

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

**CITY HALL – COUNCIL CHAMBERS
TUESDAY
February 9th, 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: [95291747820#](https://www.zoom.us/j/95291747820) followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/95291747820>. Public comment will also be accepted via email at planningcommissionpubliccomment@madera.gov.

CALL TO ORDER

ROLL CALL

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

Commissioner Appointee Khubaib Sheikh

INTRODUCTION OF STAFF

RECOGNITION

Recognition of Pamela Tyler for her service to the City of Madera Planning Commission.

INTRODUCTION OF NEW PLANNING COMMISSIONER APPOINTEES

Commissioner Khubaib Sheikh

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: None

PUBLIC HEARING ITEMS:

1. SPR 2020-16 – Cal-Pacific Supply

An application to construct a new 102,250 sq. ft. building to include offices, a product display area, a warehouse and a covered dock for the storage and sale of agricultural products, located at the southeast corner of West Almond Avenue and South Granada Drive. The Project site contains a total area of 8.55 acres; 6.2 acres are to be developed and 2.35 acres are anticipated for future development. The primary access to the Project will be from South Granada Drive with a secondary access to West Almond Avenue. The site is in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation. APN's: 009-350-024, 025, 026 & 029

An adoption of a Negative Declaration will be considered by the Planning Commission.

2. TSM 2020-01 – Crown Tozer II

An application proposing to subdivide an approximately 11.37-acre site into 63 lots for single-family residential use. The site is located west of Road 28 and north of Sunrise Avenue, directly adjacent to Martin Luther King Jr. Middle School. The Project will be accessed from Road 28 through local streets proposed for construction. The project site is located in the PD-4500 (One unit for every 4,500 sq. ft. of site area) Zone District with an MD (Medium Density) General Plan land use designation. APN: 008-180-007

The adoption of a Negative Declaration will be considered by the Planning Commission.

3. TSM 2020-05 – Villa de Roma

An application proposing to subdivide an approximately 50.18 acre site into 194 lots for single-family residential uses, over the course of four phases. The site is located along the south side of West Cleveland Avenue between Road 24 and North Westberry Boulevard. The project proposes two public access points into West Cleveland Avenue, as well as providing access points to adjacent residential subdivisions to the west, south, and east. Circulation within the subdivision will be provided by public streets. Phasing is proposed from south to north. The site is located in the PD-8000 (One unit per 8000 sq. ft. of site area) with an LD (Low Density) General Plan land use designation. APN: 006-380-009

The adoption of a Negative Declaration will be considered by the Planning Commission.

4. SPR 2020-19 & CUP 2020-17 – Gracious Beauty Lounge

An application for a site plan review and conditional use permit to allow for the establishment of a beauty salon. The salon proposes to occupy a vacant tenant space of approximately 1,326 sq. ft. in an existing commercial building. The site is located on the corner of North N Street and West Yosemite Ave. (821 W. Yosemite Ave.) in the PO (Professional Office), WYO (West Yosemite Overlay) Zone District with an O (Office) General Plan land use designation. APN: 010-072-007

This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

5. PPL 2018-03 – Veteran’s Housing

A previously approved Precise Plan to allow for the development of a 28-unit multifamily residential building (200 & 204 North C Street) and on-site improvements including parking, outdoor space and community/office rooms for supportive services. The project was approved in 2018, the applicant is now seeking approval of the colors proposed to be used on the structure pursuant to PPL 2018-03 Conditions of Approval.

A negative declaration was certified by the Planning Commission for a rezone and General Plan amendment on the properties that anticipated the development of a 28-unit multifamily residential building on August 14, 2018.

6. PPL 2018-04 – Downtown Residential – Multifamily Housing

A previously approved Precise Plan to allow for the development of a 20-unit multifamily residential building and on-site improvements including parking, outdoor space, a playground area and a community room for supportive services and residents. The project was approved in 2018, the applicant is now seeking approval of the colors proposed to be used on the structure pursuant to PPL 2018-04 Conditions of Approval.

A negative declaration was certified by the Planning Commission for a rezone and General Plan amendment on the properties that anticipated development of a 20-unit multifamily residential building on August 14, 2018.

7. SPR 2017-13 MOD & CUP 2017-11 MOD – The Tap House Outdoor Dining

An application requesting to modify an existing conditional use permit and site plan review to allow for the expansion of outdoor dining space serving alcohol and the construction of a permanent structural overhead cover for entire outdoor dining area at an existing restaurant in a C2 (Heavy Commercial) Zone. The site is located in an existing tenant suite within the Home Depot Shopping Center on the corner of North Schnoor Ave. and Kennedy St. APN: 013-070-026

The proposed improvements have been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303, (New Construction or Conversion of Small Structures).

Staff is requesting this item be continued to the April 13th, 2021 Planning Commission meeting.

NON-PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

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

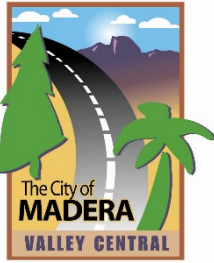
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation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

SPR 2020-16

Item # 1 – February 9, 2021

PROPOSAL: An application for a site plan review (SPR 2020-16) to construct a new 102,250 square foot (sf) building to include offices (7,500 sf), a product display area (7,500 sf), a warehouse (85,000 sf), and a covered dock (2,250 sf) for the storage and sale of agricultural products. The building is proposed on a vacant 8.55-acre lot; 6.2 acres are to be developed and 2.35 acres are anticipated for future development.

APPLICANT: CAL-Pacific Supply Inc.
Ahmed Alamari
601 Noble Street
Madera, CA 93637

OWNER: Ahmed Alamari
601 Noble Street
Madera, CA 93697

SITE ADDRESS: No address assigned
(Near South Granada Drive and
West Almond Avenue)

APNs: 009-350-024, 009-350-025, 009-
350-026 & 009-350-029

APPLICATIONS: SPR 2020-16

CEQA: Negative Declaration

LOCATION: The project site is a vacant lot (no address available) located at the southeast corner of South Granada Drive and West Almond Avenue.

STREET ACCESS: The project site has street access from South Granada Drive and West Almond Avenue.

PROJECT SIZE: The project site is an 8.55-acre lot; 6.2 acres are proposed for development and 2.35 acres are anticipated for future development.

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The project will occupy a vacant parcel. Surrounding uses include a single-family residential complex to the west of the site, across South Granada Drive; industrial uses to the south and east; and a drainage basin and an existing building to the north of the site, across West Almond Avenue.

ENVIRONMENTAL REVIEW: An Initial Study/Negative Declaration has been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA).

SUMMARY: The applicant, Ahmed Alamari, proposes to construct a new 102,250 square foot (sf) building to include offices (7,500 sf), a product display area (7,500 sf), a warehouse (85,000 sf), and a covered dock (2,250 sf) for the storage and sale of agricultural products. The project site contains a total area of 8.55 acres; 6.2 acres are to be developed and 2.35 acres are anticipated for future development. The proposed use is consistent with the current I (Industrial) zone district. After review of the proposed project, the warehouse is anticipated to be compatible with surrounding land uses. Conditions, as appropriate, have been recommended for the site plan review (SPR 2020-16) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies.

SURROUNDING LAND USES

Surrounding existing uses include a single-family residential complex to the west of the project site, across South Granada Avenue; industrial uses to the south and east; and a drainage basin and an existing building to the north of the project site, across West Almond Avenue. The parcels directly abutting the project site at the southeast corner of West Almond Avenue and South Granada Drive is currently vacant and will remain vacant as it is not a part of this project.

Table 1. Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

| Direction from Project Site | Existing Use | General Plan Designation | Zone District |
|---|-------------------------------|---|---------------|
| North | Drainage basin and industrial | Resource Conservation/Agriculture; Industrial | IP |
| East | Industrial | Industrial | I |
| South | Industrial | Industrial | I |
| West | Single family residential | Medium Density Residential | PD(4500) |
| IP – Industrial Park I – Industrial PD(4500) - Planned Development (One unit for each 4,500 sq. ft. of site area) | | | |

ANALYSIS

The Madera Municipal Code (MMC) establishes procedures for the review and approval of site plan reviews (Section 10-3.4). Section 10-3.1001 through 10-3.1004 of the MMC also establishes standards specific to development within the I (Industrial) zone district. Additional development standards identified in the MMC, such as parking requirements, also apply.

The project is proposing to construct a new 102,250 square foot (sf) building to include offices (7,500 sf), a product display area (7,500 sf), a warehouse (85,000 sf), and a covered dock (2,250 sf) for the storage and sale of agricultural products. The project site contains a total area of 8.55 acres; 6.2 acres are to be developed and 2.35 acres are anticipated for future development. The proposed use is an allowed use in the I zone district. The site plan and elevations have been reviewed in accordance with the applicable development standards of the MMC, including but not limited to setbacks, height limits, parking, access, and landscaping requirements. The proposed development has also been evaluated against the applicable General Plan policies. The proposed development, as conditioned, is consistent with the requirements of the MMC and the General Plan.

Development of the project site will not put additional stress on the City of Madera's public infrastructure and utilities systems. The necessary water, wastewater, storm drainage, and roadway improvements to serve the project site have been reflected in the conditions of approval for SPR 2020-016.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project has been reviewed for compliance with CEQA. The City prepared an initial study and, on that basis, determined that the proposed project will not have significant adverse effects on the environment and that a Negative Declaration could be prepared. The Initial Study/Negative Declaration (IS/ND) was published for a 21-day review and comment period commencing on January 16, 2021. No comments have been received as of the date of this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a warehouse is not specifically addressed in the vision or action plans, the overall project does indirectly support one of the four visions for the City: Good Jobs and Economic Opportunities. This principle recognizes the need to provide additional industrial and employment opportunities within the City.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution recommending adoption of a Negative Declaration for the project and conditional approval of SPR 2020-16 by the Planning Commission. 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 the Negative Declaration and Site Plan Review 2020-16, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the Site Plan Review 2020-16 and determining to either:

- Adopt a resolution adopting a Negative Declaration for the project and approving SPR 2020-16 as conditioned (Motion 1); or
- Continue the hearing to March 9, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); or
- Move to continue the application for SPR 2020-16 to the March 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.) (Motion 3).

Motion 1: Move to adopt a resolution of the Planning Commission of the City of Madera adopting a Negative Declaration and approving Site Plan Review 2020-16, based on and subject to the findings and conditions of approval as follows:

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

The property is zoned I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). SPR 2020-16 is consistent with the purpose and intent of the I (Industrial) 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.

SPR 2020-16 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the I zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. Based on the environmental analysis prepared, the project will not generate significant amounts of noise, light, or traffic.

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

SPR 2020-16 will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for storm drainage in conformance with City standards. The project site has access to South Granda Drive and West Almond Avenue, which can accommodate traffic generated from the proposed project. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

(OR)

Motion 2: Move to continue the public hearing on SPR 2020-16 to the March 9, 2021 with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval 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 SPR 2020-16 to the March 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: Aerial Photo

Attachment 3: General Plan Land Use Map

Attachment 4: Zoning Map

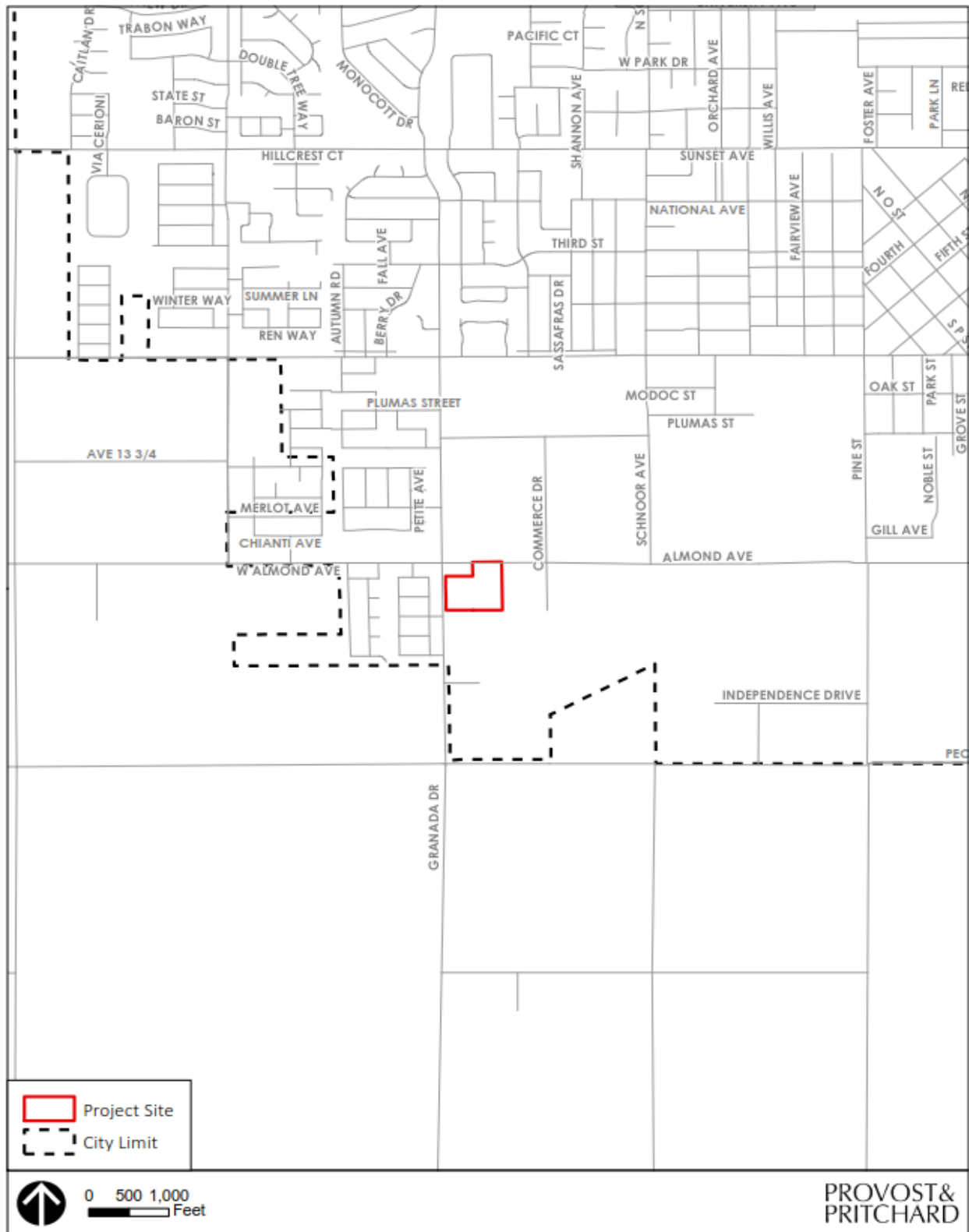
Attachment 5: Site Plan

Attachment 6: Elevations

Attachment 7: Initial Study/Negative Declaration (IS/ND) for SPR 2020-16

Attachment 8: Planning Commission Resolution for SPR 2020-16

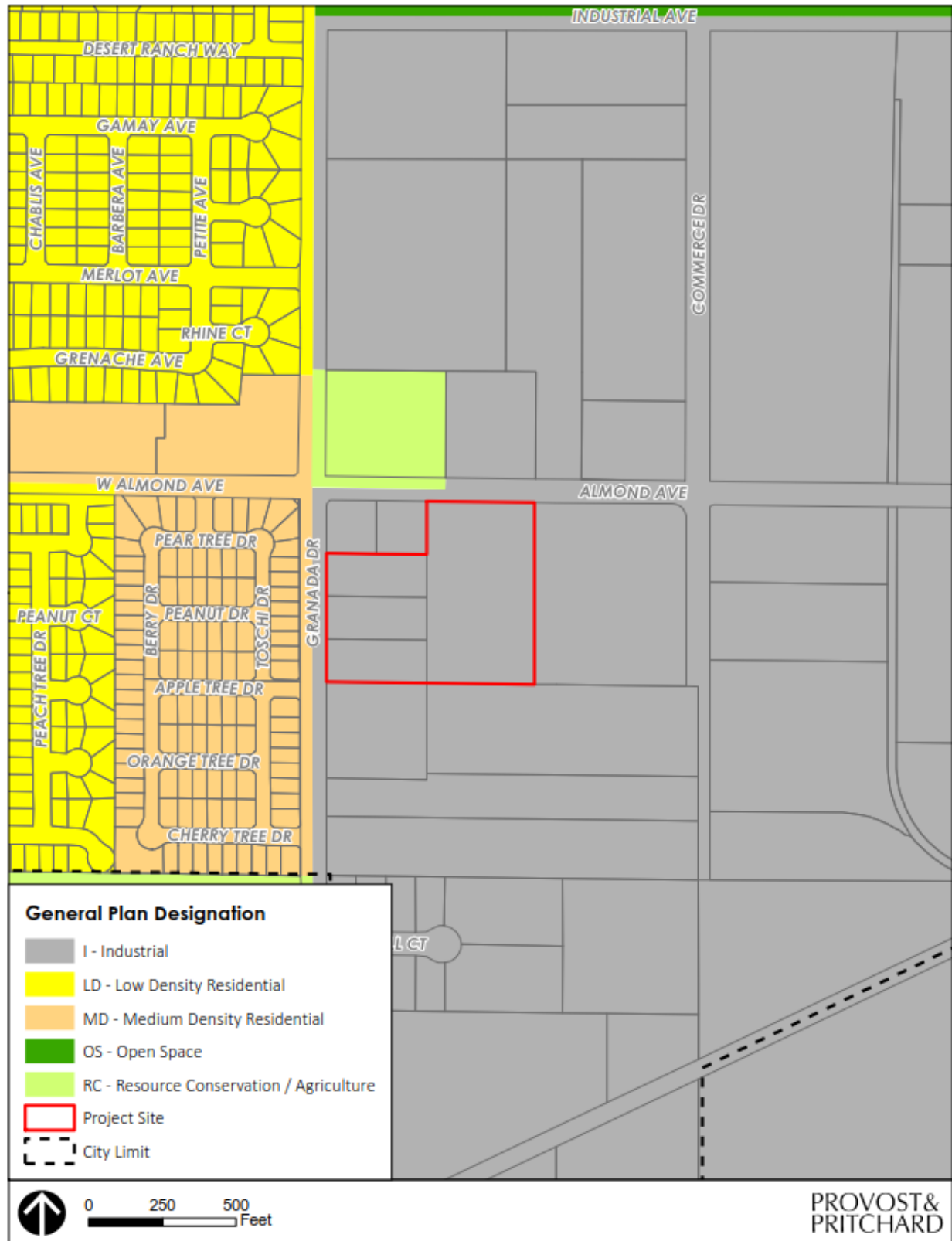
Attachment 1: Vicinity Map



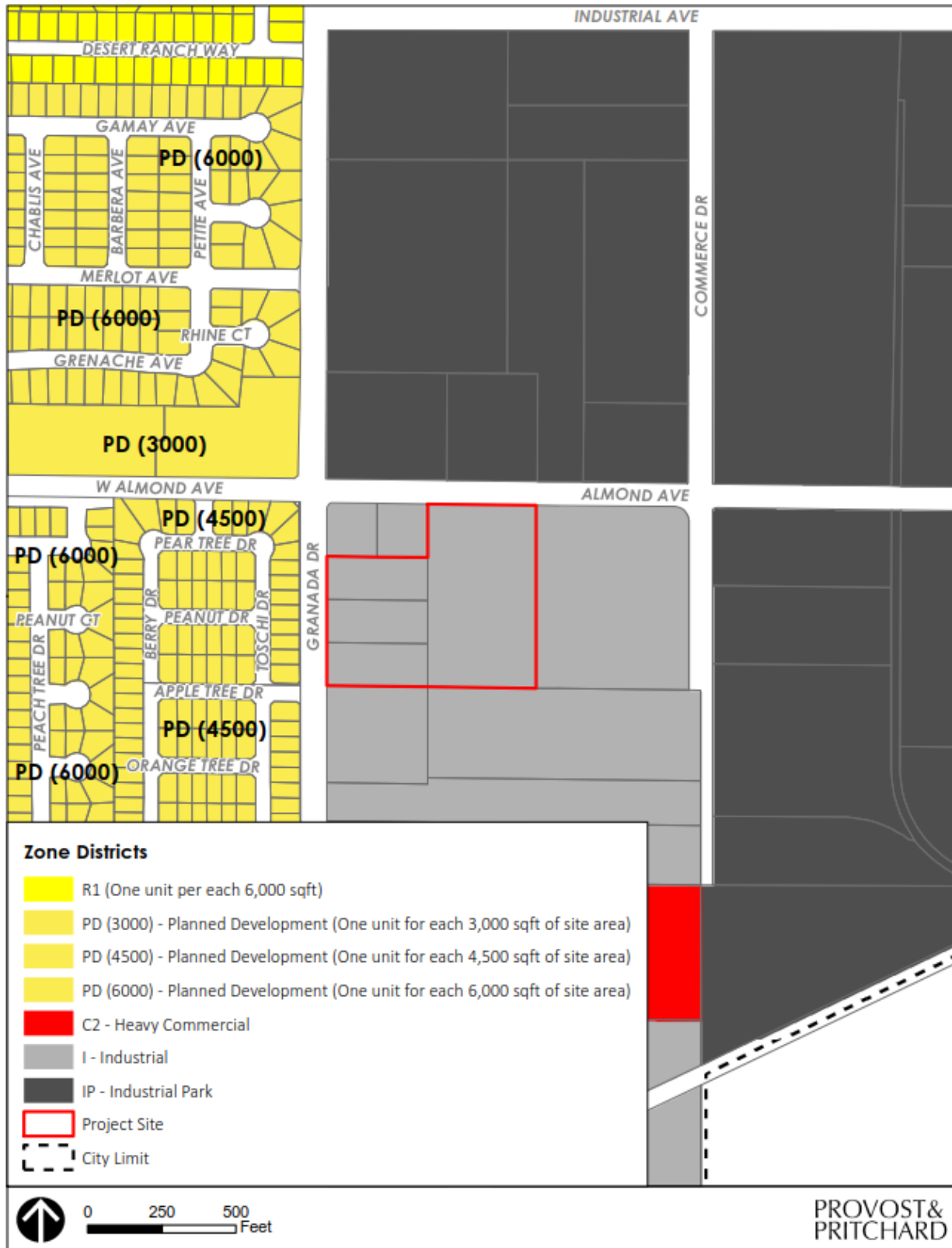
Attachment 2: Aerial Photo



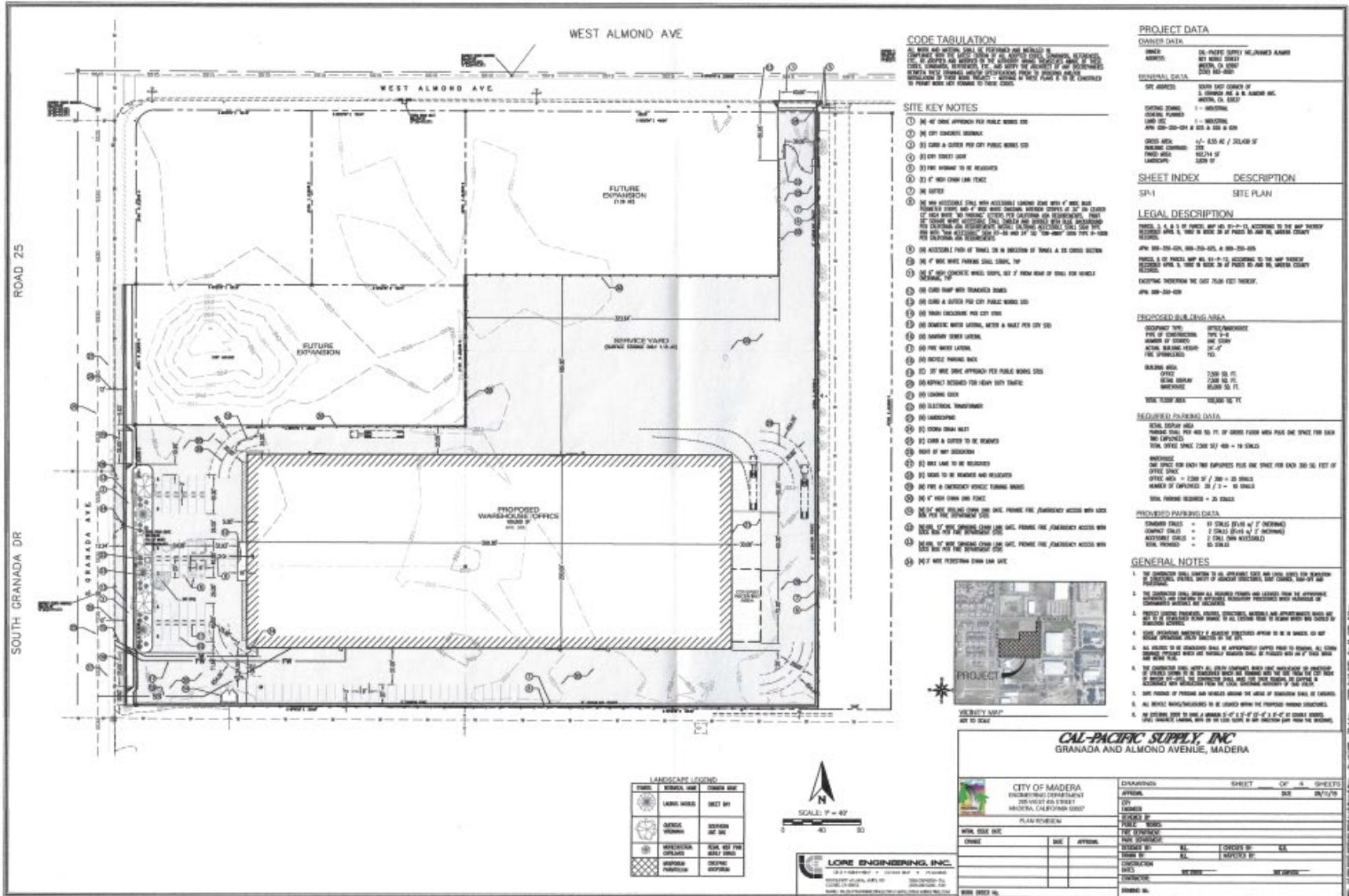
Attachment 3: General Plan Land Use Map



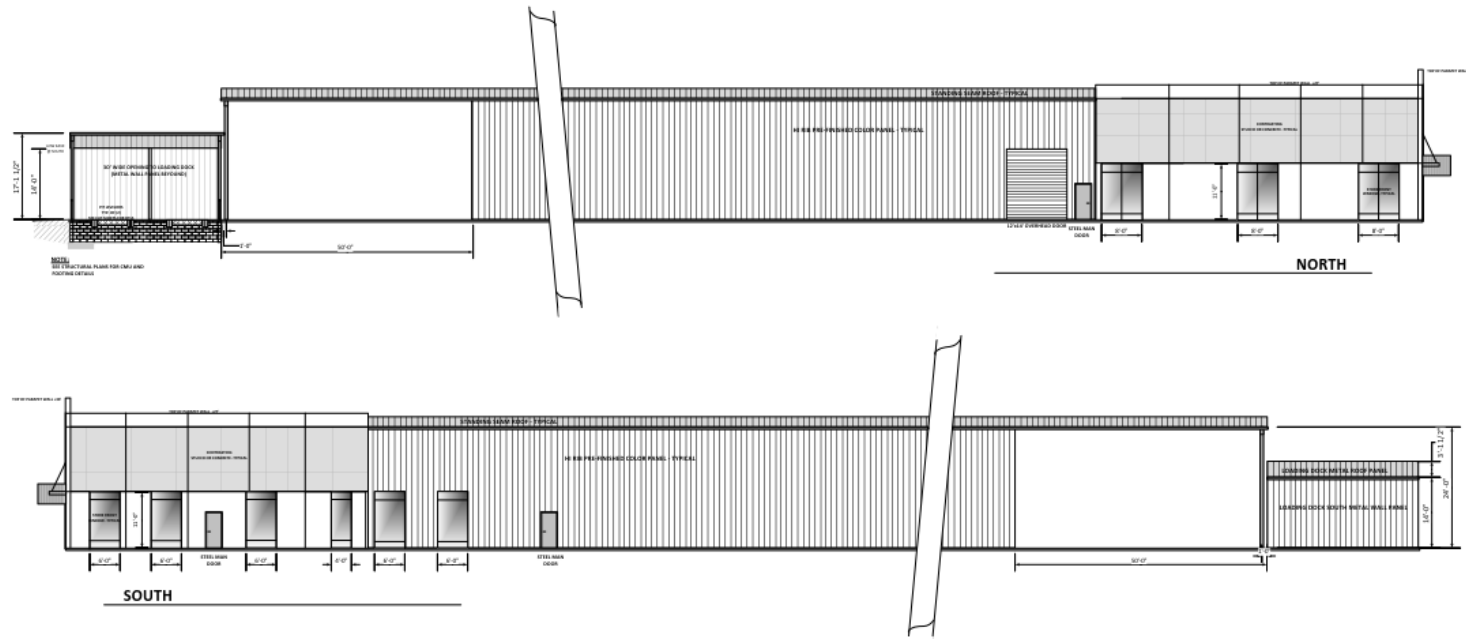
Attachment 4: Zoning Map



Attachment 5: Site Plan



Attachment 6: Elevations



ELEVATION

$$1'' = 10^{-6} \text{ m}$$
[illegible]

Attachment 7:
Initial Study/Negative Declaration (IS/ND) for SPR 2020-16

Initial Study/Negative Declaration distributed as a separately bound document and is also posted on the City's website on the Planning Department page under Current Projects and Environmental Review at the following website address: <https://www.madera.gov/home/departments/planning/>.

Please refer to the separately bound document titled "Cal-Pacific Supply Inc. Site Plan Review (SPR) 2020-16 Initial Study / Negative Declaration, January 2021."

Attachment 8:
Planning Commission Resolution 1870

RESOLUTION NO. 1870

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING SITE PLAN REVIEW 2020-16 (CAL-PACIFIC SUPPLY, INC.)**

WHEREAS, Ahmed Alamari (“Owner”) owns APNs 009-350-024, 009-350-025, 009-350-026, and 009-350-029 in Madera, California (“site”); and

WHEREAS, the 8.55-acre site is vacant and is planned and zoned for Industrial land uses; and

WHEREAS, the Owner is seeking a site plan review (SPR) to allow for construction of a new 102,250 square foot (sf) building to include offices (7,500 sf), a product display area (7,500 sf), a warehouse (85,000 sf), and a covered dock (2,250 sf) for the storage and sale of agricultural products, as proposed by SPR 2020-16; and

WHEREAS, an Initial Study/Negative Declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., the Guidelines for implementation of CEQA, Title 14 California Code of Regulations, Chapter 3, Section 15000, et seq., and the Madera Municipal Code; and

WHEREAS, the Planning Commission has independently reviewed and considered the information contained in the IS/ND; and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve site plan reviews 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 SPR 2020-16 at a duly noticed meeting on February 9, 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 SPR 2020-16, with conditions.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission finds an environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this

review and assessment, the Planning Commission finds there is no substantial evidence in the record that this project may have a significant direct, indirect or cumulative effects on the environment, and that a Negative Declaration is appropriate for this project. The Planning Commission further finds the Initial Study and Negative Declaration were timely and properly published and notices as required by CEQA. As such, the Planning Commission adopts a Negative Declaration for the project.

3. Findings for SPR 2020-16: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2020-16, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-3.4 and Sections 10-3.1001 through 10-3.1004. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The property is zoned I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). SPR 2020-16 is consistent with the purpose and intent of the I (Industrial) 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.*

SPR 2020-16 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the I zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. Based on the environmental analysis prepared, the project will not generate significant amounts of noise, light, or traffic.

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

SPR 2020-16 will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for storm drainage in conformance with City standards. The project site has access to South Granada Drive and West Almond Avenue, which can accommodate traffic generated from the proposed project. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

4. Approval of SPR 2020-16: Given that all findings can be made, the Planning Commission hereby approves SPR 2020-16 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 9th day of February 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit "A" – Conditions of Approval for SPR 2020-16

EXHIBIT "A"
SPR 2020-16 CAL-PACIFIC SUPPLY, INC.
CONDITIONS OF APPROVAL
February 9, 2021

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

All discretionary conditions of approval for SPR 2020-16 (Cal-Pacific Supply, Inc.) will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by

the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of APNs 009-350-024, 009-350-025, 009-350-026, and 009-350-029 that are being developed under SPR 2020-16 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

GENERAL CONDITIONS

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on SPR 2020-16.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
4. SPR 2020-16 will expire one (1) year from the effective date, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
6. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys' fees, and damages arising therefrom (collectively "claim").

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

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

PLANNING DEPARTMENT

General Conditions

7. The project site shall be developed in conformance with the site plan as reviewed and approved under SPR 2020-16. Minor modifications to the site plan, which are necessary to meet regulatory, engineering, or similar constraints or requirements may be made at the discretion of the Planning Manager without an amendment to SPR 2020-16. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to SPR 2020-16 be filed for review and approval through the applicable City process.
8. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with SPR 2020-16 to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
9. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and/or manager may be subject to corrective action.
10. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
11. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
12. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
13. Provide a pedestrian path of travel from the sidewalk along South Granada Drive to the building entrance.

Parking Requirements

14. Off-street parking areas shall be paved and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed to cross sidewalks, unless approved by the City Engineer.
15. Each off-street parking space shall have a width of not less than nine feet and a length of not less than 19 feet except that up to 25% of the required parking spaces may be designated for compact car use.
16. Parking spaces shall be easily accessible by standard-size automobiles, shall be so designed as to be accessible from a public street or alley, and shall be located so that sufficient area is available for maneuvering purposes.
17. Plans of the proposed parking area shall be submitted to the Building Department at the time of an application for a building permit for any building to which the parking area is accessory.

The plans shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot.

Fencing

18. All fences shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood.
19. Any proposed fencing along South Granada Drive or West Almond Avenue shall be constructed of wrought iron, tubular steel, or other visually-superior material.

Landscaping

20. Landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
 - a) Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b) Provide permanent automatic irrigation systems for all landscaped areas;
 - c) Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d) Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - e) Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
21. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved under SPR 2020-16.
22. Street trees shall be installed within the park strip along the South Granada Drive property frontage. The trees shall not infringe upon, or interfere with, vehicle or truck traffic. Trees shall be planted in accordance with City standards prior to issuance of a certificate of completion. Trees shall be selected from the adopted City of Madera Master Street Tree List.
23. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
24. A maintenance agreement is required for all landscaping located within the public right-of-way. Such agreement shall be entered into prior to issuance of a certificate of completion.

Signage

25. All signage shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage, with the exception of required signs in accordance with City standards for West Almond Avenue and South Granada Drive, is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.

ENGINEERING**General Conditions**

26. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
27. Impact fees shall be paid at time of building permit issuance.
28. The developer shall pay all required fees for completion of the project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
29. Improvement plans shall be signed and sealed by an engineer and submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Check Submittal Checklist.
30. The improvement plans for the project shall include the most recent version of the City's General Notes.
31. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by State law can be implemented.
32. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Division.
33. All off-site improvements shall be completed prior to issuance of final occupancy.
34. The developer shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Water

35. New or existing water service connection(s), including landscape areas, shall be upgraded or constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.
36. A separate water meter and backflow prevention device will be required for existing or proposed landscape areas.
37. Existing water service connections that will not be used for the project shall be abandoned at the mains per City standards.
38. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage on South Granada Drive and West Almond Avenue.
39. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.

Sewer

40. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
41. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.

42. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage on South Granada Drive and West Almond Avenue.
43. Sewer main connections 6 inches and larger in diameter shall require manhole installation.
44. Existing septic tanks, if found, shall be removed pursuant to issuance of a permit and inspection by the City of Madera Building Department.

Storm Drain

45. Storm runoff from this project site is planned to go to the Basila Basin located southeast of the proposed project site, or as directed by the City Engineer. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate or expand the basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities.
46. Support calculations shall be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
47. This project shall comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall submit to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

Streets

48. The developer shall install curb, gutter, and sidewalk along the South Granada Drive and West Almond Avenue project frontages in accordance with City and ADA standards.
49. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk, as necessary, to current City and ADA standards.
50. The proposed driveway approaches on South Granada Drive and West Almond Avenue shall be constructed to a street-type entrance in accordance with City and ADA standards. The driveway curb radii and width must be designed to accommodate truck turn movements into the site without impacting egress.
51. The developer shall determine the peak hour trips generated by the project. A traffic impact study shall be required if the project generates over 100 peak hour trips.
52. Use of South Granada Drive for truck access shall require the construction of a separate right turn deceleration lane a minimum of 100 feet in length. Provisions for two northbound travel lanes and bike lanes shall be accounted for.
53. The developer shall install streetlights along the project frontage in accordance with City standards.
54. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on South Granada Drive and West Almond Avenue. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.

55. The developer shall record a lot merger to merge the project parcels into one parcel as the building is proposed to cross multiple property lines. An application for a lot merger shall be submitted to the Engineering Department. A \$400 fee or the fee in effect at that time for lot merger shall be paid with the application to the Engineering Department.
56. If the developer chooses to merge only the parcels over which the proposed building crosses, a reciprocal ingress/egress, utility, and parking easement shall be required across those portions of the site necessary to allow shared driveway access points. The easement shall provide mutual right of access for all future developments located to the north of the project parcel. The developer shall pay associated fees to the Engineering Department.
57. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
58. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads.

BUILDING DEPARTMENT

59. Submit full sets of plans (5) for review and approval prior to obtaining all required permits for construction of project.
60. A building permit is required for all construction on the site.
61. A business license is required, and a business license inspection shall be conducted prior to operation.

FIRE DEPARTMENT

62. The applicant shall provide a key for the required Knox Boxes.
63. The applicant shall provide fire extinguishers per the California Fire Code.

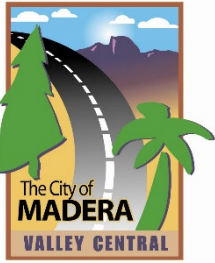
AIRPORT LAND USE COMMISSION

64. No component of operations of the facility shall create, or cause to be created, electrical interference with aircraft communications or navigation; and
65. No component of operations of the facility shall create, or cause to be created, any form of visual or other sensory distractions to those aircraft landing or taking off from the airport.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

66. The applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM10 Prohibitions), Rules 2010 and 2201 (Air Quality Permitting for Stationary Sources), Rule 9410 (Employer Based Trip Reduction), and Rule 9510 (Indirect Source Review).

-END OF CONDITIONS-



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Crown Tozer II Tentative Subdivision Map (TSM) 2020-01 Item # 2 – February 9, 2021

PROPOSAL: An application for a tentative subdivision map (TSM 2020-01) for a 63-lot single family residential subdivision (Crown Tozer) on approximately 11.37 acres.

| | | | |
|----------------------|--|---------------|--|
| APPLICANT: | Joseph Crown Construction Joseph Crown 5320 E Pine Ave Fresno, CA 93727 | OWNER: | Joseph Crown Construction Joseph Crown 5320 E Pine Ave Fresno, CA 93727 |
| SITE ADDRESS: | No address assigned | APN: | 008-180-007 (portion) |
| APPLICATIONS: | TSM 2020-01 | CEQA: | Negative Declaration |

LOCATION: The subject property is bounded by Fig Street (proposed) to the northeast, an approved subdivision (Iveywood I) to the southeast, Martin Luther King, Jr. Middle School to the southwest, and a proposed basin area to the northwest.

STREET ACCESS: The project site has street access from Tozer Street.

PROJECT SIZE: 11.37 acres

GENERAL PLAN DESIGNATION: MD (Medium Density Residential)

ZONING DISTRICT: PD-4500 (*Planned Development, one unit per 4,500 square feet of site area*)

SITE CHARACTERISTICS: The project is located on a vacant parcel. Surrounding uses include vacant land to the northeast, approved but not yet constructed single family residential to the southeast, Martin Luther King Middle School to the southwest, and a proposed drainage basin area to the northwest.

ENVIRONMENTAL REVIEW: An Initial Study/Negative Declaration has been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA).

SUMMARY: The applicant, Joseph Crown, is proposing TSM 2020-01, a 63-lot single family residential subdivision (Crown Tozer) on approximately 11.37 acres. The proposed use is consistent with the current MD (Medium Density Residential) General Plan designation. After review of the proposed project, the tentative subdivision map is anticipated to be compatible with the surrounding land uses in the area. Conditions, as appropriate, have been recommended for the tentative subdivision map (TSM 2020-01) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies.

SURROUNDING LAND USES

The site is bordered to the northwest by a future basin site and an unnamed canal; to the northeast, across the future Fig Street alignment, by vacant land planned for Medium Density Residential; to the southeast by vacant land that is planned Low Density Residential and approved for a single-family residential subdivision (Iveywood I); and, to the southwest by Martin Luther King Middle School.

Table 1. Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

| Direction from Project Site | Existing Use | General Plan Designation | Zone District |
|--|----------------------------------|---------------------------------|---------------|
| Northeast | Vacant | Medium Density Residential | PD-4500 |
| Southeast | Vacant | Low Density Residential | PD-4500 |
| Southwest | Martin Luther King Middle School | Other Public & Semi-Public Uses | PF |
| Northwest | Vacant | Medium Density Residential | PD-4500 |
| PF – Public Facilities | | | |
| PD-4500 - Planned Development (One unit for each 4,500 sq. ft. of site area) | | | |

RELATED PROJECTS AND APPROVALS

APN 008-180-007 is approximately 25 acres in total. TSM 2020-01 is proposed on the central 11.37 acres while a drainage basin is proposed on the northwestern 5 acres. The approximately nine southeastern acres of the parcel are included as part of the previously approved Iveywood I subdivision, also proposed by Joseph Crown. The Iveywood I subdivision, approved in 2019 but not yet under construction, encompasses 27.57 acres and proposes 134 lots. The portion of APN 008-180-007 within the Iveywood I subdivision is planned for Low Density Residential uses, as are the other parcels within the Iveywood I subdivision.

ANALYSIS

The California Subdivision Map Act (Government Code Section 66410, et seq.) establishes most of the procedures for subdivision of land. Other components are contained within Chapter 2 (Subdivisions) of Title 10 (Planning and Zoning) of the Madera Municipal Code. Generally, a tentative subdivision map is required in order to subdivide land into five or more parcels.

TSM 2020-01 proposes to subdivide approximately 11.37 acres into 63 parcels. The proposed density is consistent with the MD (Medium Density Residential) land use designation per the General Plan, which allows for density averaging across multiple parcels. The proposed density for both the Iveywood I and

Crown Tozer subdivisions averages 7.9 du/ac. This is consistent with the underlying Low Density Residential and Medium Density Residential target density requirement of 7.29 du/ac across both project areas. The proposed lot sizes within TSM 2020-01 range from 4,788 square feet to 9,044 square feet and are consistent with the existing zone district of PD-4500, which is compatible with the MD (Medium Density Residential) land use designation.

Submittal of a precise plan application and review and approval by the City will be required prior to approval of the final map. The precise plan will address development within both the Iveywood I and Crown Tozer (TSM 2020-01) subdivisions as a unified precise plan application. The conditions of approval for TSM 2020-01 reflect this requirement.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project has been reviewed for compliance with CEQA. The City prepared an initial study and, on that basis, determined that the proposed project will not have significant adverse effects on the environment and that a Negative Declaration could be prepared. The Initial Study/Negative Declaration (IS/ND) was published for a 21-day review and comment period commencing on January 16, 2021. No comments have been received as of the date of this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

A continuation of the City's planned growth for residential land uses, as proposed by TSM 2020-01, supports the vision for Well Planned Neighborhoods and Housing. This principle recognizes that the provision of housing opportunities is a key component in the implementation of the City's General Plan and vision for the community.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution recommending adoption of a Negative Declaration for the project and conditional approval of TSM 2020-01 by the Planning Commission. 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 the Negative Declaration and TSM 2020-01, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the Negative Declaration and TSM 2020-01 and determining to either:

- Adopt a resolution adopting a Negative Declaration for the project and approving TSM 2020-01 as conditioned (Motion 1); or
- Continue the hearing to March 9, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); or
- Move to continue the application for TSM 2020-01 to the March 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.)(Motion 3).

Motion 1: Move to adopt a resolution of the Planning Commission of the City of Madera adopting the Negative Declaration for the project and approving TSM 2020-01, based on and subject to the findings and conditions of approval as follows:

Findings to Approve a Tentative Subdivision Map

Finding a: The proposed subdivision is consistent with the General Plan and specific plans.

The proposed TSM 2020-01 is consistent with the General Plan designation of MD (Medium Density Residential). The procedural requirements of the Subdivision Map Act have been met, and all parcels comply with the General Plan, including all applicable general plan, engineering, and zoning standards pertaining to grading, drainage, utility connections, lot size and density. In this regard, the design and improvements of the subdivision, subject to the conditions of approval, will be consistent with the requirements and improvement standards of the City of Madera. There is no specific plan applicable the site.

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

The proposed TSM 2020-01 is consistent with the City of Madera General Plan. Additionally, the proposed parcels will comply with minimum lot size standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no applicable specific plan applicable to the site.

Finding c: The site is physically suitable for the type of development.

TSM 2020-01 proposes to subdivide approximately 11.37 acres into 63 parcels ranging in size from 4,788 square feet to 9,044 square feet. The project site is physically suitable for the proposed subdivision. Development of residential uses on site is required to be consistent with the General Plan and Zoning Ordinance, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of development.

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

The proposed TSM 2020-01 will create 63 parcels to support residential uses with standard setbacks and ample useable space. Each parcel will meet the minimum of lot size of 4,500 square feet as appropriate for the existing zone district, and the site is physically suitable for such proposed density of development. Any development is required to be consistent with the General Plan and the Zoning Ordinance. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.

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

The project site is not located in a sensitive environment but rather in an area surrounded primarily by other existing or proposed residential land uses. An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed Negative Declaration (ND) for the project. As determined in the ND, the project will not have a significant, adverse effect on the environment. Therefore, the proposed TSM 2020-01 would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

Finding f: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The lots created will comply with all applicable sanitary sewer, water service and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is not likely to cause serious public health problems.

Finding g: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public-at-large, for access through or use of property within the proposed subdivision.

There are no public easements that currently encumber the area to be subdivided. All modifications made to the existing public improvements fronting the parcels upon development of the properties will be required to current City standards. Additionally, the subdivision is designed to ensure that it will not conflict with easements and appropriate dedications will be required to ensure public easements for right-of-way, etc., are secured.

(OR)

Motion 2: Move to continue the public hearing on TSM 2020-01 to March 9, 2021 with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

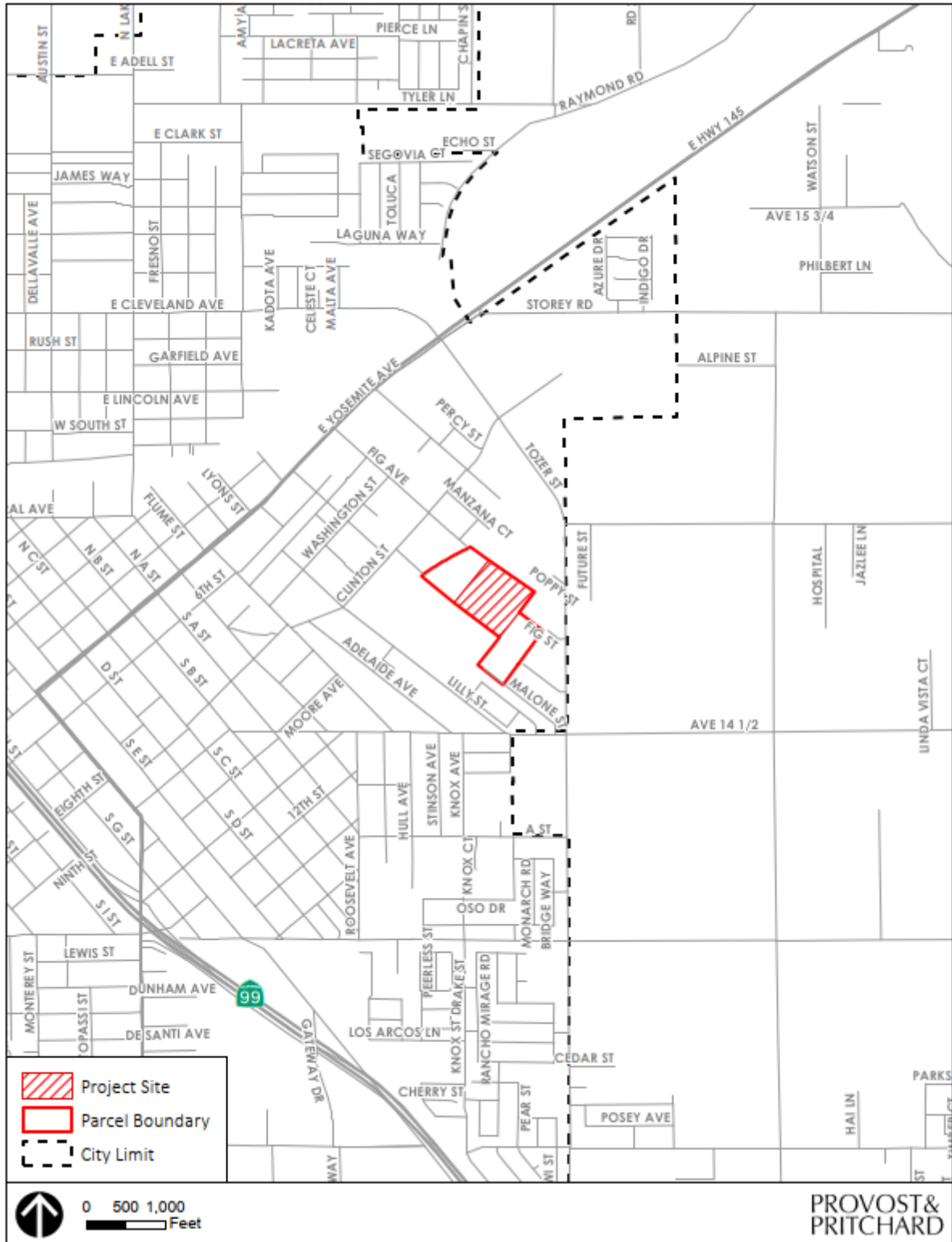
(OR)

Motion 3: Move to continue the application for TSM 2020-01 to the March 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: Aerial Photo
- Attachment 3: General Plan Land Use Map
- Attachment 4: Zoning Map
- Attachment 5: Tentative Subdivision Map (TSM) 2020-01
- Attachment 6: Related Projects (Iveywood I Subdivision)
- Attachment 7: Initial Study/Negative Declaration (IS/ND) for TSM 2020-01
- Attachment 8: Planning Commission Resolution for TSM 2020-01

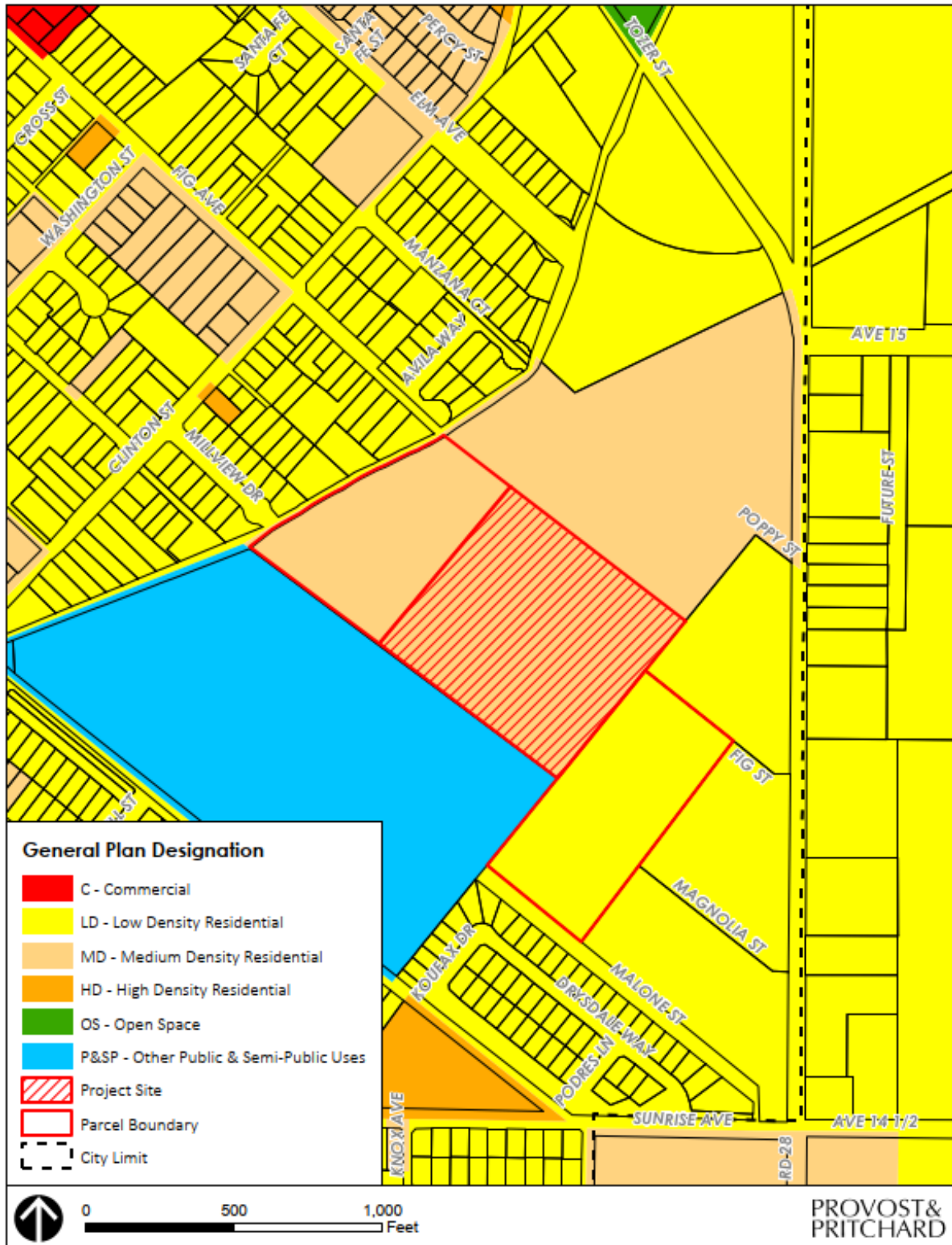
Attachment 1: Vicinity Map



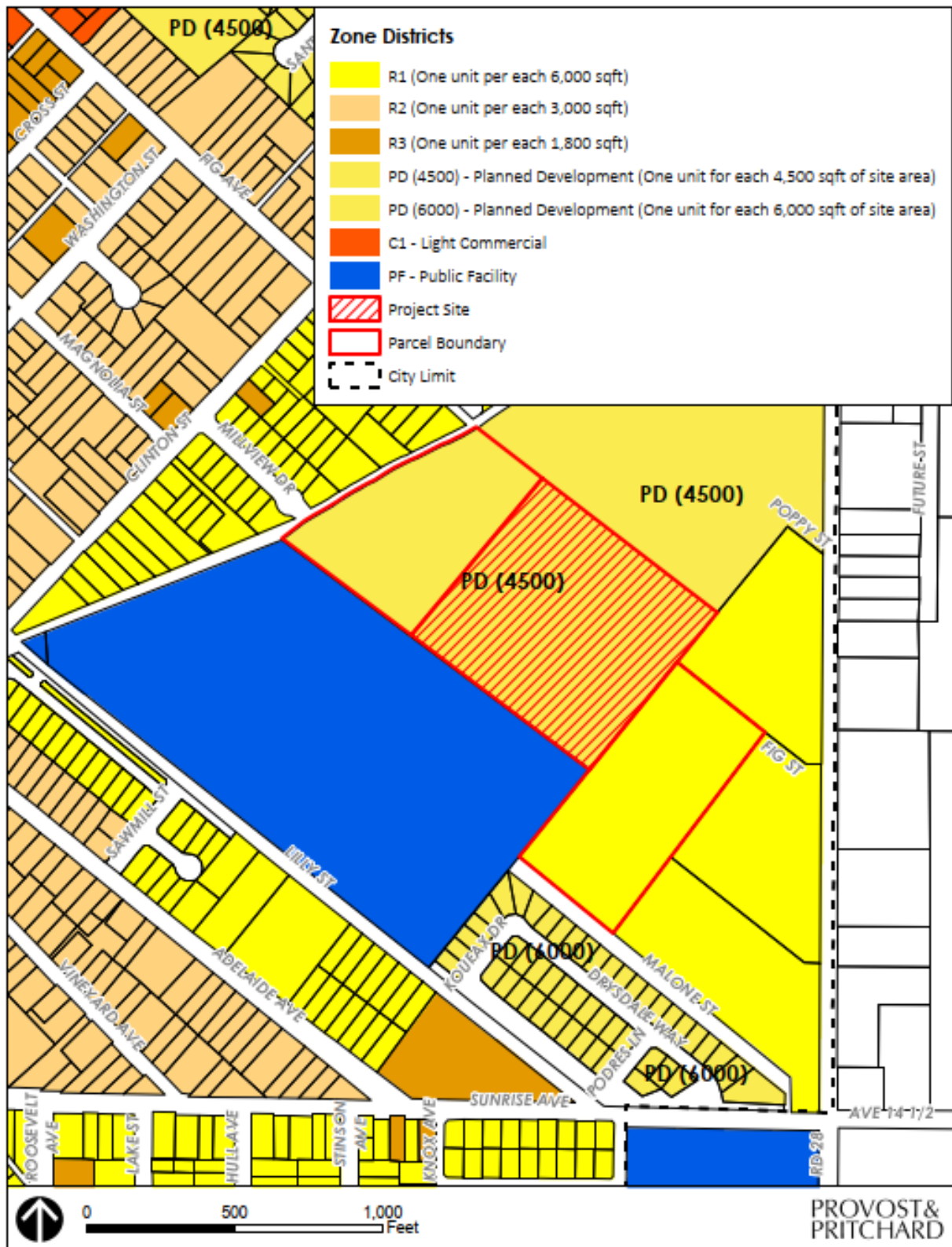
Attachment 2: Aerial Photo



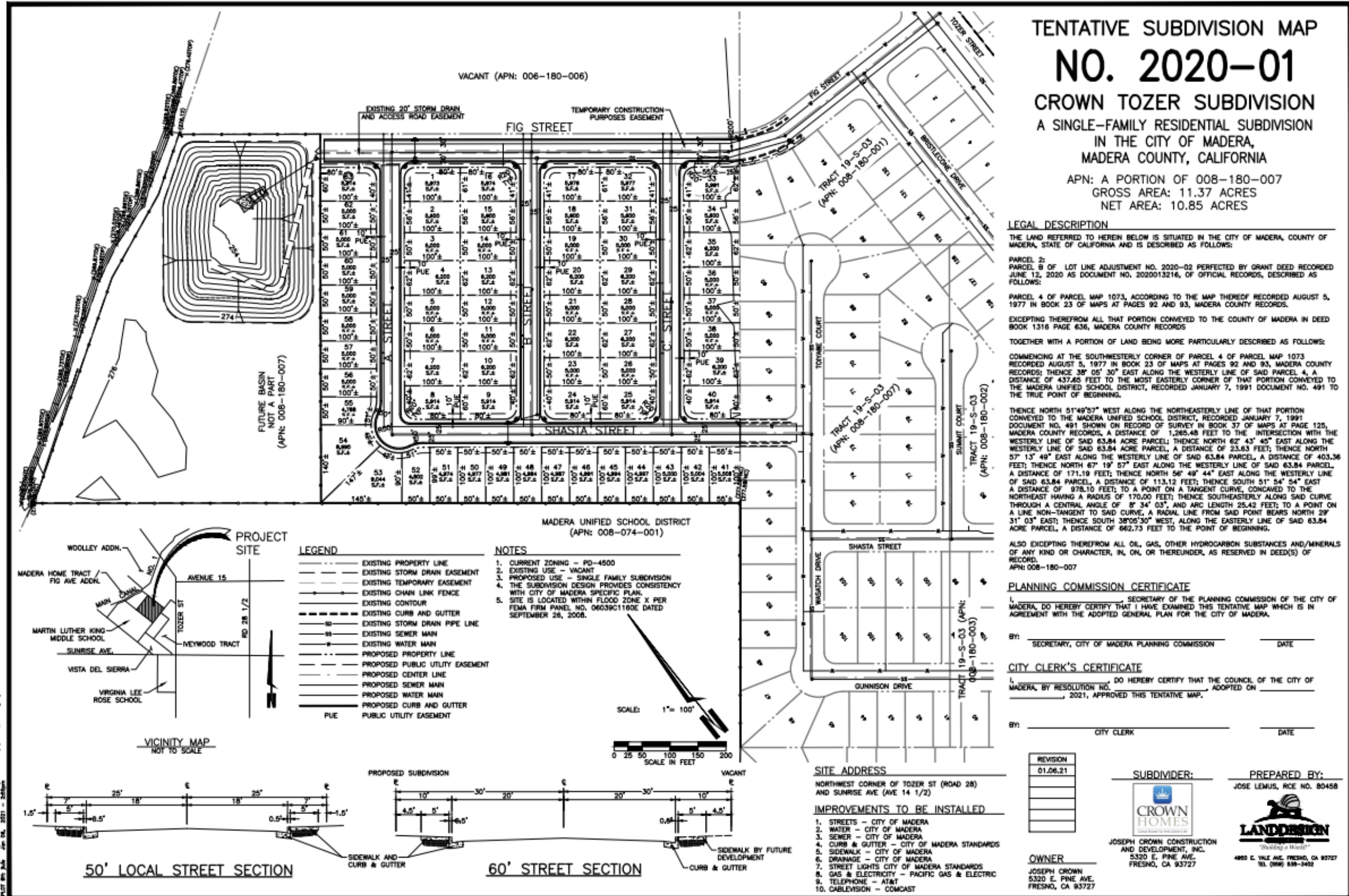
Attachment 3: General Plan Land Use Map



Attachment 4: Zoning Map



Attachment 5: Tentative Subdivision Map (TSM) 2020-01



Attachment 6: Related Projects Map (Iveywood I Subdivision)



Attachment 7: Initial Study/Negative Declaration (IS/ND) for TSM 2020-01

Initial Study/Negative Declaration distributed as a separately bound document and also posted on the City's website on the Planning Department page under Current Projects and Environmental Review at the following website address: <https://www.madera.gov/home/departments/planning/>.

Please refer to the separately bound document titled "Crown Tozer Subdivision Tentative Subdivision Map (TSM) 2020-01 Initial Study / Negative Declaration, January 2021."

Attachment 8: Planning Commission Resolution for TSM 2020-01

RESOLUTION NO. 1871

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING TENTATIVE SUBDIVISION MAP 2020-01 (CROWN TOZER II)**

WHEREAS, Joseph Crown Construction (“Owner”) owns APN 008-180-007 in Madera, California (“site”); and

WHEREAS, the Owner is seeking a tentative subdivision map (TSM) to allow for a 63-lot single family residential subdivision on 11.37 acres of APN 008-180-007, as proposed by TSM 2020-01; and

WHEREAS, the 11.37 acres is vacant and is planned and zoned for Medium Density Residential land uses; and

WHEREAS, an Initial Study/Negative Declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., the Guidelines for implementation of CEQA, Title 14 California Code of Regulations, Chapter 3, Section 15000, et seq., and the Madera Municipal Code; and

WHEREAS, the Planning Commission has independently reviewed and considered the information contained in the IS/ND; and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

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

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

WHEREAS, the Planning Commission received and reviewed TSM 2020-01 at a duly noticed meeting on February 9, 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 2020-01, with conditions.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission finds an environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the Planning Commission finds there is no substantial evidence in the record that this project may have a significant direct, indirect or cumulative effects on the

environment, and that a Negative Declaration is appropriate for this project. The Planning Commission further finds the Initial Study and Negative Declaration were timely and properly published and notices as required by CEQA. As such, the Planning Commission adopts a Negative Declaration for the project.

3. Findings for TSM 2020-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of TSM 2020-01, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-2.402 and 10-2.402.6.3. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. *The proposed subdivision is consistent with the General Plan and specific plans.*

The proposed TSM 2020-01 is consistent with the General Plan designation of MD (Medium Density Residential). The procedural requirements of the Subdivision Map Act have been met, and all parcels comply with the General Plan, including all applicable general plan, engineering, and zoning standards pertaining to grading, drainage, utility connections, lot size and density. In this regard, the design and improvements of the subdivision, subject to the conditions of approval, will be consistent with the requirements and improvement standards of the City of Madera. There is no specific plan applicable the site.

- b. *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The proposed TSM 2020-01 is consistent with the City of Madera General Plan. Additionally, the proposed parcels will comply with minimum lot size standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no applicable specific plan applicable to the site.

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

TSM 2020-01 proposes to subdivide approximately 11.37 acres into 63 parcels ranging in size from 4,788 square feet to 9,044 square feet. The project site is physically suitable for the proposed subdivision. Development of residential uses on site is required to be consistent with the General Plan and Zoning Ordinance, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of development.

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

The proposed TSM 2020-01 will create 63 parcels to support residential uses with standard setbacks and ample useable space. Each parcel will meet the minimum of lot size of 4,500 square feet as appropriate for the existing zone district, and the site is physically suitable for such proposed density of development. Any development is required to be consistent with the General Plan and the Zoning Ordinance. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.

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

The project site is not located in a sensitive environment but rather in an area surrounded primarily by other existing or proposed residential land uses. An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed Negative Declaration (ND) for the project. As determined in the ND, the project will not have a significant, adverse effect on the environment. Therefore, the proposed TSM 2020-01 would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

- f. *The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

The lots created will comply with all applicable sanitary sewer, water service and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is not likely to cause serious public health problems.

- g. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public-at-large, for access through or use of property within the proposed subdivision.*

There are no public easements that currently encumber the area to be subdivided. All modifications made to the existing public improvements fronting the parcels upon development of the properties will be required to current City standards. Additionally, the subdivision is designed to ensure that it will not conflict with easements and appropriate dedications will be required to ensure public easements for right-of-way, etc., are secured.

4. Approval of TSM 2020-01: Given that all findings can be made, the Planning Commission hereby approves TSM 2020-01 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 9th day of February 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit "A" – Conditions of Approval for TSM 2020-01

EXHIBIT "A"
TSM 2020-01 (Crown Tozer)
CONDITIONS OF APPROVAL
February 9, 2021

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

Approval for TSM 2020-01 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this tentative subdivision map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative subdivision map. Furthermore, the following conditions shall apply to the approximately 11.37-acre area of APN 008-180-007 as depicted on tentative subdivision map TSM 2020-01, unless specifically noted otherwise.

GENERAL CONDITIONS

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee and the Department of Fish and Game de minimis filling fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on TSM 2020-01.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.

4. TSM 2020-01 shall be valid for a period of 24 months from the date of its conditional approval. Prior to expiration of the conditionally approved tentative map an extension or extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act.
5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
6. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

PLANNING DEPARTMENT

7. A Precise Plan shall be submitted and approved prior to approval of the Final Map for TSM 2020-01. Such Precise Plan shall address both TSM 2020-01 and the Iveywood I Subdivision located adjacent to the southeast.
8. Any proposed modifications not considered minor changes in accordance with Section 10-2.402.9 (Amendments to Approved Subdivisions) shall require an amendment to TSM 2020-01.
9. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
10. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
11. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
12. Park land shall be dedicated or payment of in-lieu fees shall be made, or combination of both, in accordance with the "City's Acquisition of Land and/or Payment of Fees for City Park Facilities", commencing with Section 10-2.1300 of the Municipal Code.

BUILDING DEPARTMENT

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

FIRE DEPARTMENT

14. All homes shall be equipped with residential fire sprinklers in accordance with the CRC and NFPA 13D.
15. The fire hydrant system shall comply with appendices B&C of the California Fire Code and the City of Madera Standards.
16. The proposed subdivision must have a minimum of 2 points of access to Tozer Street.

ENGINEERING DEPARTMENT**General Conditions**

17. Prior to recording of the final map, all action necessary for annexation into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
18. A final subdivision map shall be required per Section 10-2.403 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.
19. Park land as may be identified elsewhere in these conditions shall be dedicated to the City in advance of, or in conjunction with, recordation of the final subdivision map.
20. The twenty-foot storm drain and access road easement located along the northerly boundary of the subdivision shall be abandoned prior to recording any final maps for the subdivision.
21. 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.
22. A survey benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the improvements. The City Engineer shall designate or approve the location.
23. Prior to any site construction or initiation of work within a public right-of-way, a construction route and traffic control plan will be reviewed and approved by the City Engineer. The construction route and traffic control plan shall depict proposed construction vehicle routes to and from the site. This will minimize potential damage to other streets and disruption to the neighborhood.
24. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification.
25. Development impact fees shall be paid at time of building permit issuance.
26. Improvement plans sealed by an engineer shall be submitted to the Engineering Division in accordance with the Engineering Plan Review Submittal Sheet and Civil Plan Check Submittal Checklist.
27. The developer shall pay all required fees for processing the subdivision map and completion of the project. Fees due may include but shall not be limited to the following: subdivision map

review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.

28. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by State law can be implemented.
29. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit is required from the Engineering Division if initiated prior to execution of an Improvement Agreement.
30. The improvement plans for the project shall include the most recent version of the City's General Notes.
31. The developer shall comply with the Federal Emergency Management Agency (FEMA) requirements as may be applicable.

Water

32. In addition to water well impact fees, the developer shall pay its pro rata portion of a new water well to be constructed by the City or other development. Upon completion of the well and subject to a request, the developer shall be eligible for full reimbursement of those funds.
33. Prior to framing construction on-site, a water system shall be designed to meet the required fire flow for this type of development and approved by the fire department. Fire flows shall be determined by Uniform Fire Code appendix III-A.
34. Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be 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.
35. Water mains shall be constructed to current City standards.
36. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet) or commercial development (300 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
37. Water services shall be placed 3 feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or streetlight locations.
38. One water quality sampling station shall be shown on the improvement plans and installed within the subdivision and approved by the water quality division of the Public Works Department.

39. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved backflow device installed. All water trucks/storage tanks will be inspected for proper air gaps or backflow prevention devices.
40. Water service connection(s) shall be shown on the improvement plans and shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way.
41. Existing wells if any shall be abandoned as directed and permitted by the City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.
42. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to construction activities commencing on individual dwelling units.

Sewer

43. Sewer lines installed within internal publicly owned streets to serve the development within the subdivision shall be sized accordingly and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
44. Sewer services shall be located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
45. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

46. Storm runoff from this project site is planned to go to the future basin that will be constructed as part of the Iveywood I Subdivision off-site improvement drawings which is located northwest of the proposed project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the future basin and excavate or expand the basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities.
47. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development or portions therein shall be subject to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to

ensure they remain in compliance with the conditions imposed under this condition for any parcel that incorporates physical improvements designed to comply with this condition.

Streets

48. The south half of Fig Street along the entire project frontage shall be improved to a 60-foot residential street standard with a five-foot sidewalk. The south half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip, sidewalk, and an 18-foot asphalt section. At a minimum, the north half of the street shall include one permanently paved 12-foot lane. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
49. The developer shall be a proponent of annexing into existing Landscape Maintenance District (LMD) Zone 51. If the annexation into LMD Zone 51 is not attainable, the developer shall at their sole expense, form a new Landscape Maintenance District zone. The subdivider shall sign and submit a landscape district formation and inclusion form, an engineer's report, and map prior to recording of any final map.
50. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required LMD Zone 51 or new LMD Zone for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the City-wide LMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
51. All streets internal and external to the subdivision shall be designed with a 2% cross slope. Variations to absorb grade variations on private property are not permitted.
52. Interior streets shall be constructed in accordance with City standards for a residential street including a five-foot sidewalk, curb and gutter, streetlights, fire hydrants and all other components necessary to complete construction per City standards.
53. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents.
54. Traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with the subdivision. Maximum distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer.
55. Landscaping and irrigation systems shall be installed in accordance with the approved landscaping and irrigation plans before the final building inspection of any adjacent residential units or commercial buildings.
56. Access ramps shall be installed at all curb returns per current City standards.
57. Driveway approaches shall be constructed per current City standards.

58. The developer shall be required to install metered streetlights along all exterior collector and arterial streets. Interior subdivision streetlights may be non-metered if direct connection to PG&E facilities are made. All streetlights shall be installed in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
59. 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.
60. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "A" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding the imposed loads of fire apparatus. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
61. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total linear feet of all streets, fire hydrant and street water main linear feet, and sewer line linear feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:
 - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
 - b. Street plans and profiles;
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 2. Streetlights
 3. Traffic signals
 4. Construction details including traffic signage and striping plan.
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
 - d. Grading plan indicating flood insurance rate map community panel number and effective date;
 - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer.
 - f. Storm water pollution control plan and permit.
 - g. Itemized quantities of the off-site improvements to be dedicated to the City.
62. Submittals shall include **(submit a PDF and the stated number of hard copies for each item)**:
 - a. Engineering Plan Review Submittal Sheet
 - b. Civil Plan Submittal Checklist – All required items shall be included on the drawings
 - c. Four copies of the final map

- d. Two sets of traverse calculations
- e. Two preliminary title reports
- f. Two signed copies of conditions
- g. Four hard copies of complete improvement plans
- h. Three hard copies of landscape and irrigation plans
- i. Two sets of drainage calculations
- j. Two copies of the engineers estimate

Partial submittals will not be accepted by the engineering department.

- 63. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a 3-sack sand slurry mix extending one-foot past curb and gutter in each direction.
- 64. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages.
- 65. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the public utilities Commission Regulations or operating at 70,000 volts or greater.
- 66. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
- 67. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
- 68. The subdivider shall enter an Improvement Agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
- 69. The subdivider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing improvement plans are approved and submitting bonding and insurance in conformance with that called for in the Improvement Agreement rather than that which is required with a typical encroachment permit application. Said permit shall be submitted and issued prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council and shall be paid at the time of permit.
- 70. The developer's engineer, upon completion of the improvements, shall certify to the City Engineer that the improvements are made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all

improvements and facilities shall also be submitted prior to acceptance of the improvements by the City.

Improvement Inspections

71. 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.
72. Prior to the installation of any improvements or utilities, the general contractor shall notify the engineering department 48 hours prior to construction. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
73. 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.
74. No occupancy of any buildings within the subdivision or parcels shall be granted until improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five working days.

Special Engineering Conditions

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

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

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

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

MADERA UNIFIED SCHOOL DISTRICT

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

AIRPORT LAND USE COMMISSION

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

PG&E (WHERE APPLICABLE)

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. If required, PG&E shall approve work near gas transmission pipelines in compliance with the following applicable regulations.

88. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
89. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

90. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

91. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
92. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches $[24/2 + 24 + 36/2 = 54]$ away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40-degree angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

93. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

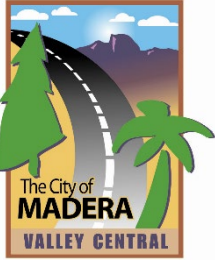
94. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for

PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

95. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.
96. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.
97. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum four feet (4') in height at maturity may be planted within the easement area.
98. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.
99. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.
100. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

-END OF CONDITIONS-



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Villa de Roma Tentative Subdivision Map (TSM) 2020-05 Item # 3 – February 9, 2021

PROPOSAL: An application for a tentative subdivision map (TSM 2020-05) for a 194-lot single family residential subdivision (Villa de Roma) on an approximately 50.18-acre parcel.

APPLICANT: DMP Development Corp
Michael Pistorosi
2001 Howard Road Site 211
Madera, CA 93637

OWNER: DMP Development Corp
Michael Pistorosi
2001 Howard Road Site 211
Madera, CA 93637

SITE ADDRESS: No address assigned

APN: 006-380-009

APPLICATIONS: TSM 2020-05

CEQA: Negative Declaration

LOCATION: The subject property is bounded by West Cleveland Avenue to the north, the Home Ranch Phase IV residential subdivision to the east, the Melanie Meadows residential subdivision to the south, and the Rancho Santa Fe residential subdivision to the west.

STREET ACCESS: The project site has street access from West Cleveland Avenue to the north, Fairway Avenue to the east, San Pietro and San Angelo to the south, and Piazza Navonna to the west.

PROJECT SIZE: 50.18 acres

GENERAL PLAN DESIGNATION: LD (Low Density Residential)

ZONING DISTRICT: PD(8000) (*Planned Development, one unit per 8,000 square feet of site area*)

SITE CHARACTERISTICS: The project is located on a vacant parcel. Surrounding uses include vacant land to the north, existing single-family residential to the east, and single family residential under construction to the south and west.

ENVIRONMENTAL REVIEW: An Initial Study/Negative Declaration has been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA).

SUMMARY: The applicant, DMP Development Corp., is proposing TSM 2020-05, a 194-lot single family residential subdivision (Villa de Roma) on an approximately 50.18-acre parcel. The proposed use is consistent with the current LD (Low Density Residential) General Plan designation. After review of the proposed project, the tentative subdivision map is anticipated to be compatible with the surrounding land uses in the area. Conditions, as appropriate, have been recommended for the tentative subdivision map (TSM 2020-05) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies.

SURROUNDING LAND USES

The site is bordered to the west, south, and east by residential subdivisions, both existing and under construction. The site is bordered to the north, across West Cleveland Avenue, by vacant agricultural land.

Table 1. Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

| Direction from Project Site | Existing Use | General Plan Designation | Zone District |
|--|--|---|---------------|
| North | Vacant | Industrial; Resource Conservation/Agriculture | I; RCO |
| East | Single-Family Residential, Existing and Under Construction | Low Density Residential | PD-8000 |
| South | Single-Family Residential, Under Construction | Low Density Residential | PD-8000 |
| West | Single-Family Residential, Under Construction | Low Density Residential | PD-8000 |
| I – Industrial RCO – Resource Conservation and Open Space PD-8000 - Planned Development (One unit for each 8,000 sq. ft. of site area) | | | |

ANALYSIS

The California Subdivision Map Act (Government Code Section 66410, et seq.) establishes most of the procedures for subdivision of land. Other components are contained within Chapter 2 (Subdivisions) of Title 10 (Planning and Zoning) of the Madera Municipal Code. Generally, a tentative subdivision map is required in order to subdivide land into five or more parcels.

TSM 2020-05 proposes to subdivide the approximately 50.18-acre property into 194 parcels. The proposed density is consistent with the LD (Low Density Residential) land use designation per the General Plan, which requires a density of 2.1 to 7 dwelling units per acre (du/ac). The proposed subdivision results in a density of approximately 3.9 du/ac. This density is also consistent with the existing zone district of PD-8000, which is compatible with the LD (Low Density Residential) land use designation and allows the proposed lot sizes ranging from 7,249 square feet to just over 14,483 square feet.

Submittal of a precise plan application and review and approval by the City will be required prior to any construction, grading, or development occurring on-site. The conditions of approval for TSM 2020-05 reflect this requirement.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project has been reviewed for compliance with CEQA. The City prepared an initial study and, on that basis, determined that the proposed project will not have significant adverse effects on the environment and that a Negative Declaration could be prepared. The Initial Study/Negative Declaration (IS/ND) was published for a 21-day review and comment period commencing on January 16, 2021. No comments have been received as of the date of this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

A continuation of the City's planned growth for residential land uses, as proposed by TSM 2020-05, supports the vision for Well Planned Neighborhoods and Housing. This principle recognizes that the provision of housing opportunities is a key component in the implementation of the City's General Plan and vision for the community.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution recommending adoption of a Negative Declaration for the project and conditional approval of TSM 2020-05 by the Planning Commission. 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 the Negative Declaration and TSM 2020-05, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the Negative Declaration and TSM 2020-05 and determining to either:

- Adopt a resolution adopting a Negative Declaration for the project and approving TSM 2020-05 as conditioned (Motion 1); or
- Continue the hearing to March 9, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); or
- Move to continue the application for TSM 2020-05 to the March 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.)(Motion 3).

Motion 1: Move to adopt a resolution of the Planning Commission of the City of Madera adopting the Negative Declaration for the project and approving TSM 2020-05, based on and subject to the findings and conditions of approval as follows:

Findings to Approve a Tentative Subdivision Map

Finding a: The proposed subdivision is consistent with the General Plan and specific plans.

The proposed TSM 2020-05 is consistent with the General Plan designation of LD (Low Density Residential). The procedural requirements of the Subdivision Map Act have been met, and all parcels comply with the General Plan, including all applicable general plan, engineering, and zoning standards pertaining to grading, drainage, utility connections, lot size and density. In this regard, the design and improvements of the subdivision, subject to the conditions of approval, will be consistent with the requirements and improvement standards of the City of Madera. There is no specific plan applicable the site.

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

The proposed TSM 2020-05 is consistent with the City of Madera General Plan. Additionally, the proposed parcels will comply with minimum lot size standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no applicable specific plan applicable to the site.

Finding c: The site is physically suitable for the type of development.

TSM 2020-05 proposes to subdivide the approximately 50.18-acre property into 194 parcels. The proposed density is consistent with the LD (Low Density Residential) land use designation per the General Plan, which requires a density of 2.1 to 7 dwelling units per acre (du/ac). The proposed subdivision results in a density of approximately 3.9 du/ac. This density is also consistent with the existing zone district of PD(8000), which is compatible with the LD (Low Density Residential) land use designation and allows the proposed lot sizes ranging from 7,249 square feet to just over 14,483 square feet. The site is physically suitable for such proposed type of residential development. Development is required to be consistent with the General Plan and Zoning Ordinance, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.

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

The proposed TSM 2020-05 will create 194 parcels to support residential uses with standard setbacks and ample useable space. The subdivision proposes one residential per 8,000 square feet or greater as appropriate for the existing zone district, and the site is physically suitable for such proposed density of development. Any development is required to be consistent with the General Plan and Zoning Ordinance. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.

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

The project site is not located in a sensitive environment but rather in an area surrounded primarily by other residential land uses. An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed

Negative Declaration (ND) for the project. As determined in the ND, the project will not have a significant, adverse effect on the environment. Therefore, the proposed TSM 2020-05 would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

Finding f: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The lots created will comply with all applicable sanitary sewer, water service and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is not likely to cause serious public health problems.

Finding g: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public-at-large, for access through or use of property within the proposed subdivision.

There are no public easements that currently encumber the property to be subdivided. All modifications made to the existing public improvements fronting the parcels upon development of the properties will be required to current City standards. Additionally, the subdivision is designed to ensure that it will not conflict with easements and appropriate dedications will be required to ensure public easements for right-of-way, etc., are secured.

(OR)

Motion 2: Move to continue the public hearing on TSM 2020-05 to March 9, 2021 with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

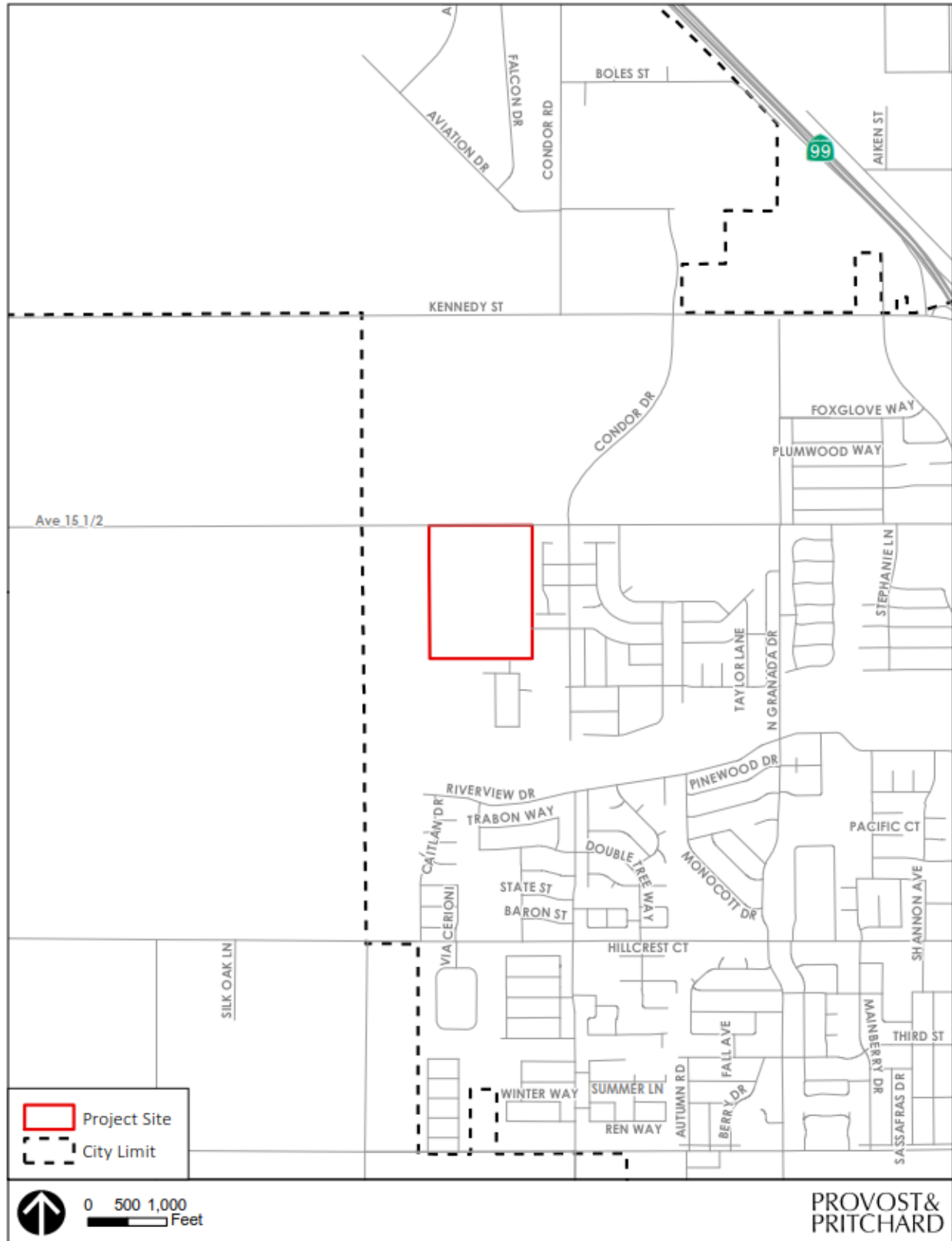
(OR)

Motion 3: Move to continue the application for TSM 2020-05 to the March 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: Aerial Photo
- Attachment 3: General Plan Land Use Map
- Attachment 4: Zoning Map
- Attachment 5: Tentative Subdivision Map (TSM) 2020-05
- Attachment 6: Initial Study/Negative Declaration (IS/ND) for TSM 2020-05
- Attachment 7: Planning Commission Resolution for TSM 2020-05

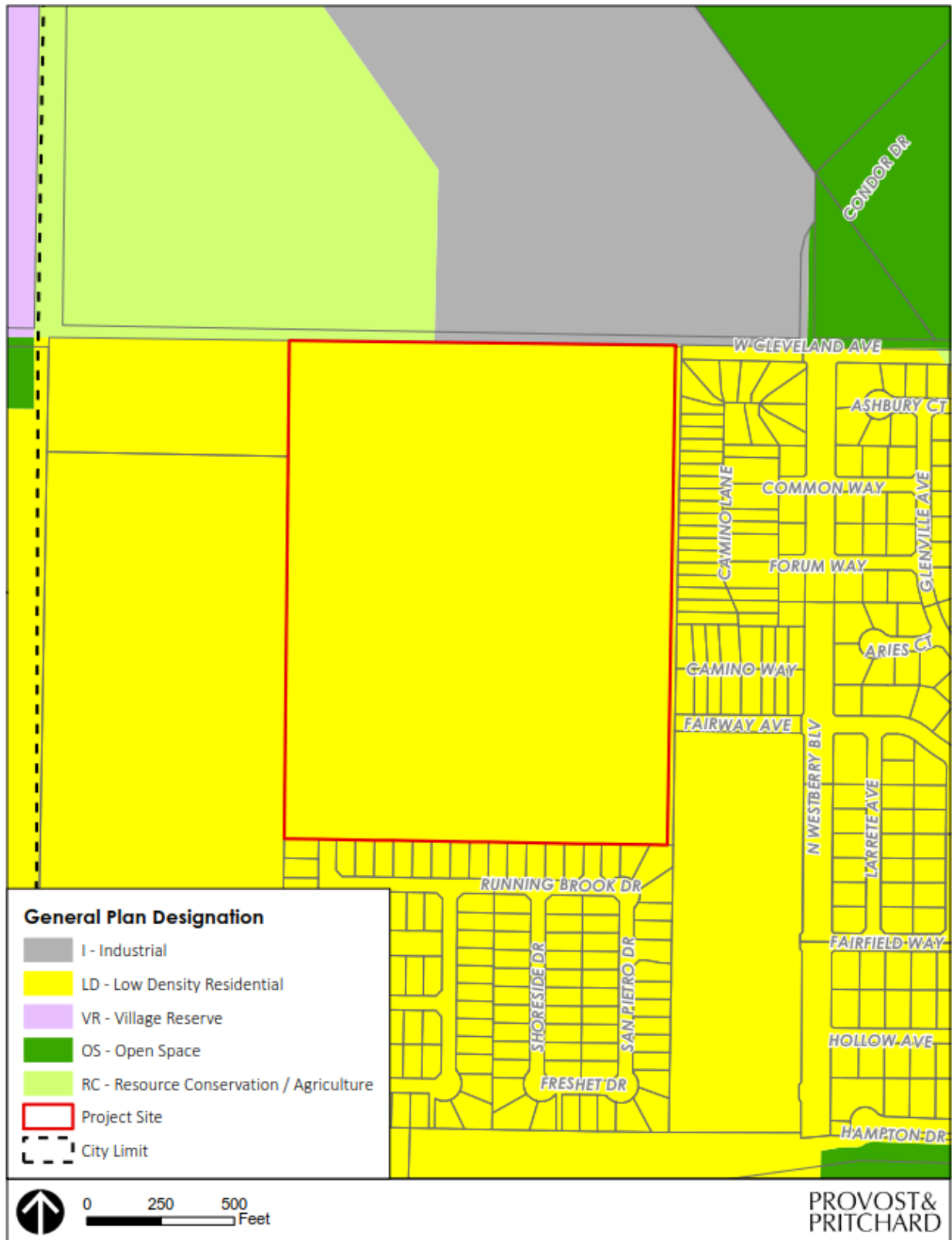
Attachment 1: Vicinity Map



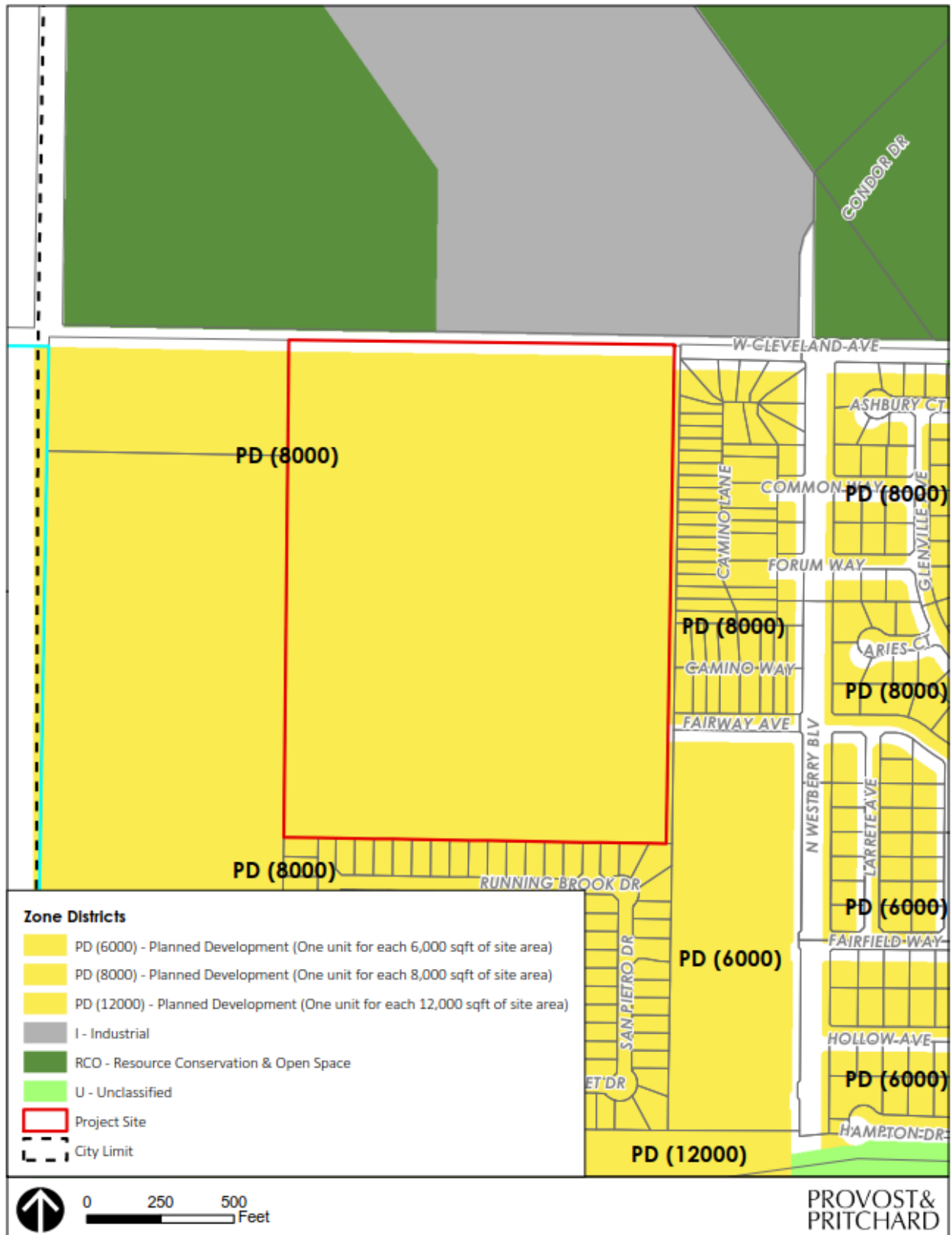
Attachment 2: Aerial Photo



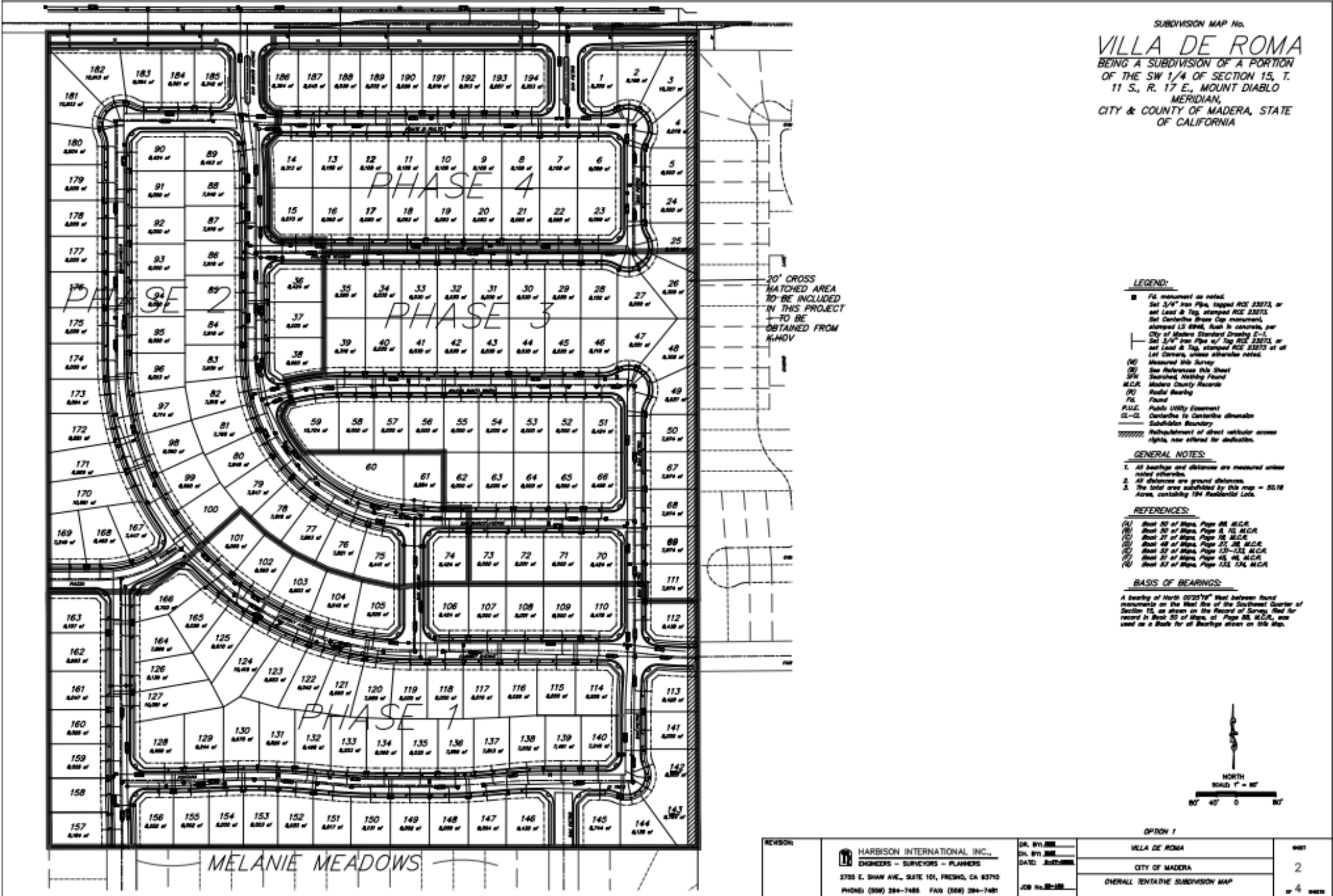
Attachment 3: General Plan Land Use Map



Attachment 4: Zoning Map



Attachment 5: Tentative Subdivision Map (TSM) 2020-05



Attachment 6: Initial Study/Negative Declaration (IS/ND) for TSM 2020-05

Initial Study/Negative Declaration distributed as a separately bound document and also posted on the City's website on the Planning Department page under Current Projects and Environmental Review at the following website address: <https://www.madera.gov/home/departments/planning/>.

Please refer to the separately bound document titled "Villa de Roma Subdivision Tentative Subdivision Map (TSM) 2020-05 Initial Study / Negative Declaration."

Attachment 7: Planning Commission Resolution for TSM 2020-05

RESOLUTION NO. 1872

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING TENTATIVE SUBDIVISION MAP 2020-05 (VILLA DE ROMA)**

WHEREAS, DMP Development Corp. (“Owner”) owns APN 006-380-009 in Madera, California (“site”); and

WHEREAS, the 50.18-acre site is vacant and is planned and zoned for Low Density Residential land uses; and

WHEREAS, the Owner is seeking a tentative subdivision map (TSM) to allow for a 194-lot single family residential subdivision, as proposed by TSM 2020-05; and

WHEREAS, an Initial Study/Negative Declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., the Guidelines for implementation of CEQA, Title 14 California Code of Regulations, Chapter 3, Section 15000, et seq., and the Madera Municipal Code; and

WHEREAS, the Planning Commission has independently reviewed and considered the information contained in the IS/ND; and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

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

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

WHEREAS, the Planning Commission received and reviewed TSM 2020-05 at a duly noticed meeting on February 9, 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 2020-05, with conditions.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission finds an environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the Planning Commission finds there is no substantial evidence in the record that

this project may have a significant direct, indirect or cumulative effects on the environment, and that a Negative Declaration is appropriate for this project. The Planning Commission further finds the Initial Study and Negative Declaration were timely and properly published and notices as required by CEQA. As such, the Planning Commission adopts a Negative Declaration for the project.

3. Findings for TSM 2020-05: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of TSM 2020-05, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-2.402 and 10-2.402.6.3. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. *The proposed subdivision is consistent with the General Plan and specific plans.*

The proposed TSM 2020-05 is consistent with the General Plan designation of LD (Low Density Residential). The procedural requirements of the Map Act have been met, and all parcels comply with the General Plan, including all applicable general plan, engineering, and zoning standards pertaining to grading, drainage, utility connections, lot size and density. In this regard, the design and improvements of the subdivision, subject to the conditions of approval, will be consistent with the requirements and improvement standards of the City of Madera. There is no specific plan applicable the site.

- b. *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The proposed TSM 2020-05 is consistent with the City of Madera General Plan. Additionally, the proposed parcels will comply with minimum lot size standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no applicable specific plan applicable to the site.

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

TSM 2020-05 proposes to subdivide the approximately 50.18-acre property into 194 parcels. The proposed density is consistent with the LD (Low Density Residential) land use designation per the General Plan, which requires a density of 2.1 to 7 dwelling units per acre (du/ac). The proposed subdivision results in a density of approximately 3.9 du/ac. This density is also consistent with the existing zone district of PD(8000), which is compatible with the LD (Low Density Residential) land use designation and allows the proposed lot sizes ranging from 7,249 square feet to just over 14,483 square feet. The site is physically suitable for such proposed type of residential development. Development is required to be consistent with the General Plan and Zoning Ordinance, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.

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

The proposed TSM 2020-05 will create 194 parcels to support residential uses with standard setbacks and ample useable space. The subdivision proposes one residential per 8,000 square feet or greater as appropriate for the existing zone district, and the site is physically suitable for such proposed density of development. Any development is required to be consistent with

the General Plan and Zoning Ordinance. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.

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

The project site is not located in a sensitive environment but rather in an area surrounded primarily by other residential land uses. An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed Negative Declaration (ND) for the project. As determined in the ND, the project will not have a significant, adverse effect on the environment. Therefore, the proposed TSM 2020-05 would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

- f. *The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

The lots created will comply with all applicable sanitary sewer, water service and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is not likely to cause serious public health problems.

- g. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public-at-large, for access through or use of property within the proposed subdivision.*

There are no public easements that currently encumber the property to be subdivided. All modifications made to the existing public improvements fronting the parcels upon development of the properties will be required to current City standards. Additionally, the subdivision is designed to ensure that it will not conflict with easements and appropriate dedications will be required to ensure public easements for right-of-way, etc., are secured.

4. Approval of TSM 2020-05: Given that all findings can be made, the Planning Commission hereby approves TSM 2020-05 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 9th day of February 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit "A" – Conditions of Approval for TSM 2020-05

EXHIBIT "A"
TSM 2020-05 (VILLA DE ROMA)
CONDITIONS OF APPROVAL
February 9, 2021

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

Approval for TSM 2020-05 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

GENERAL CONDITIONS

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee and the Department of Fish and Game de minimis filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on TSM 2020-05.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.

4. TSM 2020-05 shall be valid for a period of 24 months from the date of its conditional approval. Prior to expiration of the conditionally approved tentative map an extension or extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act.
5. It shall be the responsibility of the property owner and/or operator to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
6. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

PLANNING DEPARTMENT

7. A Precise Plan shall be submitted and approved prior to construction, grading, or development occurring on-site.
8. Any proposed modifications not considered minor changes in accordance with Section 10-2.402.9 (Amendments to Approved Subdivisions) shall require an amendment to TSM 2020-05.
9. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
10. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
11. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
12. Park land shall be dedicated or payment of in-lieu fees shall be made, or combination of both, in accordance with the "City's Acquisition of Land and/or Payment of Fees for City Park Facilities", commencing with Section 10-2.1300 of the Municipal Code.
13. The developer shall cause such Right to Farm notice as required by Section 10-3.418(G) of the Municipal Code to be recorded in the Office of the County Recorder.

BUILDING DEPARTMENT

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

FIRE DEPARTMENT

15. All homes shall be equipped with residential fire sprinklers.
16. The fire hydrant system shall comply with appendices B&C of the California Fire Code and the City of Madera Standards.

ENGINEERING DEPARTMENT**General**

17. Prior to recording of the final map, all action necessary for annexation into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
18. A final subdivision map shall be required per Section 10-2.403 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.
19. Park land as may be identified elsewhere in these conditions shall be dedicated to the City in advance of, or in conjunction with, recordation of the final subdivision map.
20. The subdivider shall take necessary steps, in collaboration with the subdivision to south, to remove the twenty-foot access easement located along the easterly boundary of the subdivision prior to recording any final maps for the subdivision.
21. 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.
22. A survey benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the improvements. The City Engineer shall designate or approve the location.
23. Prior to any site construction or initiation of work within a public right-of-way, a construction route and traffic control plan will be reviewed and approved by the City Engineer. The construction route and traffic control plan shall depict proposed construction vehicle routes to and from the site. This will minimize potential damage to other streets and disruption to the neighborhood.
24. Nuisance on-site lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
25. Development impact fees shall be paid at time of building permit issuance.
26. 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.
27. The developer shall pay all required fees for processing the subdivision map and completion of the project. Fees due may include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.

28. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by State law can be implemented.
29. Prior to construction of improvements within the City right-of-way, an Encroachment Permit is required from the Engineering Division if initiated prior to execution of an Improvement Agreement.
30. The improvement plans for the project shall include the most recent version of the City's General Notes.
31. The developer shall comply with the Federal Emergency Management Agency (FEMA) requirements as may be applicable.

Water

32. Prior to framing construction on-site, a water system shall be designed to meet the required fire flow for this type of development and approved by the fire department. Fire flows shall be determined by Uniform Fire Code Appendix III-A.
33. Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be 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.
34. The developer shall install, at a minimum, 8-inch water system connections to adjacent subdivisions at the following locations as depicted on the tentative subdivision map:
 - a. San Pietro – (Cleveland)
 - b. San Pietro – (Melanie Meadows)
 - c. Fairway
 - d. San Marco
 - e. Piazza Navonna
 - f. San Angelo
35. Water mains shall be constructed to current City standards.
36. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet) or commercial development (300 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
37. Water services shall be placed 3 feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or streetlight locations.
38. One water quality sampling station shall be shown on the improvement plans and installed within the subdivision and approved by the water quality division of the Public Works Department.

39. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved backflow device installed. All water trucks/storage tanks will be inspected for proper air gaps or backflow prevention devices.
40. Water service connection(s) shall be shown on the improvement plans and shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way. Backflow prevention devices shall be required for any water service not serving a residence and installed within private property.
41. A separate water meter and backflow prevention device shall be required for landscape areas.
42. Existing wells if any shall be abandoned as directed and permitted by the City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.
43. Developer shall reimburse its fair share cost (one-half of 8-inch component) to the City for previously constructed water main along the project frontage in West Cleveland Avenue.
44. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to construction activities commencing on individual dwelling units.

Sewer

45. If not already installed by others, a sewer trunk main sized per the City Master Sewer Plan shall be installed in West Cleveland Avenue from the closest existing line on West Cleveland Avenue and along the entire frontage of the project five (5') feet past the section line on West Cleveland Avenue. The oversize component (difference in cost between the pipe installed and 8-inch pipe) of the construction of this entire line is considered reimbursable, subject to the availability of funds, under the City's Development Impact Fee Program. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect.
46. Sewer lines installed within internal publicly owned streets to serve the development within the subdivision shall be sized accordingly and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
47. Sewer services shall be located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
48. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

49. Storm runoff from this project site is planned to go to the Berry Home Ranch Basin located south of the proposed project site. Storm runoff from this project site is to be served by a system installed by Melanie Meadows subdivision to the south. The developer shall, as may be

necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate or expand the basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities.

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

Streets

51. Only one full movement intersection shall be permitted. Location shall be approximately one quarter mile west of Westberry Boulevard. Remaining intersection shall be limited to right-in, right-out movements. Intersection spacing shall be a minimum to 400 feet edge to edge.
52. The developer shall be a proponent of annexing into existing Landscape Maintenance District (LMD) Zone 21D. If the annexation into LMD Zone 21D is not attainable, the developer shall at their sole expense, form a new Landscape Maintenance District zone. The subdivider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.
53. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required LMD Zone 21D or new LMD Zone for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvements which are required to be constructed by the developer and included in the City-wide LMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
54. The south half of West Cleveland Avenue along the entire project frontage shall be improved to a 100-foot arterial roadway standard with a five-foot sidewalk pattern. The south half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip, sidewalk, a 30-foot asphalt section and a 16-foot landscaped median island. The north half of the street shall include one permanently paved 12-foot lane and 8-foot shoulder (shoulder requirement per Air District Standards), and drainage swale, or a 12-foot travel lane and a combination of shoulder/AC dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The center three lanes (40-feet total), which includes the median island, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
55. The divided entry streets onto West Cleveland Avenue shall be constructed and landscaped 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. Landscaping shall be maintained by the Landscape Maintenance District.
56. All streets internal and external to the subdivision shall be designed with a 2% cross slope. Variations to absorb grade variations on private property are not permitted.
 57. Pavement markings/stripping on West Cleveland Avenue to the west of Home Ranch Subdivision shall be eradicated and repainted as necessary to provide transitions in accordance with California Manual on Uniform Traffic Control Devices.
 58. A Street Easement Dedication shall be made to dedicate sufficient right-of-way along the entire project parcel frontage on West Cleveland Avenue to provide a half-street width of fifty (50-ft) feet, south of the center line, to accommodate for an arterial standard roadway.
 59. Interior streets shall be constructed in accordance with City standards for a residential street including a five-foot sidewalk, curb and gutter, streetlights, fire hydrants and all other components necessary to complete construction per City standards.
 60. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents.
 61. "No Parking" signs shall be installed along the West Cleveland Avenue frontage per City standards.
 62. Traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with the subdivision. Maximum distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer.
 63. Front yard and street yard landscaping and irrigation shall be installed in conjunction with the construction of all single family homes. At least one City approved street tree shall be planted in each front yard. Landscape and irrigation plans consistent with the State of California Model Water Efficient Landscape Ordinance shall be submitted at the time of application for a building permit.
 64. Access ramps shall be installed at all curb returns per current City standards.
 65. Driveway approaches shall be constructed per current City standards.
 66. The developer shall be required to install streetlights along the West Cleveland Avenue frontage and all interior streets associated with the subdivision in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
 67. 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.
 68. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will

safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "A" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.

69. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total linear feet of all streets, fire hydrant and street water main linear feet, and sewer line linear feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:
 - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
 - b. Street plans and profiles;
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 2. Streetlights
 3. Traffic signals
 4. Construction details including traffic signage and striping plan.
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
 - d. Grading plan indicating flood insurance rate map community panel number and effective date;
 - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer.
 - f. Storm water pollution control plan and permit.
 - g. Itemized quantities of the off-site improvements to be dedicated to the City.
70. Submittals shall include **(submit a PDF and the stated number of hard copies for each item)**:
 - a. Engineering Plan Review Submittal Sheet
 - b. Civil Plan Submittal Checklist – All required items shall be included on the drawings
 - c. Four copies of the final map
 - d. Two sets of traverse calculations
 - e. Two preliminary title reports
 - f. Two signed copies of conditions
 - g. Four hard copies of complete improvement plans
 - h. Three hard copies of landscape and irrigation plans
 - i. Two sets of drainage calculations
 - j. Two copies of the engineers estimate

Partial submittals will not be accepted by the engineering department.

71. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then trenches shall be either: 1) sufficiently separated from curb to allow full compaction from bottom of trench to final finish grade, or 2) back-filled with a 3-sack sand slurry mix extending one-foot past curb and gutter in each direction.

72. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages.
73. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the public utilities Commission Regulations or operating at 70,000 volts or greater.
74. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
75. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
76. The subdivider shall enter an Improvement Agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
77. The subdivider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing improvement plans are approved and submitting bonding and insurance in conformance with that called for in the Improvement Agreement rather than that which is required with a typical encroachment permit application. Said permit shall be submitted and issued prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council and shall be paid at the time of permit.
78. The developer's engineer, upon completion of the improvements, shall certify to the City Engineer that the improvements are made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the improvements by the City.

Improvement Inspections:

79. 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.
80. Prior to the installation of any improvements or utilities, the general contractor shall notify the engineering department 48 hours prior to construction. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
81. 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.

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

Special Engineering Conditions:

83. A 6-foot high decorative masonry block wall similar to the Home Ranch subdivision to the east shall be constructed along the West Cleveland Avenue frontage.
84. Direct residential access to West Cleveland Avenue and the entry streets is prohibited and this shall be noted on the final map.
85. Project grading shall not interfere with the natural flow or adjacent lot drainage and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls if required shall be approved as to design and calculations prior to issuance of a grading permit therefore.
86. Lot fill in excess of 12 inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 12 inches or more will require construction of a retaining wall.
87. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
88. Prior to the issuance of any building permits or any construction on the subdivision or parcels, a storm water pollution plan shall be prepared, and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size.
89. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID facilities, the developer must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion, as-built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.
90. Prior to recording the final map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.
91. The developer of the property can expect to pay current and future development impact fees, including, but not limited to sewer (special service area), water, streets, bridge, public works, parks, public safety and drainage, that are in place at the time building permits are issued.
92. Final street names shall be approved by the Planning Department prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing county roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts should utilize the name of the nearest subdivision street.

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

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

94. The applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM10 Prohibitions), Rule 4601 (Architectural Coatings), Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters), Rule 4902 (Residential Water Heaters), Rule 4905 (Natural Gas-Fired, Fan-Type Central Furnaces) and Rule 9510 (Indirect Source Review).

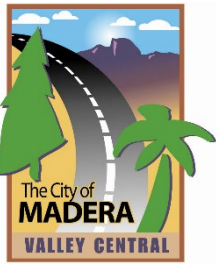
MADERA UNIFIED SCHOOL DISTRICT

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

AIRPORT LAND USE COMMISSION

96. No component of operations of the subdivision shall create, or cause to be created, electrical interference with aircraft communications or navigation.
97. No component of operations of the facility shall create, or cause to be created, any form of visual or other sensory distractions to those aircraft landing or taking off from the airport.
98. Structure height is restricted 70 feet.

-END OF CONDITIONS-



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Gracious Beauty Salon CUP 2020-17 & SPR 2020-19 Item #4 – February 9, 2021

PROPOSAL: An application for a conditional use permit (CUP 2020-17) and site plan review (SPR 2020-19) to establish a beauty salon (Gracious Beauty Lounge). The salon will provide cosmetic and styling services and provide accessory sale of beauty consumables such as shampoo, conditioner, and similar styling products. The salon proposes to occupy a vacant tenant space of approximately 1,326 square feet (sf) composed of a former residential home converted to serve office uses. No construction is proposed, except for minor interior change to improve the tenant space.

APPLICANT: Maya Figueroa
196 S. Double Tree Way

OWNER: Arain Mohammad Afzal
Zubaida TR
1019 W. Yosemite Ave.

SITE ADDRESS: 821 W. Yosemite Ave.

APN: 010-072-007

APPLICATION: CUP 2020-17 & SPR 2020-19

CEQA: Categorical Exemption

LOCATION: The project is located on the North corner of the N Street and the W. Yosemite Ave. intersection.

STREET ACCESS: The parcel has vehicle access to N street and pedestrian access to W. Yosemite Ave.

PARCEL SIZE: The project parcel is approximately 7,516 sq. ft.

GENERAL PLAN DESIGNATION: O (Office)

ZONING DISTRICT: PO (Professional Office); WYO (West Yosemite Overlay District)

SITE CHARACTERISTICS: The subject site at 821 West Yosemite Avenue is located on the southwest-bound side of Yosemite Avenue in the block between North M and North N Streets. It is situated on the north corner of North N Street and West Yosemite Avenue (APN 010-072-007). The 7,516 square foot (sf) parcel includes one building roughly 1,326 sf. Only minor interior improvements are proposed to prepare the space for the intended use and bring the property into agreement with State and Municipal codes.

The Parcel is zoned PO (Professional Office), lies in the West Yosemite Overlay Zone (WYO), and is designated as Office (O) in the General Plan. The adjacent properties to the northeast and northwest are zoned R-1 (One unit for each 6,000 square feet of site area) and designated Low Density Residential (LD), while the other surrounding properties are zoned for Professional Office (PO). The nearby professional and commercial uses include medical offices, advocacy centers, and law offices.

The existing on-site structure is a former residence converted to office use in 1990. It has since been used in a variety of professional office capacities. The parcel has vehicle access from North N Street for parking at the rear of the property. Off-site parking is available on North N Street but prohibited on West Yosemite Avenue. Pedestrian access to the site is provided along West Yosemite Avenue.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

SUMMARY: Conditional Use Permit 2020-17 and Site Plan Review 2020-19 enable the subject site to operate as a beauty salon (Gracious Beauty Lounge) offering cosmetic and styling services as well as accessory retail sales such as shampoo, conditioner, and styling products.

APPLICABLE CODES AND PROCEDURES

Site Plan Review

MMC § 10-3.4.0102 Site Plan Review Applicability

A site plan review is required for all projects which require a use permit, including a change of use where no on-site construction is proposed. If the Commission cannot make the appropriate findings, the development should be denied. Conditions may be attached to the approval of the site plan to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses.

Conditional Use Permit

MMC § 10-3.1301 – MMC § 10.3.1311 Use Permits

MMC § 10-3.752 Uses Permitted; Professional Office Zones

MMC § 10-3-9.403 Use Permits Required; West Yosemite Avenue Overlay Zone

Subject to the Madera Municipal Code (MMC § 10-3.752(C)(10)), beauty shops within a Professional Office District requires a conditional use permit, and all uses which require a use permit in the underlying zone (i.e., PO (Professional Office) district) are subject to a use permit within the West Yosemite Overlay Zone (MMC § 10-3-9.403). The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. If the Commission cannot make the appropriate findings even after imposing appropriate conditions, the use permit should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. In addition, the application may be subject to further review, modification, or revocation by the Commission as necessary.

Development and Operational Standards

MMC § 10-3.1202 Parking Spaces Required

MMC § 10-3-9.404 Development Standards; West Yosemite Avenue Overlay Zone

The project site is subject to the development standards of the PO (Professional Office) district as well as to the requirements and guidelines laid out in the West Yosemite Avenue Overlay Zone (WYO). The proposal is a change in use which requires a use permit approved by the Planning Commission. Minor improvements to landscaping are required to bring the project into conformity with the applicable development standards and codes.

PRIOR ACTION

CUP 1990-27 and REZ 1990-17

ANALYSIS

Operations

The applicant proposes to establish a beauty parlor (Gracious Beauty Lounge) within an existing office structure in the PO (Professional Office) Zone district. The site and existing structure have been previously converted for office use from a residential structure and parcel. Gracious Beauty Lounge would provide personal beauty services from licensed technicians. The business would also offer low-volume accessory sales of beauty products.

The average anticipated number of daily patrons is 20 with a maximum capacity for 40 customers in a day. The number of employees would four (4). The hours of operation for the business would be:

- Mon. – Fri.: 8:00a.m. – 5:00p.m.

Site Plan Review

The applicant is proposing minor interior changes to accommodate a beauty salon. The interior of the former residential structure has been developed for office space and has accommodated a variety of office uses during its existence as professional office space. The site has sufficient utility service and will not put additional stress on the City of Madera's public infrastructure or utilities systems. Necessary electrical, gas, communication, water, and wastewater services are available on-site.

Parking and Accessibility

Section 10-3.1202 of the MMC (Parking Spaces Required) specifies personal service establishments to provide one (1) on-site parking space for every 300 sf of gross floor area. The subject site, developed with a 1,326 sq. f. building, requires a minimum of four (4) parking spaces marked in accordance with the Madera Municipal Code and the Americans with Disabilities Act (ADA). The property has an existing off-street parking area accessed from North N Street with four (4) standard parking spaces and one (1) ADA accessible space. The existing facilities ensure there is sufficient parking to serve the proposed use.

Pedestrian access to the building is provided both from the parking lot at the rear of the building as well as from West Yosemite Avenue at the front of the building. Building accessibility accommodations available at the rear of the building are in compliance with ADA.

West Yosemite Overlay District

Similar to the surrounding properties adjacent to West Yosemite Avenue, the project site lies within the West Yosemite Overlay Zone (WYO). Purpose of the WYO is to maintain and enhance the West Yosemite Avenue streetscape and architectural character of the neighborhood as it transitions from residential uses to professional and light commercial uses.

The Madera Municipal Code (MMC) requires strict landscape measures to ease any potential negative impacts on the character of the area. The interior boundaries of the parcel must have a four (4) foot landscape buffer and boundaries abutting a residential parcel must have a six (6) foot solid fence. Parking areas require five percent (5%) of the area to be landscaped and shade trees provided. All of this must be enforced by a landscape plan on file with the use permit.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Staff have performed a preliminary environmental assessment and have determined that the project is exempt under Section 15301 of the State CEQA Guidelines because the project will occupy an existing building on a parcel with existing services and utilities. Modifications to the structure will be limited to minor interior changes involving negligible or no expansion of existing or former use. Furthermore, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though beauty salons are not specifically addressed in the vision or action plans, the overall project does indirectly support one of the four visions for the City: Good Jobs and Economic Opportunities. This principle recognizes the need to provide commercial opportunities within the City.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution recommending conditional approval of Site Plan Review 2020-19 and Conditional Use Permit 2020-17. 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 Site Plan Review 2020-19 and Conditional Use Permit 2020-17, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the Categorical Exemption, Site Plan Review 2020-19 and Conditional Use Permit 2020-17 and determining to either:

- Adopt a resolution adopting a Finding of a Categorical Exemption pursuant to CEQA Guidelines Section 15301 for the project, and approving Site Plan Review 2020-19 as conditioned and Conditional Use Permit 2020-17 as conditioned (Motion 1); **or**
- Continue the hearing to March 9, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); **or**
- Move to continue the application for Site Plan Review 2020-19 and Conditional Use Permit 2020-17 to the March 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.) (Motion 3).

Motion 1: Move to adopt a resolution of the Planning Commission of the City of Madera adopting a Finding of a Categorical Exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities), approving Site Plan Review 2020-19 and Conditional Use Permit 2020-17, based on and subject to the findings and conditions of approval as follows:

Findings to Approve a Site Plan Review

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

The property is zoned PO (Professional Office), which is consistent with the existing General Plan land use designation of O (Office) and lies within the West Yosemite Avenue Overlay Zone (WYO). As conditioned, Site Plan Review 2020-19 is consistent with the purpose and

intent of the PO (Professional Office) and West Yosemite Avenue Overlay zone districts 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 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 2020-19 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the PO and WYO zone districts including provisions for access to and from the site, parking, drainage, and lighting. The project will not generate significant amounts of noise, light, or traffic.

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 2020-19 requires no street improvements as it is located in developed area. Moreover, the subject site has access to North N Street which can accommodate traffic generated by the proposed project and provides more than adequate off-site parking necessary to serve the proposed use. Based on the project's preliminary environmental review, the project will not have a significant impact on traffic or the environment.

Findings to Approve a Conditional Use Permit

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

The property is zoned PO (Professional Office), which is consistent with the existing General Plan land use designation of O (Office), and lies within the West Yosemite Avenue Overlay Zone (WYO). As conditioned, CUP 2020-17 is consistent with the purpose and intent of the PO (Professional Office) and West Yosemite Avenue Overlay zone districts and does not conflict with City standards or other provisions of the Code.

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

The project site is suited for appointment-based services. The project site is located within an emerging services corridor and is adjacent to other appointment-based services as well as professional offices to the northeast, southwest, and south, with residential uses to the north.

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

As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The Madera Police Department has reviewed the project and did not oppose the proposed use, and there is no evidence in the administrative record of the following:

- The commission of three or more violent felonies (crimes against the person) and/or narcotic or dangerous drug sales within the subject premises or in the area immediately adjacent thereto.
- The arrest of the owner and/or an employee for violations occurring within the subject premises, or in the area immediately adjacent thereto, which violations can be found to be reasonably related to the operation of the business.
- The sustaining by the subject premises of an administrative suspension or revocation or other such sanction as may be imposed by the California State Department of Alcoholic Beverage Control, including payment in lieu of such suspension or revocation.
- The failure by the owner or other person responsible for the operation of the premises to take reasonable steps to correct objectionable conditions after having been placed on notice by the official of the City that such conditions exist. Such official may include, but not be limited to the: Code Enforcement Officer, Police Chief, Fire Marshall or City Attorney. Objectionable conditions may include, but not be limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. Such conduct shall be attributable to the subject premises whether occurring within the subject premises or in the area immediately adjacent thereto.

(OR)

Motion 2: Move to continue the public hearing on CUP 2020-17 and SPR 2020-19 to the March 9, 2021 Planning Commission meeting with direction to staff to return with an updated resolution containing appropriate findings modifying the conditions of approval 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 public hearing on CUP 2020-17 and SPR 2020-19 to the March 9, 2021 Planning Commission meeting with direction to staff to return with an updated resolution containing appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

ATTACHMENTS

- Attachment 1: Vicinity Map
- Attachment 2: Aerial Photo
- Attachment 3: Site Plan
- Attachment 4: Zoning Map
- Attachment 5: General Plan Map
- Attachment 6: Planning Commission Resolution for SPR 2020-19, and CUP 2020-17

Attachment 1: Vicinity Map

Vicinity Map

CUP 2020-17 & SPR 2020-19
Gracious Beauty Salon

Legend

Parcel Boundaries Road Project Site

0 0.04 0.08 0.16 0.24 0.32 Miles



Attachment 2: Aerial Photo

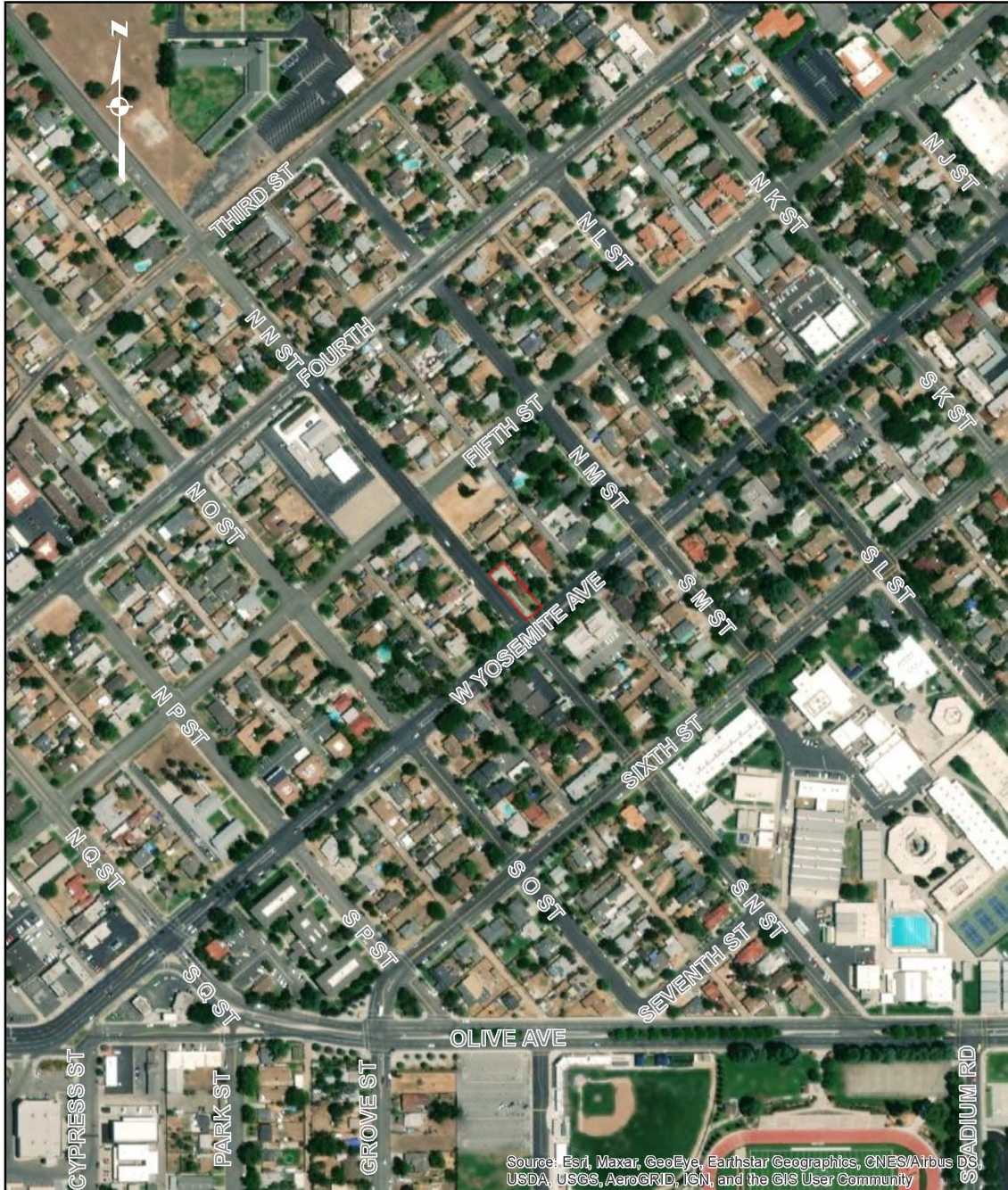
Aerial Photo

CUP 2020-17 & SPR 2020-19
Gracious Beauty Salon



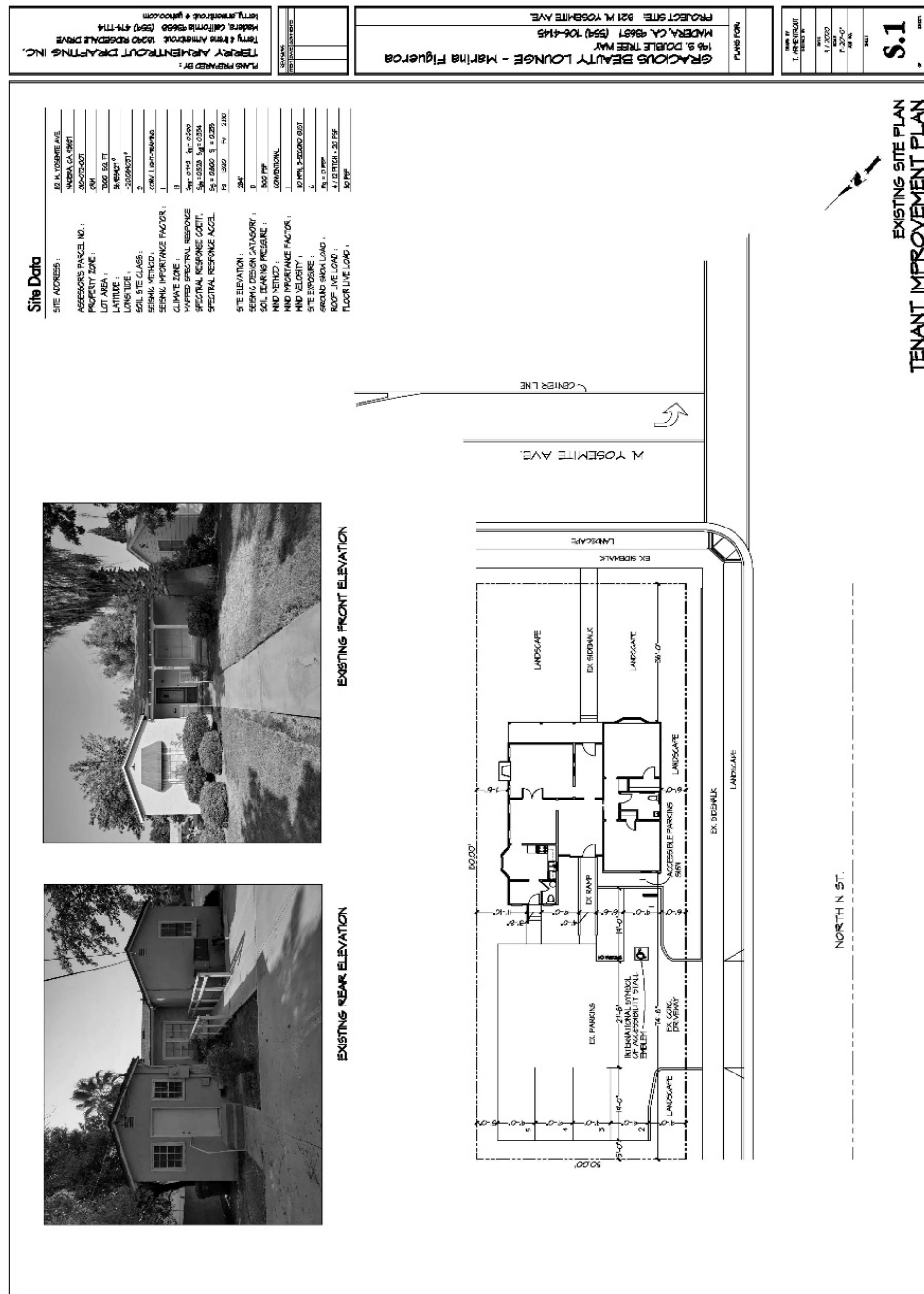
Project Site

0 0.025 0.05 0.1 0.15 0.2 Miles



9

[illegible]



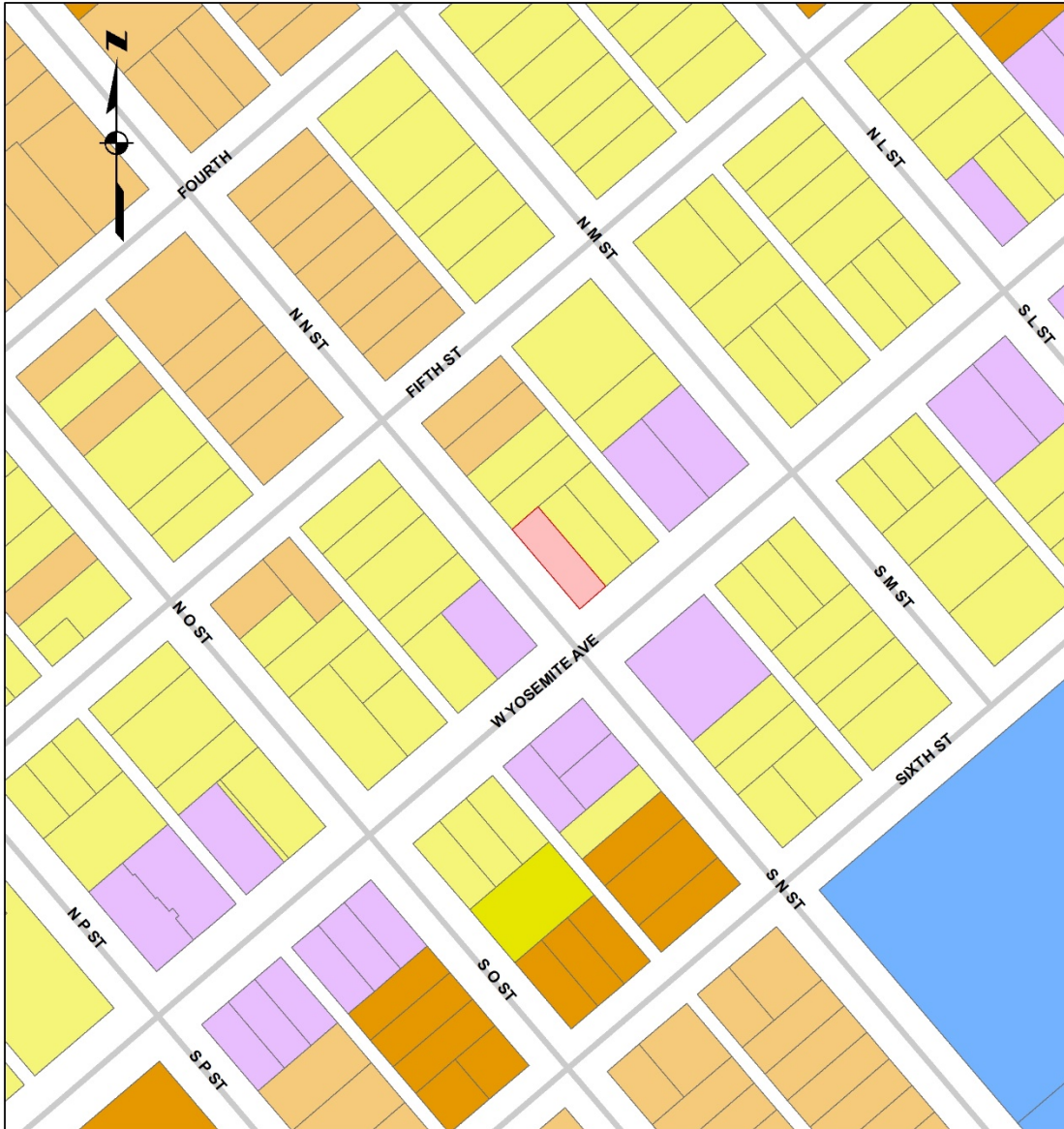
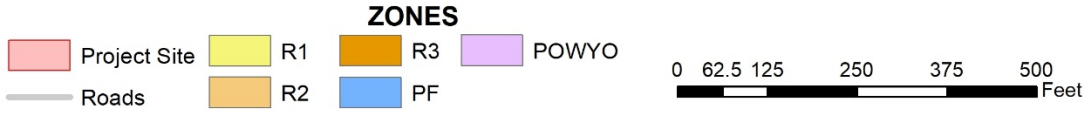


Attachment 4: Zoning Map

Zoning Map

CUP 2020-17 & SPR 2020-19
Gracious Beauty Salon

Legend



Attachment 5: General Plan Land Use Map

Zoning Map

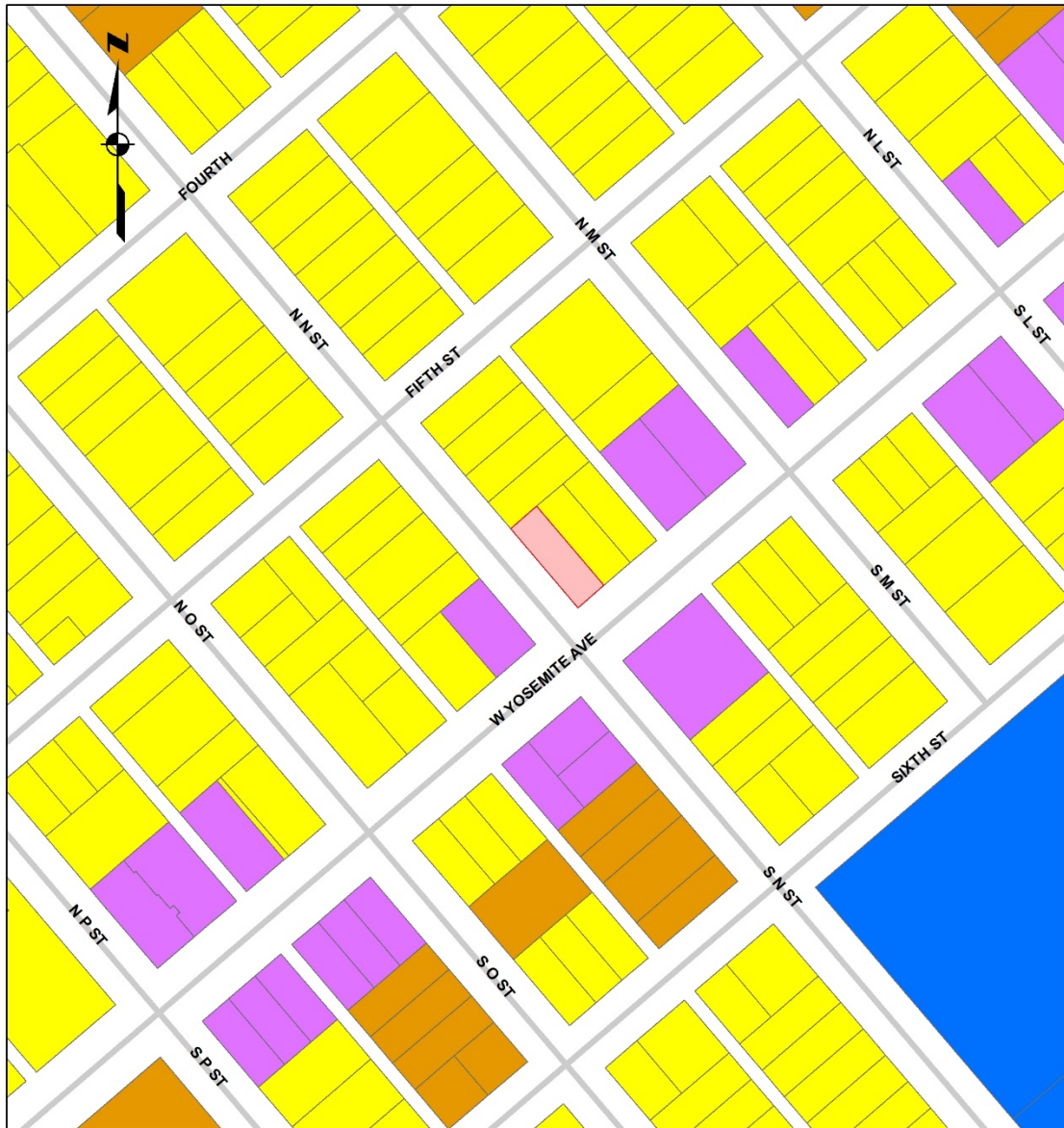
CUP 2020-17 & SPR 2020-19
Gracious Beauty Salon

Legend

GP DESIGNATION

| | | |
|--|--|--|
|  Project Site |  Low Density |  Office |
|  Roads |  High Density |  Public |

0 62.5 125 250 375 500 Feet



Attachment 6: Planning Commission Resolution

RESOLUTION NO. 1873

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES
SECTION 15301 (EXISTING FACILITIES) AND APPROVING SITE PLAN REVIEW 2020-
19 AND CONDITIONAL USE PERMIT 2020-17 (GRACIOUS BEAUTY SALON, 821
WEST YOSEMITE AVENUE)**

WHEREAS, Arain Mohammad Afzal and Zubaida TR (“Owners”) own an existing professional office structure at 821 West Yosemite Avenue in Madera, California (“site”); and

WHEREAS, Maya Figueroa (“Applicant”) is acting on behalf of the Owner; and

WHEREAS, the site contains an existing office building that is planned for and surrounded by office and professional uses; and

WHEREAS, the Applicant is seeking a site plan review (SPR) to allow for the establishment of a beauty salon located within a tenant space in the existing professional office structure on APN 010-072-007, as proposed by SPR 2020-19; and

WHEREAS, the Applicants are seeking a conditional use permit (CUP) to allow the establishment of a beauty salon located at the tenant space within the existing professional office structure on APN 010-072-007, as proposed by CUP 2020-17; and

WHEREAS, based on a preliminary environmental assessment, this project would be subject to a Class 1 (Existing Facilities) categorical exemption (CEQA Guidelines Section 15301); 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, under the City’s Municipal Code, the Planning Commission is authorized to review and approve site plan reviews, conditional use permits and environmental assessments for associated projects on behalf of the City; and

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

WHEREAS, the Planning Commission received and reviewed SPR 2020-19 and CUP 2020-17 at a duly noticed meeting on February 9, 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 adopt a Categorical Exemption for the project, and approve SPR 2020-19 and CUP 2020-17, with conditions.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission finds and determines that the project is exempt under Section 15301 of the State CEQA Guidelines because the project will occupy an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes involving negligible or no relative expansion of use. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

3. Findings for CUP 2020-17: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2020-17, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.1307. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

Basis for Finding: The property is zoned PO (Professional Office), which is consistent with the existing General Plan land use designation of O (Office) and lies within the West Yosemite Avenue Overlay Zone (WYO). As conditioned, CUP 2020-17 is consistent with the purpose and intent of the PO (Professional Office) and West Yosemite Avenue Overlay zone districts and does not conflict with City standards or other provisions of the Code.

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

Basis for Finding: The project site is suited for appointment-based services. The project site is located within an emerging services corridor and is adjacent to other appointment-based services as well as professional offices to the northeast, southwest, and south, with residential uses to the north.

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

Basis for Finding: As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The Madera Police Department has reviewed the project and did not oppose the proposed use, and there is no evidence in the administrative record of the following:

- The commission of three or more violent felonies (crimes against the person) and/or narcotic or dangerous drug sales within the subject premises or in the area immediately adjacent thereto.
- The arrest of the owner and/or an employee for violations occurring within the subject premises, or in the area immediately adjacent thereto, which violations can be found to be reasonably related to the operation of the business.
- The sustaining by the subject premises of an administrative suspension or revocation or other such sanction as may be imposed by the California State Department of Alcoholic Beverage Control, including payment in lieu of such suspension or revocation.
- The failure by the owner or other person responsible for the operation of the premises to take reasonable steps to correct objectionable conditions after having been placed on notice by the official of the City that such conditions exist. Such official may include, but not be limited to the: Code Enforcement Officer, Police Chief, Fire Marshall or City Attorney. Objectionable conditions may include, but not be limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. Such conduct shall be

attributable to the subject premises whether occurring within the subject premises or in the area immediately adjacent thereto.

4. Findings for SPR 2020-19: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2020-19, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

a. The proposal is consistent with the General Plan and Municipal Code.

Basis for Finding: The property is zoned PO (Professional Office), which is consistent with the existing General Plan land use designation of O (Office) and lies within the West Yosemite Avenue Overlay Zone (WYO). As conditioned, Site Plan Review 2020-19 is consistent with the purpose and intent of the PO (Professional Office) and West Yosemite Avenue Overlay zone districts and does not conflict with City standards or other provisions of the Code.

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

Basis for Finding: The project site is not subject to any specific plans.

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

Basis for Finding: Site Plan Review 2020-19 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the PO and WYO zone districts including provisions for access to and from the site, parking, drainage, and lighting. The project will not generate significant amounts of noise, light, or traffic.

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

Basis for Finding: Site Plan Review 2020-19 requires no street improvements as it is located in developed area. Moreover, the subject site has access to North N Street which can accommodate traffic generated by the proposed project and provides more than adequate off-site parking necessary to serve the proposed use. Based on the project's preliminary environmental review, the project will not have a significant impact on traffic or the environment.

5. Approval of SPR 2020-19 and CUP 2020-17: Given that all findings can be made, the Planning Commission hereby approves CUP 2020-17 and SPR 2020-19 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A." Conditional Use Permit 2020-17 amends and replaces Conditional Use Permit 1990-27 in its entirety.

6. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of February 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit "A" – Conditions of Approval for SPR 2020-14 and CUP 2020-10

EXHIBIT "A"
SPR 2020-17 AND CUP 2020-19
CONDITIONS OF APPROVAL
February 9, 2021

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

All discretionary conditions of approval for SPR 2020-19 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. All discretionary conditions of approval for CUP 2020-17 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval for either entitlement, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

Approval of this use permit and/or conditional use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit or site plan review, the zoning ordinance, and all City standards and specifications. This use permit and site plan review is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit and site plan review. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the

use permit, site plan review, or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process, use permit review process, or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the site plan review or use permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this use permit.

Conditions of Approval

- Site Plan Review 2020-19 is subject to Conditions of Approval 1-28 and 36-49
- Conditional Use Permit 2020-17 is subject to Conditions of Approval 1-49

General Conditions

1. Approval of this conditional use permit or site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. Approval of this conditional use permit or site plan review may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on either this conditional use permit or site plan review, the zoning ordinance, and all City standards and specifications. This conditional use permit and site plan review is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this conditional use permit and site plan review. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised site plan review is required if the operation is found to be out of conformance with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this site plan review or subsequent amendments or revisions. These conditions are conditions imposed solely upon the site plan and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.
3. These conditions are applicable to any person or entity making use of this site plan and of this conditional use permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this site plan and conditional use permit.

4. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
5. The applicant/owner shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on SPR 2020-19 and CUP 2020-17.
6. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval. Please note this site plan review approval (SPR 2020-19) will expire one (1) year from the effective date, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval). Please also note that conditional use permit approval (CUP 2020-17) is conditioned upon the privileges granted being utilized within 12 months after the effective date thereof. Failure to utilize such permit within such 12-month period shall render the permit null and void unless a timely written request for extension is submitted to the Planning Commission prior to the expiration of this permit.
7. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
8. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

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

9. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the building or issuance of a business license unless otherwise noted.

Planning Department

General

10. Site Plan Review (SPR) 2020-19 allows for the subject site and the 1,326 square foot building to be utilized as a beauty salon. The project site shall be developed in conformance with the site plan as reviewed and approved under SPR 2020-19 and CUP 2020-17. Minor modifications to the site plan, which are necessary to meet regulatory, engineering, or similar constraints or requirements may be made at the discretion of the Planning Manager without an amendment to SPR 2020-19 or CUP 2020-17. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to SPR 2020-19 and/or to CUP 2020-17 be filed for review and approval through the applicable City process.
11. If the exterior of the building is to be painted, a color and materials board shall be reviewed and approved by the Planning Manager.
12. Any proposed future modifications to the site, including, but not limited to, the building structural exteriors, parking, shall require an amendment to SPR 2020-19 and/or CUP 2020-17.
13. All on-site improvements shall be completed prior to final building inspection in conformance with SPR 2020-10 and CUP 2020-10 to the satisfaction of the City of Madera prior to issuance of a business license and/or certificate of occupancy.
14. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and/or manager may be subject to corrective action.
15. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
16. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
17. The property/business owner shall post "No Smoking" signage to the extent required by law.
18. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.
19. No outdoor display of merchandise shall be allowed.

Fences and Walls

20. The applicant shall repair or replace the six (6) foot solid fence along the property boundary abutting the residential parcel to the north west. The fence shall be placed consistent with the approved site plan and extend to ten (10) feet from the public right of way along North N Street.

The design and placement of the fence shall be approved by the Planning Manager or his/her designee prior to installation.

21. The applicant/owner shall extend or construct the six (6) foot solid barrier along the property boundary abutting the residential parcel to the north east. The fence shall be placed consistent with the approved site plan and extend to fifteen (15) feet from the public right of way along West Yosemite Avenue. The design and placement of the fence shall be approved by the Planning Manager or his/her designee prior to installation.

Landscaping

22. A detailed landscaping plan prepared by a licensed landscape architect shall be submitted to the Planning Department for review and approval. This plan shall include a four (4) ft. landscaped buffer along interior property boundaries. Seventy-five (75%) percent of the landscaped area shall be covered with vegetative matter. The applicant shall demonstrate compliance with the State's Model Water Efficient Landscape Ordinance. Any deviation from the plan shall require prior written request and approval by the Planning Manager or his/her designee. Removal or modification shall be at developer's expense. Shade trees are required at a ratio of one (1) per three (3) parking stalls provided. The plan shall be submitted to the Planning Department within sixty (60) days of this approval. All landscaping shall be installed within ninety (90) days following Planning Department approval.
23. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation with drought tolerant plantings.

Accessibility

24. The applicant/owner shall repaint the parking area to clearly define the boundaries of the spaces. The spaces shall be marked in accordance with the approved site plan.
25. The applicant/owner shall install a seventy (70) square inch accessibility sign at the head of the ADA parking space in accordance with the Americans with Disabilities Act Section 1129B.4.

Signage

26. No on-building or free-standing signs are approved as part of SPR 2020-19 or CUP 2020-17.
27. The applicant/owner shall remove, repair, or replace any signage that has fallen into disrepair or shows signs of damage. This shall include the parking sign at the entrance to the parking area from North N Street as well as the customer parking only sign posted on the boundary fence along the north west property line.
28. All signage shall be in compliance with the City of Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6. Sign permit applicability shall be determined by the Planning Manager or by his/her designee.

CUP 2020-17

29. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of Conditional Use Permit 2020-17.

30. Conditional Use Permit 2020-17 allows for the use and sale of beauty and cosmetic products in conjunction with the establishment of a salon in an existing tenant site. Such sales are to be accessory to the primary services provided and therefore shall not exceed thirty percent (30%) of total business revenues in any given period.
31. Conditional Use Permit 2020-17 amends and replaces Conditional Use Permit 1990-27. Changes or expansions in the use shall require an amendment to Conditional Use Permit 2020-17.
32. The provision of beauty and personal care services shall be undertaken only by professionals licensed in the service they are providing. Licensing shall be considered what is required by the California State Board of Barbering and Cosmetology as well as any other applicable state and federal laws.
33. The services provided shall not include body modification, piercing, or tattooing.
34. CUP 2020-17 shall be subject to periodic reviews and inspections by the City to determine compliance with the conditions of approval and applicable codes. If, at any time, the use is determined by staff to be in violation of the conditions of approval, staff may schedule an item before the Planning Commission so that it may be determine whether to consider setting a hearing regarding revocation of the permit.
35. Conditional Use Permit 2020-17 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the Conditional Use Permit.

Engineering Department

General

36. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
37. Developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
38. Improvement plans, if required, shall be signed and sealed by an engineer and submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Check Submittal Checklist.
39. The improvement plans, if required, shall include the most recent version of the City's General Notes.
40. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by State law can be implemented.
41. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
42. All off-site improvements shall be completed prior to issuance of final occupancy.

Water

43. New or existing water service connection(s), including landscape areas, shall be upgraded or constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.
44. Existing water service connections that will not be used for the project shall be abandoned at the mains per City standards.
45. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.

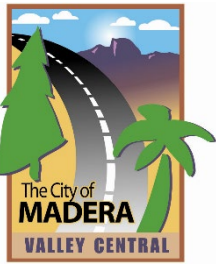
Sewer

46. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
47. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
48. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Streets

49. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.

-END OF CONDITIONS-



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Downtown Veteran's Housing PPL 2018-03 (Color and Materials Board Review) Item #5 – February 9, 2021

PROPOSAL: Review of the Downtown Veteran's Housing color and materials presentation board as required by Precise Plan (PPL) 2018-03 conditions of approval.

| | | | |
|---------------------|---|---------------|--|
| APPLICANT: | Pacific West Communities 430 East State Street, Suite 100 Eagle, ID 83616 | OWNER: | City of Madera 205 W 4 th Street Madera, CA 93637 |
| ADDRESS: | 204 N C Street | APN: | 007-082-013 |
| APPLICATION: | PPL 2018-03 | CEQA: | Not Applicable |

LOCATION: Northwest corner of North C Street and West 5th Street

STREET ACCESS: Via North C Street

PARCEL SIZE: Approximately 0.36 acres

GENERAL PLAN DESIGNATION: HD (High Density)

ZONING DISTRICT: PD-1500 (Planned Development)

SITE CHARACTERISTICS: The site is currently under construction with the Veteran's Housing being built. It is surrounded generally by residential to the north and east with commercial uses to the south and west.

ENVIRONMENTAL REVIEW: The Veteran's Housing project has been approved by the Planning Commission and City Council. These approvals included findings of California Environmental Quality Act (CEQA) compliance which considered potential impacts; therefore, no further analysis is required.

SUMMARY: Land with a zone classification of Planned Development (PD) requires a Precise Plan to be approved prior to beginning construction. The Veteran's Housing project Precise Plan application was approved by the Planning Commission in October 2018. Conditions 43 and 44 of the Precise Plan Conditions of Approval require the applicant to submit a color and materials presentation board for Planning Commission approval. The presentation board provided by the applicant incorporates the spirit of design elements originally reviewed and approved by the

Planning Commission in October 2018. Staff recommends approval of the proposed building materials and colors as presented in Attachment 3.

APPLICABLE CODES AND PROCEDURES

§10-3-4.101 Planned Development Zones

§10-3-4.104 Precise Plan Application

PRIOR ACTION

A General Plan Amendment (GPA 2018-03) was approved by the City Council on September 19, 2018. This changed the General Plan land use designation from Public and Semi Public to High Density Residential. A Rezone (REZ 2018-03) was approved by the City Council on October 3, 2018. This changed the zone district from Commercial and Public Facilities to PD-1500 (Planned Development). The Precise Plan for the Veteran's Housing project (PPL 2018-03) was approved by the Planning Commission in October 2018. Compliance with the conditions of approval for the Precise Plan require a color and materials presentation board to be approved by the Planning Commission.

ANALYSIS

Precise Plans are utilized within the Planned Development (PD) zone district to establish specific standards for development and improvement of a site. A Precise Plan addresses a number of site features such as infrastructure, circulation, and access. Requested to be included in a Precise Plan is also architecture, landscaping, and open space features. Elevations are provided in the application of a Precise Plan that showcase the color and materials along with how they will be incorporated upon completion of construction.

Conditions 43 and 44 of the Precise Plan Conditions of Approval approved the Veteran's Housing project (PPL 2018-03) requires the applicant to submit a color and materials presentation board for Planning Commission approval. The buildings approved for construction must then be consistent with the approved color and materials presentation board. The Veteran's Housing multifamily project has the opportunity to set the standard for design characteristics of the downtown area. The elevations provided in the color and materials board bring an urban design that is visually different from most multi-family buildings in the City. The various pop-outs, awnings, and window accents break up the mass of the building along with different materials, colors, and siding which provide for a visual interest to the streetscape. As presented on the elevations, the color and materials board being considered for the Veteran's Housing is anticipated to provide the downtown area with a visually striking and pleasing building for many years.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The Precise Plan approval for the Veteran's Housing project included a finding of General Plan consistency. Policy CD-33 of the Madera General Plan discusses the desire of residential buildings to be "varied and articulated to provide visual interest to the streetscape." The elevations and

color and materials presentation board provided by the applicant meets the intent of this policy, therefore it can be found consistent with the General Plan.

RECOMMENDATION

The information presented in this report supports recommendation of approval for the color and materials presentation board. It is recommended that the Planning Commission consider this information, together with testimony provided at the public hearing, and approve the color and materials presentation board for the downtown Veteran's Housing project.

PLANNING COMMISSION ACTION

The Commission will be acting on approval of the color and materials presentation board for Precise Plan (PPL) 2018-03.

Motion 1: Move to approve the color and materials presentation board for Precise Plan (PPL) 2018-03:

Findings

- The color and materials presentation board for the Veteran's Housing project incorporates the spirit of the Precise Plan and desire for the building to be a cornerstone of the downtown area.
- The color and materials presentation board for the Veteran's Housing project is consistent with the Madera General Plan.

(OR)

Motion 2: Move to continue the public hearing on the color and materials presentation board for Precise Plan (PPL) 2018-03 to the March 9, 2021 Planning Commission hearing, for the following reasons: (specify – Planning Commission should articulate reasons for modification to the presentation board)

ATTACHMENTS

Attachment 1: Aerial Map
Attachment 2: Letter from Architect
Attachment 3: Color and Materials Presentation Board
Attachment 4: Planning Commission Resolution

Attachment 1: Aerial Map



Attachment 2: Letter from Architect



PAUL HALAJIAN
ARCHITECTS

Madera Family + Veterans Housing

PROJECT ADDRESS: 125 N C Street + 204 S C Street
Madera, CA, 93638

PHA JOB NO: 2019-36

DATE: 02.01.21

City of Madera Planning Commission:

As the first multi-family housing project in Downtown Madera, The Family and Veterans Housing projects at C and 5th are a known catalyst and present a unique opportunity to redefine what development looks like in the downtown area. Our team of The Pacific Companies and Paul Halajian Architects have developed the attached color boards, which have evolved over the past year and a half as we brought the architecture from concept to construction. Overhead power lines are being undergrounded, but due to the timeline of such a project, these building elevations had to be adjusted to allow for OSHA and safety setbacks from the overhead lines during building construction.

Careful coordination and development have led us to this point, where the architecture has been developed and meets the various codes and requirements as well as satisfies the original design intent. For example, the pronounced corner element and neutral and blue color palette have been preserved from the original concept. Multiple materials, awnings, and colors have been added to the elevations to comply with the Conditions of Approval issued in October 2018.

Each building has unique, but similar massing and finishes, which reflect the spaces within. Larger windows are typically in living areas, while smaller ones are in bedrooms or bathrooms. Massing is varied to provide relief on the façade, but it is not faux thickness – where second and third floor massing cantilevers out over first floor walls, it results in a larger unit above, capitalizing on the opportunity to enhance the interior experience.

These colored elevations and material palettes reflect the summation of a rigorous collaboration with the Planning Department to ensure that the character of these buildings matches the desired result. Small moves like varied window sizes and materials as mentioned above and recessed windows help create dynamic, intentional façades.

We are seeking approval of these elevations and materials as submitted, as confirmation of the process completed to date. Thank you!

Respectfully,

Stephanie Say
Architect, Paul Halajian Architects

F: 559.297.7950

389 Clovis Ave., Suite 100
Clovis, California 93612

www.halajianarch.com

*End of document
Prepared by SS, 02.01.2021*

Attachment 3: Color and Materials Presentation Board



East Elevation (C Street)



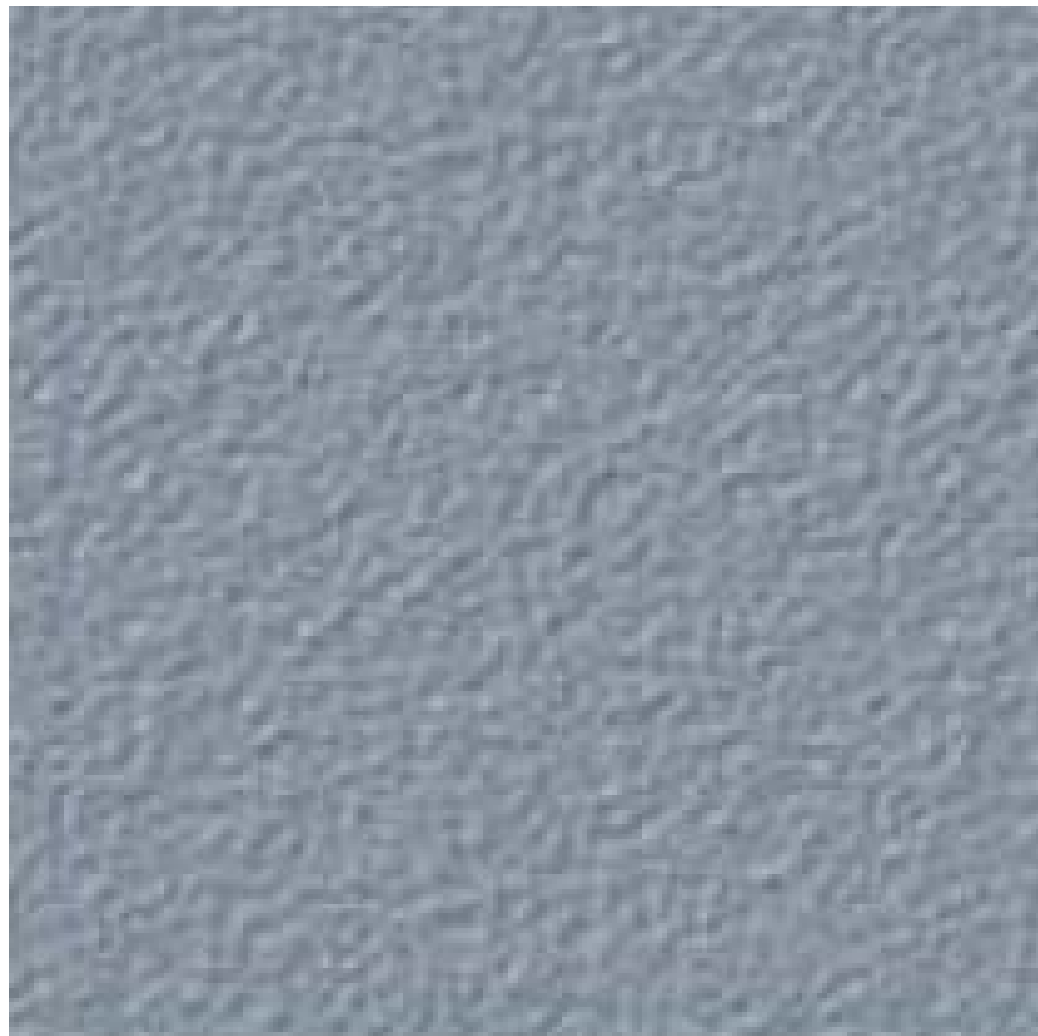
South Elevation (5th Street)



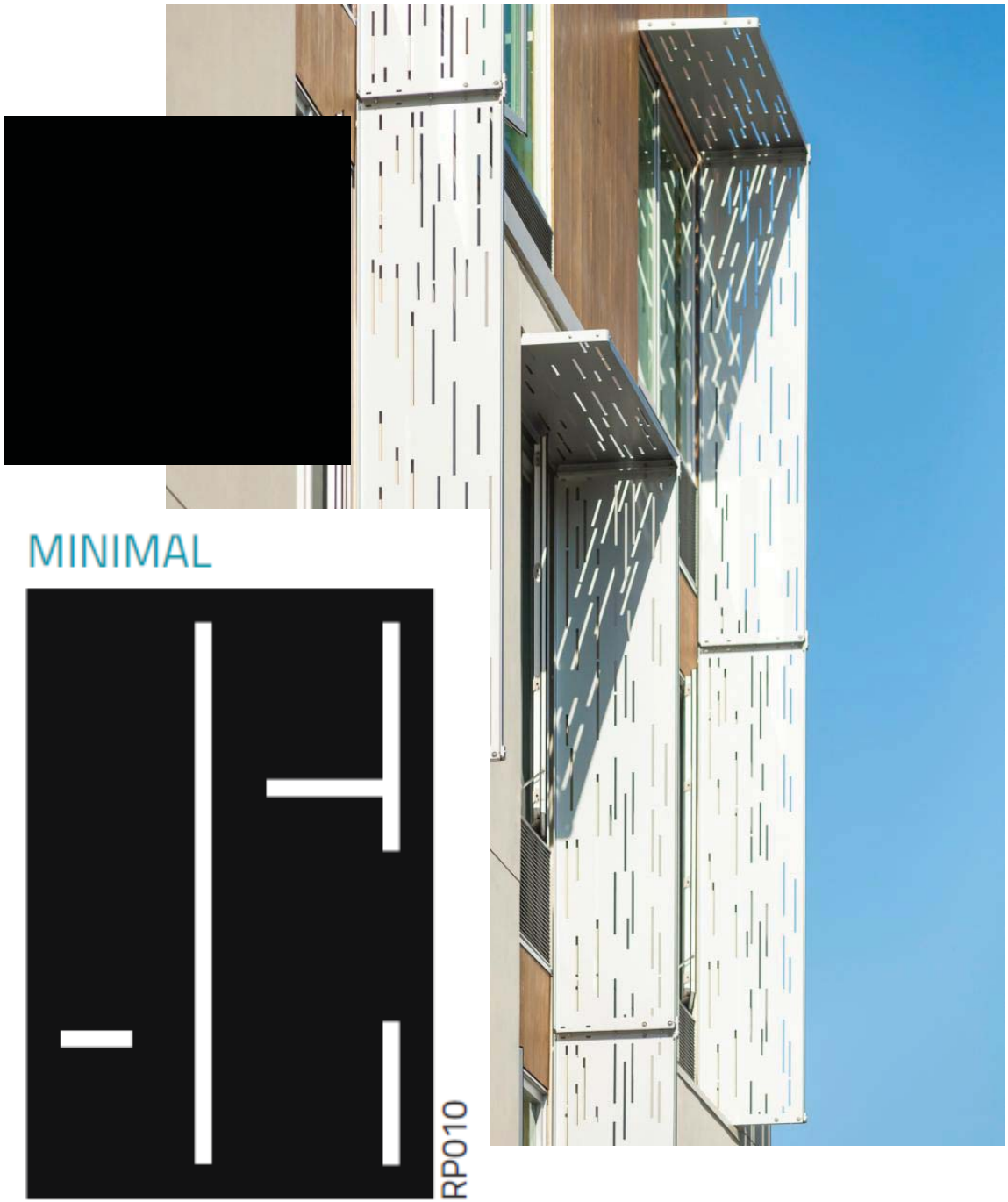
STUCCO
9211 QUAKE
FINE SAND FINISH



STUCCO
9204 YUCCA
FINE SAND FINISH



STUCCO
9215 POTTERY BLUE
FINE SAND FINISH



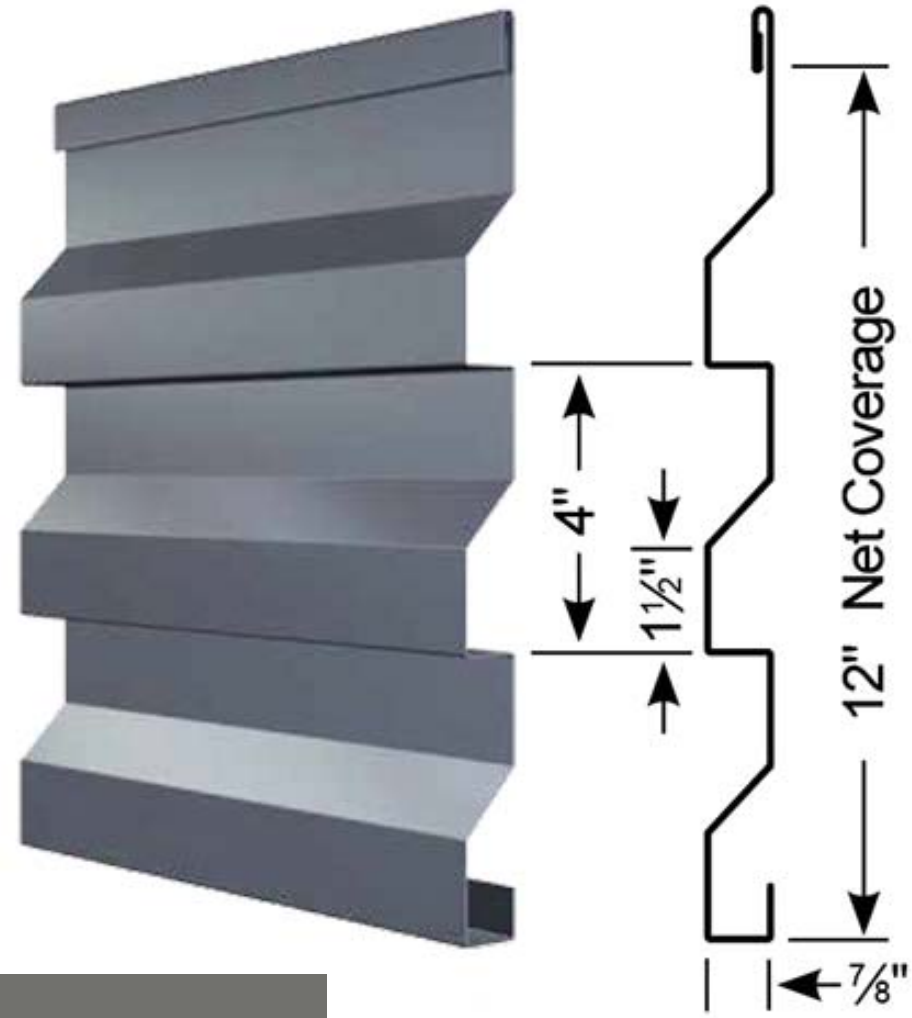
PREFABRICATED METAL AWNINGS
MINIMAL PATTERN
BLACK FINISH



UNIT WINDOWS
BLACK FINISH,
RECESSED 3" FROM FACADE



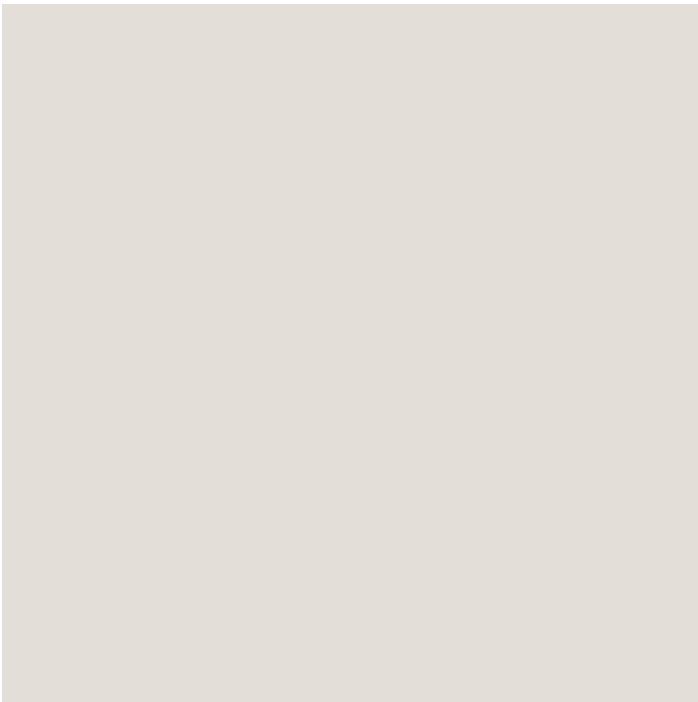
HARDIE SIDING
10.25" SHIPLAP WITH MITERED CORNERS, PAINTED



METAL SIDING
PROFILE AND FINISH
4" HORIZONTAL, ZINC GRAY



ALUMINUM STOREFRONT
DARK BRONZE ANODIZED



EXTERIOR PAINT
LIGHT NEUTRAL
SW 7028 INCREDIBLE WHITE

hardie siding
transformer/equipment
trash enclosure



EXTERIOR PAINT
DARK NEUTRAL
SW 6108 LATTE

hardie siding



EXTERIOR PAINT
BLACK ACCENT
SW 6990 CAVIAR

guardrails / handrails
misc. doors
window / door trim

Attachment 4: Planning Commission Resolution

RESOLUTION NO. 1874

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING THE COLOR AND MATERIALS PRESENTATION BOARD FOR THE
DOWNTOWN VETERAN'S HOUSING PROJECT, PRECISE PLAN 2018-03**

WHEREAS, a Precise Plan is required for projects located in Planned Development zone districts within the City of Madera; and

WHEREAS, the City of Madera received an application for a Precise Plan to guide construction of a downtown Veteran's Housing complex; and

WHEREAS, the City of Madera Planning Commission at its regularly scheduled meeting of October 9, 2018 conditionally approved PPL 2018-03, a Precise Plan for the Downtown Veteran's housing project; and

WHEREAS, Conditions of Approval 43 and 44 of PPL 2018-03 require approval of a color and materials presentation board by the City of Madera Planning Commission; and

WHEREAS, the color and materials board presented before the City of Madera Planning Commission is consistent with the goals, vision, and policies of the City of Madera General Plan; and

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

WHEREAS, the Planning Commission received and reviewed a report on the color and materials presentation board for PPL 2018-03 at a duly noticed meeting on February 9, 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 color and materials presentation board for PPL 2018-03.

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. Findings: The Planning Commission further finds as follows:
 - a. The proposal is consistent with the General Plan.

Basis for Finding: Policy CD-33 of the Madera General Plan discusses the desire of residential buildings to be "varied and articulated to provide visual interest to the streetscape." The elevations and color and materials presentation board meets the intent of this policy, and therefore found to be consistent with the General Plan.

3. Approval: Given the forgoing, the Planning Commission approves the Downtown Veteran's Housing Project Color and Materials Presentation Board pursuant to PPL 2018-03 Conditions of Approval 43 and 44.

4. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of February 2021, by the following vote:

AYES:

NOES:

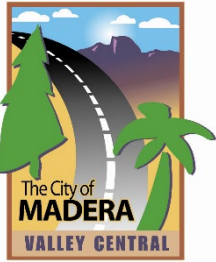
ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Downtown Multifamily Housing PPL 2018-04 (Color and Materials Board Review) Item #6 – February 9, 2021

PROPOSAL: Review of the color and materials presentation board for a 20-unit multi-family residential building as required by Precise Plan (PPL) 2018-04 conditions of approval.

| | | | |
|---------------------|---|---------------|--|
| APPLICANT: | Pacific West Communities 430 East State Street, Suite 100 Eagle, ID 83616 | OWNER: | Madera Redevelopment Agency 428 E Yosemite Ave Madera, CA 93638 |
| ADDRESS: | 121 N C Street | APN: | 007-112-018 |
| APPLICATION: | PPL 2018-04 | CEQA: | Not Applicable |

LOCATION: Southeast corner of North C Street and West 5th Street

STREET ACCESS: Via North C Street

PARCEL SIZE: Approximately 0.52 acres

GENERAL PLAN DESIGNATION: HD (High Density)

ZONING DISTRICT: PD-1500 (Planned Development)

SITE CHARACTERISTICS: The site is currently under construction with the multifamily housing building. It is surrounded generally by residential and commercial properties in the downtown area.

ENVIRONMENTAL REVIEW: The multifamily housing project has been previously approved by the Planning Commission and City Council. These approvals included findings of California Environmental Quality Act (CEQA) compliance which considered potential impacts; therefore, no further analysis is required.

SUMMARY: Land with a zone classification of Planned Development (PD) requires a Precise Plan to be approved prior to beginning construction. The downtown multifamily housing project Precise Plan application was approved by the Planning Commission in October 2018. Conditions 43 and 44 of the Precise Plan Conditions of Approval require the applicant to submit a color and materials presentation board for Planning Commission approval. The presentation board

provided by the applicant incorporates the spirit of design elements originally reviewed and approved by the Planning Commission in October 2018. Staff recommends approval of the proposed building materials and colors as presented in Attachment 3.

APPLICABLE CODES AND PROCEDURES

§10-3-4.101 Planned Development Zones

§10-3-4.104 Precise Plan Application

PRIOR ACTION

A General Plan Amendment (GPA 2018-03) was approved by the City Council on September 19, 2018. This changed the General Plan land use designation from Public and Semi Public to High Density Residential. A Rezone (REZ 2018-03) was approved by the City Council on October 3, 2018. This changed the zone district from Commercial and Public Facilities to PD-1500 (Planned Development). The Precise Plan for the downtown multifamily housing project (PPL 2018-04) was approved by the Planning Commission in October 2018. Compliance with the conditions of approval for the Precise Plan require a color and materials presentation board to be approved by the Planning Commission.

ANALYSIS

Precise Plans are utilized within the Planned Development (PD) zone district to establish specific standards for development and improvement of a site. A Precise Plan addresses a number of site features such as infrastructure, circulation, and access. Requested to be included in a Precise Plan is also architecture, landscaping, and open space features. Elevations are provided in the application of a Precise Plan that showcase the color and materials along with how they will be incorporated upon completion of construction.

Conditions 43 and 44 of the Precise Plan Conditions of Approval approved for the downtown multifamily housing project (PPL 2018-04) requires the applicant to submit a color and materials presentation board for Planning Commission approval. The buildings approved for construction must then be consistent with the approved color and materials presentation board. The downtown multifamily housing project in conjunction with the Veteran's Housing project has the opportunity to set the standard for design characteristics of the downtown area. The elevations provided in the color and materials board bring an urban design that is visually different from most multi-family buildings in the City. The various pop-outs, awnings, and window accents break up the mass of the building along with different materials, colors, and siding which provide for a visual interest to the streetscape. As presented on the elevations, the color and materials board being considered for the downtown multifamily housing is anticipated to provide the area with a visually striking and pleasing building for many years.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The Precise Plan approval for the downtown multifamily housing project included a finding of General Plan consistency. Policy CD-33 of the Madera General Plan discusses the desire of

residential buildings to be “varied and articulated to provide visual interest to the streetscape.” The elevations and color and materials presentation board provided by the applicant meets the intent of this policy, therefore it can be found consistent with the General Plan.

RECOMMENDATION

The information presented in this report supports recommendation of approval for the color and materials presentation board. It is recommended that the Planning Commission consider this information, together with testimony provided at the public hearing, and approve the color and materials presentation board for the downtown multifamily housing project.

PLANNING COMMISSION ACTION

The Commission will be acting on approval of the color and materials presentation board for Precise Plan (PPL) 2018-04.

Motion 1: Move to approve the color and materials presentation board for Precise Plan (PPL) 2018-04:

Findings

- The color and materials presentation board for the downtown multifamily housing project incorporates the spirit of the Precise Plan and desire for the building to be a cornerstone of the downtown area.
- The color and materials presentation board for the downtown multifamily housing project is consistent with the Madera General Plan.

(OR)

Motion 2: Move to continue the public hearing on the color and materials presentation board for Precise Plan (PPL) 2018-04 to the March 9, 2021 Planning Commission hearing, for the following reasons: (specify – Planning Commission should articulate reasons for modification to the presentation board)

ATTACHMENTS

Attachment 1: Aerial Map
Attachment 2: Letter from Architect
Attachment 3: Color and Materials Presentation Board
Attachment 4 Planning Commission Resolution

Attachment 1: Aerial Map



Attachment 2: Letter from Architect



PAUL HALAJIAN
ARCHITECTS

Madera Family + Veterans Housing

PROJECT ADDRESS: 125 N C Street + 204 S C Street
Madera, CA, 93638

PHA JOB NO: 2019-36

DATE: 02.01.21

City of Madera Planning Commission:

As the first multi-family housing project in Downtown Madera, The Family and Veterans Housing projects at C and 5th are a known catalyst and present a unique opportunity to redefine what development looks like in the downtown area. Our team of The Pacific Companies and Paul Halajian Architects have developed the attached color boards, which have evolved over the past year and a half as we brought the architecture from concept to construction. Overhead power lines are being undergrounded, but due to the timeline of such a project, these building elevations had to be adjusted to allow for OSHA and safety setbacks from the overhead lines during building construction.

Careful coordination and development have led us to this point, where the architecture has been developed and meets the various codes and requirements as well as satisfies the original design intent. For example, the pronounced corner element and neutral and blue color palette have been preserved from the original concept. Multiple materials, awnings, and colors have been added to the elevations to comply with the Conditions of Approval issued in October 2018.

Each building has unique, but similar massing and finishes, which reflect the spaces within. Larger windows are typically in living areas, while smaller ones are in bedrooms or bathrooms. Massing is varied to provide relief on the façade, but it is not faux thickness – where second and third floor massing cantilevers out over first floor walls, it results in a larger unit above, capitalizing on the opportunity to enhance the interior experience.

These colored elevations and material palettes reflect the summation of a rigorous collaboration with the Planning Department to ensure that the character of these buildings matches the desired result. Small moves like varied window sizes and materials as mentioned above and recessed windows help create dynamic, intentional façades.

We are seeking approval of these elevations and materials as submitted, as confirmation of the process completed to date. Thank you!

Respectfully,

Stephanie Say
Architect, Paul Halajian Architects

F: 559.297.7950

389 Clovis Ave., Suite 100
Clovis, California 93612

www.halajianarch.com

*End of document
Prepared by SS, 02.01.2021*

Attachment 3: Color and Materials Presentation Board



West Elevation (C Street)



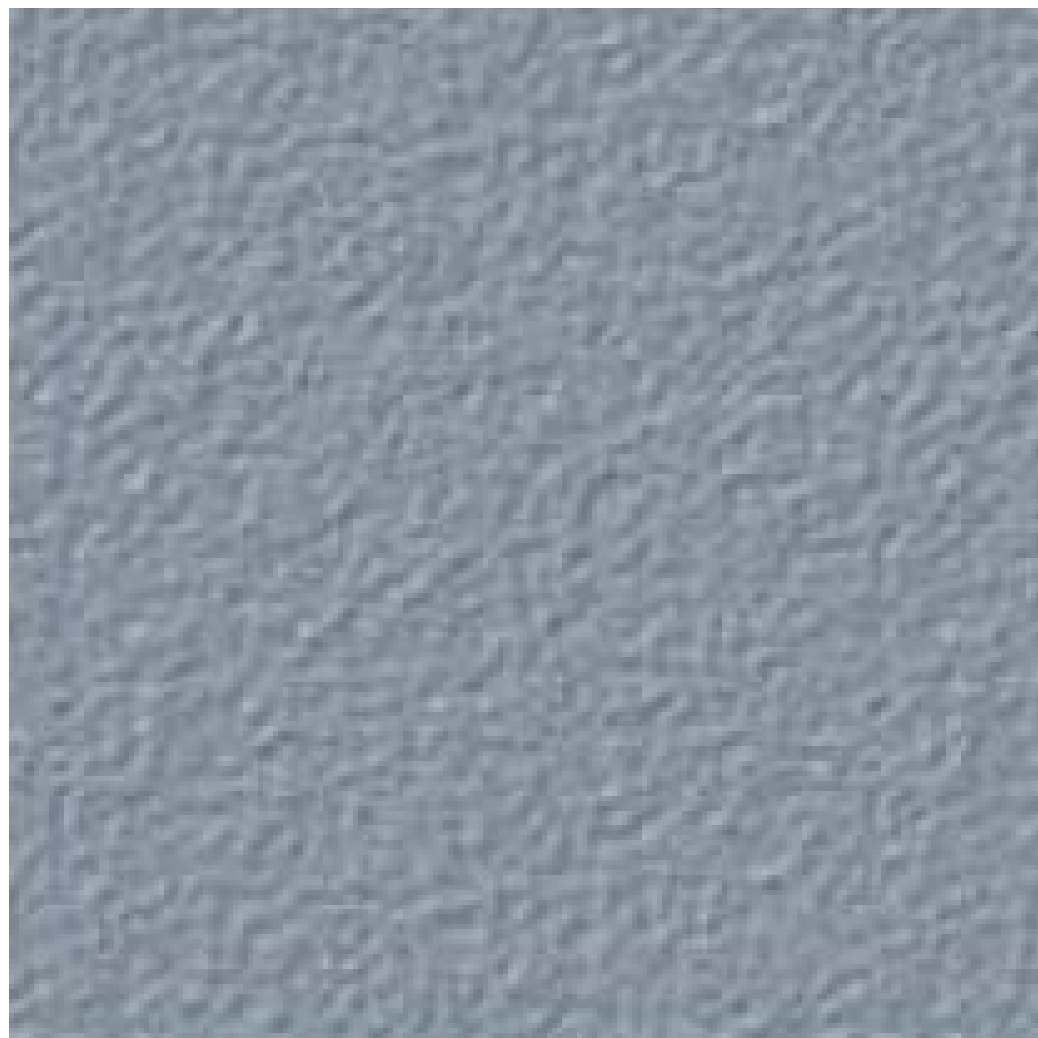
North Elevation (5th Street)



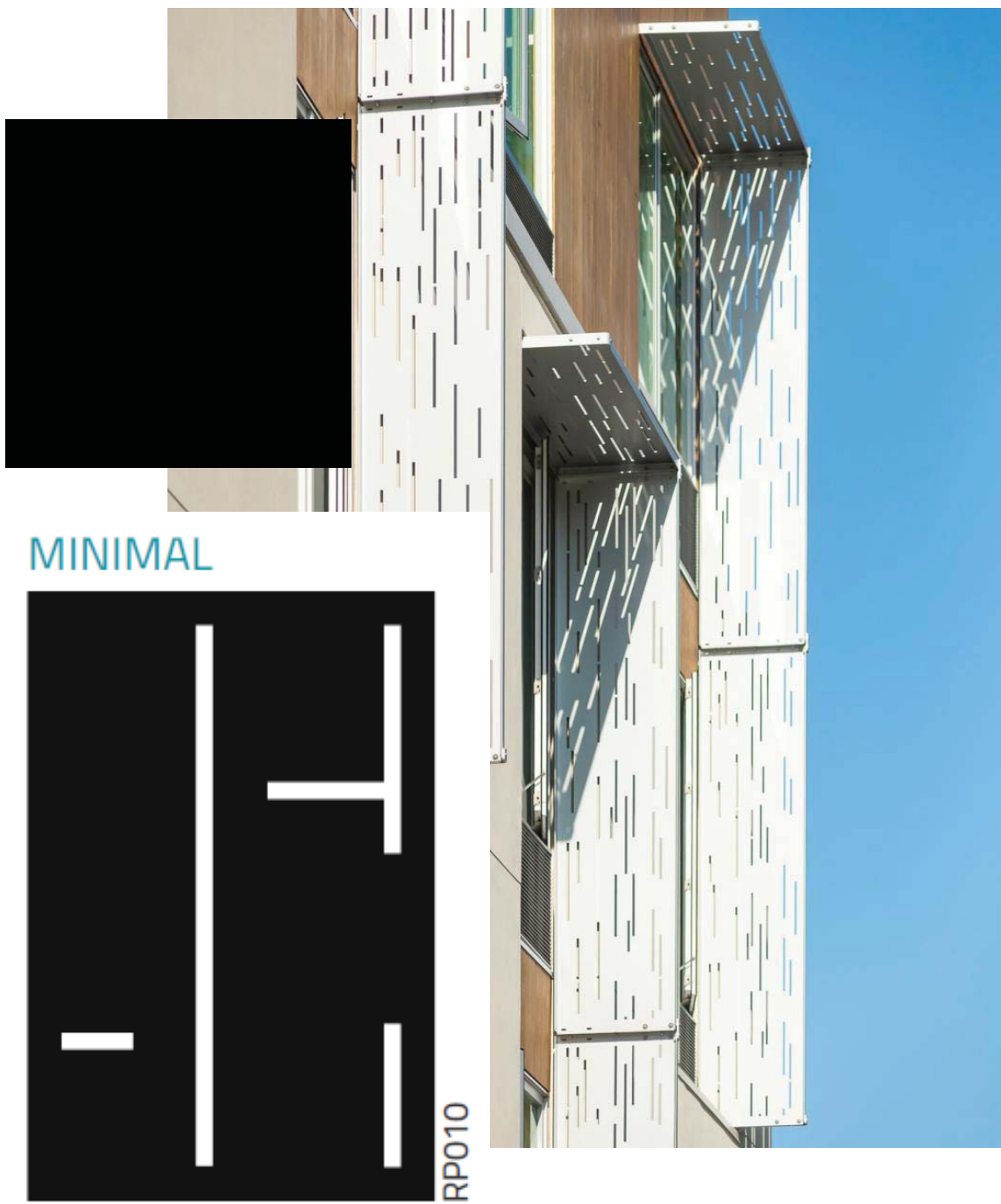
STUCCO
9211 QUAKE
FINE SAND FINISH



STUCCO
9204 YUCCA
FINE SAND FINISH



STUCCO
9215 POTTERY BLUE
FINE SAND FINISH



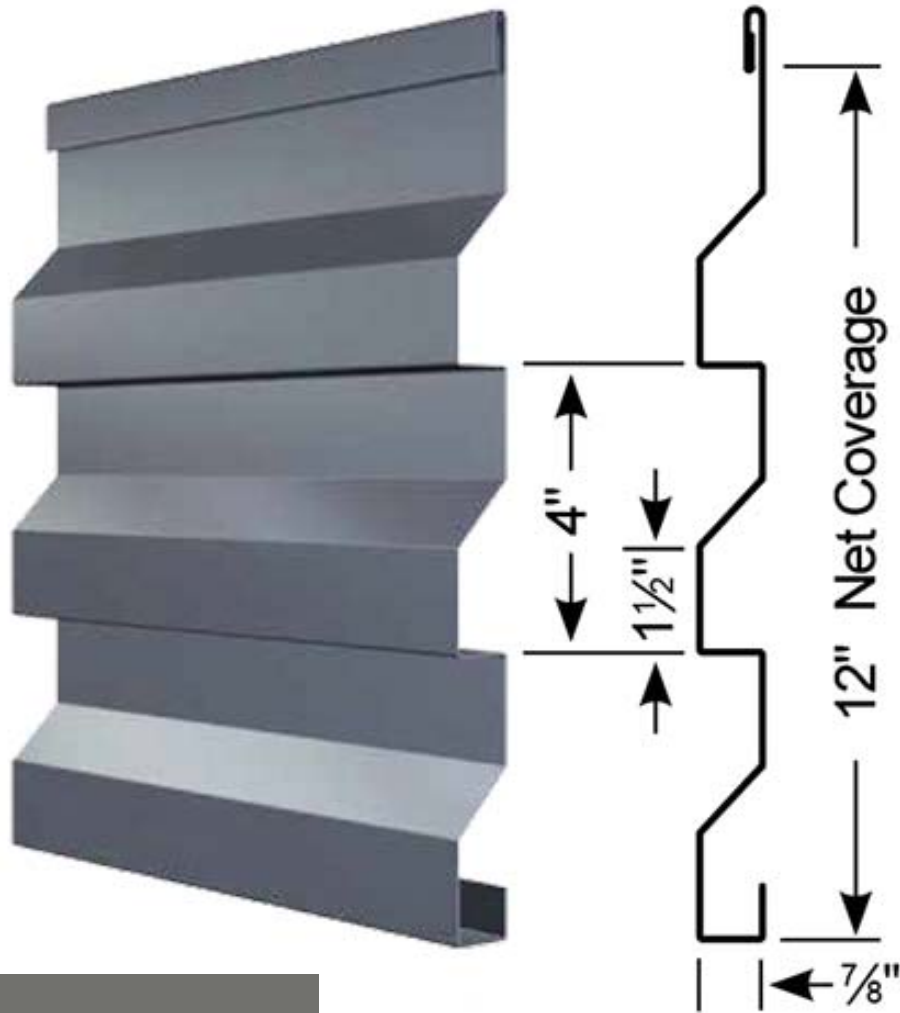
PREFABRICATED METAL AWNINGS
MINIMAL PATTERN
BLACK FINISH



UNIT WINDOWS
BLACK FINISH,
RECESSED 3" FROM FACADE



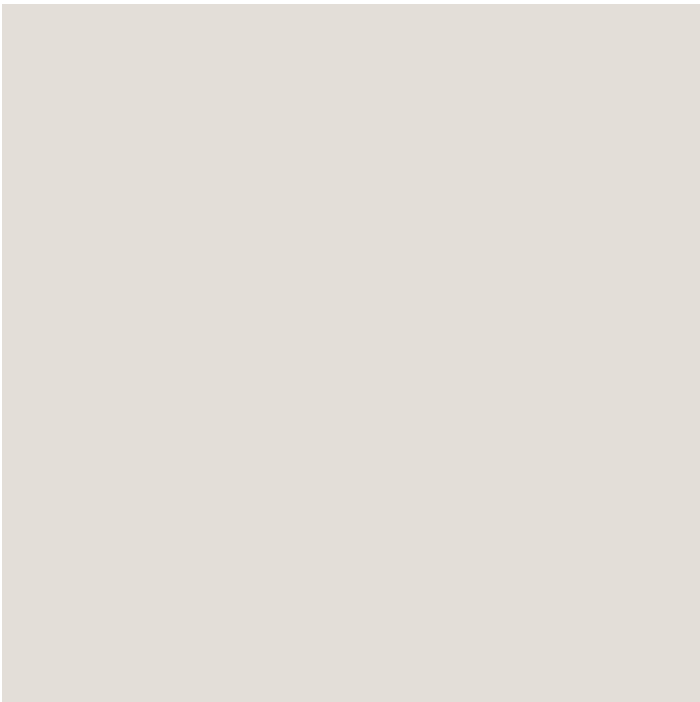
HARDIE SIDING
10.25" SHIPLAP WITH MITERED CORNERS, PAINTED



METAL SIDING
PROFILE AND FINISH
4" HORIZONTAL, ZINC GRAY



ALUMINUM STOREFRONT
DARK BRONZE ANODIZED



EXTERIOR PAINT
LIGHT NEUTRAL
SW 7028 INCREDIBLE WHITE

hardie paneling
trash enclosure
transformer



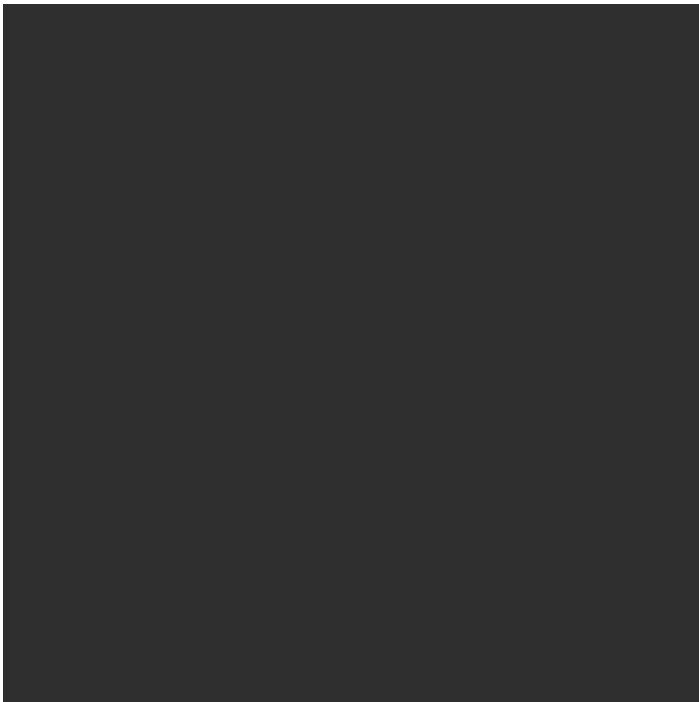
EXTERIOR PAINT
DARK NEUTRAL
SW 6108 LATTE

hardie paneling



EXTERIOR PAINT
BLUE ACCENT
SW 6515 LEISURE BLUE

exterior unit doors



EXTERIOR PAINT
BLACK ACCENT
SW 6990 CAVIAR

window / door trim
misc doors
guardrails / handrails

Attachment 4: Planning Commission Resolution

RESOLUTION NO. 1875

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING THE COLOR AND MATERIALS PRESENTATION BOARD FOR THE
DOWNTOWN MULTIFAMILY HOUSING PROJECT, PRECISE PLAN 2018-04**

WHEREAS, a Precise Plan is required for projects located in Planned Development zone districts within the City of Madera; and

WHEREAS, the City of Madera received an application for a Precise Plan to guide construction of a downtown multifamily housing complex; and

WHEREAS, the City of Madera Planning Commission at its regularly scheduled meeting of October 9, 2018 conditionally approved PPL 2018-04, a Precise Plan for the downtown multifamily housing project; and

WHEREAS, Conditions of Approval 43 and 44 of PPL 2018-04 require approval of a color and materials presentation board by the City of Madera Planning Commission; and

WHEREAS, the color and materials board presented before the City of Madera Planning Commission is consistent with the goals, vision, and policies of the City of Madera General Plan; and

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

WHEREAS, the Planning Commission received and reviewed a report on the color and materials presentation board for PPL 2018-04 at a duly noticed meeting on February 9, 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 color and materials presentation board for PPL 2018-04.

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. Findings: The Planning Commission further finds as follows:
 - a. The proposal is consistent with the General Plan.

Basis for Finding: Policy CD-33 of the Madera General Plan discusses the desire of residential buildings to be “varied and articulated to provide visual interest to the streetscape.” The elevations and color and materials presentation board meets the intent of this policy, and therefore found to be consistent with the General Plan.

3. Approval: Given the forgoing, the Planning Commission approves the downtown multifamily housing project Color and Materials Presentation Board pursuant to PPL 2018-04 Conditions of Approval 43 and 44.

4. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of February 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

[Return to Agenda](#)

SPR 2017-13 MOD & CUP 2017-11 MOD
The Tap House Outdoor Dining

Staff is requesting this item be continued to the April 13, 2021 Planning Commission Meeting.