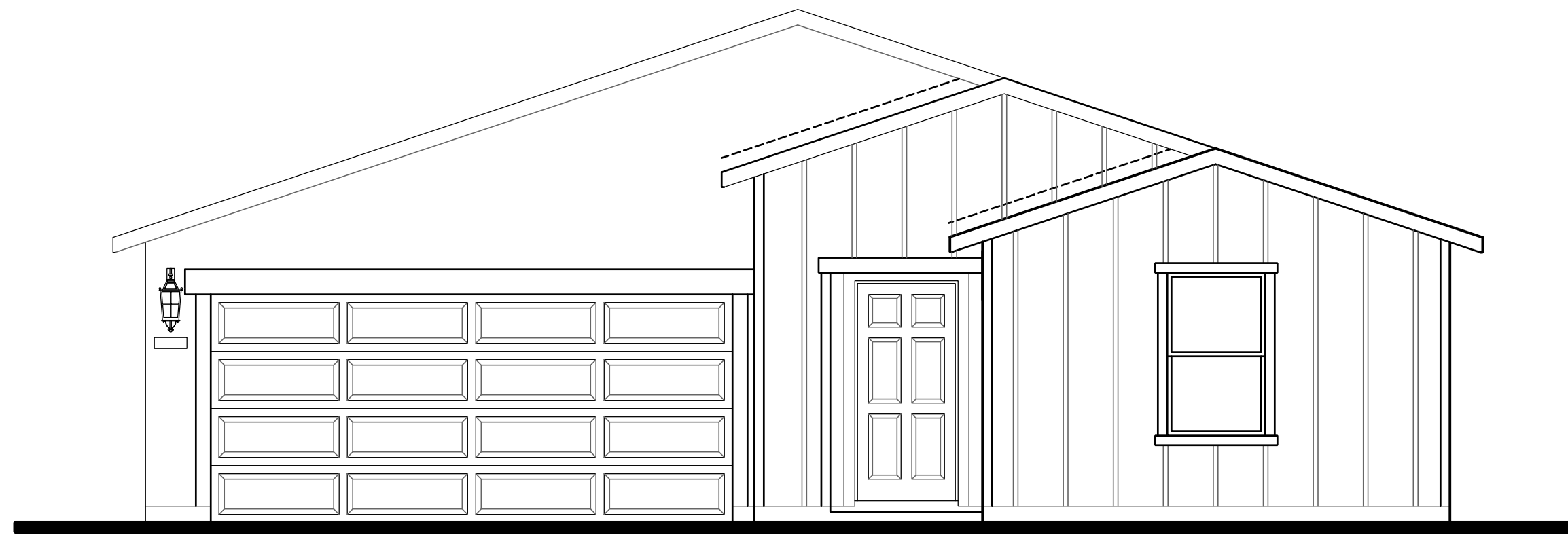
Coolige - N419

1862 SQ FT



Elevation "A" - Americana

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Elevation "B" - Farmhouse

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)

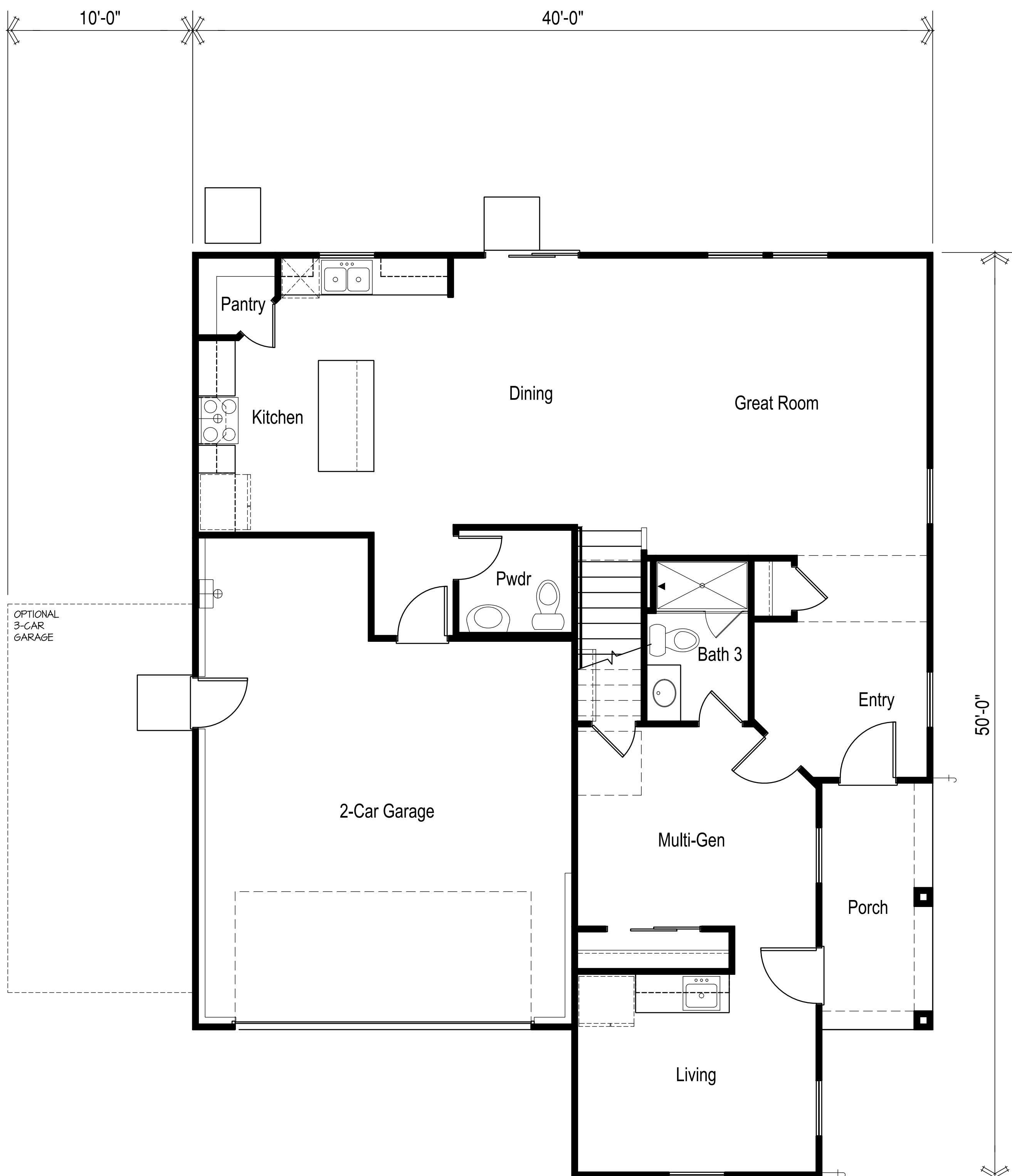


Elevation "C" - Craftsman

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)

Coolige - N419

1862 SQ FT



Main Floor Plan

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

Lincoln - N424

2554 SQ FT

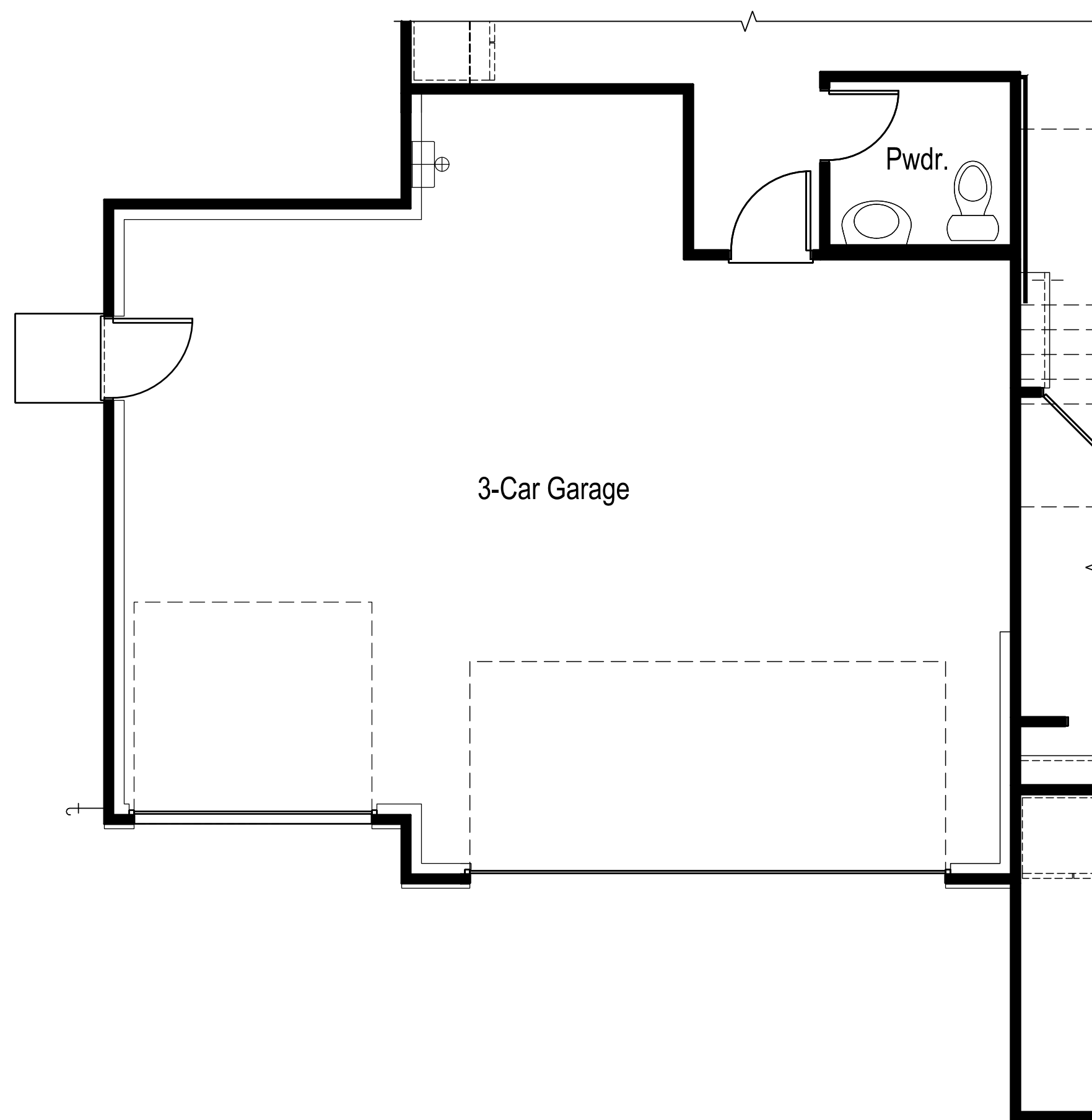


Upper Floor Plan

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

Lincoln - N424

2554 SQ FT



**Opt. 3-Car Garage
Partial Main Floor Plan**

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

Lincoln - N424

2554 SQ FT



Elevation "A" - Americana

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Elevation "B" - Farmhouse

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)

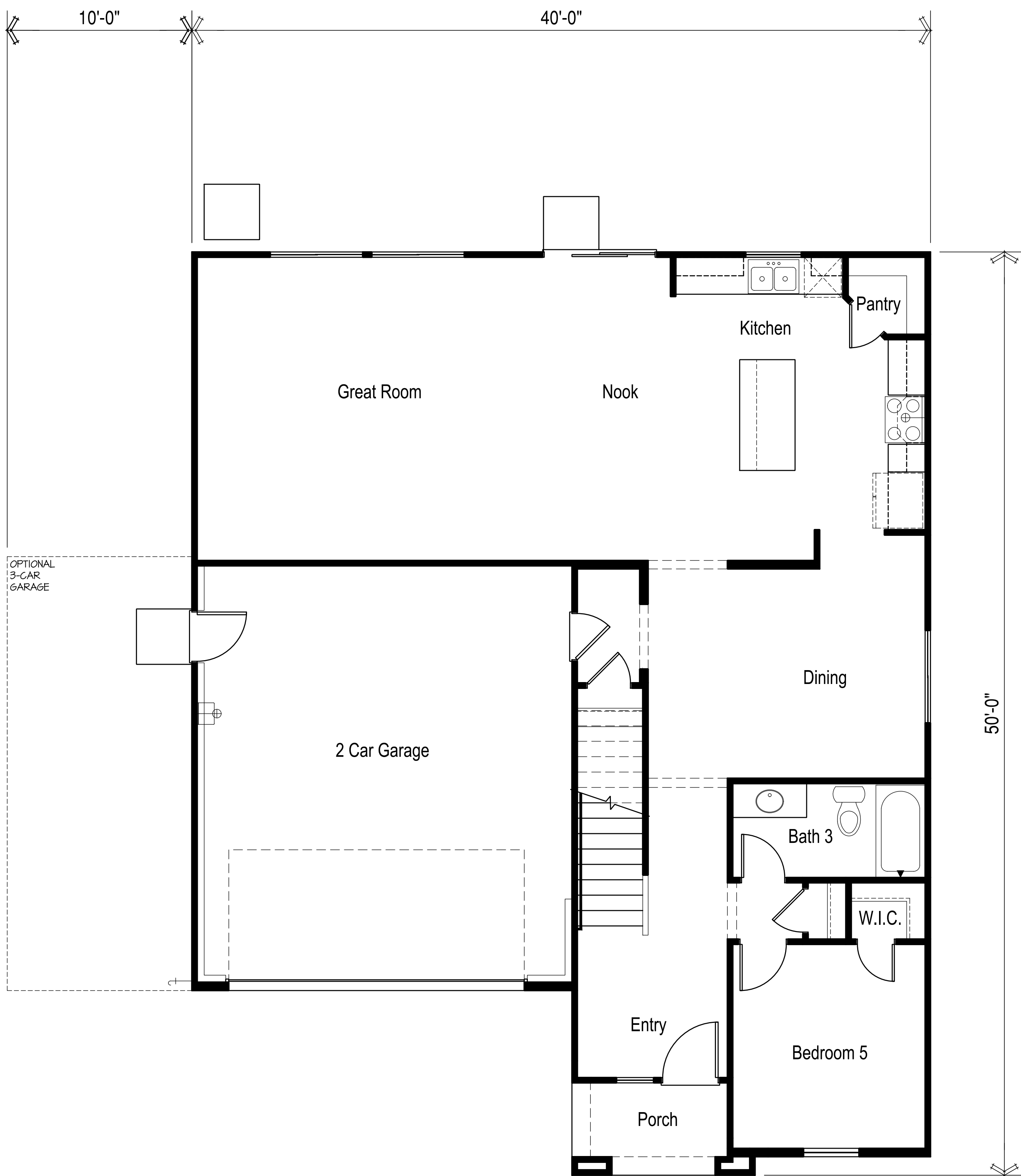


Elevation "C" - Craftsman

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)

Lincoln - N424

2554 SQ FT



Main Floor Plan

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

Monroe - N428

2814 SQ FT

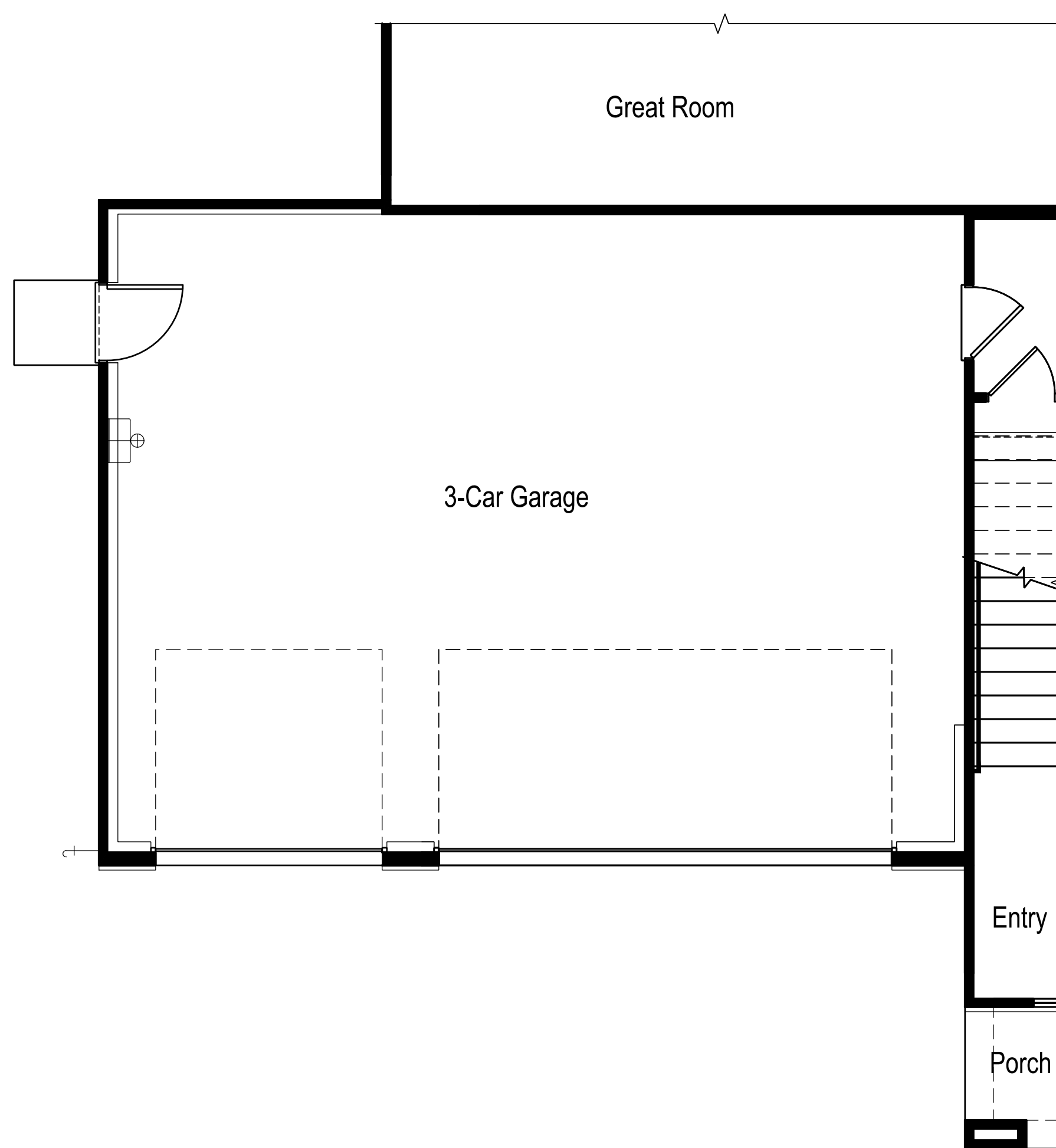


Upper Floor Plan

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

Monroe - N428

2814 SQ FT



**Opt. 3-Car Garage
Partial Main Floor Plan**

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

Monroe - N428

2814 SQ FT



Elevation "A" - Americana

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Elevation "B" - Farmhouse

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)



Elevation "C" - Craftsman

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x17)

Monroe - N428

2814 SQ FT

**Attachment 7: Resolution of Recommendation to City Council
RESOLUTION NO. 1850**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF
MADERA APPROVAL OF AN AMENDMENT OF THE GENERAL PLAN
CHANGING THE LAND USE DESIGNATION OF PORTIONS OF AN
APPROXIMATELY 78.9 ACRE SITE TO MODIFY BOUNDARIES OF
LOW DENSITY, MEDIUM DENSITY, HIGH DENSITY RESIDENTIAL
AND COMMERCIAL DESIGNATIONS AND THE REZONING OF THE
PROPERTY TO MODIFY BOUNDARIES OF PD-6000, PD-3000, PD-
1500 (PLANNED DEVELOPMENT) AND C (COMMERCIAL) ZONING
AND REMOVE PF (PUBLIC FACILITY) ZONING**

WHEREAS, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, the City of Madera has adopted a Comprehensive General Plan Update and Environmental Impact Report, and the City of Madera is currently in compliance with State mandates relative to Elements of the General Plan; and

WHEREAS, State law also provides for periodic review, updates, and amendments of its various plans; and

WHEREAS, D.R. Horton CA3, Inc., as the proposed subdivision developer, and the property owner, Robert Atamian, have filed an application initiating an amendment to the Madera General Plan to amend the boundaries of land use plan designations within an approximately 76.25 acre area located southwest of the intersection of West Pecan Avenue and Madera Avenue to modify the boundaries of the subject property's LD (Low Density Residential), MD (Medium Density Residential), HD (High Density Residential), and C (Commercial) land uses as shown in the attached Exhibit A; and

WHEREAS, D.R. Horton CA3, Inc., as the proposed subdivision developer, and the property owner, Robert Atamian, have filed an application initiating a Rezoning of the property to modify the boundaries of the PD-6000, PD-3000, PD-1500 (Planned Development) and the C (Commercial) Zone Districts to conform with the proposed planned land use boundaries, as shown in the attached Exhibit B; and

WHEREAS, the proposed General Plan amendment and Rezone will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the proposed General Plan amendment and Rezone are compatible with the neighborhood and are not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the City of Madera, acting as the Lead Agency, prepared an initial study and negative declaration for the project in compliance with the California Environmental Quality Act; and

WHEREAS, the negative declaration, General Plan amendment and rezoning were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the negative declaration, and considered testimony received as a part of the public hearing process.

WHEREAS, Based upon the testimony and information presented at the hearing, including the initial study and negative declaration and all evidence in the whole record pertaining to this

matter, the Commission found that the negative declaration has been prepared pursuant to the California Environmental Quality Act, that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the City of Madera, and was adopted in accordance with the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.
2. The Planning Commission hereby recommends that the Madera General Plan land use map be amended as specified in attached Exhibit "A".
3. The proposed amendment to the Land Use Map is hereby found consistent with all elements of the Madera General Plan.
4. The proposed rezoning is hereby found to be consistent with all elements of the General Plan, including the land use map as amended by this application.
5. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as specified within the attached Exhibit "B".
6. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 12th day of May 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Israel Cortes
Planning Commission Chairperson

Attest:

Darrell Unruh
Acting Planning Manager

Exhibit A

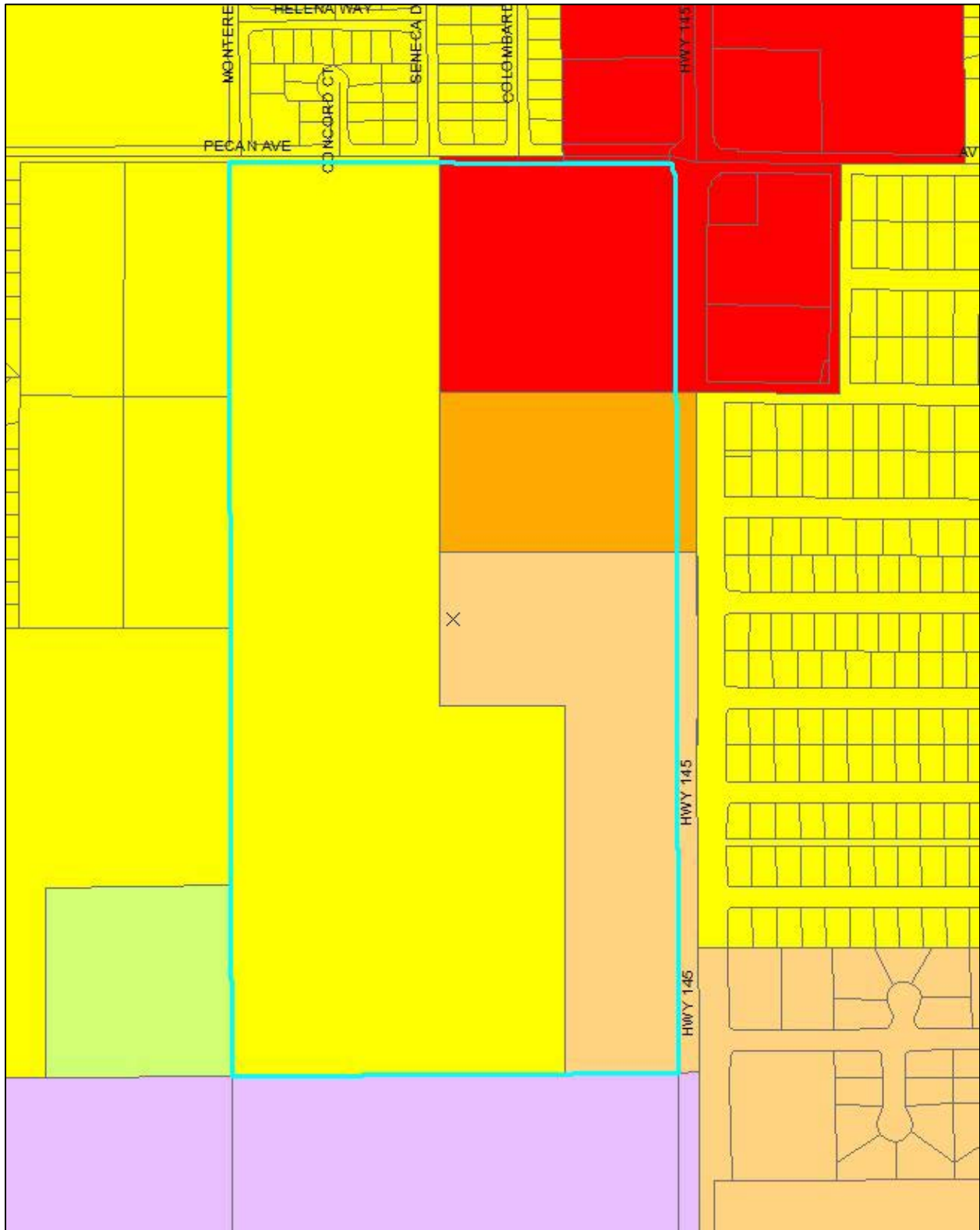
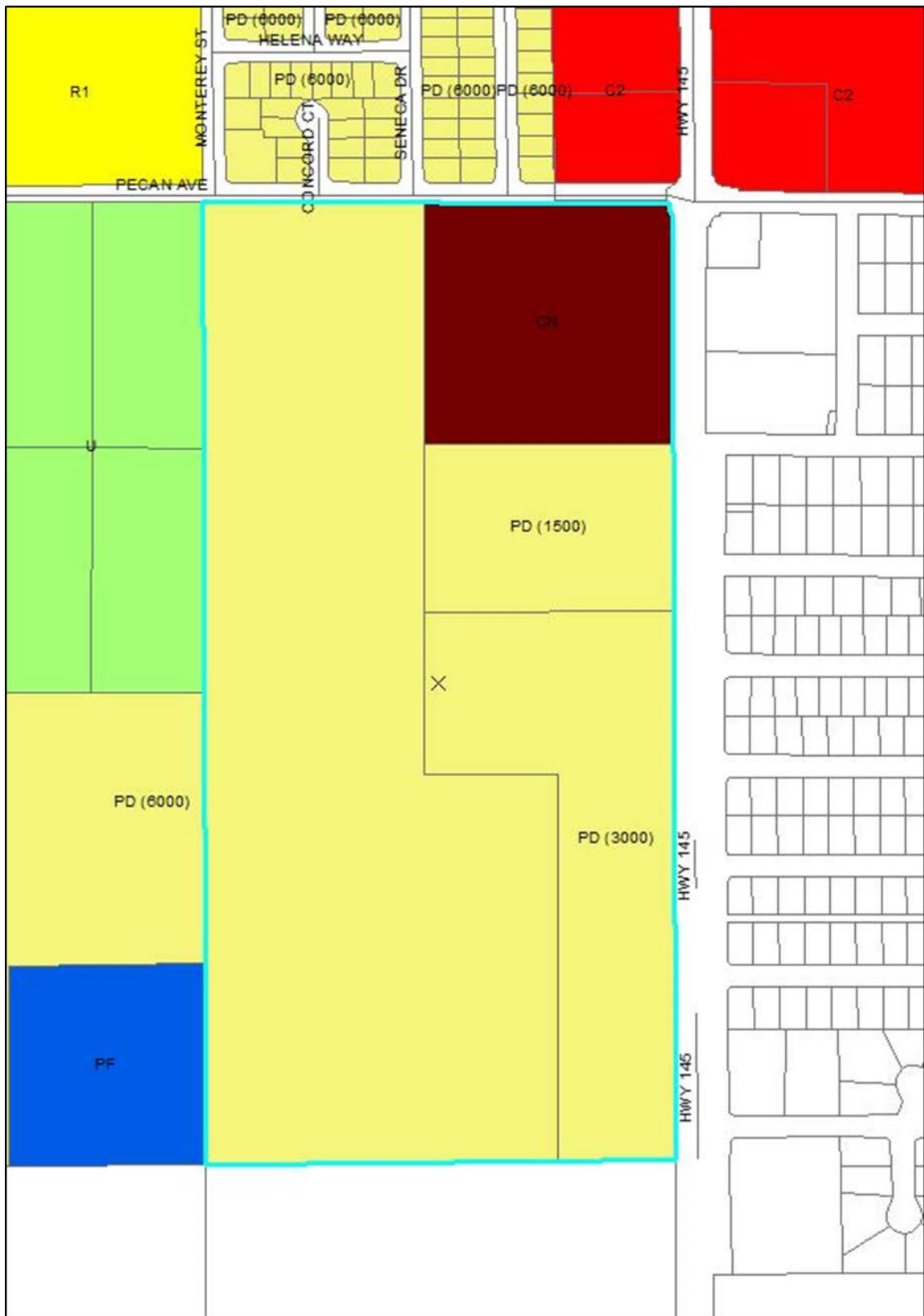


Exhibit B



Attachment 8: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 78.5 ACRES OF PROPERTY (APN: 012-480-005), LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST PECAN AVENUE AND MADERA AVENUE, FROM THE PD-6000, PD-3000, PD-1500 (PLANNED DEVELOPMENT), PF (PUBLIC FACILITY) AND CN (NEIGHBORHOOD COMMERCIAL) ZONE DISTRICTS TO THE PD-6000, PD-3000, PD-1500 (PLANNED DEVELOPMENT) AND CN (NEIGHBORHOOD COMMERCIAL) ZONE DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property, as shown in Exhibit "A", and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title X of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

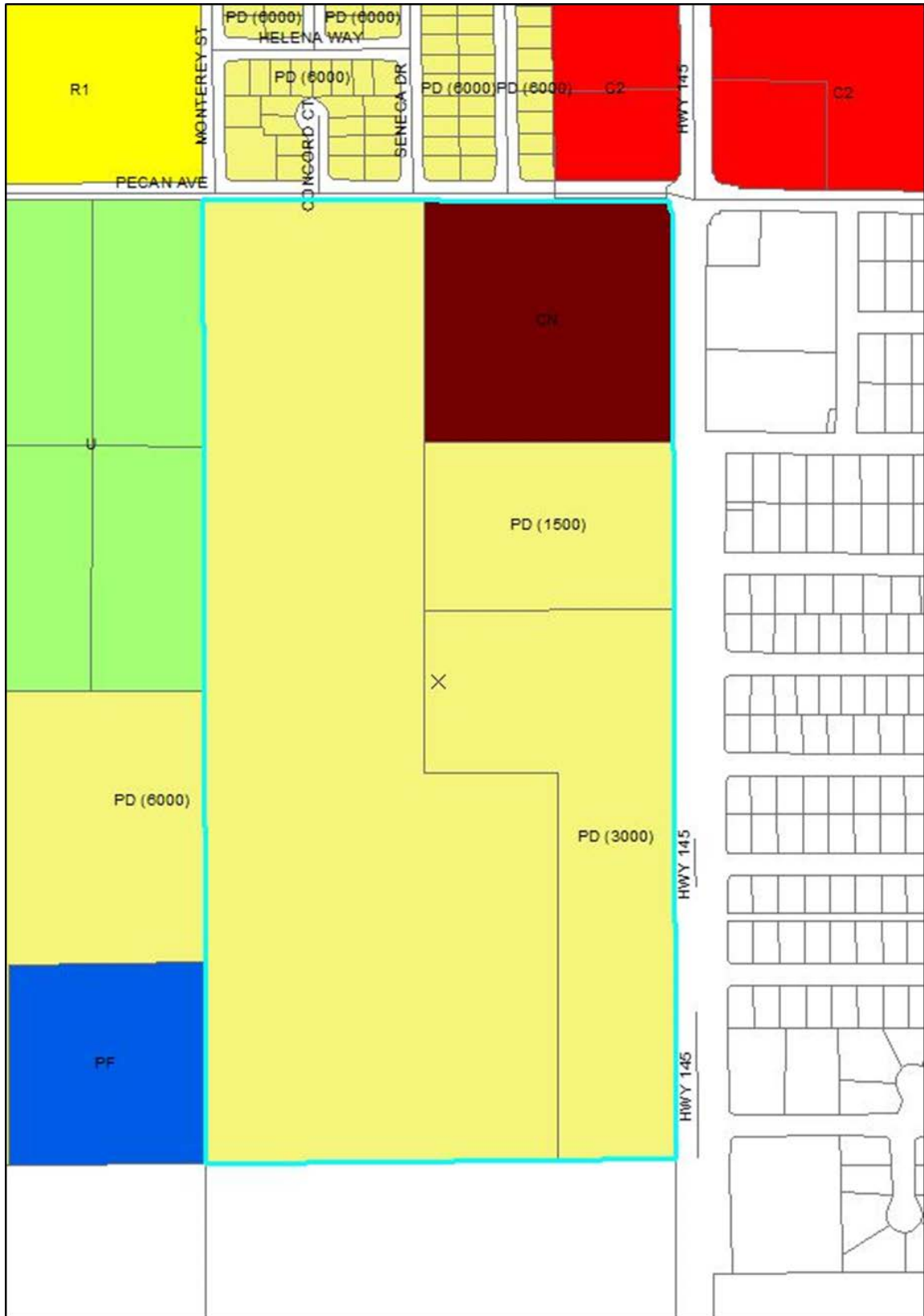
FINDINGS:

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

EXHIBIT A



Attachment 9: Initial Study and Mitigated Negative Declaration

CITY OF MADERA
INITIAL STUDY / ENVIRONMENTAL CHECKLIST

I. BACKGROUND AND PROJECT DESCRIPTION

1. **Application No.:**
General Plan Amendment 2019-03, Rezone 2019-06, Tentative Subdivision Map 2019-03, Tentative Parcel Map 2019-03, Precise Plan 2020-04

2. **Project Title:**
Pecan Square

3. **Lead Agency Name and Address:**
City of Madera, 205 W. 4th St., Madera, CA 93637

4. **Contact Person and Phone Number:**
Darrell Unruh – (559) 661-5433

5. **Project Location:**
Southwest of the intersection of West Pecan Avenue and Madera Avenue (SR 145).

6. **Project Applicant's/Sponsor's Name and Address:**
D. R. Horton – 419 Murray Avenue, Visalia, CA 93291

7. **General Plan Designation (Existing):**
LD (Low Density Residential), MD (Medium Density Residential), HD (High Density), C (Commercial).

8. **General Plan Designation (Proposed)**
Adjusted configuration of the LD, MD, HD, and C planned land use designations to facilitate design parameters.

9. **Zoning (Existing):**
PD-6000, PS-3000, PD-1500 (Planned Development: 6000, 3000, 1500 square feet site area per dwelling unit); PF (Public Facility); CN (Commercial Neighborhood); PF (Public Facility)

10. **Zoning (Proposed):**
Adjust configuration of the PD and CN zones and eliminate the PF zone.

11. **Project Background:**
The applications propose a plan amendment, rezoning, tentative subdivision map, parcel map, and precise plan to provide of a 112-lot single family residential subdivision and areas for future development residential and commercial development within a 79-acre site. The subdivision map and precise plan provide for lot sizes ranging between 4,250 and 13,778 square feet in area to accommodate single family residences of 1515 to 2814 square feet in area, one and two stories, two or three garage parking spaces, and three to five bedrooms. Development includes a public street circulation network providing primary access to West Pecan Avenue to the north and

secondary access to the east to Madera Avenue (SR 145). A landscaped buffer will be provided along Pecan Avenue and a common area open space feature of 25,000 square feet or more in the southeast portion of the project site. The remainder of the site will be zoned but no development plans have been filed.

12. **Agencies Whose Approval or Review Is Required:**

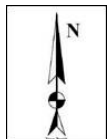
Madera Irrigation District, Madera Unified School District and San Joaquin Valley Air Pollution Control District.

13. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

The proposed project site has not been identified as a potential culturally sensitive site with the Madera General Plan EIR nor previous site-specific environmental reviews. California Native American tribes traditionally and culturally affiliated with the project area did not request consultation pursuant to Public Resources Code Section 21080.3.1.

II. ENVIRONMENTAL SETTING

The project site is vacant and has been planned and zoned for a range of residential densities as well as a future neighborhood commercial center on a vacant agricultural property located southwest of the intersection of West Pecan Avenue and Madera Avenue (SR 145). The project site encompasses a total of approximately 79 acres with approximately 22 acres now proposed for single family residential development. Primary access to the development will be provided from West Pecan Avenue with secondary access to Madera Avenue (SR 145). Existing urban residential and commercial development is located immediately to the north and east, with rural residents to the west and vacant agricultural land to the south. The City limits extend along West Pecan Avenue while the urban development to the east is unincorporated.



III. Environmental Checklist

Environmental Factors Potentially Affected by the Project: Some of the environmental factors checked below would be potentially affected by this project, involving no impacts that are a “Potentially Significant Impact” as indicated by the checklist on the following pages.

✓	Aesthetics	✓	Agricultural and Forest Resources	✓	Air Quality
	Biological Resources		Cultural Resources	✓	Energy
	Geology / Soils		Greenhouse Gas Emissions		Hazards and Hazardous Materials
	Hydrology / Water Quality	✓	Land Use / Planning		Mineral Resources
✓	Noise		Population / Housing	✓	Public Services
	Recreation	✓	Transportation		Tribal Cultural Resources
✓	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

IV. DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	✓
I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature: 

Date: March 24, 2020

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				✓
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	
<p><u>Discussion</u> The project would not affect a scenic vista or have an overall adverse visual impact on the immediate area. The project would not affect a scenic highway and would not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light and the anticipated residential development will add additional sources of light. The project would conform with and incorporate General Plan policies and requirements. No additional analysis is required.</p> <p><u>Less than Significant Impacts</u> d) There will be an increase in light and glare and other aesthetic impacts associated with the development as a result of the project, although it will be a less than significant impact upon implementation of City standards. The overall impact of additional light and glare will be minimal.</p> <p><u>No Impacts</u> a. The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks or formally classified scenic resources, such as a scenic highway, national or state scenic area, or scenic vista. b) The project will not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. c) The project will not substantially degrade the existing visual character or quality of the site and its surroundings. The project does not also conflict with applicable zoning and other regulations governing scenic quality.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>2. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement Methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			✓	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓
<p>Discussion The project site is located on land identified as “Vacant or Disturbed Land” on the 2016 California Farmland Mapping and Monitoring Program map.</p> <p>No Impacts a) The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency) to non-agricultural use. The project site is identified as “Urban and Built-Up Land” on the 2016 California Farmland Mapping and Monitoring Program map, which includes open field areas that do not qualify for an agricultural</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>category. The project site has been identified for residential uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.</p> <p>b) The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property.</p> <p>c) The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production because the project property is not defined as forest land (as defined by Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).</p> <p>d) The project would not result in the loss of forest land or conversion of forest land to a non-forest use because the parcel is not defined as forest land (as defined by Public Resources Code Section 12220(g)).</p> <p>e) The project, which will develop an eight-unit apartment complex, will not involve other changes in the existing environment, due to the project property's location or nature, that would result in the conversion of Farmland to a non-agricultural use or conversion of forest land to non-forest use.</p>				
<p>3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			✓	
c) Expose sensitive receptors to substantial pollutant concentrations?			✓	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			✓	
<p>Discussion</p> <p>The project site is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).</p> <p>Air quality is determined by the type and amount of contaminants emitted into the atmosphere, the size and topography of the SJVAB, and its meteorological conditions. National and state air quality</p>				

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<p>standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are “criteria pollutants.” The SJVAPCD also conducts monitoring for two other state standards: sulfate and visibility.</p> <p>The State of California has designated the project site as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.</p> <p>The project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.</p> <p>Similarly, the project will be evaluated to determine required compliance with District Rule 9510, which is intended to mitigate a project’s impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit and Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit would be made a condition of project approval.</p> <p>Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and the development will be subject to SJVAPCD review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.</p> <p>The proposed General Plan amendment and rezoning for the project site, and the development of the project site will not create impacts beyond those analyzed and addressed through the General Plan Update and the accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. All phases of development will similarly conform with and implement regional air quality requirements. No additional analysis is required. Any unique features or project impacts which are identified as specific projects are proposed within the project site will be evaluated and addressed on a project-by-project basis.</p> <p><u>Less than Significant Impacts</u></p> <p>a) According to the San Joaquin Valley Air Pollution Control District (SJVAPCD), the project is subject to some District Rules. The project will not conflict with or obstruct implementation of the applicable air quality plan.</p> <p>b) According to the SJVAPCD, the project would have a less than significant impact on air quality when compared to the significance thresholds of the following annual criteria pollutant</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>emissions: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides in nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).</p> <p>c) The project would not expose sensitive receptors to substantial pollutant concentrations.</p> <p>d) The development of the project would not result in other emissions, such as those leading to odors adversely affecting a substantial number of people.</p>				
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
approved local, regional, or state habitat conservation plan?				
<p>Discussion</p> <p>With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. There is no record of special-status species in the project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore, impacts in this category are not anticipated to exceed the impacts addressed in those documents.</p> <p>The project site is void of any natural features, such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. Development of the site would not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.</p> <p>No Impacts</p> <p>a) The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.</p> <p>b) The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p> <p>c) The project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p> <p>d) The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.</p> <p>e) The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p> <p>f) The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.</p>				
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?				✓

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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				✓
c) Disturb any human remains, including those interred outside of formal cemeteries?				✓
<p>Discussion</p> <p>The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project would not disturb any archaeological resources. The project would not disturb any unique paleontological or geologic resources. The project would not disturb any human remains. In the event any archaeological resources are discovered during project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State law may be applied.</p> <p>No Impacts</p> <p>a) The project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 because there are no known historical resources located in the affected territory.</p> <p>b) The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 because there are no known archaeological resources located in the affected territory.</p> <p>c) The project would not disturb any human remains, including those interred outside of formal cemeteries, because there are no known human remains located in the affected territory. When development occurs in the future and if any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state, and federal regulations affecting archaeological and historical resources would be complied with.</p>				
6. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓
<p>Less than Significant Impacts</p> <p>a) The project could utilize inefficient or unnecessary consumption of energy resources during project construction or operation, but because the project will be built to comply with Building Energy Efficiency of the California Building Code (Title 24), the project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.</p>				

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No Impacts				
b) State and local authorities regulate energy use and consumption. These regulations at the state level intended to reduce energy use and greenhouse gas (GHG) emissions. These include, among others, Assembly Bill (AB) 1493 – Light-Duty Vehicle Standards, California Code of Regulations Title 24, Part 6 – Energy Efficiency Standards, California Code of Regulations Title 24, Part 11 – California Green Building Standards. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.				
7. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
ii. Strong seismic ground shaking?				✓
iii. Seismic-related ground failure, including liquefaction?				✓
iv. Landslides?				✓
b) Result in substantial soil erosion or the loss of topsoil?				✓
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓

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<p><u>Discussion</u></p> <p>There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in The Uniform Building Code that is utilized by the City of Madera Building Division to monitor safe construction within the City limits.</p> <p><u>No Impacts</u></p> <p>a)</p> <ul style="list-style-type: none"> i. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. No known faults with evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west and south of the project site. Due to the geology of the project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal. ii. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking. Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned. iii. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction. Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. iv. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides. 				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) The project would not result in substantial soil erosion or the loss of topsoil. Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with the City of Madera ordinances and regulations, the California Building Code, and professional engineering designs approved by the Madera Engineering Department will mitigate any potential impacts from future urban development, if any.</p> <p>c) The project would not be located on a geologic unit or soil that is unstable as a result of the project, and not potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.</p> <p>d) The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), not creating substantial direct or indirect risks to life or property.</p> <p>e) The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. The City of Madera would provide necessary sewer and water systems upon project approval.</p> <p>f) The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>				
8. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	
<p>Discussion</p> <p>Climate change is a public health and environmental concern around the world. Globally, temperature, precipitation, sea level, ocean currents, wind patterns, and storm activity are all affected by the presence of greenhouse gas (GHG) emissions in the atmosphere. Human activity contributes to emissions of six primary GHG gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Human-caused emissions of GHGs are linked to climate change.</p> <p>In 2006, the California State Legislature adopted AB32, the California Global Warming Solutions Act of 2006, which aims to reduce GHG emissions in California. GHGs, as defined by AB 32, includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 requires the California Air Resources Board (ARB), the State agency which regulates statewide air quality, to adopt rules and regulations that would achieve GHG emissions equivalent to 1990 statewide levels by 2020.</p>				

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<p>As part of the 2011 City of Madera General Plan update, the Conservation Element includes several goals, policies and programs in the Air Quality, GHG Emissions and Climate Change sections which address and promote practices that meet or exceed all state and federal standards and meet or exceed all current and future state-mandated targets for reducing GHG emissions. The City also requires applicants for all public and private development integrate appropriate methods that reduce GHG emissions consistent with the Energy and Green Building sections of the Conservation Element, General Plan Policy CON-40 through 46.</p> <p>Less than Significant Impacts</p> <p>a) The project would not, by itself, generate significant GHG emissions or contribute to global warming because the new development that is proposed will be required to adhere to local, regional and state regulations.</p> <p>b) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.</p>				
<p>9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</p>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
for people residing or working in the project area?				
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓
Discussion				
The project will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be delineated with the accompanying precise plan.				
No impacts				
a) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.				
b) The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.				
c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school.				
d) The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create a significant hazard to the public or the environment.				
e) The project site is not located within an airport land use plan and would result in a safety hazard or excessive noise for people residing or working in the project area.				
f) The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.				
g) The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires.				
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise				✓

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substantially degrade surface or ground water quality?				
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i. Result in substantial erosion or siltation on- or off-site;				✓
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				✓
iii. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or				✓
d) In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?				✓
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓

Discussion

The project would not violate any water quality standards or waste discharge requirements. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. Services will be provided in accordance with the City's Master Plans. The project would not change any drainage patterns or stream courses, or the source of direction of any water movement. During construction, the project site may be exposed to increased soil erosion from wind and water. Dust control would be used during construction. With completion of the project, the project would not bring about erosion, significant changes in topography or unstable soil conditions.

The project would not expose people or property to water-related hazards. Standard construction practices and compliance with City ordinances and regulations, The Uniform Building Code, and adherence to professional engineering design approved by the Madera Engineering Department would mitigate any potential impacts from this project. This development would be required to comply with all City ordinances and standard practices which will assure that storm water would be adequately

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<p>drained into the approved storm water system. The project would not create any impacts on water quality.</p>				
<p>Based on a review of the City’s FEMA maps, the site is located in Zone X and the project would not place housing or other land uses in a 100-year flood hazard area. These areas outside of the 500-year flood area. The project would not expose people or structures to a significant risk because of dam or levee failure. The project would not expose people or structures to a significant risk because of a seiche, mudflow, or tsunami.</p>				
<p>No Impacts</p>				
<p>a) The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The development of the project site will be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development will also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.</p> <p>b) The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.</p> <p>c)</p> <ul style="list-style-type: none"> i. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not result in substantial erosion or siltation on- or off-site. ii. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. iii. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. <p>d) The project is not located in flood hazard, tsunami or seiche zones and it will not risk release of pollutants due to project inundation.</p>				

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e) The project does not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.				
11. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				✓
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✓
<p>Discussion Development of the project site is consistent with urbanization of the project site, as evaluated in the General Plan and its EIR as well as environmental analysis pertaining to the previous annexation of site into the City of Madera; therefore, impacts in this category are avoided.</p> <p>No Impacts</p> <p>a) The project would not physically divide an established neighborhood. The project logically allows development to occur in an orderly manner, adjacent to future urban development.</p> <p>b) The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.</p>				
12. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓
<p>No Impacts</p> <p>a) The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.</p> <p>b) The project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</p>				
13. NOISE: Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?				✓

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b) Generation of excessive ground borne vibration or ground borne noise levels?				✓
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
<p>Discussion</p> <p>These potential impacts were addressed in the General Plan EIR, and goals and mitigation measures were adopted to reduce potential impacts to a less than significant level. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan, and its EIR; therefore, impacts in this category are not anticipated to exceed the impacts addressed in these documents.</p> <p>No Impacts</p> <p>a) The project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.</p> <p>b) The project would not generate excessive ground borne vibration or ground borne noise levels.</p> <p>c) The project site is not located within the vicinity of a private airstrip or an airport land use plan and would not expose people residing or working in the project area to excessive noise levels.</p>				
14. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓
<p>Discussion</p> <p>The proposed project is consistent with planned urban growth of General Plan and Housing Element and is necessary to meet the housing need projected by State of California Housing and Community Development would not induce additional substantial growth in this area. The project site would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.</p>				

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<p><u>Less than Significant Impacts</u></p> <p>a) The project does induce unplanned population growth in the area directly with the construction of eight new dwelling units, but the growth will not be substantial.</p> <p><u>No Impacts</u></p> <p>b) The project will not displace substantial numbers of existing people or housing which will not necessitate the construction of replacement housing elsewhere.</p>				
<p>15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</p>				
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?		✓		
e) Other public facilities?		✓		
<p><u>Discussion</u></p> <p>The development of the project site would not result in substantial adverse physical impacts from new or altered public facilities. Proposed project provides housing to meet projected demands of General Plan, Housing Element and State HCD housing allocation. Increase demands upon public facilities and services are anticipated including school facilities. Project will contribute dedicated and improved public park space per applicable plans, ordinances and statutes. This additional demand is consistent with the demand anticipated in the General Plan and evaluated in the General Plan EIR.</p> <p>The project would not bring about the need for new wastewater treatment facilities. The project would not significantly increase the urban demand on water supplies beyond the levels anticipated in the General Plan and the Water Master Plan. Project will contribute improvements or funds to complete water supply and distribution improvements and will not result in a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project would not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project area. The project area would be required to provide additional facilities within the development, and comply with the City's Master Plan, ordinances and standard practices. The project would not bring about a significant increase in the demand for solid waste disposal services and facilities.</p> <p><u>No Impacts</u></p> <p>a) The project would not result in substantial adverse physical impacts to fire protection services.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) The project would not result in substantial adverse physical impacts to police protection services.</p> <p>c) The project would not result in substantial adverse physical impacts to school services. The Madera Unified School District levies a school facilities fee to assist defraying the impact of residential development.</p> <p>d) The project would not result in substantial adverse physical impacts to park facilities.</p> <p>e) The project would not result in substantial adverse physical impacts on other public facilities.</p>				
16. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓
<p>Discussion Residential development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.</p> <p>No Impacts</p> <p>a) The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.</p> <p>b) The project will include the construction of large open space areas with a central area for the complex, a water recreational feature, nine covered lounge areas and a basketball court that would provide for recreational activities, but they will not have an adverse physical effect on the environment.</p>				
17. TRANSPORTATION. Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				✓
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				✓
d) Result in inadequate emergency access?			✓	
<p>Discussion</p> <p>The project site was included in the General Plan and its accompanying EIR and the potential traffic and travel demand attributable to urban development of this land considered within goals, policies and circulation system components of the General Plan to mitigate vehicle and pedestrian travel demands as a result of this development. Project streets will provide adequate vehicular and pedestrian circulation with primary access to West Pecan Avenue and secondary to Madera Avenue (SR 145). Project will construct improvements to West Pecan Avenue and Madera Avenue as identified by the traffic analysis prepared and approved by City Engineer to accommodate project access. Fair share contribution to SR 145 will be made per Caltrans to extent project's fare share obligation is not met by project improvements.</p> <p>No Impacts</p> <p>a) The project would not conflict with any program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. All pedestrian walkways will be constructed consistent with the City of Madera Engineering Department standards and Americans with Disabilities Act (ADA) standards.</p> <p>b) The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The project is not located within one-half mile of an existing major transit stop or along an existing high-quality transit corridor.</p> <p>c) The project would not substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment).</p> <p>d) The project would not result in inadequate emergency access.</p>				
18. Tribal Cultural Resources. Would the project:				
<p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p>				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe				✓
<p>No Impacts</p> <p>a) The planned urban development of the project site has not previously been identified as potentially causing a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and the project is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).</p> <p>b) The project is not a resource determined by the lead agency (City of Madera), in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. The project site is not listed as a historical resource in the California Register of Historical Sources.</p> <p>c) Comply with Madera G.P., HC-9.1 & 9.2 specifying compliance with provisions of CEQA Section 15064.5 pertaining to notification of discovery, consultation and implementation of remediation measures and procedures as determined appropriate by a qualified archaeologist.</p>				
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or which could cause significant environmental effects?			✓	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?		✓		
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
demand in addition to the provider's existing commitments?				
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				✓
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✓

Discussion

The City's community sewage disposal system would continue to comply with Discharge Permit requirements. The project would not bring about the need for new wastewater treatment facilities. The project would not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There would not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project would not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project. The project site would be required to comply with the City's Master Plan, ordinances and standard practices. The project would not bring about a significant increase in the demand for solid waste disposal services and facilities.

Less than Significant Impacts

a) The project would require the construction of new water and storm water drainage facilities, but the construction would not cause significant environmental effects.

No Impacts

b) The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

c) The project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

d) The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

e) The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response in an or emergency evacuation?				✓
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✓
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✓
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✓
<p>Discussion</p> <p>The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The project will be developed consistent with all regulations of the California Fire Code and would provide no impact to wildfire hazards.</p> <p>No Impacts</p> <p>a) The project would not substantially impair an adopted emergency response plan or emergency evacuation.</p> <p>b) The project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.</p> <p>c) The project would not require the installation or maintenance of roads and will not exacerbate fire risk or result in temporary or ongoing impacts to the environment as the project is also not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.</p> <p>d) The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.</p>				
21. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:				
e) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				
f) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)				✓
g) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓
<p>Discussion</p> <p>Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Population and Housing, and Utilities and Service Systems.</p> <p>The potential impacts identified in this Initial Study are considered to be less than significant since they will cease upon completion of construction or do not exceed a threshold of significance. Therefore, a Negative Declaration is the appropriate level of documentation for this project.</p> <p>No Impacts</p> <p>a) The project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.</p> <p>b) The project would not have cumulatively considerable impacts that are beyond less than significant.</p> <p>c) The project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.</p>				

**CITY OF MADERA
MITIGATION MONITORING PROGRAM**

Project Name and/or File Number: General Plan Amendment 2019-03, Rezone 2019-06, Tentative Subdivision Map 2019-03, Tentative Parcel Map 2019-03, Precise Plan 2020-04

Project Description: plan amendment, rezoning, tentative subdivision map, parcel map, and precise plan to provide of a 112-lot single family residential subdivision and areas for future development residential and commercial development within a 79-acre site. The subdivision map and precise plan provide for lot sizes ranging between 4,250 and 13,778 square feet in area to accommodate single family residences of 1515 to 2814 square feet in area, one and two stories, two or three garage parking spaces, and three to five bedrooms. Development includes a public street circulation network providing primary access to West Pecan Avenue to the north and secondary access to the east to Madera Avenue (SR 145). A landscaped buffer will be provided along Pecan Avenue and a common area open space feature of 25,000 square feet or more in the southeast portion of the project site. The remainder of the site will be zoned but no development plans have been filed.

Monitoring Phase:

Pre-construction ___; Construction X; Pre-occupancy X; Post-occupancy ___

Public Resources Code 21081.6 requires public agencies to adopt mitigation reporting and monitoring programs for all projects for which a mitigated negative declaration has been prepared. This law is intended to ensure the implementation of all mitigation measures incorporated into the project as set down in the California Environmental Quality Act (CEQA) process.

The Mitigation Monitoring Program for the proposed project will be in place through all phases of implementation for the project. The City of Madera will have the primary enforcement role for mitigation measures that are the responsibility of the City of Madera to implement. The “Environmental Monitor” (EM) is the Planning Manager, who will be responsible for operation of the program. The EM is responsible for managing and coordinating monitoring activities with City staff and for managing City reviews of the proposed project.

During site development, site visitations, construction management and permit inspections by City staff assure that mitigation measures and conditions are being met. Failure to meet any condition of development may lead to a suspension of construction activities and code enforcement action.

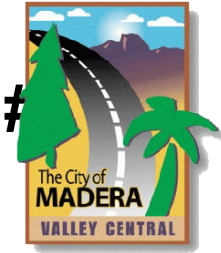
General Plan Amendment 2019-03, Rezone 2019-06, Tentative Subdivision Map 2019-03, Tentative Parcel Map 2019-03, Precise Plan 2020-04

15. d)-1 Park dedication and improvements as provided by the Tentative Tract Map and conditions of approval.

15. d)-2 Water supply distribution and well site as provided by conditions of approval.

17. Transportation/Traffic

17(a)-1 The on- and off-site improvements relative to traffic impacts shall be consistent with the recommendations of the traffic impact study, City requirements, and resulting condition of approval in the attached document(s) as well as any modifications to the requirements contained therein as part of the final traffic study approval.



CITY OF MADERA PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

Staff Report: Madera Travel Center Development Agreement Annual Review Item# 3- May 12, 2020

PROPOSAL: A public hearing for the annual review of the Development Agreement approved in conjunction with the Madera Travel Center (Ordinance 938 C.S.).

APPLICANT:	Love’s Travel Stops and Country Stores	OWNER:	Love’s Travel Stops and Country Stores
ADDRESS:	Avenue 17/SR 99	APN:	013-240-004, 005, 006 & 007
APPLICATIONS:	Development Agreement Annual Review	CEQA:	Previously Certified Environmental Impact Report

LOCATION: The site is located on the southeast corner of State Route 99 and Avenue 17.

STREET ACCESS: Avenue 17 and the future Sharon Boulevard.

PARCEL SIZE: Four parcels encompassing a total of approximately 24.40 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The project site is located on the south side of Avenue 17, east of the State Route 99 corridor. Vacant, commercially designated land is located to the south and to the north. Rural residential property is located to the east. The Union Pacific Railroad/State Route 99 transportation corridor is immediately west, with the Airport Industrial Park beyond.

ENVIRONMENTAL REVIEW: An environmental impact report (EIR) was prepared for the overall project, including the potential for a development agreement. The EIR was certified by the Planning Commission (Commission) at its August 16, 2016 meeting. No additional environmental review is required in conjunction with the annual review of the Development Agreement.

SUMMARY: The Madera Travel Center Development Agreement was considered by the Commission in November of 2016 and approved by the City Council (Council) on December 21, 2016. The primary purpose of the agreement was to establish certainty with regard to the developer’s ability to develop the site in accordance with defined regulations and to establish a program addressing project costs and reimbursements. An annual review of the development agreement is required pursuant to the California Government Code and the Madera Municipal Code to verify that the developer has complied in good faith with the terms of the agreement.

APPLICABLE CODES

California Government Code Sections 65864-65869.5 authorize cities to enter into binding development agreements. Madera Municipal Code Sections 10-3-1701 thru 1718 establish the procedures and regulations applicable to the consideration and adoption of development agreements in Madera. Both the Government Code and the Madera Municipal Code specify that all development agreements be reviewed by the City on an annual basis to determine whether the applicant has complied in good faith with the terms of the agreement. The Commission is not reviewing the merits of the project design or the conditions of approval that provide for the development of the project.

BACKGROUND

The Madera Travel Center project spans four parcels encompassing a total of approximately 24.4 acres. The project includes multiple entitlements that cumulatively provide for the development of the overall site. Primary features of the project include an 11,981 square-foot Travel Stop building, including 7,965 square feet within the store portion and a 4,016 square foot, branded food restaurant with drive-through, served by on-site parking for passenger vehicles and tractor-trailer trucks. Gasoline, diesel fuel, and propane will be sold on site, with nine covered fuel islands for trucks, and nine separate fuel islands for automobiles, as well as truck scales, oil-water separator, RV dump, and both above ground diesel fuel tanks and underground gasoline tanks, as well as an underground diesel exhaust fluid tank.

The project proponent, Love's Travel Stops and Country Stores, requested the approval of a development agreement in conjunction with the Madera Travel Center Project. Local agencies are authorized, but not required by state law, to enter into binding development agreements with property owners addressing the development of real property. Development agreements are used for vesting land use entitlements and may also establish financing and construction responsibilities, as well as timelines for the installation of on-and-off-site improvements. Development agreements provide for a form of vested rights in that they may supersede any change in planning, zoning, subdivision or building regulations adopted after the execution of such an agreement. The Development Agreement was approved by the Commission in November of 2016 and by the Council on December 21, 2016 (Ord. 938 C. S.).

ANALYSIS

The cumulative approvals issued to date require the construction and/or installation of a significant number of public improvements to serve the site at significant cost to the developer. The Development Agreement defines the set of requirements which are applicable to the site, focusing on requirements for the construction of off-site public improvements. The agreement also specifies a reimbursement structure under which the developer would receive reimbursements under a set schedule. Funding typically utilized for capital improvement projects is utilized to reimburse some of the eligible improvements, while a portion of the sales tax and transit occupancy tax generated by the project reimburses the remaining amounts.

A brief, bullet point summary of major focal points of the agreement is included as follows:

- Building Permits for Phase 1 of the Project (everything except the freestanding restaurant and Boat/RV Storage Facility) must be submitted within 3 years and issued within 4 Years of the Effective Date of the Agreement. Occupancy Permits need to be issued within 5 years. If these timelines are met the Agreement will have a full term of 20 Years.
- During the term of the Development Agreement, the cumulative development requirements applied to the project will not change.

- Development exactions will be locked in during the term of the agreement and would not increase.
- The project will develop infrastructure and utilities consisting of a water well, water pipelines, sewer lines, drainage pipelines, two (2) traffic signals, Avenue 17 and Sharon Boulevard street frontage improvements, and Freeway 99 ramp improvements. The improvements will be completed, prior to occupancy.
- The project will develop a “Historic Pedestrian Plaza” as referenced in the approvals granted by the Commission, with construction completed no later than the occupancy of the final building to be constructed in Phase 1 of the Project.
- The City will credit the applicable categories of the project’s capital facility “impact” fees towards the cost of the off-site improvements (i.e. sewer impact fees credited towards off-site sewer line construction).
- The City will reimburse the developer for the full and complete costs of the water well, upon completion and acceptance of the well.
- In addition to the water well reimbursement, the City will reimburse the developer for off-site construction costs at a maximum total of \$6,870,000 during the term of the agreement. These represent costs beyond the typical frontage improvements in which all projects are responsible.
- In no event shall the aggregate of the fee credits and the reimbursement amounts exceed the developer's reasonable and actual costs and expense of constructing and installing the Infrastructure Improvements. The City will pay actual costs up to the maximum total identified above.
- The non-water well reimbursements will be in phases. Approximately \$1,000,000 will be reimbursed in a lump sum upon completion and acceptance of the improvements by the City. After one year of operations, a second lump sum of approximately \$4,200,000 will be reimbursed. The remaining amount will be reimbursed in annual payments starting the second year of operations.

A table highlighting the basic terms of the agreement that trigger compliance by the applicant, and summarizing the status of each item, is provided (Table 1).

Table 1
Development Agreement Terms Triggering Compliance by Applicant

	Description	Timing of Compliance
1.	Building Permits for Phase 1 of the Project	Within three (3) years. <i>In compliance. Permits pulled on all components, except for signage, the truck scale, and historical plaza.</i>
2.	Occupancy Permits issued for Phase 1	Within five (5) years.
3.	If 1 and 2 are satisfied.	Agreement will have a full term of 20 Years.

4.	The project will develop a water well.	Prior to occupancy of Phase I. <i>Under construction.</i>
5.	Construct sewer lines.	Prior to occupancy of Phase I.
6.	Construct water lines.	Prior to occupancy of Phase I.
7.	Construct storm drainage pipelines.	Prior to occupancy of Phase I.
8.	Construct temporary drainage basin.	Prior to occupancy of Phase I.
9.	Construct two (2) traffic signals.	Prior to occupancy of Phase I.
10.	Construct Avenue 17 improvements.	Prior to occupancy of Phase I.
11.	Construct Sharon Blvd. improvements.	Prior to occupancy of Phase I.
12.	Construct miscellaneous street and utility improvements.	Prior to occupancy of Phase I.
13.	Construct SR 99/Avenue 17 NB Freeway Ramp Improvements.	Prior to occupancy of Phase I.
14.	Develop a "Historic Pedestrian Plaza"	Prior to occupancy of last building in Phase I.
15.	Dedicate Infrastructure Improvements	After completion, and acceptance by City Engineer.
16.	Provide evidence of actual and reasonable costs for reimbursable expenses	After City has accepted infrastructure.

As shown in Table 1, the development agreement outlines a series of obligations that the project developer, Love's Travel Stops and Country Stores, will need to comply with. The majority of these obligations relate to the construction and dedication of public improvements and the successful construction of the individual components of the project. The Development Agreement specifies that the completion of these improvements should occur within the first five years of the Development Agreement, with subsequent reimbursements occurring over the lifespan of the agreement. It should also be noted that some of the improvements referenced in the Madera Town Center Development Agreement (Zelman) are also required in conjunction with the Madera Travel Center (Love's). If Love's constructs these improvements first, it will relieve Zelman from the requirement to do so and Zelman would not be reimbursed for those improvements.

The majority of the project components within Phase I already have building permits issued and are essentially completion including features such as signage, truck scale, and historical plaza which were in the building permit plan check phase at last year's progress review. The municipal well has been constructed and modifications to improve the well site wall's structural and aesthetic qualities in progress. Construction of project structures and site improvements is nearing completion with the exception of the hotel. Although the hotel structure has been submitted for initial plan check there were several comments

or requirements pertaining primarily to architectural design which need to be addressed. The project is currently developing consistent with the requirement of the development agreement.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though the annual review of development agreements, are not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...;*

RECOMMENDATION

The information presented in this report supports a determination that Love’s Travel Stops and Country Stores has complied in good faith with the terms of the development agreement.

PLANNING COMMISSION ACTION

The Commission will be making a determination as to whether the applicant has complied in good faith with the terms of the development agreement.

Motion 1: Move to approve a resolution declaring a statement of compliance under periodic review for the development agreement approved in conjunction with the Madera Travel Center Project (Ord 938), for the period through December 21, 2019.

Findings

- As summarized in Table 1 of this staff report, Love’s Travel Stops and Country Stores has complied with the terms of the development agreement which trigger compliance on the part of the applicant. There are no developer obligations which required compliance during the period through December 21, 2019.

(OR)

Motion 2: Move to find that Love’s Travel Stops and Country Stores has not complied in good faith with the terms of the development agreement approved in conjunction with the Madera Travel Center Project (Ord 938), for the period through December 21, 2019.

Findings

- The Commission will identify the terms of the development agreement where compliance has not occurred, and the substantial evidence relied on in making that determination.

(OR)

Motion 3: Move to continue the public hearing, to a date specified, for the following reasons or in order for the following information to be provided: (please specify)

ATTACHMENTS

Attachment 1: Planning Commission Resolution Declaring a Statement of Compliance

Attachment 2: Municipal Code Section 10-3.1715 – Periodic Review of Development Agreements

Attachment 3: Ordinance 938 C.S. Development Agreement between City of Madera and Love’s Travel Stops and Country Stores.

RESOLUTION NO. 1853

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR
THE DEVELOPMENT AGREEMENT APPROVED IN CONJUNCTION WITH THE
MADERA TRAVEL CENTER PROJECT (ORD 938 C.S.), FOR THE PERIOD
THROUGH DECEMBER 21, 2019**

WHEREAS, in 2016, the City of Madera and Love's Travel Stops and Country Stores entered into a development agreement in conjunction with the Madera Travel Center shopping center project; and

WHEREAS, the development agreement was entered into before Love's Travel Stops and Country Stores purchased the subject property outright; and

WHEREAS, in accordance with the terms of the Development Agreement, Love's Travel Stops and Country Stores is a successor in interest and is bound by the Development Agreement as the current owner of the property; and

WHEREAS, the City of Madera Community Development Director ("the Community Development Director") initiated a Periodic Review for the Development Agreement approved in conjunction with the Madera Travel Center project (Ordinance 938 C.S.), as required under Zoning Ordinance Section 10-3.1715; and

WHEREAS, the Planning Commission held a public hearing on this matter on May 12, 2020, continued from March 10, 2020 and considered the information provided in a written staff report; and

WHEREAS, the Planning Commission has made the following finding:

1. Love's Travel Stops and Country Stores, Inc has complied with the terms and conditions of the Development Agreement (ORD 938 C.S.), through December 21, 2019 as

summarized in Exhibit A, attached hereto and incorporated by reference, and, Love’s Travel Stops and Country Stores has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in the Development Agreement.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.
2. The Planning Commission of the City of Madera hereby declares that the Love’s Travel Stops and Country Stores, Inc. is in compliance with the terms and conditions of the Development Agreement approved in conjunction with the Madera Travel Center project (Ord 938 C.S.), through December 21, 2019.
3. This resolution is effective immediately upon adoption.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 12th day of May 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Chairperson
City of Madera Planning Commission

Attest:

Exhibit A

**Madera Travel Center Development Agreement
Status of Terms Triggering Performance or Compliance by Applicant**

	Description	Timing of Compliance
1.	Building Permits for Phase 1 of the Project	Within three (3) years
2.	Occupancy Permits issued for Phase 1	Within five (5) years
3.	If 1 and 2 are satisfied.	Agreement will have a full term of 20 Years.
4.	The project will develop a water well.	Prior to occupancy of Phase I
5.	Construct sewer lines.	Prior to occupancy of Phase I
6.	Construct water lines.	Prior to occupancy of Phase I
7.	Construct storm drainage pipelines.	Prior to occupancy of Phase I
8.	Construct temporary drainage basin.	Prior to occupancy of Phase I
9.	Construct two (2) traffic signals.	Prior to occupancy of Phase I
10.	Construct Avenue 17 improvements.	Prior to occupancy of Phase I
11.	Construct Sharon Blvd. improvements.	Prior to occupancy of Phase I
12.	Construct miscellaneous street and utility improvements.	Prior to occupancy of Phase I
13.	Construct SR 99/Avenue 17 NB Freeway Ramp Improvements.	Prior to occupancy of Phase I
14.	Develop a "Historic Pedestrian Plaza"	Prior to occupancy of last building in Phase I
15.	Dedicate Infrastructure Improvements	After completion, and acceptance by City Engineer
16.	Provide evidence of actual and reasonable costs for reimbursable expenses	After City has accepted infrastructure

SEC.10-3.1715 – PERIODIC REVIEW OF DEVELOPMENT AGREEMENTS

§ 10-3.1715 PERIODIC REVIEW.

(A) The city shall review each development agreement every 12 months from the date the agreement is entered into. The time for review may be modified to be more frequent either by agreement between the parties or by initiation in one or more of the following ways:

- (1) Affirmative vote of at least four members of the Planning Commission; or,
- (2) Affirmative vote of at least three members of the City Council.

(B) The Community Development Director shall begin the review proceeding by giving notice that the city intends to undertake a periodic review of the development agreement to the property owner. Notice shall be provided at least ten days in advance of the time at which the matter will be considered by the Planning Commission.

(C) Annual review of development agreements shall be conducted by the Planning Commission at a public hearing at which the property owner shall demonstrate good faith compliance with the terms of development agreement. The burden of proof on this issue is upon the property owner.

(D) The Planning Commission shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the development agreement.

(E) If the Planning Commission finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the Commission shall by resolution adopt a statement of compliance certifying such compliance in a form suitable for recording in the County Recorder's Office. Upon recording of a statement of compliance, the review for that period is concluded. A resolution adopting a statement of compliance shall be final ten days after the Planning Commission decision, unless a notice of appeal has been filed pursuant to the provisions of the municipal code.

(F) If the Planning Commission finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Planning Commission may recommend to the City Council that the development agreement be modified or terminated.

(G) The procedure for modifying or terminating a development agreement shall be the same as the procedure for entering into a development agreement, except that the owner shall be given at least 30 days notice of the hearing by the City Council to consider such modification or termination.

(Ord. 817 C. S., passed 6-20-2007)

ORDINANCE NO. 938 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AND ADOPTING THE DEVELOPMENT AGREEMENT BETWEEN LOVE'S TRAVEL STOPS AND COUNTRY STORES AND THE CITY OF MADERA

WHEREAS, at its August 16, 2016 meeting, the Planning Commission approved various applications in support of the development of the Madera Travel Center project, located on approximately 25 acres of a 48.36 acre parcel at the southeast corner of the intersection of Avenue 17 and Freeway 99; and

WHEREAS, the approved Madera Travel Center Project is comprised of an 11,981 square-foot Travel Stop building, including 7,965 square feet within the store portion and a 4,016 square foot branded food restaurant(s) with drive-through, served by on-site parking for passenger vehicles and trailer trucks. Gasoline and diesel fuel, and propane will be sold on site, with nine covered fuel islands for trucks, and nine separate fuel islands for automobiles, as well as truck scales, oil-water separator, RV dump, and both above ground diesel fuel tanks and underground gasoline tanks, and an underground diesel exhaust fluid tank; and

WHEREAS, an environmental impact report was certified in conjunction with the approval of the Madera Travel Center project on by the Planning Commission on August 16, 2016; and

WHEREAS, Government Code Sections 65864 through 65869.5 provide the statutory authority for development agreements between municipalities and persons owning real property interest in the City; and

WHEREAS, pursuant to Government Code Section 65865 the City has adopted rules and regulations establishing procedures and requirements for consideration of development agreements as set forth in § 10-3.1701 et. Seq. of the Madera Municipal Code; and

WHEREAS, the City received an application to consider a development agreement in conjunction with the Madera Travel Center.

WHEREAS, the proposed Development Agreement has been reviewed by City staff and the Planning Commission in conformance with the applicable requirements of Government Code and the Madera Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. The provisions of the Development Agreement are consistent with the objectives, policies, general land uses and programs specified by the General Plan and the Zoning Ordinance, as amended.

SECTION 2. The Development Agreement is within the scope of the previously certified environmental impact report.

SECTION 3. The Development Agreement contains all information required by the California Government Code and Section 10-3.1702 of the Madera Municipal Code.

SECTION 4. The City Council finds that the development of a travel center, as contemplated by the Development Agreement, is compatible with the uses authorized in, and the regulations prescribed for, the C (Commercial) General Plan designation and C2 (Heavy Commercial) zone district.

SECTION 5. The Development Agreement is fair, just, and reasonable in light of both the scope of the project and the terms of the agreement, and is prompted by the necessities of the project which require that development of the project be allowed under a defined set of requirements and with a defined cost structure.

SECTION 6. The Development Agreement serves to encourage the achievement of growth management policies and objectives, and is in conformity with public convenience, general welfare and good land use practice. The agreement facilitates the extension of urban infrastructure within the designated Urban Growth Boundary and within the sphere of influence to and through properties which are presently inside the city limits or within the likely path of annexation. The proposal will not adversely affect the orderly development of property or the preservation of property values.

SECTION 7. The City Council hereby approves the Development Agreement substantially in the form attached hereto as Exhibit A, subject to such minor and clarifying changes consistent with the terms thereof as may be approved by the City Attorney prior to execution thereof.

SECTION 8. The Mayor of the City of Madera is hereby authorized and directed to execute the Agreement on behalf of the City of Madera.

SECTION 9. The City Clerk is directed to transmit the Development Agreement to the County Recorder for recordation no later than ten (10) days after the adoption of this ordinance.

SECTION 10. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 11: This Ordinance shall not be codified in the Madera Municipal Code.

The foregoing Ordinance No. 938 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 7th day of December, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 21st day of December, 2016 by the following vote:

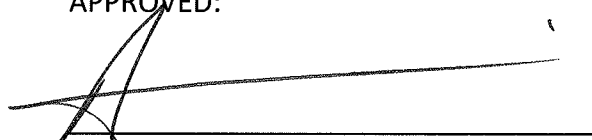
AYES: Mayor Medellin, Council Members Foley Gallegos, Rodriguez, Holley, Robinson, Oliver, Rigby.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:



ANDREW J. MEDELLIN, Mayor

ATTEST:



SONIA ALVAREZ, City Clerk

APPROVED AS TO LEGAL FORM:



BRENT RICHARDSON, City Attorney



Recorded in Official Records, Madera County

REBECCA MARTINEZ

Madera County Recorder

CIT Madera City

12/28/2016

12:07 PM

1

Recording requested by:
City of Madera

After Recording Return to:
City Clerk
City of Madera
205 West Fourth Street
Madera, California 93637-3527

Doc#: 2016032980



Titles: 1 Pages: 50

Fees 0.00

Taxes 0.00

Other 0.00

PAID \$0.00

Fee Waived Per Section 27383 of the Government Code. No Document Tax Due \$ -0-

DEVELOPMENT AGREEMENT

Between the City of Madera, Lisa M. Guzman, Trustee of the Bypass Trust under the Guzman Living Trust Dated May 13, 2013 and Trustee of the Survivor's Trust under the Guzman Living Trust Dated May 13, 2013, and Love's Country Stores of California, Inc.

DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF MADERA, LISA M. GUZMAN, TRUSTEE OF THE BYPASS TRUST UNDER THE GUZMAN LIVING TRUST DATED MAY 13, 2013 AND TRUSTEE OF THE SURVIVOR'S TRUST UNDER THE GUZMAN LIVING TRUST DATED MAY 13, 2013, AND LOVE'S COUNTRY STORES OF CALIFORNIA, INC.

THIS DEVELOPMENT AGREEMENT ("Development Agreement") is entered into to be effective on the date it is recorded with the Madera County Clerk/County Recorder (the "Effective Date"), between THE CITY OF MADERA, a California general law city ("City"); LISA M. GUZMAN, TRUSTEE OF THE BYPASS TRUST UNDER THE GUZMAN LIVING TRUST DATED MAY 13, 2013, AND TRUSTEE OF THE SURVIVOR'S TRUST UNDER THE GUZMAN LIVING TRUST DATED MAY 13, 2013, (collectively, "Landowner"); and LOVE'S COUNTRY STORES OF CALIFORNIA, INC., a California corporation ("Developer"). Each of the City, Landowner and Developer may be referred to as a "Party" hereunder and collectively as the "Parties."

RECITALS

A. The Legislature of the State of California has adopted California Government Code Sections 65864-65869.5 ("Development Agreement Statute") which authorizes a city to enter into a binding development agreement with persons having legal or equitable interests in real property located within a city's municipal boundaries or in unincorporated territory within a city's sphere of influence for the development of such property in order to, among other things: encourage and provide for the development of public facilities; to support development projects; provide certainty in approval of development projects in order to avoid a waste of resources and escalation in project costs and encourage an investment in and commitment to comprehensive planning which will make maximum efficient utilization of resources at the least economic cost to the public land; and provide assurance to the applicants for development projects that they may proceed with their projects in accordance with existing policies, rules, and regulations and subject to the conditions of approval of such projects, as provided in such annexation and/or development agreements.

B. Landowner owns an approximately 50 acre parcel of real property located within the City, near the northern edge of the City limits, at the Avenue 17/State Route 99 ("SR 99") interchange (APN 013-240-003)(the "Property"), as particularly described on Exhibit A.

C. Developer intends to develop approximately 25 acres of the Property, as generally depicted on Exhibit B (the "Project Site"), as a full service travel center, to include an approximately 11,981 square-foot travel stop building, comprised of an approximately 7,965 square foot convenience store and 4,016 square foot branded restaurant with drive-through, served by on-site parking for passenger vehicles and tractor-trailers, nine covered fuel islands for trucks and nine separate covered fuel islands for automobiles, as well as a truck tire care facility and approximately 4,400 square foot branded restaurant (in proposed areas separate from the travel stop building), truck scales, a hotel, a self-storage facility and an RV and boat storage facility, and other related services and amenities for the motoring public, including a historical pedestrian plaza in the southwest corner of Avenue 17 and Sharon Boulevard, which will address a part of Madera history (the "Project"). The remaining undeveloped portion of the Property will be separated from the travel center site through a parcel map.

D. At the time the Project Site is developed, Developer will be required to construct certain off-site public infrastructure improvements, which was a condition of regulatory approval of the Project, including the development approvals described in the Recitals, such improvements will include roadway improvements, freeway ramp improvements, sanitary sewer lines, storm drainage improvements, a water well and water lines and certain other utility and general improvements that will provide benefits to City and other property owners near the Developer's property who may wish to develop their properties in the future. City has agreed to reimburse Developer for a portion of the costs of constructing such off-site infrastructure improvements, and to

credit Developer for a portion of the otherwise applicable development impact fees. The City Council finds and determines that the aggregate amount of such reimbursement and credit will be less than the cost of such improvements and has further found that the City will not maintain any proprietary interest in the Project.

E. Pursuant and subject to the Development Agreement Statute, the City's Municipal Code and the City's police powers, City is authorized to enter into binding agreements with persons having legal or equitable interest in real property located within the City's municipal boundaries thereby establishing the conditions under which such property may be developed in the City.

F. City has granted the Developer a series of Development Approvals (as defined herein below) to implement the Project, which are incorporated and made a part of this Agreement. The Developer desires to receive the assurance that it may proceed with the Project in accordance with the existing land use ordinances, subject to the terms and conditions contained in this Agreement and to secure the benefits afforded the Developer by Government Code §65864.

G. This Agreement will eliminate uncertainty in planning for and securing orderly development of the Project, provide the certainty necessary for the Developer to make significant investments in public infrastructure and other improvements, assure the timely and progressive installation of necessary improvements, provide public services appropriate to each stage of development, establish phasing for the orderly and measured build-out of the Project consistent with the General Plan and the desires of the City to assure integration of the new development into the existing community.

H. The terms and conditions of this Development Agreement have undergone extensive review by the staff of the City, the City's Planning Commission, and the City Council of City and have been found to be fair, just, and reasonable.

I. City's City Council finds and determines that it will be in the best interests of City's citizens and the public health, safety, and welfare will be served by entering into this Development Agreement.

J. All of the procedures of the California Environmental Quality Act have been met with respect to the Project and this Development Agreement by the approval of Planning Commission Resolution No: 1812 adopted on August 16, 2016, which certified the final Environmental Impact Report for the Madera Travel Center dated July, 2016 (the "EIR").

K. City's City Council has approved this Development Agreement by Ordinance No. 938 C.S. adopted on December 21, 2016 and effective on December 28, 2016.

NOW THEREFORE, IN CONSIDERATION OF THE ABOVE RECITALS AND THE MUTUAL COVENANTS HEREINAFTER CONTAINED, AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

1. **DEFINITIONS.** In this Development Agreement, the following words and phrases shall have the meanings ascribed below:

A. "County" is the County of Madera.

B. "Development Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Existing Development Approvals for the payment of fees, including impact fees and mitigation fees, or other monetary payments or exactions, imposed by City in order to lessen, offset, mitigate, or compensate for the impacts of new development on the environment or other public interests, whether such exactions constitute impositions made under Development Approvals or the City's General Regulations. The applicable Development Exactions in effect under the Existing Land Use Regulations are set forth in Exhibit C.

C. "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by City in connection with the development of the Project Site, including, but not limited to:

- (1) Site Plan Reviews;
- (2) Tentative and final parcel and/or subdivision maps;
- (3) Conditional use or special use permits, variances or other modifications to the City's development regulations;
- (4) Grading and building permits.

D. "Development Plan" means the Existing Development Approvals defined in Section 1(F) below and vested in Section 11 below, which are applicable to development of the Project.

E. "Effective Date" means the date upon which this Development Agreement is recorded with the County Clerk/County Recorder of the County, or the date upon which Ordinance No. 938 C.S. becomes effective, whichever occurs later.

F. "Existing Development Approvals" means this Development Agreement and those certain development approvals granted by the City of Madera Planning Commission at its August 16, 2016 meeting, as follows:

- (a) SPR 2015-18: Approving and establishing requirements for the overall development of the Project Site.
- (b) TPM 2015-01: Approving and establishing requirements for division of the subject property into 4 parcels and a remainder.
- (c) CUP 2015-09: Approving and establishing requirements for a changeable copy (gasoline prices) in association with a freeway sign on the Project Site.
- (d) CUP 2015-10: Approving and establishing requirements for the sale of beer and wine as a component of the operations of the travel stop component of the Project.
- (e) CUP 2015-11: Approving and establishing requirements for a drive-thru restaurant as a component of the travel stop component of the Project.
- (f) CUP 2015-12: Approving and establishing requirements for the truck stop component of the Project.
- (g) CUP 2015-13: Approving and establishing requirements for the automotive repair facility (Tire Care Facility) component of the Project.

- (h) CUP 2015-14: Approving and establishing requirements for the sale of beer and wine in conjunction with the freestanding restaurant component of the Project.
- (i) CUP 2015-15: Approving and establishing requirements for a drive-thru component as part of a freestanding restaurant on the Project Site.
- (j) CUP 2015-16: Approving and establishing requirements for a hotel on the Project Site.
- (k) CUP 2015-17: Approving and establishing requirements for a recreational vehicle and boat self-storage facility on the Project Site.
- (l) VAR 2015-02: Approving the construction of a freeway sign taller than forty feet.
- (m) Final EIR: Environmental Impact Report prepared in conformance with the California Environmental Quality Act and certified by the Planning Commission

G. "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date.

H. "Fee Credit" means that portion of Development Exactions fees which shall be credited by the City to Developer, as specified on Exhibit C-1 and as set forth in Section 8(B) below.

I. "Future General Regulations" means those "General Regulations" adopted by the City after the Effective Date of this Development Agreement.

J. "General Regulations" means those ordinances, rules, regulations, initiatives, policies, requirements, guidelines, constraints, or other similar actions of the City, other than site-specific Project approvals, which affect, govern, or apply to the Project Site or the implementation of the Development Plan. General Regulations are applicable to more than one property within the City.

K. "Infrastructure Improvements" means collectively, that portion of off-site public improvements to be dedicated to or owned by City and constructed by Developer pursuant to the terms of Section 7 of this Development Agreement, which will be installed at the locations identified on Exhibits E – I, inclusive, and which shall include the Roadway Improvements, Ramp Improvements, Sewer Improvements, Storm Drainage Improvements, Water Well Improvements, Water Line Improvements, and Utility and General Improvements, all as more specifically described in Section 7.

L. "Land Use Regulations" means all ordinances, resolutions, codes, rules regulations, and official policies of City governing the development and use of land, including, without limitation, the permitted use of land; the density or intensity of use; subdivision requirements; the maximum height and size of proposed buildings; the provisions for reservation or dedication of land for public purposes; and the design, improvement, and construction standards and specifications applicable to the development of the Project Site that are a matter of public record on the Effective Date of this Development Agreement. "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation, or official policy, governing:

- (1) The conduct of businesses, professions, and occupations;
- (2) Taxes and assessments;
- (3) The control and abatement of nuisances;

- (4) The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property; and
- (5) The exercise of the power of eminent domain.

M. "Owner" means the person having a legal or equitable interest in the Property and Project and all successors, transferees, or assigns thereof.

N. "Phase 1 Project" shall mean the approximately 11,981 square-foot travel stop building, comprised of an approximately 7,965 square foot convenience store and approximately 4,016 square foot branded restaurant(s) with drive-through, served by on-site parking for passenger vehicles and trailer trucks, nine covered fuel islands for trucks and nine separate fuel islands for automobiles, a truck tire care facility, truck scales, and an approximately 81 room hotel.

O. "Reimbursement Amount" shall mean the amount set forth in Section 8 below, which shall be payable by City to Developer to reimburse Developer for a portion of the cost and expense of designing and installing the Infrastructure Improvements. The Reimbursement Amount shall be due and payable as set forth in Section 8 below.

P. "State" shall mean the State of California.

Q. "Subsequent Development Approvals" means all development approvals required subsequent to the Effective Date in connection with development of the Project Site.

R. "Subsequent Land Use Regulation" means any Land Use Regulation adopted and effective after the Effective Date.

S. "Substantially Complete Building Permit Application" shall mean an application or request for a building permit that substantially satisfies the requirements of the General Regulations and the requirements specified in the Existing Development Approvals.

2. INCORPORATION OF RECITALS AND EXHIBITS. The Recitals and all defined terms set forth therein are hereby incorporated into this Agreement as if set forth herein in full. All exhibits attached hereto are incorporated by reference.

3. INTERESTS OF LANDOWNER AND DEVELOPER; BINDING EFFECT OF DEVELOPMENT AGREEMENT. Developer represents that it has an equitable or other interest in the Property sufficient to be bound by this Development Agreement. That portion of the Property which comprises the Project Site, as described in Recital C, is hereby made subject to this Development Agreement. Development of the Project Site is hereby authorized and shall be carried out in accordance with the terms of this Development Agreement. Upon recordation of the Development Agreement, the provisions of this Development Agreement shall constitute covenants which shall run with the Property and the benefits and burdens hereof shall bind and inure to all successors in interest to and assigns of the Parties hereto. Developer's right to develop the Project Site in accordance with the Development Approvals and the terms of this Development Agreement including the obligations set forth herein shall not become effective unless and until Developer acquires the Project Site. Upon conveyance of Landowner's fee interest in the Project Site to Developer, Landowner shall have no further rights or privileges, and shall be fully released from any further liability or obligation under this Development Agreement with respect to the Project Site and the remainder of the Property retained by Landowner.

4. PURPOSE OF THIS AGREEMENT.

A. Developer Objectives. In accordance with the legislative findings set forth in the Development Agreement Statute, and with full recognition of City's policy of judicious restraints on its police powers, Developer wishes to obtain reasonable assurances that the Project may be developed in accordance with Existing Land Use Regulations subject to the terms of this Development Agreement and City's Subsequent Land Use Regulations. In the absence of this Development Agreement, Developer would have no assurance that it can complete the Project for the uses and to the density and intensity of development set forth in this Development Agreement. This Development Agreement, therefore, is necessary to assure Developer that the Project will not be (i) reduced in density, intensity or use, or (ii) subjected to new rules, regulations, ordinances or official policies or delays which are not permitted by this Development Agreement or the Reservation of Authority (as defined in Section 10 below).

B. Mutual Objectives. Development of the Project in accordance with this Development Agreement will provide for the orderly development of the Project. Moreover, a development agreement for the Project will eliminate uncertainty in planning for and securing orderly development of the Project, assure installation of necessary improvements, assure attainment of maximum efficient resource utilization within City at the least economic cost to its citizens and otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted. The Parties believe that such orderly development of the Project will provide many public benefits to City through the imposition of development standards and requirements under the provisions and conditions of this Development Agreement, including without limitation, increased tax revenues, installation of off-site infrastructure improvements, and job creation. Additionally, although development of the Project in accordance with this Development Agreement will restrain City's land use or other relevant police powers, this Development Agreement provides City with sufficient Reservation of Authority during the term hereof to remain responsible and accountable to its residents. In exchange for these and other benefits to City, Developer will receive assurance that the Project may be developed during the term of this Development Agreement in accordance with the Existing Land Use Regulations and Reservation of Authority.

C. Mutual Benefits; Acknowledgment of Consideration. By this Development Agreement, City and Developer desire to set forth the terms under which Developer will receive certain reimbursements for commercial development and economic performance on the Project Site. The City has determined to offer Developer reimbursements and credits for a portion of the costs incurred by Developer in its installation of the Infrastructure Improvements because the same will provide significant benefits to City by increasing the capacity of and expanding City's water, storm drainage and sewer service systems, by the installation of traffic signals and a new roadway to promote the orderly flow of traffic and increase City's street network capacity, and otherwise. The aggregate amount of such reimbursement and all credits provided to Developer hereunder will not exceed the actual and reasonable cost incurred by Developer in connection with construction and installation of the Infrastructure Improvements as determined pursuant to Section 8 below. The Project will also promote the economic wellbeing of City by attracting businesses that will provide City with a significant, long-term revenue stream and a source of employment for residents of the community. City and Developer acknowledge and agree that the consideration that is to be exchanged pursuant to this Development Agreement is fair, just, and reasonable.

5. EXHIBITS. The following exhibits are incorporated into and made a part of this Development Agreement by this reference:

<u>Exhibit A</u>	Legal Description of Property
<u>Exhibit B</u>	Depiction of Project Site
<u>Exhibit C-1</u>	Development Exactions (Fees) and Project Fee Credits
<u>Exhibit C-2</u>	Traffic and Transportation Mitigation Fees
<u>Exhibit D</u>	General Description of Infrastructure Improvements, Costs and Reimbursable Amounts

<u>Exhibit E</u>	Depiction of Roadway Improvements/Roadway Work
<u>Exhibit F</u>	Depiction of Sewer Improvements/Sewer Work
<u>Exhibit G</u>	Depiction of Storm Drainage Improvements/Storm Drainage Work
<u>Exhibit H</u>	Depiction of Water Improvements/Water Work
<u>Exhibit I</u>	Depiction of Utility and General Improvements/Utility and General Improvements Work
<u>Exhibit J</u>	Form of Assignment and Assumption Agreement

6. TERM AND TERMINATION.

A. Term. The term of this Development Agreement shall commence on the Effective Date and shall terminate thirty six (36) months from the Effective Date [subject to Section 22(I)], provided, however, that the Term may be extended pursuant to the following:

1) If Developer submits a properly completed Substantially Complete Building Permit Application for each building in the Phase 1 Project prior to the expiration of the 36-month initial term, then such term shall automatically be extended to a date forty eight (48) months from the Effective Date, without the need for further action by the Parties. Thereupon, the City shall promptly take action on such applications, as contemplated in Section 7(D)(1) below.

2) If the term has been extended as permitted by Section 6(A)(1) of this Agreement and if the Building Permits are issued by the City, as contemplated, then such term shall automatically be extended to a date sixty (60) months from the Effective date, without the need for further action by the Parties.

3) If the term has been extended by Section 6(A)(2) of this Agreement and if Developer completes each building in the Phase 1 Project and receives a temporary or final certificate of occupancy within sixty (60) months of the Effective Date, the term of this Agreement shall automatically be extended to a date twenty (20) years from the Effective Date, without the need for further action by the Parties.

B. Termination in the Event of Order or Judgment. This Development Agreement shall terminate and be of no force and effect upon the occurrence of the entry of a final judgment or issuance of a final order after exhaustion of any appeals directed against the City as a result of any lawsuit filed against the City to set aside, withdraw, or abrogate the approval by the City Council of City of this Development Agreement. In the event that this Agreement or any of the Development Approvals are subjected to legal challenge by a third party, and Developer is unable, or elects not to proceed with the Project due to such legal action, the term of and timing for obligations imposed pursuant to this Agreement shall be automatically tolled during such legal action.

C. Termination of Agreement Does not Terminate Project Approvals. Termination of this Development Agreement shall not constitute termination of any other land use entitlement approved for the Project Site prior to the Effective Date of this Development Agreement, or to any Subsequent Development Approvals issued by the City during the term of the Agreement. Upon termination of this Development Agreement, no party shall have any further right or obligation hereunder except with respect to (1) any obligation to have been performed prior to such termination, (2) any default in the performance of the provisions of this Development Agreement which has accrued prior to such termination, and/or (3) any provision which is noted to survive such termination, or which, by its nature, is intended to survive such termination. Pursuant to California *Government Code* §66452.6(a) the term of any parcel map or tentative subdivision map shall automatically be extended for the term of this Agreement.

7. DEVELOPER'S PROVISIONS OF INFRASTRUCTURE IMPROVEMENTS; TIMING AND CITY ASSISTANCE.

A. Developer's Provision of Infrastructure Improvements. If the Project or any portion thereof is constructed, Developer agrees to construct and install the following Infrastructure Improvements:

(1) Roadway Improvements. Developer will construct and install (a) two traffic signals (the "Traffic Signals"); (b) certain street lights, street signage and striping on or along Avenue 17 and Sharon Boulevard; (c) all paving, curbs, gutters and sidewalks to widen Avenue 17 (the "Avenue 17 Street Widening"); and (d) paving, curbs, gutters and a portion of the parkway landscaping and sidewalk (to the extent not being constructed by a third-party developer) for Sharon Boulevard, all as generally described on Exhibit D and at the locations identified on Exhibit E ("Sharon Boulevard Work") (the Traffic Signals, the Avenue 17 Street Widening, the Sharon Boulevard Work and all related improvements are collectively, the "Roadway Improvements" and the associated work, the "Roadway Work").

(2) Freeway Ramp Improvements. Developer will construct and install a dedicated right turn lane on the north bound exit ramp of the Freeway 99 and Avenue 17 interchange, as generally described on Exhibit D and at locations specified on Exhibit E, (the "Ramp Improvements").

(3) Sewer Improvements. Developer will construct and install a sewer line to connect the Property to City's existing sewer system at a point located within Sharon Boulevard, north of Ellis Street, as generally described on Exhibit D and at the locations identified on Exhibit E, which pipeline will run from such point north of and then within the Sharon Boulevard right of way (the Sewer Line and all related improvements, collectively, the "Sewer Improvements" and the associated work, the "Sewer Work").

(4) Storm Drainage Improvements. Developer will construct and install a storm drain pipeline approximately 18" in diameter within the Avenue 17 right of way and a storm drain pipeline approximately 30" in diameter within the Sharon Boulevard right of way to connect to a privately owned and maintained temporary storm retention basin to be installed by Developer at the southernmost point of the Project site, all as generally described on Exhibit D and to be installed at the locations identified on Exhibit G, and with such temporary storm retention basin to be used until a permanent storm drain connection to the south becomes available (collectively, with all related improvements, the "Storm Drainage Improvements" and the associated work, the "Storm Drainage Work"). Upon completion of the permanent storm retention basin off-site, Developer may remove the temporary retention basin facility and devote that portion of the Project Site to other purposes in conformance with the conditions of approval adopted by the Planning Commission in conjunction its approval of the Existing Development Approvals.

(5) Water Well and Water Line Improvements. Developer agrees to develop a water well site on certain land contiguous to the Property to the south, as shown on Exhibit H (the "Well Site"), with rights to so construct and utilize the Well Site to be secured by City, as depicted on Exhibit H, subject to approval by the City engineer. In addition to the Well Site, Developer shall construct and install a 24" diameter PVC water pipeline connecting the well on the Well Site to the existing City water system at a point north of the Project site, as shown on Exhibit H (collectively, with all related improvements, the "Water Well and Water Line Improvements" and the associated work, the "Water Work"), with any rights in third-party property necessary to complete the Water Work to be secured by City. Any interest of Developer in or to the Well Site (and/or associated infrastructure) shall be dedicated to City in the manner prescribed by the Existing Land Use Regulations after completion of the Water Work and acceptance thereof by the City engineer. Notwithstanding anything to the contrary herein, in the event City is unable to secure third-party rights as contemplated above, City will work with Developer in good faith and with due diligence to provide an alternate location for the Well Site and/or connection point of the subject water pipeline to the City water system, all at City's expense.

(6) Miscellaneous Street and Utility Improvements. Developer will construct and install (a) median and parkway landscaping; and (b) dry utility trenching, conduits and pull boxes, all as generally described on Exhibit D and at locations identified on Exhibit I (collectively, with all related improvements, the "Utility and General Improvements" and all the associated work, the "Utility and General Improvements Work").

B. City's Share of Costs and Expenses. The City's reasonable and fair share of the costs and expenses associated with designing, constructing and installing the Infrastructure Improvements (based on the relative value of the Infrastructure Improvements to the City and neighboring landowners as compared to the value to Developer and the Project), shall be included in the Reimbursement Amount set forth in Section 8 below.

C. Obligation to Install Infrastructure Improvements as Condition to Certificate of Occupancy; Timing. Developer shall construct and install the Infrastructure Improvements concurrently with and as a condition precedent to the issuance of a certificate of occupancy for any improvement in the Project. All Infrastructure Improvements shall be designed, constructed and installed in accordance with standard engineering and construction industry practices and the Existing Land Use Regulations and, to the extent not addressed by the Existing Land Use Regulations, other applicable codes, rules, City standards, regulations and laws, in a good and workmanlike condition, at Developer's sole cost and expense (except as provided herein).

D. City Obligations to Assist with the Infrastructure Improvements. In addition to City's obligation to pay the Reimbursement Amount and Fee Credit to Developer, as set forth in Section 8 below, in connection with Developer's installation of any of the Infrastructure Improvements, the Parties agree as follows:

(1) Cooperation. City shall accept for processing and promptly take action on all applications, provided they are in a proper form and acceptable for required processing, for discretionary permits, tract or parcel maps, building permits, or other land use permits or entitlements for development of the Project, in accordance with the provisions of this Development Agreement and the Development Approvals. City shall cooperate with Developer in providing expeditious review of any such applications, permits, or land use entitlements and, upon request and payment of any costs and/or extra fees associated therewith by Developer, City shall assign to the Project planners, building inspectors, and/or other staff personnel as required to ensure the timely processing and completion of the Project.

(2) Obtaining Easements and Rights of Way. City shall (a) grant to Developer any necessary temporary or permanent easements or rights-of-way to install, operate, repair, maintain, replace and access the Infrastructure Improvements or otherwise develop the Project over, on or under City owned land; (b) assist Developer in obtaining any necessary temporary or permanent easements or rights-of-way to install, operate, repair, maintain, replace and access the Infrastructure Improvements over, on or under County owned land; and (c) secure, in favor of Developer, any necessary temporary or permanent easements or rights-of-way to install, operate, repair, maintain, replace and access the Infrastructure Improvements over, on or under other third-party land, including without limitation, those required in regard to the Well Site and Water Work addressed in Section 7(A)(5) above, and in each case, temporary construction easements for pedestrian and vehicular ingress and egress and vehicular parking and the placing and storing of construction machinery, equipment, supplies, materials, dirt and fill. The Parties agree to cooperate in good faith in regard to the foregoing to facilitate obtaining such easements or rights of way as expeditiously as reasonably possible. In any event, City shall promptly provide to Developer a copy of any such easements obtained by City in favor of Developer. In the event the Developer and/or City is unable, after exercising all reasonable efforts, to acquire the real property interests necessary for the construction of such Infrastructure Improvements, as contemplated herein, by the time any final map is filed with the City, the City shall negotiate the purchase of the necessary real property interests to allow the Developer to construct the Infrastructure Improvements as required by this Agreement and, if

necessary, in accordance with the procedures established by law, use its power of eminent domain to acquire such required real property interests.

(3) Approval by City Engineer; Dedication and Acceptance. Upon substantial completion of the Infrastructure Improvements by Developer in accordance with the terms of this Agreement, the City Engineer shall inspect and approve the same, which approval shall not be unreasonably withheld or delayed. Upon such approval by City Engineer and Developer's dedication of the Infrastructure Improvements to City in the manner prescribed by applicable City codes, ordinances, and regulations, City shall accept the same, subject to Developer's compliance with the Existing Land Use Regulations.

(4) Operation and Maintenance of Infrastructure Improvements; Warranty. Upon acceptance of the Infrastructure Improvements by City, as contemplated above, (a) City shall, at its sole cost and expense, operate and maintain the Infrastructure Improvements in good and working order as part of its public systems; and (b) Developer shall have no further interest in or obligation in regard to the Infrastructure Improvements beyond that inuring to the public in general.

8. FEE CREDIT; CITY OBLIGATION TO REIMBURSE DEVELOPER. Developer, pursuant to this Agreement, will be financing the construction of Infrastructure Improvements that otherwise would be paid for by City or other parties, or would serve other properties beyond the Project Site, or would be financed by City Development Exaction Fees and other public utility and infrastructure funding sources. In consideration of the financing of such improvements by Developer, and in consideration of the substantial public benefits to be achieved by the Project during each year of the term of this Development Agreement, City and Developers agree that Developers shall be entitled to fee credits and reimbursement as provided in this Section 8. Pursuant to this Section 8, City shall offer fee credit and/or reimburse Developer for the City's fair and reasonable share of Developer's reasonable and actual cost and expense incurred in connection with the construction and installation of the Infrastructure Improvements (the "Reimbursement Amount"). Developer shall provide to City satisfactory evidence of such costs and expenses as actually incurred by Developer, as provided by Section 8(J) below.

A. Reimbursement Amount. The total Reimbursement Amount, not including costs associated with the Water Well Improvements or the Ramp Improvements Excess Cost (as defined below), shall not exceed Six Million Eight Hundred Seventy Thousand Dollars (\$6,870,000). This Reimbursement Amount, established based on the maximum reimbursement schedule set forth in Exhibit D, constitutes the City's fair and reasonable share of the Developer's reasonable and actual costs. City and Developer agree that due to the variability of potential costs associated with the Water Well Improvements and the Ramp Improvements, those costs are not fully included in the maximum Reimbursement Amount, but will be reimbursed in accordance with the terms set forth in Section 8(C) and Section 8(D) of this Agreement, respectively. In no event shall the City be required to reimburse an amount above Developer's actual costs and expenses. Developer shall provide to City satisfactory evidence of actual costs and expenses pursuant to Section 8(J) of this Agreement.

B. Fee Credit. To the extent Developer dedicates land, funds or constructs Infrastructure Improvements that exceed the size or capacity required to serve the Project Site for the benefit of other properties, or if such dedication or Infrastructure Improvements benefit other properties, regardless of their size or capacity, City shall provide Developer with credit against the Development Exaction Fees applicable to the Project, as generally set forth in Exhibit C-1. The fee credit shall equal (and shall not exceed) Developer's aggregate hard and soft costs (including land costs, if applicable) actually paid by Developer for the particular Infrastructure Improvement in question. Fee credit shall be given by the City at the time the applicable Development Exaction Fees would otherwise be paid by Developer.

C. Water Well Reimbursement. Upon Developer's completion and City's acceptance of the Water Well Improvements, City shall reimburse to Developer the full and complete actual costs to develop the Water Well, less any fee credits applicable to water well costs that are available to Developer in accordance with Section 8(B), subject to the terms and conditions set forth in this Section 8(C).

(1) Reimbursable costs for the Development of the Water Well shall include all items required by the City Engineer to develop and make operational a water well to City Standards. Design and Engineering Costs, City permit and inspection fees, and Contract Overhead not to exceed 10% shall be eligible for reimbursement. Costs shall be documented in the manner described in Section 8(J) of this Agreement.

(2) Prior to the selection of a contractor and commencement of work, Developer shall submit for approval by the City Engineer an itemized cost proposal for all improvements and associated expenses which will be eligible for reimbursement.

(3) Reimbursement for the Water Well Improvements shall be made within 60 days of the City Engineer's determination of Actual Expenses Costs and Expenses as described in Section 8(J) of this Agreement.

D. Ramp Improvement Excess Cost. As set forth in Exhibit D, the total Reimbursement Amount includes estimated costs for the Ramp Improvements of One Million Ninety Thousand Seventy Six Dollars (\$1,090,076). The Parties recognize and agree that the actual cost of the Ramp Improvements may substantially deviate from the estimated cost shown in Exhibit D due to design changes that may be required by Caltrans after the Effective Date (such increased costs, the "Ramp Improvement Excess Costs"). City shall reimburse to Developer the full and complete actual costs to develop the Ramp Improvements up to a maximum total cost of Two Million Dollars (\$2,000,000), less the amount of One Million Ninety Thousand Seventy Six Dollars (\$1,090,076), if paid to Developer pursuant to Sections 8(E) and 8(F), subject to the terms and conditions set forth in this Section 8(D).

(1) Reimbursable costs for the development of the Ramp Improvements shall include all items required by Caltrans, in consultation with the City. Design and Engineering Costs, City or Caltrans permit and inspection fees, and Contract Overhead not to exceed 10% shall be eligible for reimbursement. Costs shall be documented in the manner described in Section 8(J) of this Agreement.

(2) Prior to the selection of a contractor and commencement of work, Developer shall submit for approval by the City Engineer an itemized cost proposal for all improvements and associated expenses which will be eligible for reimbursement.

(3) Reimbursement for the Ramp Improvement Excess Costs shall be made through Supplemental Payments pursuant to Section 8(G), below.

(4) To the extent that the actual cost of Infrastructure Improvements (not including costs associated with the Water Well Improvements or the Ramp Improvements Excess Cost) are below the total Reimbursement Amount, the difference shall be subtracted from the amount of the Ramp Improvement Excess Cost otherwise payable to Developer under this Section.

E. Partial Lump Sum Reimbursement at Completion and Acceptance of Infrastructure Improvements. In addition to any amount of fee credits or reimbursements made to Developer pursuant to Sections 8(B) through 8(D) of this Agreement, upon Developer's completion and City's acceptance of all Infrastructure Improvements as defined in this Agreement, City shall reimburse to Developer a sum of not less than one million dollars (\$1,000,000).

Any amount the City elects to reimburse to Developer in excess of \$1,000,000 pursuant to this Section may be credited against the amount to be reimbursed to Developer pursuant to Section 8(F) below. Partial Reimbursement of the Infrastructure Improvements pursuant to this Section shall be made within 60 days of the City Engineer's determination of Actual Costs and Expenses as described in Section 8(J) of this Agreement.

F. Partial Lump Sum Reimbursement After One Year of Phase 1 Project Operation. In addition to any amount of fee credits or reimbursements made to Developer pursuant to Sections 8(B), 8(C), 8(D) and 8(E) of this Agreement, upon the one-year anniversary of the issuance of a certificate of occupancy for the final building to be occupied in the Phase 1 Project, City shall reimburse to Developer an amount equal to the lesser of: (1) the actual, total combined costs for all Roadway Improvements and Traffic and Transportation Mitigation Fees, less any amount reimbursed to Developer pursuant to Section 8(E) of this Agreement; or (2) the sum of Five Million Two Hundred Thousand Dollars (\$5,200,000), less any amount reimbursed or scheduled to be reimbursed to Developer pursuant to Section 8(E) of this Agreement.

G. Reimbursement From Future Sales Taxes and Transient Occupancy Taxes - "Supplemental Payments". In addition to fee credits and reimbursements provided pursuant to Sections 8(B) through 8(F) of this Agreement, in order to reimburse Developer for a portion of the Developer's unreimbursed cost of the Infrastructure Improvements, City agrees to make periodic supplemental reimbursement payments ("Supplemental Payments") to Developer in the amounts, at the times, and subject to the terms and conditions set forth in this Section 8(G).

(1) Calculation of Supplemental Payments. The Supplemental Payments required to be made by City hereunder shall be calculated based upon the amount of Sales Taxes and Transient Occupancy Tax generated by the Project Site. "Sales Taxes" shall mean the sales tax revenues from the imposition of the Bradley-Burns Uniform Sales and Use Tax Law (commencing with Section 7200 of the Revenue and Taxation Code), as the same may be amended from time to time, that the California State Board of Equalization ("SBOE") determines are generated by the Project Site and are paid to the City. Any sales tax revenues generated by the Project Site that the SBOE determines are payable to any jurisdiction other than City shall be excluded in the calculation of Sales Taxes hereunder. "Transient Occupancy Tax" shall mean the special tax levied within the City of Madera pursuant to Chapter 4 of Title VIII of the Madera Municipal Code on the privilege of occupying a room or rooms, or other living space, in a hotel or other transient lodging facility where the occupancy is less than 30 days. In no event shall the Supplemental Payments required to be made hereunder be secured by the City's general fund.

(2) Timing of Supplemental Payments. The Supplemental Payments shall be made by the City semi-annually, in arrears, no later than May 15th (for the preceding July 1st through December 31st period) and November 15th (for the preceding January 1st through June 30th period). The first calendar year for which Supplemental Payments are made shall be the second calendar year during which the Project is open to the public for business and Sales Taxes and Transient Occupancy Taxes are generated. After the supplemental payments commence, City's obligation shall continue until the earlier of (a) the expiration of the term of this Development Agreement, or (b) the date on which the total amount of Supplemental Payments made to Developer pursuant to this Section, plus the fee credits and reimbursements previously received by Developer pursuant to Sections 8(B) through 8(F), equal the total Reimbursement Amount.

(3) Amount of Supplemental Payment. For each calendar year for which Developer is entitled to receive a Supplemental Payment hereunder, the Supplemental Payment for such calendar year shall be not less than one-half of the total combined amount of Sales Tax and Transient Occupancy Tax generated by the Project Site and received by the City.

(4) Calculation of Supplemental Payment. The City, prior to making each semi-annual Supplemental Payment, shall determine the total Sales Taxes and Transient Occupancy Tax generated from the Project Site during the prior semi-annual period and actually paid to the City for such period based on the data provided by the SBOE (Sales Tax) and the operator of the Project Site Hotel (Transient Occupancy Tax) to City, and based upon such determination and the formula described in Section 8(G)(3) above, the amount of the applicable semi-annual Supplemental Payment. Such determination as between City and Developer shall be conclusive and binding on City and Developer, except that either party shall have the right to contest the Sales Tax data provided by SBOE in accordance with the procedures available under applicable law. If any final decision in such contest results in a recalculation of such data, then the Parties shall make such adjustments in the amounts credited pursuant to this Section as are necessary to reflect the final determination. In the event that Developer is entitled to receive a Supplemental Payment for the prior semiannual period in accordance herewith, then City shall, in the ordinary course of business, remit the amount of the Supplemental Payment to Developer.

(5) Developer Cooperation. Developer shall cooperate with City in providing to City such information that Developer may have regarding Sales Taxes and Transient Occupancy Taxes, subject to any nondisclosure or confidentiality provisions in Developer's leases with its tenants, if any. Specifically, Developer shall provide and shall require any of its tenants, licensees, franchisees or transferees to provide to City copies of the quarterly sales tax reports submitted to the SBOE concurrently with submission to the SBOE.

H. Reimbursement from Benefited Properties. The Parties recognize that certain of the Infrastructure Improvements will significantly benefit the future development of other properties (the "Benefited Properties"). To facilitate equitable distribution of costs among benefitted properties, the City shall require that all individual developers of Benefited Properties reimburse the City for their fair share costs of the Infrastructure Improvements paid for by Developer. For each Benefited Property, full reimbursement shall be required as a condition precedent to the issuance of the first building permit for that Benefited Property. The City shall implement this requirement through the imposition of a condition of approval on the use permit or first tentative subdivision map of any nature approved for each Benefited Property and/or as a requirement of any development agreement entered into for a Benefited Property. The City shall not be obligated to pay reimbursements to Developer from funds received from individual developers of Benefited Properties. City shall have the option to utilize any such funds it collects to make the annual Supplemental Payment to the Developer in lieu of using Sales Tax and Transient Occupancy Tax generated by the Project Site as contemplated by Section 8(G) of this Agreement.

I. Waiver of Further Reimbursement. Except for the Reimbursement Amount, as set forth in this Development Agreement, Developer hereby waives all rights to any other reimbursements in relation to the Infrastructure Improvements.

J. Developer's Cost Documentation. Within ninety (90) days of City's acceptance of the Infrastructure Improvements, Developer shall provide City with evidence of actual and reasonable costs and expenses for the Infrastructure Improvements for which reimbursements are to be made, in order to determine the final Reimbursement Amount. Such evidence shall include executed contracts, invoices, cancelled checks, and other documents reasonably required by the City Engineer to determine the reasonable and actual costs of the Infrastructure Improvements, together with a written certification signed by an officer of Developer setting forth hard and soft costs paid by Developer for the Infrastructure Improvements (the "Developer's Cost Documentation"). The actual Reimbursement Amount and the Fee Credit shall be determined in the reasonable discretion of the City Engineer, in good faith, based on the Developer's Cost Documentation.

K. Right to Reimbursement. All rights to reimbursement shall be personal to the Developer and such rights shall not run with the Property. Notwithstanding the foregoing, Developer may transfer or convey its right to fee credit or reimbursement to a third party, upon written notification to the City of said transfer or conveyance.

L. Term for Credits and Reimbursements. City shall not be obligated to pay any funds to Developer toward the Reimbursement Amount following the expiration of the term of this Development Agreement.

M. Installation of Monuments as Condition Precedent to Reimbursements. The installation of monuments required in conjunction with the approval and recordation of the Parcel Map creating the Project Site (TPM 2015-01) shall occur prior to the issuance of any reimbursements specified in Section 8 of this Agreement.

9. **CONSTRUCTION OF HISTORIC PEDESTRIAN PLAZA.** Notwithstanding any other provision of this Agreement, Developer shall construct and complete the Historic Pedestrian Plaza as identified in Recital C and the Existing Development Approvals, no later than issuance of a certificate of occupancy for the final building to be occupied in the Phase 1 Project.

10. **RESERVATION OF AUTHORITY.** The following shall be referred to as City's "Reservation of Authority":

A. Limitations, Reservations, and Exceptions. Notwithstanding any other provision of this Development Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Project Site:

- (1) Processing fees and charges imposed by City to cover the estimated actual costs to City of processing applications for Subsequent Development Approvals, provided such fees are consistent with fees and charges imposed generally by City on all new development.
- (2) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals, and any other matter of procedure.
- (3) Regulations governing construction standards and specifications, including, without limitation, the City's Building Code, Plumbing Code, Mechanical Code, Electrical Code, and Fire Code.
- (4) Regulations which are in conflict with the Development Plan provided Developer has given written consent to the application of such regulations to development of the Project Site.
- (5) Regulations required to be adopted by changes in State or Federal law.

B. Subsequent Development Approvals. This Development Agreement shall not prevent City, in acting on Subsequent Development Approvals, from applying the Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this Development Agreement prevent City from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or Subsequent Land Use Regulations not in conflict with the Development Plan.

C. Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations enacted after the Effective Date of this Development Agreement prevent or preclude compliance with one or more of the provisions of this Development Agreement, such provisions of this Development Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations and the remainder of this Development Agreement shall remain in full force and effect.

D. Regulation by Other Public Agencies. It is acknowledged by the Parties that other public agencies not within the control of City possess authority to regulate aspects of the development of the Project Site separately from or jointly with City. This Development Agreement does not limit the authority of such other public agencies.

11. DEVELOPMENT OF THE PROPERTY; TIMING AND CHANGES/AMENDMENTS.

A. Rights to Develop. Subject to the terms of this Development Agreement, Developer shall have a vested right to develop the Project in accordance with and to the extent of the Development Plan. The Project shall be subject to all Subsequent Development Approvals, if any, required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Development Agreement, the permitted uses of the Project Site, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan. The Project shall be subject to all mitigation measures specified in the Final EIR and Mitigation Monitoring Program as certified and adopted by the Planning Commission on August 16, 2016. In addition, City agrees that (i) the City shall not require any additional land dedications, additional construction of infrastructure improvements or any additional impact mitigation measures beyond those required by the Existing Land Use Approvals, including this Development Agreement, in connection with, and as a condition to, the development and construction of any portion of the Project, and the Project shall not be subject to any such additional requirements imposed pursuant to Future General Regulations or Subsequent Land Use Regulations; and (ii) the Development Exactions imposed in connection with, and as a condition to, the development and construction of any portion of the Project shall be limited to the Development Exactions as set forth on Exhibits C-1 and C-2 and the Project shall not be subject to any additional Development Exactions imposed pursuant to Future General Regulations or Subsequent Land Use Regulations.

B. Timing of Development. It is anticipated that the Infrastructure Improvements will be constructed in conjunction with Developer's development of its travel center and related improvements on the Project Site, as referenced in Recital C. The Parties acknowledge that Developer cannot at this time predict when or the rate at which the Project Site will be developed, since the same depends upon numerous factors which are not within the control of Developer, including without limitation, timing of Developer obtaining fee title to the Project Site, delay in obtaining necessary easement or other rights in third-party property, and market and weather conditions. Since the California Supreme Court held in *Pardee Construction v. City of Camarillo*, 37 Cal. 3d 465 (1984) that the failure of the parties in that case to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that Developer shall have the right to develop the Project Site in such order and at such rate and at such times as Developer deems appropriate within the exercise of Developer's subjective business judgment, subject only to any timing requirements set forth in the Existing Development Approvals and the Development Plan. Any regulation, whether adopted by initiative or otherwise, limiting the rate or timing of development of the Project Site shall be deemed to conflict with the Existing Development Approvals and therefore shall not be applicable to the development of the Project Site.

C. Effect of Development Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Development Agreement, the rules, regulations, and official policies governing permitted uses of the Project Site, the density and intensity of use of the property, the maximum height and size of proposed buildings, and the design, improvement, and construction standards and specifications applicable to development of the Project Site shall be the Existing Land Use Regulations. City shall exercise its lawful reasonable discretion in connection with Subsequent Development Approvals in accordance with the Development Plan, and as provided by this Development Agreement. City shall accept for processing, review, and action all applications for Subsequent Development Approvals, and such applications shall be processed in the normal manner for processing such matters. City may, at the request of Developer, contract for planning and engineering consultant services to expedite the review and processing of Subsequent Development Approvals, the cost of which shall be borne by Developer.

D. Amendments and Modifications.

(1) Major Amendments. Any amendment to this Development Agreement which affects or relates to (a) the term of this Development Agreement; (b) permitted uses of the Project Site; (c) provisions for the reservation or dedication of land; (d) conditions, terms, restrictions or requirements for subsequent discretionary actions; (e) the density or intensity of use of the Project Site or the maximum height or gross square footage of proposed buildings; or (f) monetary contributions by Developer, shall be deemed a "Major Amendment" and shall require giving of notice and a public hearing before the Planning Commission and City Council. Any amendment which is not a Major Amendment shall be deemed a Minor Modification (as further defined in and subject to Section 11(D)(2) below). The City Manager or his or her designee shall have the authority, in his or her reasonable discretion, to determine if an amendment is a Major Amendment subject to this Section 11(D)(1) or a Minor Modification subject to Section 11(D)(2) below. The City Manager's determination may be appealed to the City Council.

(2) Minor Modifications. The Parties acknowledge that refinement and further implementation of the Project may demonstrate that certain minor changes may be appropriate with respect to the details and performance of the Parties under this Development Agreement. The Parties desire to retain a certain degree of flexibility with respect to the details of the Project and with respect to those items covered in the general terms of this Development Agreement. If and when the Parties find that clarifications, minor changes, or minor adjustments are necessary or appropriate and do not constitute a Major Amendment under Section 11(D)(1) (each a "Minor Modification"), they shall effectuate such Minor Modification through a written instrument executed by the Developer and City Manager. Unless otherwise required by law or the Municipal Code, no Minor Modification shall require prior notice or hearing, nor shall it constitute an amendment to this Development Agreement.

12. PERIODIC REVIEW FOR COMPLIANCE WITH DEVELOPMENT AGREEMENT. In accordance with California Government Code Section 65865.1, City shall review this Development Agreement at least once during every twelve (12) month period from the Effective Date of this Development Agreement, at which time Developer shall demonstrate good faith compliance with the terms of this Development Agreement, as reasonably requested by City. Failure by City in any given calendar year to undertake and complete its annual review of the Agreement shall constitute a finding by City that Developer is in compliance with all of the terms and conditions of this Agreement for that calendar year.

13. AMENDMENT OR CANCELLATION OF DEVELOPMENT AGREEMENT. This Development Agreement may be amended or canceled in whole or in part only by mutual consent of the Parties and in the manner provided for in California Government Code Sections 65867, 65867.5, and 65868. The provisions of this Section do not impact the rights or remedies of the Parties (including without limitation, the right to terminate this Development Agreement) in the case of a Developer Default or City Default, as addressed in Section 14 below.

14. EVENTS OF DEFAULT; REMEDIES.

A. Default By Developer; City's Remedies. Developer is in default under this Development Agreement (a "Developer Default") if City makes a finding and determination that upon the basis of substantial evidence (as provided to Developer) the Developer has not complied in good faith with one or more of the material terms or conditions of this Development Agreement for ninety (90) days after receipt of written notice thereof, or such longer cure period as agreed to by City. In the case of a Developer Default, City shall conduct a hearing utilizing the periodic review procedures of Section 12 before City may terminate this Development Agreement. In such case, Developer acknowledges that City shall have such termination right because the remedies provided by law, including, but not limited to, damages, are deemed by City to be inadequate to fully remedy a Developer Default and due to the extreme difficulty of assessing with certainty damages for such Developer Default. The above

notwithstanding, if City elects to terminate this Development Agreement, the Developer may challenge such termination by instituting legal proceedings, in which event the court shall exercise its review, based on substantial evidence, as to the existence of cause for termination.

B. Default By City; Developer's Remedies. City is in default under this Development Agreement (a "City Default") if Developer makes a finding and determination that upon the basis of substantial evidence (as provided to City), City has not complied in good faith with one or more of the material terms or conditions of this Development Agreement for ninety (90) days after receipt of written notice thereof, or such longer cure period as agreed to by Developer. In the case of a City Default, Developer may pursue any legal or equitable remedies available to it under this Development Agreement or otherwise.

C. Waiver and Nature of Remedies. No default under this Development Agreement can be waived unless in writing. Waiver of any one default shall not be deemed to be a waiver of any other default of the same or any other provision hereof. Failure or delay in giving written notice of default shall not waive a party's right to give future notice of the same or any other default. Remedies under this Development Agreement shall be deemed cumulative and not exclusive.

D. Limitation of Liability. Notwithstanding anything in this Development Agreement to the contrary, neither party, under any circumstances, shall be liable to the other party for any punitive or exemplary damages arising out of this Development Agreement. This Section 14(D) shall survive termination of the Development Agreement.

15. **UNIFORM CODES.** This Development Agreement does not prevent the City from adopting and amending in compliance with State law certain Uniform Codes which are based on recommendations of a multi-state professional organization and which become applicable throughout the City -- including that portion of the Property subject to this Development Agreement. Such Uniform Codes include, but are not limited to, the *Uniform Building Code, Uniform Mechanical Code, National Electrical Code, and Uniform Fire Code.*

16. **PREVAILING WAGE COMPLIANCE.** Developer shall comply with all state and federal labor laws, including without limitation, those requiring the payment of prevailing wage. All fee credits and the Reimbursement Amount are intended to compensate Developer for no more than the cost associated with the construction and installation of Infrastructure Improvements required as a condition of regulatory approval. In accordance with California Labor Code Section 1720(c)(2), such compliance shall require Developer to pay prevailing wages in connection with the construction of and installation of all Infrastructure Improvements for which Developer is receiving a portion of the Reimbursement Amount or fee or fee credits, but not in connection with the construction of any other portion of the Project.

17. **LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT.** In regard to Avenue 17 and Sharon Boulevard median landscaping comprising part of the Infrastructure Improvements, City and Developer agree to reasonably cooperate in either (i) the creation of a landscape and lighting maintenance district ("LMD"); or (ii) annexing the relevant landscaping site into existing Zone 51 LMD, pursuant to California Streets and Highways Code Section 22500, et seq., for purposes of the payment of operation, maintenance and other covered costs associated with the such landscaping and lighting improvements. In the event City desires to create a new LMD, Developer agrees to reasonably cooperate in the proceedings for such creation by not opposing the formation of the LMD and, as applicable, casting a vote in favor of the LMD's creation; provided that the initial amount of the maximum assessment shall be in accordance with the Engineer's Report prepared for the LMD, and annual adjustments to the special tax shall not exceed the rate of inflation.

18. PUBLIC HEALTH AND SAFETY CONCERNS; APPLICATION OF FUTURE REGULATIONS.

A. This Development Agreement does not prevent the City from adopting Future General Regulations and applying such Future General Regulations to the Project and the Project Site, provided that City's City Council adopts findings that a failure to apply such Future General Regulations would create a fire, life, or safety hazard. These findings shall be based upon substantial evidence in the record from a hearing conducted by City's City Council as to which the Developer was provided at least ten (10) days advance written notice.

B. Notwithstanding Section 18(A) above, the City shall not apply to the Project or the Project Site any Future General Regulations which prevent, preclude, or unreasonably delay or alter or in any way affect the implementation of all or any portion of the Development Plan, unless City's City Council, in accordance with subsection (A) above, also makes a finding that such Future General Regulations are reasonably necessary to correct or avoid such injurious or detrimental condition. Any Future General Regulations applied to the Project or the Project Site pursuant to this subsection shall only apply for the duration necessary to correct and avoid such injurious or detrimental condition.

19. ASSIGNMENT, TRANSFER OR SALE.

A. Right to Assign. Developer shall have the right to sell, transfer or assign the Project Site in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, *et seq.*) to any person, partnership, joint venture, firm, corporation or other entity at any time during the term of this Development Agreement; provided, however, that any such sale, transfer, or assignment shall include the assignment and assumption of the rights (including the right to receive all or any portion of the Reimbursement Amount), duties, and obligations arising under or from this Development Agreement to the extent reasonably applicable to the transferred portion of the Project Site and be made in strict compliance with the following conditions precedent:

- (1) No sale, transfer, or assignment of any right or interest under this Development Agreement shall be made unless made together with the sale, transfer, or assignment of all or a part of the Project Site. Developer agrees to provide specific notice of this Development Agreement, including the record or document number, where a true and correct copy of this Development Agreement may be obtained from the County Clerk/County Recorder of the County of Madera, in any grant deed or other document purporting to transfer the title or an interest in the Project Site during the term of this Development Agreement or any extension thereof.
- (2) Concurrent with any such sale, transfer, or assignment, or within fifteen (15) business days thereafter, Developer shall notify City, in writing, of such sale, transfer, or assignment and shall provide City with an executed Assignment and Assumption Agreement, substantially in the form specified in Exhibit J, by the purchaser, transferee, or assignee, providing therein that the purchaser, transferee, or assignee expressly and unconditionally assumes all the duties and obligations of the Owner/Developer under this Development Agreement to the extent allocable to the portion of the Project Site transferred, other than duties that are expressly reserved and retained by the transferor in such agreement, where the transferor still owns a portion of the Project Site. Any sale, transfer, or assignment not made in strict compliance with the foregoing conditions shall constitute a default by Developer under this Development Agreement. Notwithstanding the failure of any purchaser, transferee, or assignee to execute the agreement required under this section, the burdens of this Development Agreement shall be binding upon such purchaser, transferee, or assignee, to the extent allocable to the portion of the Project Site transferred, but the benefits of this Development Agreement shall not inure to such purchaser, transferee, or assignee until and unless such assumption agreement is executed.

- (3) Reorganization Not an Assignment. Notwithstanding anything to the contrary set forth above, the following shall not be deemed an assignment under this Development Agreement: (i) any sale, pledge, assignment or other transfer of all or a portion of the Project Site to an entity directly controlled by Developer or its affiliates and (ii) any change in Developer entity form, such as a transfer from a corporation to a limited liability company or partnership, that does not affect or change beneficial ownership of the Project Site; provided, however, in such event, Developer shall provide to City written notice, together with such backup materials or information reasonably requested by City, within thirty (30) days following the date of such reorganization or City's request for backup information, as applicable.

B. Release of Transferring Owner. Notwithstanding any sale, transfer, or assignment, Developer or any successor Owner thereof shall continue to be obligated under this Development Agreement unless Developer or such subsequent Owner is given a release in writing, signed by City, which release shall be provided by City upon the full satisfaction by Developer or such subsequent Owner of all of the following conditions:

- (1) Developer or Owner no longer has a legal interest in all or any part of the Project site except as a beneficiary under a deed of trust; or if such requested release relates only to a portion of the Project site, Developer or Owner no longer has a legal interest in such portion of the Project site except as a beneficiary under a deed of trust.
- (2) Developer or Owner is not then in default under this Development Agreement beyond the applicable cure period.
- (3) Developer or Owner or purchaser has provided City with the notice and executed assumption agreement required under Section 19(A)(2) above.
- (4) Developer or Owner has reimbursed City for any and all reasonable City costs associated with Developer or Owner's transfer of all or a portion of the Project Site.

20. NOTICE. Unless expressly provided otherwise in this Development Agreement, any notices, reports, communications, and payments hereunder must be in writing and given by personal delivery or sent by (i) registered or certified mail return receipt requested, postage prepaid, (ii) nationally recognized overnight courier service, or (iii) facsimile transmission, addressed as follows (unless written notice of change thereof is provided):

To City:

City Clerk
City of Madera City Hall
205 West Fourth Street
Madera, California 93637
Facsimile: (559) 674-2972

With copy to (at same address):

City Attorney
Facsimile: (559) 673-1304

To Landowner:

Lisa M. Guzman
7173 North Blackstone Street
Fresno, CA 93650

To Developer:

Love's Country Stores of California, Inc.
10601 N. Pennsylvania Ave.
Oklahoma City, OK 73120
Attention: Kym VanDyke, Project Manager
Facsimile: (405) 463.3581

With copy to (at same address):

General Counsel and Director of Legal Services
Facsimile: (405) 463.3576

Notice shall be deemed received on the earlier of (a) actual receipt, (b) 3 business days after deposit in the U.S. Mail, (c) the first business day after deposit with an overnight courier, or (d) if by facsimile transmittal, upon receipt of proof of transmission. Any notice or communication not received because of a change of address or facsimile number, without notice to the other party thereof, or refusal to accept delivery, will be deemed received, notwithstanding the same, as set forth above.

21. MORTGAGEE PROTECTION. The Parties hereto agree that this Development Agreement shall not prevent or limit Developer, in any manner, at Developer's sole discretion, from encumbering the Project Site or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Project Site, except as limited by the provisions of this section. City acknowledges that the lenders providing such financing may require certain Development Agreement interpretations and modifications and agrees upon request, from time to time, to meet with Developer and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Development Agreement. Any mortgagee of the Project Site shall be entitled to the following rights and privileges:

A. Neither entering into this Development Agreement nor a breach of this Development Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Project Site made in good faith and for value, unless otherwise required by law.

B. The mortgagee of any mortgage or deed of trust encumbering the Project Site, or any part thereof, which mortgagee has submitted a request in writing to City in the manner specified herein for giving notices, shall be entitled to receive written notification from City of any default by Developer in the performance of Developer's obligations under this Development Agreement.

C. If City receives a timely request from a mortgagee requesting a copy of any notice of default given to Developer under the terms of this Development Agreement, City shall provide a copy of that notice to the mortgagee within ten (10) days of sending the notice of default to Developer. The mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed to Developer under this Development Agreement.

D. Any mortgagee who comes into possession of the Project Site, or any part thereof, by any means, whether pursuant to foreclosure of the mortgage deed of trust, or deed in lieu of such foreclosure or otherwise, shall take the Project Site, or part thereof, subject to the terms of this Development Agreement. Notwithstanding any other provision of this Development Agreement to the contrary, no mortgagee shall have an obligation or duty under this Development Agreement to perform any of Developer's obligations or other affirmative covenants of Developer hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by Developer is a condition precedent to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder, and further provided that any sale, transfer or assignment by any mortgagee in possession shall be subject to the provisions of Section 19 of this Agreement.

22. MISCELLANEOUS.

A. Entire Agreement; Binding Effect. This Development Agreement contains the entire agreement and understanding of Developer and City in regard to the Project and supersedes all negotiations and proposed agreements, whether oral or written, between Developer and City in regard to the subject matter hereof. Each party acknowledges that it has read this Development Agreement and has signed it freely and voluntarily without reliance on any representations or promises made by the other, or the other party's attorneys or representatives, except as expressly set forth in this Development Agreement. This Development Agreement is and shall be binding upon and shall inure to the benefit of the affiliates, subsidiaries, successors, assigns, agents, officers, current employees and administrators of each of Developer and City.

B. Interpretation. Developer and City expressly intend that this Development Agreement shall not be construed against either party, as this Development Agreement was negotiated at arms' length between City and Developer, both of whom were represented by legal counsel, and all of whom contributed to the drafting of this Development Agreement. Any reference within this Development Agreement to a Section shall be construed to reference all Subsections of that referenced Section.

C. Enforcement. Developer and City agree that the Superior Court in Madera County shall have jurisdiction over the implementation and enforcement of this Development Agreement, and shall have the power and authority to make such further or supplemental orders, directions, and other relief as may be necessary or appropriate for the interpretation, enforcement, or carrying out of this Development Agreement.

D. Governing Law. Except as expressly provided in this Development Agreement, all questions with respect to this Development Agreement, and the rights and liabilities of the Developer and City, shall be governed by the laws of the State of California.

E. Further Actions. Each party shall cooperate with and provide reasonable assistance to the other to the extent necessary to implement this Development Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgement or affidavit if reasonably required, and file of record such required instruments and writings and take any actions as may be reasonably necessary, to implement this Development Agreement or to evidence or consummate the transactions contemplated by this Development Agreement.

F. Counterpart Execution. This Development Agreement may be executed in counterparts. When each party has signed and delivered its respective counterpart to the other party, each counterpart shall be deemed an original, and when taken together will constitute one and the same Development Agreement, which will be binding and effective as to Developer and City.

G. Attorneys' Fees. To the extent permitted by law, if either party commences legal action against the other to enforce its rights hereunder, the prevailing party in such action shall be entitled to recover from the other, in addition to any other relief granted, its reasonable attorney's fees, costs and expenses incidental thereto.

H. Estoppel Certificate. Either party may, at any time, and from time to time, deliver written notice to the other party requesting such party to certify in writing that, to the knowledge of the certifying party (and to the extent true), (i) this Development Agreement is in full force and effect and a binding obligation of the Parties, (ii) this Development Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments, and (iii) the requesting party is not in default in the performance of its obligations under this Development Agreement, or if in default, to describe therein the nature of such default. The party receiving a request hereunder shall execute and return such certificate within thirty (30) days following the receipt thereof. City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees of Developer.

I. Enforced Delay, Extension of Times of Performance. In addition to specific provisions of this Development Agreement, all deadlines under this Agreement, including but not limited the deadline for Developer to submit a Substantially Complete Building Permit Application under Section 6(A) shall be extended; and the performance by any Party of its obligations under this Agreement shall not be deemed to be in Default, and the time for performance of such obligation shall be extended where delays or default are due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, acts of terrorism, governmental restrictions or permitting delays imposed or mandated by governmental entities including the City (in the case of another Party relying on the Force Majeure Event), delays in securing or obtaining necessary easements or rights of way, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, seasonal species or habitat surveying or remediation requirements, litigation, or similar bases for excused performance beyond the reasonable control of the party relying thereupon to excuse performance hereunder (each a "Force Majeure Event"). If written notice of such delay is given to City within thirty (30) days of the commencement of such delay, an extension of time for such cause shall be granted by the City Manager in writing for the period of the enforced delay, or longer as may be mutually agreed upon. In any event, the party relying on any such Force Majeure Event to excuse performance hereunder shall act in good faith, and with due diligence, to recommence performance at the earliest possible date.

J. Indemnity. Developer agrees to and shall defend, indemnify and hold harmless the City, its City Council, boards and commissions, officers, agents, employees, volunteers and other representatives (collectively referred to as "City Indemnified Parties") from and against any and all loss, liability, damages, cost, expense, claims, demands, suits, attorney's fees and judgments (collectively referred to as "Damages"), including but not limited to claims for damage for personal injury (including death) and claims for property damage arising directly or indirectly from the following: (1) for any act or omission of Developer or those of its officers, board members, agents, employees, volunteers, contractors, subcontractors or other persons acting on its behalf (collectively referred to as the "Developer Parties") which occurs during the Term and relates to this Agreement; (2) for any act or omission related to the operations of Developer Parties, including but not limited to the maintenance and operation of areas on the Project Site accessible to the public. Developer's obligation to defend, indemnify and hold harmless applies to all actions and omissions of Developer Parties as described above caused or alleged to have been caused in connection with the Project or Agreement, except to the extent any Damages are caused by the active negligence or willful misconduct of any City Indemnified Parties. This Section 22(J) applies to all Damages suffered or alleged to have been suffered by the City Indemnified Parties regardless of whether or not the City prepared, supplied or approved plans or specifications or both for the Project. During the term of the Agreement, Developer shall maintain insurance in a form and amount acceptable to the City Attorney, with a maximum per-occurrence combined single limit of one million dollars (\$1,000,000), to assure Developer's ability to satisfy the indemnification requirements of this Section 22(J). Developer may satisfy the insurance requirements of this Section through self-coverage or through existing insurance coverage maintained by Developer.

K. City's Right to Defense. The City shall have the right to approve legal counsel retained by Developer to defend any claim, action or proceeding which Developer is obligated to defend pursuant to Section 22(J), which approval shall not be unreasonably withheld, conditioned or delayed. If any conflict of interest results during the mutual representation of the City and Developer in defense of any such action, or if the City is reasonably dissatisfied with legal counsel retained by Developer, the City shall have the right (a) at Developer's costs and expense, to have the City Attorney undertake and continue the City's defense, or (b) with Developer's approval, which shall not be reasonably withheld or delayed, to select separate outside legal counsel to undertake and continue the City's defense.

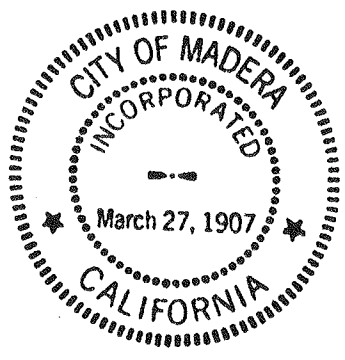
[EXECUTION PAGE(S) TO FOLLOW]

IN WITNESS WHEREOF, City and Developer have agreed to and executed this Development Agreement having an Effective Date of December 28, 20 16 (to be the date of recording, following full execution, with Madera County Clerk/County Recorder).

BY: *[Signature]*
MAYOR, Andrew J. Medellin

ATTEST:
Sonia Alvarez CITY CLERK

By: Sonia Alvarez
City Clerk
(Seal)



APPROVED AS TO FORM:
[Signature]
City Attorney, Brent Richardson

DATE: 12-28-16

City of Madera
205 West Fourth Street
Madera, CA 93637
(559) 661-5405


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF MADERA)

On 12/28/16 before me, Sonia Alvarez, City Clerk personally appeared **Andrew J. Medellin**, 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.


SONIA ALVAREZ
City Clerk, City of Madera



DESCRIPTION OF ATTACHED DOCUMENT (OPTIONAL)

Title or Type of Document: Development Agreement

Document Date:

Number of Pages:

Signer(s) Other Than Named Above:

CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name: Andrew J. Medellin

Signer's Name:

Title: Mayor, City of Madera

Title:

DEVELOPER:

LOVE'S COUNTRY STORES OF CALIFORNIA, INC.

By: Douglas J. Stussi

Its: Vice President, CFO and Treasurer

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Oklahoma)

County of Oklahoma)

On Dec. 23, 2016 before me, Carla Berry
Date Here Insert Name and Title of Officer

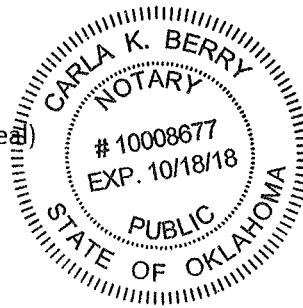
personally appeared Doug Stussi
Name(s) of Signer(s)
Vice President, CFO & Treasurer

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 Oklahoma that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Carla K. Berry (Seal)



LANDOWNER:

Lisa M. Guzman

LISA M. GUZMAN, TRUSTEE OF THE BYPASS TRUST UNDER THE GUZMAN LIVING TRUST DATED MAY 13, 2013

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Madera)

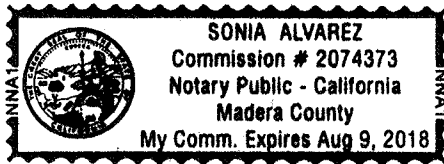
On 12/27/16 before me, Sonia Alvarez, Notary Public
Date Here Insert Name and Title of Officer
personally appeared Lisa M. Guzman
Name(s) of Signer(s)

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 *Sonia Alvarez* (Seal)



LANDOWNER:

Lisa M. Guzman

LISA M. GUZMAN, TRUSTEE OF THE SURVIVOR'S TRUST UNDER THE GUZMAN LIVING TRUST DATED MAY 13, 2013

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of *Madera*)

On *12/27/16* before me, *Sonia Alvarez, Notary Public*
Date Here Insert Name and Title of Officer
personally appeared *Lisa M. Guzman*
Name(s) of Signer(s)

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 *Sonia Alvarez* (Seal)

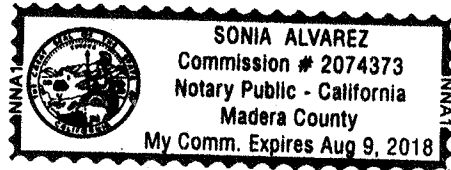


EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 013-240-003

Beginning at the Northeast corner of Section 10, Township 11 South, Range 17 East, Mount Diablo Base and Meridian, County of Madera, State of California; thence along the East line of Section 10, South 0° 10' East 1,331.25 feet to the Southeast corner of the North half of the Northeast quarter of Section 10; thence along the North line of a 51.272 acre tract of land conveyed by Henry Miller to Charles Schmidt, on December 5, 1893, South 89° 55' West 1,029.12 feet along the South line of said North half of the Northeast quarter to a point on the Easterly right of way line of the Southern Pacific Railroad; thence along said Easterly right of way line North 44° 15' West 1,858.76 feet to a point on the North line of Section 10; thence leaving railroad, North 89° 58' East 2,332.30 feet to the point of beginning.

EXCEPTING THEREFROM a road easement over and upon a strip of land 30 feet in width along the North line of and within above described tract of land for use as a right of way easement for a public road, as previously reserved of record.

ALSO EXCEPTING THEREFROM that portion granted to the State of California, in Deed executed by Felisberto da Silva, et al, and recorded February 24, 1971 in Book 1081 Page 532, as Document No. 2225 of Official Records.

AND ALSO EXCEPTING THEREFROM that portion granted to the County of Madera, in Deed executed by Jim Vincenzo Gagliardi, et al, and recorded October 24, 2003 as Document No. 03045789 of Official Records.



LANE ENGINEERS, INC.
CIVIL • STRUCTURAL • SURVEYING
979 N. Blackstone Street
Tulare, California 93274
559.688.5263
www.laneengineers.com

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Lane Project No. 14271

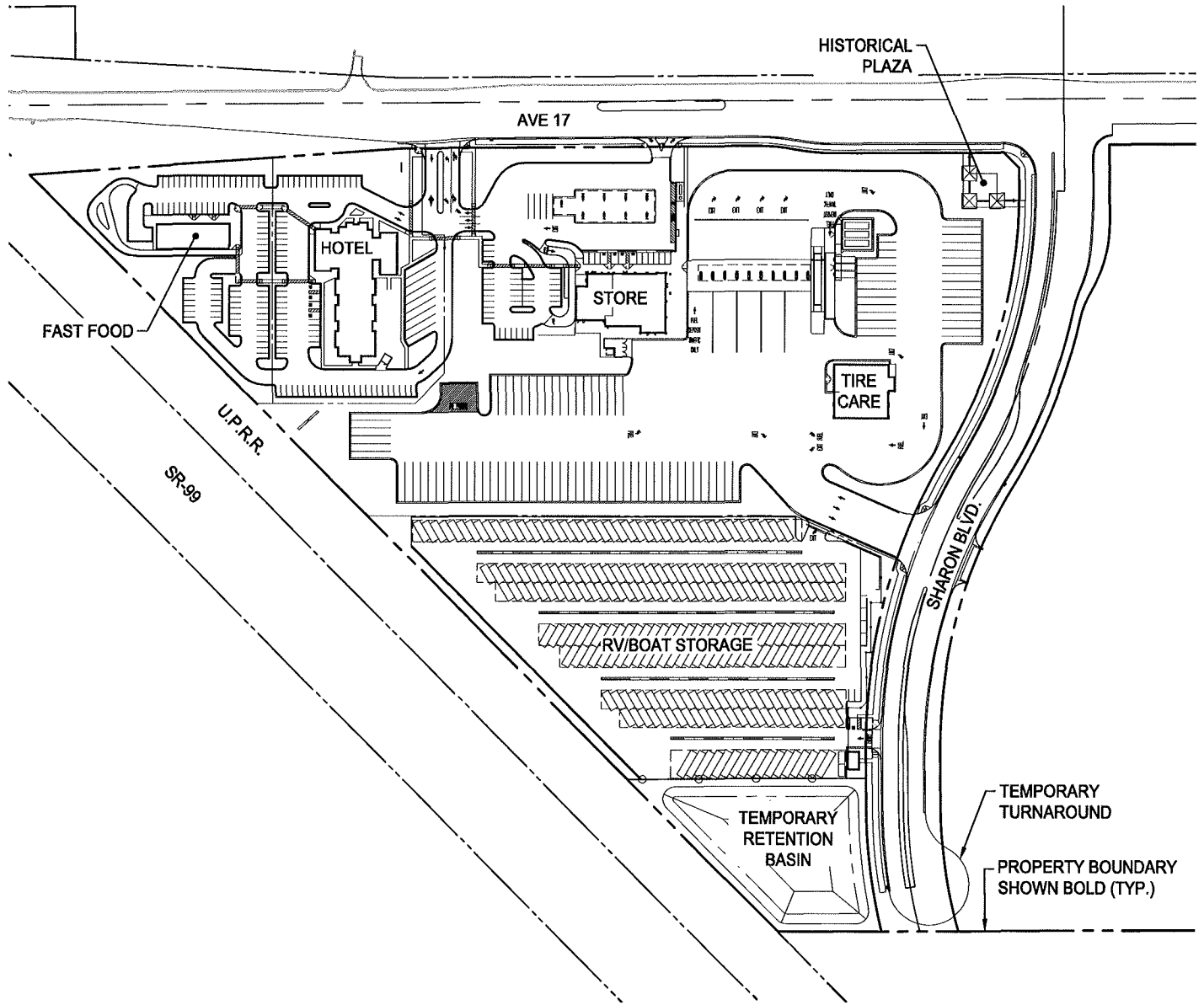


EXHIBIT 'B'
DEPICTION OF PROJECT SITE



Development Exactions - Development Impact Fees and Credit Amounts

<u>DESCRIPTION</u>	<u>Base Calculation</u>			<u>Projected Credit Amount</u>		
	<u>QUANTITY</u>	<u>UNIT COST</u>	<u>COST</u>	<u>QUANTITY</u>	<u>UNIT COST</u>	<u>COST</u>
A. TRAVEL STOP						
Administrative Impact Fee	20,054 SF	\$0.024	\$481	0 SF	\$0.024	\$0
Fire Department Impact Fee	20,054 SF	\$0.036	\$722	0 SF	\$0.036	\$0
General Government Impact Fee	20,054 SF	\$0.012	\$241	0 SF	\$0.012	\$0
Police Department Impact Fee	20,054 SF	\$0.072	\$1,444	0 SF	\$0.072	\$0
Public Works Impact Fee	20,054 SF	\$0.133	\$2,667	0 SF	\$0.133	\$0
Sewer Additional Impact Fee	20,054 SF	\$0.169	\$3,389	20,054 SF	\$0.169	\$3,389
Storm Drain Impact Fee	20,054 SF	\$1.210	\$24,265	20,054 SF	\$1.210	\$24,265
Sewer Exist Obl. Impact Fee	20,054 SF	\$0.036	\$722	20,054 SF	\$0.036	\$722
Streets (16 ft Arterial Median)	20,054 SF	\$0.142	\$2,848	20,054 SF	\$0.142	\$2,848
Streets (24 ft Collector Lane)	20,054 SF	\$0.251	\$5,034	20,054 SF	\$0.251	\$5,034
Streets (12 ft Arterial Lane)	20,054 SF	\$0.251	\$5,034	20,054 SF	\$0.251	\$5,034
Transportation Impact Fee	20,054 SF	\$0.254	\$5,094	20,054 SF	\$0.254	\$5,094
Traffic Signal Impact Fee	20,054 SF	\$0.087	\$1,745	20,054 SF	\$0.087	\$1,745
Water Impact Fee (Pipes)	20,054 SF	\$0.072	\$1,444	20,054 SF	\$0.072	\$1,444
Wastewater Treatment Plant Impact Fee	20,054 SF	\$0.763	\$15,301	20,054 SF	\$0.763	\$15,301
Water Impact Fee (Wells)	20,054 SF	\$0.133	\$2,667	20,054 SF	\$0.133	\$2,667
SUB-TOTAL TRAVEL STOP			\$73,097			\$67,542

Development Exactions - Development Impact Fees and Credit Amounts

B. HOTEL

Administrative Impact Fee	57,792 SF	\$0.024	\$1,387	0 SF	\$0.024	\$0
Fire Department Impact Fee	57,792 SF	\$0.036	\$2,081	0 SF	\$0.036	\$0
General Government Impact Fee	57,792 SF	\$0.012	\$694	0 SF	\$0.012	\$0
Police Department Impact Fee	57,792 SF	\$0.072	\$4,161	0 SF	\$0.072	\$0
Public Works Impact Fee	57,792 SF	\$0.133	\$7,686	0 SF	\$0.133	\$0
Sewer Additional Impact Fee	57,792 SF	\$0.169	\$9,767	57,792 SF	\$0.169	\$9,767
Storm Drain Impact Fee	57,792 SF	\$1.210	\$69,928	57,792 SF	\$1.210	\$69,928
Sewer Exist Obl. Impact Fee	57,792 SF	\$0.036	\$2,081	57,792 SF	\$0.036	\$2,081
Streets (16 ft Arterial Median)	57,792 SF	\$0.142	\$8,206	57,792 SF	\$0.142	\$8,206
Streets (24 ft Collector Lane)	57,792 SF	\$0.251	\$14,506	57,792 SF	\$0.251	\$14,506
Streets (12 ft Arterial Lane)	57,792 SF	\$0.251	\$14,506	57,792 SF	\$0.251	\$14,506
Transportation Impact Fee	57,792 SF	\$0.254	\$14,679	57,792 SF	\$0.254	\$14,679
Traffic Signal Impact Fee	57,792 SF	\$0.087	\$5,028	57,792 SF	\$0.087	\$5,028
Water Impact Fee (Pipes)	57,792 SF	\$0.072	\$4,161	57,792 SF	\$0.072	\$4,161
Wastewater Treatment Plant Impact Fee	57,792 SF	\$0.763	\$44,095	57,792 SF	\$0.763	\$44,095
Water Impact Fee (Wells)	57,792 SF	\$0.133	\$7,686	57,792 SF	\$0.133	\$7,686
SUB-TOTAL HOTEL			\$210,652			\$194,643

Development Exactions - Development Impact Fees and Credit Amounts

C. RESTAURANT PAD

Administrative Impact Fee	4,400 SF	\$0.024	\$106	0 SF	\$0.024	\$0
Fire Department Impact Fee	4,400 SF	\$0.036	\$158	0 SF	\$0.036	\$0
General Government Impact Fee	4,400 SF	\$0.012	\$53	0 SF	\$0.012	\$0
Police Department Impact Fee	4,400 SF	\$0.072	\$317	0 SF	\$0.072	\$0
Public Works Impact Fee	4,400 SF	\$0.133	\$585	0 SF	\$0.133	\$0
Sewer Additional Impact Fee	4,400 SF	\$0.169	\$744	4,400 SF	\$0.169	\$744
Storm Drain Impact Fee	4,400 SF	\$1.210	\$5,324	4,400 SF	\$1.210	\$5,324
Sewer Exist Obl. Impact Fee	4,400 SF	\$0.036	\$158	4,400 SF	\$0.036	\$158
Streets (16 ft Arterial Median)	4,400 SF	\$0.142	\$625	4,400 SF	\$0.142	\$625
Streets (24 ft Collector Lane)	4,400 SF	\$0.251	\$1,104	4,400 SF	\$0.251	\$1,104
Streets (12 ft Arterial Lane)	4,400 SF	\$0.251	\$1,104	4,400 SF	\$0.251	\$1,104
Transportation Impact Fee	4,400 SF	\$0.254	\$1,118	4,400 SF	\$0.254	\$1,118
Traffic Signal Impact Fee	4,400 SF	\$0.087	\$383	4,400 SF	\$0.087	\$383
Water Impact Fee (Pipes)	4,400 SF	\$0.072	\$317	4,400 SF	\$0.072	\$317
Wastewater Treatment Plant Impact Fee	4,400 SF	\$0.763	\$3,357	4,400 SF	\$0.763	\$3,357
Water Impact Fee (Wells)	4,400 SF	\$0.133	\$585	4,400 SF	\$0.133	\$585
SUB-TOTAL RESTAURANT PAD			\$16,038			\$14,819

Development Exactions - Development Impact Fees and Credit Amounts

D. RV/BOAT STORAGE

Administrative Impact Fee	600 SF	\$0.024	\$14	0 SF	\$0.024	\$0
Fire Department Impact Fee	600 SF	\$0.036	\$22	0 SF	\$0.036	\$0
General Government Impact Fee	600 SF	\$0.012	\$7	0 SF	\$0.012	\$0
Police Department Impact Fee	600 SF	\$0.072	\$43	0 SF	\$0.072	\$0
Public Works Impact Fee	600 SF	\$0.133	\$80	0 SF	\$0.133	\$0
Sewer Additional Impact Fee	600 SF	\$0.169	\$101	600 SF	\$0.169	\$101
Storm Drain Impact Fee	600 SF	\$1.210	\$726	600 SF	\$1.210	\$726
Sewer Exist Obl. Impact Fee	600 SF	\$0.036	\$22	600 SF	\$0.036	\$22
Streets (16 ft Arterial Median)	600 SF	\$0.142	\$85	600 SF	\$0.142	\$85
Streets (24 ft Collector Lane)	600 SF	\$0.251	\$151	600 SF	\$0.251	\$151
Streets (12 ft Arterial Lane)	600 SF	\$0.251	\$151	600 SF	\$0.251	\$151
Transportation Impact Fee	600 SF	\$0.254	\$152	600 SF	\$0.254	\$152
Traffic Signal Impact Fee	600 SF	\$0.087	\$52	600 SF	\$0.087	\$52
Water Impact Fee (Pipes)	600 SF	\$0.072	\$43	600 SF	\$0.072	\$43
Wastewater Treatment Plant Impact Fee	600 SF	\$0.763	\$458	600 SF	\$0.763	\$458
Water Impact Fee (Wells)	600 SF	\$0.133	\$80	600 SF	\$0.133	\$80
SUB-TOTAL RV/BOAT STORAGE			\$2,187			\$2,021

Project Totals

\$301,974

\$279,025

Development Exactions - Traffic and Transportation Mitigation Fees

<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT COST</u>	<u>FAIR SHARE %</u>	<u>COST</u>
I. INTERSECTIONS				
A. Avenue 17 at SR 99 SB Off Ramp (Install New Traffic Signal)				
Traffic Signal	1 EA	\$400,000.00	13.1%	\$52,400
				<u>\$52,400</u>
B. Avenue 17 at SR 99 NB Ramps (Widen N/B Approach to 2 LT and 3 RT, & Install New Traffic Signal)				
Sawcut Existing Pavement	1700 LF	\$2.00	19.5%	\$663
Remove Existing Pavement	3400 SF	\$2.00	19.5%	\$1,326
General Earthwork and Import	17000 CY	\$15.00	19.5%	\$49,725
Hot Mix Asphalt	1750 TN	\$92.00	19.5%	\$31,395
Aggregate Base	3800 TN	\$32.00	19.5%	\$23,712
Traffic Signal	1 EA	\$400,000.00	19.5%	\$78,000
Traffic Signal Coordination	1 LS	\$10,000.00	19.5%	\$1,950
				<u>\$186,771</u>
C. Avenue 17 at Walden Drive (Install New Traffic Signal)				
Traffic Signal	1 EA	\$350,000.00	2.4%	\$8,225
				<u>\$8,225</u>
E. Sharon Boulevard at Driveway #3 (Install New Traffic Signal)				
Traffic Signal	1 EA	\$350,000.00	60.7%	\$212,450
				<u>\$212,450</u>
F. Avenue 17 at Yeager Drive (Install Traffic Signal)				
Traffic Signal	1 EA	\$350,000.00	2.2%	\$7,700
				<u>\$7,700</u>
II. ROADWAY SEGMENTS				
A. Ave 17 Westbound Expansion (Add 1 Travel Lane Between Sharon and Walden)				
Sawcut Pavement	600 LF	\$2.00	2.3%	\$28
Pavement Removal	1200 SF	\$2.00	2.3%	\$55
General Earthwork and Roadway Excavation	150 CY	\$5.00	2.3%	\$17
Hot Mix Asphalt	350 TN	\$92.00	2.3%	\$741
Class 2 Aggregate Base	1000 TN	\$32.00	2.3%	\$736
				<u>\$1,577</u>

Development Exactions - Traffic and Transportation Mitigation Fees

III. SR 99 FREEWAY AND RAMPS

A. SR 99 SB Loop On-Ramp (Widen Ramp to Add 1 Lane)

Sawcut Pavement	850 LF	\$1.50	18.1%	\$230
Pavement Removal	1700 SF	\$2.00	18.1%	\$614
General Earthwork and Import	2000 CY	\$15.00	18.1%	\$5,415
Hot Mix Asphalt	600 TN	\$92.00	18.1%	\$9,964
Class 2 Aggregate Base	1250 TN	\$32.00	18.1%	\$7,220
				\$23,442

B. SR 99 NB Off-Ramp (Widen Ramp to add 1 exit lane, & Auxiliary Lane)

Sawcut Pavement	1300 LF	\$2.00	13.3%	\$345
Pavement Removal	2600 SF	\$2.00	13.3%	\$689
General Earthwork and Roadway Excavation	1700 CY	\$5.00	13.3%	\$1,126
Hot Mix Asphalt	1050 TN	\$92.00	13.3%	\$12,800
Class 2 Aggregate Base	2500 TN	\$32.00	13.3%	\$10,600
				\$25,559

C. SR 99 NB On-Ramp (Widen Ramp to Add 1 Lane)

Sawcut Pavement	1500 LF	\$2.00	41.8%	\$1,254
Pavement Removal	3000 SF	\$2.00	41.8%	\$2,508
General Earthwork and Import	10000 CY	\$15.00	41.8%	\$62,700
Hot Mix Asphalt	1000 TN	\$92.00	41.8%	\$38,456
Class 2 Aggregate Base	2200 TN	\$32.00	41.8%	\$29,427
				\$134,345

D. SR 99 SB Off-Ramp (Widen Ramp to Add 1 Lane)

Sawcut Pavement	850 LF	\$2.00	54.4%	\$925
Pavement Removal	1700 SF	\$2.00	54.4%	\$1,850
General Earthwork and Roadway Excavation	1400 CY	\$5.00	54.4%	\$3,808
Hot Mix Asphalt	850 TN	\$92.00	54.4%	\$42,541
Class 2 Aggregate Base	1850 TN	\$32.00	54.4%	\$32,205
				\$81,328

Development Exactions - Traffic and Transportation Mitigation Fees

INTERCHANGE RELATED SUBTOTAL \$503,846

CITY STREETS/ROADS SUBTOTAL \$229,952

GRAND TOTAL \$733,798

NOTES:

1. The improvements described herein are based on the Final EIR and associated traffic study, certified by the City of Madera Planning Commission on 8/16/2016.
2. Improvements highlighted in orange, are improvement required within Caltrans R/W.
3. Traffic Signal, Hot Mix Asphalt, and Class 2 Aggregate Base Costs are based on the Avenue 17/SR-99 Project Study Report (PSR).
4. This estimate excludes costs related to mobilization, bonding, traffic control and other off-site related costs not specifically mentioned in this cost estimate.
5. This estimate is intended to provide an order-of-magnitude cost only. It is not based on a set of construction drawings.
6. Costs are based on prevailing wages.
7. Agency fees are included in this estimate to the extent they are listed.
8. Fees or costs associated with work related to dry utilities are not included in this estimate.

General Description of Infrastructure Improvements, Costs, and Reimbursable Amounts

IMPROVEMENT DESCRIPTION	TOTAL INFRASTRUCTURE IMPROVEMENT COST				REIMBURSABLE AMOUNT			
	QUANTITY	UNIT	UNIT COST	COST	QUANTITY	UNIT COST	COST	
I. AVENUE 17 ROADWORK								
A.1 Avenue 17 Road Excavation [P]1	6,000	CY	\$10.00	\$60,000	6,000	CY	\$10.00	\$60,000
A.2 Avenue 17 Road Excavation [AO]1	2,000	CY	\$10.00	\$20,000	-	CY	\$10.00	\$0
A.7 Avenue 17 Pavement Removal	25,909	SF	\$2.00	\$51,818	25,909	SF	\$2.00	\$51,818
A.9 West Avenue 17 Pavement (7.0" A.C. / 8.5" A.B.) [P]1	16,379	SF	\$5.75	\$94,179	16,379	SF	\$5.75	\$94,179
A.10 West Avenue 17 Pavement (7.0" A.C. / 8.5" A.B.) [AO]1	6,728	SF	\$5.75	\$38,686	-	SF	\$5.75	\$0
A.11 East Avenue 17 Pavement (7.0" A.C. / 23" A.B.) [P]1	43,031	SF	\$8.00	\$344,248	43,031	SF	\$8.00	\$344,248
A.12 East Avenue 17 Pavement (7.0" A.C. / 23" A.B.) [AO]1	18,332	SF	\$8.00	\$146,656	-	SF	\$8.00	\$0
A.19 Sawcut Pavement (Avenue 17)	2,585	LF	\$2.00	\$5,170	2,585	LF	\$2.00	\$5,170
E.1 Traffic Control	1	LS	\$40,000.00	\$40,000	1	LS	\$40,000.00	\$33,200
Subtotal Direct Costs Avenue 17 Roadwork - Minus Curb & Gutter				\$800,757				\$588,615
<i>Subtotal Ave 17 Soft and Indirect Costs [Note 3]</i>				\$273,432				\$201,049
Total Avenue 17 Costs				\$1,074,189				\$789,664
II. SHARON BOULEVARD ROADWORK								
A.3 Sharon Boulevard Road Excavation [P]1	7,500	CY	\$10.00	\$75,000	7,500	CY	\$10.00	\$75,000
A.4 Sharon Boulevard Road Excavation [AO]1	2,500	CY	\$10.00	\$25,000	-	CY	\$10.00	\$0
A.13 North Sharon Boulevard Pavement (6.5" A.C. / 19.5" A.B.) [P]1	37,654	SF	\$7.00	\$263,578	37,654	SF	\$7.00	\$263,578
A.14 North Sharon Boulevard Pavement (6.5" A.C. / 19.5" A.B.) [AO]1	20,202	SF	\$7.00	\$141,414	-	SF	\$7.00	\$0
A.15 South Sharon Boulevard Pavement (6.5" A.C. / 14.0" A.B.) [P]1	15,743	SF	\$6.25	\$98,394	15,743	SF	\$6.25	\$98,394
A.16 South Sharon Boulevard Pavement (6.5" A.C. / 14.0" A.B.) [AO]1	13,897	SF	\$6.25	\$86,856	-	SF	\$6.25	\$0
A.17 Temporary A.C. Pavement (2.5" A.C. / 6.5" A.B.)	7,521	SF	\$2.75	\$20,683	-	SF	\$2.75	\$0
Subtotal Direct Costs Sharon Boulevard Road Work - Minus Curb & Gutter				\$710,924.75				\$436,972
<i>Subtotal Sharon Boulevard - Soft and Indirect Costs [Note 3]</i>				\$242,757				\$149,253
Total Sharon Boulevard Road Work - Minus Curb & Gutter				\$953,682				\$586,225

III. CURB AND GUTTER - ALL STREETS

A.21	Curb & Gutter	2,879	LF	\$14.00	\$40,306	-	LF	\$14.00	\$0
	<i>Subtotal Curb and Gutter - Soft and Indirect Costs [Note 3]</i>				\$13,763				\$0
	Total Curb and Gutter - All Streets - Costs				\$54,069				\$0

IV. SIDEWALKS - ALL STREETS

A.25	Concrete Sidewalk [P]1	5,145	SF	\$4.00	\$20,580	5,145	LF	\$4.00	\$20,580
A.26	Concrete Sidewalk [AO]1	11,463	SF	\$4.00	\$45,852	-	SF	\$4.00	\$0
	Subtotal Direct Costs Sidewalks				\$66,432				\$20,580
	<i>Subtotal Sidewalks Soft and Indirect Costs [Note 3]</i>				\$22,684				\$7,029
	Total Sidewalks - All Streets - Costs				\$89,116				\$27,609

V. MEDIAN ISLAND IMPROVEMENTS - ALL STREETS

A.22	Median Curb	2,286	LF	\$16.00	\$36,576	2,286	LF	\$16.00	\$36,576
A.23	Median Concrete	2,259	SF	\$5.00	\$11,295	2,259	SF	\$5.00	\$11,295
A.24	12" A.C. Dike	780	LF	\$15.00	\$11,700	780	LF	\$15.00	\$11,700
E.5	Sharon Blvd. Median Landscaping/Irrigation	6,562	SF	\$5.00	\$32,810	6,562	SF	\$5	\$32,810
	Subtotal Direct Costs Median Islands				\$92,381				\$92,381
	<i>Subtotal Median Island - Soft and Indirect Costs [Note 3]</i>				\$31,545				\$31,554
	Total Median Island Costs				\$123,926				\$123,935

VI. TRAFFIC SIGNALS

E.2	Traffic Signal (Ave 17 & Driveway #1)	1	LS	\$300,000.00	\$300,000	1	LS	\$300,000	\$300,000
E.3	Traffic Signal (Ave 17 & Sharon Blvd.)	1	LS	\$300,000.00	\$300,000	1	LS	\$300,000	\$300,000
	Subtotal Direct Costs Traffic Signal Improvements				\$600,000				\$600,000
	<i>Subtotal Traffic Signal - Soft and Indirect Costs [Note 3]</i>				\$204,880				\$204,937
	Total Traffic Signal Costs				\$804,880				\$804,937

VII. MISCELLANEOUS STREET IMPROVEMENTS (UTILITIES & MISC. CONSTRUCT.)

E.6	Parkway Landscaping/Irrigation [P]1	14,065	SF	\$5.00	\$70,325	14,065	SF	\$5	\$70,325
E.7	Parkway Landscaping/Irrigation [AO]1	8,052	SF	\$5.00	\$40,260	-	SF	\$5	\$0
E.8	Dry Utility Trenching, Conduits, Pull Boxes	3,600	LF	\$50.00	\$180,000	-	LF	\$50	\$0
E.9	Street Lights (LED)	14	EA	\$4,500.00	\$63,000	-	EA	\$4,500	\$0
E.10	Street Signage and Striping	1	LS	\$50,000.00	\$50,000	0.72	LS	\$50,000	\$36,042
Subtotal Direct Costs Miscellaneous Street Costs					\$403,585				\$106,367
<i>Subtotal Miscellaneous Street and Utilities - Soft and Indirect Costs [Note 3]</i>					\$137,811				\$36,331
Total Miscellaneous Street and Utilities Costs					\$541,396				\$142,698

VIII. RAMP IMPROVEMENTS

A.5	SR-99 N/B Ramp Import and Earthwork	12,000	CY	\$15.00	\$180,000	12,000	CY	\$15.00	\$180,000
A.8	N/B Off-ramp Pavement Removal	7,800	SF	\$2.00	\$15,600	7,800	SF	\$2.00	\$15,600
A.18	N/B Ramp Pavement (9.0" A.C. / 21.0" A.B.)2	20,000	SF	\$9.50	\$190,000	20,000	SF	\$9.50	\$190,000
A.20	Sawcut Pavement (SR-99 N/B Off Ramp)	1,000	LF	\$2.00	\$2,000	1,000	LF	\$2.00	\$2,000
E.11	SR-99 N/B Off-Ramp Signage and Striping	1	LS	\$25,000.00	\$25,000	1.00	LS	\$25,000	\$25,000
E.12	SR-99 N/B Off-Ramp Retaining Walls and other Misc.	1	LS	\$400,000.00	\$400,000	1.00	LS	\$400,000	\$400,000
Subtotal Direct Costs Ramp Improvements					\$812,600				\$812,600
<i>Subtotal Ramp Improvements - Soft and Indirect Costs [Note 3]</i>					\$277,476				\$277,554
Total Ramp Improvements Costs					\$1,090,076				\$1,090,154

IX. SANITARY SEWER

B.1	Connect to Existing Sewer	1	EA	\$2,200.00	\$2,200	1.00	EA	\$2,200	\$2,200
B.2	15" PVC - Non Parcel Frontage	2,324	LF	\$80.00	\$185,920	2,324	LF	\$80	\$185,920
B.3	15" PVC - Along Parcel Frontage	1,280	LF	\$80.00	\$102,400	1,280	LF	\$68	\$86,400
B.4	15" PVC (including trench repair)	1,006	LF	\$110.00	\$110,660	1,006	LF	\$110	\$110,660
B.5	24" PVC (including trench repair)	319	LF	\$235.00	\$74,965	319	LF	\$235	\$74,965
B.6	48" Diameter Sanitary Sewer Manhole	11	EA	\$4,700.00	\$51,700	11	EA	\$4,700	\$51,700
B.7	48" Diameter Sanitary Sewer Manhole (in existing pavement)	5	EA	\$8,000.00	\$40,000	5	EA	\$8,000	\$40,000
Subtotal Direct Costs Sanitary Sewer Improvements					\$567,845				\$551,845
<i>Subtotal Sanitary Sewer - Soft and Indirect Costs [Note 3]</i>					\$193,900				\$188,489
Total Sanitary Sewer Costs					\$761,745				\$740,334

X. CITY STORM DRAINAGE FACILITY

C.1	30" CL III RCP	1,318 LF	\$120.00	\$158,160	1,318 LF	\$120	\$158,160
C.2	18" CL III RCP	1,473 LF	\$58.00	\$85,434	1,473 LF	\$58	\$85,434
C.3	12" CL III RCP	236 LF	\$55.00	\$12,980	236 LF	\$55	\$12,980
C.4	12" CL III RCP (in existing pavement)	90 LF	\$95.00	\$8,550	90 LF	\$95	\$8,550
C.5	Storm Drain Manhole	7 EA	\$6,000.00	\$42,000	7 EA	\$6,000	\$42,000
C.6	Temporary Drain Inlet	3 EA	\$2,000.00	\$6,000	3 EA	\$2,000	\$6,000
C.7	Curb Inlet	7 EA	\$5,200.00	\$36,400	7 EA	\$5,200	\$36,400
Subtotal Direct Costs City Storm Drain Improvements				\$349,524		\$349,524	
<i>Subtotal City Storm Drain - Soft and Indirect Costs [Note 3]</i>				\$119,351		\$119,384	
Total City Storm Drainage Facility Costs				\$468,875		\$468,908	

XI. UN-USED IMPROVEMENT CATEGORY

XII. WATER SYSTEM IMPROVEMENTS

D.1	24" PVC Main, incl. gate valves - Non Parcel Frontage	2,278 LF	\$215.00	\$489,770	2,278 LF	\$215	\$489,770
D.2	24" PVC Main, incl. gate valves - Along Parcel Frontage	2,500 LF	\$215.00	\$537,500	2,500 LF	\$203	\$506,250
D.3	24" PVC Main (including trench repair)	44 LF	\$235.00	\$10,340	44 LF	\$235	\$10,340
D.4	Fire Hydrant Assembly	4 EA	\$5,500.00	\$22,000	4 EA	\$0	\$0
D.5	Connect to Existing Water	1 EA	\$5,700.00	\$5,700	1 EA	\$5,700	\$5,700
Subtotal Direct Costs Water System Improvements				\$1,065,310		\$1,012,060	
<i>Subtotal Water System - Soft and Indirect Costs [Note 3]</i>				\$363,768		\$345,682	
Total Water System Costs				\$1,429,078		\$1,357,742	

XIII. OFF-SITE TRAFFIC MITIGATION FEES

	Cumulative Year Traffic Mitigation Fees	1 LS	\$733,798	\$733,798	1.00 LS	\$733,798	\$733,798
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TOTAL INFRASTRUCTURE IMPROVEMENT COSTS*

\$8,124,831

TOTAL REIMBURSEMENT AMOUNT*

\$6,866,004

*A Municipal Water Well will be developed as part of the Infrastructure Improvements. The Costs of the Water Well are not included in this Schedule of Costs and Reimbursements, though 100% of Well Development Costs are eligible for Reimbursement.

NOTES:

- 1.) [R] = Project Frontage or Other Project Improvement
[AO] = Additional "Oversized" Improvement Required by City
- 2.) Northbound Off-ramp pavement section is based on Caltrans Project Study Report (PSR).
- 3.) Soft and Indirect Costs Include Contingencies (10%), Engineering (10%), Contractor Overhead (10%); Traffic Control, Construction Staking, Plan Check and Inspection



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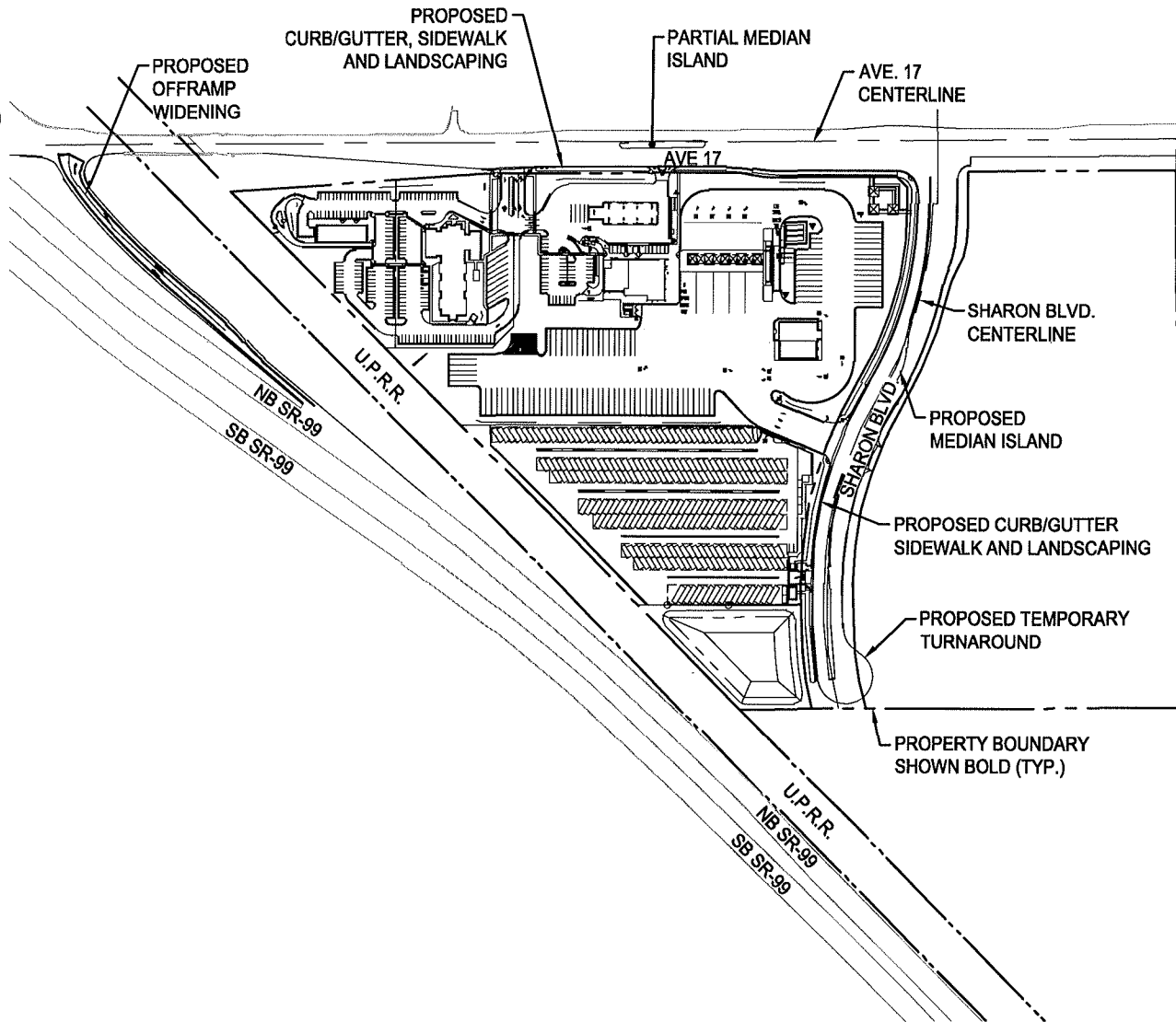
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NORTH

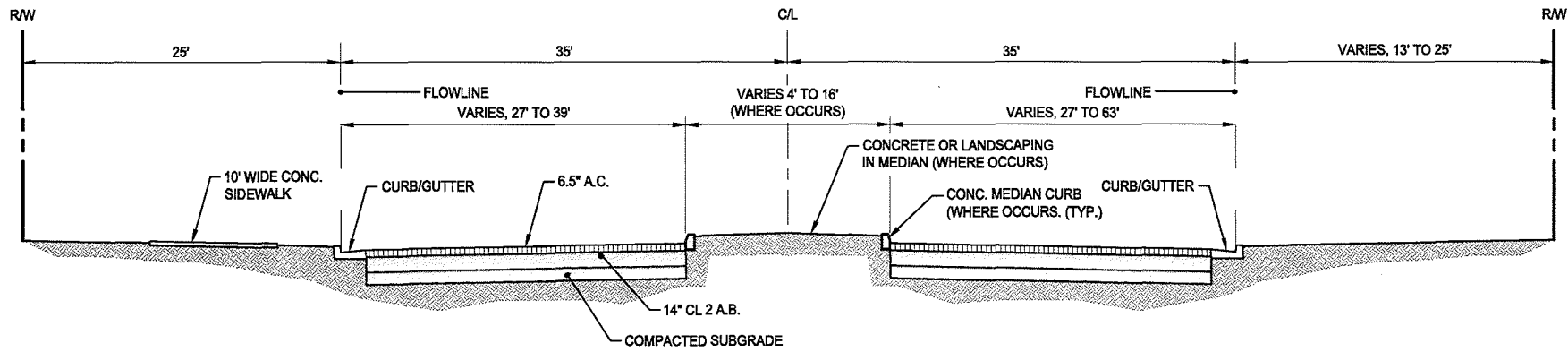


EXHIBIT 'E'
ROADWAY IMPROVEMENTS

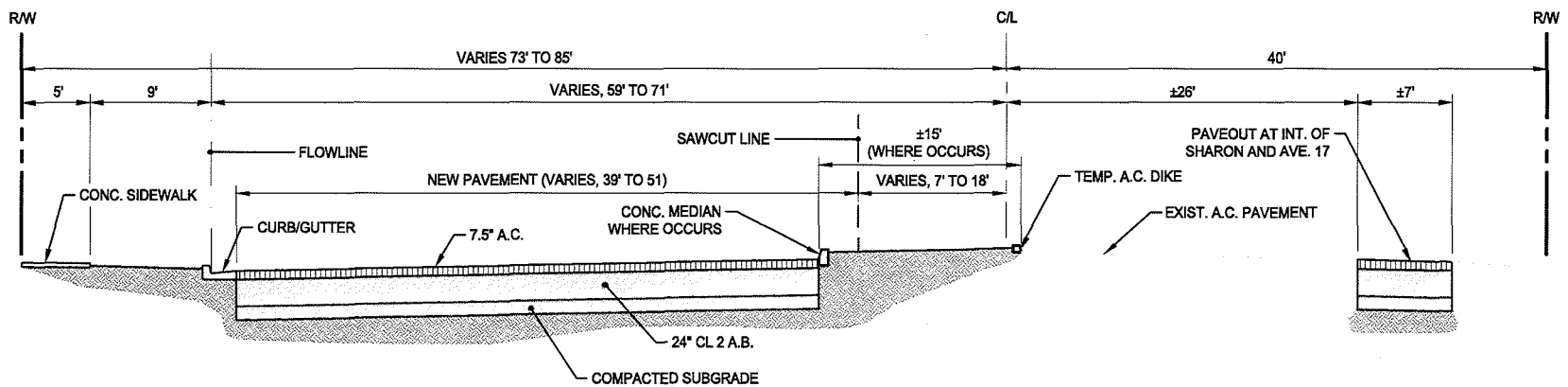


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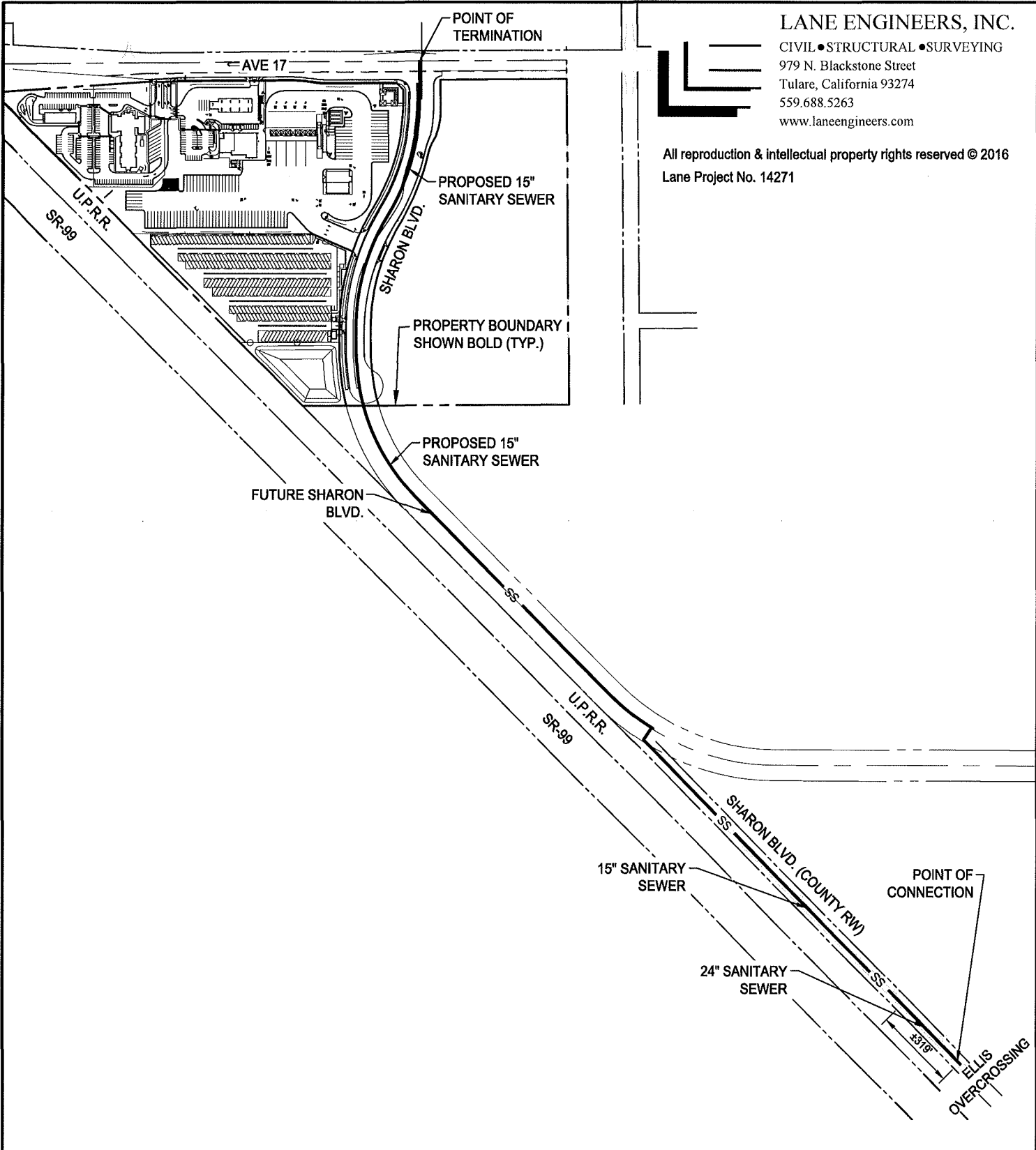


SHARON BOULEVARD STREET SECTION (LOOKING NORTH)



AVENUE 17 STREET SECTION (LOOKING NORTH)

EXHIBIT 'E'
ROADWAY IMPROVEMENTS



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EXHIBIT 'F'
SEWER IMPROVEMENTS





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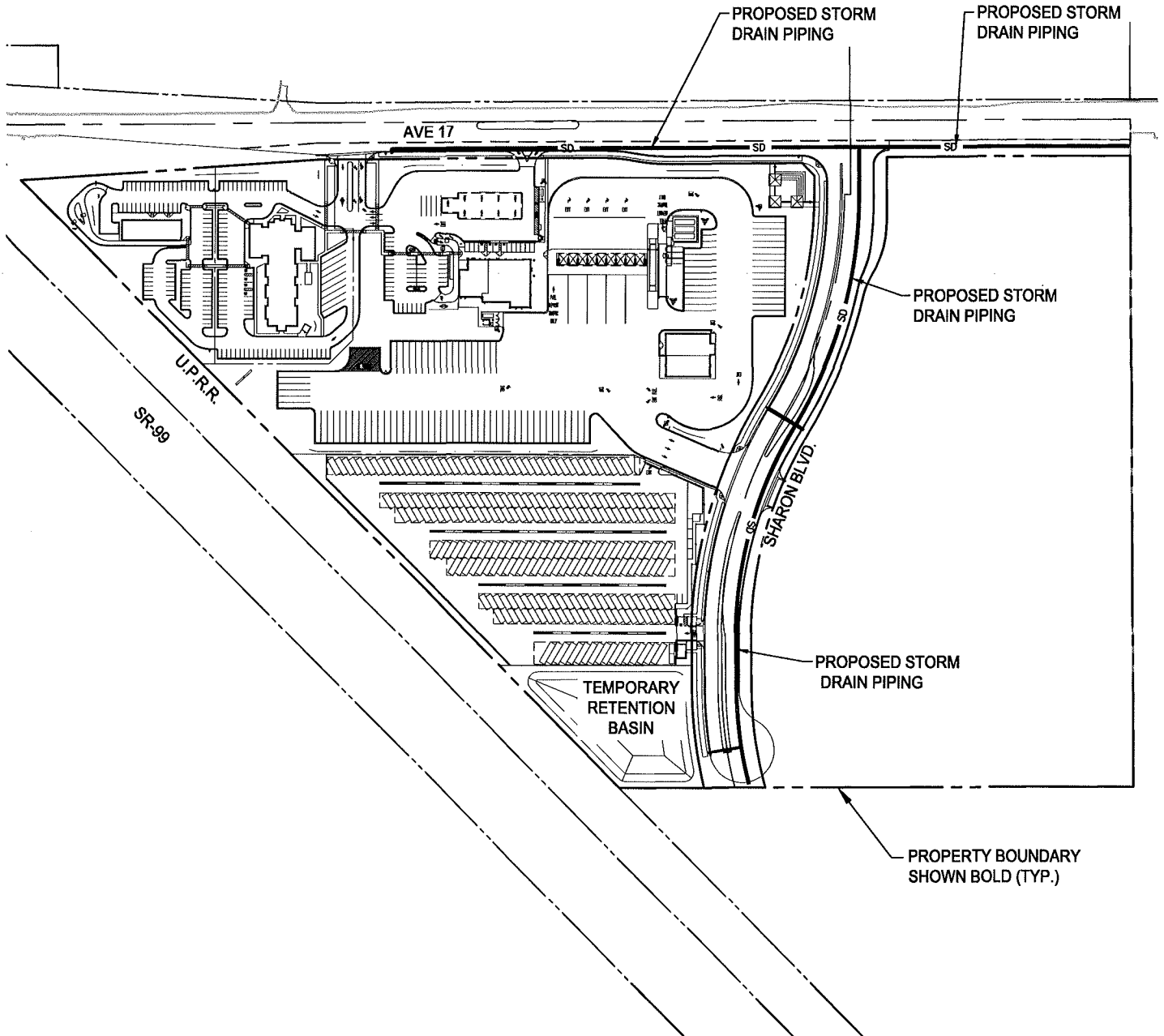


EXHIBIT 'G'
STORM DRAIN IMPROVEMENTS



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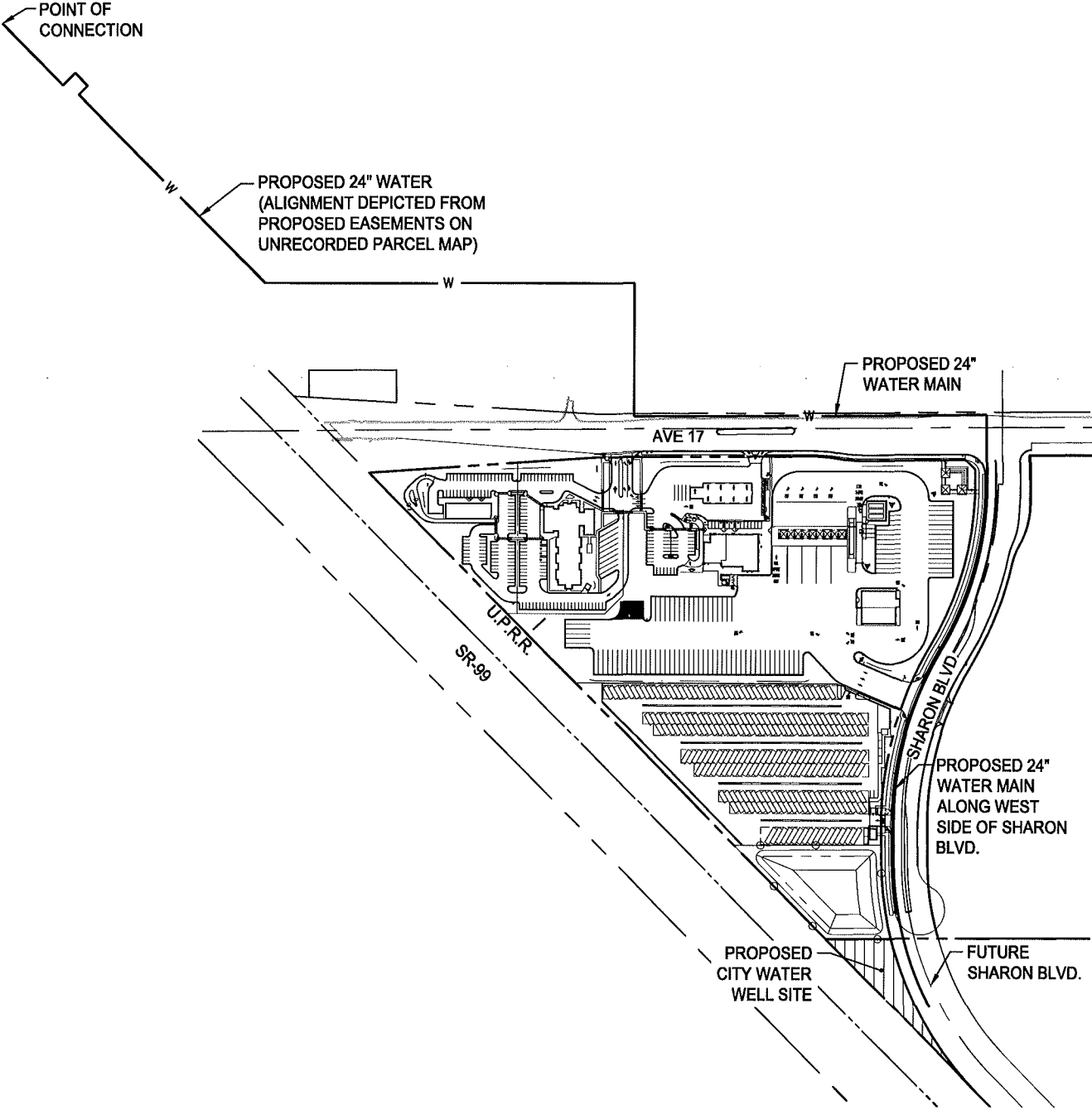


EXHIBIT 'H'
WATER IMPROVEMENTS





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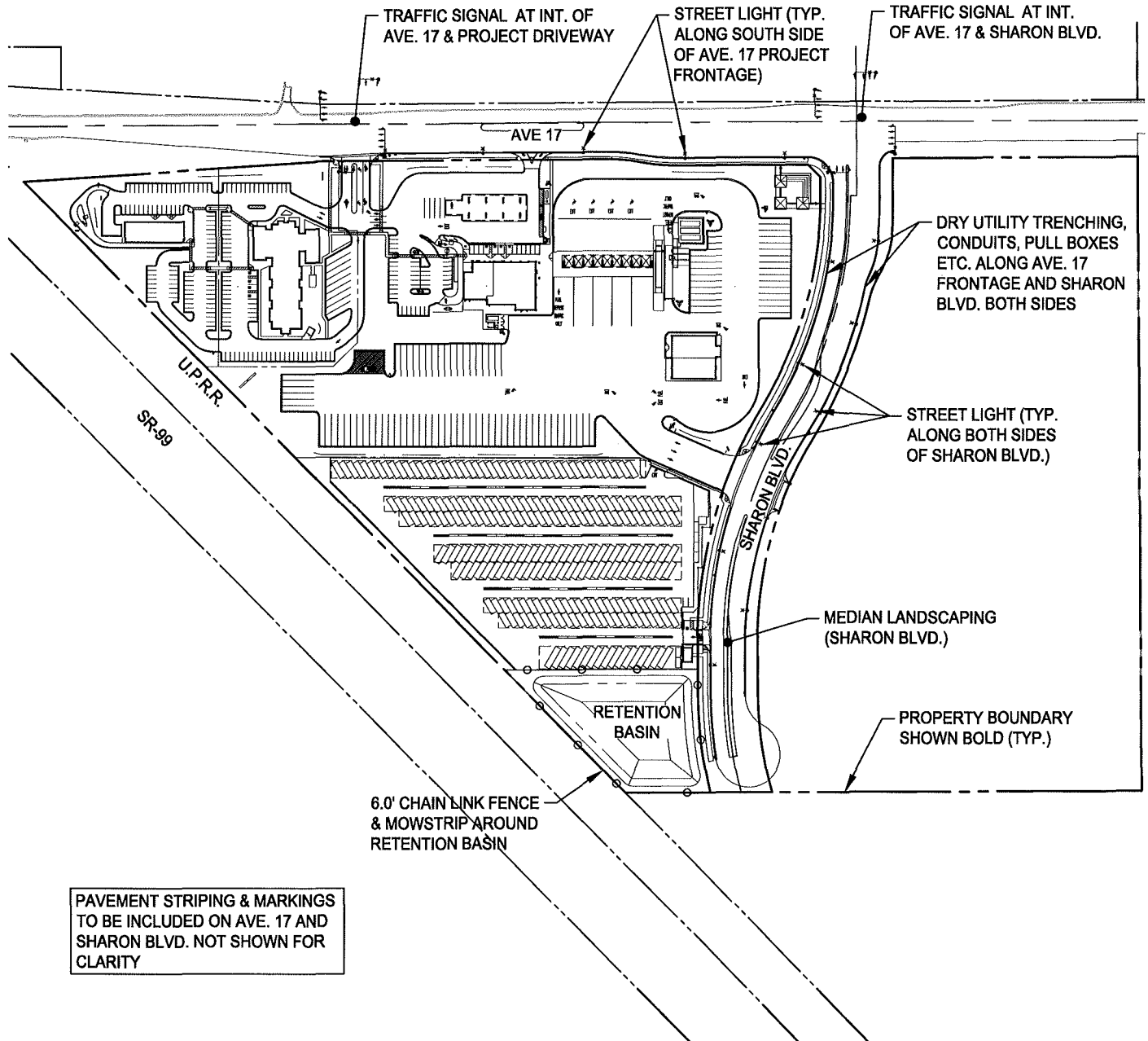


EXHIBIT 'I'
DRY UTILITY AND MISC. IMPROVEMENTS



EXHIBIT J

Form of Assumption and Assignment Agreement

OFFICIAL BUSINESS

Document entitled to free recording
Government Code Section 6103

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Madera
205 West Fourth Street
Madera, CA 93637
Attn: City Clerk

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT ("Agreement") is made by and between Love's Country Stores of California, Inc., a California Corporation ("Love's"), and _____, a _____ ("Assignee").

RECITALS

1. On _____, 2016, the City of Madera and Love's entered into that certain "Development Agreement" (the "Development Agreement"). Pursuant to the Development Agreement, Love's agreed to develop the Project Site (as that term is defined in the Development Agreement) as set forth in the Development Agreement. The Development Agreement was recorded against the Property in the Official Records of Madera County on _____, 20____, as Instrument No. 20____ - _____.
2. Love's intends to convey the Project Site (or a portion thereof) to Assignee, as more particularly identified and described in Exhibit A attached hereto and incorporated herein by this reference (the "Assigned Parcel").
3. Love's desires to assign and Assignee desires to assume all of Love's right, title, interest, burdens and obligations under the Development Agreement with respect to and as related to the Assigned Parcel.

ASSIGNMENT AND ASSUMPTION

NOW, THEREFORE, Love's and Assignee hereby agree as follows:

1. Love's hereby assigns, effective as of its conveyance of the Assigned Parcel to Assignee, all of the rights, title, interest, burdens and obligations of Love's under the Development Agreement with respect to the Assigned Parcel. Love's retains all the rights, title, interest, burdens and obligations under the Development Agreement with respect the Project Site other than the Assigned Parcel, if any.

2. Assignee hereby assumes all of the rights, title, interest, burdens and obligations of Love's under the Development Agreement with respect to the Assigned Parcel, and agrees to observe and fully perform all of the duties and obligations of Love's under the Development Agreement with respect to the Assigned Parcel. The parties intend hereby that, upon the execution of this Agreement and conveyance of the Assigned Parcel to Assignee, Assignee shall become substituted for Love's as the "Developer" under the Development Agreement with respect to the Assigned Parcel.

3. All of the covenants, terms and conditions set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

4. The Notice Address described in the Development Agreement with respect to the Assigned Parcel shall be:

5. This Agreement may be signed in identical counterparts.

IN WITNESS HEREOF, the parties hereto have executed this Agreement as of this ____ day of _____, 20____.

Love's Country Stores
of California, Inc.

ASSIGNEE:

a _____

a _____

By: _____

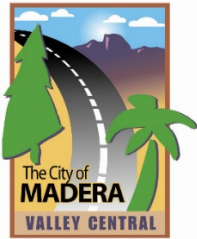
By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____



CITY OF MADERA PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

Staff Report: OLIVE Charitable Trust CUP 2020-04, SPR 2020-02 & Categorical Exemption Item #4 – May 12, 2020

PROPOSAL: An application for a conditional use permit and site plan review to allow for the conversion of an approximately 1720 square foot office building to a women’s residential shelter facility in the POWYO (Professional Office West Yosemite Overlay) Zone District.

APPLICANT:	OLIVE Charitable Trust	OWNER:	Alecia Bennett
ADDRESS:	610 West Yosemite Avenue	APN:	010-121-001
APPLICATION:	CUP 2020-04 & SPR 2020-02	CEQA:	Categorical Exemption

LOCATION: The property is located on the southeast side of West Yosemite Street, approximately 75 feet southwest of the intersection of West Yosemite Avenue and South K Street.

STREET ACCESS: The site has access to West Yosemite Avenue.

PARCEL SIZE: Approximately 10,500 square feet.

GENERAL PLAN DESIGNATION: O (Office)

ZONING DISTRICT: POWYO (Professional Office West Yosemite Overlay)

SITE CHARACTERISTICS: The site fronts onto a four-lane street with primarily office and multiple family uses within the immediately surrounding area together with several single-family residences

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303 (New Construction or Conversion of Small Structures).

SUMMARY: The applicant is proposing the remodel and conversion an existing office structure to establish a five-bedroom residence with onsite counseling services to provide a secure and restorative environment for women who are victims of sexual exploitation and trafficking. While office and multiple family residential appear to be dominant uses within the immediately surrounding area, the parcels located adjacent to the northeast and southeast are single family residences.

The planned land use of the City of Madera General Plan mirrors the neighborhood’s irregular development pattern of multiple family residential and office uses with surrounding interspersed single-

family residences with the corresponding MD (Medium Density) residential, O (Office) and LD (Low Density) residential planned land use designations. The PO (Professional Office) zone allows for new and expanded residential uses including boarding houses and similar quarters with the approval of a Use Permit. The POWYO zone the uses of the underling zone with all new construction, major exterior change, alteration or addition subject to a use permit. The site plan review will guide the development of the property consistent with the development standards of the POWYO Zone District.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.751 Professional Office Zones

MMC § 10-3.752(C)(1) Use Permits – New residential uses

MMC § 10-3-9.401 through 10-3-9.404 Purpose of WYO and Development Standards

MMC § 10-3.4.0102 Site Plan Review Applicability

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

The subject property has been developed and used as an office building which fronts onto West Yosemite Avenue with a substantial front yard landscaped setback of approximately 20 feet and a nine (9) stall vehicle parking area located on the back half of the property. The property's development also provides for landscaped side yard areas. Previous building permit information was not available pertaining to the property's development.

ANALYSIS

Women's Residential and Social Services Center in a POWYO Zone

The project site and the adjacent properties located to the southwest and northwest are within the POWYO (Professional Office West Yosemite Overlay) Zone District and are developed with office uses. Adjacent or nearby properties located to the northeast, southeast and southwest include both multiple family and single family residential developed properties. Beyond these immediately nearby properties, the surrounding development is comprised predominantly of single-family residences.

The General Plan's Land Use Element map designates the project site for Office (O) uses, which is implement through the provisions of the Professional Office (PO) Zone District. Along West Yosemite Avenue, the Professional Office zoning is supplemented with the provisions of the West Yosemite Avenue Overlay zoning. The purpose of the

General Plan Policy LU-23 provides that the office designation provides for office centers to be located near residential areas and is designed to provide a buffer between residential areas and more intense
PC 05/12/20 (CUP 2020-04 & SPR 2020-02 – OLIVE Charitable Trust)

uses or arterial streets. The architecture and other features of the office uses should be sympathetic with adjacent residential values. The purpose statement of the WYO zone provides that this zone is intended to a) provide an orderly transition from residential to nonresidential uses; b) recognize, maintain, and enhance the streetscape and architectural character of the neighborhood; and c) maximize compatibility of uses in transition areas through establishment of development standards and review procedures.

Operational Statement

OLIVE Organization is a non-profit 501c(3) organization that specializes in assisting women who are victims of human trafficking. OLIVE has been in operation from 2015 and are in a strong partnership with the local law enforcement. The founder and chairmen of the organization is a current Lieutenant with the Madera Police Department.

The OLIVE Organization will be using this location as a safe house for women victims of human trafficking. The women selected will be strictly screened prior to acceptance, and cannot be currently dependent upon criminal substances, such as street drugs. Women who have suffering from behavior issues will also not be eligible for the property.

Although the shelter will have five rooms, we do not intend to utilize more than three rooms. The criteria for this will be designated by the OLIVE Chairman or President in his/her absence. This is a temporary shelter, with residence having the option to stay for a maximum of 90 days.

We do have paid staff and unpaid volunteers who will be on staff periodically. When staff or volunteers are not on site, full interior and exterior cameras will be live fed to staff and board members. The property will also be updated, painted and secured with a gate. The exterior will remain a neutral color, and there will not be any signs nor indicators of the intent of the building on the exterior. There is a large parking lot on the south side of the property, and much of this will be converted into an exterior garden (the asphalt will not be removed, the garden will be in pots and planter boxes).

Because we are so closely connected with local law enforcement, we will reach an MOU with the local law enforcement organizations who will be utilizing the building for victims located by their agencies. OLIVE has already secured funding through local grant opportunities to complete all construction and maintain operations.

General Plan and Zoning Conformance

The proposed conversion of the office building to a residential and counseling use is compatible with the intention and guidance of General Plan provisions and the purpose statement of the West Yosemite Overlay Zone. The proposed use is appropriately located along a designated arterial street (West Yosemite Avenue) with pedestrian friendly, safe, and inviting characteristics comprised of sidewalk, shade trees and intersecting streets which provide connectivity along principal transportation corridor (Policies CD-19 and CD-20).

The proposed use will repurpose an existing office building utilizing its features of off-street parking and orientation to a major street while providing a transition from this thoroughfare to the nearby residential properties comprised of various residential densities (Goal 11, Policy CD-47 and CD-48). The property will retain a garden office orientation with large landscaped setback from the street and off-street parking providing behind the people. The visual appearance will continue to represent a low intensity office appearance while accommodating a healthful environment for the clientele of the social service community- based activity proposed.

The proposed repurposing of an existing property will “not physically divide [the] established neighborhood” (CD-38), but rather provide an important social service to the community on a uniquely located and developed property. The existing property improvements provide a visual compatibility with and land use transition to the nearby residential neighborhood and at a moderate scale of intensity as encourage by General Plan Policy CD-39.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The Vision Madera 2025 plan identifies applicable strategies and actions which the proposed project generally supports including: **Strategy 131** – *Create well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components.* **Strategy 132** – *Transitional Housing: Promote transitional housing to ensure the homeless have safe shelter.*

RECOMMENDATION

The information presented in this report supports conditional approval of the conditional use permit and site plan review request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2020-04 and Site Plan Review 2020-02 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the request for Conditional Use Permit 2020-04 and Site Plan Review 2020-02, determining to either:

- approve the applications with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission’s action.

Motion 1: Move to approve Conditional Use Permit 2020-04 and Site Plan Review 2020-02, based on and subject to the findings and conditions of approval:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303 (New Construction or Conversion of Small Structures).
- The remodeling and conversion of an office building to a residence and group counseling use within a POWYA (Professional Office West Yosemite Area) zone and O (Office) General Plan land use designation is consistent with the goals and policies of the City, which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with the surrounding neighborhood.
- As conditioned, the establishment, maintenance or operation of the use will not 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 use is deemed to be a compatible use that is consistent with the zoning for the site.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for these use permits.
2. The applicant's failure to utilize the use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2020-04 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permits and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Site Plan Review 2020-02 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
5. All future development on the property not memorialized within Conditional Use Permit 2020-04 shall conform to the (Low-Density Residential) Zone District development standards.
6. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

7. A building permit is required for new construction on the site. All new construction must meet the requirements of the California Building Code and California Fire Code.
8. Comply with ADA accessibility standards and requirements and incorporate within the building permit application drawings and specifications.

Engineering Department

General

9. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
10. The developer shall pay all required fees for completion of the project. Fees due may include but shall not be limited to the following: encroachment permit processing and improvement inspection fees.

11. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Streets

12. If alley access is obtained, a concrete or asphalt apron/drive approach leading into the property shall be constructed to prevent premature deterioration of the pavement edge.
13. If alley access is obtained, the entirety of the alley frontage between existing alley paving and property line shall be paved in accordance with City standards.

Water

14. Water service connection(s) shall be constructed to current City standards including Automatic meter Reading (AMR) water meter installed within City right-of-way.

Sewer

15. Sewer service connection shall be constructed to current City standards.

Fire Department

16. The address must be properly posted and plainly visible from the street fronting the property.
17. A Knox box is required.
18. The exact occupancy must be determined, and the Change of Occupancy requires a Building Permit. The plan must be prepared by a licensed architect.
19. Fire sprinklers are required.
20. A fire alarm system may be required depending upon the ultimate use.
21. One, 2A10BC rated fire extinguisher is required.
22. Additional requirements may apply based upon the occupancy that is determined.

Planning Department

General

23. Conditional Use Permit 2020-04 allows for the establishment and operation of a residential and social services use on the developed property in the POWYA (Professional Office West Yosemite Area) Zone District on the property located at 610 West Yosemite Avenue (APN: 010-121-001) consistent with the herein listed conditions of approval.
24. All standards for location and design of buildings including accessory structures) and fences, unless amended by these conditions of approval, shall conform to provisions of the POWYO zone district development standards.

Site, Floor and Elevation Plans

25. The applicant and/or developer shall construct the proposed building alterations and improvement consistent with the conditionally approved site plan, floor plan and elevations.

26. The applicant shall submit a colors and materials for exterior improvements to the Planning Department for review and approval prior to submittal of any building permits.

Landscaping

27. Restore and maintain landscaping in conjunction with the interior remodeling in accordance with landscaping and irrigation plans submitted to and approved by the Planning Department prior to the issuance of an occupancy permit. Landscaping and irrigation plans shall comply with the State of California's Model Water Efficiency Landscape Ordinance, where applicable.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2020-04 and Site Plan Review 2020-02 to the June 9th, 2020 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2020-04 and Site Plan Review 2020-02 based on and subject to the following findings (specify)

ATTACHMENTS

- Attachment 1: Aerial Photo
- Attachment 2: Site Location Map
- Attachment 3: Zone Map
- Attachment 4: Site Plan
- Attachment 5: Floor Plan

Aerial Photo

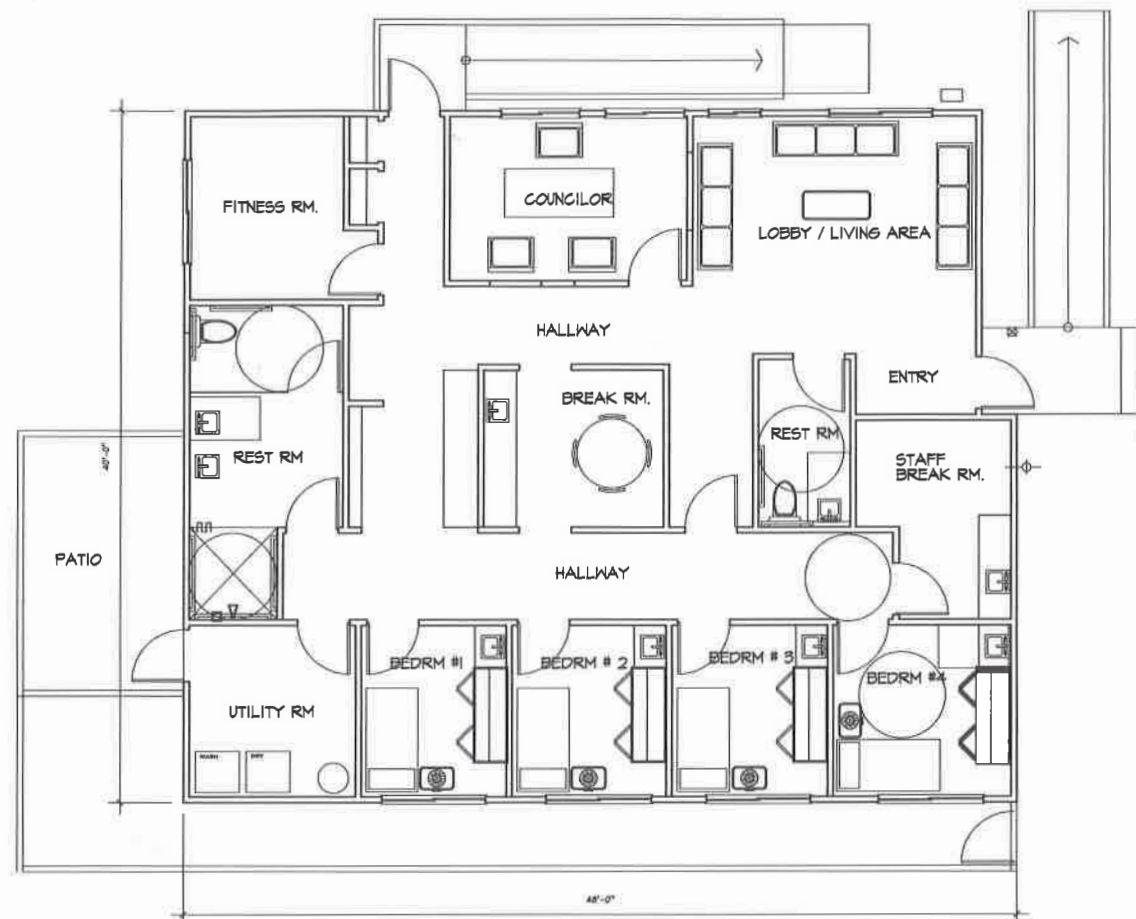


Zone Map – Property Zoned POWYO

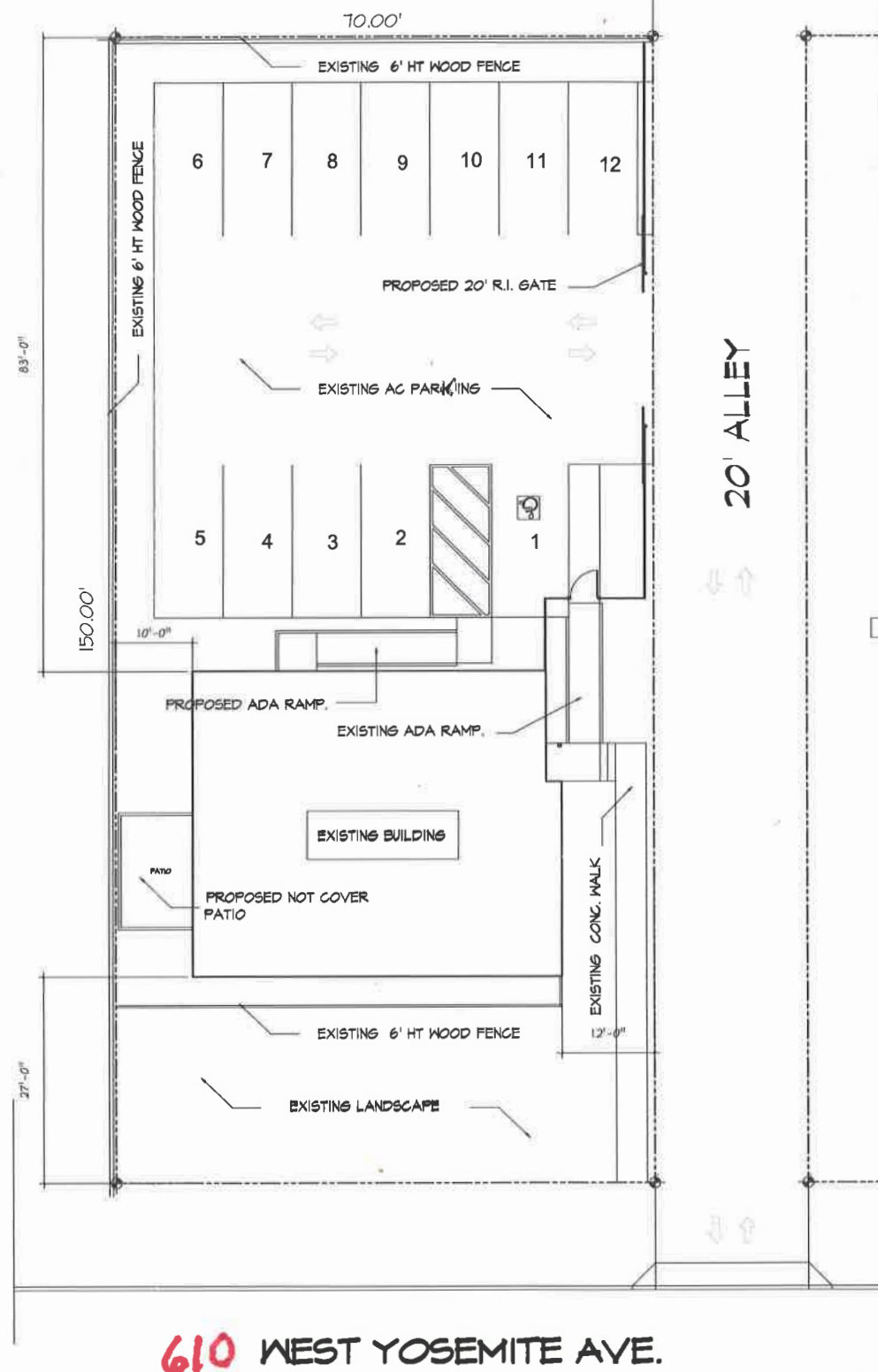
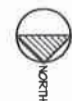


Floor Plan

Proposed floor plan for a single-family residence



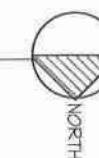
FLOOR PLAN
1/4" = 1'-0"



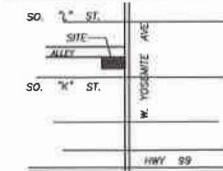
610 WEST YOSEMITE AVE.

SITE PLAN

1/8" = 1'-0"



VICINITY MAP



SHEET INDEX

Description
A-0 SITE PLAN
BUILDING FLOOR PLAN

PROJECT INFORMATION

Use: WOMEN'S SHELTER
 OWNER: OLIVE charitable trust
 TENANT:
 Address: 610 WEST YOSEMITE
 MADERA, CA 93637
 A.P.N.: 010 - 121 - 001
 Number of Stories: 1
 Building Occupancy: 1 - 1
 Construction Type: 2-B
 Zone: C1 - PROFESSIONAL

BUILDING AREA:

EXISTING BUILDING 10911 SQ FT

AUTO. SPRK. SYSTEM: NO REQUIRE
 FIRE ALARM: NO REQUIRE
 FIRE RIT. ROOF: REQUIRE
 OCCUPANT LOAD: AS PER OPERATIONAL STATEMENT
 LOT AREA: 10500 SQFT.
 BUILDING HEIGHT: < 25'-0"

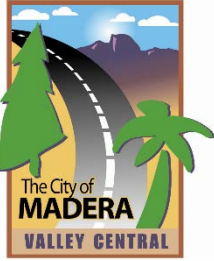
NO.	REVISIONS	BY

ProCad LLC. DESIGNER
 JOSEPH PEREYRA
 DESIGN - PLANNING
 DEVELOPMENT SERVICES
 610 WEST YOSEMITE AVE
 MADERA, CA 93637
 PHONE: (562) 774-8877
 EMAIL: josephpereyra@comcast.net

WOMEN'S SHELTER
 OLIVE FOUNDATION
 610 WEST YOSEMITE
 MADERA, CA 93637

DATE	BY

SHEET
A-0
 SHEETS



CITY OF MADERA PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

Staff Report: Grove Gardens GPA 2020-02, REZ 2020-01, PPL 2020-03 & VAR 2020-02 and Negative Declaration Item #5 – May 12, 2020

PROPOSAL: Consideration of an application for General Plan Amendment, Rezone, Precise Plan, and Variance to allow for the development of a 34-unit multi-family apartment complex with less than the minimum open space requirements of the PD (Planned Development) zone district.

APPLICANT:	Rudy Zuniga	OWNER:	Berry David L & Patricia/Rea Trustee
ADDRESS:	304 Grove Street	APN:	012-026-001 & 012-402-006
APPLICATION:	GPA 2020-02, REZ 2020-01, PPL 2020-03 & VAR 2020-02	CEQA:	Negative Declaration

LOCATION: The project site is located on two parcels with approximately 175 feet of public right-of-way to be abandoned that current bisects the project site.

STREET ACCESS: The project site has access onto Noble Street and Grove Street.

PARCEL SIZE: Approximately 1.8 acres.

GENERAL PLAN DESIGNATION: Current: I (Industrial) Proposed: HD (High Density)

ZONING DISTRICT: Current: I (Industrial) Proposed: PD-2000 (Planned Development)

SITE CHARACTERISTICS: The project parcel to the west of Grove Street is recently vacated land. The project parcel to the east of the Grove Street is an undeveloped area of a larger industrial complex to the south of the project site to be parcel off. The site is surrounded by single family residential uses to the north, a public facility sports field to the east, and industrial development to the south and west.

ENVIRONMENTAL REVIEW: An initial study and negative declaration have been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA) guidelines.

SUMMARY: The proposed General Plan Amendment and rezoning provide consistency between the Zoning Ordinance and the Madera General Plan. the precise plan concurrent with the variance request will guide the development of a 34-unit multi-family complex with less than the required open space.

Cumulative, the proposal is consistent with the goals and policies of the General Plan and the PD zone district development standards. Approval of the precise plan and variance request is contingent upon the City Council adopting a resolution to amend the General Plan land use designation from the I (Industrial) to the HD (High Density) land use designation and adopting an ordinance rezoning the property from the I (Industrial) zone district to the PD-2000 (Planned Development zone district). Development of the project will not be permitted to commence prior to the abandonment of the segment of Grove Street that currently bisects the project proposal.

APPLICABLE CODES AND PROCEDURES

GC § 65358, General Plan Amendments

MMC § 10-3.1501-06 Amendments

MMC § 10 3.1501 Rezone Necessity

MMC § 10-3-4.101 Planned Development Zones

MMC § 10-3.1202 Parking Spaces Required

MMC § 10-3.1401 Variances – Necessity

California Public Resources Code § 21000, California Environmental Quality Act “CEQA”

The City’s Zoning Ordinance allows for the approval of a precise plan subject to the Planning Commission (Commission) being able to make findings that the establishment, maintenance or operation of the development 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 or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the development should be denied. Conditions may be attached to the approval of the precise plan to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission, as necessary.

A variance may be granted by the Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict and literal application of any of the provisions of the Ordinance. Necessary conditions for granting a variance can only occur when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance deprives a property owner of privileges enjoyed by other property in the vicinity under identical zoning classifications. If the Commission cannot make the appropriate findings, the variance request should be denied. Conditions may be attached to the approval of the variance to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses.

PRIOR ACTION

The project site encumbers two separate property’s and a segment of public right-of-way. Cumulative, all areas of the project parcel have been subject to numerous entitlements both ministerial and discretionary.

ANALYSIS

Project Proposal

The applicant is proposing the development of a 34-unit, multi-family residential development. Development of the project requires a rezone and a General Plan amendment to the project site's land use designation. The applicant is requesting consideration of a rezone from the I (Industrial) to the PD-2000 (Planned Development) zone district and a General Plan amendment from the I (Industrial) to the HD (High Density) land use designation. The accompanying precise plan will guide the development standards associated with the building architecture, setbacks, required parking, open space features, and other ancillary amenities. Additionally, a variance from open space requirements of the PD zone district is necessary as a component of the development.

Though not a component of this entitlement process, the applicant will be required to complete the abandonment of a road segment that currently bisects the proposed project site. Development of the project will be contingent upon the applicant successfully completing the abandonment of the public right-of-way will be process. A subsequent parcel map will facilitate the succession of solidifying multiple properties into a single property that will cumulative make-up the project site.

General Plan Amendment

The General Plan currently designates the project site as an I (Industrial) land use. The industrial designation provides for a number of service commercial and industrial uses which is not consistent with the current multi-family development proposal. The applicant has requested a change to the General Plan land use designation to the HD (High Density) land use designation. The density requirements for the HD land use range between 15.1 and 29 units per acre. As such, the HD land use would allow for the 1.8-acre project site to be developed between 27 and 50 units. Approval of the amended land use designation will provide consistency with the proposal to rezone the project site to the PD 2000 (Planned Development) zone district and the multi-family development.

Rezone

The project site is proposed to be rezoned into the PD-2000 (Planned Development) zone district. The PD-2000 (Planned Development) zone district is designed to provide the development of land with multi-family apartments at a ratio of one dwelling unit for every 2,000 square feet site area. While the zoning would allow for a maximum of 39 units, the developer is proposing 34 units. Approval of the rezone would ultimately allow for a multi-family residential development by right, whereas the current zoning would not allow for any residential developments.

The proposed rezone and land use change provides consistency between the General Plan and zoning. It should be noted, the rezone will be conditioned upon the completion the of the abandonment of the public right-of-way that currently bisects the project site.

Precise Plan

Precise plans are utilized within the PD (Planned Development) zone district to establish specific development and improvement standards for proposed projects. The precise plans address site features, such as infrastructure and services, circulation and access, architectural quality, landscape, parking and open space requirements.

The developer proposes 34 multi-family dwelling units encompassed within four three-story buildings. Thirty-three of the units are proposed with 2-bedrooms, 1-bath and a balcony. One of the units will be occupied by the leasing office and the mangers residence. Residents at the Grove gardens will have access to approximately 8,800 square feet of open lawn area and 2,000 square feet of community

garden space. Landscaping and shade trees will adorn the project site with a total of approximately 18,200 square feet of land scape area.

Variance

There are two findings that must be made in order to grant a variance, which are stated as follows:

1. Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted.

2. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Justification Findings

Variance Findings

Although the proposed PD-2000 Zone District allows for a maximum of 21 units on a one-acre parcel, the static requirement of 750 square feet for each dwelling unit provides difficulties with compliance. Conversely, similar in density to the PD-2000, the R3 (1 unit per 1,800 sq. ft.) zone district requires less area of open space per unit with higher densities. With the PD zone district, all densities require the same amount of open space. The applicant proposed multiple different designs which could provide for the required parking, but ultimately could not satisfy the open space requirements of the General Plan's goals and policies for better site design, livability, walkability, sustainability and better architecture design. Because of the size of the property, the strict requirements of open space and parking cannot provide a General Plan-conformant project. The applicant has incorporated the majority of staff's recommendations to construct a General Plan-conformant project that satisfies the intent of a high-density residential project but is unable to satisfy the minimum open space requirements. Based on the size of the property, and the inability to provide a General Plan-conformant project while complying with the open space requirements of the PD Zone District, a justification can be made to allow for less than the required amount of open space

Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan are available to serve the proposed multi-family development. Existing infrastructure includes sewer, water, storm drainage and street infrastructure consistent with the City's master plans. Improvements to existing infrastructure is expected requirement as a component of development on the project site.

General Plan Conformance

Any project involving new construction requires consistency with the City of Madera's General Plan goals and policies. There are a multitude of goals and policies specific to each type of use in the City, such as residential, commercial, industrial, etc. The proposal of a new residential multifamily complex requires analysis of the General Plan's goals and policies specific to residential development including site design, architecture, landscaping and open space.

Site Design

Applicable Policies

- Policy CD-2 All new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, gathering points and landmarks.*
- Policy CD-4 Site layout and building design shall take into consideration Madera's warm, dry climate, by including trees, landscaping and architectural elements to provide shade.*
- Policy CD-29 All housing units shall be oriented to the street, parks, or a shared common area.*

The site layout proposes the residential complex with all open space common areas accessible in three areas separate areas of the property. Drive aisles and the parking field are located central and to the south of the project site as to shield the residential use from the adjoining industrial uses.

There are no pedestrian paths of travel that connect the three sections of the residential complex. Staff has had discussion with the applicant regarding the lack of pedestrian connectivity and thus discuss alternatives community amenities that add value to the site design. As an example, the applicant proposes three community gardens as means of facilitating community engagement since interconnecting pedestrian paths do not connect the various buildings.

The 34-unit complex does provide a street presence along Noble Street as well as the entrance on Grove Street. The open space common areas are a gathering point for the residents. Overall, the site design substantially complies with Policy CD-2, noting that better compliance could be made if pedestrian connection was provided throughout complex.

The site layout does include landscaping, community amenities and architectural elements that provide shade for the property. Staff recommend additional landscaping be providing with the parking peninsulas. Overall, buildings are oriented towards the open space common areas, which cumulatively provide consistency with Policies CD-4 and CD-29.

Past PD zone district developments have largely adhered to the R (Residential) zone district development standards as it relates to building setbacks and fence heights. Because of the surrounding land uses, the site design also includes a concrete masonry unit (CMU) wall around the project's perimeter. Staff recommend that special consideration of building setbacks and fence height in relation to project surrounding uses. Because the project abuts a public facility (baseball field) to the east and an establish industrial development to the south, staff recommends that a seven-foot-tall CMU wall be placed as means of mitigating potential noise, odor, or light glare from either surrounding use. The standard six-foot-tall fence requirement would remain wherein the project abuts either a public right-of-way or a residential use. It should be noted, building placement will be modify in order to meet other building, fire and/or public utility easement requirements. The overall site design is not expected to change substantially as presented.

Architecture

Applicable Policies

- Policy CD-1 The City of Madera will require that all new development is well-planned and of the highest possible quality. The City will seek to build an image of Madera as a contemporary small city with vibrant, livable neighborhoods and walkable pedestrian- and bicycle-oriented development.*

Policy CD-33 The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape.

Policy CD-34 The exterior of residential buildings shall reflect attention to detail as necessary to produce high architectural design and construction quality. Where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation.

Policy CD-35 The City encourages a variety of features such as front porches and verandas in all new residential development.

Policy CD-39 New homes built in existing residential neighborhoods should match their context in terms of design and scale.

The proposed building elevations are characterized as an American Traditional-style appearance. The primary façade (entrance) of the building include a balcony and breezeway supported by support columns wrapped with a stone finish. A similar stone veranda adorns the lower 1/8th of the building's side elevations. The building does provide for a breaking of the masses on both side and rear elevations by providing horizontal and vertical trims and varying color scheme. Window trims, window flower balcony's and light sconces have been incorporated into the building's architecture to break the monotony of the horizontal lapboard siding. Staff has discussed with the applicant the overall architectural design in relation to the various applicable policies related to architectural quality and building materials. Cumulative, the building does provide compliance with Policies CD-33 and CD-34. Though a carport design has not being provided, roofing design will be required to be in keeping with the primary architectural style assuming there are no withstanding circumstances i.e. solar requirements that make the requirement infeasible. With the recommendations associated with the building elevations, cumulatively, the proposed elevations comply with the goals and policies of the General Plan.

Landscaping and Open Space

Applicable Policies

CD – Goal 4 Attractive Streetscapes in All Areas of Madera

Policy LU-21 Multi-family projects shall include functional, accessible outdoor areas and improvements which provide space for both private and public gatherings. These may include tot lots for pre-school children; passive recreation areas for lounging, sunbathing, barbecuing, quiet conversation and reading; and private patios or balconies. To the extent possible, these areas shall be shaded by trees and/or shade structures.

Landscaping plans are required as an element of the precise plan. Attention to detail and aesthetic design are necessary to satisfy Goal 4 of the Community Design Element. Staff recommends landscape and irrigation plans consistent with the State's Model Water Efficient Landscape Ordinance be submitted to the Planning Department for review and approval prior to issuance of building permits.

The proposed site plan includes multiple common open space areas that include a community garden area for passive recreation. Staff recommend that at least one other passive creational amenity be provided, such as tot-lot or lounging and barbecuing, consistent with Policy LU-21.

Open Space Requirements

The City’s parkland acquisition ordinance establishes procedures for requiring the dedication of parkland, the payment of fees in-lieu thereof, or a combination of both. In this case, the dedication the payment of fees in-lieu of dedicated parkland is required.

The PD Zone District requires a minimum of 750 square feet of open space per residential unit, which equates to a minimum requirement of 25,500 square feet of open space. The proposed site plan provides for approximately 18,200 square feet of open space, which requires a variance from the open space requirements of the PD (Planned Development) zone district.

Parking

In PD (Planned Development) zones, parking requirements are addressed as a component of required precise plans on a case-by-case basis. In this case, the project is required to utilize the traditional parking standards for a multi-family housing project. The parking standards for the project proposal are as follows:

UNIT TYPE	# OF UNIT TYPE	# OF STALLS REQD.
2 bedroomS	34	68
Guest Parking	-	9
Total Parking Required:		77
Total Parking Provided:		80
Total Covered Parking Required:		34
Total Covered Parking Provided:		37

The project site provides adequate parking for both the residents and the guest. The applicant was tasked with either meeting either open space or parking requirements. The applicant decided to provide for the necessary parking as to not in impact the surrounding uses.

CEQA

The General Plan amendment and rezone under review act as the first step in the eventual development of the site and are subject to compliance with the California Environmental Quality Act (CEQA). The environmental document under review is specific to the General Plan amendment, rezone, precise plan, and variance request. Also, though not a part of the current entitlement review, the future abandonment of the public right-of-way will be a conditioned of the rezone and thus encumbered within the initial study provided. Unassessed conditions or changes to the project and request thereof may be subject to additional CEQA analysis as a component of that eventual development activity.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements is “A Well-Planned City.” The Commission, considering how the project and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project will help provide consistency with Strategy 131, which states, “Create well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities.”

RECOMMENDATION

The proposed project provides consistency between the General Plan, zoning and existing land uses. It is recommended that the Commission consider this information, together with testimony provided at the

public hearing, and take action on the precise plan and variance request, adopt a resolution recommending approval of the requested General Plan amendment and introduction of an ordinance rezoning the subject properties and adopt the associate negative declaration.

PLANNING COMMISSION ACTION

The Commission will be acting on the negative declaration(recommendation), General Plan Amendment 2020-02 & Rezone 2020-01 (recommendation) and Precise Plan 2020-03 & Variance 2020-02 (contingent action) and determine to either;

- adopt a Resolution recommending approval of an ordinance to the City Council rezoning the properties and negative declaration for the project;
- approve the applications with or without conditions;
- continue the hearing; or
- deny the applications

Any action by the Commission approving or denying the applications is subject to appeal to the City Council within 15 calendar days of the Commission’s action.

Motion 1a: Move to adopt a resolution recommending to the City Council approval of the requested General Plan amendment and introduction of an ordinance rezoning the subject properties, and adopt a Negative Declaration for the project, based on and subject to the findings as listed;

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) that determines there is no substantial evidence the project will have a significant effect on the environment, and that the document reflects the independent judgement of the Planning Commission of the City of Madera after considering all of the information in the entire record before it, and is hereby recommended for adoption in accordance with CEQA.
- The proposed General Plan Amendment will provide consistency between the General Plan and Zoning Ordinance.
- The proposed rezoning will zone affected properties in a manner consistent with the proposed land use.

Motion 1b: Move to approve PPL 2020-03 and VAR 2020-02, based on and subject to the findings and conditions of approval as listed;

The approval of PPL 2020-03 and VAR 2020-02 shall become final and effective immediately only after the City Council of the City of Madera both) adopts the Negative Declaration for the project, and ii) REZ 2020-01 (collectively “Council Approvals”). If all of the Council Approvals are not made within 180 days of the contingent approval by the Planning Commission, then PPL 2020-03 and VAR 2020-02 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission herein, or require a modification or addition of a condition of approval to be consistent

with a Council Approval, then PPL 2020-03 and VAR 2020-02 shall be returned to the Planning Commission for further consideration and a final decision.

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA), which is recommended for approval by the City Council as part of GPA 2020-02 and REZ 2020-01.
- City services and utilities are available or can be extended to serve the area.
- Precise Plan 2020-03 is consistent with the purpose and intent of the PD (Planned Development) zone district and does not conflict with City standards or other provision of the Code, contingent upon concurrent approval of Variance 2020-02.
- Precise Plan 2020-03 satisfies the requirements for precise plans per Madera Municipal Code (MMC) Section 10-3.4.104, contingent upon concurrent approval of Variance 2020-02.
- Precise Plan 2020-03 is consistent with the goals and policies of the General Plan.
- Precise Plan 2020-03 is compatible with the neighborhood and is not expected to be a detriment to the health, safety, peace, comfort or general welfare of the neighborhood or the city.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for PPL 2020-03.
2. All plans submitted for on-site construction or building permits must incorporate and reflect all requirements outlined in the herein listed conditions of approval. Should the need for any deviations from these requirements arise, or for any future changes or additions not considered by the Planning Commission, they may be requested in writing for consideration of approval by the Planning Manager. The Planning Manager may determine that substantive changes require formal modification to the precise plan by the Planning Commission.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
4. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to any building permit final issuance.
5. The project shall be developed in accordance with the conditions of approval listed herein and the approved site plan, floor plans, and elevation drawings. Minor modifications to the approved plans necessary to meet regulatory or engineering constraints may be made with the approval of the Planning Manager. All on- and off-site improvements shall be completed in advance of any request for building permit final inspection.

6. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the Citywide Community Facilities District No. 2005-01 and shall pay all applicable fees.

Building Department

7. At time of submittal for building permit plan check, a minimum of three (3) sets of the following plans to the Building Department is required. Plans shall be prepared by an individual licensed to practice architecture and include the following required drawings drawn to an appropriate scale:
 - Site plan bearing City approval or a plan incorporating all site related conditions.
 - Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture.
 - Floor plan - The uses of all rooms and activity areas shall be identified on the plans.
 - All exterior elevations.
 - Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities.
8. Current State of California and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

Engineering Department

General

9. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
10. Impact fees shall be paid at time of building permit issuance.
11. The developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
12. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
13. The improvement plans for the project shall include the most recent version of the City's General Notes.
14. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
15. Improvements within the City right-of-way shall require an encroachment permit from the Engineering Department.
16. All off-site improvements shall be completed prior to issuance of final occupancy.

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

Sewer

18. Probable sewer connection is to a 5-inch main in Grove Street between the project site and Oak Street and 8-inch between Oak Street and West Olive Avenue based on available City records. The developer shall be responsible for confirming the capacity of the existing sewer main to its connection on West Olive Avenue.
19. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
20. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
21. Sewer main connections 6" and larger diameter shall require manhole installation.
22. Existing septic tanks, if found, shall be removed pursuant to issuance of a permit and inspection by the City of Madera Building Department.

Storm Drain

23. Storm runoff from this project site will surface drain into existing facilities and eventually into the Madera Irrigation District (MID) canal. Water runoff from the site must be cleaned before entering the existing storm water system to the satisfaction of MID through the use of an on-site oil/water separator or drop inlet inserts at the drop inlets that receive runoff from the site. The developer shall coordinate with MID and obtain MID's approval signature on the final improvement plans prior to submittal to the City for approval.
24. Support calculations shall be provided that provide the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
25. This project shall 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 submit to future inspections by the City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

Streets

26. The developer shall install sidewalk along the Noble Street, Maple Street and Grove Street project frontages in accordance with City and ADA standards.
27. The developer shall construct an ADA access ramp on the southeast corner of Noble Street and Maple Street in accordance with City and ADA standards.

28. All portions of the facility shall provide an ADA accessible path of travel to the intersection of Noble Street and Maple Street for the purpose of demonstrating equal access to all units of the complex.
29. The existing driveway approach on Maple Street shall be removed and replaced with concrete sidewalk, curb and gutter in accordance with current City and ADA standards.
30. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk to current City and ADA standards.
31. The developer shall install streetlights along the project frontage in accordance with City standards.
32. The developer shall dedicate a Public Utility Easement (PUE) 10-foot wide along the entire project parcel frontage on Noble Street, Maple Street and Grove Street. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
33. The developer shall record a reciprocal ingress/egress, utility and parking easement acceptable to the City of Madera across the entire project site and applicable to all parcels. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall pay associated fees with the Engineering Department
34. It shall be the property owner/developer's responsibility to ensure the portion of the Grove Street right-of-way that bisects the project is vacated by the City in accordance with Streets and Highways Code Section 8330-8334.5 and/or other applicable state code. Development of the project shall not commence prior to the completion of the public right-of-way abandonment process.
35. The developer shall confirm adequate sight distance is provided for vehicles exiting the driveway immediately south of the project site with the proposed improvements (e.g., CMU wall) along Noble Street.
36. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
37. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads.

Water

38. New or existing water service connection(s), including landscape areas, shall be upgraded or constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.
39. Fire flow calculations shall be required as part of the improvement plan submittal to confirm availability given the water line in Maple Street is a 6-inch.

40. A separate water meter and backflow prevention device will be required for existing or proposed landscape areas.
41. Existing water service connections that will not be used for the project shall be abandoned at the mains per City standards.
42. The developer shall reimburse its fair share cost to the city for previously constructed water main along the entire project frontage on Noble Street.
43. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.

Fire Department

44. All improvements to the property shall require a building permit.
45. Fire extinguishers shall be provided in accordance with the CFC. A minimum of one 2A10BC rated fire extinguisher is required for each 3,000 square feet or fraction thereof on each floor, and the travel distance shall not exceed 75 feet from any point in the structure to reach a fire extinguisher.
46. A Knox Box shall be provided in accordance with the Fire Marshal requirements.
47. The site design shall provide adequate fire rated separations as required by the California Building Code and California Fire Code. All fire rated assemblies shall be fully detailed.
48. All buildings shall be equipped with fire sprinklers. Fire Department connection locations shall be approved prior to building permit issuance.
49. Fire sprinkler monitoring alarms shall be required for each structure. Fire alarm control units shall be placed in a closet used exclusively for fire equipment.
50. An -site fire hydrants may be required. The plans submitted for plan check shall indicate the placement of existing fire hydrants for final determination by the Fire Marshal.

Planning Department

General

51. On-site vandalism and graffiti shall be corrected per the Madera Municipal Code.
52. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster located on the subject properties.
53. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
54. The applicant shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use may be cause for revocation of these permits.

55. A tentative parcel map for the project parcel APN: 012-402-006 shall be completed prior to commencement of any development of the project.

Building and Site Aesthetics

56. The applicant/developer shall provide a revised site plan with modification to building placement to the extent necessary as to not encroach into setbacks and/or public utility easements. Substantial changes to the site plan resulting in changes to number of units, buildings, required parking or open space, may require an amendment to Precise Plan 2020-03.
57. The construction of all buildings approved as part of PPL 2020-03 shall be in close conformance with the approved elevation drawings, as reviewed and approved by the Commission. A final color and materials board shall be submitted to the Planning Department for review and approval.
58. Variance 2020-02 allows for less than the required open space by the Planned Development zone district. The developer shall submit an open space site plan with no less than 18,200 square feet of open space. Plans shall include community garden areas, a tot-lot, and a barbecue area.
59. Prior to the issuance of building permits, applicant to identify on the site plan the following information for Planning Department review and approval:
 - The location of all-natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
60. Wherever feasible, electrical/mechanical equipment shall be located in the interior of the proposed new structure(s) within electrical/mechanical service rooms. When not feasible, electrical/mechanical equipment located either on the exterior of the building or ground mounted shall be located such that it is not visible from the public right-of-way and screened with landscaping and/or fencing.
61. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
62. All parking lot lights/lighting shall be incorporated into landscaped areas.
63. The developer shall contact the City Engineer when all site lighting is operational. Additional light screening may be required.

Landscaping

64. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect and submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
 - Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.

- Areas throughout the project shall be planted to provide a minimum of 70% vegetative cover upon maturity.
 - Landscaped areas shall be developed along all street frontages and within parking fields.
 - Shade trees shall be planted throughout the parking lot, with a minimum of one tree per five parking spaces.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
65. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Engineering Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
66. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the city. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

Parking

67. Parking stalls shall be developed in close conformance with the approved site plan.
68. All parking and loading areas shall be marked and striped to city standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet wide by nineteen feet deep. No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is 26 feet.
69. On-site parking shall always be provided in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses may require the provision of additional parking spaces in compliance with city standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.
70. Carport structures shall require plans be submitted for review and approval by the Planning Department. Carport designs shall be in keeping with the primary building's architecture and materials.

Signage

71. Signage shall be in accordance with city standards, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.
72. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
73. All proposed construction announcement sign uses shall conform to the Municipal Sign Ordinance.

Walls and Fences

- 74. A trash enclosure shall be constructed of masonry block consistent with city standards with a finish color to match the primary structure. The final location of the trash enclosure shall be determined by the Public Works Director.

- 75. Perimeter fencing shared to the east, shared with the public facilities baseball field and to the south, shared with the industrial development, shall be a concrete masonry unit of seven feet in height.

San Joaquin Valley Air Pollution Control District

- 76. The applicant shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District.

(OR)

Motion 2: Move to continue the public hearing on General Plan Amendment 2020-02, Rezone 2020-01, Precise Plan 2020-03 and Variance 2020-02 to the June 9, 2020 Commission meeting.

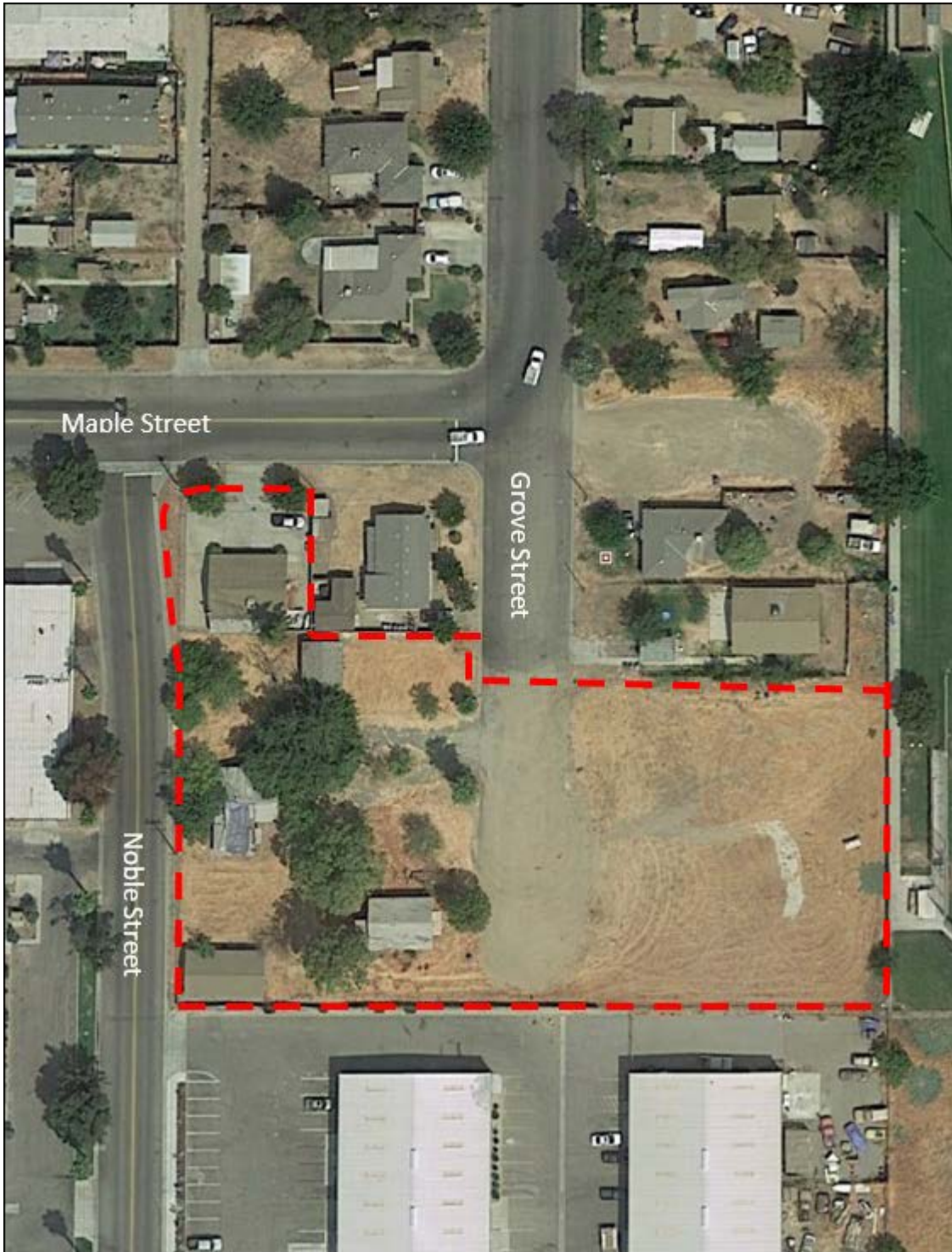
(OR)

Motion 3: Move to deny the application for General Plan Amendment 2020-02, Rezone 2020-01, Precise Plan 2020-03 and Variance 2020-02, based on the following findings: (specify)

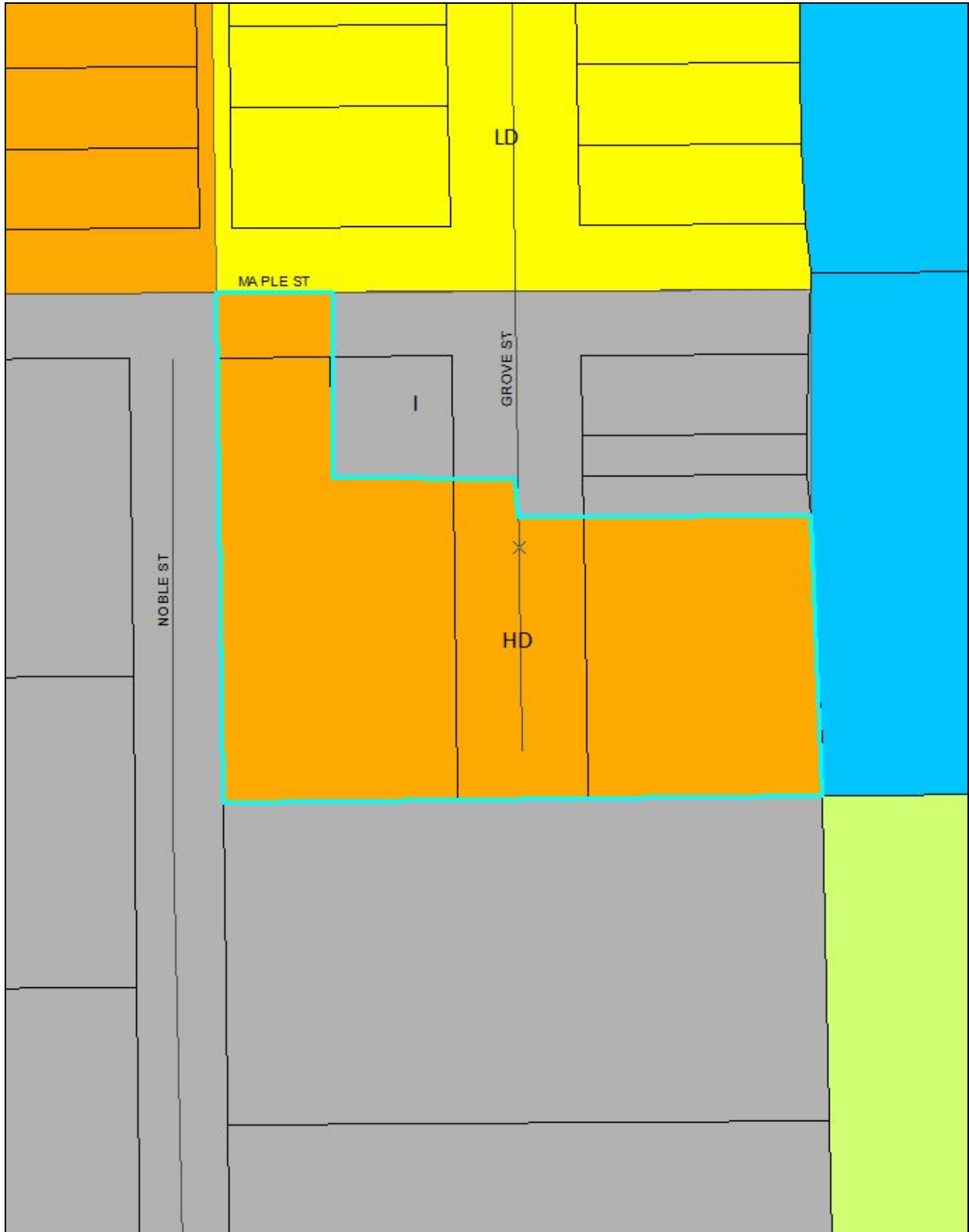
ATTACHMENTS

- Attachment 1: Aerial Image
- Attachment 2: Proposed General Plan Amendment
- Attachment 3: Proposed Rezone Map
- Attachment 4: Resolution of Recommendation to the City Council
- Attachment 5: Draft Ordinance
- Attachment 6: Negative Declaration
- Attachment 7: Site Plan, Floor Plan, Elevations

Attachment 1: Aerial Image



Attachment 2: Proposed General Plan Amendment



Attachment 3: Proposed Rezone



Attachment 4: Resolution of Recommendation to the City Council

RESOLUTION NO. 1852

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA APPROVAL OF AN AMENDMENT OF THE GENERAL PLAN CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 1.8 ACRES OF LAND LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF MAPLE STREET AND NOBLE STREET FROM THE I (INDUSTRIAL) TO HD (HIGH DENSITY) GENERAL PLAN LAND USE DESIGNATION AND THE REZONING OF THE PROPERTY FROM THE I (INDUSTRIAL) TO THE PD-2000 (PLANNED DEVELOPMENT) ZONE DISTRICT

WHEREAS, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, the City of Madera has adopted a Comprehensive General Plan Update and Environmental Impact Report, and the City of Madera is currently in compliance with State mandates relative to Elements of the General Plan; and

WHEREAS, State law also provides for periodic review, updates, and amendments of its various plans; and

WHEREAS, the City has initiated an amendment to the Madera General Plan amending the land use designation for approximately 1.8 acres of property located on the southeast corner of the intersection of Maple Street and Noble Street from the I (Industrial) land use designation to the HD (High Density) land use designation, as shown in the attached Exhibit A; and

WHEREAS, the City has initiated a Rezone of the property from the I (Industrial) Zone District to the PD-2000 (Planned Development) Zone District, as shown in the attached Exhibit B; and

WHEREAS, the proposed General Plan amendment and Rezone will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the proposed General Plan amendment and Rezone are compatible with the neighborhood and are not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the City of Madera, acting as the Lead Agency, prepared an initial study and negative declaration for the project in compliance with the California Environmental Quality Act; and

WHEREAS, the negative declaration, General Plan amendment and rezoning were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the negative declaration, and considered testimony received as a part of the public hearing process.

WHEREAS, Based upon the testimony and information presented at the hearing, including the initial study and negative declaration and all evidence in the whole record pertaining to this matter, the Commission found that the negative declaration has been prepared pursuant to the California Environmental Quality Act, that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the City of Madera, and was adopted in accordance with the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.

2. The Planning Commission hereby recommends that the Madera General Plan land use map be amended as specified in the attached Exhibit "A".

3. The proposed amendment to the Land Use Map is hereby found consistent with all elements of the Madera General Plan.

4. The proposed rezoning is hereby found to be consistent with all elements of the General Plan, including the land use map as amended by this application.

5. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as specified within the attached Exhibit "B".

6. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 12th day of May 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

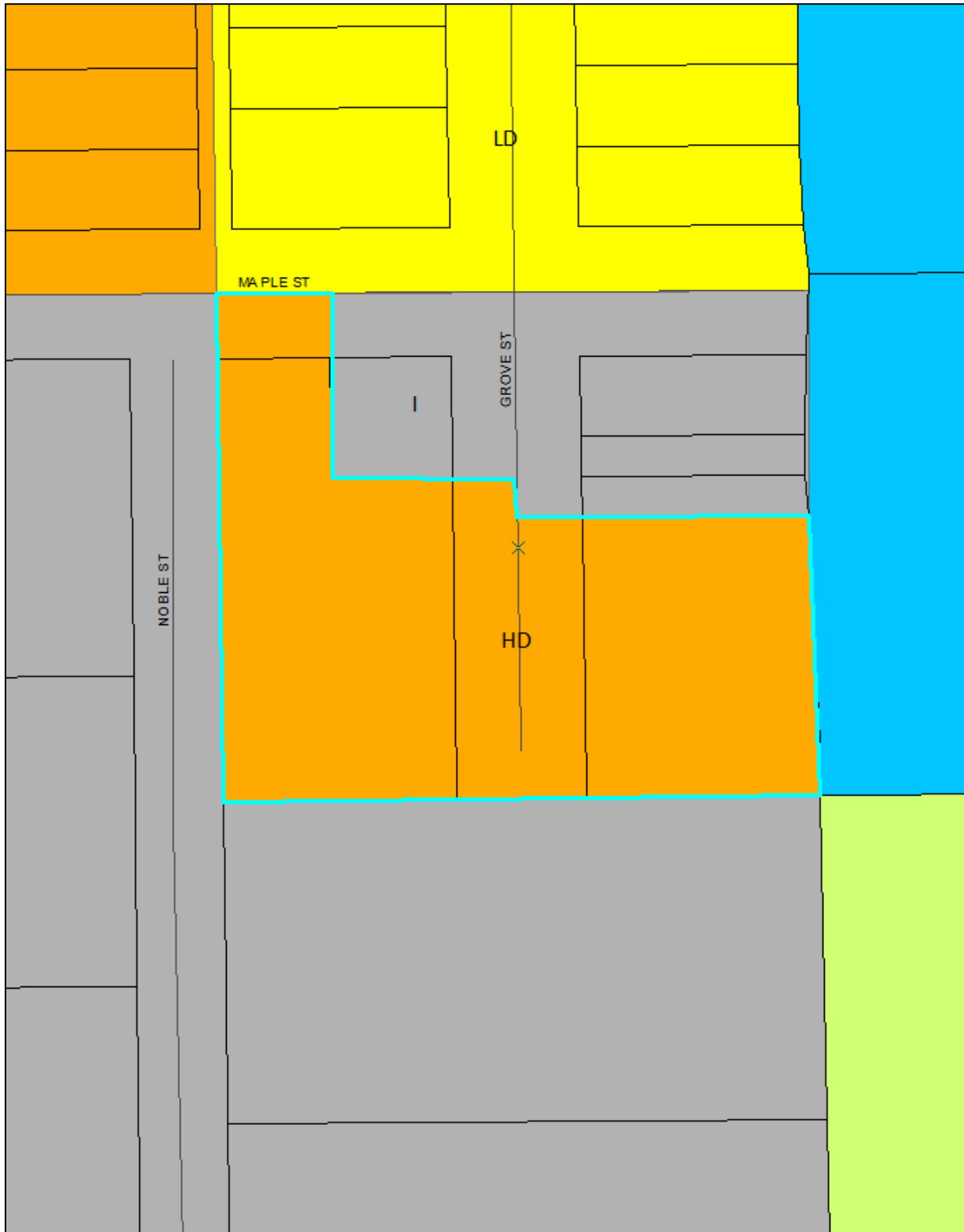
ABSENT:

Israel Cortes
Planning Commission Chairperson

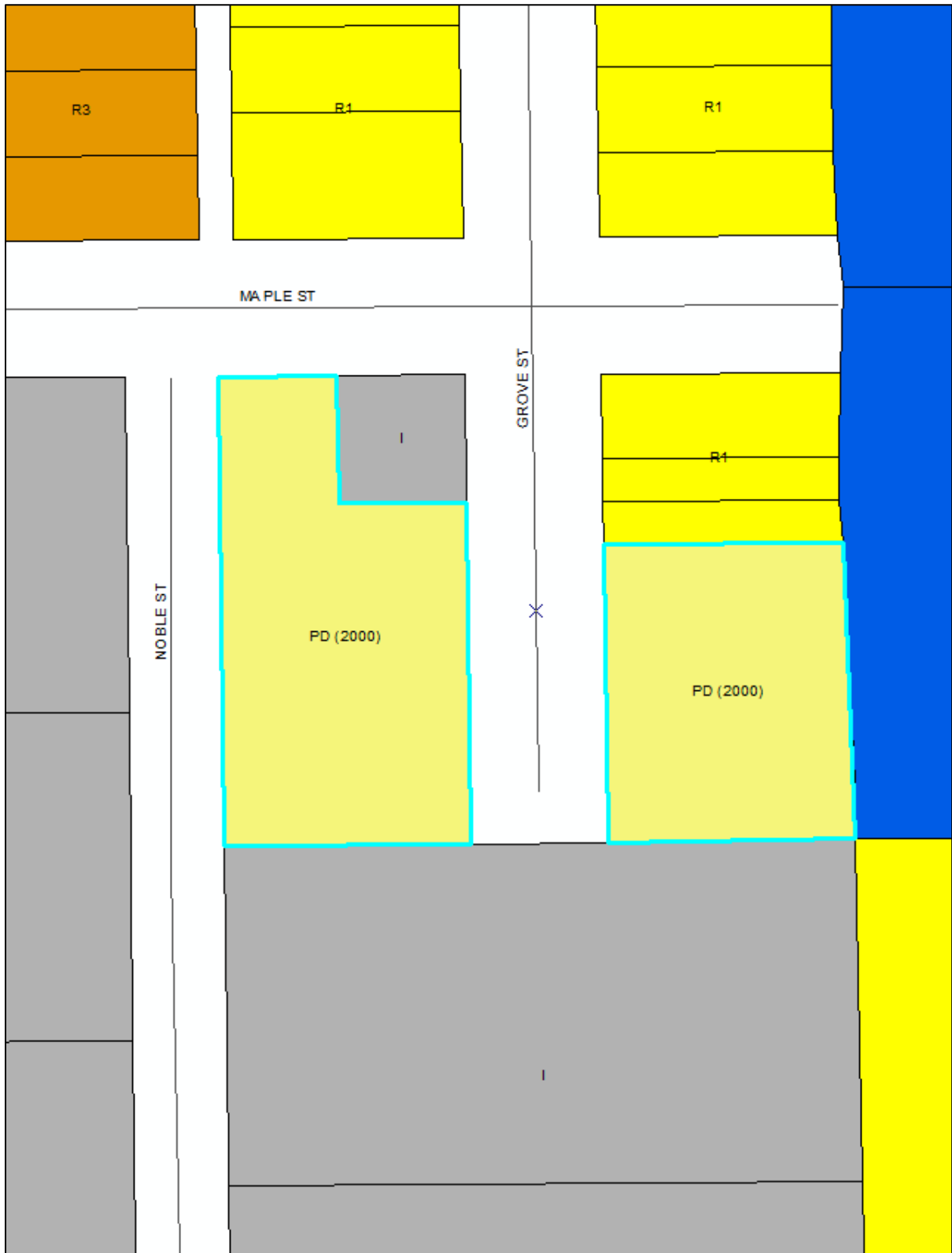
Attest:

Darrell Unruh
Interim Planning Manager

PLANNING COMMISSION RESOLUTION NO. 1852
EXHIBIT 'A'



PLANNING COMMISSION RESOLUTION NO. 1852
EXHIBIT 'B'



Attachment 5: DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP REZONING APPROXIMATELY 1.8 ACRES OF LAND LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF MAPLE STREET AND NOBLE STREET TO THE PD-2000 (PLANNED DEVELOPMENT) ZONE DISTRICT AS IDENTIFIED WITHIN EXHIBIT "A"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Manager and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Manager and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

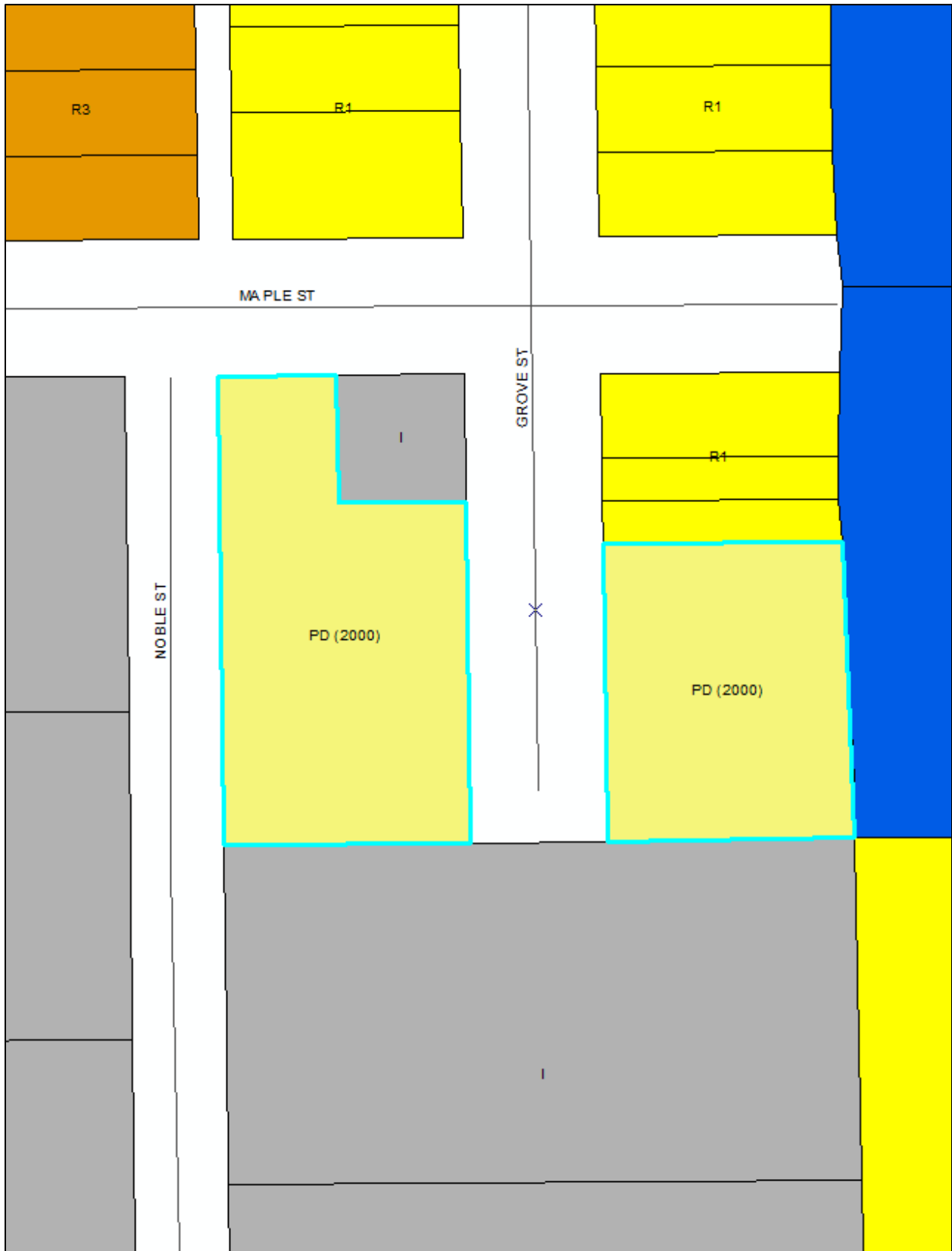
FINDINGS:

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AMENDMENT AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

DRAFT ORDINANCE - EXHIBIT A



Attachment 6: Negative Declaration

CITY OF MADERA
INITIAL STUDY / ENVIRONMENTAL CHECKLIST

I. BACKGROUND AND PROJECT DESCRIPTION

1. **Application No.:**
GPA 2020-02, REZ 2020-01, PPL 2020-03 & VAR 2020-02

2. **Project Title:**
Grove Gardens

3. **Lead Agency Name and Address:**
City of Madera, 205 W. 4th St., Madera, CA 93637

4. **Contact Person and Phone Number:**
Jesus R. Orozco – (559) 661-5436

5. **Project Location:**
304 Grove Street / Southeast corner of Maple Street and Noble Street

6. **Project Applicant's/Sponsor's Name and Address:**
Berry Construction – 413 W. Yosemite Avenue, Madera, CA 93637

7. **General Plan Designation:**
Current: I (Industrial) Proposed: HD (High Density)

8. **Zoning:**
Current: I (Industrial) Proposed: PD-2000 (Planned Development)

9. **Project Background:**
The proposal is an application for a General Plan Amendment from the I (Industrial) to an HD (High Density) concurrent with a rezone from the I (Industrial) zone district to the PD-2000 (Planned Development) zone district providing consistency between the land use and the zone district that will allow for the development of a multi-family apartment complex. The precise plan application will guide the development of a 34-unit multi-family apartment complex composed of four, three story buildings. As a result of providing the necessary parking requirements, the project will be deficient in open space as required by ordinance. The variance will allow for the development of less than the required minimum open space area of 25,500 square feet. The project will provide for approximately 18,200 square feet of landscape open area to include open area for passive recreation and three community garden areas, and other landscape features surrounded by perimeter fencing. The overall development is contingent upon the future abandonment of a segment of public right-of-way that currently bisects the project site and the recordation a parcel map. The future abandonment will be subject to applicable State government code and municipal code. The parcel map will be subject to the Subdivision Map Act and municipal code.

10. **Public Agencies Whose Approval or Review Is Required:**
Madera Irrigation District, Madera Unified School District and San Joaquin Valley Air Pollution Control District.
11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**
California Native American tribes traditionally and culturally affiliated with the project area did not request consultation pursuant to Public Resources Code Section 21080.3.1.

II. ENVIRONMENTAL SETTING

The project site encompasses two separate properties and the future abandonment of public right-of-way. As of February 2019, the site vacated five building structures, two single family residences and their associated structures. The project site is currently vacant unattended open space. The project site encompasses approximately 1.80-acres. Access to the property will occur from Noble Street and Grove Street. The project site is surrounded by single-family residential dwellings to the north, an open sports complex to the east, and commercial services/light industrial uses to the south and west.



III. ENVIRONMENTAL CHECKLIST

Environmental Factors Potentially Affected by the Project: Some of the environmental factors checked below would be potentially affected by this project, although none of the environmental factors have a "Potentially Significant Impact" or "Potentially Significant Impact Unless Mitigation Incorporation," as indicated by the checklist on the following pages.

✓	Aesthetics		Agricultural and Forest Resources	✓	Air Quality
	Biological Resources		Cultural Resources	✓	Energy
	Geology / Soils	✓	Greenhouse Gas Emissions		Hazards and Hazardous Materials
	Hydrology / Water Quality		Land Use / Planning		Mineral Resources
	Noise	✓	Population / Housing		Public Services
✓	Recreation		Transportation		Tribal Cultural Resources
✓	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

IV. DETERMINATION

Based on this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	✓
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature: 

Date: 04/22/2020

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				✓
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	
<p>Discussion Development of 34-unit multi-family apartment complex composed of four, three story buildings does not affect a scenic vista or have an overall adverse visual impact on the immediate area. The project would not affect a scenic highway and would not have an overall adverse visual impact on any scenic resources. The project will add some additional sources of light within the urban environment. The site is not proximate to locally prominent scenic or visually significant resources. The project would conform with and incorporate General Plan policies and requirements. No additional analysis is required.</p> <p>Less than Significant Impacts d) There will be an increase in light and glare and other aesthetic impacts associated with the development as a result of the project, although it will be a less than significant impact upon implementation of City standards. Exterior lighting on building and in open areas will be shielded or muted by design of fixtures, surrounding buildings and substantial landscaping. The overall impact of additional light and glare will be minimal.</p> <p>No Impacts a. The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks or formally classified scenic resources, such as a scenic highway, national or state scenic area, or scenic vista. b) The project will not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. c) The project will not substantially degrade the existing visual character or quality of the site and its surroundings. The project does not also conflict with applicable zoning and other regulations governing scenic quality.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>2. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement Methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓
<p>Discussion The project site is located on land identified as “Urban and Built-Up Land” on the 2016 California Farmland Mapping and Monitoring Program map.</p> <p>No Impacts</p> <p>a) The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency) to non-agricultural use. The project site is identified as “Urban and Built-Up Land” on the 2016 California Farmland Mapping and</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Monitoring Program map, which includes land that is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. The project site has been identified for industrial use within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.</p> <p>b) The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property.</p> <p>c) The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production because the project property is not defined as forest land (as defined by Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).</p> <p>d) The project would not result in the loss of forest land or conversion of forest land to a non-forest use because the parcel is not defined as forest land (as defined by Public Resources Code Section 12220(g)).</p> <p>e) The project, which will facilitate the development of 34-unit multi-family apartment complex composed of four three story buildings, will not involve other changes in the existing environment, due to the project property's location or nature, that would result in the conversion of Farmland to a non-agricultural use or conversion of forest land to non-forest use.</p>				
<p>3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			✓	
c) Expose sensitive receptors to substantial pollutant concentrations?			✓	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			✓	

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><u>Discussion</u></p> <p>The project site is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).</p> <p>Air quality is determined by the type and amount of contaminants emitted into the atmosphere, the size and topography of the SJVAB, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are “criteria pollutants.” The SJVAPCD also conducts monitoring for two other state standards: sulfate and visibility.</p> <p>The State of California has designated the project site as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.</p> <p>The project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.</p> <p>Similarly, the project will be evaluated to determine required compliance with District Rule 9510, which is intended to mitigate a project’s impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit and Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit would be made a condition of project approval.</p> <p>Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and the development will be subject to SJVAPCD review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.</p> <p>The proposed General Plan amendment and rezoning for the project site, and the development of the project site will not create impacts beyond those analyzed and addressed through the General Plan Update and the accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. All phases of development will</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
similarly conform with and implement regional air quality requirements. No additional analysis is required. Any unique features or project impacts which are identified as specific projects are proposed within the project site will be evaluated and addressed on a project-by-project basis.				
Less than Significant Impacts				
<p>a) According to the San Joaquin Valley Air Pollution Control District (SJVAPCD), the project is subject to some District Rules. The project will not conflict with or obstruct implementation of the applicable air quality plan.</p> <p>b) According to the SJVAPCD, the project would have a less than significant impact on air quality when compared to the significance thresholds of the following annual criteria pollutant emissions: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides in nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).</p> <p>c) The project would not expose sensitive receptors to substantial pollutant concentrations.</p> <p>d) The development of the project would not result in other emissions, such as those leading to odors adversely affecting a substantial number of people.</p>				
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓
<p>Discussion</p> <p>With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. There is no record of special-status species in the project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore, impacts in this category are not anticipated to exceed the impacts addressed in those documents.</p> <p>The project site is void of any natural features, such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. Development of the site would not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.</p> <p>No Impacts</p> <p>a) The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.</p> <p>b) The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p> <p>c) The project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>d) The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.</p> <p>e) The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p> <p>f) The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.</p>				
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				✓
c) Disturb any human remains, including those interred outside of formal cemeteries?				✓
<p>Discussion The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project would not disturb any archaeological resources. The project would not disturb any unique paleontological or geologic resources. The project would not disturb any human remains. In the event any archaeological resources are discovered during project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State law may be applied.</p> <p>No Impacts</p> <p>a) The project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 because there are no known historical resources located in the affected territory.</p> <p>b) The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 because there are no known archaeological resources located in the affected territory.</p> <p>c) The project would not disturb any human remains, including those interred outside of formal cemeteries, because there are no known human remains located in the affected territory. When development occurs in the future and if any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
21083.2 and 21084.1), and all local, state, and federal regulations affecting archaeological and historical resources would be complied with.				
6. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓
Less than Significant Impacts				
a) The project could utilize inefficient or unnecessary consumption of energy resources during project construction or operation, but because the project will be built to comply with Building Energy Efficiency of the California Building Code (Title 24), the project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.				
No Impacts				
b) State and local authorities regulate energy use and consumption. These regulations at the state level intended to reduce energy use and greenhouse gas (GHG) emissions. These include, among others, Assembly Bill (AB) 1493 – Light-Duty Vehicle Standards, California Code of Regulations Title 24, Part 6 – Energy Efficiency Standards, California Code of Regulations Title 24, Part 11 – California Green Building Standards. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.				
7. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
ii. Strong seismic ground shaking?				✓
iii. Seismic-related ground failure, including liquefaction?				✓
iv. Landslides?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?				✓
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
<p>Discussion</p> <p>There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in The Uniform Building Code that is utilized by the City of Madera Building Division to monitor safe construction within the City limits.</p> <p>No Impacts</p> <p>a)</p> <p>i. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. No known faults with evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west and south of the project site. Due to the geology of the project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>ii. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking. Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.</p> <p>iii. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction. Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction.</p> <p>iv. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides.</p> <p>b) The project would not result in substantial soil erosion or the loss of topsoil. Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with the City of Madera ordinances and regulations, the California Building Code, and professional engineering designs approved by the Madera Engineering Department will mitigate any potential impacts from future urban development, if any.</p> <p>c) The project would not be located on a geologic unit or soil that is unstable as a result of the project, and not potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.</p> <p>d) The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), not creating substantial direct or indirect risks to life or property.</p> <p>e) The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. The City of Madera would provide necessary sewer and water systems upon project approval.</p> <p>f) The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
8. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	
<p>Discussion</p> <p>Climate change is a public health and environmental concern around the world. Globally, temperature, precipitation, sea level, ocean currents, wind patterns, and storm activity are all affected by the presence of greenhouse gas (GHG) emissions in the atmosphere. Human activity contributes to emissions of six primary GHG gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Human-caused emissions of GHGs are linked to climate change.</p> <p>In 2006, the California State Legislature adopted AB32, the California Global Warming Solutions Act of 2006, which aims to reduce GHG emissions in California. GHGs, as defined by AB 32, includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 requires the California Air Resources Board (ARB), the State agency which regulates statewide air quality, to adopt rules and regulations that would achieve GHG emissions equivalent to 1990 statewide levels by 2020.</p> <p>As part of the 2011 City of Madera General Plan update, the Conservation Element includes several goals, policies and programs in the Air Quality, GHG Emissions and Climate Change sections which address and promote practices that meet or exceed all state and federal standards and meet or exceed all current and future state-mandated targets for reducing GHG emissions. The City also requires applicants for all public and private development integrate appropriate methods that reduce GHG emissions consistent with the Energy and Green Building sections of the Conservation Element, General Plan Policy CON-40 through 46.</p> <p>Less than Significant Impacts</p> <p>a) The project would not, by itself, generate significant GHG emissions or contribute to global warming because the new development that is proposed will be required to adhere to local, regional and state regulations.</p> <p>b) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.</p>				
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✓
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Discussion</p> <p>The project will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be delineated with the accompanying site plan.</p> <p>No impacts</p> <p>a) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</p> <p>b) The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p> <p>c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school.</p> <p>d) The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create a significant hazard to the public or the environment.</p> <p>e) The project site is not located within an airport land use plan and would result in a safety hazard or excessive noise for people residing or working in the project area.</p> <p>f) The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p> <p>g) The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires.</p>				
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				✓
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
river or through the addition of impervious surfaces, in a manner which would: i. Result in substantial erosion or siltation on- or off-site;				
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				✓
iii. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or				✓
d) In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?				✓
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓

Discussion

The project would not violate any water quality standards or waste discharge requirements. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. Services will be provided in accordance with the City’s Master Plans. The project would not change any drainage patterns or stream courses, or the source or direction of any water movement. During construction, the project site may be exposed to increased soil erosion from wind and water. Dust control would be used during construction. With completion of the project, the project would not bring about erosion, significant changes in topography or unstable soil conditions.

The project would not expose people or property to water-related hazards. Standard construction practices and compliance with City ordinances and regulations, The Uniform Building Code, and adherence to professional engineering design approved by the Madera Engineering Department would mitigate any potential impacts from this project. This development would be required to comply with all City ordinances and standard practices which will assure that storm water would be adequately drained into the approved storm water system. The project would not create any impacts on water quality.

Based on a review of the City’s FEMA maps, the site is located in Zone X and the project would not place housing or other land uses in a 100-year flood hazard area. These areas are outside of the 500-year flood area. The project would not expose people or structures to a significant risk because of dam or levee failure. The project would not expose people or structures to a significant risk because of a seiche, mudflow, or tsunami.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
No Impacts				
<p>a) The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The development of the project site will be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development will also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.</p> <p>b) The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.</p> <p>c)</p> <ul style="list-style-type: none"> i. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not result in substantial erosion or siltation on- or off-site. ii. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. iii. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. <p>d) The project is not located in flood hazard, tsunami or seiche zones and it will not risk release of pollutants due to project inundation.</p> <p>e) The project does not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.</p>				
11. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				✓
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
purpose of avoiding or mitigating an environmental effect?				
<p>Discussion</p> <p>The project will not provide conflict with the General Plan and Zoning Ordinance because the General Plan Amendment and the rezone will provide consistency with the proposed 34-unit apartment complex as well as build a bridge between the single-family residential uses to the north and the commercial service/light industrial uses to the south and west.</p> <p>No Impacts</p> <p>a) The project would not physically divide an established neighborhood. The project logically allows development to occur in an orderly manner, adjacent to future urban development.</p> <p>b) The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.</p>				
12. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓
<p>No Impacts</p> <p>a) The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.</p> <p>b) The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</p>				
13. NOISE: Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?				✓
b) Generation of excessive ground borne vibration or ground borne noise levels?				✓
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted,				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
<p>Discussion</p> <p>These potential impacts were addressed in the General Plan EIR, and goals and mitigation measures were adopted to reduce potential impacts to a less than significant level. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan, and its EIR. Use of outdoor leisure areas, particularly those designed for children, will result in the generation of associated noise. The development's design shelters and buffers these areas from adjacent residential properties. Therefore, impacts in this category are not anticipated to exceed the impacts addressed in these documents. Construction activities must comply with applicable noise policies and standards established by the City.</p> <p>No Impacts</p> <p>a) The project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.</p> <p>b) The project would not generate excessive ground borne vibration or ground borne noise levels.</p> <p>c) The project site is not located within the vicinity of a private airstrip or an airport land use plan and would not expose people residing or working in the project area to excessive noise levels.</p>				
14. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓
<p>Discussion</p> <p>The proposed project would not induce additional substantial growth in this area. The project site would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.</p> <p>Less than Significant Impacts</p> <p>a) The project does induce unplanned population growth in the area directly with the construction of thirty-four new dwelling units, but the growth will not be substantial.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
No Impacts				
b) The project will not displace substantial numbers of existing people or housing which will not necessitate the construction of replacement housing elsewhere.				
15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓
Discussion				
<p>The development of the project site would not result in substantial adverse physical impacts from new or altered public facilities. As development occurs, there would be a resultant increase in job opportunities, and a greater demand placed upon services, such as fire and police protection, and additional park and school facilities. This additional demand is consistent with the demand anticipated in the General Plan and evaluated in the General Plan EIR.</p>				
<p>The project would not bring about the need for new wastewater treatment facilities. The project would not significantly increase the demand on water supplies beyond the levels anticipated in the General Plan and the Water Master Plan. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project would not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project area. The project area would be required to provide additional facilities within the development, and comply with the City's Master Plan, ordinances and standard practices. The project would not bring about a significant increase in the demand for solid waste disposal services and facilities.</p>				
No Impacts				
a) The project would not result in substantial adverse physical impacts to fire protection services.				
b) The project would not result in substantial adverse physical impacts to fire protection services.				
c) The project would not result in substantial adverse physical impacts to school services. The Madera Unified School District levies a school facilities fee to assist defraying the impact of residential development.				
d) The project would not result in substantial adverse physical impacts to park facilities.				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) The project would not result in substantial adverse physical impacts on other public facilities.				
16. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓
<p>Discussion Residential development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.</p> <p>Less Than Significant Impact a) The project would cause some increase on the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The project will provide open space areas consistent with zone districts open space requirements, which would reduce the impacts to existing neighborhood and regional parks or other recreational facilities to a less than significant impact.</p> <p>No Impacts b) The project will include the construction of large open space community areas including a playground, covered lounge areas, a tree surrounded by a seat wall and tot lot that would provide for recreational activities, but they will not have an adverse physical effect on the environment.</p>				
17. TRANSPORTATION. Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				✓
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				✓
c) Substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in inadequate emergency access?				✓
<p>Discussion</p> <p>The project site was included in the General Plan and its accompanying EIR and the potential traffic generated from the eventual development of this land is considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development.</p> <p>No Impacts</p> <p>a) The project would not conflict with any program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. All pedestrian walkways will be constructed consistent with the City of Madera Engineering Department standards and Americans with Disabilities Act (ADA) standards.</p> <p>b) The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The project is not located within one-half mile of an existing major transit stop or along an existing high-quality transit corridor.</p> <p>c) The project would not substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment).</p> <p>d) The project would not result in inadequate emergency access.</p>				
18. Tribal Cultural Resources. Would the project:				
<p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p>				✓
<p>b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the</p>				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
lead agency shall consider the significance of the resource to a California Native American tribe				
No Impacts				
<p>a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and the project is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). As described above, no known TCRs have been identified (as defined in Section 21074) within the project area. Therefore, the project would not cause a significant adverse change in the significance of a TCR that is either listed in, or eligible for listing in, the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).</p> <p>b) The project is not a resource determined by the lead agency (City of Madera), in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. The project site is not listed as a historical resource in the California Register of Historical Sources. As described above, no known TCRs have been identified (as defined in Section 21074) within the project area, and no substantial information has been provided to the City to indicate otherwise. Therefore, the project would not cause a significant adverse change, based on substantial evidence, in the significance of a TCR.</p>				
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or which could cause significant environmental effects?			✓	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				✓
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				✓
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✓

Discussion

The City's community sewage disposal system would continue to comply with Discharge Permit requirements. The project would not bring about the need for new wastewater treatment facilities. The project would not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There would not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project would not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project. The project site would be required to comply with the City's Master Plan, ordinances and standard practices. The project would not bring about a significant increase in the demand for solid waste disposal services and facilities.

Less than Significant Impacts

a) The project would require the relocation of electric power, natural gas, but the construction would not cause significant environmental effects. The developer will be subject to local and regional requirements for the relocation, expansion and/or installation of any mandatory utility services.

No Impacts

b) The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

c) The project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

d) The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

e) The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response and/or emergency evacuation?				✓
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✓
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✓
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✓
<p>Discussion</p> <p>The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The project will be developed consistent with all regulations of the California Fire Code and would provide no impact to wildfire hazards.</p> <p>No Impacts</p> <p>a) The project would not substantially impair an adopted emergency response and/or emergency evacuation.</p> <p>b) The project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.</p> <p>c) The project would not require the installation or maintenance of roads and will not exacerbate fire risk or result in temporary or ongoing impacts to the environment as the project is also not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.</p> <p>d) The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
21. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:				
e) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
f) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)				✓
g) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓
<p>Discussion</p> <p>Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Population and Housing, Recreation and Utilities and Service Systems.</p> <p>The potential impacts identified in this Initial Study are considered to be less than significant since they will cease upon completion of construction or do not exceed a threshold of significance. Therefore, a Negative Declaration is the appropriate level of documentation for this project.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>No Impacts</p> <p>a) The project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.</p> <p>b) The project would not have cumulatively considerable impacts that are beyond less than significant.</p> <p>c) The project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.</p>				

Attachment 7: Site Plan, Floor Plan, Elevations

MAPLE STREET

GROVE STREET

NOBLE STREET



SITE DATA

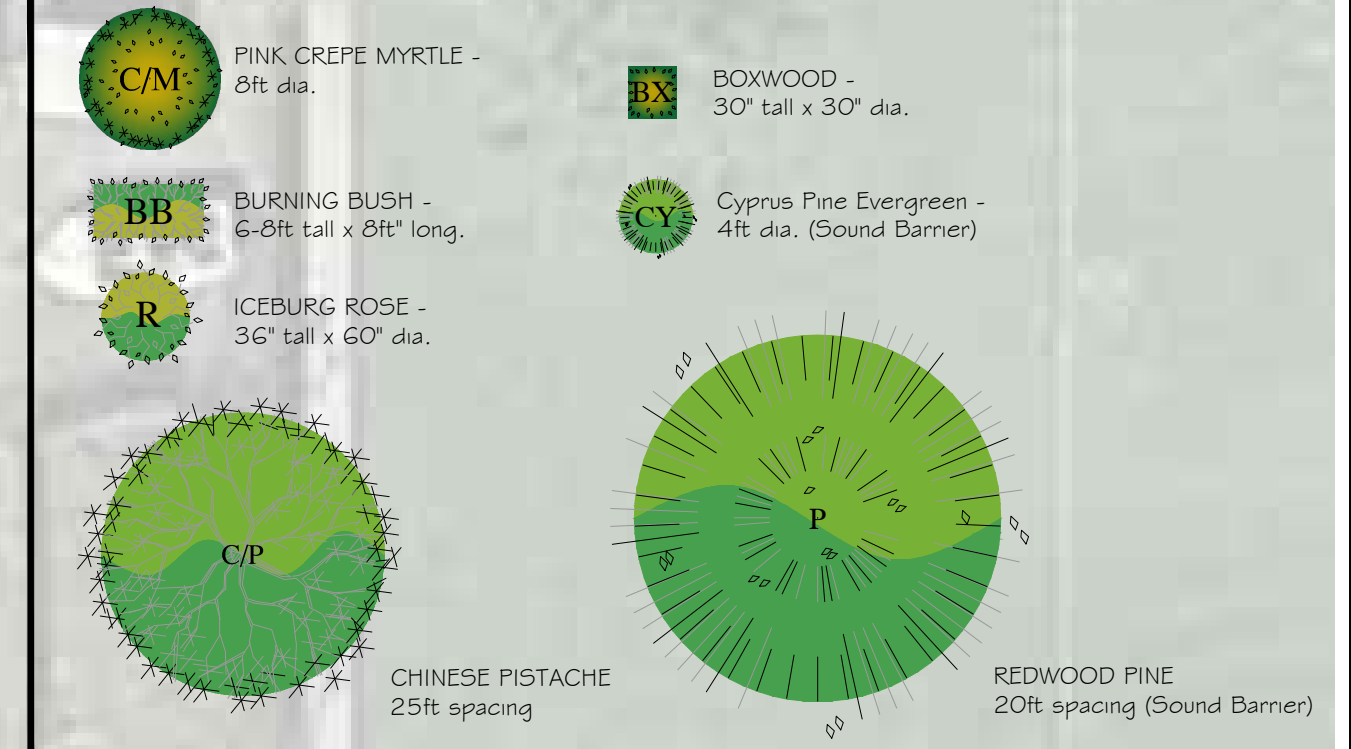
- Proposed: 33 Unit Affordable Housing Development LOT SIZE: 1.80 acre
 - Building areas: 14,899.8 sq ft (78,408 sq ft)
 (4) Building Structures - 3 stories each
 (1) Leasing Office
 (1) Manager's Residence
 (33) 2 Bedroom Rental Units

- Landscape areas total: Approx 16,198.1 sq ft
 Open Lawn areas: Approx 7,289 sq ft
 Open Garden areas: Approx 1,508 sq ft
 Misc areas: Approx 7,289 sq ft

- Paving Areas: Approx 37,549.9 sq ft
 - Hardscape areas: Approx 4,596.4 sq ft

Parking Data:
 80 Total stalls:
 4 ADA stalls
 37 Covered stalls
 39 Uncovered stalls

LANDSCAPE



LEGEND

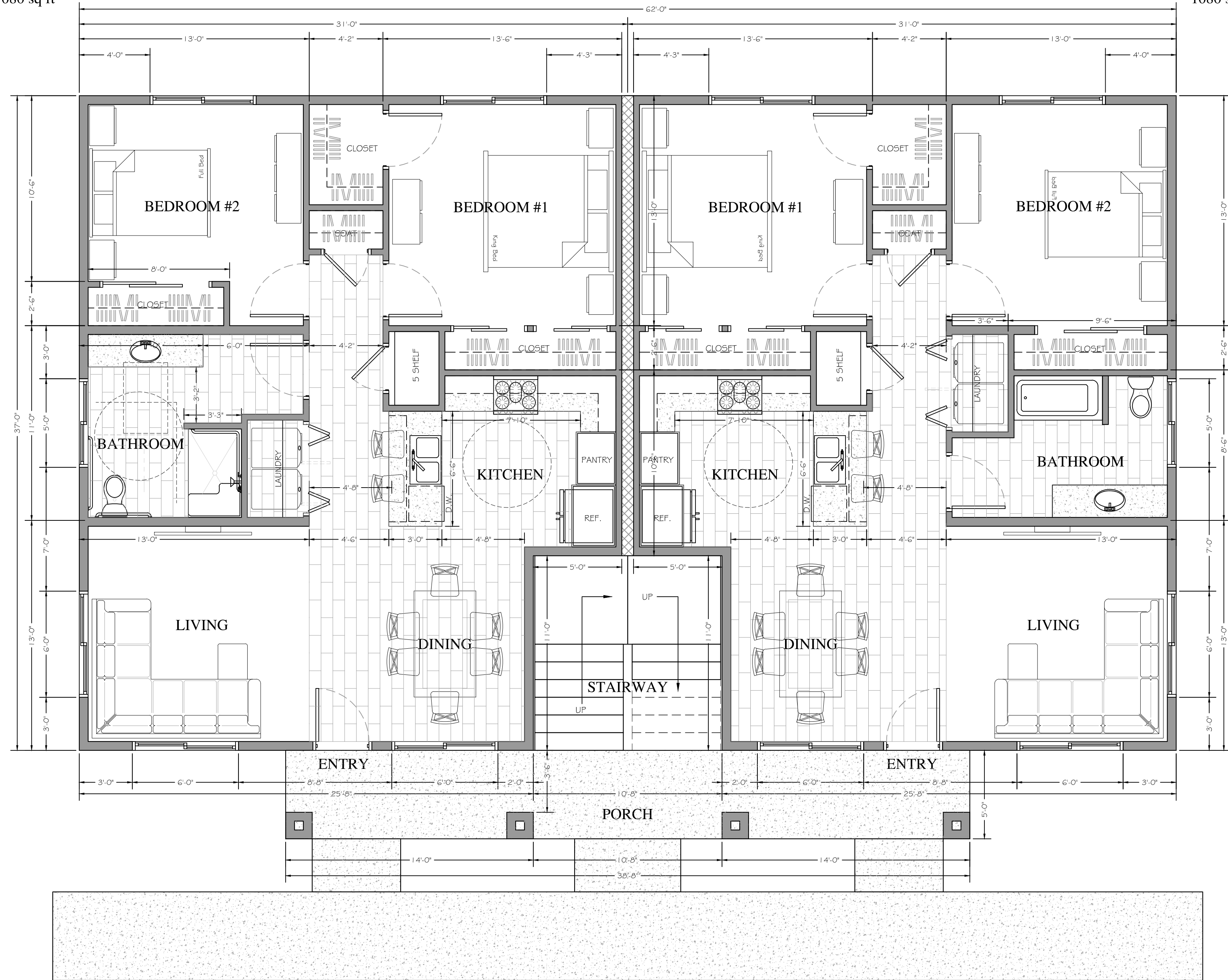
- 1 LEASING OFFICE
- 2 VEHICLE ENTRY GATE
- 3 MAIL BOXES
- 4 CRASH GATE
- 5 PEDESTRIAN GATE
- 6 REFUSE & RECYCLING

SITE PLAN scale: 1/16" = 1'-0"

REVISION:	BY:	DATE:
BERRY		
413 W. YOSEMITE AVE - MADERA, CA - 93637 PH: 559-674-2491 FAX: 559-674-1154		
OWNER:	DAVID BERRY 413 W. YOSEMITE MADERA, CA 93637 559-674-2491	
33 UNIT PLANNED COMMUNITY GROVE GARDEN DEVELOPMENT MADERA, CA 93637		
DRAWN BY:	R. ZUNIGA	
CHECKED BY:	T. PHILLIPS	
DATE:	1-21-20	
SCALE:	as shown	
JOB #:	XX-XXX	
SHEET:		
S1 SITE PLAN		

GROVE - 1st floor unit (ADA)
1080 sq ft

GROVE - 1st floor unit (standard)
1080 sq ft



REVISION:	BY:	DATE:
413 W. YOSEMITE AVE - MADERA, CA - 93637 PH: 559-674-2491 FAX: 559-674-1154		
OWNER:	DAVID BERRY 413 W. YOSEMITE MADERA, CA 93637 559-674-2491	
33 UNIT PLANNED COMMUNITY GROVE GARDEN DEVELOPMENT MADERA, CA 93637		
DRAWN BY: R. ZUNIGA CHECKED BY: T. PHILLIPS DATE: 1-9-20 SCALE: NONE JOB #: XX-XXX SHEET:		
A1		FLOOR PLAN

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FRONT ELEVATION



SIDE ELEVATION



BACK ELEVATION



SIDE ELEVATION

REVISION: BY: DATE:

BERRY
 413 W. YOSEMITE AVE - MADERA, CA - 93637
 PH: 559-674-2491 FAX: 559-674-1154

OWNER:
 DAVID BERRY
 413 W. YOSEMITE
 MADERA, CA
 93637
 559-674-2491

33 UNIT PLANNED COMMUNITY
GROVE GARDEN DEVELOPMENT
 MADERA, CA 93637

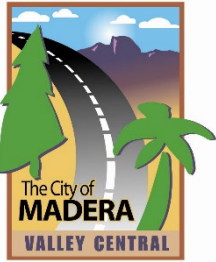
DRAWN BY:
 R. ZUNIGA
 CHECKED BY:
 T. PHILLIPS
 DATE:
 1-9-20
 SCALE:
 NONE
 JOB #:
 XX-XXX
 SHEET:

A2
 ELEVATION PLAN

ELEVATION PLANS

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

©BERRY PROJECTS/Stone Smart/ACD planGarden-Draw 13 20Aug 5/10/20 13311 PM



CITY OF MADERA PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

Staff Report: Berry Office Building CUP 2020-08, SPR 2020-05 & Categorical Exemption Item # 6 – May 12, 2020

PROPOSAL: Consideration of a request for a conditional use permit and site plan review to allow for the conversion of an industrial warehouse tenant space to establish an office use within an industrial zone district.

APPLICANT:	Rudy Zuniga	OWNER:	Berry David L & Patricia/Rea Trustee
ADDRESS:	675 South Pine St. Ste. 101	APN:	012-401-008
APPLICATION:	CUP 2020-08 & SPR 2020-05	CEQA:	Categorical Exemption

LOCATION: The project is located on the northeast corner of South Pine Street and Gill Avenue within an existing industrial building.

STREET ACCESS: The property has access to South Pine Street and Gill Avenue.

PARCEL SIZE: Approximately 2.19 acres

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The project site is located in a predominantly industrial area of the City. There is an undeveloped property to the North, an office use to the east, and industrial warehouse building to the south and a light manufacturing use to the west.

ENVIRONMENTAL REVIEW: This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

SUMMARY: The developer is requesting the allowance to establish an office use in an industrial zone district. The proposal entails retrofitting 10,000 square feet of warehouse and wholesale-retail space into professional office use. Staff has reservations with the compatibility of several of the listed office services within the office use definition, which may have adverse conflicts from potential heavier industrial developments on the project site or the vacant site to the north. However, it has been staff's observation that office uses in industrial zones approved by the Commission in the past have by large operated in harmony with surrounding businesses. There is no reason to disallow the use permit request subject to the applicant being able to operate consistent with the conditions of approval.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1002 Industrial Zones – Uses Permitted
MMC § 10-3.1301 Use Permits
MMC § 10-3.201 Definitions
MMC § 10-3.1202 Parking Regulations
MMC § 10-3.4.0101 Site Plan Review Applicability

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission (Commission) subject to the Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

The site was entitled as part of Site Plan Review 2002-09 and subsequent Tentative Parcel Map 2003-10. The site plan review allowed for the development of two industrial buildings encompassing 27,500 square feet each. The buildings would eventually be separated by the parcel map. Presently, only one building has been constructed.

ANALYSIS

Operations

The developer is requesting the allowance to establish an office use in an Industrial zone district. The proposal entails retrofitting 10,000 square feet of warehouse and wholesale-retail space into a professional office use. Roughly 5,000 square feet will be retrofitted to accommodate nine office rooms, an associated copy and break rooms. The remaining 5,000 square feet will be open office space with potential for a future subdivision of the area into sub-office suites. Approval of the use permit would entitle the entire 10,000 square foot interior conversion for office use only. It should be noted the building is shared by multiple tenants. The interior conversion excludes the existing tenants, Casa de Ceramica and the Community Action Partnership.

The office use is expected to operate consistent with standard business hours, 8 AM to 5PM, five days a week. The initial 5,000 square foot office space will be able to accommodate between ten and fifteen employees. Though the applicant has not identified a specific tenant or office service type, it is anticipated office services will be related to an industrial and/or professional administrative business.

Office Use Analysis

Pursuant to the provisions of the municipal code, approval of a use permits is required prior to the establishment of a professional office use. All aspects of zoning and land use design needed are addressed as part of the site plan review. The issues to be addressed include but may not be limited to land use compatibility, traffic generation, and on-site parking.

Office uses are generally ancillary to primary operations within industrial zone districts. However, the proposal entails the establishment of an office use as the primary land use. It should be noted, office uses in surrounding industrial developments are not uncommon. The property to the east is the established Madera Community Action Partnership office, which is a non-profit social services organization. To the north, at 467 South Pine Street, a financial services business was established in an industrial building with tenant operations like the ones at the project site. Both aforementioned examples were entitled through the use permit and site plan review process.

The municipal code defines a professional office use as a wide range of office services. Staff has evaluated the various permitted and unpermitted office services within the definition to discern what type of office services may best compatible with surrounding uses and the overall purpose and intent of the industrial zoning district.

PROFESSIONAL OFFICES. An office for the conduct of any one of the following uses: accountant, architect, attorney, chiropractor, civil engineer or surveyor's drafting office, collection agency, cosmetologist, dentist, doctor, funeral parlor, insurance, private detective, real estate, social worker or similar use; but shall not include the following uses: advertiser, barber shop, contractor, pest control, pharmacy, or veterinary. MMC § 10-3.201 DEFINITIONS

As the definition reads above, staff has reservations with the compatibility of several of the listed office services within the office use definition. As an example, office uses that generate regular customer visits i.e. medical offices and personal care businesses may not be in keeping with traditional industrial zoning operations. Uses within an industrial zone can be characterized as places for manufacturing, distribution, and/or warehouse storage. Industrial operations traditionally do not entail the same level of face-to-face customer visits that some of the office uses mentioned above do. Keeping in mind the traditional work environment of the surrounding industrial developments, not all office uses may be compatible. Though staff has communicated with the applicant on what the possible office uses may be, it is recommended that the use permit delineate what office uses may or may not be compatible. Compatible office uses are those that typically offer administrative services and would traditionally not rely on customer visits to the site in excess to surrounding industrial development uses. The applicant does envision an industrial or professional contracting service occupying the suite(s). For consideration, compatible and incompatible office uses are as follows:

Compatible	Incompatible
Accountant / Architect / Attorney / Civil Engineer or Surveyor's Drafting / Collection Agency / Insurance / Private Detective / Real Estate / Social Worker / or other administrative, subcategory of the listed uses	Chiropractor / Cosmetologist / Dentist / Doctor / Funeral Parlor

The project site is surrounded by established service commercial / industrial park uses. While there are professional offices associated with some of the permitted industrial and manufacturing businesses in surrounding developments, very few independent offices have been approved. While the office would not have a negative impact on adjacent uses, there may be some potential for adverse conflicts from potential heavier industrial developments on the project site or the vacant site to the north.

Parking

The site was originally developed with excess parking. The site plan provides for 122 on-site parking stalls for the 27,000 square foot building. The following matrix illustrates the site parking requirement for each tenant within the building.

Business	Parking Ration	Required Parking
Casa de Ceramica	7,500 sq ft. / 300 sq. ft.	25 parking stalls
CAPMC Warehouse	10,000 sq. ft. / 300 sq. ft.	34 parking stalls
Proposed Office	10,000 sq. ft. / 300 sq. ft.	34 parking stalls
Total Required		93 parking stalls
Total On-Site Provided		122 parking stalls

Business and professional office uses require a parking ratio of one (1) parking stall per each 300 square feet of gross floor area. Manufacturing, warehouses, storage uses, and wholesale uses require one (1) space for each two employees, plus one space for each 300 square feet of office space and customer net floor area, plus one loading space for each 10,000 square feet of gross floor area. Cumulatively, there is a sufficient amount for parking on the site for all the current uses

Site Improvements

The project was reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report. It should be noted the project site will include frontage improvements along South Pine Street and Gill Avenue.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of an office use in an industrial zone district is not specifically addressed in the vision or action plans, the overall project does directly support the Vision Statement, “Good Jobs and Economic Opportunities” and the creation of “a strong and diverse economy, supporting the local tax base and essential community services that provides living wage opportunities for all its community members.”

RECOMMENDATION

The information presented in this report provides support for the conditional approval of the use permit and site plan review request. It is recommended that the Commission consider the information in this report, as well as testimony in the public hearing, and make a determination on CUP 2020-08 and SPR 2020-05, subject to the findings and the recommended conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on CUP 2020-08 and SPR 2020-05 and determine to either:

- Approve the applications with or without conditions
- Continue the hearing, or
- Deny the applications

Any action by the Commission approving or denying the applications is subject to appeal to the City Council within fifteen calendar days of the Commission’s action.

Motion 1: Move to approve CUP 2020-08 and SPR 2020-05, subject to the findings and conditions of approval as listed:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- The establishment of an office use is consistent with the purpose and intent of the I (Industrial) General Plan land use designation and the I (Industrial) Zone District which provides for the use, subject to the issuance of a conditional use permit.
- As conditioned, the interior conversion of the industrial warehouse to an office use will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- As conditioned, the establishment, maintenance or operation of the office use will not, under the circumstances of this 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.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize CUP 2020-08 within one year following the date of this approval shall render CUP 2020-08 null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. CUP 2020-08 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of CUP 2020-08 and owners of the property voluntarily submitting to the City a written request to permanently extinguish CUP 2020-08.
4. SPR 2020-05 shall expire one year from date of issuance, unless positive action is taken on the project as provided in the Madera Municipal Code (MMC) or required action is taken to extend the approval prior to the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
5. CUP 2020-08 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.
6. The project shall be developed in accordance with the site plan, floor plan and elevation drawings, as reviewed and approval with SPR 2020-05. Minor modifications to the site plan necessary to

meet regulatory or engineering constraints may be made with the approval from the Planning Manager/City Engineer.

7. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
8. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to any building permit final issuance.

Building Department

9. A building permit is required for all improvements. All construction on the site shall meet California Building Code, California Fire Code, and Americans with Disabilities Act requirements prior to occupancy.
10. Current State and Federal handicap requirements shall apply to the entire site, structures, and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

Engineering Department

General

11. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
12. The developer shall pay all required fees for completion of the project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing, and improvement inspection fees.
13. Improvements plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.
15. In the event archeological resources are unearthed or discovered during any construction activities on-site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
16. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
17. All off-site improvements shall be completed prior to issuance of final occupancy.

Sewer

18. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.

19. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards
20. Sewer main connections 6" and larger in diameter shall require manhole installation.

Streets

21. The developer shall install sidewalk and reconstruct driveways as may be necessary along the South Pine Street and Gill Avenue project frontages in accordance with current City and ADA standards.
22. The developer shall reconstruct driveways as may be necessary to conform to current City and ADA standards for an accessible path of travel.
23. The developer shall construct an ADA access ramp on the northeast corner of South Pine Street and Gill Avenue in accordance with current City and ADA standards.
24. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk in accordance with current City and ADA standards.
25. The developer shall record a reciprocal ingress/egress, utility and parking easements acceptable to the City of Madera across the entire project site and applicable to all parcels. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall pay associated fees with the Engineering Department.
26. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
27. If the applicant believes that a hardship waiver is applicable based on the cost of these ADA improvements in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.

Water

28. New or existing water service connection(s), including landscape areas, shall be upgraded or constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.
29. A separate water meter and backflow prevention device will be required for existing or proposed landscape areas.
30. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.

Fire Department

31. Changes to any fire protection system (fire sprinklers, fire alarms systems), shall require building permits for fire approval.
32. A Knox box shall be provided if not already existing.

33. Fire extinguishers shall be provided in accordance with the California Fire Code. A minimum of one 2A10BC rated fire extinguisher is required for each 3,000 square feet or fraction thereof and the travel distance shall not exceed 75-feet from the any point in the structure to reach a fire extinguisher.
34. The design shall provide adequate fire-rated separations as required by the California Building Code and California Fire Code. All fire-rated assemblies shall be fully detailed.
35. If the building is not currently equipped with fire sprinklers, fire sprinklers shall be provided.

Planning Department

General

36. On-site vandalism and graffiti shall be corrected per the MMC.
37. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster and refuse containers on the subject property.
38. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
39. The applicant shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use may be cause for revocation of these permit.

Office Conversion

40. CUP 2020-08 allows for the office use within the proposed interior conversion of approximately 10,000 square foot tenant space at 675 South Pine Street.
 - a. Office uses shall be inclusive of Accountant / Architect / Attorney / Civil Engineer or Surveyor's Drafting / Collection Agency / Insurance / Private Detective / Real Estate / Social Worker / or other administrative or subcategory of the listed uses.
 - b. Office uses not compatible shall not be allowed include but are not limited to Chiropractor / Cosmetologist / Dentist / Doctor / Funeral Parlor or other medical/therapeutic or subcategory of the listed uses.
41. The conversion of the building approved as part of SPR 2020-05 shall be in close conformance with the building floor plan and elevation drawings, as reviewed and approved by the Commission. The future subdivision of the open office space shall not occur without first securing a building permit.
42. The applicant/developer shall provide the Planning Department with a final color and materials board and representative color section rendergin of the interior & exterior elevations.

Landscaping

43. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect and submitted to and approved by the Planning department prior to issuance of a building permit. The plans shall include:

- Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.
- Landscaped areas shall be developed along all street frontages and within parking fields.
- Landscaped areas are to be provided with permanent automatic irrigation systems.
- Shade trees shall be planted every 45 feet in the landscaped area along the Almond Avenue and Gateway Drive frontages.
- A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.

44. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the city. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

Parking

45. Parking stalls shall be developed in close conformance with the approved site plan drawings.

46. Onsite parking shall be provided at all times in conformance with the MMC. Further expansion of the use or additional or accessory uses may require the provision of additional parking spaces in compliance with City standards prior to the establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.

Signage

47. Signage shall be in accordance with City standards, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.

(OR)

Motion 2: Move to continue the public hearing on CUP 2020-08 and SPR 2020-05 to the June 9, 2020 Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for CUP 2020-08 and SPR 2020-05, based on the following findings: (specify)

ATTACHMENTS

Attachment 1: Aerial Map

Attachment 2: Site Plan, Floor Plan & Building Elevations

Attachment 1: Aerial Map



Attachment 2: Site Plan, Floor Plan & Building Elevations

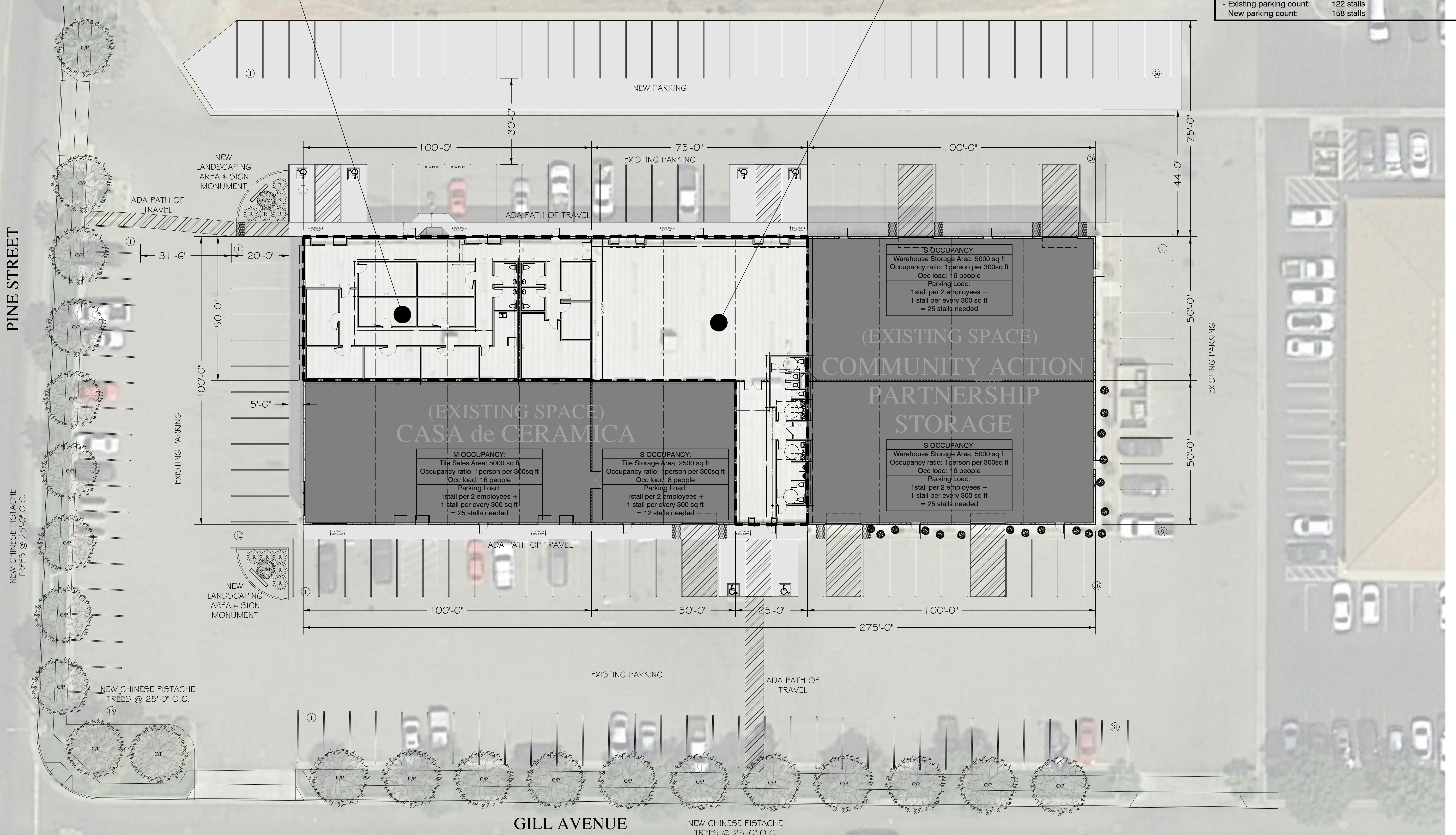
PROPOSED TENANT IMPROVEMENT (10,000 sq ft)

-- OPEN LOT --

Tenant Improvement: B1 OCCUPANCY:
Warehouse Storage Area: 4917 sq ft
Occupancy ratio: 1 person per 100sq ft
Occ load: 49 people
Parking Load:
1 stall per every 300 sq ft
= 17 stalls needed

Tenant Improvement: B1 OCCUPANCY:
Open Office Space: 3568 sq ft
Occupancy ratio: 1 person per 100sq ft
Occ load: 36 people
Parking Load:
1 stall per every 300 sq ft
= 12 stalls needed

SITE DATA	
- Proposed:	
- Tenant Improvement (10,000 sq ft) - Conversion of warehouse and whole sale retail space to office space	
- Existing Building size: 27,500 sq ft	
- Zoning: Light "I", Light Industrial	
- Existing Tenants:	
- Suite 101 - (mechanical hardware vendor; wholesale retail)	
- Suite 102 - (mechanical hardware vendor; warehouse)	
- Suite 103 - (tile vendor; retail)	
- Suite 104 - (warehouse)	
- Suite 105 - (Tile vendor; warehouse)	
- Suite 106 - (warehouse)	
- Existing parking count:	122 stalls
- New parking count:	158 stalls



REVISION:	BY:	DATE:

OWNER:
DAVID BERRY
413 W. YOSEMITE
MADERA, CA
93637
559-674-2491

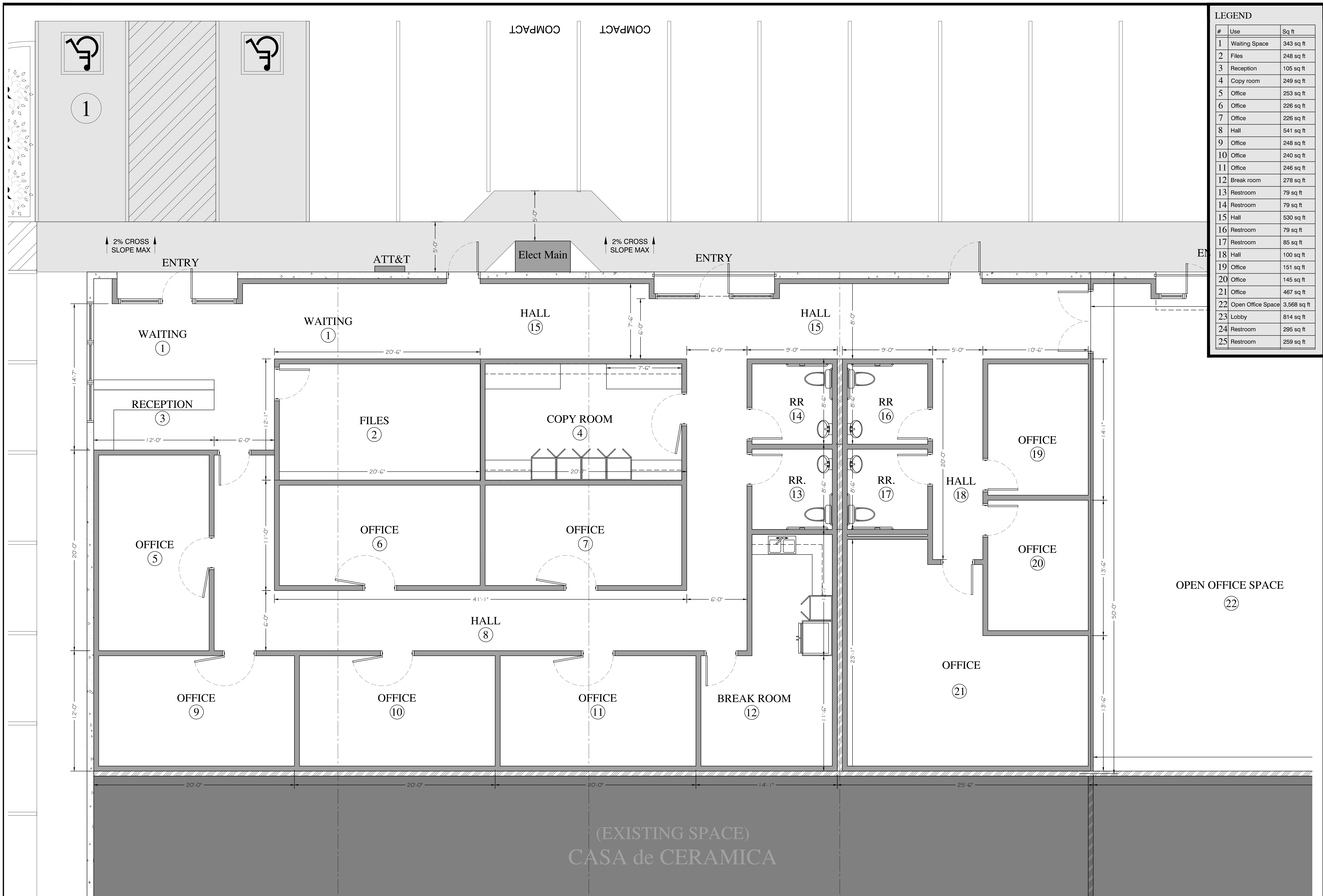
SITE PLAN:
Tenant Improvement
675 S. Pine Street, Madera, CA 93637

DRAWN BY: R. ZUNIGA
CHECKED BY: T. PHILLIPS
DATE: 3-20-20
SCALE: NONE
JOB #: XX-XXX
SHEET:

ST1
SITE PLAN

Gill Ave
EXISTING SITE PLAN
SCALE: 1/16" = 1'-0"

03BERRY160271/external/Department/ACAD/plan/2015/Plan_Tenant Improvement 3-20-20.dwg, 02/03/2020 11:02 AM



#	Use	Sq ft
1	Waiting Space	343 sq ft
2	Files	248 sq ft
3	Reception	105 sq ft
4	Copy room	249 sq ft
5	Office	253 sq ft
6	Office	226 sq ft
7	Office	226 sq ft
8	Hall	541 sq ft
9	Office	248 sq ft
10	Office	240 sq ft
11	Office	246 sq ft
12	Break room	278 sq ft
13	Restroom	79 sq ft
14	Restroom	79 sq ft
15	Hall	530 sq ft
16	Restroom	79 sq ft
17	Restroom	85 sq ft
18	Hall	100 sq ft
19	Office	151 sq ft
20	Office	145 sq ft
21	Office	467 sq ft
22	Open Office Space	3,568 sq ft
23	Lobby	814 sq ft
24	Restroom	295 sq ft
25	Restroom	259 sq ft

REVISION:	BY:	DATE:

BERRY
 413 W. YOSEMITE AVE - MADERA, CA - 93637
 PH: 559-674-2491 FAX: 559-674-1154

OWNER:
 DAVID BERRY
 413 W. YOSEMITE
 MADERA, CA
 93637
 559-674-2491

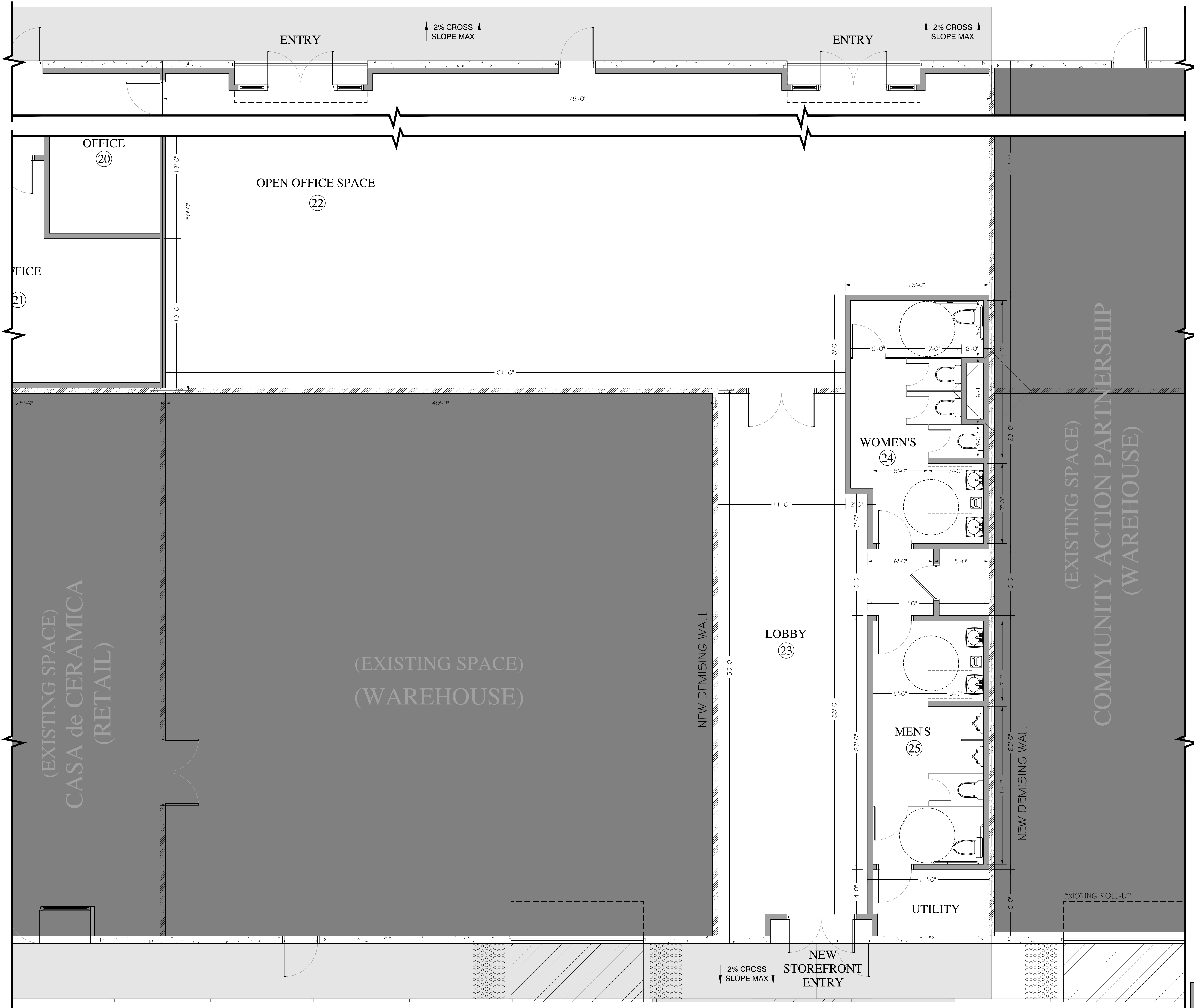
FLOOR PLAN - OFFICES:
Tenant Improvement
 675 S. Pine Street, Madera, CA 93637

DRAWN BY:
 R. ZUNIGA
 CHECKED BY:
 T. PHILLIPS
 DATE:
 11-7-19
 SCALE:
 NONE
 JOB #:
 XX-XXX
 SHEET:

A2
 FLOOR PLAN - OFFICES

FLOOR PLAN - OFFICES
 SCALE: 1/8" = 1'-0"

03BERRY PROJECT/Interior Department/ACAD plan/05.5.Plan - Tenant Improvement 3-23-20.dwg, 6/25/2020 11:24 PM



LEGEND

#	Use	Sq ft
1	Waiting Space	343 sq ft
2	Files	248 sq ft
3	Reception	105 sq ft
4	Copy room	249 sq ft
5	Office	253 sq ft
6	Office	226 sq ft
7	Office	226 sq ft
8	Hall	541 sq ft
9	Office	248 sq ft
10	Office	240 sq ft
11	Office	246 sq ft
12	Break room	278 sq ft
13	Restroom	79 sq ft
14	Restroom	79 sq ft
15	Hall	530 sq ft
16	Restroom	79 sq ft
17	Restroom	85 sq ft
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20	Office	145 sq ft
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REVISION:	BY:	DATE:

BERRY
 413 W. YOSEMITE AVE - MADERA, CA - 93637
 PH: 559-674-2491 FAX: 559-674-1154

OWNER:
 DAVID BERRY
 413 W. YOSEMITE
 MADERA, CA
 93637
 559-674-2491

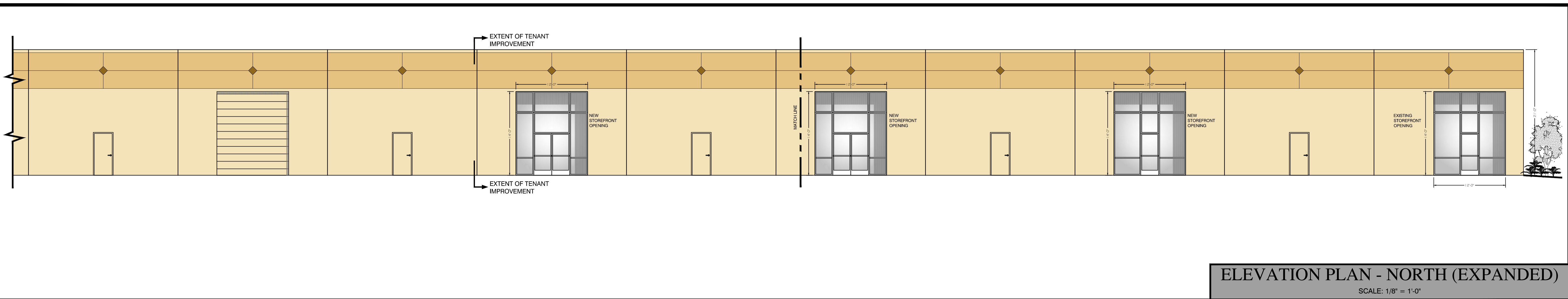
FLOOR PLAN - TRAINING CENTER & RESTROOMS:
Tenant Improvement
 675 S. Pine Street, Madera, CA 93637

DRAWN BY:
 R. ZUNIGA
 CHECKED BY:
 T. PHILLIPS
 DATE:
 11-7-19
 SCALE:
 NONE
 JOB #:
 XX-XXX
 SHEET:

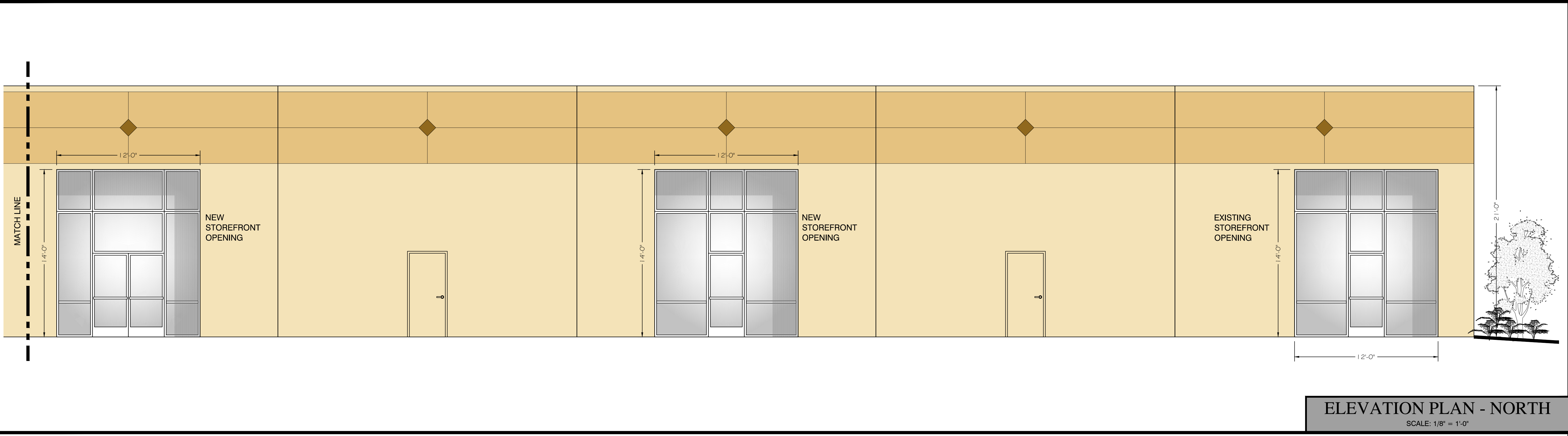
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FLOOR PLAN - TRAIN. & RR's
 SCALE: 1/8" = 1'-0"

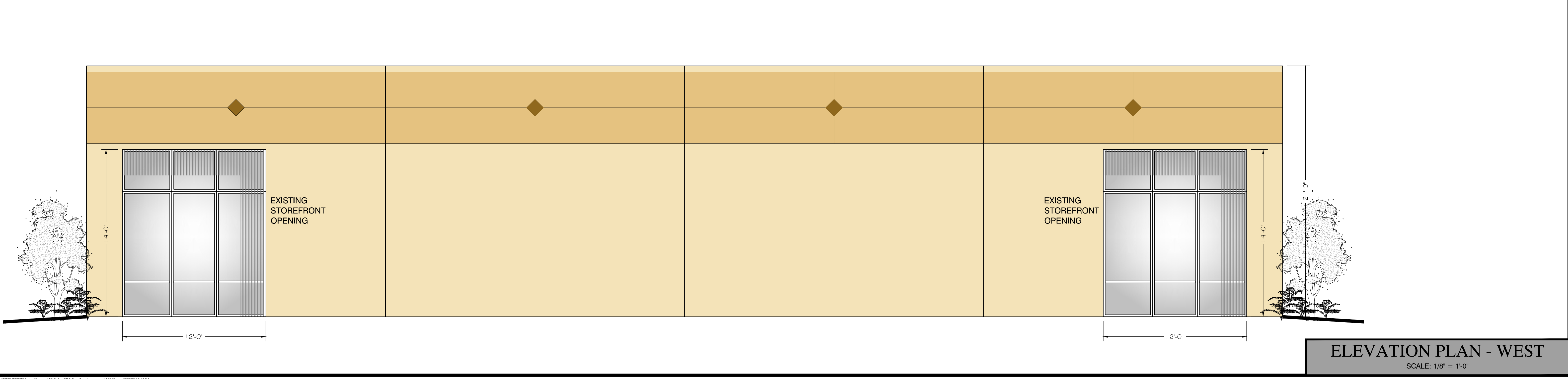
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ELEVATION PLAN - NORTH (EXPANDED)
SCALE: 1/8" = 1'-0"



ELEVATION PLAN - NORTH
SCALE: 1/8" = 1'-0"



ELEVATION PLAN - WEST
SCALE: 1/8" = 1'-0"

REVISION:	BY:	DATE:

BERRY
413 W. YOSEMITE AVE - MADERA, CA - 93637
PH: 559-674-2491 FAX: 559-674-1154

OWNER:
DAVID BERRY
413 W. YOSEMITE
MADERA, CA
93637
559-674-2491

ELEVATION PLANS:
Tenant Improvement
675 S. Pine Street, Madera, CA 93637

DRAWN BY:
R. ZUNIGA
CHECKED BY:
T. PHILLIPS
DATE:
3-20-20
SCALE:
NONE
JOB #:
XX-XXX
SHEET:

A4
ELEVATION PLANS

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