

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

**CITY HALL – COUNCIL CHAMBERS
TUESDAY
January 12, 2021
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: [94238993380#](tel:94238993380) followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/94238993380>. Public comment will also be accepted via email at planningcommissionpubliccomment@madera.gov.

CALL TO ORDER

ROLL CALL

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

Commissioner Appointee Rohi Zacharia

INTRODUCTION OF STAFF

INTRODUCTION OF NEW PLANNING COMMISSIONER APPOINTEES

Commissioner Ramon Lopez-Maciel
Commissioner Rohi Zacharia

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: November 10, 2020

PUBLIC HEARING ITEMS:

1. SPR 2009-21 EXT 8 – Foxglove Shopping Center

A request for a one-year extension of an approved site plan review and various conditional use permits in support of the development of a retail shopping center. The site is located on the southeast corner of N. Schnoor Ave. and Foxglove Way in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. APN's: 013-160-005 & 013-160-016. An environmental impact report was certified by the City on February 12, 2103 for the approved site plan review and conditional use permits. No further environmental review is required for the proposed extension.

2. TSM 2005-15 MOD EXT 1 – Sienna Estates Extension

A request for extension of an approved tentative subdivision map which was originally approved in 2005, and modified in 2017, allowing for the development of the Sienna Estates Subdivision, a 138-lot phased tentative subdivision map. The project site is a twenty-six acre parcel located on the north side of Storey Rd., approximately 1700 feet east of its intersection with State Route 145 in the PD-4500 (Planned Development) Zone District with a MD (Medium Density) General Plan land use designation (APN's: Multiple). A Mitigated Negative Declaration was certified for the approved tentative subdivision map on January 11, 2005. No further environmental review is required for the proposed extension.

3. ABN 2020-03 – Hall of Justice

An application for partial abandonment (ABN 2020-03) of an alley to accommodate the Madera County Hall of Justice project. The alley runs parallel to South H Street and South G Street, with access via 7th Street and 8th Street. The affected parcels are APNs 010-162-001, 002, 009, 010, 011, and 012. The abandonment is approximately 4,000 square feet which will be merged with the adjacent parcels. Pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act (CEQA), a Notice of Exemption will be considered for this application.

NON-PUBLIC HEARING ITEMS: None

ELECTION OF OFFICERS:

1. Election of Planning Commission Chair and Vice Chair

ADMINISTRATIVE REPORTS:

1. League of California Cities 2021 Planning Commissioners academy, March 24 – 26, 2021.

COMMISSIONER REPORTS:

ADJOURNMENT:

The next regular meeting will be held on February 9th, 2021.

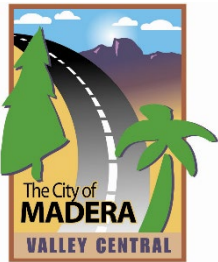
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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

Staff Report: Foxglove Shopping Center Extension SPR 2009-21 EXT8 Item # 1 – January 12, 2021

PROPOSAL: A request for a one-year extension (SPR 2009-21 EXT8) of an approved site plan review and various conditional use permits in support of the development of a retail shopping center.

APPLICANT:	Zinkin Development Richard Fairbank 5 E River Park Place West, Ste 203 Fresno, CA 93720	OWNER:	Dewayne Zinkin Family Partnership LP 5 E River Park Place West, Ste 203 Fresno, CA 93720
ADDRESS:	None	APN:	013-160-005 & 013-160-016
APPLICATION:	SPR 2009-21 & CUP 2013-04, 05, 06 & 07	CEQA:	Environmental Impact Report (Previously Adopted)

LOCATION: The project site is located on the southeast corner of Schnoor Avenue and Foxglove Way.

STREET ACCESS: Foxglove Way and Schnoor Avenue

PARCEL SIZE: Approximately 19.51 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Commercial)

SITE CHARACTERISTICS: The subject property is approximately 20 acres in size. The Home Depot Shopping Center and Sonic Drive-thru restaurant are located north of the site. Madera Market Place is located to the south. Schnoor Avenue fronts the property to the west. A Madera Irrigation District canal and State Route 99 are located directly east of the site. The project site contains unimproved disturbed land.

ENVIRONMENTAL REVIEW: This project has previously been environmentally assessed. An environmental impact report, mitigation monitoring and reporting program, statement of overriding considerations, and related findings for all project components were completed in conjunction with the proposal. The environmental impact report was certified by the Planning Commission on February 12, 2013. The setting for the project has not substantially changed since the adoption of the EIR. No additional development in the area has occurred since the approval of SPR 2009-21 that would require additional environmental analysis of the project. The extension of time does not involve any physical changes in the environment and hence does not have the potential for causing a significant effect on the environment. There is no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. None of the mitigation measures and

alternatives previously determined to be infeasible are now feasible. In addition, no new mitigation measures or alternatives that would substantially reduce one or more significant effect on the environment have been identified. Therefore, the adopted EIR is sufficient and, pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

SUMMARY: The shopping center remains compatible with surrounding commercial properties and is designed to be a positive attribute to the area. The information presented in this report supports conditional approval of the requested one-year time extension. All previously approved Site Plan and CUP conditions of approval remain in effect. No amendments to the original conditions of approval are proposed or recommended. It is recommended that a one-year time extension, identified as SPR 2009-21 EXT8, for the site plan review and conditional use permits be approved by the Planning Commission.

APPLICABLE CODES AND PROCEDURES

MMC §10-3.4.0114 Lapse of Site Plan Approval
MMC §10-3.1311 Termination and Revocation
California Public Resources Code Section 21000 et. seq., California Environmental Quality Act.

The Commission, in considering the one-year time extension request, may approve, deny or conditionally approve the one-year time extension. If the one-year time extension is denied, the applicant may re-file the site plan review and conditional use permit requests for further consideration by the Planning Commission. The applicant has made a written request for a one-year extension to February 12, 2022 consistent with the Planning Commission's prior approval of the project.

PRIOR ACTION

The site plan review and conditional use permit entitlements were approved by the Planning Commission on February 12, 2013. One-year time extensions for the originally approved Site Plan Review (SPR 2009-21) and Conditional Use Permits (CUPs 2013-04, 05, 06 and 07) have been granted by the Planning Commission annually since 2014.

ANALYSIS

The project proposes to develop a retail shopping center with up to 191,500 square feet of tenant space on approximately 20 acres of land. A primary anchor space will contain approximately 84,000 square feet gross floor area. Several smaller anchors, shops and freestanding pads will fill out the total square footage. Site Plan Review 2009-21 (SPR 2009-21) establishes a site plan, building design, and construction requirements for the proposed shopping center. Multiple conditional use permits (CUPs 2013-04, 05, 06 and 07) memorialize uses such as outdoor seating, a drive-thru window, and alcohol sales in conjunction with restaurants and retail stores planned for the retail shopping center.

The project site was historically used for agricultural purposes. Recent activity has been limited to annual weed control. The project site remains vacant and unimproved.

The applicant requested one-year time extension to the site plan review and use permits in a written communication dated December 8, 2020. Over the past year, the property owner has been in contact with prospective tenants who have put their plans on hold due to COVID-19. The applicant is requesting the extension so that they can move forward with the project as soon as there is commitment from the

major tenant. As there have not been substantive changes in the City’s Zoning Ordinance over the past year, a new application for the same project would likely generate similar conditions, hence, a time extension rather than a re-filing is appropriate.

If approved by the Commission, the project will have an additional year to commence construction. In total, eight years of time will have been granted to the project proponents since the original approval in 2013.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of an extension to the previously approved site plan review is not specifically addressed in the vision or action plans, the overall project does indirectly support Action 115.1 to “encourage viable economic development”.

RECOMMENDATION

The information presented in this report supports approval of a resolution approving a one-year extension of the site plan review and conditional use permits as originally conditioned. It is recommended that the Commission consider the information in this report, as well as testimony received at the public hearing, and make a determination on SPR 2009-21 EXT8, subject to the findings and original conditions of approval below.

PLANNING COMMISSION ACTION

The Commission will be acting on the one-year time extension for SPR 2009-21 and CUPs 2013-04, 05, 06 and 07 (SPR 2009-21 EXT8) and determining to either:

- Adopt a resolution approving SPR 2009-21 EXT8 as originally conditioned (Motion 1); or
- Continue the hearing to February 9, 2021 with direction to staff to return with an updated resolution with appropriate findings and/or modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and/or conditions of approval) (Motion 2); or
- Move to continue the application for SPR 2009-21 EXT8 to the February 9, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.) (Motion 3).

Motion 1: Move to approve a one-year time extension to February 12, 2022, for SPR 2009-21 and CUPs 2013-04, 05, 06 and 07, collectively identified as SPR 2009-21 EXT8, subject to the original conditions of approval as follows:

Findings to Approve Site Plan Review Approval One-Year Time Extension

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

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). Site Plan Review 2009-21 is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is not subject to any applicable specific plans.

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

Site Plan Review 2009-21 has been previously reviewed and is consistent with surrounding uses.

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

Site Plan Review 2009-21 as approved is consistent with established street and circulation improvements and conditioned to conform with City policies and improvement standards for street improvements, dedication, and safety. The previously approved SPR has been subject an EIR certified by the City.

(OR)

Motion 2: Move to continue the public hearing on a one-year time extension on Site Plan Review 2009-21 and Conditional Use Permits 2013-04, 05, 06 and 07 to the February 9, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for the following reasons: Specify – Planning Commission should articulate reasons for modifications to findings and/or conditions of approval)

(OR)

Motion 3: Move to continue the application for a one-year time extension on Site Plan Review 2009-21 and Conditional Use Permits 2013-04, 05, 06 and 07 to the February 9, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify- Planning Commission should articulate reasons for denial)

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Conditions of Approval for SPR 2009-21 and CUPs 2013-04, 05, 06 and 07

Attachment 3: Extension Request Letter

Attachment 4: Planning Commission Resolution for SPR 2009-21 EXT8

Attachment 2: Conditions of Approval for SPR 2009 21 and CUPs 2013-04, 05, 06 and 07

SPR 2009-21 AND CUP 2013-04, 05, 06, AND 07 (FOXGLOVE RETAIL CENTER) **CONDITIONS OF APPROVAL**

A. Site Plan Review Conditions

General Conditions

1. The project approval is conditioned upon acceptance of these conditions contained herein within 30 calendar days, as evidenced by the applicant's signature on a required acknowledgment form.
2. The applicant's or owner's failure to utilize this site plan review within one year following the date of this approval shall render the site plan review null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. The approval of this site plan review authorizes the development of the improvements as specified in the site plan, subject to the revisions and clarifications required in these conditions of approval below. All standard permits and approvals required for the improvements, including, but not limited to building permits, grading permits, and construction permits, shall be obtained prior to commencing construction. Modifications to actual building/unit sizes may be authorized by the Community Development Director prior to the issuance of building permits. Such changes may not substantively change the nature of the site plan or building elevations and may not increase the overall square footage allowances for the development as specified in the environmental impact report for the project.
4. Any changes to the site plan required after, or because of, the preparation of grading plans, final on and off-site utility plans, or other changes made by the developer will require the approval of the Community Development Director. Substantive changes to the site plan, as determined by the Community Development Director, may require the completion of an amended site plan review process.
5. The development of the shopping center shall be subject to compliance with, and implementation of, the mitigation measures identified in the mitigation monitoring and reporting program approved as part of the Foxglove Shopping Center Final Environmental Impact Report.

Engineering Department

6. Engineering plans for off-site improvements and for on-site public improvements shall comply with Section 27 of the City of Madera Standard Plans and Specifications and approved addenda and shall be submitted to the City Engineer for review and approval, prior to issuance of building permits. Engineering plans shall be wet stamped by a licensed civil engineer and shall be accompanied by a final site plan showing existing and/or re-established lot corner monuments, including a bearing and distance for each boundary line. Plans shall show dedication of all land by easements or other mechanism which may be acceptable to the City for all public streets, sanitary sewer mains (on and off site), water mains (on and off site), storm drains lines (on and off site) and detention basins.
7. Construction work within the City rights-of-way shall not begin prior to obtaining an encroachment permit from the Engineering Division in accordance with Section VI, Madera Municipal Code. All

encroachment permits shall be obtained prior to the commencement of construction within the public rights of way.

8. Excavated or graded material shall be sufficiently watered to prevent excessive amounts of air borne dust. Watering should occur at least twice a day with complete coverage, preferably in the late morning and after work as directed by the City Engineer.
9. Material transported offsite should be securely covered to prevent excessive amounts of dust.
10. Streets adjacent to the project may be required to be swept and silt removed manually or mechanically at least once a day as required by the City Engineer. Water hosing will not be allowed as a cleanup method.

Grading and Drainage

11. Under the direction of a licensed architect or civil engineer, a site grading and drainage plan shall be prepared. No lot fill, rough grading or rough plumbing shall commence until plans are approved. The grading plan should include cut and fill quantities, along with a City Engineer approval signature line. This plan shall demonstrate that storm water drainage will be adequately handled. This plan shall be approved by the City Engineer prior to the issuance of any building permits. Storm drainage runoff engineering calculations shall be submitted for compliance with City standards.
12. As part of a master grading plan, the applicant shall provide detailed drainage calculations to demonstrate to the satisfaction of the City Engineer that the existing storm drain basin (Basin 43550) located southwest of the intersection of Foxglove Way and Schnoor Avenue is sufficiently sized to accommodate both the commercial development and the Fairgrounds related storm water runoff. Calculations shall be submitted for basin capacity and sizing of onsite main.
13. The site shall be graded to provide drainage to approved storm drainage facilities. Fill in excess of 8-inches requires compaction tests when supporting structures. Geotechnical and soil testing reports shall be submitted prior to issuance of building permits in compliance with state requirements.
14. Grading certification by developer's soils and civil engineers upon completion of each building pad shall be provided by letter or as built plans prior to temporary or final occupancy.

Streets and Drives

15. The development shall implement any and all traffic mitigation measures specified in the Final Environmental Impact Report and Mitigation Monitoring and Reporting Program prepared for the Foxglove Shopping Center project. All measures requiring physical improvements shall be incorporated into civil improvement plans required pursuant to Condition #6.
16. Proposed entrances on North Schnoor Avenue shall be a minimum of 24 feet wide, shall be street type entrances with minimum face of curb radius of 15 feet and shall include the construction of standard handicapped ramps with an ADA accessible path from ramp to ramp. Proposed driveways shall be spaced in accordance with the results of the traffic study prepared for this project.
17. A median island shall be constructed on Foxglove Way that extends from North Schnoor Avenue to a minimum of 50 feet east of the first driveway on the north side of Foxglove Way.

18. Project driveways on Foxglove Way should be aligned with those on the north side of the street. If this is not feasible due to overall project design constraints, reasonable measures shall be implemented to minimize vehicular conflicts.
19. Free and unimpeded access shall be maintained from this development to the Marketplace shopping center located to the south.
20. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.
21. Prior to the issuance of a grading permit, the developer shall dedicate an additional 8 feet to an existing 7-foot Public Utility Easement (PUE) to complete a 15-foot PUE along North Schnoor Avenue.
22. Prior to the issuance of the grading permit, the developer shall record a reciprocal ingress/egress, utility and parking easement acceptable to the City of Madera across the entire center that is applicable to all existing and/or future parcels. The easement shall provide the mutual right to cross access and parking for all future uses. With such easements in place, compliance with City parking standards for each building will be based on total number of spaces available at the Center.
23. Prior to issuance of a grading permit, the developer shall cause the existing 60-foot wide easement for access and utilities to be shifted westward to avoid the proposed structures being constructed within the easement.
24. The developer shall reimburse its fair share of cost to the City for previously constructed infrastructure in and on Foxglove Way to the extent that such infrastructure is utilized by the project. The developer shall not be responsible for reimbursement of cost for those improvements removed due to the project's reconstruction of Foxglove Way or improvements otherwise not incorporated into the project. Determination of fair share costs will be calculated in conjunction with submittal and review of civil plans for off-site improvements.
25. Additional detailed review will be conducted by the City when more detailed off-site street plans, and on/off site utility plans are submitted to the City; additional requirements may be specified based on this subsequent review. This will include, but not be limited to, further refinement to street plan for Foxglove Way alignment from Schnoor Avenue through transition to private drive alignment on the project site.

Sewer

26. Sewer service connection shall be constructed to current City standards.
27. Sewer connections larger than 4 inches shall require construction of a manhole.
28. Existing septic tanks, if found, shall be removed, permitted, and inspected by the City of Madera Building Department.
29. Prior to the issuance of encroachment permits to construct utility connections, the developer shall reimburse its fair share of cost to the City for the previously constructed sewer main in North Schnoor Avenue. Total reimbursement due by the developer to the City is \$12,293.00.

Water

30. Water service connection(s) shall be constructed to current City standards including water meter(s) located within the City right-of-way and shall read in cubic feet. A backflow prevention device shall be located within private property.
31. A separate water meter and backflow prevention device will be required for landscape consumption.
32. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
33. Prior to the issuance of encroachment permits to construct utility connections, the developer shall reimburse its fair share of cost to the City for the previously constructed water main in North Schnoor Avenue. Total reimbursement due by the developer to the City is \$7,822.00.
34. Additional detailed review of the water system requirements will be conducted by the City when more detailed off-site street plans, and on/off site utility plans are submitted to the City; additional requirements may be specified based on this subsequent review.

Planning Department

Site Plan and Building Design - General

35. This site plan approval authorizes the development of an integrated shopping center with a cohesive parking and circulation system and consistent design criteria. All buildings, regardless of tenant, shall be designed and constructed in a manner consistent with the City's Design and Development Guidelines for Commercial Development and the master design guidelines prepared for the project.
36. Consistent with the above described guidelines, consideration will be given to all tenants to be allowed to retain important elements of their corporate identity and architectural details which support their branding and themed experience. While buildings and related site features shall incorporate a standard color palette, architectural features, roof types, and materials, etc., they may feature such aforementioned corporate elements and architectural details as well as variations to the color palette. Final elevations for all buildings/units are subject to the approval of the Community Development Director prior to the issuance of building permits.
37. The landscape and irrigation plan submitted for the project shall be in compliance with the State Department of Water Resources Model Water Efficient Landscape Ordinance.
38. Prior to the issuance of the first building permit, a final landscaping plan for the shopping center shall be submitted which encompasses the following revisions and clarifications:
 - a. A phasing plan for all site landscaping shall be submitted for approval.
 - b. All landscaping areas shall have a minimum of 75% vegetative ground cover.
 - c. Indicate species, size and spacing of shrubs where used. Clear distinction between landscaping symbols should be provided.
 - d. Clearly designate what is ground cover and what is turf.

- e. Landscape islands with shade trees separating facing parking stalls shall be a minimum of 5'x18' (at outside of curb). Where used, tree wells shall be a minimum of 5' in length and minimum of 5' in width (at outside of curb).
 - f. Raised planters, free standing planters (pots, containers), and tree wells in walking surfaces (with grates) shall be incorporated along storefronts which abut parking spaces.
 - g. Root barriers shall be provided for all trees which are planted 5' or less from curb, gutter and walkways.
 - h. Along the rear of the site, adjacent to the existing MID canal, it is recommended that efforts be made to create a more functional screen of this area for views from SR99. This can be accomplished in a variety of ways, including through the addition of berms or solid fencing, by planting additional evergreen trees, or combination thereof.
 - i. All landscaping shall be developed with permanent irrigation systems and shall be controlled with an irrigation control system approved by the Parks and Community Services Director. Tree wells should provide for deep watering versus surface watering.
 - j. All unpaved areas within the public right-of-way along the street frontages shall be landscaped and maintained by the developer/property owner. Landscaping shall be continuous from the curb-face, around the sidewalks, and up to the pavement in the parking area. Detailed landscape and irrigation plans shall be submitted and approved by the Parks and Community Services Director prior to issuance of any building permits. Street trees shall be placed as specified in the approved landscaping plan. No temporary or permanent occupancy of any buildings shall be approved until the landscaping has been installed as per the landscaping phasing plan and approved by the Parks and Community Services Director.
 - k. Any fencing, landscaping and irrigation within the public right-of way shall not be installed until the Parks and Community Services Director approves the plans. Any deviation shall require prior written request by the developer and approval by the Parks and Community Services Director. Removal or modification shall be at the developer's expense. A landscaping water meter (if applicable) shall be connected after a back-flow device.
 - l. The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain the landscaping design approved as part of the project's landscape and irrigation plan(s). This includes, but is not limit to, ensuring properly operating irrigation equipment at all times, trimming and pruning trees and shrubs, mowing lawns consistent with industry standards, replacing dead or unhealthy vegetation, etc.
 - m. Landscaping inspection fees for this project shall be paid in accordance with the fee schedule adopted by the Resolution of the City Council, no later than the issuance of building permits for the first building.
39. The location of all exterior transformers and similar utility/service equipment within the parking and circulation areas, common areas, and landscaped areas shall be shown on building plans; above ground features shall be screened with a combination of landscaping, berms, architecturally treated walls, etc. to the satisfaction of the Community Development Director.

40. All building-related electrical and utility service panels and equipment shall be enclosed in mechanical rooms or screened from public views with architectural features or landscaping.
41. Roof access ladders shall be located inside the buildings or be located within an enclosure matching the adjacent architectural features.
42. Submit for review and approval a lighting plan and information (tear sheets) on fixtures. This should be accomplished in conjunction the requirements of the mitigation measures required for the project.
43. Outdoor lighting fixtures shall be directed downward and shielded away from adjacent properties, unless accent lighting is specifically authorized by the City. Any nuisance lighting conditions which are found to exist after commencement of operation shall be corrected by the owner to a configuration that is acceptable to City at the owner's expense, within (30) days of notification by the City.
44. A plan for internal pedestrian crossings shall be submitted for review and administrative approval by the Community Development Director which indicates the type and design of pavement markers (e.g., stamped concrete, pavers) pursuant to the provisions of the Master Design Guidelines. The use of painted lines in lieu of alternative pavement types to delineate pedestrian connections should be used only where alternative pavement is limited by ADA access requirements.
45. To the extent feasible, pedestrian connections/sidewalks shall be meandered with landscape strips to avoid long, continuous paved edges. Meander may be accomplished with a curvilinear or angular pattern.
46. The placement and design of bollards or planters adjacent to store fronts shall be shown on the building plans for all buildings. Any such features shall be consistent with the overall architectural style for the center. Bollards shall have decorative features rather than simple solid pipes or posts and may vary by design.
47. Submit for review and administrative approval by the Community Development Director, a plan and detail for refuse storage areas. Where any side is exposed to public view, landscape screening (and berm, where possible) shall be incorporated, or the enclosure shall be surfaced with an architectural treatment compatible with the adjacent building.
48. Provide details and locations for cart storage areas in conjunction with each building permit application. Storage areas shall be buffered with landscaping or architectural features. The only signage allowed will be a basic symbol.
49. Vandalism and graffiti shall be corrected at the owner's expense within 72 hours of notification.

Site Plan and Building Design – Specific Modifications

50. Light sconces or other architectural embellishments should be included along building frontages to break up wall mass. Wainscoting and/or banding treatment are recommended at columns and entryways.
51. Major A – The building shall be modified in accordance with the provisions of the City's Design and Development Guidelines. A stucco finish shall be applied to the front exterior elevation, currently

presented as a painted CMU (Concrete Masonry Unit) block finish. This would bring the lines and exterior finish of the building closer to the conceptual elevations of other buildings in the shopping center.

52. Shops A1 and A2 – The buildings shall be modified in accordance with the provisions of the City’s Design and Development Guidelines. Landscape features such as tree wells and/or planter beds shall be included at the rear of buildings where currently none are indicated. The use of awnings or other structures placed over rear service doors should be considered.
53. Buildings B & C – The buildings shall be modified in accordance with the provisions of the City’s Design and Development Guidelines. Along the southeasterly elevation of Building C (side of building) the project shall include planters and/or tree wells along the curb face where parking spaces abut building. Architectural features shall be included to break up the wall massing of this side of the building, such as vertical landscaping, trellis structures, or combination thereof. The use of awnings or other structures placed over rear service doors should be considered.
54. Pads D, E & F – The rear (northwesterly elevation) of the building proposed for Pad F shall be modified consistent with the General Plan and the Design and Development Guidelines to take into consideration public views from Foxglove Way. A “four-sided building” shall be designed for Pad F and the utility equipment shall be screened by landscaping or by incorporating the mechanical areas into the architectural design of the building. Utility equipment for buildings proposed for Pads D & E should be located at the rear of buildings (southerly elevations), out of public views.
55. Pad G – Pharmacy Use - The building shall be modified to incorporate a smooth textured finish to soften the CMU construction, using colors from the center’s primary color palette. Along the northwesterly elevation of Building C (frontage of building facing Foxglove Way) the project shall include planters and/or tree wells along the curb face where parking spaces abut building. The screening enclosure for the trash compactor and trash bins must carry the same architectural treatments as the adjoining walls.
56. A design for the transit site shall be submitted for review and approval of the Community Development Director. The design should:
 - Encourage the use of transit services by providing a positive appealing space.
 - Be located in an area inclusive of the general activities.
 - Be a well landscaped attractive setting.
 - Provide separation from the traffic.
 - Provide a shade and rain shelter that is architecturally consistent with the area,
 - Include provisions for seating, trash receptables and a screened area for depositing carts.

Master Sign Plan

57. A master sign plan shall be developed to demonstrate unified sign styles within the center and to establish allowances for individual sign permits when they are proposed. The plan shall cover building signage, monument signage, or other freestanding signage including any proposed “directional monument”. The master sign plan shall be submitted by the applicant and reviewed and approved by the Planning Department prior to issuance of building permits.

58. All freestanding directional, monument and/or pylon type signs shall be designed to be consistent with the architecture and color schemes of the commercial center. Presentation of multiple tenant names and or symbols shall be done in a manner that provides a uniform consistent presentation. Consistency may be achieved in several ways including but not limited to uniform background colors, alignment of lettering, consistency in font sizes or types. The intent is not to prevent unique tenant identification, but to present corporate images/logos and signage in a thematically coordinated manner rather than in an uncoordinated, dissimilar fashion.

FIRE REQUIREMENTS

59. Fire Department connections shall be located in posted fire lanes 40 feet from the structure protected. Where multiple Fire Department connections are located together, each shall be clearly identified as to the building it serves.
60. Portable fire extinguishers must be provided. A minimum of at least one, 2A10BC-rated portable fire extinguisher is required for each 3,000 square feet of area or fraction thereof. The fire extinguishers must be mounted in visible and accessible locations with 75 feet of travel distance of all portions of each building.
61. Fire sprinklers are required in most buildings. The exact use and occupancy of the smaller structures will determine if fire sprinklers are required.
62. Exit signs and emergency lighting are required in buildings with two or more required exits.
63. Fire lanes need to be provided and clearly identified on the Site Plan including the method of posting. NOTE: The drive access along the north side of the project does not appear to provide proper turning movements for fire apparatus. This may require a slight redesign in building placement or parking layout.
64. The addresses for each building must be visible from the street and the method and placement must be shown on the front elevation of the plans.
65. A fire alarm system for supervision of the fire sprinkler system is required. An evacuation alarm may be required based upon the requirements of California Fire Code Chapter 9 and California Building Code Chapter 9.
66. When commercial cooking systems are proposed, a fire suppression system will be required.
67. The specific use of the "Patio Areas" will need to be identified during the plan review phase.
68. There does not appear to be an adequate accessible path of travel at the rear of Building B and possibly not at Building A either. This shall be addressed prior to submittal for building permits.
69. The proposal shows interconnectivity with the rear of the Marketplace Shopping Center. The fire access lanes need to be identified for review. Careful attention should be given regarding maintenance of the fire lanes.
70. Note, this project will be subject to the City of Madera's new "Shell Building Policy" if such buildings are proposed as is common with this type of development.

71. Cross-access agreements are required for the multiple properties that comprise this site. The access to the existing Home Depot site will be affected and this must be clarified.
72. All onsite underground fire mains and above ground fire protection systems (such as fire hydrants) must be tested and operational prior to the delivery of combustible construction materials to the site.

Building Plans, Permits, Processes

73. Existing property corners shall be found or installed and noted on the site plan, along with the distance from the property lines to the face of curb and street centerline. New property corners shall require record of survey prior to any site construction or issuance of building permits.
74. For each building to be constructed, provide a minimum of 2 sets of the following plans to the Building Division for the initial plan check. The size of plans shall be at least 36" x 24". A complete set of plans shall be prepared by and bearing the stamp and signature of an individual licensed to practice architecture, including the following required drawings drawn to an appropriate scale:
 - a. Site plan bearing City approval or a plan incorporating all site related conditions
 - b. Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c. Floor plan
 - d. Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, back flow prevention devices, roof drains, etc., and the connections to off-site utilities
 - e. All exterior elevations
 - f. Engineering plans and calculations
 - g. Foundation plan
 - h. Ceiling framing plan
 - i. Roof framing plan
 - j. Electrical plan
 - k. Plumbing plan
 - l. Mechanical plan
 - m. Sections and details
 - n. Disabled access compliance drawings
 - o. Energy compliance drawings and documentation
 - p. Landscape plan
 - q. Landscape irrigation plan
75. The site plan submitted with each building permit application shall include all modifications and clarifications required by these conditions of approval, as applicable to the building proposed for construction. Information required on the plan shall include, but not be limited to: water and sewer service, water meter and sewer cleanout, backflow preventer location and type, existing fire hydrants within (100) feet and street lights within (100) feet, traffic striping and signing, and any other existing or proposed improvements.
76. The plans submitted for building permits shall show compliance with the herein listed conditions of approval and shall comply with the uniform building codes, along with federal and state laws, local resolutions and ordinances. Site development shall be consistent with the approved site plan, floor plan and elevations. Any deviations shall require prior written request and approval from the

Community Development Director. The site plan and all plans submitted for building permit purposes shall be at a scale large enough to allow all dimensions and distances to be legible.

77. Site and buildings must meet federal and state disability access regulations. Each first- floor unit must meet accessibility requirements from public spaces and parking lots to each unit. In addition, inside each unit all rooms must meet accessibility and be adaptable for future compliance to disabled access regulations.

San Joaquin Valley Air Pollution Control District

78. The SJVAPCD has commented that the project is subject to District Rule 9510 (Indirect Source Review). District Rule 9510 states that a project proponent shall submit an Air Impact Assessment (AIA) prior to final discretionary approval. It is recommended that the project applicant consult with the SJVAPCD regarding District Rule 9510, as well as any other applicable District Rules and Regulations prior to submittal for building permits.

Caltrans

79. The project applicant shall enter into a fair share agreement with Caltrans to address off-site improvements as identified in the Draft EIR and MMRP prepared for the Foxglove Shopping Center.
80. The applicant shall make all required traffic improvements as identified in the Draft EIR and MMRP prepared for the Foxglove Shopping Center.

Madera Irrigation District

81. The applicant shall coordinate with Madera Irrigation District regarding the location and configuration of required fencing along the canal alignment.

B. Conditional Use Permit Conditions

General

1. Conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the Applicant's dated signatures on the required acknowledgment.
2. An applicant's failure to utilize any 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 for the specified permit.

Outdoor Seating (CUP 2013-04)

3. The defined outdoor seating areas for the site shall be limited to use in conjunction with food and beverage service and may be defined and separated from the parking area by a planter or low fence. The seating areas shall not interfere with required path of travel required for the center.

Drive-thru Use (CUP 2013-05)

4. A drive-thru window is proposed for the drug store use. There shall be adequate area to accommodate the drive-thru window and sufficient vehicle stacking area in both drive-thru lanes.

The drive-thru window shall be incorporated into the design of the building and not substantively detract from the overall architectural value of the building.

Alcohol Sales for On-Site Consumption (CUP 2013-06...)

5. Alcohol sales for on-site consumption of beer, wine and spirits, within the shopping center project shall be limited to sale and consumption within restaurant/cafe tenants where alcohol is an accessory component to food service. Alcohol sale for on-site consumption shall be limited to Shops A1 and A2, and also for Pads D, E and F.
6. A separate conditional use permit shall be assigned to each specific location. Each shall operate independent of the others and each shall require individual review for compliance and/or any requested extensions or modifications.
7. Specific locations approved for alcohol sales for on-site consumption shall have the following use permit numbers assigned:
 - Shop A1 - CUP 2013-06A1
 - Shop A2 - CUP 2013-06A2
 - Pad D - CUP 2013-06D
 - Pad E - CUP 2013-06E
 - Pad F - CUP 2013-06F
8. The service and consumption of alcohol in the outdoor seating area for the five identified locations will require that a specific seating area be established, and defined with a fence and gate, and that alcohol not be taken from that area.
9. ~~Hours of operation for the restaurant/café uses shall not be earlier than 8:00 a.m. or later than midnight.~~
9. Sales of alcoholic beverages for on-site consumption shall not occur earlier than 8:00 a.m. or later than midnight.
10. The applicant must, prior to commencing the use contemplated by this permit, provide evidence of a valid ABC license for the sale of alcoholic beverages for consumption on-site of the premises of the restaurant/café use.
11. Music or obnoxious noise from the operation or business shall not be audible to persons in the public rights-of-way or on adjacent or nearby properties.
12. Loitering shall be prohibited in, upon the premises and in adjacent, and nearby areas both public and private.
13. An adult operator or employee 21 years of age or older shall be on site during all hours of operation.
14. The limitation/restriction on the number and locations for alcohol sales for on-site consumption within the center, as part of this approval, shall not be construed as a prohibition from a future conditional use permit application being submitted to the City for consideration.

Alcohol Sales for Off-Site Consumption (CUP 2013-07...)

15. Alcohol sales for off-site consumption within the shopping center project shall be limited to Major A (Grocery Store use) and Pad G (Pharmacy use) locations.
16. A separate conditional use permit shall be assigned to each specific location. Each shall operate independent of each other and require individual review for compliance and/or any requested extensions or modifications.
17. Specific locations approved for alcohol sales for off-site consumption shall have the following use permit numbers assigned:
 - Major A (Grocery Store use) – CUP 2013-07A
 - Pad G (Pharmacy use) – CUP 2013-07G
- ~~18. Sales of alcoholic beverages for off-site consumption shall not occur earlier than 8:00 a.m. or later than midnight.~~
19. The applicant must, prior to commencing the use contemplated by this permit, provide evidence of a valid ABC license for the sale of alcoholic beverages for consumption off the premises of the store.
20. Loitering shall be prohibited in, upon the premises and in adjacent, and nearby areas both public and private.
21. An adult operator or employee 21 years of age or older shall be on site during all hours of operation.
22. The limitation/restriction on the number and locations for alcohol sales for off-site consumption within the center, as part of this approval, shall not be construed as a prohibition from a future conditional use permit application being submitted to the City for consideration.

Attachment 3: Extension Request Letter



December 8, 2020

Jesus R. Orozco | Assistant Planner
City of Madera | Planning Department
205 West 4th Street, Madera, CA 93637

Jesus,

The purpose of this letter is to request a one-year extension for the Site Plan Review approval for SPR 2009-21 and all of the various conditional use permits that were granted and approved with it at the Planning Commission meeting on February 12, 2013. While we were optimistic about commencement of construction in 2020, once COVID-19 hit, our proposed major tenants have placed their plans on hold. We would like to request another one-year extension from the City and I would appreciate it if you would please put that on the calendar of the City for action in January, 2021. A check in the amount of \$1,650.00 for the extension filing fees will be sent to your attention this week.

As you know, I believe that the efforts, costs, and obligations made and incurred by the Owner, in reliance upon the SPR-2009-21 and related CUPs would justify a finding that those entitlements have become vested and perfected, but I anticipate it will be some time before the City will be able to review that and agree, so out of an abundance of caution, this application is submitted for an extension.

We would appreciate the extension of the CUP and entitlements so that we can move forward with the project as soon as we have a commitment from the major tenant. Thank you for your time and attention to this matter.

Sincerely,

Dictated but not signed
Sent to avoid delay

Richard L. Fairbank
Attorney at Law

RLF/kc

(559) 224-8100 OFFICE | 5 RIVER PARK PLACE WEST, SUITE 203 | FRESNO, CALIFORNIA 93720

Attachment 4: Planning Commission Resolution for SPR 2009-21 EXT8

RESOLUTION NO. 1867

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING SPR 2009-21 EXT8, A REQUESTED TIME EXTENSION TO FEBRUARY
12, 2022 FOR SITE PLAN REVIEW 2009-21 SUBJECT TO THE ORIGINAL
CONDITIONS OF APPROVAL AS LISTED**

WHEREAS, Planning Commission of the City of Madera approved Site Plan Review 2009-21 and Conditional Use Permits 2013-04, 05, 06 and 07 at a regularly scheduled hearing; and

WHEREAS, the Planning Commission of the City of Madera may grant approval of Site Plan Review extension requests for one-year periods of time according to Madera Municipal Code Section 10-3.4.0114 ; and

WHEREAS, the Planning Commission of the City of Madera granted yearly subsequent extensions to Site Plan Review 2009-21 at regularly scheduled hearings since March 11, 2014 and most recently at a regularly scheduled hearing on January 14, 2020; and

WHEREAS, the City received written application prior to the expiration date from the authorized representative of the owner requesting an extension to Site Plan Review 2009-21; and

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

WHEREAS, the Planning Commission received and reviewed the extension request at a duly noticed meeting on January 12, 2021; and

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

WHEREAS, the Planning Commission now desires to approve the extension request for Site Plan Review 2009-21 subject to the original conditions of approval.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission finds that this project has previously been environmentally assessed. An environmental impact report, mitigation monitoring and reporting program, statement of overriding considerations, and related findings for all project components were completed in conjunction with the proposal. The environmental impact report was certified by the Planning Commission on February 12, 2013. The setting for the project has not substantially changed since the adoption of the EIR. No additional development in the area has occurred since the approval of SPR 2009-21 that would require additional environmental analysis of the project. The extension of time does not involve any physical changes in the environment and hence does not have the potential for causing a significant effect on the environment. There is no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. None of the

mitigation measures and alternatives previously determined to be infeasible are now feasible. In addition, no new mitigation measures or alternatives that would substantially reduce one or more significant effect on the environment have been identified. Therefore, the adopted EIR is sufficient and, pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

3. Findings for SPR 2009-21 Extension:

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

Basis for Finding: The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). Site Plan Review 2009-21 is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is not subject to any applicable specific plans.

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

Site Plan Review 2009-21 has been previously reviewed and is consistent with surrounding uses.

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

Site Plan Review 2009-21 as approved is consistent with established street and circulation improvements and conditioned to conform with City policies and improvement standards for street improvements, dedication, and safety. The previously approved SPR has been subject an EIR certified by the City.

4. Approval of time extension of one year for Site Plan Review 2009-21: Given that all findings can be made, the Planning Commission hereby approves SPR 2009-21 EXT8, the one-year time extension request to February 12, 2022 for SPR 2009-21 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 12th day of January 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Vice Chairperson

Attest:

Gary Conte
Planning Manager

EXHIBIT "A"
SPR 2009-21 AND CUP 2013-04, 05, 06, AND 07 (FOXGLOVE RETAIL CENTER)
CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

A. Site Plan Review Conditions

General Conditions

1. The project approval is conditioned upon acceptance of these conditions contained herein within 30 calendar days, as evidenced by the applicant's signature on a required acknowledgment form.
2. The applicant's or owner's failure to utilize this site plan review within one year following the date of this approval shall render the site plan review null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. The approval of this site plan review authorizes the development of the improvements as specified in the site plan, subject to the revisions and clarifications required in these conditions of approval below. All standard permits and approvals required for the improvements, including, but not limited to building permits, grading permits, and construction permits, shall be obtained prior to commencing construction. Modifications to actual building/unit sizes may be authorized by the Community Development Director prior to the issuance of building permits. Such changes may not substantively change the nature of the site plan or building elevations and may not increase the overall square footage allowances for the development as specified in the environmental impact report for the project.
4. Any changes to the site plan required after, or because of, the preparation of grading plans, final on and off-site utility plans, or other changes made by the developer will require the approval of the Community Development Director. Substantive changes to the site plan, as determined by the Community Development Director, may require the completion of an amended site plan review process.
5. The development of the shopping center shall be subject to compliance with, and implementation of, the mitigation measures identified in the mitigation monitoring and reporting program approved as part of the Foxglove Shopping Center Final Environmental Impact Report.

Engineering Department

6. Engineering plans for off-site improvements and for on-site public improvements shall comply with Section 27 of the City of Madera Standard Plans and Specifications and approved addenda and shall be submitted to the City Engineer for review and approval, prior to issuance of building permits. Engineering plans shall be wet stamped by a licensed civil engineer and shall be accompanied by a final site plan showing existing and/or re-established lot corner monuments, including a bearing and distance for each boundary line. Plans shall show dedication of all land by easements or other mechanism which may be acceptable to the City for all public streets, sanitary sewer mains (on and off site), water mains (on and off site), storm drains lines (on and off site) and detention basins.

7. Construction work within the City rights-of-way shall not begin prior to obtaining an encroachment permit from the Engineering Division in accordance with Section VI, Madera Municipal Code. All encroachment permits shall be obtained prior to the commencement of construction within the public rights of way.
8. Excavated or graded material shall be sufficiently watered to prevent excessive amounts of air borne dust. Watering should occur at least twice a day with complete coverage, preferably in the late morning and after work as directed by the City Engineer.
9. Material transported offsite should be securely covered to prevent excessive amounts of dust.
10. Streets adjacent to the project may be required to be swept and silt removed manually or mechanically at least once a day as required by the City Engineer. Water hosing will not be allowed as a cleanup method.

Grading and Drainage

11. Under the direction of a licensed architect or civil engineer, a site grading and drainage plan shall be prepared. No lot fill, rough grading or rough plumbing shall commence until plans are approved. The grading plan should include cut and fill quantities, along with a City Engineer approval signature line. This plan shall demonstrate that storm water drainage will be adequately handled. This plan shall be approved by the City Engineer prior to the issuance of any building permits. Storm drainage runoff engineering calculations shall be submitted for compliance with City standards.
12. As part of a master grading plan, the applicant shall provide detailed drainage calculations to demonstrate to the satisfaction of the City Engineer that the existing storm drain basin (Basin 43550) located southwest of the intersection of Foxglove Way and Schnoor Avenue is sufficiently sized to accommodate both the commercial development and the Fairgrounds related storm water runoff. Calculations shall be submitted for basin capacity and sizing of onsite main.
13. The site shall be graded to provide drainage to approved storm drainage facilities. Fill in excess of 8-inches requires compaction tests when supporting structures. Geotechnical and soil testing reports shall be submitted prior to issuance of building permits in compliance with state requirements.
14. Grading certification by developer's soils and civil engineers upon completion of each building pad shall be provided by letter or as built plans prior to temporary or final occupancy.

Streets and Drives

15. The development shall implement any and all traffic mitigation measures specified in the Final Environmental Impact Report and Mitigation Monitoring and Reporting Program prepared for the Foxglove Shopping Center project. All measures requiring physical improvements shall be incorporated into civil improvement plans required pursuant to Condition #6.
16. Proposed entrances on North Schnoor Avenue shall be a minimum of 24 feet wide, shall be street type entrances with minimum face of curb radius of 15 feet and shall include the construction of

standard handicapped ramps with an ADA accessible path from ramp to ramp. Proposed driveways shall be spaced in accordance with the results of the traffic study prepared for this project.

17. A median island shall be constructed on Foxglove Way that extends from North Schnoor Avenue to a minimum of 50 feet east of the first driveway on the north side of Foxglove Way.
18. Project driveways on Foxglove Way should be aligned with those on the north side of the street. If this is not feasible due to overall project design constraints, reasonable measures shall be implemented to minimize vehicular conflicts.
19. Free and unimpeded access shall be maintained from this development to the Marketplace shopping center located to the south.
20. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.
21. Prior to the issuance of a grading permit, the developer shall dedicate an additional 8 feet to an existing 7-foot Public Utility Easement (PUE) to complete a 15-foot PUE along North Schnoor Avenue.
22. Prior to the issuance of the grading permit, the developer shall record a reciprocal ingress/egress, utility and parking easement acceptable to the City of Madera across the entire center that is applicable to all existing and/or future parcels. The easement shall provide the mutual right to cross access and parking for all future uses. With such easements in place, compliance with City parking standards for each building will be based on total number of spaces available at the Center.
23. Prior to issuance of a grading permit, the developer shall cause the existing 60-foot wide easement for access and utilities to be shifted westward to avoid the proposed structures being constructed within the easement.
24. The developer shall reimburse its fair share of cost to the City for previously constructed infrastructure in and on Foxglove Way to the extent that such infrastructure is utilized by the project. The developer shall not be responsible for reimbursement of cost for those improvements removed due to the project's reconstruction of Foxglove Way or improvements otherwise not incorporated into the project. Determination of fair share costs will be calculated in conjunction with submittal and review of civil plans for off-site improvements.
25. Additional detailed review will be conducted by the City when more detailed off-site street plans, and on/off site utility plans are submitted to the City; additional requirements may be specified based on this subsequent review. This will include, but not be limited to, further refinement to street plan for Foxglove Way alignment from North Schnoor Avenue through transition to private drive alignment on the project site.

Sewer

26. Sewer service connection shall be constructed to current City standards.
27. Sewer connections larger than 4 inches shall require construction of a manhole.

28. Existing septic tanks, if found, shall be removed, permitted, and inspected by the City of Madera Building Department.
29. Prior to the issuance of encroachment permits to construct utility connections, the developer shall reimburse its fair share of cost to the City for the previously constructed sewer main in North Schnoor Avenue. Total reimbursement due by the developer to the City is \$12,293.00.

Water

30. Water service connection(s) shall be constructed to current City standards including water meter(s) located within the City right-of-way and shall read in cubic feet. A backflow prevention device shall be located within private property.
31. A separate water meter and backflow prevention device will be required for landscape consumption.
32. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
33. Prior to the issuance of encroachment permits to construct utility connections, the developer shall reimburse its fair share of cost to the City for the previously constructed water main in North Schnoor Avenue. Total reimbursement due by the developer to the City is \$7,822.00.
34. Additional detailed review of the water system requirements will be conducted by the City when more detailed off-site street plans, and on/off site utility plans are submitted to the City; additional requirements may be specified based on this subsequent review.

Planning Department

Site Plan and Building Design - General

35. This site plan approval authorizes the development of an integrated shopping center with a cohesive parking and circulation system and consistent design criteria. All buildings, regardless of tenant, shall be designed and constructed in a manner consistent with the City's Design and Development Guidelines for Commercial Development and the master design guidelines prepared for the project.
36. Consistent with the above described guidelines, consideration will be given to all tenants to be allowed to retain important elements of their corporate identity and architectural details which support their branding and themed experience. While buildings and related site features shall incorporate a standard color palette, architectural features, roof types, and materials, etc., they may feature such aforementioned corporate elements and architectural details as well as variations to the color palette. Final elevations for all buildings/units are subject to the approval of the Community Development Director prior to the issuance of building permits.
37. The landscape and irrigation plan submitted for the project shall be in compliance with the State Department of Water Resources Model Water Efficient Landscape Ordinance.

38. Prior to the issuance of the first building permit, a final landscaping plan for the shopping center shall be submitted which encompasses the following revisions and clarifications:
- a. A phasing plan for all site landscaping shall be submitted for approval.
 - b. All landscaping areas shall have a minimum of 75% vegetative ground cover.
 - c. Indicate species, size and spacing of shrubs where used. Clear distinction between landscaping symbols should be provided.
 - d. Clearly designate what is ground cover and what is turf.
 - e. Landscape islands with shade trees separating facing parking stalls shall be a minimum of 5'x18' (at outside of curb). Where used, tree wells shall be a minimum of 5' in length and minimum of 5' in width (at outside of curb).
 - f. Raised planters, free standing planters (pots, containers), and tree wells in walking surfaces (with grates) shall be incorporated along storefronts which abut parking spaces.
 - g. Root barriers shall be provided for all trees which are planted 5' or less from curb, gutter and walkways.
 - h. Along the rear of the site, adjacent to the existing MID canal, it is recommended that efforts be made to create a more functional screen of this area for views from SR99. This can be accomplished in a variety of ways, including through the addition of berms or solid fencing, by planting additional evergreen trees, or combination thereof.
 - i. All landscaping shall be developed with permanent irrigation systems and shall be controlled with an irrigation control system approved by the Parks and Community Services Director. Tree wells should provide for deep watering versus surface watering.
 - j. All unpaved areas within the public right-of-way along the street frontages shall be landscaped and maintained by the developer/property owner. Landscaping shall be continuous from the curb-face, around the sidewalks, and up to the pavement in the parking area. Detailed landscape and irrigation plans shall be submitted and approved by the Parks and Community Services Director prior to issuance of any building permits. Street trees shall be placed as specified in the approved landscaping plan. No temporary or permanent occupancy of any buildings shall be approved until the landscaping has been installed as per the landscaping phasing plan and approved by the Parks and Community Services Director.
 - k. Any fencing, landscaping and irrigation within the public right-of way shall not be installed until the Parks and Community Services Director approves the plans. Any deviation shall require prior written request by the developer and approval by the Parks and Community Services Director. Removal or modification shall be at the developer's expense. A landscaping water meter (if applicable) shall be connected after a back-flow device.
 - l. The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain the landscaping design approved as part of the project's landscape

and irrigation plan(s). This includes, but is not limit to, ensuring properly operating irrigation equipment at all times, trimming and pruning trees and shrubs, mowing lawns consistent with industry standards, replacing dead or unhealthy vegetation, etc.

- m. Landscaping inspection fees for this project shall be paid in accordance with the fee schedule adopted by the Resolution of the City Council, no later than the issuance of building permits for the first building.
39. The location of all exterior transformers and similar utility/service equipment within the parking and circulation areas, common areas, and landscaped areas shall be shown on building plans; above ground features shall be screened with a combination of landscaping, berms, architecturally treated walls, etc. to the satisfaction of the Community Development Director.
 40. All building-related electrical and utility service panels and equipment shall be enclosed in mechanical rooms or screened from public views with architectural features or landscaping.
 41. Roof access ladders shall be located inside the buildings or be located within an enclosure matching the adjacent architectural features.
 42. Submit for review and approval a lighting plan and information (tear sheets) on fixtures. This should be accomplished in conjunction the requirements of the mitigation measures required for the project.
 43. Outdoor lighting fixtures shall be directed downward and shielded away from adjacent properties, unless accent lighting is specifically authorized by the City. Any nuisance lighting conditions which are found to exist after commencement of operation shall be corrected by the owner to a configuration that is acceptable to City at the owner's expense, within (30) days of notification by the City.
 44. A plan for internal pedestrian crossings shall be submitted for review and administrative approval by the Community Development Director which indicates the type and design of pavement markers (e.g., stamped concrete, pavers) pursuant to the provisions of the Master Design Guidelines. The use of painted lines in lieu of alternative pavement types to delineate pedestrian connections should be used only where alternative pavement is limited by ADA access requirements.
 45. To the extent feasible, pedestrian connections/sidewalks shall be meandered with landscape strips to avoid long, continuous paved edges. Meander may be accomplished with a curvilinear or angular pattern.
 46. The placement and design of bollards or planters adjacent to store fronts shall be shown on the building plans for all buildings. Any such features shall be consistent with the overall architectural style for the center. Bollards shall have decorative features rather than simple solid pipes or posts and may vary by design.
 47. Submit for review and administrative approval by the Community Development Director, a plan and detail for refuse storage areas. Where any side is exposed to public view, landscape screening (and berm, where possible) shall be incorporated, or the enclosure shall be surfaced with an architectural treatment compatible with the adjacent building.

48. Provide details and locations for cart storage areas in conjunction with each building permit application. Storage areas shall be buffered with landscaping or architectural features. The only signage allowed will be a basic symbol.
49. Vandalism and graffiti shall be corrected at the owner's expense within 72 hours of notification.

Site Plan and Building Design – Specific Modifications

50. Light sconces or other architectural embellishments should be included along building frontages to break up wall mass. Wainscoting and/or banding treatment are recommended at columns and entryways.
51. Major A – The building shall be modified in accordance with the provisions of the City's Design and Development Guidelines. A stucco finish shall be applied to the front exterior elevation, currently presented as a painted CMU (Concrete Masonry Unit) block finish. This would bring the lines and exterior finish of the building closer to the conceptual elevations of other buildings in the shopping center.
52. Shops A1 and A2 – The buildings shall be modified in accordance with the provisions of the City's Design and Development Guidelines. Landscape features such as tree wells and/or planter beds shall be included at the rear of buildings where currently none are indicated. The use of awnings or other structures placed over rear service doors should be considered.
53. Buildings B & C – The buildings shall be modified in accordance with the provisions of the City's Design and Development Guidelines. Along the southeasterly elevation of Building C (side of building) the project shall include planters and/or tree wells along the curb face where parking spaces abut building. Architectural features shall be included to break up the wall massing of this side of the building, such as vertical landscaping, trellis structures, or combination thereof. The use of awnings or other structures placed over rear service doors should be considered.
54. Pads D, E & F – The rear (northwesterly elevation) of the building proposed for Pad F shall be modified consistent with the General Plan and the Design and Development Guidelines to take into consideration public views from Foxglove Way. A "four-sided building" shall be designed for Pad F and the utility equipment shall be screened by landscaping or by incorporating the mechanical areas into the architectural design of the building. Utility equipment for buildings proposed for Pads D & E should be located at the rear of buildings (southerly elevations), out of public views.
55. Pad G – Pharmacy Use - The building shall be modified to incorporate a smooth textured finish to soften the CMU construction, using colors from the center's primary color palette. Along the northwesterly elevation of Building C (frontage of building facing Foxglove Way) the project shall include planters and/or tree wells along the curb face where parking spaces abut building. The screening enclosure for the trash compactor and trash bins must carry the same architectural treatments as the adjoining walls.
56. A design for the transit site shall be submitted for review and approval of the Community Development Director. The design should:
 - Encourage the use of transit services by providing a positive appealing space.

- Be located in an area inclusive of the general activities.
- Be a well landscaped attractive setting.
- Provide separation from the traffic.
- Provide a shade and rain shelter that is architecturally consistent with the area,
- Include provisions for seating, trash receptacles and a screened area for depositing carts.

Master Sign Plan

57. A master sign plan shall be developed to demonstrate unified sign styles within the center and to establish allowances for individual sign permits when they are proposed. The plan shall cover building signage, monument signage, or other freestanding signage including any proposed “directional monument”. The master sign plan shall be submitted by the applicant and reviewed and approved by the Planning Department prior to issuance of building permits.
58. All freestanding directional, monument and/or pylon type signs shall be designed to be consistent with the architecture and color schemes of the commercial center. Presentation of multiple tenant names and or symbols shall be done in a manner that provides a uniform consistent presentation. Consistency may be achieved in several ways including but not limited to uniform background colors, alignment of lettering, consistency in font sizes or types. The intent is not to prevent unique tenant identification, but to present corporate images/logos and signage in a thematically coordinated manner rather than in an uncoordinated, dissimilar fashion.

FIRE REQUIREMENTS

59. Fire Department connections shall be located in posted fire lanes 40 feet from the structure protected. Where multiple Fire Department connections are located together, each shall be clearly identified as to the building it serves.
60. Portable fire extinguishers must be provided. A minimum of at least one, 2A10BC-rated portable fire extinguisher is required for each 3,000 square feet of area or fraction thereof. The fire extinguishers must be mounted in visible and accessible locations with 75 feet of travel distance of all portions of each building.
61. Fire sprinklers are required in most buildings. The exact use and occupancy of the smaller structures will determine if fire sprinklers are required.
62. Exit signs and emergency lighting are required in buildings with two or more required exits.
63. Fire lanes need to be provided and clearly identified on the Site Plan including the method of posting. NOTE: The drive access along the north side of the project does not appear to provide proper turning movements for fire apparatus. This may require a slight redesign in building placement or parking layout.
64. The addresses for each building must be visible from the street and the method and placement must be shown on the front elevation of the plans.

65. A fire alarm system for supervision of the fire sprinkler system is required. An evacuation alarm may be required based upon the requirements of California Fire Code Chapter 9 and California Building Code Chapter 9.
66. When commercial cooking systems are proposed, a fire suppression system will be required.
67. The specific use of the "Patio Areas" will need to be identified during the plan review phase.
68. There does not appear to be an adequate accessible path of travel at the rear of Building B and possibly not at Building A either. This shall be addressed prior to submittal for building permits.
69. The proposal shows interconnectivity with the rear of the Marketplace Shopping Center. The fire access lanes need to be identified for review. Careful attention should be given regarding maintenance of the fire lanes.
70. Note, this project will be subject to the City of Madera's new "Shell Building Policy" if such buildings are proposed as is common with this type of development.
71. Cross-access agreements are required for the multiple properties that comprise this site. The access to the existing Home Depot site will be affected and this must be clarified.
72. All onsite underground fire mains and above ground fire protection systems (such as fire hydrants) must be tested and operational prior to the delivery of combustible construction materials to the site.

Building Plans, Permits, Processes

73. Existing property corners shall be found or installed and noted on the site plan, along with the distance from the property lines to the face of curb and street centerline. New property corners shall require record of survey prior to any site construction or issuance of building permits.
74. For each building to be constructed, provide a minimum of 2 sets of the following plans to the Building Division for the initial plan check. The size of plans shall be at least 36" x 24". A complete set of plans shall be prepared by and bearing the stamp and signature of an individual licensed to practice architecture, including the following required drawings drawn to an appropriate scale:
 - a. Site plan bearing City approval or a plan incorporating all site related conditions
 - b. Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c. Floor plan
 - d. Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, back flow prevention devices, roof drains, etc., and the connections to off-site utilities
 - e. All exterior elevations
 - f. Engineering plans and calculations
 - g. Foundation plan
 - h. Ceiling framing plan
 - i. Roof framing plan
 - j. Electrical plan

- k. Plumbing plan
 - l. Mechanical plan
 - m. Sections and details
 - n. Disabled access compliance drawings
 - o. Energy compliance drawings and documentation
 - p. Landscape plan
 - q. Landscape irrigation plan
75. The site plan submitted with each building permit application shall include all modifications and clarifications required by these conditions of approval, as applicable to the building proposed for construction. Information required on the plan shall include, but not be limited to: water and sewer service, water meter and sewer cleanout, backflow preventer location and type, existing fire hydrants within (100) feet and street lights within (100) feet, traffic striping and signing, and any other existing or proposed improvements.
76. The plans submitted for building permits shall show compliance with the herein listed conditions of approval and shall comply with the uniform building codes, along with federal and state laws, local resolutions and ordinances. Site development shall be consistent with the approved site plan, floor plan and elevations. Any deviations shall require prior written request and approval from the Community Development Director. The site plan and all plans submitted for building permit purposes shall be at a scale large enough to allow all dimensions and distances to be legible.
77. Site and buildings must meet federal and state disability access regulations. Each first- floor unit must meet accessibility requirements from public spaces and parking lots to each unit. In addition, inside each unit all rooms must meet accessibility and be adaptable for future compliance to disabled access regulations.

San Joaquin Valley Air Pollution Control District

78. The SJVAPCD has commented that the project is subject to District Rule 9510 (Indirect Source Review). District Rule 9510 states that a project proponent shall submit an Air Impact Assessment (AIA) prior to final discretionary approval. It is recommended that the project applicant consult with the SJVAPCD regarding District Rule 9510, as well as any other applicable District Rules and Regulations prior to submittal for building permits.

Caltrans

79. The project applicant shall enter into a fair share agreement with Caltrans to address off-site improvements as identified in the Draft EIR and MMRP prepared for the Foxglove Shopping Center.
80. The applicant shall make all required traffic improvements as identified in the Draft EIR and MMRP prepared for the Foxglove Shopping Center.

Madera Irrigation District

81. The applicant shall coordinate with Madera Irrigation District regarding the location and configuration of required fencing along the canal alignment.

B. Conditional Use Permit Conditions

General

1. Conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the Applicant's dated signatures on the required acknowledgment.
2. An applicant's failure to utilize any 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 for the specified permit.

Outdoor Seating (CUP 2013-04)

3. The defined outdoor seating areas for the site shall be limited to use in conjunction with food and beverage service and may be defined and separated from the parking area by a planter or low fence. The seating areas shall not interfere with required path of travel required for the center.

Drive-thru Use (CUP 2013-05)

4. A drive-thru window is proposed for the drug store use. There shall be adequate area to accommodate the drive-thru window and sufficient vehicle stacking area in both drive-thru lanes. The drive-thru window shall be incorporated into the design of the building and not substantively detract from the overall architectural value of the building.

Alcohol Sales for On-Site Consumption (CUP 2013-06...)

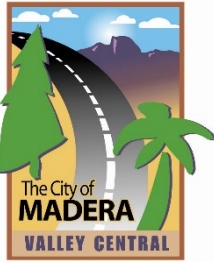
5. Alcohol sales for on-site consumption of beer, wine and spirits, within the shopping center project shall be limited to sale and consumption within restaurant/cafe tenants where alcohol is an accessory component to food service. Alcohol sale for on-site consumption shall be limited to Shops A1 and A2, and also for Pads D, E and F.
6. A separate conditional use permit shall be assigned to each specific location. Each shall operate independent of the others and each shall require individual review for compliance and/or any requested extensions or modifications.
7. Specific locations approved for alcohol sales for on-site consumption shall have the following use permit numbers assigned:
 - Shop A1 - CUP 2013-06A1
 - Shop A2 - CUP 2013-06A2
 - Pad D - CUP 2013-06D
 - Pad E - CUP 2013-06E
 - Pad F - CUP 2013-06F
8. The service and consumption of alcohol in the outdoor seating area for the five identified locations will require that a specific seating area be established, and defined with a fence and gate, and that alcohol not be taken from that area.

9. ~~Hours of operation for the restaurant/café uses shall not be earlier than 8:00 a.m. or later than midnight.~~
9. Sales of alcoholic beverages for on-site consumption shall not occur earlier than 8:00 a.m. or later than midnight.
10. The applicant must, prior to commencing the use contemplated by this permit, provide evidence of a valid ABC license for the sale of alcoholic beverages for consumption on-site of the premises of the restaurant/café use.
11. Music or obnoxious noise from the operation or business shall not be audible to persons in the public rights-of-way or on adjacent or nearby properties.
12. Loitering shall be prohibited in, upon the premises and in adjacent, and nearby areas both public and private.
13. An adult operator or employee 21 years of age or older shall be on site during all hours of operation.
14. The limitation/restriction on the number and locations for alcohol sales for on-site consumption within the center, as part of this approval, shall not be construed as a prohibition from a future conditional use permit application being submitted to the City for consideration.

Alcohol Sales for Off-Site Consumption (CUP 2013-07...)

15. Alcohol sales for off-site consumption within the shopping center project shall be limited to Major A (Grocery Store use) and Pad G (Pharmacy use) locations.
16. A separate conditional use permit shall be assigned to each specific location. Each shall operate independent of each other and require individual review for compliance and/or any requested extensions or modifications.
17. Specific locations approved for alcohol sales for off-site consumption shall have the following use permit numbers assigned:
 - Major A (Grocery Store use) – CUP 2013-07A
 - Pad G (Pharmacy use) – CUP 2013-07G
- ~~18. Sales of alcoholic beverages for off site consumption shall not occur earlier than 8:00 a.m. or later than midnight.~~
19. The applicant must, prior to commencing the use contemplated by this permit, provide evidence of a valid ABC license for the sale of alcoholic beverages for consumption off the premises of the store.
20. Loitering shall be prohibited in, upon the premises and in adjacent, and nearby areas both public and private.
21. An adult operator or employee 21 years of age or older shall be on site during all hours of operation.

22. The limitation/restriction on the number and locations for alcohol sales for off-site consumption within the center, as part of this approval, shall not be construed as a prohibition from a future conditional use permit application being submitted to the City for consideration.



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Sienna Estates Tentative Subdivision Map Extension TSM 2005-15 MOD EXT Item # 2 – January 12, 2021

PROPOSAL: Consideration of a request for a two-year time extension of the Sienna Estates Tentative Subdivision Map (TSM 2005-15 MOD), which allowed for the creation of 138 lot phased tentative subdivision map. All previously approved conditions of approval remain in effect. Two new conditions have been added which extends the map for the requested two-year extension and requires TSM 2005-15 MOD to comply with City’s adoption of the Parkland Acquisition Ordinance Act authorizing the City to require dedication of parkland or the payment of fees in-lieu of such dedication in effect since May 21, 2018.

APPLICANT:	Rick Langdon 5441 W Oakridge Ave Visalia, CA 93291	OWNER:	BHT II Madera 113, LLC 5441 W Oakridge Ave Visalia, CA 93291
SITE ADDRESS:	Multiple	APNs:	Multiple
APPLICATIONS:	TSM 2005-15 MOD EXT	CEQA:	Mitigated Negative Declaration (Previously Adopted)

LOCATION: The subject site is located on the north side of Storey Road, approximately 1,700 feet east of its intersection with East Yosemite Avenue (State Route 145).

STREET ACCESS: The subdivision has access via Storey Road.

PROJECT SIZE: Approximately twenty-six (26) acres total.

GENERAL PLAN DESIGNATION: MD (Medium Density Residential)

ZONING DISTRICT: PD-4500 (Planned Development)

SITE CHARACTERISTICS: The subject site is a partially developed subdivision. Twenty-four (24) of the 104 lots recorded in the only recorded phase of the map have been developed with homes that are now occupied. The remaining eighty (80) recorded lots (and a remainder parcel) remain vacant. The Sunrise Rotary Sports Complex is immediately south of the subdivision. Rural residential development is located to the north, east and west of the project site.

ENVIRONMENTAL REVIEW: A Mitigated Negative Declaration was adopted for the project by the Planning Commission as part of the original approvals on January 11, 2005. The impacts of the proposed two-year time extension are consistent with impacts anticipated in 2005. Therefore, no additional environmental analysis is required.

SUMMARY: The Project consists of a two-year time extension to the previously approved Sienna Estates Tentative Subdivision Map (TSM 2005-15) that created 138 residential lots. The current owner of vacant lots within the Sienna Estates subdivision has requested a two-year time extension to TSM 2005-15 with intentions to move forward with build-out of the subdivision. There were modifications to the TSM 2005-15 conditions of approval in 2017 (TSM 2005-15 MOD) to clarify certain conditions and specify what actions are required for compliance and ultimate acceptance of the subdivision map improvements. These clarifications will ensure the current or potential future owner will fulfil all requirements of the map. Future proposed construction of homes will require approval of a Precise Plan as required of developments in Planned Development (PD) zone districts. All previously approved TSM 2005-15 MOD conditions of approval remain in effect. Two new conditions have been added which extends the map for the requested two-year extension and requires TSM 2005-15 MOD to comply with City's adoption of the Parkland Acquisition Ordinance Act authorizing the City to require dedication of parkland or the payment of fees in-lieu of such dedication in effect since May 21, 2018.

APPLICABLE CODES AND PROCEDURES

Madera Municipal Code §10-2.402.8.2 Extensions
Government Code §66410 et. Seq. (Subdivision Map Act)

PRIOR ACTION

The subject property was rezoned in 1987 and annexed into the City in 1988. A Precise Plan for a mobile home park was approved in 1993, but that project did not proceed beyond Planning Commission approval.

Sienna Estates Tentative Subdivision Map (TSM) 2004-18, and Precise Plan (PPL) 2004-07 were conditionally approved by the Planning Commission on January 11, 2005. An appeal was filed by the applicant regarding certain conditions of approval. The City Council heard the matter on March 2, 2005, and determined, by Resolution No. 05-62, to deny the appeal and uphold the decision of the Planning Commission. A Mitigated Negative Declaration was adopted for the project.

A modification to the original map, processed as Tentative Subdivision Map 2005-15 (TSM 2005-15), was approved by the Planning Commission on November 8, 2005. Tentative Subdivision Map 2005-15 provided for the amendment of some of the original conditions of approval and included a revised lotting pattern for the subdivision.

Jonathan Homes, the applicant/developer at the time TSM 2005-15 was approved recorded the first phase of the map which included 104 fully improved lots and a remainder lot for a second phase of development. Four model homes and 20 speculative homes were constructed by the applicant/developer. However, the first phase of the map to date has not been accepted by the City. Nevertheless, a combined total of 24 model homes and speculative homes were constructed and ultimately sold to individual property owners. No further development has occurred since that time.

The remaining undeveloped components of the subdivision today are the property of BHT II Madera 113, LLC, a property investment company. In 2017, BHT II Madera 13, LLC filed an application to modify the TSM 2005-15 conditions of approval (TSM 2005-15 MOD). Although most of the modifications to TSM 2005-15 clarified language and/or updated the conditions so as to reflect current City standards, TSM 2005-15 MOD included several significant modifications including: 1) the removal of language regarding the possible construction of a well; 2) requirement to construct the intersection of Storey Road and East Yosemite Avenue (State Route 140); and 3) a new precise plan be approved by the Planning Commission prior to any additional new construction of homes within the subdivision and the previously approved precise plan for the subdivision be extinguished. The Commission approved TSM 2005-15 MOD on September 12, 2017.

ANALYSIS

Initial commission approval of the Sienna Estates subdivision was Tentative Subdivision Map (TSM) 2004-18 which was approved March 2, 2005. Subdivision maps are valid for two years from the date of approval, making the expiration date for this map March 2, 2007. The final map for the first phase was approved by City Council on April 19, 2006 and recorded on May 11, 2006 as Tract Map 05-S-19. Recording the first phase final map extended the expiration three years, or to March 2, 2010.

Due to the housing crisis in the mid to late 2000s, the State of California granted multiple extensions to maps that met certain criteria. Government Code Section 66452.21 granted a 12-month extension to maps expiring prior to January 1, 2011. Similarly, Government Code Sections 66452.22 – 66452.25 each granted 24-month extensions to maps meeting certain criteria. With these State extensions, the expiration of the map was extended to March 2, 2019.

Approval of TSM 2005-15 MOD on September 12, 2017 by the Commission which included modifications to the conditions extended the expiration of the map an additional two years. This brings us to the expiration date of March 2, 2021. The applicant is requesting an additional extension of two years to allow sufficient time to record the final phase of the map and ensure proper build-out of the subdivision and improvements.

An extension of the existing TSM will ensure that the remaining lots of this subdivision be fully developed. The improvements required and agreed upon with the original approvals and modified through previous Commission and City Council action are conditioned to be completed. Considering the first phase of the subdivision has been recorded and homes have been built, it would be beneficial to extend this map due to infrastructure requirements of full build out for the subdivision. An extension of this map would provide for the current owner/applicant or future owners a smoother transition and full development of otherwise vacant land that has been for years.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project requests an extension of time for the previously approved Sienna Estates Tentative Subdivision Map (TSM 2005-15 MOD). A Mitigated Negative Declaration (MND) was adopted for the project by the Planning Commission as part of the original approvals on January 11, 2005. The setting for the project has not substantially changed since the adoption of the MND. Except for the 24 homes constructed within the approved subdivision, no additional development in the area has occurred since the approval of TSM 2005-15 that would require additional environmental analysis of the project. The extension of time for a tentative subdivision map does not involve any physical changes in the

environment and hence does not have the potential for causing a significant effect on the environment. Therefore, the adopted MND is sufficient and, pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

One of the Madera General Plan's vision is a well-planned city. This idea takes into considerations many of the growing needs of a City as it expands. Housing to support our growing population is a great way to encourage new family opportunities in Madera and make our City marketable. The infrastructure improvements to be fulfilled with this subdivision and homes built support this vision and will provide for the rapidly growing population.

RECOMMENDATION

The information presented in this report provides support of approval of a resolution approving a two-year time extension to the Tentative Subdivision Map 2005-15 MOD. It is recommended that the Commission consider the information in this report, as well as testimony received at the public hearing, and make a determination on TSM 2005-15 MOD EXT, subject to the findings and conditions of approval below.

PLANNING COMMISSION ACTION

The Commission will be acting on a two-year time extension for Tentative Subdivision Map 2005-15 MOD and determining to either:

- Adopt a resolution approving a two-year time extension for Tentative Subdivision Map TSM 2005-15 MOD as conditioned (Motion 1); or
- Continue the hearing to February 9, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); or
- Move to continue the application for a two-year time extension for TSM 2005-15 MOD to the February 9, 2020 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)(Motion 3).

Motion 1: Move to adopt a resolution of the Planning Commission of the City of Madera approving a two-year time extension for the previously approved Sienna Estates Tentative Subdivision Map 2005-15 MOD (TSM 2005-15 MOD), based on and subject to the findings and conditions of approval as follows:

Findings to Approve a Tentative Subdivision Map Extension (California Subdivision Map Act - Government Code Section 66474)

Finding a: There has been no changes to the provisions of the General Plan, any applicable specific plan or the development code applicable to the project since the approval of the tentative map.

Tentative Subdivision Map 2005-15 MOD remains consistent and compatible with the City's General Plan land use designations for the subject site and surroundings. The subject site is not subject to an adopted Specific Plan.

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

The subject site has been subject to first phase infrastructure improvements in part of TSM 2005-15 MOD site improvements. Improvements have included undergrounding wet and dry utilities, roads, curbs and sidewalks and construction of 24 homes. Surrounding property existing conditions and uses remains relatively unchanged since the approval of the original tentative subdivision map (TSM 2005-15). The project, with the approval of the two new additional conditions of approval, will remain consistent with the City's Zoning Ordinance.

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

Adequate service capacity remains available to service the subject site.

CONDITIONS OF APPROVAL (NEW)

77. Subdivider shall provide and dedicated to the City parkland within the subdivision to the satisfaction of the City or provide payment of fees in-leu of such dedication in accordance with the City's Parkland Acquisition Ordinance.
78. Approval of TSM 2005-15 MOD EXT allows for a two-year time extension for the previously approved Sienna Estates Tentative Subdivision Map 2005-15 MOD. The approval shall expire on March 2, 2023.

(OR)

Motion 2: Move to continue the public hearing on a two-year time extension for TSM 2005-15 MOD to the February 9, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

(OR)

Motion 3: Move to continue the application for a two-year time extension on TSM 2005-15 MOD to the February 9, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

ATTACHMENTS

Attachment 1: Aerial Photo

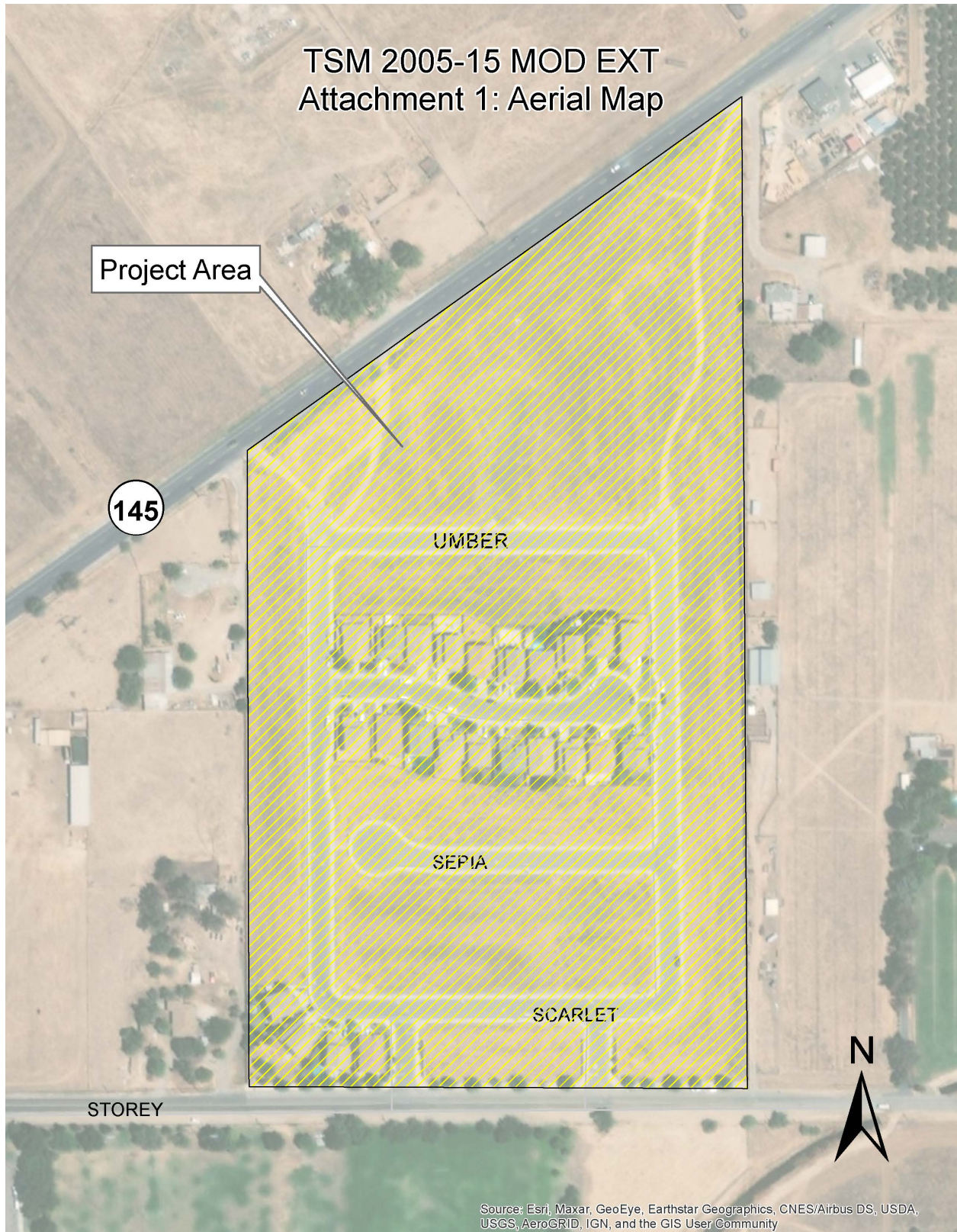
Attachment 2: Tentative Subdivision Map 2005-15 MOD

Attachment 3: Conditions of Approval for Tentative Subdivision Map 2005-15 MOD

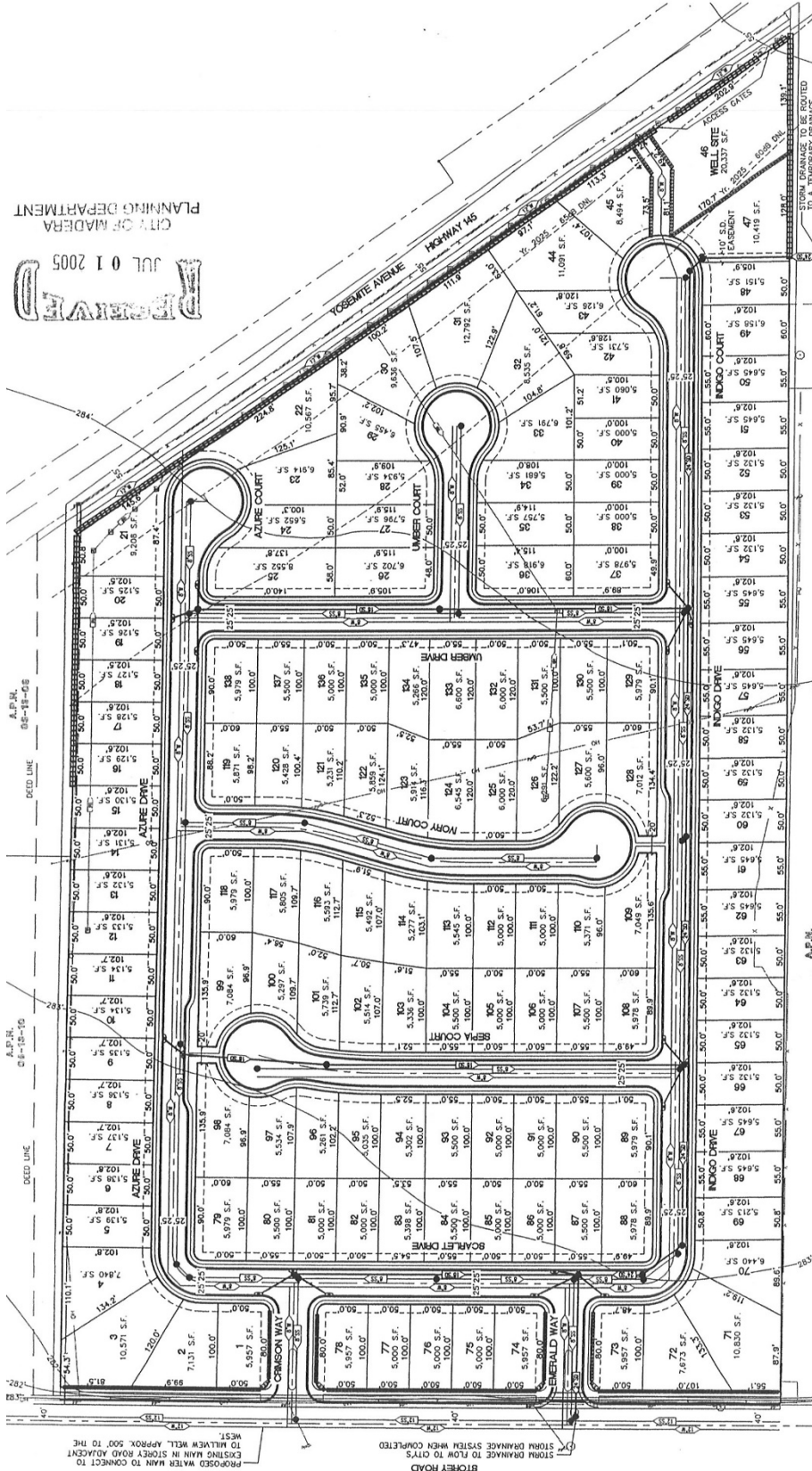
Attachment 4: Mitigated Negative Declaration for Tentative Subdivision Map 2005-15

Attachment 5: Planning Commission Resolution for TSM 2005-15 MOD EXT

Attachment 1: Aerial Map



Attachment 2: Tentative Subdivision Map 2005-15 MOD



**Attachment 3: Conditions of Approval for Tentative Subdivision Map 2005-15 MOD
September 12, 2017**

TSM 2005-15 MOD made changes to the original conditions of approval and are shown in underline and ~~strikethrough~~.

Engineering Department

General Conditions

1. A final subdivision map shall be required per Section 10-2.502 of the municipal code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
2. 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.
3. Prior to recording of the Final Map, a lot line adjustment shall be completed with the adjacent property to reflect the agreed upon boundary between the two properties in question. This condition may already be satisfied as part of the recordation of Lot Line Adjustment 2005-07.
4. A benchmark shall be established per City standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
5. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
6. Impact fees shall be paid at time of building permit issuance.
7. 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.
8. The developer shall pay all required fees for processing subdivision map and completion of project. Fees due include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, and improvement inspection fees.
9. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
10. The improvement plans for the project shall include the most recent version of the City's General Notes.

Water:

11. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the Fire Department, and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code Appendix III-A.
12. To initiate a grid system to serve the area, 12-inch water line shall be installed along the southeasterly side of East Yosemite Avenue to the east boundary of the subdivision and in Storey Road from the end of the existing water lines and extended to the east boundary of the subdivision. A connection of these water main extensions shall be made through the subdivision so as to create a looped water system. These improvements shall be completed in advance of granting of occupancy for any new construction within the subdivision.
13. ~~Unless the City Engineer specifies larger lines, water lines 8 inches in diameter shall be looped from Storey Road to East Yosemite Avenue by way of Indigo Drive and 6-inch water lines shall be installed in all other streets within the subdivision streets as specified by the City Engineer. Water valves and blow offs shall be installed at the termination of the water mains in the stub-out streets. If the subdivision is constructed in phases, blow offs will be required at each termination point. All dead end lines and cul-de-sacs shall be 8-inch mains unless looped with two points of access.~~

Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures (W98-1) and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing City main. If the subdivision is constructed in phases, a blow-off assembly or fire hydrant must be installed on all dead water line 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.

14. ~~Prior to beginning any framing construction, approved fire hydrants hydrant pavement markers, water services, etc. shall be installed pursuant to City standards in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be 6 inches in diameter with a minimum of one 4-inch and two 2 ½ inch connections as specified by the fire department. Hydrants shall be separate from the domestic water service line. Fire hydrants shall be constructed in accordance with City Standard W-26. Service laterals and fire hydrant laterals shall be tested and sanitized at the same time as the street mains per City water main installation procedures. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.~~
15. Water services shall be placed 3 feet from either property line, opposite of street light and fire hydrant installations, installed and tested at the time the water main is installed and identified on the curb face. ~~Water services to each lot shall be installed in accordance with City Standard W-7A with an angle valve located 18 inches behind the curb (or sidewalk if contiguous) or as required by the City Engineer. Water services shall not be located at fire hydrant or streetlight locations. Water meter and meter box shall be installed at the time of building construction. Water meters~~

shall not be installed within driveway approaches or sidewalk areas. Any relocations shall be at the subdividers expense. Water services shall not be located at fire hydrant or street light locations.

16. Water meters in conformance with current City standards shall be installed on each service. Back-flow prevention devices shall be required for landscaping and on any water service not servicing a residence.
17. Water service connections shall be constructed per current City standards including water meters located within the City right-of-way.
18. A water quality sampling station shall be installed within the subdivisions and approved by the water quality division of the Public Works Department. During construction of water mains, the contractor shall submit a plan as directed in Section 22-9, testing and sterilization, of City standards, said plan will indicate sampling points for bacterial testing.
19. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
20. The previously installed water main in Storey Road will require reimbursement to be paid to the City for the subdivisions prorated share of the initial cost prior to recording of any Final Map.
21. ~~Any on-site wells shall be destroyed in accordance with State standards. Necessary permits shall be obtained from the Public Works Department and required inspections made by the Department of Public Works water specialists. The contractor carrying out the abandonment shall possess a current C-57 Type Contractors License. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards.~~
22. The well site shown on the approved tentative map shall be offered for dedication as reserved for a City well site on the first phase of the final map or dedicated as part of a separate instrument. ~~After the subdivider has a test well bore completed and bore findings are acceptable to the City, the subdivider shall enter into a well site sales and land transfer agreement for the reserved well lot shown on the recorded first phase final map. A six foot high masonry wall with a gate on the interior street shall be constructed by the subdivider in accordance with plans approved by the City Engineer, the provisions of the subdivision map relative to reimbursement for excess improvements shall be applicable to this requirement. The subdivider shall be reimbursed for the reasonable appraised cost of the well site the costs of the test bore and bore findings report. at the discretion of the City Engineer reimbursements shall be in the form of a credit towards water impact fees, or in cash payments as impact fees are collected from other developments in the northeast quadrant, reimbursements made pursuant to the Madera impact fee update report adopted by city council resolution no. 03-202 shall be made in the order in which financial statements have been filed with the city and approved by the city engineer.~~
23. ~~The subdivider shall enter into a separate well site sales and installation agreement after the well test boring findings are accepted by the city.~~

24. ~~If it is determined by the Community Development Director / City Engineer based on computer modeling analysis of the water system to be necessary during development of this subdivision, and development impact fees collected to that point are not sufficient to pay for the total cost of drilling a new well facility, the subdivider shall front the cost for installation of the well. The city will provide for reimbursement of the development's surplus costs in completing this facility, and could also allow a credit toward the water portion of the development impact fee.~~

Sewer:

25. ~~A private sewer system demolition permit shall be obtained from the Building Division and any existing on-site septic tanks shall be abandoned per Building Division Standards.~~ Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.
26. Sewer service for the subdivision shall be provided by extension of the existing 12-inch sewer main near the intersection of east Yosemite Avenue and Storey Road east along Storey Road to the east boundary of the subdivision. Connection of sewer services to manholes is not permitted.
27. Unless the City Engineer specifies larger, interior sewer lines of 8-inches in diameter shall be installed in the streets. 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, ~~been approved. Mains and laterals shall be air tested after dry utilities (power, cable, telephone) are installed.~~ DVD tapes shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
28. Sewer services shall be located at the centerline of each lot with a clean-out installed per city standards, and identified on the curb face. Sewer services to all lots shall be installed in accordance with city standards ~~s-10 with 4-inch sewer clean-out~~. Where contiguous sidewalks are installed, the 4-inch sewer clean out shall be located 18-inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the city engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.

Storm Drainage:

29. The applicant shall provide detailed engineering studies to demonstrate to the satisfaction of the City Engineer that storm water runoff will be handled consistent with the current storm drainage master plan and city standards prior to issuance of grading or building permits. The master plan currently indicates drainage to the northwest side of the project across East Yosemite Avenue unless otherwise approved by the City Engineer. Required grading and drainage plans shall include calculations for run-off and storage requirements. Storm drainage improvements shall be operational in advance of granting of occupancy for any new construction within the subdivision.
30. All storm drain lines and inlets shall be installed in accordance with city standards. Gutter runoff shall not exceed gutter capacity as specified in the current master plan.

31. Required grading and drainage plans shall include calculations for run-off and storage requirements. The subdivider is required to perform excavation in the temporary retention basin for this drainage area to provide capacity matching calculated volumes according to the storm drainage master plan.
32. 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 therefor.
33. 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 8-inches or more will require construction of a retaining wall.
34. Retaining walls, if required, shall be concrete block. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
35. Prior to the issuance of any building permits or any construction on the subdivision, 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 five acres in size. The plan and a copy of the permit and report shall be submitted to the engineering division prior to issuance of any encroachment permits or plan approvals.
36. Prior to recording the subdivision map, any current and/or delinquent MID 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.

Street Improvements:

37. Storey Road fronting the project site shall be dedicated and improved to complete the northerly half of a collector street, with improvements to the centerline with transition asphalt to the east bound lane as required by the City Engineer, and with a detached sidewalk and handicap access ramps at the future entry intersections installed in accordance with plans approved by the City Engineer. Safe transitions to the east and west shall be provided in accordance with plans approved by the City Engineer. The improvements shall include fire hydrants, streetlights, etc., to be located in the dedicated right-of-way.
38. East Yosemite Avenue fronting the project site shall be dedicated and improved to complete the southerly half of an arterial street with a detached sidewalk and safe transition to the east and west in accordance with plans approved by the City Engineer and the State Department of Transportation. The improvements shall include fire hydrants, streetlights, etc., to be located in the State dedicated right-of-way. These improvements shall be completed in advance of issuance of building permits for any new construction within Phase II of the subdivision.

39. ~~The intersection of Storey Road and East Yosemite Avenue shall be reconstructed to provide a perpendicular alignment in accordance with plans approved by the City Engineer and the State Department of Transportation. To the extent the construction of any facilities or work required under this condition results in construction beyond that specifically required of the project on this property, the City shall reimburse the property owner for the cost of excess construction. Reimbursement shall be determined based on the cost of the construction of the work required in excess of the requirements for the project on this property and shall either be paid in full by the City at the time of construction, or through a reimbursement agreement as may be approved by the City Council. Preparation of plans and negotiations for right of way are to be initiated with the first phase of development and deferral of construction until the second phase may be considered by the city engineer.~~
40. The interior streets shall be constructed in accordance with City standards for 50 and 60-foot local residential streets. Handicap access ramps shall be installed at all curb returns intersections in accordance with ~~the current Federal "Americans with Disabilities Act", and shall comply with current~~ City standards. ~~st 16 with ramp pad scribing deleted and buttons installed.~~ The open-ended cul-de-sacs shall be improved in accordance with plans approved by the City Engineer and the Fire Marshall.
41. Traffic calming devices satisfactory to the City Engineer shall be constructed at the intersections of Indigo Drive and Sepia Court, and Azure Drive and Ivory Court.
42. The East Yosemite Avenue emergency access shall be gated at location of new masonry sound wall. As approved by the State Department of Transportation, the Fire Marshall and the City Engineer.
43. The divided entry streets onto Storey Road and the emergency secondary access route onto East Yosemite Avenue shall be constructed in accordance with plans approved by the City Engineer and the Fire Marshall. These streets shall be signed and the curbs painted for no parking.
44. ~~All streets, driveways, sidewalks, and streetlights shall conform to City standards in regard to setbacks from adjacent property lines. Streetlights shall be installed to City standards. Wattage on interior streets will require 100 watts, Storey Road 150 watts, and lights on East Yosemite Avenue will require 250 watts with longer poles. At the subdivider's request, streetlights may be inspected for compliance with the improvement plans and city standards, and upon approval, may be energized with payment of the energizing fee by the subdivider. Final inspection of the street light system will not be conducted until the subdivider submits 3 copies of the wiring schematics.~~ The developer shall be required to install street lights along Storey Road and East Yosemite Avenue frontages and interior subdivision streets in accordance with current City and Caltrans spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
45. ~~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. Provisions for construction in conjunction with residential 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.~~ 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.

46. Two points of access shall be available for each phase of development, one of which may be a temporary twenty foot wide all-weather access as approved by the City Engineer and Fire Marshall. Each point of access shall be shown on the final map with recording information.
47. An all-weather access fire road shall mean 6 inches of Class 'A' portland cement concrete over 4-inches of No. 4 sand over 6-inches of 95% compacted native soil with r-value of 50 or better for load rating of 40,000 pounds or better. Any all-weather access fire road shall be maintained by the subdivider with a road maintenance covenant and easement recorded prior to recording of any final map.

General Engineering:

48. Improvement plans (~~7 copies~~) prepared in accordance with City standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24"x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, and sewer line lineal feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:
 - A. Detailed site plan with general notes.
 - B. Street plans and profiles.
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans).
 2. Street lights.
 3. 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 and erosion control plans.
 - E. Landscape and irrigation plan for East Yosemite Avenue and Storey Road 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.
 - H. Submittals shall include:
 - I. Engineering Plan Review Submittal Sheet
 - J. Civil Plan Submittal Checklist – all required items shall be included on the drawings
 - K. Four copies of the final map
 - L. Two sets of traverse calculations
 - M. Two preliminary title reports

- N. Two signed copies of conditions
- O. Six sets of complete improvements plans
- P. Three sets of landscaping plans
- Q. Two sets of drainage calculations
- R. Two copies of the engineers estimates
- S. Partial submittals will not be accepted by the engineering department.

- 49. The subdivider/engineer shall contact the Engineering Division prior to first submittal to review filing requirements. Incomplete submittal packages shall be returned to the subdivider/engineer.
- 50. Traffic vehicular safety signing at point of ingress and egress shall be shown on the improvement plans and installed subject to review and approval by the City Engineer.
- 51. Water and sewer laterals shall be installed and the trenches compacted to City standards prior to the installation of curb and gutter. If curb and gutter is installed prior to water and sewer lateral installation, then all trenches shall be back-filled with a 3 sack slurring mix extending one foot past curb and gutter in each direction.
- 52. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines.
- 53. All public utilities shall be underground, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all street rights-of-way. All public utilities along peripheral streets shall be placed underground except those facilities exempted by the public utilities commission regulations or operating at 70,000 volts or greater.
- 54. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
- 55. 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 with the initial submittal of the improvement plans. The date and name of the person who prepared the report are to be noted on the final map.
- 56. ~~The subdivider shall enter an updated subdivision agreement in accordance with the municipal code prior to recording of amended or future the Final Maps. 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.~~
- 57. The subdivider shall enter into a new updated subdivision agreement that incorporates these amended conditions. 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 approval of an amended final map or with the dedication of the required well site through a separate instrument. All bonds shall be verified as being in full force and affect prior to approval of or use of any subdivision agreement.

58. The subdivider may commence off site construction prior to final map in accordance with section 7-2.02 MMC, encroachment permits, provided improvement plans are approved and provided a 100% performance bond, 50% payment bond and insurance certificate, are 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 ~~4.5% of engineers estimate~~ and shall be paid at the time of permit.
59. The developer's engineer, upon completion of subdivision related improvements, shall certify to the City Engineer that the improvements are made in accordance with city requirements and the approved plans. As-built plans on Autocad showing final existing conditions and actual grades of all improvements and facilities shall be submitted prior to acceptance of the subdivision improvements by the city.

Subdivision Improvement Inspections:

60. Engineering department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans. Inspection fees shall be due at the time all other fees are due per the subdivision agreement ~~paid prior to initiating construction.~~
61. Prior to the installation of any improvements or utilities, the general contractor shall notify the engineering division 48 hours prior to construction ~~or installation of any improvements or utilities.~~ The Inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
62. 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.
63. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five working days. Notwithstanding this restriction, model homes constructed under the provisions of the model home resolution may be occupied for sales purposes only.

Special Engineering Conditions:

64. A 6-foot high decorative masonry block wall shall be constructed along the Storey Road frontage and along the street side yards of the corner lots at the entries to the subdivision. A 6-foot high masonry block wall shall also be constructed along the west side of lots 16 - 21 and east side of lots 46 and 47. An 8-foot high split-faced decorative masonry block wall with grouted cells shall be constructed along the East Yosemite Avenue frontage as directed by the noise study. ~~Three copies of the acoustical analysis shall be submitted with the improvement plans.~~ These improvements shall be completed in advance of granting of occupancy for any new construction within the subdivision.

65. The park strips along Storey Road and East Yosemite Avenue shall be landscaped and provided along with an automatic irrigation system. A minimum of one City approved street tree every 50 feet shall be provided, along with root guards. No trees shall be planted within 30 feet of any street light, or 5 feet from any fire hydrant. Detailed fencing, landscaping and irrigation plans shall be submitted for review and approval by the Community Development Department prior to the filing of the map.
66. The subdivider shall sign and submit a landscape district formation and inclusion form, an Engineer's Report to include as a minimum, an assessment diagram, an assessment roll, a written "method of assessment", and a general vicinity map, and map prior to recording of any Final Map. Only the landscaping on East Yosemite Avenue and Storey Road will be maintained as a part of the landscape district.
67. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during winter months.
68. The landscaping plats shall be signed and stamped by a licensed landscape architect/ engineer.
69. 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.

Fire Department

70. All residential properties are required to be equipped with automatic fire sprinkler protection. Permits must be obtained prior to the framing inspection of each dwelling, as said dwelling is constructed.
71. This project is protected by the Madera City Fire Department. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection development requirements. All new construction shall comply with uniform fire code requirements and all applicable statutes, codes, ordinances, or standards of the fire department.
72. Prior to commencement of any framing construction, all flammable vegetation shall be removed from each building site a minimum distance of 30-feet from any flammable building material, including a finished structure. Debris piles shall be limited per the California Fire Code.
73. The residential address numbers shall meet city standards and shall be posted with a minimum of 3-inch high numbers. Posted numbers shall contrast with their background and shall be legible from the street in accordance with the uniform fire code. The developer shall post temporary street signs upon completion of rough grading. Individual house numbers shall be posted on individual job sites if home construction is initiated prior to completion of the subdivision improvements.
74. Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrestor, visible from the ground and as identified in the Uniform Fire Code.

Planning Department

75. Project approval is conditioned upon acceptance of the conditions of approval contained herein within 30 days, as evidenced by the applicant/owner's signature on the required Acknowledgment and Acceptance of Conditions of Approval form.
76. Prior to any construction of homes within the subdivision, an application for precise plan shall be approved by the Planning Commission. The precise plan shall guide all residential construction activities on the individual lots within the subdivision, including development within any future phases. Prior precise plan approvals are null and void.

Attachment 4: Mitigated Negative Declaration for Tentative Subdivision Map 2005-15

ENVIRONMENTAL REVIEW CHECKLIST FORM

INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

Project: Sienna Estates Tentative Map #VIII-04-18 and Precise Plan #XIII-04-07.

Applicant / Owner: Jonathan Homes
1783 Barcelona Street
Livermore, Ca. 94550
(925) 373-7300

Owner: Russ Wright
3455 West Shaw #103
Fresno, Ca 93711
(559) 277-8002

Location: North side of Storey Road just east of East Yosemite Avenue (SR 145).

Proposal: A Tentative Subdivision Map and Precise Plan on 26.8 acres that proposes 138 single family lots ranging from approximately 5,000 to 10,000 square feet each, along with a parcel of approximately 27,500 to be dedicated as a community well site. The Precise Plan proposal contains four standard plans for the project along with implementation of the R-1, Residential, zoning standards for the subdivision.

Zoning: PD 4500, Planned Development Zone.

General Plan Land Use Designation: Medium Density Residential.

Surrounding Land Uses and Zoning:

South – Story Road and Millview Regional Park; PF Public Facility.
North – East Yosemite Avenue, rural residential uses; County zoning RRM.
West – Rural residential uses; R-1, Residential.
East – Rural residential uses; County zoning RRS.

Responsible Agencies: None

SUMMARY OF ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: (Boxes are checked below if the proposed project has the potential to cause significant impacts. If none then "No Significant Impacts" may be checked)

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> 1. Land Use & Planning | <input type="checkbox"/> 5. Air Quality | <input type="checkbox"/> 9. Safety/Hazards | <input type="checkbox"/> 13. Aesthetics |
| <input type="checkbox"/> 2. Population & Housing | <input checked="" type="checkbox"/> 6. Transportation/Circulation | <input checked="" type="checkbox"/> 10. Noise | <input type="checkbox"/> 14. Cultural Resources |
| <input type="checkbox"/> 3. Geology / Soils | <input checked="" type="checkbox"/> 7. Biological Resources | <input type="checkbox"/> 11. Public Services | <input type="checkbox"/> 15. Agricultural Resources |
| <input type="checkbox"/> 4. Water Quality/Hydrology | <input type="checkbox"/> 8. Energy/Mineral Resources | <input type="checkbox"/> 12. Utilities/Service Systems | <input type="checkbox"/> 16. Recreation |
| <input type="checkbox"/> 17. No Significant Impacts | <input type="checkbox"/> 18. Mandatory Findings of Significance. | | |

ENVIRONMENTAL REVIEW CHECKLIST: (A brief answer to all questions is provided)

	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
<i>Potentially Significant Impact</i>				

Categories and Issues:

1. **Land Use and Planning.** Would the proposal:

- | | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a. Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Conflict with any applicable land use plan, policy, or regulation, adopted by an agencies with jurisdiction over the project (including, but not limited to the General Plan, specific plan, or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The project would not be in conflict with any environmental plans or policies adopted for this area. The project will not disrupt or divide the physical arrangement of an established community. The project is considered compatible with the adjacent land uses in the area. The project site is for the most part adjacent or rural and suburban residential land uses, with the exception being the Millview Regional Park to the south. Millview Elementary School and Community Center is also located to the southwest.

The project will not conflict with any habitat conservation plans or natural community conservation plan for this area of the city. The City General Plan designates the area for urban development, and the property has been utilized as active farmland in the past. There are no trees on the site to be rezoned, and no cultural, historical or scenic features are known to exist. The project will not have an effect on any endangered species or habitat. Staff has reviewed the General Plan Environmental Impact Report and the State Department of Fish and Game publications and have found no concerns with this area that were identified. A number of terrestrial vertebrate species, primarily birds are known to exist in the area. Some migratory species pass through the community from time to time. Home range and dispersal movements of some species may be expected in some areas around the City. The site does not, however, function as a "movement corridor". Such corridors are characterized by the regular movements of one or more species through relatively well-defined areas and are often associated with wetland complexes and riparian habitats. Such habitats are absent from the study area, and the proposed project will have no effect on migratory movements.

Several biological surveys were recently conducted elsewhere in the community to the south and west and the only potential significant environmental effect identified with all of the reviews was the possible impact on burrowing owls. Appropriate mitigation measures were adopted as a part of the environmental review process and accepted by the State Department of Fish and Game. If construction activities are to begin during the nesting season (February through July), all construction zones shall be surveyed within 30 days of construction by a qualified ornithologist to located active raptor nests (such as burrowing owls). Should any active raptor nests be located within or adjacent to proposed construction zones, the City and the ornithologist shall, in consultation with the California Department of Fish and Game, establish appropriate setback from each nest to ensure nesting success. Construction within these established setbacks shall be deferred until conclusion of the nesting season.

No significant impacts to land use and planning will occur with implementation of this project that cannot be adequately mitigated.

	Potentially Significant Impact	Negative Declaration: Potentially Significant Unless Mitigation Included	Less Than Significant Impact	No Impact	Development Related / Temporary Impact
2. Population and Housing. Would the proposal:					
a. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project will not induce unanticipated or substantial growth in this area. The area is planned for urban development by the General Plan, for which a comprehensive Environmental Impact Report was completed. This report addressed the cumulative impacts of development in the area, and appropriate mitigation measures were approved for the environmental impacts identified, and findings of over-riding consideration were adopted for farmland conversion, air quality, and light and glare. The property involved does not have any existing residential development and the project would not displace any housing.

No significant impacts to population and housing will occur with implementation of this project.

	Potentially Significant Impact	Negative Declaration: Potentially Significant Unless Mitigation Included	Less Than Significant Impact	No Impact	Development Related / Temporary Impact
3. Geology and Soils. Would the proposal result in or expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a. Rupture of known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in substantial soil erosion or loss of top soil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. 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-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Be located on expansive soil as defined by in Table 18-1-B of the Uniform Building Code, creating substantial risk to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Have soil 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 Madera Building Division to monitor safe construction in the city.

The project area is not subject to ground failure, including liquefaction, since liquefaction occurs normally where there is shallow groundwater depth. The potential for liquefaction decreases as the groundwater depth increases, and liquefaction is considered unlikely where the groundwater depth exceeds 30 feet, as in the project area. The site is essentially level, and the project will not result in or expose people to potential impacts from landslides.

The project will not create unstable earth conditions or changes in any geologic substructure. During construction, the project site may be exposed to increased soil erosion from wind and water. Dust control will be used during construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions. The site is not located in an area of unstable soils, and the project will not result in or expose people to potential impacts from liquefaction or subsidence of the land. The project will not result in or expose people to potential impacts from expansive soils. The project will be served by the established community sewage disposal system.

Implementation of the project will not create any significant impacts from geologic problems.

	<i>Potentially Significant Impact</i>	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
4. <u>Water Quality / Hydrology.</u> Would the proposal result in:					
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provided substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- i. Expose people or structures to a significant risk of loss, injuring or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j. Inundation by seiche, tsunami, or mudflow?

The proposed 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. The proposed project is consistent with the General Plan for the area, and services will be provided in accordance with the City's Master Plans.

The project will 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 will be used during construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions.

The project will not expose people or property to water related hazards. During future construction, the project site may be exposed to increased soil erosion from wind and water. Dust control will be used during any future construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions. 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 Division will mitigate any potential impacts from this project. This development will be required to comply with all City ordinances and standard practices which will assure that storm water will be adequately drained into the approved storm water system. The project will not create any impacts on water quality.

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

No significant water related impacts will occur from implementation of this project.

	<i>Potentially Significant Impact</i>	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
5. <u>Air Quality.</u> Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the proposal:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of peoples?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PLEASE NOTE: Specific development projects are distributed to the San Joaquin Valley Unified Air Pollution Control District for review and comment. The district then responds with recommended mitigation measures or conditions of approval, if any, for the development. These are incorporated into the project as appropriate.

The project will not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans. This project is in an area designated for urban development by the 1992 General Plan. The proposed project would be consistent with the designations planned for the area as well as the current zoning on the property. The City adopted findings of over-riding consideration with approval of the General Plan and Environmental Impact Report.

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 any future development would be subject to Air Pollution Control District review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not produce any climate changes. 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.

Based on the size of the subject project an Air Quality Impact Analysis was completed that indicated the emissions would not exceed the thresholds for representing a significant impact. A copy of that model run attached to this Checklist.

No significant impacts to air quality will occur with implementation of this project.

	<i>Potentially Significant Impact</i>	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
6. <u>Transportation/Circulation.</u> Would the project result in:					
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on road, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project will not individually or cumulatively exceed the level of service on the adjacent streets. Truck traffic generated with construction and upon completion of the project is not expected to be significant. Traffic generated by the potential development of the property is expected to be approximately 1,400 average trips per day. Based on the size of the subject project a Traffic Impact Report was prepared. This study did not identify any specific impacts from this project that would need to be mitigated. A copy of that report is attached to this Checklist.

The proposed project will not induce unanticipated or substantial growth in this area. The area is planned for urban development by the General Plan, for which a Comprehensive Environmental Impact Report was completed. This report addressed the cumulative impacts of development in the area, and appropriate mitigation measures were approved for the environmental impacts identified, including traffic, and findings of over-riding consideration were adopted for farmland conversion, air quality, and light and glare.

The project will not result in a change in air traffic patterns and will not result in any substantial risks for pilots or residents. The project will not result in hazards to safety from design features. The project will not result in inadequate emergency access or access to nearby uses. Truck traffic generated with construction and completion of the project is not expected to be significant. The proposed project will create a demand for parking, but on-site parking will be provided in compliance with City Standards. The project will not conflict with adopted policies supporting alternative transportation.

No significant impacts to transportation systems will occur with implementation of this project.

	<i>Potentially Significant Impact</i>	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
7. <u>Biological Resources.</u> Would the proposal result in impacts to:					
a. Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by in local or regional plans, policies, or regulation, or by the Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project would not bring about a change in the diversity of plant or animal species or a change in the diversity of any species or any number of any species of plants or animals, or the reduction of the numbers of any unique, rare, or endangered species of plants and animals. No locally designated natural communities of any plant or animal species exist on the project site. The City General Plan designates the area for urban development. The area has been in active agricultural uses for many years, and there are no trees on the sites to be acquired, and no cultural, historical or scenic features are known to exist. The project will not have an effect on any endangered species or habitat. Staff has reviewed the General Plan Environmental Impact Report and the State Department of Fish and Game's publications and have found no concerns with this area that were identified.

The project site is not a wetland habitat. The Fresno River is located a substantial distance to the north of the project site, and the project will not result in impacts to wildlife dispersal or migration corridors. Although no detailed studies of wildlife movement were conducted within the study area, a number of terrestrial vertebrate species, primarily birds are known to exist in the area. Some migratory species pass through the community from time to time. Home range and dispersal movements of some species may be expected in some areas around the City. The site does not, however, function as a "movement corridor". Such corridors are characterized by the regular movements of one or more species through relatively well-defined areas and are often associated with wetland complexes and riparian habitats. Such habitats are associated with the Fresno River but do not exist on the subject property. The proposed project will have no effect on migratory movements. Therefore, the proposed project will have no adverse effect on wildlife movement.

Several biological surveys were recently conducted elsewhere in the community to the south and west and the only potential significant environmental effect identified with all of the reviews was the possible impact on burrowing owls. Appropriate mitigation measures were adopted as a part of the environmental review process and accepted by the State Department of Fish and Game. If construction activities are to begin during the nesting season (February through July), all construction zones shall be surveyed within 30 days of construction by a qualified ornithologist to located active raptor nests (such as burrowing owls). Should any active raptor nests be located within or adjacent to proposed construction zones, the City and the ornithologist shall, in consultation with the California Department of Fish and Game, establish appropriate setback from each nest to ensure nesting success. Construction within these established setbacks shall be deferred until conclusion of the nesting season.

No significant impacts to biological resources will occur with implementation of this project that cannot be mitigated.

	<i>Potentially Significant Impact</i>	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
8. <u>Mineral Resources.</u> Would the proposal:					
a. Result in the loss of availability of a known Mineral resource that would be of future value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project will not result in the loss of availability of known mineral resources. The project will not conflict with adopted energy conservation requirements.

No significant impacts to energy and mineral resources will occur with implementation of this project.

	<i>Potentially Significant Impact</i>	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
9. <u>Hazards and Hazardous Materials.</u> Would the proposal involve:					
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment though reasonably foreseeable upset and accident condition involving the release of hazardous material into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- e. For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas, or where residences are intermixed with wildlands?

The project will not bring about a direct increase in the risk of accidental explosion or release of hazardous substances. The project site is not within one-quarter mile of an existing or proposed school. The project site has not been identified as a hazardous material site. The project will not result in a substantial air safety hazard for people residing in the area or future residents of the project. The Madera Municipal Airport is located a substantial distance to the north. There is no private airstrip in the vicinity. The project will not result in a substantial air safety hazard for people residing in the area or future residents of the project. The project will not interfere with any emergency response or evacuation plans. Truck traffic generated with construction of the project is expected to be insignificant. Traffic generated with development is not expected to be substantially higher than current volumes. The project will not bring about an increase in fire hazards in areas with flammable brush, grass, or trees.

No significant impacts related to safety/hazards will occur with implementation of this project.

	<i>Potentially Significant Impact</i>	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
10. Noise. Would the proposal result in:					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general Plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Construction activity may expose project construction workers and nearby residents to localized intermittent severe noise levels and intermittent vibrations. The Contractor is required to protect workers from health and safety related noise exposure. No significant permanent increase in sound is anticipated as a result of the project. During construction of the facility, there will be a temporary increase in noise levels over the existing levels associated with a vacant parcel.

The project may expose people to noise levels in excess of standards established in the Noise Element of the General Plan. State route 145 represents a substantial noise corridor, especially in regard to truck traffic. While speeds in this area are not significant, the proposed residential development along the Highway does represent some concern. Therefore, a Noise Impact Analysis was completed in conjunction with the environmental review for the project. This report noted a potential for significant noise impacts for homes in the northerly portion of the subdivision, and recommended construction of an 8 foot high masonry block sound wall along the East Yosemite Avenue frontage of the site, as well a 6 foot wall along a portion of the east and west property lines. Construction of this wall will mitigate to an insignificant level the potential noise impact on the subdivision.

The project will not result in a substantial aircraft noise level for people residing in the area or future residents of the project. The Madera Municipal Airport is located a substantial distance to the north and the project is well beyond the noise limitations for runway protection. There is no private airstrip in the vicinity. The project will not result in a substantial aircraft noise level for people residing in the area or future residents of the project.

No significant impacts related to noise will occur with implementation of this project.

	<i>Potentially Significant Impact</i>	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
11. Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new physically 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project will not bring about a significant increase in demand for public services. There will be an increase in street, and water and sewer system maintenance responsibility because of this project. However, based on the density of the proposal, the increase in manpower requirements for the Public Works Department will be minimal. The proposed project will not induce unanticipated or substantial growth in this area. The area is planned for urban development by the City General Plan, for which a Comprehensive Environmental Impact Report was completed. This report addressed the cumulative impacts of development in the area, and appropriate mitigation measures were approved for the environmental impacts identified, including public services, and findings of over-riding consideration were adopted for farmland conversion, air quality, and light and glare.

No significant impacts related to public services will occur with implementation of this project.

	Potentially Significant Impact	Negative Declaration: Potentially Significant Unless Mitigation Included	Less Than Significant Impact	No Impact	Development Related / Temporary Impact
12. Utilities and Service Systems. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new and expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination of the wastewater treatment provider that 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The community sewage disposal system will continue to comply with City's Discharge Permits. The project will require installation of a new 18-inch sewer line in Storey Road that will connect with the Tozer Street interceptor to the west. Installation of interior sewer lines will also be required to serve the development. The project will not bring about the need for new wastewater treatment facilities or sewer trunk lines. The project will not significantly increase the demand on water supplies. A community well is located a short distance to the southwest a new Master Plan well will be installed on a parcel to be dedicated with the proposed subdivision. The project will extend 12-inch water mains out Storey Road and East Yosemite Avenue as a part of the City's primary grid system, which will be connected by an 8-inch line through the subdivision. The project will comply with all City ordinances and standard practices that will assure adequate storm water facilities are constructed. The County's current landfill continues to have sufficient capacity. The project will not bring about an increase in the demand for solid waste disposal.

The area is planned for urban development by the General Plan, for which a comprehensive Environmental Impact Report was completed. This report addressed the cumulative impacts of development in the area, and appropriate mitigation measures were approved for the environmental impacts identified, including public services, and findings of over-riding consideration were adopted for farmland conversion, air quality, and light and glare.

No significant impacts related to utilities and service systems will occur with implementation of this project.

	Potentially Significant Impact	Negative Declaration: Potentially Significant Unless Mitigation Included	Less Than Significant Impact	No Impact	Development Related / Temporary Impact
13. Aesthetics. Would the proposal:					
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The project will not affect a scenic vista and will not have an overall adverse visual impact on the immediate area. The project will not affect a scenic highway, and will not have an overall adverse visual impact on any scenic resources. The project will not substantially degrade the existing visual character or quality of the property and its surroundings. During construction there may be some concerns expressed regarding appearance. However, the project will not represent a negative aesthetic impact.

The area is planned for urban development by the City General Plan, for which a comprehensive Environmental Impact Report was completed. This report addressed the cumulative impacts of development in the area, and appropriate mitigation measures were approved for the environmental impacts identified, including public services, and findings of overriding consideration were adopted for farmland conversion, air quality, and light and glare. There are already a number of other residential subdivisions in the area, along with commercial businesses, which have installed similar lighting.

There is no possibility that a significant impact related to aesthetics will occur with this project.

- | | <i>Potentially Significant Impact</i> | <i>Negative Declaration: Potentially Significant Unless Mitigation Included</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Development Related / Temporary Impact</i> |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|---|
| 14. <u>Cultural Resources.</u> Will the proposal: | | | | | |
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the Public Resources Code? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Cause a substantial change in the significance of an archaeological resource pursuant to 19064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project will not disturb archaeological resources. A number of surveys have been completed in the area, and no surface resources have been identified. A general clearance was granted to the City as a part of the 1992 General Plan and Environmental Impact Report. The project will not disturb any unique paleontological or geologic resources. The project will not disturb any human remains. Prior clearances have been granted to the City of Madera relative to archeological surveys conducted in the same area. Copies of those reports are a part of the environmental review record for this project. In the event any archeological resources are discovered with 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.

No significant impacts related to cultural resources will occur with implementation of this project.

	<i>Potentially Significant Impact</i>	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
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15. Agricultural Resources. In determining whether impacts to agricultural resources are significant environmental effects, refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the Department of Conservation. Would the proposal:

- | | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. | Convert to non-agricultural uses Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the Farmland Mapping and Monitoring Program Maps of the Resources Agency? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The project will convert an area of farmland to urban uses. Neither this parcel nor any adjacent properties are under Agricultural Preserve Contract. The Zoning is consistent with the General Plan designation for the area. The area is planned for urban development by the City General Plan, for which a Comprehensive Environmental Impact Report was completed. This report addressed the cumulative impacts of development in the area, and appropriate mitigation measures were approved for the environmental impacts identified, including public services, and findings of over-riding consideration were adopted for farmland conversion, air quality, and light and glare.

No significant impacts related to cultural resources will occur with implementation of this project.

	<i>Potentially Significant Impact</i>	<i>Negative Declaration: Potentially Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Development Related / Temporary Impact</i>
--	--	--	--	-----------------------------	--

16. Recreation. Would the proposal:

- | | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. | Would the project 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The project would not bring an increased demand for recreational facilities. The project will not negatively affect existing recreational opportunities. The area is planned for urban development by the City General Plan, for which a Comprehensive Environmental Impact Report was completed. This report addressed the cumulative impacts of development in the area, and appropriate mitigation measures were approved for the environmental impacts identified, including public services, and findings of over-riding consideration were adopted for farmland conversion, air quality, and light and glare.

No significant impacts related to recreation will occur with implementation of this project.

17. Based on completion of this Environmental Checklist no significant adverse impacts have been identified.

18. Mandatory Findings of Significance.

- a. Does the project have the potential to 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, 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? No
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? No
- c. Does the project have the 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 past projects, the effects of other current projects, and the effects of probable future projects.) No
- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? No

19. INITIAL STUDY CONCLUSIONS

On the basis of the preceding Initial Study, it is determined that:

- A. No potentially significant environmental effects resulting from the proposed activity have been identified, and the approval of a Negative Declaration is recommended.
- B. The proposed activity could have a significant effect on the environment but because the Mitigation Measures specifically described in the proposed Negative Declaration have been incorporated into the project description by the project proponent, the project will not have a significant effect on the environment, and the approval of the Mitigated Negative Declaration is recommended.
- C. The proposed activity may result in significant environmental effects; denial of the proposed Negative Declaration and preparation of an Environmental Impact Report is recommended.
- D. The proposed activity is part of a phased project or group of projects for which an EIR has previously been prepared and certified, and there are no substantial changes in the proposed project or circumstances surrounding the project which involve environmental effects not considered in the previous EIR; the reuse of the previous EIR is recommended.
- E. The identified potential environmental effects of the proposed activity are sufficiently similar to the effects of another project for which an EIR has been prepared and certified to warrant similar treatment, and the reuse of the previous EIR is recommended.

Prepared by:

Larry J. Red, Planning Director
Planning Division
Community Development Department
City of Madera


Signature
Date: NOV. 17, 04

MITIGATION MONITORING CHECKLIST
SIENNA TENTATIVE MAP AND PRECISE PLAN

<u>IMPACT</u>	<u>MITIGATION</u>	<u>IMPLEMENTATION</u>	<u>TIMING</u>	<u>VERIFICATION</u>
NOISE	CONSTRUCTION OF SOUND WALLS.	DEVELOPER AND THE CITY	PROJECT CONSTRUCTION	COMMUNITY DEVELOPMENT DEPARTMENT
BIOLOGICAL	FIELD SURVEY PRIOR TO CONSTRUCTION	DEVELOPER, THE CITY, AND THE DEPARTMENT OF FISH AND GAME	PRIOR TO PROJECT CONSTRUCTION	COMMUNITY DEVELOPMENT DEPARTMENT



AIR QUALITY MODELING PROGRAM RESULTS

File Name: C:\Program Files\URBEMIS 2002 For Windows\Projects2k2\CHASE MADERA.urb
 Project Name: MADERA
 Project Location: Mountain Counties and Rural Counties
 On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

SUMMARY REPORT
 (Pounds/Day - Summer)

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 TOTAL	PM10 EXHAUST	PM10 DUST
*** 2005 ***							
TOTALS (lbs/day, unmitigated)	0.73	0.43	9.14	0.00	0.17	0.01	0.16

	ROG	NOx	CO	SO2	PM10 TOTAL	PM10 EXHAUST	PM10 DUST
*** 2006 ***							
TOTALS (lbs/day, unmitigated)	540.01	0.68	14.64	0.00	0.34	0.02	0.32

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day, unmitigated)	7.44	1.84	2.54	0.05	0.01

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day, unmitigated)	20.87	37.32	271.37	0.24	23.67

SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day, unmitigated)	28.30	39.16	273.91	0.29	23.68



TRAFFIC STUDY

Traffic Impact Study

Proposed Residential Subdivision

***Northeast of the Intersection of Yosemite Avenue (State Route 145)
and Storey Avenues***

Madera, California

Prepared For:

Jonathan Homes
1783 Barcelona Street
Livermore, California 94550

Date:

November 2, 2004

Job No.:

04-098.01



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Mr. Gary Chase
Jonathan Homes
1783 Barcelona Street
Livermore, California 94550

November 2, 2004

Subject: Traffic Impact Study
Proposed Residential Subdivision
Northeast of the Intersection Yosemite Avenue (State Route 145) and Storey Road
Madera, California

Introduction

This report presents the results of a traffic impact study for a proposed residential development in Madera, California. This analysis focuses on the anticipated effect of vehicle traffic resulting from the project.

Project Description

Based on information provided by Provost & Pritchard, the proposed project includes 139 single-family residential lots. The site is located on the north side of Storey Road east of the intersection of Yosemite Avenue (State Route 145) and Storey Road. The northern boundary of the site is Yosemite Avenue. Site access will be provided only from Storey Road. A Site Vicinity Map is shown in Figure 1 and a Site Plan is shown in Figure 2.

Study Area and Time Period

The scope of the traffic impact study was discussed with City of Madera and Caltrans staff prior to beginning the study. This report includes analysis of the following intersections:

- Yosemite Avenue (State Route 145) and Storey Road
- Yosemite Avenue (State Route 145) and Tozer Street
- Yosemite Avenue (State Route 145) and Lake Street

The study time periods include the weekday AM and PM peak hours determined between 7:00 and 9:00 AM and between 4:00 and 6:00 PM. The peak hours were analyzed for the following conditions:

- Existing Conditions,
- Existing-Plus-Project Conditions, and
- Future With Project Conditions (Year 2025).

Lane Configurations and Intersection Control

The existing lane configurations and intersection control are illustrated in Figure 3, Existing Lane Configurations. The existing configuration of Yosemite and Storey does not conform to current standards. For future conditions, it is assumed that the existing conditions will be maintained unless impacts requiring mitigation are identified.

Trip Generation

Data provided in the Institute of Transportation Engineers (ITE) *Trip Generation, 7th Edition*, (Code 210, Single-Family Detached Housing) were used to estimate the number of trips anticipated to be generated by the project based on the number of lots. Table 1 presents the trip generation information.

Table 1
Project Trip Generation

Time Period	Trips Entering Site	Trips Exiting Site
Weekday	704	704
Weekday AM Peak Hour	27	81
Weekday PM Peak Hour	91	54

Pass-by and captured-trip reductions were not applied. The distribution of project traffic to the adjacent road network was based on the distribution of existing traffic at the intersection of Storey and Yosemite. The anticipated project traffic volumes at the study intersections are shown in Figure 4. It should be noted that the traffic volumes indicated in Figure 4 are based on 145 single-family residences. A revised plan indicating only 139 lots was provided after completion of the analyses. The trip generation calculations are attached following the figures at the end of the text of this report.

Existing and Future Traffic Volumes

The existing traffic volumes were determined by performing manual traffic counts at the study intersections. Manual turning movement counts were performed between 7:00 and 9:00 AM and between 4:00 and 6:00 PM. The existing peak-hour turning movement volumes are presented in Figure 5. Existing-plus-project traffic volumes are presented in Figure 6.

Future traffic volumes for the year 2025 without the project were determined based on the Madera County travel model updated in May 2002. The model provides projections of the daily traffic volumes for the years 2000 and 2025. The difference in traffic volumes between the two model runs indicates the amount of growth the model predicts between 2000 and 2025. The amount of growth anticipated between 2004 and 2025 was interpolated and added to the existing traffic counts to arrive at the projected 2025 traffic volumes without the project. An assumption was made that nine percent of the daily traffic volumes will occur during each peak hour. An assumption was also made that a minimum growth rate of two percent per year will occur for all turning movements at each of the study intersections.

Printouts showing the travel model data at the study intersections are included in the Appendix. Future turning movements were determined based on the methods presented in the Chapter 8 of the Transportation Research Board National Cooperative Highway Research Program Report 255 entitled "Highway Traffic Data for Urbanized Area Project Planning and Design". Projected future traffic volumes without the project are presented in Figure 7. Future-with-project traffic volumes are presented in Figure 8.

Analyses

The intersection levels of service were determined using the computer program Synchro 6 (Build 612) for unsignalized and signalized intersections, which is based on the 2000

Highway Capacity Manual procedures for calculating levels of service. Level of service characteristics for both unsignalized and signalized intersections are presented in Tables 2 and 3. Caltrans typically requires that a level of service C or better be maintained. Therefore, levels of service A through C are considered acceptable and levels of service D and F are considered unacceptable.

Table 2
Level of Service Characteristics for Unsignalized Intersections

Level of Service	Description	Average Vehicle Delay (seconds)
A	Little or no delay.	0-10
B	Short traffic delays.	>10-15
C	Average traffic delays.	>15-25
D	Long traffic delays.	>25-35
E	Very long traffic delays.	>35-50
F	Stop-and-go conditions.	>50

Table 3
Level of Service Characteristics for Signalized Intersections

Level of Service	Description	Average Vehicle Delay (seconds)
A	Uncongested operations; all queues clear in a single cycle.	<10
B	Very light congestion; an occasional phase is fully utilized.	>10-20
C	Light congestion; occasional queues on approaches.	>20-35
D	Significant congestion on critical approaches, but intersection is functional. Cars required to wait through more than one cycle during short peaks. No long-standing queues formed.	>35-55
E	Severe congestion with some long-standing queues on critical approaches. Traffic queue may block nearby intersection(s) upstream of critical approach(es).	>55-80
F	Total breakdown, stop-and-go conditions.	> 80

Table 4 presents the results of the intersection analyses. The level of service is presented for the overall intersection and for each turning movement where applicable. The overall level of service is considered the most reliable; the individual turning-movement levels of service are less reliable because they are more dependent upon signal timing and variations in traffic volumes. The individual turning movement levels of service should be used only as a guide. The overall intersection level of service is not defined by the Highway Capacity Manual for two-way stop-sign controlled intersections. The analysis output is attached to this report.

Discussion

The results of the level-of-service analyses indicate the study intersections are currently operating at acceptable levels of service and are expected to continue to operate at acceptable levels of service with construction of the project. However, by the year 2025 it is anticipated that unacceptable levels of service will be experienced at both Storey Road and Tozer Street.

Table 4
Intersection Level of Service Summary

Intersection	Level of Service					
	Existing		Existing Plus Project		Future With Project (2025)	
	AM	PM	AM	PM	AM	PM
Storey & SR 145	ND	ND	ND	ND	ND	ND
Eastbound T	DNS	DNS	DNS	DNS	DNS	DNS
Eastbound R	DNS	DNS	DNS	DNS	DNS	DNS
Westbound L	A	A	A	A	A	A
Westbound T	A	A	A	A	A	A
Northbound L	B	C	C	C	E	F
Northbound R	B	C	C	C	E	F
Tozer & SR 145	C	C	B	C	D	E
Eastbound L	D	D	D	D	F	F
Eastbound T	B	B	B	B	C	C
Eastbound R	B	B	B	B	C	C
Westbound L	C	C	C	D	D	E
Westbound T	B	B	B	B	C	D
Westbound R	B	B	B	B	C	D
Northbound L	D	C	C	D	F	E
Northbound T	B	C	B	C	D	E
Northbound R	B	C	B	C	D	E
Southbound L	D	D	D	D	E	F
Southbound T	B	B	B	B	C	C
Southbound R	B	B	B	B	C	C
Lake & SR 145	C	C	C	C	C	C
Eastbound L	D	D	D	D	E	E
Eastbound T	B	B	B	B	B	C
Eastbound R	B	B	B	B	B	C
Westbound L	C	C	C	C	D	D
Westbound T	C	B	C	B	D	D
Westbound R	C	B	C	B	D	D
Northbound L	C	C	D	D	E	E
Northbound T	B	B	C	C	D	D
Northbound R	B	B	C	C	D	D
Southbound L	D	D	D	D	D	D
Southbound T	B	B	B	B	C	C
Southbound R	B	B	B	B	C	C

L – Left turn R – Right turn T – Through DNS – Does not stop
 DNE – Does not exist ND – Level of service not defined

It is anticipated that the intersection of Tozer and Yosemite will require widening to provide acceptable levels of service in the year 2025. Such widening is expected to include providing two left-turn lanes and a right-turn lane on each approach.

It is anticipated that the intersection of Storey Road and Yosemite will require upgrades to meet current Caltrans standards. The intersection is within approximately 200 yards of the existing signalized intersection of Tozer and Yosemite; therefore, signalization of Storey is not desirable. In order to provide acceptable levels of service in the year 2025, it is anticipated that two through lanes will be required on Yosemite, separate left-turn and right-

turn lanes on Storey approaching Yosemite, and a two-way left-turn lane or acceleration lane to provide a refuge for vehicles turning left onto Yosemite from Storey.

Equitable Share Contribution

To provide funding for cumulative impacts such as traffic signals, it is common for the lead agency to request that equitable share calculations be presented in the traffic impact study report for anticipated upgrades. The Caltrans *Guide for the Preparation of Traffic Impact Studies* recommends the following equation to determine a project’s equitable share of the cost of improvements required as mitigation of impacts:

$$P = \frac{T}{T_B - T_E}$$

where:

P = The equitable share of the project’s traffic impact;

T = The project trips generated during the peak hour of the adjacent State Highway facility;

T_B = The forecasted (future with project) traffic volume on the impacted State highway facility;

T_E = The existing traffic on the State Highway facility plus approved projects traffic (cumulative).

Table 5 presents preliminary equitable share responsibility calculations.

Table 5

Equitable Share Responsibility Calculations – Weekday AM (PM) Peak Hour

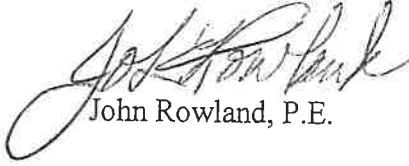
Location	Mitigation	Project Traffic	Existing Traffic	Future Traffic	Equitable Share (Percent)
Yosemite / Tozer	Intersection widening	108 (146)	1,776 (2,174)	3,584 (4,020)	6.0 (7.9)
Yosemite / Storey	Intersection Modification	112 (151)	696 (764)	1,254 (1,404)	20.1 (23.6)

Conclusions

Generally-accepted traffic engineering principles and methods were employed to estimate the amount of traffic expected to be generated by the project and to analyze the traffic conditions expected to exist in the future. The conclusion of this traffic impact study is that the study intersections are expected to operate at acceptable levels of service with construction of the project. However, with additional regional growth the intersections of Yosemite Avenue with Tozer Street and Storey Road are expected to experience unacceptable levels of service requiring mitigation. The project can mitigate its share of the cumulative future impacts by contributing an equitable share of the cost of the future improvements based on the values presented in Table 5.

Thank you for the opportunity to perform this traffic impact study. Please feel free to call our office if you have any questions.

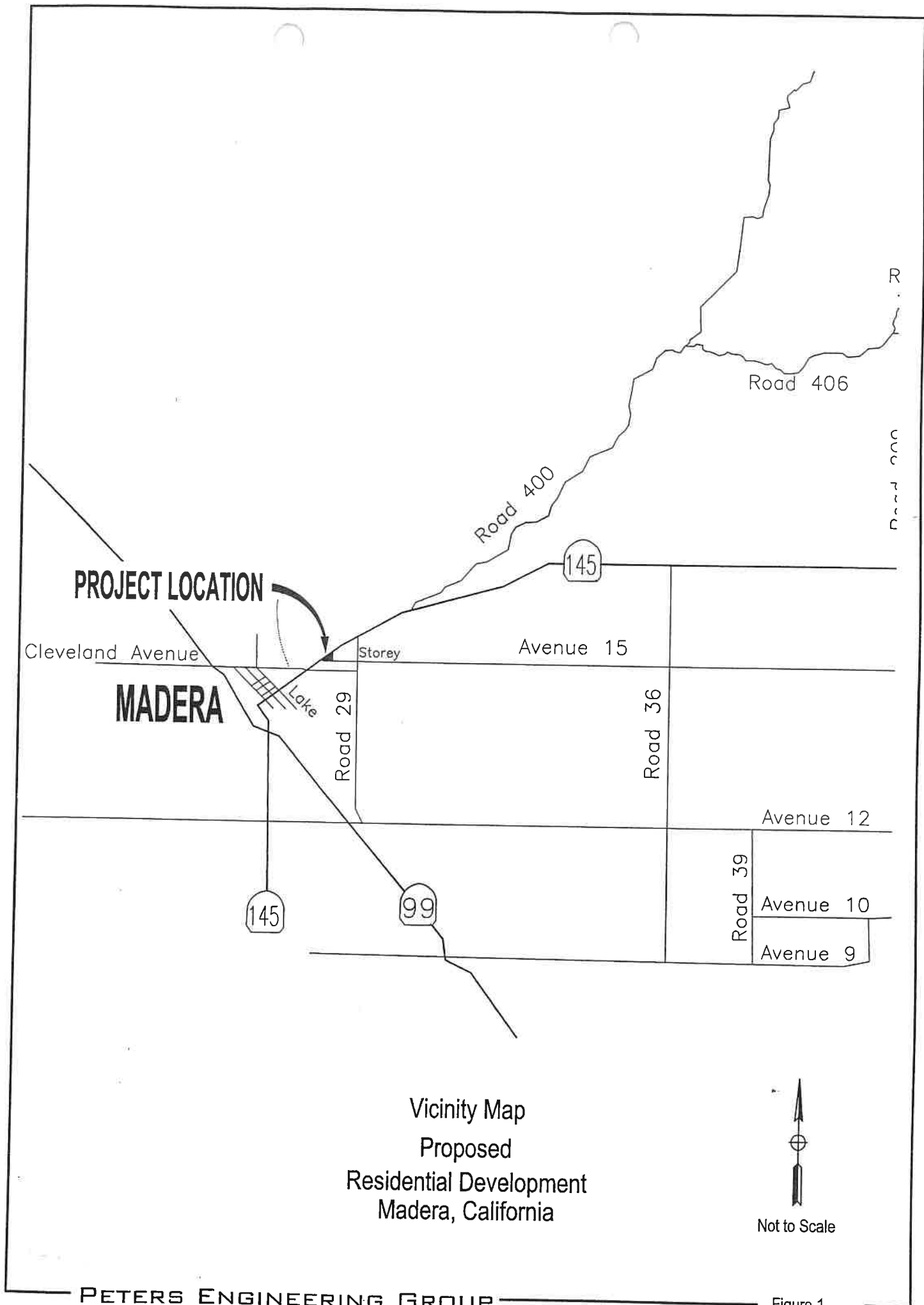
PETERS ENGINEERING GROUP

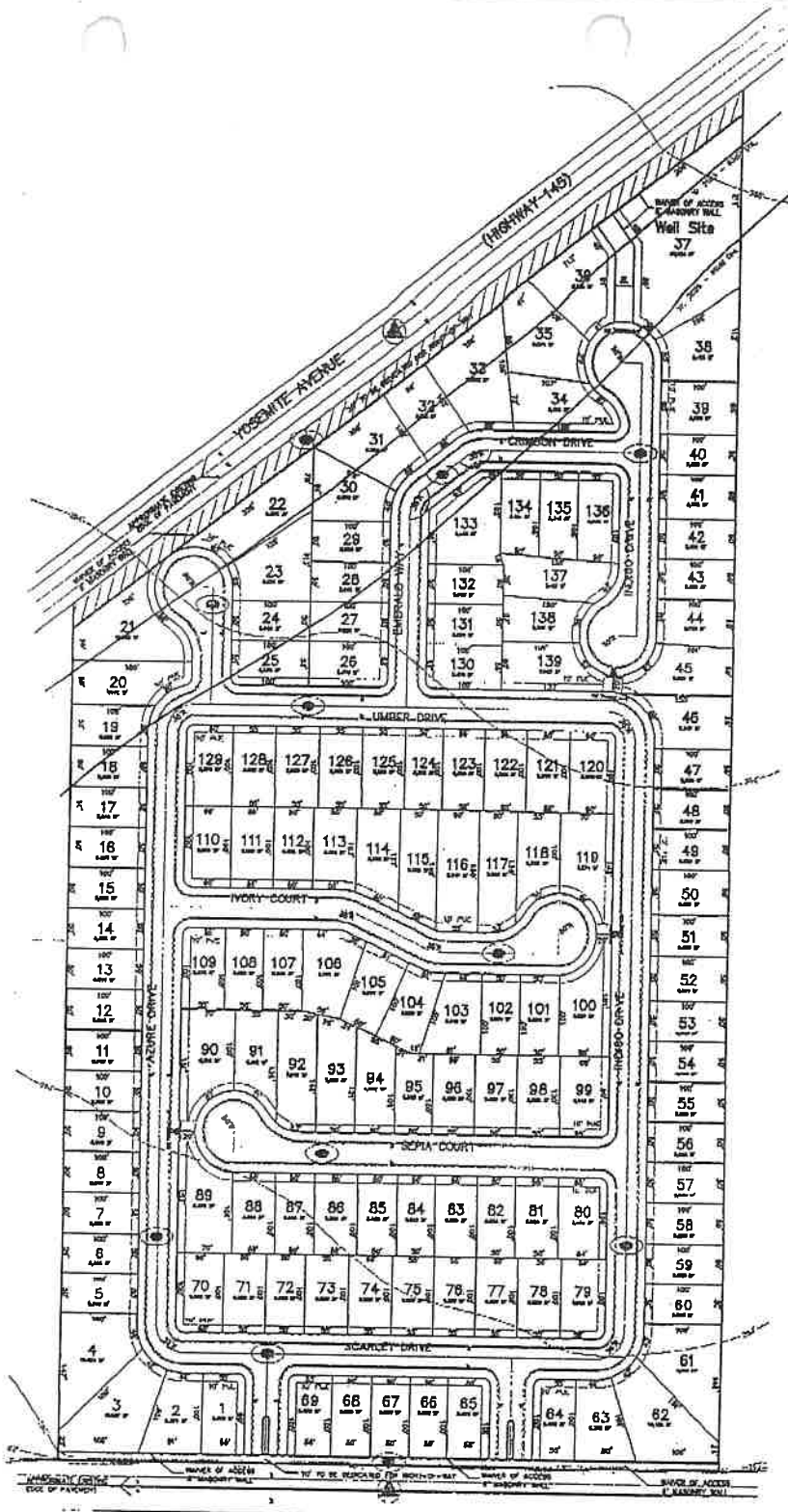

John Rowland, P.E.



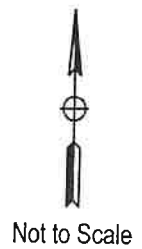
Attachments: Figures 1 through 8
Trip Generation Calculations
Madera County Travel Model Output
Intersection Analyses

11-2-04





SITE PLAN
 Proposed
 Residential Development
 Madera, California





NOISE STUDY & MITIGATED CONTOUR LINES

ACOUSTICAL ANALYSIS
SIENNA SUBDIVISION
MADERA, CALIFORNIA

PREPARED FOR

JONATHAN HOMES, INC.
1783 BARCELONA STREET
LIVERMORE, CALIFORNIA 94550

PREPARED BY

BROWN-BUNTIN ASSOCIATES, INC.
VISALIA, CALIFORNIA

OCTOBER 1, 2004

INTRODUCTION

The Sienna Subdivision is a proposed residential subdivision to be located adjacent to State Route 145 (SR 145) in Madera, California. The City of Madera has required an acoustical analysis to determine if traffic noise from the SR 145 will exceed the City's noise standards and to determine if mitigation measures will be required. This report is based upon the preliminary tract map dated September 10, 2004. Revisions to the site plan may require reevaluation of the findings of this report (except as specified in this report).

Appendix A provides definitions of the acoustical terminology used in this report. Unless otherwise stated, all sound levels reported in this analysis are A-weighted sound pressure levels in decibels (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighted sound levels, as they correlate well with public reaction to noise.

CRITERIA FOR ACCEPTABLE NOISE EXPOSURE

The City of Madera General Plan Noise Element establishes land use compatibility with regard to noise for various land uses. For single-family residential uses, noise levels that are 60 dB DNL or less are considered to be acceptable. Levels up to 65 dB DNL may be acceptable if it is not possible to achieve noise reductions to 60 dB DNL by using the best available and practical noise reduction technology. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation. The interior noise level standard is 45 dB DNL.

PROJECT SITE NOISE EXPOSURE

Noise levels from traffic on SR 145 were calculated for existing (2003) and future (2025) conditions. The calculations were made using noise level data obtained by BBA at the project site, the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108), and traffic data obtained from the Madera County Transportation Commission (MCTC) and Caltrans.

The FHWA Model is the standard analytical method favored by most state and local agencies, including Caltrans, for roadway traffic noise prediction. The model is based upon reference energy emission levels for automobiles, medium trucks (2 axles) and heavy trucks (3 or more axles), with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA Model was developed to predict hourly L_{eq} values for free-flowing traffic conditions, and is generally considered to be accurate within ± 1.5 dB. To predict DNL values, it is necessary to determine the hourly distribution of traffic for a typical day and adjust the traffic volume input data to yield an equivalent hourly traffic volume. The Calveno traffic noise emission curves are used as recommended by Caltrans to more accurately calculate noise levels generated by California traffic.

Noise level measurements and a concurrent traffic counts were conducted by BBA within the project site on September 28, 2004. The purpose of the measurement was to evaluate the accuracy of the FHWA Model in describing traffic noise exposure within the project site. The measurement site was located at lots nearest to SR 145. The project site plan and noise monitoring site are shown in Figure 1. The project site is flat, and it is assumed that project site grading will be minimal. The observed speeds adjacent to the site ranged from 45 to 50 mph.

Noise monitoring equipment consisted of a Bruel & Kjaer (B&K) Type 2230 sound level meter equipped with a B&K Type 4176 1/2" microphone. This equipment complies with the specifications of the American National Standards Institute (ANSI) for Type I (Precision) sound level meters. The meter was calibrated in the field prior to use with a B&K Type 4230 acoustical calibrator certified by its manufacturer to be in compliance with National Bureau of Standards (NBS) reference levels to ensure the accuracy of the measurements. The microphone was located on a tripod at 5 feet above the ground.

Noise measurements were conducted in terms of the equivalent energy sound level (L_{eq}). Measured L_{eq} values were compared to L_{eq} values calculated (predicted) by the FHWA Model using as inputs the traffic volumes, truck mix and vehicle speed observed during the noise measurements. The results of this comparison are shown in Table 1.

From Table I it may be determined that the predicted noise levels were within 0.7-1.7 dB of the measured noise level for the observed traffic conditions. This is considered to be acceptable agreement between predicted and measured noise levels, and indicates that the FHWA Model will provide a realistic assessment of annual average traffic noise exposure within the project site.

TABLE I	
COMPARISON OF MEASURED AND PREDICTED (FHWA MODEL) NOISE LEVELS SIENNA SUBDIVISION	
	SR 145
Microphone Height, Ft. (above the ground)	5
Observed # Autos/Hr.	276
Observed # Medium Trucks/Hr.	4
Observed # Heavy Trucks/Hr.	8
Observed Speed (MPH)	45-50
Distance, Ft. (from center of roadway)	70
L_{eq} , dBA (Measured)	61.8
L_{eq} , dBA (Predicted)	60.1-61.1
Difference between Measured and Predicted L_{eq}, dBA	0.7-1.7
Note: FHWA "soft site" assumed for calculations	
Source: Brown-Buntin Associates, Inc.	

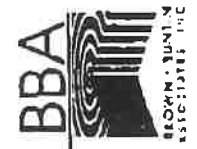
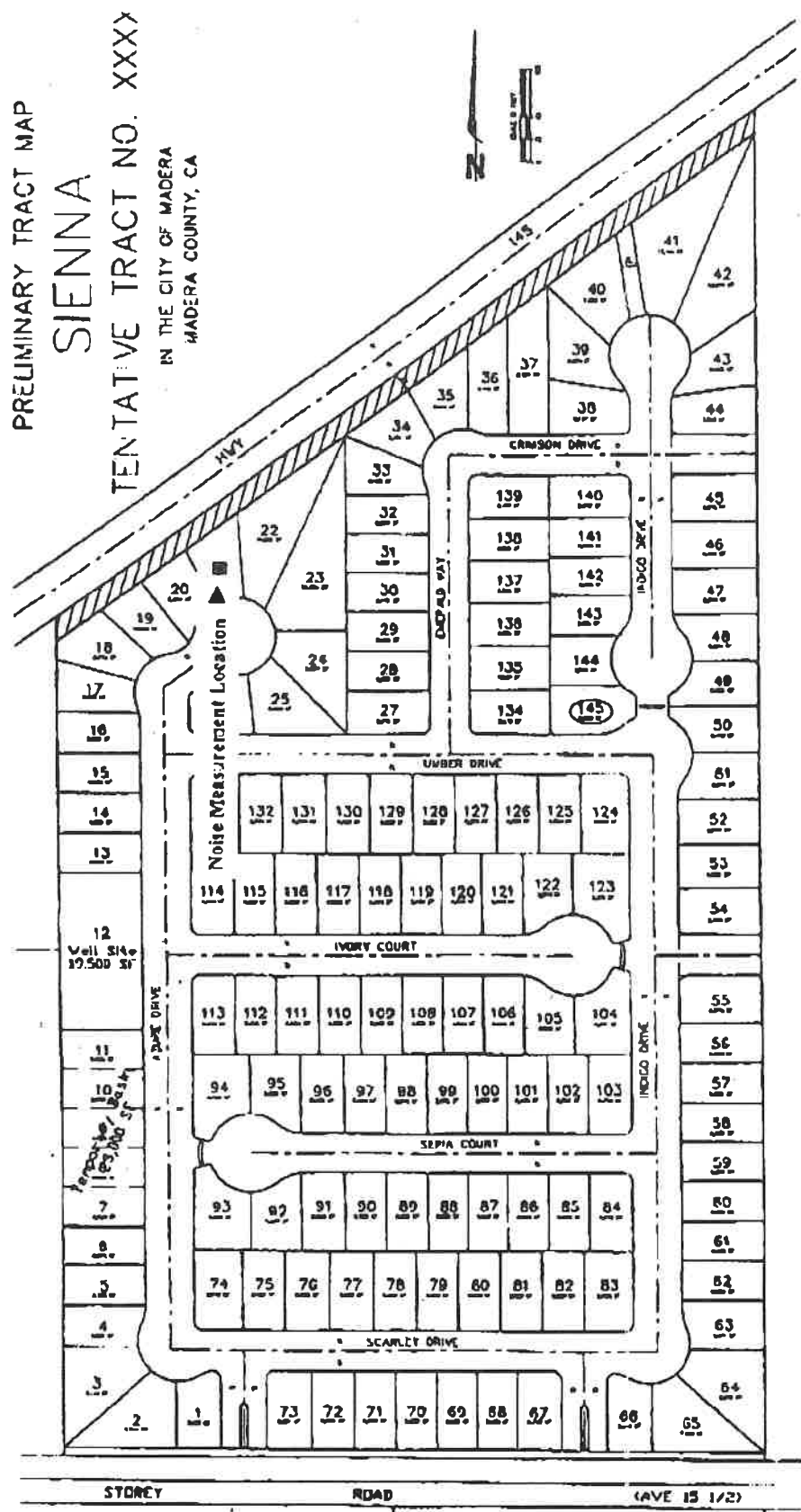
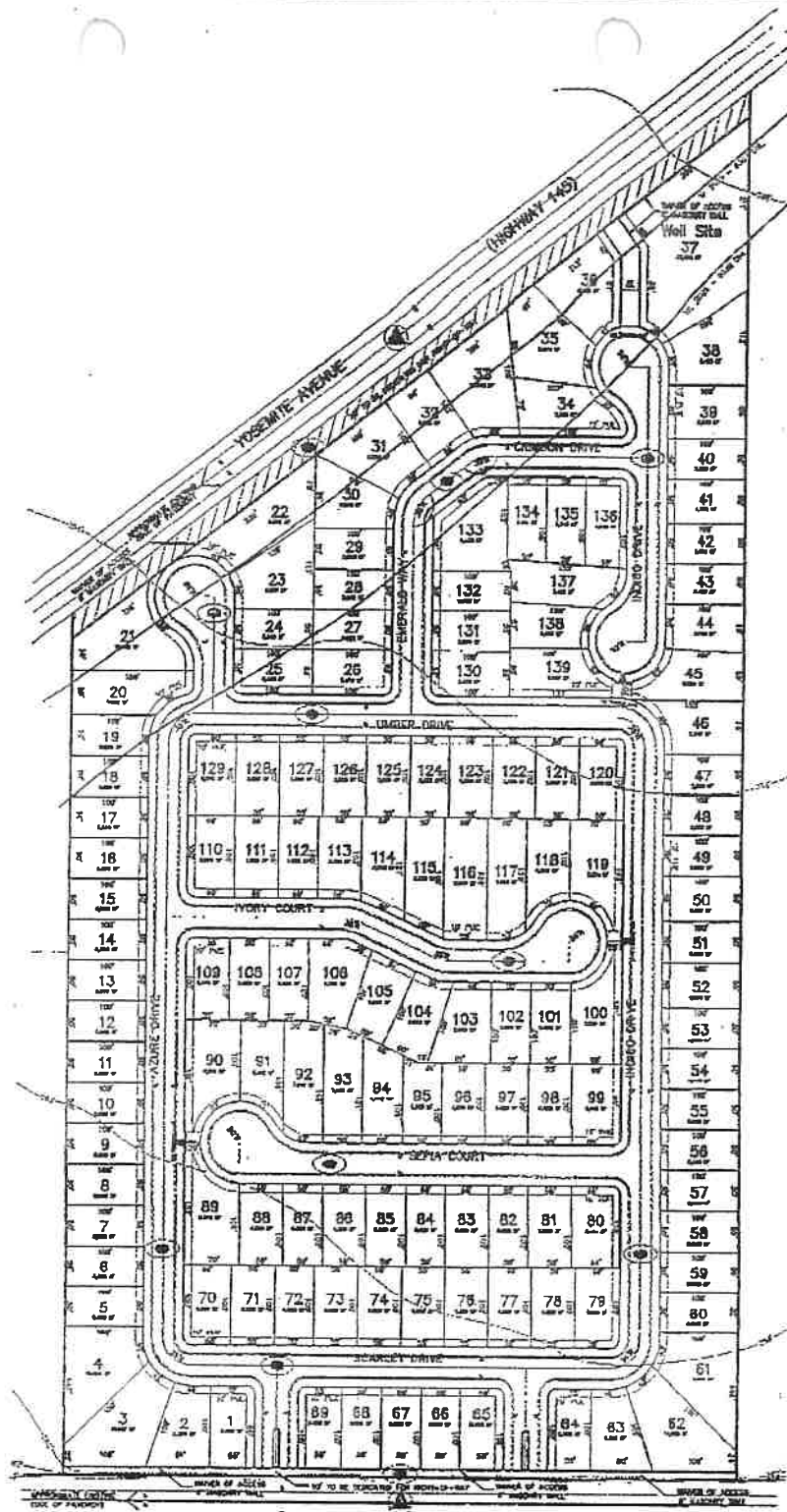


Figure 1
Project Site and Noise Measurement Location





SITE PLAN
Proposed
Residential Development
Madera, California



Not to Scale

Annual Average Daily Traffic (AADT) data for SR 145 were obtained from MCTC and Caltrans. Table II summarizes annual average traffic data used to model noise exposure within the project site.

TABLE II		
TRAFFIC DATA SIENNA SUBDIVISION		
	SR 145	
	2003	2025
Annual Average Daily Traffic (AADT)	10,500	19,048
Day/Night Split (%)	90/10	90/10
Estimated Vehicle Speed (mph)	45	45
% Medium Trucks (% AADT)	5.5	5.5
% Heavy Trucks (% AADT)	1.5	1.5
Sources: MCTC Caltrans		

Using data from Table II and the FHWA Model, annual average traffic noise exposure was calculated in backyards nearest to roadways. Table III shows existing (2003) and future (2025) traffic noise levels, and the distances to the 60 dB DNL contours.

TABLE III			
TRAFFIC NOISE LEVELS AT LOTS NEAREST TO SR 145			
Existing DNL @ Nearest Lots, dB	Distance to 60 dB DNL*	Future DNL @ Nearest Lots, dB	Distance to 60 dB DNL*
65.2	156'	67.8	232'
*Measured from road centers			
Source: Brown-Buntin Associates, Inc.			

NOISE MITIGATION

Exterior Noise Exposure:

Table III shows that traffic noise levels will exceed the City's 60 dB DNL compatibility standard, and some form of mitigation must be employed to reduce exterior noise levels. The future traffic noise level is used for mitigation design purposes since it is the worst-case situation. Sound walls are usually the most practical means to mitigate traffic noise.

A sound barrier insertion loss program based on the FHWA Model was used to calculate the insertion loss (noise reduction) provided by the noise barriers. The model calculates the insertion loss of a barrier of given height based on the effective height of the noise source, height of the receiver, distance from the receiver to the wall, and distance from the noise source to the barrier. The standard assumptions used in the calculations are effective source heights of 8, 2 and 0 feet above the roadway for heavy trucks, medium trucks and automobiles, respectively. The standard height of a residential receiver is 5 feet above the building pad elevation. It is assumed that project grading will be minimal and building pad elevation will be approximately the same as roadway pavement. Table IV shows the noise reduction that will be provided at lots adjacent to SR 145.

TABLE IV	
TRAFFIC NOISE LEVELS AT LOTS ADJACENT TO SR 145 WITH SOUND WALL	
Sound Wall Height, Ft.	Resulting Future Traffic Noise Level, DNL
6	62
7	61
7.5	60
8	59

Source: Brown-Buntin Associates, Inc.

Table IV shows that to satisfy the City's 60 dB DNL standard, the sound wall along SR 145 will have to be at least 7.5 feet high. Also, a 6-foot wall should be constructed along the east sides of Lots 42-44 and along the west sides of Lots 13-18 to intercept flanking noise.

A 20-foot emergency vehicle access is shown between Lots 40 & 41 on the preliminary lot design in Figure 1. A gap in the sound wall would be necessary for access. The gap will affect the efficiency of the sound wall on a small part of adjacent residential lots 40 and 41; however, the majority of the backyard areas will fully benefit from the wall and experience future traffic noise levels that satisfy City standards.

Interior Noise Exposure:

The City of Madera interior noise level standard is 45 dB DNL. In order to satisfy the City's interior noise level standard at the first-floor level, and assuming that the above-described sound walls will be in place, the proposed construction will need to be capable of providing a minimum outdoor-to-indoor noise level reduction (NLR) of 15 dB (60-45=15). Second-floor living spaces, if proposed, would need to be capable of providing a NLR performance of approximately 23 dB. The higher NLR performance required for second floor living spaces is the result of reduced acoustical shielding provided by the proposed sound walls.

A specific analysis of interior noise levels was not performed. However, it may be assumed that residential construction methods complying with current building code requirements will reduce exterior noise levels by a least 20-25 dB if windows and doors are closed. This will be sufficient for compliance with the City's 45 dB DNL interior standard, provided the recommended sound wall is constructed. Requiring that windows and doors remain closed for the required interior noise insulation means that air conditioning or mechanical ventilation will be required.

ALTERNATIVE LOT LAYOUTS

It is possible that some changes to the lot layout will occur. The well lot shown on Lot 12 in Figure 1 may be moved to Lot 40 or 41. This will not affect the recommended sound wall with or without the emergency vehicle access. The stub-out streets and lot locations may be modified. This will not affect the sound wall. Also, the presence or absence of the temporary drainage basin on Lots 8-11 will not affect traffic noise levels or the recommended sound wall.

CONCLUSIONS AND RECOMMENDATIONS

The Sienna Subdivision will comply with the City of Madera General Plan noise policies, provided that the following mitigation measures are implemented.

1. A minimum 7.5-foot-high sound wall should be constructed along lots adjacent to SR 145. A 6-foot wall should be constructed on the east side of Lots 42-44 and the west side of Lots 13-18. Berms or berm/wall combinations are also acceptable. Sound walls/berms must be continuous without gaps or openings (except for the emergency vehicle access), and constructed of a dense material such as masonry blocks or stucco on both sides of a wood/steel frame.
2. Mechanical ventilation or air conditioning must be provided for all homes so that windows and doors may remain closed for the required acoustical insulation.
3. Exterior doors, excluding glass doors, should be solid-core wood or insulated steel with perimeter weather-stripping and threshold seals.

The conclusions and recommendations of this acoustical analysis are based upon the best information available at the time the analysis was prepared concerning the proposed site plan, project grading, traffic volumes, vehicle speeds, truck mix and roadway configuration. Any significant changes in these factors will require a reevaluation of the findings of this report. Additionally, any significant future changes in motor vehicle technology, noise regulations or other factors beyond BBA's control may result in long-term noise results different from those described by this analysis.

It is the responsibility of the project developer to ensure that all materials and construction practices employed for this project are consistent with the design assumptions used for this analysis and with the above-described recommendations. BBA is not responsible for degradation of acoustical performance due to substitutions, deletions, modifications or defects in manufacture or workmanship, or due to changes in the project site or grading plans.

Respectfully submitted,



Bill C. Thiessen
Senior Consultant

BCT:dm

APPENDIX A

ACOUSTICAL TERMINOLOGY

AMBIENT NOISE LEVEL: The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

CNEL: Community Noise Equivalent Level. The average equivalent sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

DECIBEL, dB: A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

DNL/ L_{dn} : Day/Night Average Sound Level. The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.

L_{eq} : Equivalent Sound Level. The sound level containing the same total energy as a time varying signal over a given sample period. L_{eq} is typically computed over 1, 8 and 24-hour sample periods.

NOTE: The CNEL and DNL represent daily levels of noise exposure averaged on an annual basis, while L_{eq} represents the average noise exposure for a shorter time period, typically one hour.

L_{max} : The maximum noise level recorded during a noise event.

L_n : The sound level exceeded "n" percent of the time during a sample interval (L_{90} , L_{50} , L_{10} , etc.). For example, L_{10} equals the level exceeded 10 percent of the time.

ACOUSTICAL TERMINOLOGY

**NOISE EXPOSURE
CONTOURS:**

Lines drawn about a noise source indicating constant levels of noise exposure. CNEL and DNL contours are frequently utilized to describe community exposure to noise.

**NOISE LEVEL
REDUCTION (NLR):**

The noise reduction between indoor and outdoor environments or between two rooms that is the numerical difference, in decibels, of the average sound pressure levels in those areas or rooms. A measurement of "noise level reduction" combines the effect of the transmission loss performance of the structure plus the effect of acoustic absorption present in the receiving room.

SEL or SENEL:

Sound Exposure Level or Single Event Noise Exposure Level. The level of noise accumulated during a single noise event, such as an aircraft overflight, with reference to a duration of one second. More specifically, it is the time-integrated A-weighted squared sound pressure for a stated time interval or event, based on a reference pressure of 20 micropascals and a reference duration of one second.

SOUND LEVEL:

The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

**SOUND TRANSMISSION
CLASS (STC):**

The single-number rating of sound transmission loss for a construction element (window, door, etc.) over a frequency range where speech intelligibility largely occurs.

Attachment 5: Planning Commission Resolution for TSM 2005-15 MOD EXT

RESOLUTION NO. 1868

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING A TWO-YEAR TIME EXTENSION FOR SIENNA ESTATES TENTATIVE
SUBDIVISION MAP 2005-015 MOD (TSM 2005-15 MOD EXT)**

WHEREAS, Planning Commission of the City of Madera on January 11, 2005 adopted a Mitigated Negative Declaration and approved the Sienna Estates Tentative Subdivision Map (TSM 2004-18) to subdivide approximately 28 acres to create 138 single family lots; and

WHEREAS, the applicant, Jonathan Homes appealed the Planning Commission decision to the City Council in a timely matter regarding certain conditions of the TSM 2004-18 approval; and

WHEREAS, the appeal was heard by the City of Madera City Council on March 2, 2005 and determined by Resolution No. 05-62, to deny the appeal and uphold the decision of the Planning Commission; and

WHEREAS, a modification to TSM 2004-18, processed as Tentative Subdivision Map 2005-15, providing amendments to some of the original conditions of approval and included a revised subdivision map was approved by the Planning Commission on November 8, 2005; and

WHEREAS, the applicant/developer for TSM 2005-15, recorded the first phase of the map on May 11, 2006 which included 104 improved lots and a remainder lot for a second phase of development; and

WHEREAS, a modification to TSM 2005-15, processed as Tentative Subdivision Map 2005-15 MOD, provided clarification and removal of conditions of approval and granted a two-year extension of TSM 2005-15 MOD to March 2, 2021; and

WHEREAS, prior to the expiration of TSM 2005-15 MOD on March 2, 2021, the City of Madera Planning Department received an application on December 1, 2020, from Rick Langdon, representing applicant on behalf of BHT II Madera 113, LLC who filed a request for a two-year extension on TSM 2005-15 MOD; and

WHEREAS, based on a preliminary environmental assessment, this TSM 2005-15 MOD EXT was determined to be consistent with the Mitigated Negative Declaration prepared and adopted for the original Sienna Estates Tentative Subdivision Map and no further analysis is required; and

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

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

WHEREAS, the Planning Commission received and reviewed TSM 2005-15 MOD EXT at a duly noticed meeting on January 12, 2021; and

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

WHEREAS, the Planning Commission now desires to approve TSM 2005-15 MOD EXT with two new additional conditions. All conditions of approval for TSM 2005-15 MOD remain in effect; and

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: This project has been previously assessed. Planning Commission finds that pursuant to CEQA Guidelines Section 15162 subsequent environmental review is not required for TSM 2005-15 MOD EXT based on the following:
 - a. No substantial changes are proposed in the project which will require major revisions of the previous mitigated negative declaration (MND) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, TSM 2005-15 MOD maintains the same density, intensity and is otherwise consistent with the development originally proposed for the subject site as contemplated by the MND. As such, no further environmental review is necessary or required.
 - b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, TSM 2005-15 MOD is consistent with the originally approved tentative map that was assessed by the MND and there are no new substantial changes in the physical environment that were not anticipated in the MND, including its analysis in light of development contemplated in the General Plan.
 - c. There is no new information, which was not known and could not have been known at the time of the previous MND that the project will have significant effect not discussed in the MND. The project will not have any more significant effects than that already discussed and assessed in the MND.

Based upon these findings, it has been determined that no further environmental documents is required for TSM 2005-15 MOD EXT.

3. Findings for TSM 2005 MOD EXT: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of TSM 2005-15 MOD EXT, as conditioned. With the conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-2.402.8.1 and 10-2.402.8.2. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. *There has been no changes to the provisions of the General Plan, any applicable specific plan or the development code applicable to the project since the approval of the tentative map.*

Tentative Subdivision Map 2005-15 MOD remains consistent and compatible with the City's General Plan land use designations for the subject site and surroundings. The subject site is not subject to an adopted Specific Plan.

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

With the subject site has been subject to first phase infrastructure improvements in part of TSM 2005-15 MOD site improvements. Improvements have included undergrounding wet and dry utilities, roads, curbs and sidewalks and construction of 24 homes. Surrounding property existing conditions and uses remains relatively unchanged since the approval of the original tentative subdivision map (TSM 2005-15). The project, with the approval of the two new additional conditions of approval, will remain consistent with the City's Zoning Ordinance.

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

Adequate service capacity remains available to service the subject site.

- 4. Approval of TSM 2005-15 MOD EXT: Given that all findings can be made, the Planning Commission hereby approves TSM 2005-15 MOD EXT as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."
- 5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 12th day of January 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Vice Chairperson

Attest:

Gary Conte
Planning Manager

EXHIBIT "A"
TSM 2005-15 MOD EXT(SIENNA ESTATES TENTATIVE SUBDIVISION MAP)
CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

TSM 2005-15 MOD made changes to the original conditions of approval and are shown in underline and ~~strikethrough~~.

Engineering Department

General Conditions

1. A final subdivision map shall be required per Section 10-2.502 of the municipal code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
2. 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.
3. Prior to recording of the Final Map, a lot line adjustment shall be completed with the adjacent property to reflect the agreed upon boundary between the two properties in question. This condition may already be satisfied as part of the recordation of Lot Line Adjustment 2005-07.
4. A benchmark shall be established per City standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
5. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
6. Impact fees shall be paid at time of building permit issuance.
7. 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.
8. The developer shall pay all required fees for processing subdivision map and completion of project. Fees due include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, and improvement inspection fees.
9. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
10. The improvement plans for the project shall include the most recent version of the City's General Notes.

Water:

11. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the Fire Department, and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code Appendix III-A.
12. To initiate a grid system to serve the area, 12-inch water line shall be installed along the southeasterly side of East Yosemite Avenue to the east boundary of the subdivision and in Storey Road from the end of the existing water lines and extended to the east boundary of the subdivision. A connection of these water main extensions shall be made through the subdivision so as to create a looped water system. These improvements shall be completed in advance of granting of occupancy for any new construction within the subdivision.
13. ~~Unless the City Engineer specifies larger lines, water lines 8 inches in diameter shall be looped from Storey Road to East Yosemite Avenue by way of Indigo Drive and 6-inch water lines shall be installed in all other streets within the subdivision streets as specified by the City Engineer. Water valves and blow-offs shall be installed at the termination of the water mains in the stub-out streets. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All dead end lines and cul-de-sacs shall be 8-inch mains unless looped with two points of access.~~

Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures (W98-1) and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing City main. If the subdivision is constructed in phases, a blow-off assembly or fire hydrant must be installed on all dead water line 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.

14. ~~Prior to beginning any framing construction, approved fire hydrants, hydrant pavement markers, water services, etc. shall be installed pursuant to City standards in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be 6 inches in diameter with a minimum of one 4-inch and two 2 ½ inch connections as specified by the fire department. Hydrants shall be separate from the domestic water service line. Fire hydrants shall be constructed in accordance with City Standard W-26. Service laterals and fire hydrant laterals shall be tested and sanitized at the same time as the street mains per City water main installation procedures. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.~~
15. Water services shall be placed 3 feet from either property line, opposite of street light and fire hydrant installations, installed and tested at the time the water main is installed and identified on the curb face. ~~Water services to each lot shall be installed in accordance with City Standard W-7A with an angle valve located 18 inches behind the curb (or sidewalk if contiguous) or as required by the City Engineer. Water services shall not be located at fire hydrant or streetlight locations. Water meter and meter box shall be installed at the time of building construction. Water meters~~

shall not be installed within driveway approaches or sidewalk areas. Any relocations shall be at the subdividers expense. Water services shall not be located at fire hydrant or street light locations.

16. Water meters in conformance with current City standards shall be installed on each service. Back-flow prevention devices shall be required for landscaping and on any water service not servicing a residence.
17. Water service connections shall be constructed per current City standards including water meters located within the City right-of-way.
18. A water quality sampling station shall be installed within the subdivisions and approved by the water quality division of the Public Works Department. During construction of water mains, the contractor shall submit a plan as directed in Section 22-9, testing and sterilization, of City standards, said plan will indicate sampling points for bacterial testing.
19. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
20. The previously installed water main in Storey Road will require reimbursement to be paid to the City for the subdivisions prorated share of the initial cost prior to recording of any Final Map.
21. ~~Any on-site wells shall be destroyed in accordance with State standards. Necessary permits shall be obtained from the Public Works Department and required inspections made by the Department of Public Works water specialists. The contractor carrying out the abandonment shall possess a current C-57 Type Contractors License. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards.~~
22. The well site shown on the approved tentative map shall be offered for dedication as reserved for a City well site on the first phase of the final map or dedicated as part of a separate instrument. ~~After the subdivider has a test well bore completed and bore findings are acceptable to the City, the subdivider shall enter into a well site sales and land transfer agreement for the reserved well lot shown on the recorded first phase final map. A six foot high masonry wall with a gate on the interior street shall be constructed by the subdivider in accordance with plans approved by the City Engineer, the provisions of the subdivision map relative to reimbursement for excess improvements shall be applicable to this requirement. The subdivider shall be reimbursed for the reasonable appraised cost of the well site the costs of the test bore and bore findings report. at the discretion of the City Engineer reimbursements shall be in the form of a credit towards water impact fees, or in cash payments as impact fees are collected from other developments in the northeast quadrant, reimbursements made pursuant to the Madera impact fee update report adopted by city council resolution no. 03-202 shall be made in the order in which financial statements have been filed with the city and approved by the city engineer.~~
23. ~~The subdivider shall enter into a separate well site sales and installation agreement after the well test boring findings are accepted by the city.~~

24. ~~If it is determined by the Community Development Director / City Engineer based on computer modeling analysis of the water system to be necessary during development of this subdivision, and development impact fees collected to that point are not sufficient to pay for the total cost of drilling a new well facility, the subdivider shall front the cost for installation of the well. The city will provide for reimbursement of the development's surplus costs in completing this facility, and could also allow a credit toward the water portion of the development impact fee.~~

Sewer:

25. ~~A private sewer system demolition permit shall be obtained from the Building Division and any existing on-site septic tanks shall be abandoned per Building Division Standards.~~ Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.
26. Sewer service for the subdivision shall be provided by extension of the existing 12-inch sewer main near the intersection of east Yosemite Avenue and Storey Road east along Storey Road to the east boundary of the subdivision. Connection of sewer services to manholes is not permitted.
27. Unless the City Engineer specifies larger, interior sewer lines of 8-inches in diameter shall be installed in the streets. 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, ~~been approved. Mains and laterals shall be air tested after dry utilities (power, cable, telephone) are installed.~~ DVD tapes shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
28. Sewer services shall be located at the centerline of each lot with a clean-out installed per city standards, and identified on the curb face. Sewer services to all lots shall be installed in accordance with city standards ~~s-10 with 4-inch sewer clean-out~~. Where contiguous sidewalks are installed, the 4-inch sewer clean out shall be located 18-inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the city engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.

Storm Drainage:

29. The applicant shall provide detailed engineering studies to demonstrate to the satisfaction of the City Engineer that storm water runoff will be handled consistent with the current storm drainage master plan and city standards prior to issuance of grading or building permits. The master plan currently indicates drainage to the northwest side of the project across East Yosemite Avenue unless otherwise approved by the City Engineer. Required grading and drainage plans shall include calculations for run-off and storage requirements. Storm drainage improvements shall be operational in advance of granting of occupancy for any new construction within the subdivision.
30. All storm drain lines and inlets shall be installed in accordance with city standards. Gutter runoff shall not exceed gutter capacity as specified in the current master plan.

31. Required grading and drainage plans shall include calculations for run-off and storage requirements. The subdivider is required to perform excavation in the temporary retention basin for this drainage area to provide capacity matching calculated volumes according to the storm drainage master plan.
32. 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 therefor.
33. 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 8-inches or more will require construction of a retaining wall.
34. Retaining walls, if required, shall be concrete block. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
35. Prior to the issuance of any building permits or any construction on the subdivision, 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 five acres in size. The plan and a copy of the permit and report shall be submitted to the engineering division prior to issuance of any encroachment permits or plan approvals.
36. Prior to recording the subdivision map, any current and/or delinquent MID 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.

Street Improvements:

37. Storey Road fronting the project site shall be dedicated and improved to complete the northerly half of a collector street, with improvements to the centerline with transition asphalt to the east bound lane as required by the City Engineer, and with a detached sidewalk and handicap access ramps at the future entry intersections installed in accordance with plans approved by the City Engineer. Safe transitions to the east and west shall be provided in accordance with plans approved by the City Engineer. The improvements shall include fire hydrants, streetlights, etc., to be located in the dedicated right-of-way.
38. East Yosemite Avenue fronting the project site shall be dedicated and improved to complete the southerly half of an arterial street with a detached sidewalk and safe transition to the east and west in accordance with plans approved by the City Engineer and the State Department of Transportation. The improvements shall include fire hydrants, streetlights, etc., to be located in the State dedicated right-of-way. These improvements shall be completed in advance of issuance of building permits for any new construction within Phase II of the subdivision.

39. ~~The intersection of Storey Road and East Yosemite Avenue shall be reconstructed to provide a perpendicular alignment in accordance with plans approved by the City Engineer and the State Department of Transportation. To the extent the construction of any facilities or work required under this condition results in construction beyond that specifically required of the project on this property, the City shall reimburse the property owner for the cost of excess construction. Reimbursement shall be determined based on the cost of the construction of the work required in excess of the requirements for the project on this property and shall either be paid in full by the City at the time of construction, or through a reimbursement agreement as may be approved by the City Council. Preparation of plans and negotiations for right of way are to be initiated with the first phase of development and deferral of construction until the second phase may be considered by the city engineer.~~
40. The interior streets shall be constructed in accordance with City standards for 50 and 60-foot local residential streets. Handicap access ramps shall be installed at all curb returns intersections in accordance with ~~the current Federal "Americans with Disabilities Act", and shall comply with current~~ City standards. ~~st 16 with ramp pad scribing deleted and buttons installed.~~ The open-ended cul-de-sacs shall be improved in accordance with plans approved by the City Engineer and the Fire Marshall.
41. Traffic calming devices satisfactory to the City Engineer shall be constructed at the intersections of Indigo Drive and Sepia Court, and Azure Drive and Ivory Court.
42. The East Yosemite Avenue emergency access shall be gated at location of new masonry sound wall. As approved by the State Department of Transportation, the Fire Marshall and the City Engineer.
43. The divided entry streets onto Storey Road and the emergency secondary access route onto East Yosemite Avenue shall be constructed in accordance with plans approved by the City Engineer and the Fire Marshall. These streets shall be signed and the curbs painted for no parking.
44. ~~All streets, driveways, sidewalks, and streetlights shall conform to City standards in regard to setbacks from adjacent property lines. Streetlights shall be installed to City standards. Wattage on interior streets will require 100 watts, Storey Road 150 watts, and lights on East Yosemite Avenue will require 250 watts with longer poles. At the subdivider's request, streetlights may be inspected for compliance with the improvement plans and city standards, and upon approval, may be energized with payment of the energizing fee by the subdivider. Final inspection of the street light system will not be conducted until the subdivider submits 3 copies of the wiring schematics.~~ The developer shall be required to install street lights along Storey Road and East Yosemite Avenue frontages and interior subdivision streets in accordance with current City and Caltrans spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
45. ~~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. Provisions for construction in conjunction with residential 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.~~ 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.

46. Two points of access shall be available for each phase of development, one of which may be a temporary twenty foot wide all-weather access as approved by the City Engineer and Fire Marshall. Each point of access shall be shown on the final map with recording information.
47. An all-weather access fire road shall mean 6 inches of Class 'A' portland cement concrete over 4-inches of No. 4 sand over 6-inches of 95% compacted native soil with r-value of 50 or better for load rating of 40,000 pounds or better. Any all-weather access fire road shall be maintained by the subdivider with a road maintenance covenant and easement recorded prior to recording of any final map.

General Engineering:

48. Improvement plans (~~7 copies~~) prepared in accordance with City standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24"x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, and sewer line lineal feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:
 - A. Detailed site plan with general notes.
 - B. Street plans and profiles.
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans).
 2. Street lights.
 3. 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 and erosion control plans.
 - E. Landscape and irrigation plan for East Yosemite Avenue and Storey Road 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.
 - H. Submittals shall include:
 - I. Engineering Plan Review Submittal Sheet
 - J. Civil Plan Submittal Checklist – all required items shall be included on the drawings
 - K. Four copies of the final map
 - L. Two sets of traverse calculations
 - M. Two preliminary title reports

- N. Two signed copies of conditions
 - O. Six sets of complete improvements plans
 - P. Three sets of landscaping plans
 - Q. Two sets of drainage calculations
 - R. Two copies of the engineers estimates
 - S. Partial submittals will not be accepted by the engineering department.
49. The subdivider/engineer shall contact the Engineering Division prior to first submittal to review filing requirements. Incomplete submittal packages shall be returned to the subdivider/engineer.
 50. Traffic vehicular safety signing at point of ingress and egress shall be shown on the improvement plans and installed subject to review and approval by the City Engineer.
 51. Water and sewer laterals shall be installed and the trenches compacted to City standards prior to the installation of curb and gutter. If curb and gutter is installed prior to water and sewer lateral installation, then all trenches shall be back-filled with a 3 sack slurring mix extending one foot past curb and gutter in each direction.
 52. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines.
 53. All public utilities shall be underground, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all street rights-of-way. All public utilities along peripheral streets shall be placed underground except those facilities exempted by the public utilities commission regulations or operating at 70,000 volts or greater.
 54. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
 55. 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 with the initial submittal of the improvement plans. The date and name of the person who prepared the report are to be noted on the final map.
 56. ~~The subdivider shall enter an updated subdivision agreement in accordance with the municipal code prior to recording of amended or future the Final Maps. 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.~~
 57. The subdivider shall enter into a new updated subdivision agreement that incorporates these amended conditions. 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 approval of an amended final map or with the dedication of the required well site through a separate instrument. All bonds shall be verified as being in full force and affect prior to approval of or use of any subdivision agreement.

58. The subdivider may commence off site construction prior to final map in accordance with section 7-2.02 MMC, encroachment permits, provided improvement plans are approved and provided a 100% performance bond, 50% payment bond and insurance certificate, are 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 ~~4.5% of engineers estimate~~ and shall be paid at the time of permit.
59. The developer's engineer, upon completion of subdivision related improvements, shall certify to the City Engineer that the improvements are made in accordance with city requirements and the approved plans. As-built plans on Autocad showing final existing conditions and actual grades of all improvements and facilities shall be submitted prior to acceptance of the subdivision improvements by the city.
- Subdivision Improvement Inspections:
-
60. Engineering department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans. Inspection fees shall be due at the time all other fees are due per the subdivision agreement ~~paid prior to initiating construction.~~
61. Prior to the installation of any improvements or utilities, the general contractor shall notify the engineering division 48 hours prior to construction ~~or installation of any improvements or utilities~~. The Inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
62. 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.
63. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five working days. Notwithstanding this restriction, model homes constructed under the provisions of the model home resolution may be occupied for sales purposes only.
- Special Engineering Conditions:
-
64. A 6-foot high decorative masonry block wall shall be constructed along the Storey Road frontage and along the street side yards of the corner lots at the entries to the subdivision. A 6-foot high masonry block wall shall also be constructed along the west side of lots 16 - 21 and east side of lots 46 and 47. An 8-foot high split-faced decorative masonry block wall with grouted cells shall be constructed along the East Yosemite Avenue frontage as directed by the noise study. ~~Three copies of the acoustical analysis shall be submitted with the improvement plans.~~ These improvements shall be completed in advance of granting of occupancy for any new construction within the subdivision.

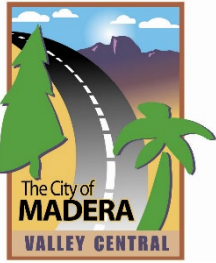
65. The park strips along Storey Road and East Yosemite Avenue shall be landscaped and provided along with an automatic irrigation system. A minimum of one City approved street tree every 50 feet shall be provided, along with root guards. No trees shall be planted within 30 feet of any street light, or 5 feet from any fire hydrant. Detailed fencing, landscaping and irrigation plans shall be submitted for review and approval by the Community Development Department prior to the filing of the map.
66. The subdivider shall sign and submit a landscape district formation and inclusion form, an Engineer's Report to include as a minimum, an assessment diagram, an assessment roll, a written "method of assessment", and a general vicinity map, and map prior to recording of any Final Map. Only the landscaping on East Yosemite Avenue and Storey Road will be maintained as a part of the landscape district.
67. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during winter months.
68. The landscaping plats shall be signed and stamped by a licensed landscape architect/ engineer.
69. 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.

Fire Department

70. All residential properties are required to be equipped with automatic fire sprinkler protection. Permits must be obtained prior to the framing inspection of each dwelling, as said dwelling is constructed.
71. This project is protected by the Madera City Fire Department. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection development requirements. All new construction shall comply with uniform fire code requirements and all applicable statutes, codes, ordinances, or standards of the fire department.
72. Prior to commencement of any framing construction, all flammable vegetation shall be removed from each building site a minimum distance of 30-feet from any flammable building material, including a finished structure. Debris piles shall be limited per the California Fire Code.
73. The residential address numbers shall meet city standards and shall be posted with a minimum of 3-inch high numbers. Posted numbers shall contrast with their background and shall be legible from the street in accordance with the uniform fire code. The developer shall post temporary street signs upon completion of rough grading. Individual house numbers shall be posted on individual job sites if home construction is initiated prior to completion of the subdivision improvements.
74. Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrestor, visible from the ground and as identified in the Uniform Fire Code.

Planning Department

75. Project approval is conditioned upon acceptance of the conditions of approval contained herein within 30 days, as evidenced by the applicant/owner's signature on the required Acknowledgment and Acceptance of Conditions of Approval form.
76. Prior to any construction of homes within the subdivision, an application for precise plan shall be approved by the Planning Commission. The precise plan shall guide all residential construction activities on the individual lots within the subdivision, including development within any future phases. Prior precise plan approvals are null and void.
77. Subdivider shall provide and dedicated to the City parkland within the subdivision to the satisfaction of the City or provide payment of fees in-leu of such dedication in accordance with the City's Parkland Acquisition Ordinance.
78. Approval of TSM 2005-15 MOD EXT allows for a two-year time extension for the previously approved Sienna Estates Tentative Subdivision Map 2005-15 MOD. The approval shall expire on March 2, 2023



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Hall of Justice Alley Abandonment ABN 2020-03 Item # 3 – January 12, 2021

PROPOSAL: An application for partial abandonment (ABN 2020-03) of an alley to accommodate the Madera County Hall of Justice project. The alley runs parallel to South H Street and South G Street, with access via 7th Street and 8th Street. The affected parcels are APNs 010-162-001, 002, 009, 010, 011, and 012. The abandonment is approximately 4,000 square feet which will be merged with the adjacent parcels.

APPLICANT:	Gateway Engineering Jerry Howell 405 Park Creek Dr Clovis, CA 93611	OWNER:	County of Madera Contact: Jorge Mendoza 200 W. 4 th Street Suite 4200 Madera, CA 93637
SITE ADDRESS:	Multiple	APNs:	010-162-001, 002, 009, 010, 011, 012
APPLICATIONS:	ABN 2020-03	CEQA:	Exemption

LOCATION: The project site is an existing alley that serves as a connector between West 7th Street and West 8th Street running parallel to South H Street and South G Street. Adjacent properties are vacant lots that will serve as a future site for the Madera County Hall of Justice building.

STREET ACCESS: The alley has access on West 7th Street and West 8th Street.

PROJECT SIZE: The abandonment area is approximately 4,000 square feet.

GENERAL PLAN DESIGNATION: P&SP (Other Public and Semi-Public)

ZONING DISTRICT: PF (Public Facilities)

SITE CHARACTERISTICS: The project is a proposal to partially vacate an existing alley that runs parallel to South H Street and South G Street. The current use of the alley is a connector between West 7th Street and West 8th Street. The abandonment is to accommodate a future project, the Madera County Hall of Justice. This building will house the County District Attorney and probation offices. Surrounding properties to the northeast and southeast are residential units built as multi-family apartments and single/multi-family dwellings. The Superior Court of California’s parking garage is located northwest of the property adjacent to the Superior Courthouse building. North of the site are residential dwellings and commercial

businesses. Surrounding zoning designations are R3 and Commercial. State route 99 runs parallel to South H Street adjacent to the property.

The alley is unpaved and serves neighboring dwellings as a route for garbage collection. A site visit was conducted, and it was noted that the alley is littered with trash and abandoned objects, such as mattresses and furniture.

ENVIRONMENTAL REVIEW: An exemption has been prepared consistent with Section 15305 (Minor Alterations in Land Use Limitations) of California Environmental Quality Act (CEQA) Guidelines.

SUMMARY: The applicant proposes to partially abandon an existing alley to accommodate future development of the Madera County Hall of Justice. The abandonment will not include any construction or modification of existing structures. Previous Commission and Council action have been taken on these properties. An environmental determination, Rezone, and General Plan Amendment application were submitted and recommended to Council by the Planning Commission on September 10, 2019. The applications were then approved by City Council on October 16, 2019.

The proposed project is consistent with the General Plan as it does not conflict with any policies. This project is Categorical Exempt from the provisions of CEQA according to Section 15305 (Minor Alterations in Land Use Limitations).

APPLICABLE CODES AND PROCEDURES

Abandonment

Government Code § 65402(a)

If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

Streets and Highways Code § 8330 et. Seq.

Development and Operational Standards

This project does not have any applicable development standards to comply with as there is no new construction or alteration to existing structures in the scope of work. Development standards will come into play when construction begins on the site for the Hall of Justice project.

ANALYSIS

The proposed abandonment would eliminate the alley segment between multiple vacant parcels owned by the County of Madera. The residential dwellings located to the southeast of the project site currently utilize the southern portion of the alley for garbage collection services and an alternative method of

accessing their property. Abandonment of the alley segment and future development of the Hall of Justice could potentially eliminate the ability of vehicular and pedestrian traffic to travel from 7th Street and 8th Street through the alley. Garbage collection services need to be maintained for the residential dwellings that will still be utilizing the alley. In addition, ensuring emergency services have proper navigation and access to and from these properties still using the alley is critical.

The Hall of Justice construction will not be under the jurisdiction of the City, but our Engineering Department is reviewing the necessary site improvements for the project. The site plan on the Improvement plans provided to the City show a parking lot that the remaining portion of the alley will feed into. This parking lot will provide access for vehicular traffic to enter the alley from 8th Street and exit into either South H Street or South G Street. Through access will not be maintained from 7th Street to 8th Street according to the Improvement Plans provided to the City for review. There is an existing sewer line running through the alley shown on the improvement plans. The City is aware of this and will be taking the necessary steps to ensure buildings served by the sewer line will continue to be served.

Previous action was taken in preparation of the land being utilized for the Hall of Justice. An application for Rezone and General Plan Amendment were submitted by the County of Madera in 2019. This was necessary to ensure consistency with the General Plan Land Use Map and Zoning Map. The General Plan Land Use was changed from High Density residential to Public and Semi-Public. The property was Rezoned from R3 (High Density Residential) to PF (Public Facilities). Prior to vacant land, there were residential dwellings on the properties that were demolished. There still exists on the southeasternmost property owned by Madera County a residential building planned for demolition.

Upon review of the City of Madera General Plan, there are no policies within that specifically call for the necessity or retention of existing alleys. Policy CD-32 of the General Plan's Community Design Element (Chapter 3) mentions alleys being utilized in new single-family home construction for access to parking in efforts to ensure visual importance is on the home itself, not the garage or parking structure. The abandonment of this alley will provide for better stewardship and utilization of vacant land. There is no strong nexus between this project and any General Plan policy that would determine an inconsistency with the City of Madera General Plan.

The abandonment of the alley in preparation for the Hall of Justice project seems to be a beneficial use of otherwise barren land. Prior use of the vacant properties were residential dwellings that have been demolished between March of 2015 and March of 2017. These properties were acquired by the County of Madera for the purpose of future development of the Hall of Justice.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Staff have performed a preliminary environmental assessment and have determined that the project is exempt under Section 15305 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines because the project will not result in any changes in land use or density. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Abandonment of an alley is not specifically addressed in the vision, action plans, or policies of the General Plan. The single instance of alleyways is mentioned in the Community Design Element Policy CD-32 which describes them as way to assist in ensuring newly constructed single-family dwellings have the visual focal

point on the home rather than the garage or parking structure. Alleys in this way could potentially be utilized in new residential development as a tool to assist in overall neighborhood aesthetics. The alley segment proposed for abandonment is serving vacant land, and considering surrounding homes are built out, we can find that this policy is not applicable in this instance. Therefore, the abandonment of the alley segment can be determined as consistent with the adopted City of Madera General Plan.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution finding a Categorical Exemption and General Plan conformance for Abandonment 2020-03 and recommending a report to the City Council. It is suggested that the Commission consider the information in this report, as well as testimony received at the public hearing, and make a determination on Abandonment 2020-03, subject to the details below.

PLANNING COMMISSION ACTION

The Commission will be acting on the Categorical Exemption and General Plan conformity for Abandonment 2020-03 and determining to either:

- Adopt a resolution making a determination of conformity with the General Plan for the abandonment, and recommending the City Council find the abandonment is exempt from the California Environmental Quality Act (CEQA) under §15305 (Minor Alterations in Land Use Limitations) (Motion 1); or
- Continue the hearing to February 9, 2021, with direction to staff to return with an updated resolution with appropriate findings: (Specify – Planning Commission should articulate reasons for modifications to findings) (Motion 2); or
- Move to continue the application for Abandonment 2020-03 to the February 9, 2020 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial: (Specify – Planning Commission should articulate reasons for denial.) (Motion 3).

Motion 1: Move to adopt a resolution of the Planning Commission of the City of Madera determining that the abandonment as proposed by Abandonment 2020-03 is consistent with the General Plan and recommending the City Council find the project is subject to a Categorical Exemption pursuant to CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations), based on and subject to the findings as follows:

Findings

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

The abandonment of the alley segment does not conflict with the City of Madera's adopted General Plan and any policies within therefore it is determined to be consistent. Abandonment of this alley for purpose of developing vacant land into a potential government building also supports the General Plan's vision of a well-planned City and good jobs and economic opportunities.

Finding b: The proposal is compliant with the provision of the California Environmental Quality Act (CEQA).

The abandonment of the alley segment is Categorically Exempt pursuant to CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

(OR)

Motion 2: Move to continue the public hearing on Abandonment 2020-03 to the February 9, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

(OR)

Motion 3: Move to continue the application for Abandonment 2020-03 to the February 9, 2021 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

ATTACHMENTS

Attachment 1: Vicinity Map

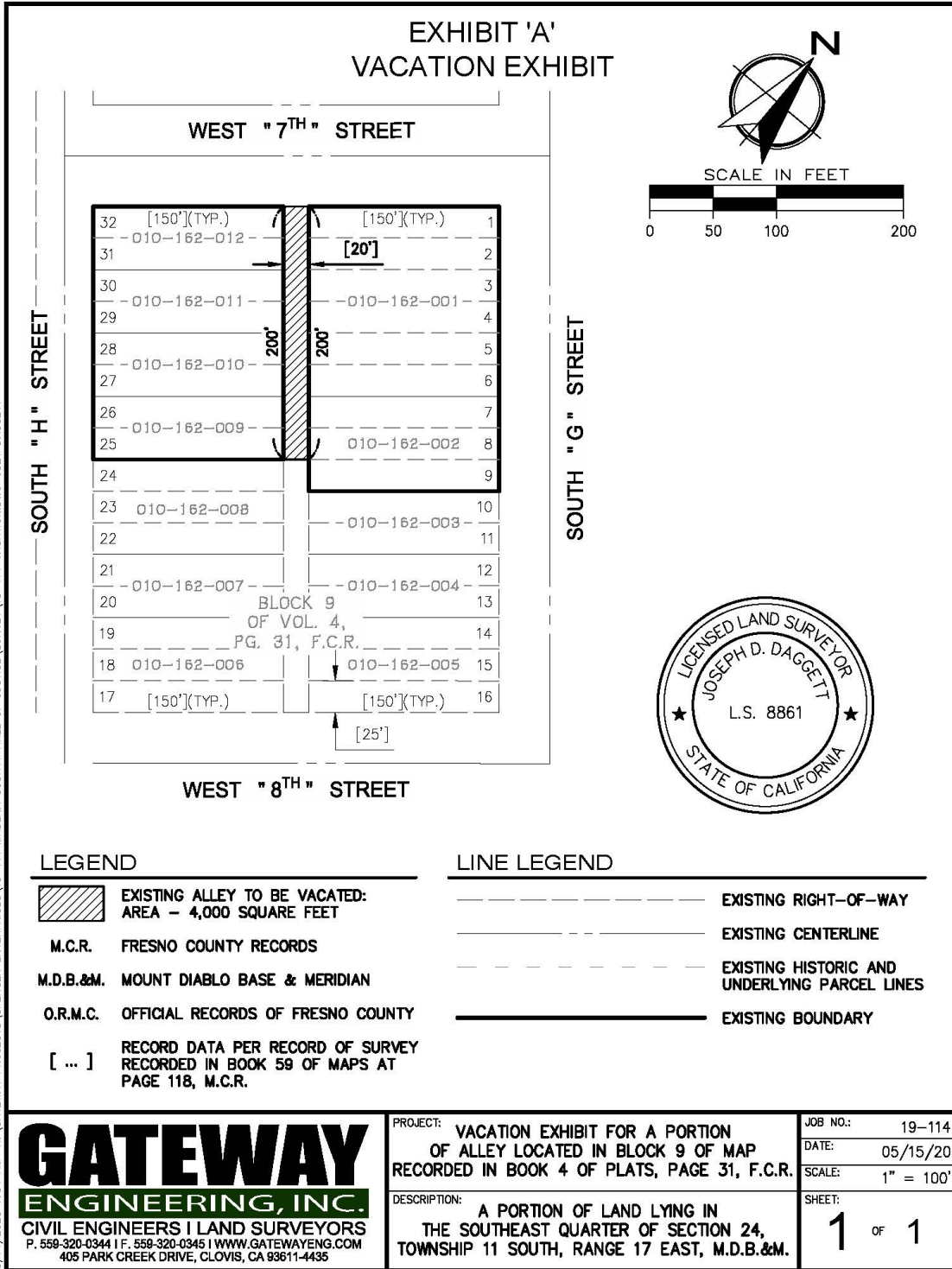
Attachment 2: Map and Legal Description of Abandonment

Attachment 3: Planning Commission Resolution for Categorical Exemption and General Plan Conformity

Attachment 1: Vicinity Map



Attachment 2: Map and Legal Description of Abandonment



B:\14\2020 7:34 AM K:\GATEWAY PROJECTS\SPENCER ENTERPRISES\19-114 MADERA COUNTY HALL OF JUSTICE\SURVEY\19-114 VACATION.DWG--JOEY DAGGETT

EXHIBIT "B"

LEGAL DESCRIPTION OF VACATION OF PORTION OF ALLEY

THE LAND DESCRIBED HEREIN IS A PORTION OF BLOCK 9 AS SHOWN ON THE "MAP OF LANKERSHIM COLONY AND ADDITION TO THE TOWN OF MADERA", FILED IN BOOK 4 OF MAPS AT PAGE 31, FRESNO COUNTY RECORDS:

THE ALLEY BEING 20.00' IN WIDTH BETWEEN THE SOUTHEASTERLY LINE OF LOTS 8 AND 25 AND THE NORTHEASTERLY LINE OF LOTS 1 AND 32 OF SAID BLOCK 9 OF SAID MAP NAMED "THE MAP OF LANKERSHIM COLONY" OF FRESNO COUNTY RECORDS.

CONTAINS AN AREA OF 4,000 SQUARE FEET, MORE OR LESS.



**Attachment 3: Planning Commission Resolution for Categorical Exemption and General Plan
Conformity**

RESOLUTION NO. 1869

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA MAKING A REPORT TO THE CITY COUNCIL OF THE CITY OF MADERA FINDING THAT THE ABANDONMENT OF AN APPROXIMATE 4,000 SQUARE FOOT SEGMENT OF AN ALLEY PARALLEL TO SOUTH H STREET AND SOUTH G STREET AND BETWEEN 7TH STREET AND 8TH STREET IS IN CONFORMITY WITH THE CITY OF MADERA GENERAL PLAN AND RECOMMENDING THE CITY COUNCIL FIND THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO CEQA GUIDELINES SECTION 15305 (MINOR ALTERATIONS TO LAND USE LIMITATIONS)

WHEREAS, the County of Madera has submitted an application for abandonment of an approximate 4,000 square foot segment of an alley parallel to South H Street and South G Street and between 7th Street and 8th Street pursuant to California Streets and Highway Code §8300 *et seq.*; and

WHEREAS, the City of Madera Planning Commission at its regularly scheduled meeting of January 12, 2021 has considered whether the proposed abandonment of the alley segment is in conformity with the City of Madera General Plan; and

WHEREAS, the proposed abandonment of the alley segment was determined to not conflict with the goals and policies of the City of Madera General Plan; and

WHEREAS, the City of Madera Planning Commission also considered and does affirm that the proposed abandonment would not pose any significant environmental impacts and is appropriately determined to be categorically exempt under §15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines; and

WHEREAS, a Categorical Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et. seq.*; and

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

WHEREAS, the Planning Commission received and reviewed ABN 2020-03 at a duly noticed meeting on January 12, 2021; and

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

WHEREAS, the Planning Commission now desires to find that ABN 2020-03 is consistent with the General Plan and recommend that the City Council adopt a CEQA of a Categorical Exemption for the project.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.

2. CEQA: The Planning Commission finds and recommends the City Council determine that this project falls within the Class 5 Categorical Exemption set forth in CEQA Guidelines Section 15305. The project will not result in any changes in land use or density in an area with less than an average slope of 20% and will essentially result in a minor lot line adjustment. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply to this project. As such, the Planning Commission finds ABN 2020-03 to be exempt under CEQA Guidelines section 15305 (Minor Alterations in Land Use Limitations).

3. Findings for ABN 2020-03: The Planning Commission further finds as follows:

a. The proposal is consistent with the General Plan.

Basis for Finding: The abandonment of the alley segment does not conflict with the City of Madera's adopted General Plan and any policies within therefore it is determined to be consistent. Abandonment of this alley for purpose of developing vacant land into a potential government building also supports the General Plan's vision of a well-planned City and good jobs and economic opportunities.

b. The proposal is compliant with the provision of the California Environmental Quality Act (CEQA).

Basis for Finding: A set forth in Paragraph 2, the abandonment of the alley segment is Categorically Exempt pursuant to CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

4. Recommendation: Given the forgoing, the Planning Commission recommends that ABN 2020-03 be granted by the City Council and a Categorical Exemption be adopted for the project.

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 12th day of January 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Vice Chairperson

Attest:

Gary Conte
Planning Manager