

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

**CITY HALL – COUNCIL CHAMBERS
TUESDAY
September 14, 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: [#99987321068](https://www.zoom.us/j/99987321068) followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/99987321068>. 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 Ryan Cerioni
Commissioner Ramon Lopez-Maciel
Commissioner Rohi Zacharia
Commissioner Khubaib Sheikh
Commissioner Balwinder Singh

INTRODUCTION OF STAFF

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

The first fifteen minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until the hearing is opened. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

MINUTES: May 11, 2021 & July 13, 2021

CONSENT ITEMS: None

PUBLIC HEARING ITEMS:

1. PPL 2020-02 & VAR 2020-03 – Bella Vita Residences (Sara Allinder)

A continued noticed application proposing to develop a 112-unit multiple family residential development (Bella Vita Apartments) on an approximately 4.2-acre site. The Precise Plan (PPL 2020-02) is also requesting a deviation in parking requirements from 244 required parking spaces to 212 parking spaces. VAR 2020-03 requests relief from open space property development standards, from 750 square feet to 401 square feet per dwelling unit. The subject property is located at the southeast corner of Owens Street and the Clark Street alignment. The project site is zoned PD 1500 (Planned Development, one unit per 1,500 square feet of site area) with a HD (High Density Residential) General Plan land use designation (APNs: 003-240-001 and 002).

The project is categorically exempt under Section 15332 of the California Environmental Quality Act as an In-Fill Development Project. The proposed development is located on a lot less than five acres and it is surrounded by substantial urban uses within the City limits of Madera. The project site does not meet any of the exceptions of Section 15300.2 of the State CEQA Guidelines that would prevent the proposed project from qualifying for a Class 32 categorical exemption.

2. ANX 2021-01, TSM 2021-02 & PPL 2021-04 – Links Ranch Subdivision

A noticed public hearing to consider adopting a Mitigated Negative Declaration for Tentative Subdivision Map 2021-02, Annexation 2021-01 and Precise Plan 2021-04 identified as the Links Ranch Subdivision. The property consists of approximately 41 acres on the south side of Cleveland Avenue between Avenue 16 and Road 23. Annexation 2021-01 includes rezoning of approximately 40 acres to the City of Madera's Planned Development 4500 Zone (PD-4500 / one unit per each 4,500 sq. ft. of site area) which would become effective upon annexation. The tentative subdivision map would subdivide approximately 40 acres into 214 single family lots which would become effective upon annexation. The precise plan is required to establish a Planned Development Zone. The precise plan will define and establish the specific development standards, landscape and architecture character required of the project development. The project site is located approximately two miles west of State Route 99 and approximately four miles northwest of State Route 145 on the south side of Cleveland Avenue between Avenue 16 and Road 23.

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared, describing the potential environmental impacts of the proposed Project. The City has assessed the potential environmental impacts of this Project and has determined that they are all either less than significant or less than significant level with mitigation.

NON-PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

The next regular meeting will be held on October 12, 2021.

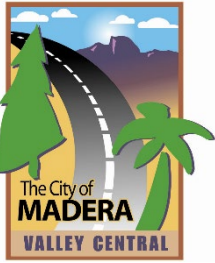
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Bella Vita Residences Precise Plan (PPL) 2020-02 and Variance (VAR) 2020-03 Item # 1 – September 14, 2021 (Continued from August 10, 2021)

PROPOSAL: An application for a precise plan (PPL 2020-02) for a 112-unit multiple family residential development (Bella Vita Apartments) on an approximately 4.2-acre site (26.7 du/ac), which is within the required density range of the High Density Residential designation (15.1 to 50 du/ac) and exceeds the minimum target density of 22.5 du/ac identified in the General Plan. PPL 2020-02 is also requesting a deviation in parking requirements from 244 required parking spaces to 212 parking spaces (a 13 percent reduction). A variance (VAR 2020-03) would authorize a reduction in open space property development standards, from 750 square feet to 500 square feet per dwelling unit (a 33 percent reduction).

This item was continued from the August 10, 2021 Planning Commission hearing. The Planning Commission continued its consideration on the proposal from August 10, 2021 to the September 14, 2021 Planning Commission hearing due to Planning Commission's modification to the conditions of approval for PPL 2020-02. The modification resulted in a minimum 10-foot setback for the proposed six-foot fence along Owens and Clark Streets.

APPLICANT: Vincent Palacios, Design
Drafting
5100 N 6th St, Suite 172
Fresno, CA 93711

OWNER: New Alliance Investments LLC
10749 Farralone Avenue
Chatsworth, CA 91311

SITE ADDRESS: No address assigned

APN: 003-240-001 and -002

APPLICATIONS: PPL 2020-02, VAR 2020-03

CEQA: Categorical Exemption

LOCATION: The subject property is bounded by the West Clark Street alignment to the north, the Sunny Meadows II residential subdivision to the east, low density residential homes of a rural character to the south, and North Owens Street to the west.

STREET ACCESS: The project site has street access from North Owens Street to the west and will be required to construct its fair share of the West Clark Street alignment to the north. Drive access is proposed from both of these streets upon construction.

PROJECT SIZE: 4.2 acres

GENERAL PLAN DESIGNATION: HD (High Density Residential)

ZONING DISTRICT: PD (1500) (*Planned Development, one unit per 1,500 square feet of site area*)

SITE CHARACTERISTICS: The project is located on a vacant parcel. Surrounding uses include vacant land to the north across the future Clark Street alignment, existing single-family residential to the east and south, and multiple family residential to the west across North Owens Street.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt from the preparation of environmental documents pursuant to Section 15332 of the State California Environmental Quality Act (CEQA) Guidelines.

SUMMARY: The applicant, New Alliance Investments LLC, is proposing PPL 2020-02, a 112-unit multifamily residential development (Bella Vita Apartments) on an approximately 4.2-acre site (26.7 du/ac). The proposed use is consistent with the current HD (High Density Residential) General Plan designation, which requires a density range of 15.1 to 50 dwelling units per acre (du/ac) and encourages a minimum target density of 22.5 du/ac. After review of the proposed project, the development is anticipated to be compatible with the surrounding land uses in the area. Conditions, as appropriate, have been recommended for the precise plan (PPL 2020-02) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies. PPL 2020-02 is also requesting a deviation in parking requirements from 244 required parking spaces to 212 parking spaces, a 13 percent reduction in the standard.

VAR 2020-03 seeks relief from the open space property development standard of the PD (1500) zone district by reducing the requirement from 750 to 401 square feet per dwelling unit. However, staff is recommending a maximum reduction from 750 square feet per dwelling unit to 500 square feet per dwelling unit, a 33 percent reduction in the standard.

Development of the project will require City Council approval of a right-of-way vacation of the southern 10 feet and northern 10 feet along the Clark Street alignment north of the project site, reducing the overall right-of-way from 80 feet to 60 feet. The Planning Commission is not taking action on the vacation; however, the conditions of approval for PPL 2020-02 reflect that the vacation must be approved prior to development of the site.

PLANNING COMMISSION DIRECTION FROM AUGUST 10, 2021

At the August 10, 2021 Planning Commission hearing staff presented the information and analysis contained in the attached staff report (see Attachment 1). Following deliberation, the Planning Commission continued the project to the September 14, 2021 Planning Commission and directed staff to modify the conditions of approval for PPL 2020-02 to include a minimum 10-foot setback for the proposed six-foot fence along Owens and Clark Streets. No other conditions of approval for PPL 2020-02 were modified, including the allowance to provide a minimum of 212 parking spaces total on-site. The Planning Commission also indicated their support of staff's recommendation for VAR 2020-03 to allow a reduction in the open space requirement from 750 square feet per unit to 500 square feet per unit. The conditions of approval for PPL 2020-02 are reflective of this reduced open space standard.

SURROUNDING LAND USES

The site is bordered to the west across North Owens Street by multi-family residential, to the south and east by single-family residential of varying densities, and to the north across the Clark Street alignment by vacant 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	Low Density Residential	PD (4500)
East	Single-Family Residential, Existing	Low Density Residential	PD (4500)
South	Single-Family Residential, Existing	Medium Density Residential	PD (3000)
West	Multi-Family Residential, Existing	Medium Density Residential	PD (3000)
PD (3000) - Planned Development (One unit for each 3,000 sq. ft. of site area)			
PD (4500) - Planned Development (One unit for each 4,500 sq. ft. of site area)			

ANALYSIS

Refer to the Planning Commission Staff Report Packet (see Attachment 1) for analysis of PPL 2020-02 and VAR 2020-03.

The applicant will be required to meet all conditions of approval, including the modified setback of 10 feet for the proposed six-foot wrought iron fence along Owens and Clark Street as directed by Planning Commission at their August 10, 2021 hearing (see Condition No. 29). No other changes to the conditions of approval for PPL 2020-02 were made. The applicant will be required to demonstrate compliance with all conditions of approval prior to building permits. The findings of approval for both PPL 2020-02 and VAR 2020-03, which allows a reduction in the open space requirements from 750 square feet per unit to 500 square feet per unit, can be made and have been included below. The conditions of approval for PPL 2020-02 reflect the requirement to provide a minimum of 500 square feet per unit, consistent with the recommendation for VAR 2020-03.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project has been determined to be categorically exempt from the preparation of environmental documents pursuant to Section 15332 of the State California Environmental Quality Act (CEQA) Guidelines.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

A continuation of the City's planned growth for residential land uses 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 Categorical Exemption for the project and conditional approval of PPL 2020-02 and VAR 2020-03 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 Categorical Exemption, PPL 2020-02, and VAR 2020-03, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the Categorical Exemption, PPL 2020-02, and VAR 2020-03 and determining to either:

- Adopt a resolution adopting the Categorical Exemption prepared for the project and approving PPL 2020-02 and VAR 2020-03 as conditioned (Motion 1); or
- Continue the hearing to October 12, 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 PPL 2020-02 and VAR 2020-03 to the October 12, 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 Categorical Exemption prepared for the project and approving PPL 2020-02 and VAR 2020-03, based on and subject to the findings and conditions of approval as follows:

Precise Plan Findings

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

The property is zoned PD (1500), which is consistent with the existing General Plan land use designation of High Density Residential (HD). The project proposes to develop a 112 dwelling unit multifamily development. PPL 2020-02, as conditioned, is consistent with the purpose and intent of the PD (1500) zone district 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 surrounded by residential development. The proposed site layout reduces compatibility conflicts with the existing single-family residences to the east and south by not including balconies on the southern and eastern elevations of the buildings and provided an increased setback along those property lines.

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.

PPL 2020-02 has been reviewed and are consistent with surrounding uses and with all applicable requirements for development in the PD (1500) zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. Although

the project proposes a reduction in the required parking spaces, the reduced parking spaces are adequate for the number of units proposed and would not have an adverse effect on surrounding properties.

Variance Findings

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

The strict interpretation and application of the open space requirement would result in a practical difficulty and unnecessary hardship. At 112 dwelling units, the project would be required to provide 84,000 square feet (nearly two acres) of open space, which is nearly half of the total size of the project site, restricting the available building area on-site.

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

The property proposes a multi-story multifamily development abutting an existing single-family residential subdivision designated as Low Density Residential. General Plan Policy CD-36 requires site design consideration to ensure that privacy impacts are limited, and compatibility is preserved. Implementation of this policy deprives the property of privileges enjoyed by other PD (1500)-zoned properties in the vicinity.

(OR)

Motion 2: Move to continue the public hearing on PPL 2020-02 and VAR 2020-03 to October 12, 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)

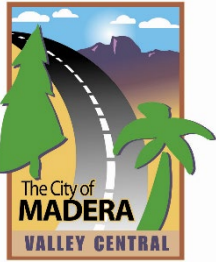
Motion 3: Move to continue the application for PPL 2020-02 and VAR 2020-03 to the October 12, 2021 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial).

ATTACHMENTS

Attachment 1: Planning Commission Staff Report Packet, dated August 10, 2021

Attachment 2: Resolution for PPL 2020-02 and VAR 2020-03 (revised)

Attachment 1: Planning Commission Staff Report Packet Excluding Attachment 34 (Planning Commission Resolution 1888), dated August 10, 2021



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Bella Vita Residences Precise Plan (PPL) 2020-02 and Variance (VAR) 2020-03 Item #1 – August 10, 2021

PROPOSAL: An application for a precise plan (PPL 2020-02) for a 112-unit multiple family residential development (Bella Vita Apartments) on an approximately 4.2-acre site (26.7 du/ac), which is within the required density range of the High Density Residential designation (15.1 to 50 du/ac) and exceeds the minimum target density of 22.5 du/ac identified in the General Plan. PPL 2020-02 is also requesting a deviation in parking requirements from 244 required parking spaces to 212 parking spaces (a 13 percent reduction). A variance (VAR 2020-03) would authorize a reduction in open space property development standards, from 750 square feet to 500 square feet per dwelling unit (a 33 percent reduction).

APPLICANT: Vincent Palacios, Design
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5100 N 6th St, Suite 172
Fresno, CA 93711

OWNER: New Alliance Investments LLC
10749 Farralone Avenue
Chatsworth, CA 91311

SITE ADDRESS: No address assigned

APN: 003-240-001 and -002

APPLICATIONS: PPL 2020-02, VAR 2020-03

CEQA: Categorical Exemption

LOCATION: The subject property is bounded by the West Clark Street alignment to the north, the Sunny Meadows II residential subdivision to the east, low density residential homes of a rural character to the south, and North Owens Street to the west.

STREET ACCESS: The project site has street access from North Owens Street to the west and will be required to construct its fair share of the West Clark Street alignment to the north. Drive access is proposed from both of these streets upon construction.

PROJECT SIZE: 4.2 acres

GENERAL PLAN DESIGNATION: HD (High Density Residential)

ZONING DISTRICT: PD (1500) (*Planned Development, one unit per 1,500 square feet of site area*)

SITE CHARACTERISTICS: The project is located on a vacant parcel. Surrounding uses include vacant land to the north across the future Clark Street alignment, existing single-family residential to the east and south, and multiple family residential to the west across North Owens Street.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt from the preparation of environmental documents pursuant to Section 15332 of the State California Environmental Quality Act (CEQA) Guidelines.

SUMMARY: The applicant, New Alliance Investments LLC, is proposing PPL 2020-02, a 112-unit multifamily residential development (Bella Vita Apartments) on an approximately 4.2-acre site (26.7 du/ac). The proposed use is consistent with the current HD (High Density Residential) General Plan designation, which requires a density range of 15.1 to 50 dwelling units per acre (du/ac) and encourages a minimum target density of 22.5 du/ac. After review of the proposed project, the development is anticipated to be compatible with the surrounding land uses in the area. Conditions, as appropriate, have been recommended for the precise plan (PPL 2020-02) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies. PPL 2020-02 is also requesting a deviation in parking requirements from 244 required parking spaces to 212 parking spaces, a 13 percent reduction in the standard.

VAR 2020-03 seeks relief from the open space property development standard of the PD (1500) zone district by reducing the requirement from 750 to 401 square feet per dwelling unit. However, staff is recommending a maximum reduction from 750 square feet per dwelling unit to 500 square feet per dwelling unit, a 33 percent reduction in the standard.

Development of the project will require City Council approval of a right-of-way vacation of the southern 10 feet and northern 10 feet along the Clark Street alignment north of the project site, reducing the overall right-of-way from 80 feet to 60 feet. The Planning Commission is not taking action on the vacation; however, the conditions of approval for PPL 2020-02 reflect that the vacation must be approved prior to development of the site.

SURROUNDING LAND USES

The site is bordered to the west across North Owens Street by multi-family residential, to the south and east by single-family residential of varying densities, and to the north across the Clark Street alignment by vacant 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	Low Density Residential	PD (4500)
East	Single-Family Residential, Existing	Low Density Residential	PD (4500)
South	Single-Family Residential, Existing	Medium Density Residential	PD (3000)
West	Multi-Family Residential, Existing	Medium Density Residential	PD (3000)
PD (3000) - Planned Development (One unit for each 3,000 sq. ft. of site area)			
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 precise plans and variances (Section 10-3-4.1 and Section 10-3.14, respectively). Section 10-3-4.1 of the MMC also

establishes standards specific to development within the PD (Planned Development) zone district. Additional development standards identified in the MMC, such as parking requirements, also apply.

Precise Plan

PPL 2020-02 proposes to develop a 4.2-acre site with a 112 dwelling unit gated apartment complex. The development will include one-, two-, and three-bedroom apartments, management office, swimming pool, and park area. The apartment buildings will be three-stories and the management office will be a one-story building.

The proposed density is consistent with the HD (High Density Residential) land use designation per the General Plan, which requires a density of 15.1 to 50 dwelling units per acre (du/ac). Additional General Plan policies also encourage a target density of 22.5 du/ac for the HD land use designation. The existing zone district of PD (1500) is consistent with the HD land use designation and allows one unit for each 1,500 square feet of site area, subject to consistency with applicable development standards. The proposed development would result in a density of approximately 26.7 du/ac, which is consistent with the existing zone district of PD (1500) and the HD land use designation.

The proposed use is an allowed use in the PD (1500) 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, except for those deviations and the requested variance to the open space requirements as described below.

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 PPL 2020-02.

Requested Deviations

Planned Development zones allow for the consideration of modifications to property development standards. PPL 2020-02 is requesting a deviation to the fence standard along both Clark and Owens Street and to the parking requirements, as described below. The PPL allows the use of special design criteria such as, in this case, deviations in fence standards and parking requirements without requiring approval of a variance application.

Fence Standard. The code requires that fences be limited to 3 feet in height within the required setback area. Clark Street has a 10-foot setback required and Owens Street has a 15-foot setback required. The project proposes a 6-foot fence at property line along both Owens and Clark Streets. However, as noted above, the PPL allows for deviations from development standards and staff is in support of allowing a 6-foot fence set back at minimum 3 feet from the property line along both streets. The fence material shall be wrought iron with masonry pilasters as shown on the site plan, as reflected in the conditions of approval.

Parking Requirement. The 112 proposed units consist of 16 one-bedroom units, 69 two-bedroom units, and 27 three-bedroom units. Section 10-3.12 of the MMC establishes parking space requirements of 1.5 spaces (1 covered) per one-bedroom units and 2 spaces (1 covered) per two or more-bedroom units.

Guest parking is also required at a rate of one parking space for every four units. Therefore, a total of 244 parking spaces (112 covered) would be required. Under the PPL provisions in the Zoning Ordinance, the project is given the allowance to deviate from the standards, including parking requirements. The applicant is requesting a reduction in the parking spaces required from 244 total spaces (112 covered) to 212 total spaces (113 covered), a 13 percent reduction in the standard. The number of parking spaces will still be provided at almost 1.9 parking spaces per dwelling unit (212 total parking spaces for 112 units). The number of covered parking spaces will also remain consistent with the code requirements. Staff is in support of this reduction in parking spaces.

Justification Findings

The reduced front and street side setbacks for fencing along Owens and Clark Streets allows for greater flexibility in providing an increased setback for the proposed buildings from the existing single family residential to the east and planned medium density residential to the south. Buildings would be located from 48 feet to 54 feet away from the property line to the east and approximately 60 feet from the property line to south, where they are only required to be 25 feet away. Additionally, no balconies are proposed on the building faces nearest the south and east property lines. The reduced setback along Owens and Clark Streets would be limited to fencing.

The reduction in parking is supported by the project site's proximity to a variety of commercial and retail uses along Country Club Drive, as well as proximity to two Route 1 Madera Metro stops, both less than one quarter-mile away. A grocery store (Vallarta Supermarkets) is located one-eighth of a mile away.

Variance

The applicant is requesting relief from the open space development standards of 750 square feet per dwelling unit. At 112 dwelling units, the project would otherwise be required to provide 84,000 square feet (nearly two acres) of open space. As previously mentioned, the site is 4.2-acres, leaving just over two acres for the buildings themselves and the necessary amount of parking. There are two findings that must be made in order to grant a variance, which are stated as follows:

1. Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted.
2. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Requested Reduction

The PD (1500) zone requires 750 square feet of open space per dwelling unit, through the provision of private open space, such as balconies and patios, or common open space available to all tenants. The applicant states that as density increases, so too does the requirement for parking and open space. At a certain point, the amount of open space would exceed the square footage of dwelling units. Therefore,

VAR 2020-03 was submitted to deviate from the property development standards of the PD (1500) zone district to allow for 401 square feet of open space per unit, an approximately 47 percent reduction from the 750 square foot standard.

Justification Findings

Staff generally concurs with the applicant's overall justification for the request; however, staff is recommending a maximum reduction in the open space standard of 33 percent, resulting in a minimum requirement of 500 square feet per dwelling unit. This recommendation does allow for a reduction to the open space standard but also ensures provision of open space at a rate similar to the R3 zone district, which allows for similar densities to the proposed project and requires a minimum of 500 square feet per dwelling unit. The allowance for the reduction acknowledges that the strict interpretation and application of the 750 square foot per dwelling unit open space requirement would result in a practical difficulty and unnecessary hardship. General Plan Policy CD-36 requires design standards that ensure privacy and land use compatibility with the residential subdivision to the east, resulting in a limit on open space and visibility of building elements above the first floor of the proposed project. The elimination of balconies from the second and third floor units along the east elevations have been implemented at the expense of both private and common area open space. The project will also be required to pay a parks impact fee on a per unit basis in accordance with the City of Madera Impact Fee Schedule.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project has been determined to be categorically exempt from the preparation of environmental documents pursuant to Section 15332 of the State California Environmental Quality Act (CEQA) Guidelines.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

A continuation of the City's planned growth for residential land uses 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 Categorical Exemption for the project and conditional approval of PPL 2020-02 and VAR 2020-03 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 Categorical Exemption, PPL 2020-02, and VAR 2020-03, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the Categorical Exemption, PPL 2020-02, and VAR 2020-03 and determining to either:

- Adopt a resolution adopting the Categorical Exemption prepared for the project and approving PPL 2020-02 and VAR 2020-03 as conditioned (Motion 1); or

- Continue the hearing to September 14, 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 PPL 2020-02 and VAR 2020-03 to the September 14, 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 Categorical Exemption prepared for the project and approving PPL 2020-02 and VAR 2020-03, based on and subject to the findings and conditions of approval as follows:

Precise Plan Findings

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

The property is zoned PD (1500), which is consistent with the existing General Plan land use designation of High Density Residential (HD). The project proposes to develop a 112 dwelling unit multifamily development. PPL 2020-02, as conditioned, is consistent with the purpose and intent of the PD (1500) zone district 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 surrounded by residential development. The proposed site layout reduces compatibility conflicts with the existing single-family residences to the east and south by not including balconies on the southern and eastern elevations of the buildings and provided an increased setback along those property lines.

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.

PPL 2020-02 has been reviewed and are consistent with surrounding uses and with all applicable requirements for development in the PD (1500) zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. Although the project proposes a reduction in the required parking spaces, the reduced parking spaces are adequate for the number of units proposed and would not have an adverse effect on surrounding properties.

Variance Findings

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

The strict interpretation and application of the open space requirement would result in a practical difficulty and unnecessary hardship. At 112 dwelling units, the project would be required to provide 84,000 square feet (nearly two acres) of open space, which is nearly half of the total size of the project site, restricting the available building area on-site.

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

The property proposes a multi-story multifamily development abutting an existing single-family residential subdivision designated as Low Density Residential. General Plan Policy CD-36 requires site design consideration to ensure that privacy impacts are limited and compatibility is preserved. Implementation of this policy deprives the property of privileges enjoyed by other PD (1500)-zoned properties in the vicinity.

(OR)

Motion 2: Move to continue the public hearing on PPL 2020-02 and VAR 2020-03 to September 14, 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 PPL 2020-02 and VAR 2020-03 to the September 14, 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: Exhibit A, Site Plan
- Attachment 6: Exhibit B-1, Elevations Color and Materials Schedule
- Attachment 7: Exhibit B-2, Rendered Elevations 1
- Attachment 8: Exhibit B-3, Rendered Elevations 2
- Attachment 9: Exhibit B-4, Rendered Elevations 3
- Attachment 10: Exhibit B-5, Rendered Elevations 4
- Attachment 11: Exhibit B-6, Street View Elevations 1
- Attachment 12: Exhibit B-7, Street View Elevations 2
- Attachment 13: Exhibit B-8, Building A Elevations

Attachment 14: Exhibit B-9, Buildings B and C Elevations
Attachment 15: Exhibit B-10, Building D Elevations
Attachment 16: Exhibit B-11, Building E Elevations
Attachment 17: Exhibit B-12, Building F Elevations
Attachment 18: Exhibit B-13, Building F Elevations, cont.
Attachment 19: Exhibit B-14, Building G Elevations
Attachment 20: Exhibit B-15, Building H Elevations
Attachment 21: Exhibit B-16, Building I Elevations
Attachment 22: Exhibit B-17, Building I Elevations, cont.
Attachment 23: Exhibit B-18, Building J Elevations
Attachment 24: Exhibit B-19, Building K Elevations
Attachment 25: Exhibit B-20, Building K Elevations, cont.
Attachment 26: Exhibit B-21, Floor Plan and Elevations for Office Building
Attachment 27: Exhibit C, Landscape Plan
Attachment 28: Floor Plan Buildings A, B, C, and E
Attachment 29: Floor Plans, Buildings D and G
Attachment 30: Floor Plans, Buildings F and H
Attachment 31: Floor Plans, Building I
Attachment 32: Floor Plans, Building J
Attachment 33: Floor Plans, Building K
Attachment 34: Resolution for PPL 2020-02 and VAR 2020-03

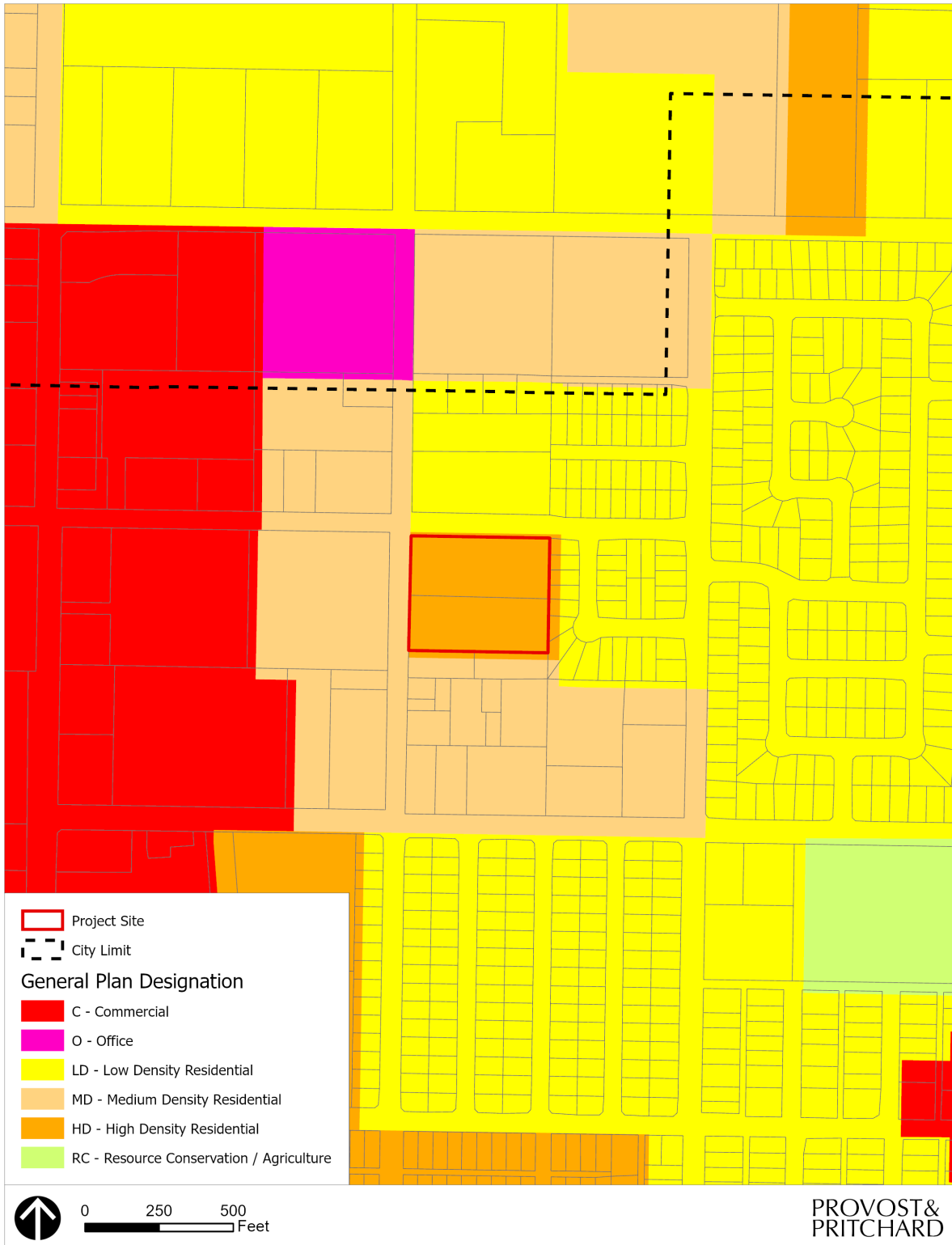
Attachment 1: Vicinity Map



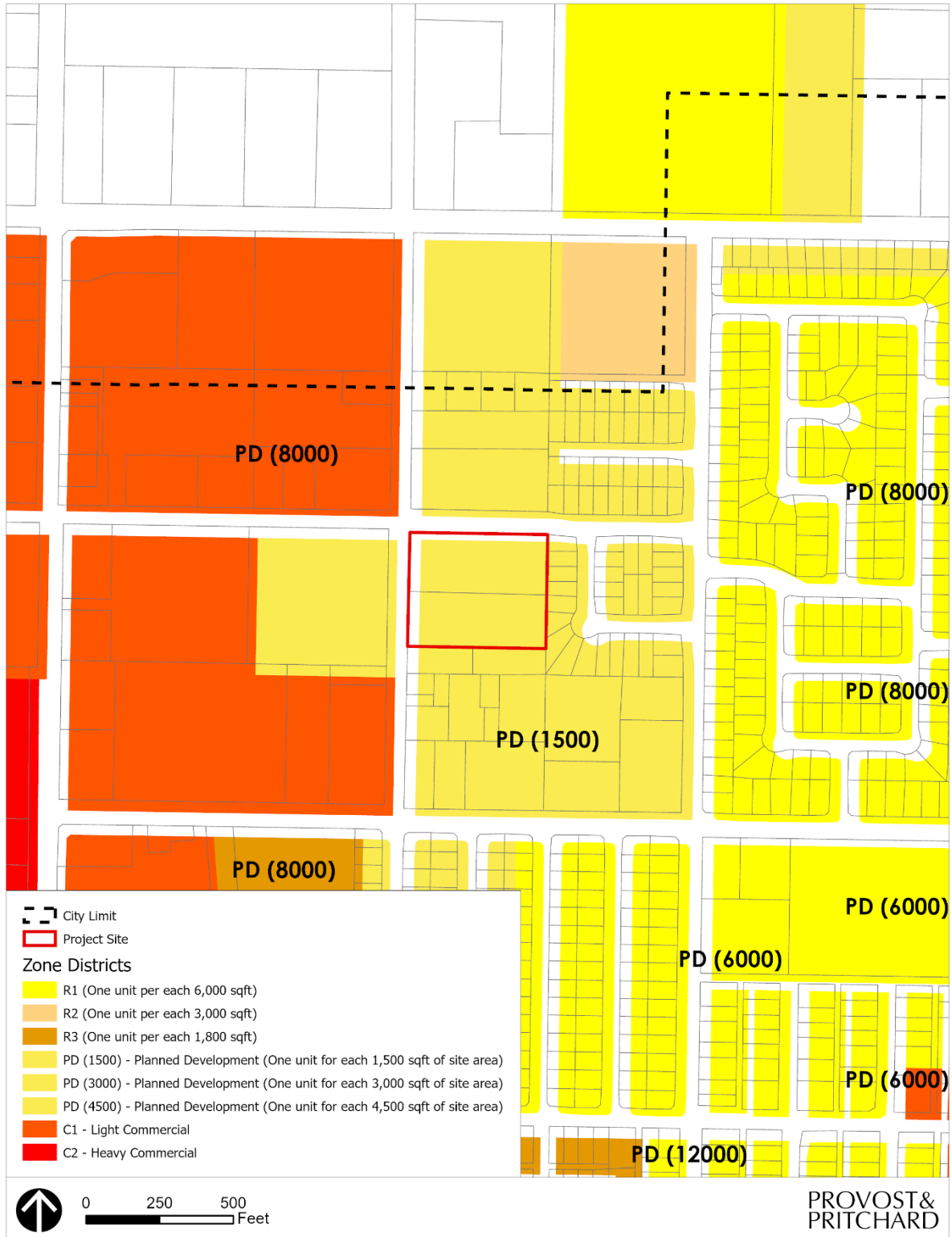
Attachment 2: Aerial Photo



Attachment 3: General Plan Land Use Map



Attachment 4: Zoning Map



Attachment 5: Exhibit A, Site Plan

LEGAL DESCRIPTION

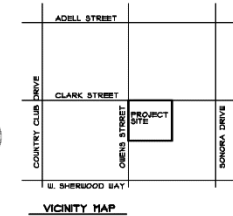
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APN: 003-240-002

PARCEL ONE AND TWO OF PARCEL MAP 2444,
RECORDED MAY 1TH, 1985 IN BOOK 3 PAGE 41
OF MAPS, MADERA COUNTY RECORDS

SHEET INDEX

SP SITE PLAN
A1 FLOOR PLAN-BUILDING A, E & B, C
A2 FLOOR PLAN-BUILDING D, E & F
A3 FLOOR PLAN-BUILDING G, H & I
A4 FLOOR PLAN-BUILDING J, K & L
A5 FLOOR PLAN-BUILDING M, N & O
A6 FLOOR PLAN-BUILDING P, Q & R
A7 ELEVATIONS-OUTSIDE STREET BLDGS A, B, C
A8 ELEVATIONS-CLARK STREET BLDGS D, E, F
A9 ELEVATIONS-OWENS STREET BLDGS G, H, I
A10 BUILDING A ELEVATIONS
A11 BUILDING B ELEVATIONS
A12 BUILDING C ELEVATIONS
A13 BUILDING D ELEVATIONS
A14 BUILDING E ELEVATIONS
A15 BUILDING F ELEVATIONS
A16 BUILDING G ELEVATIONS
A17 BUILDING H ELEVATIONS
A18 BUILDING I ELEVATIONS
A19 BUILDING J ELEVATIONS
A20 BUILDING K ELEVATIONS
A21 BUILDING L ELEVATIONS
A22 BUILDING M ELEVATIONS
A23 BUILDING N ELEVATIONS
A24 BUILDING O ELEVATIONS
A25 BUILDING P ELEVATIONS
A26 BUILDING Q ELEVATIONS
A27 BUILDING R ELEVATIONS
A28 BUILDING S ELEVATIONS
A29 BUILDING T ELEVATIONS
A30 BUILDING U ELEVATIONS
A31 BUILDING V ELEVATIONS
A32 BUILDING W ELEVATIONS
A33 BUILDING X ELEVATIONS
A34 BUILDING Y ELEVATIONS
A35 BUILDING Z ELEVATIONS



CARPOT LEGEND

DESCRIPTION	SIZE	TOTAL	STALLS	COVERED
1	21' x 30' CARPORT	10	3	24
2	31' x 30' CARPORT	10	4	40
3	34'-6" x 30' CARPORT	1	4	4
4	34'-6" x 30' CARPORT	5	2	10
5	28' x 30' CARPORT	5	3	15
6	42' x 30' CARPORT	5	4	20
TOTAL COVERED:				113
TOTAL UNCOVERED:				13
TOTAL PARKING STALLS:				126

BUILDING LEGEND

DESCRIPTION	SQUARE FOOTAGE	FLOORS	TOTAL SQUARE FEET
BUILDING A	2548	3	7644
BUILDING B	2548	3	7644
BUILDING C	2548	3	7644
BUILDING D	2548	3	7644
BUILDING E	2548	3	7644
BUILDING F	3500	3	10500
BUILDING G	467	3	1401
BUILDING H	467	3	1401
BUILDING I	4300	3	12900
BUILDING J	467	3	1401
BUILDING K	4300	3	12900
BUILDING L	120	1	120

BEDROOM LEGEND

DESCRIPTION	NUMBER OF BEDROOMS	TOTAL NUMBER OF BEDROOMS
BUILDING A	2 x 2 x 2 = 8	12
BUILDING B	3 x 2 x 2 = 12	36
BUILDING C	3 x 2 x 2 = 12	36
BUILDING D	3 x 2 x 2 = 12	36
BUILDING E	2 x 2 x 2 = 8	12
BUILDING F	3500 ÷ 2 x 12 = 142	142
BUILDING G	2 x 4 x 8 = 16	16
BUILDING H	2 x 4 x 8 = 16	16
BUILDING I	3500 ÷ 2 x 12 = 142	142
BUILDING J	2 x 4 x 8 = 16	16
BUILDING K	3500 ÷ 2 x 12 = 142	142
BUILDING L	1	1
TOTAL NUMBER OF BEDROOMS:		541

UNIT LEGEND

DESCRIPTION	NUMBER OF UNITS
1- BEDROOM	18
2- BEDROOM	14
3- BEDROOM	21
<hr/>	
TOTAL UNITS	53
<hr/>	
1- OFFICE/STORAGE	1

TRASH ENCLOSURE

DESCRIPTION	NUMBER OF UNITS	
1-BEDROOM	18	
2-BEDROOM	14	
3-BEDROOM	21	
TOTAL UNITS:		53

BALCONY

DESCRIPTION	NUMBER OF UNITS
(B) 5' x 12' BALCONIES AT 2nd & 3rd FLOORS	41
(C) 5' x 12' BALCONIES AT 3rd FLOOR	17

OPEN SPACE AREA

DESCRIPTION	NUMBER OF UNITS
5' x 12' BALCONIES AT 2nd & 3rd FLOORS	74 x 40 SQ. FT. = 1,140 SQUARE
OPEN AREAS:	40,434 SQ. FT. = 4,440 SQ. FT.
	44,874 SQ. FT. / 112 UNIT =
	401 SQ. FT. PER UNIT

SITE PLAN SCALE: 1" = 20'-0"



DESIGNED DRAFTING
VINCENT PALACIOS
VINCENTPALACIOS.COM

PROJECT NO. 24-001-001
Bella Vita Apartments
CLARK STREET & OWENS STREET, MADERA, CA 95359

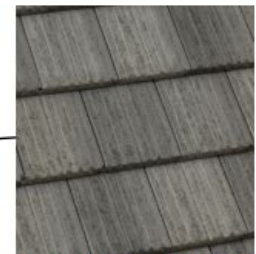
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Attachment 6: Exhibit B-1, Elevations Color and Materials Schedule

BELLA VITA APARTMENTS



Light Grey Lap Siding
Argos (SW7065)



Charcoal Tile Roofing



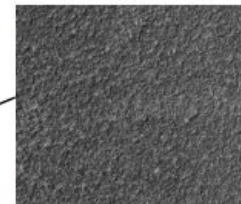
Coffee Brown Railing
Turkish Coffee (SW6076)



Dovetail (HGSW3473)



Wood Trim and Fascia



Dark Grey Stucco
Web Grey (HGSW1462)



Soft White Stucco
Site White (SW7070)

Attachment 7: Exhibit B-2, Rendered Elevations 1



BUILDING "F" (WEST ELEVATION)



BUILDING "B" & "C" (NORTH ELEVATION)

Attachment 8: Exhibit B-3, Rendered Elevations 2



BUILDING "A" "D" (NORTH ELEVATION)



BUILDING "E" (WEST ELEVATION)

Attachment 9: Exhibit B-4, Rendered Elevations 3



BUILDING "B" (NORTH ELEVATION)



BUILDING "C" (NORTH ELEVATION)

Attachment 10: Exhibit B-5, Rendered Elevations 4



BUILDING "K" (WEST ELEVATION)



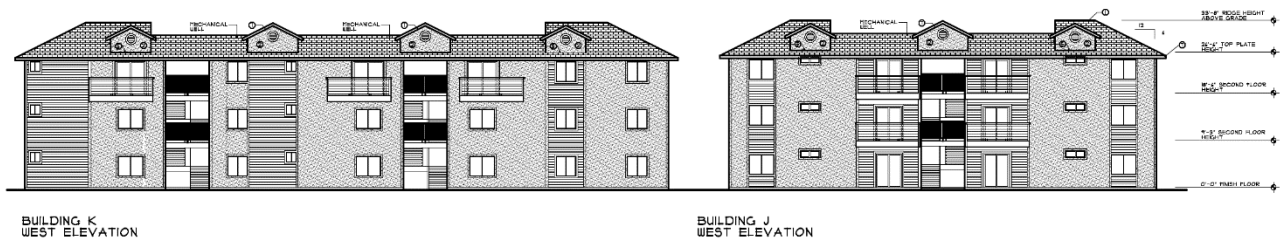
BUILDING "J" (WEST ELEVATION)

Attachment 11: Exhibit B-6, Street View Elevations 1



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 VINCENT PALACIOS
 DATE
 JAN 2020
 SCALE
 1/8" = 1'-0"
 REVISION DATE
 MARCH 6, 2021
 SHEET NUMBER
 A8

Attachment 12: Exhibit B-7, Street View Elevations 2

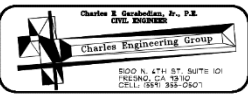


BUILDING K
WEST ELEVATION

BUILDING J
WEST ELEVATION

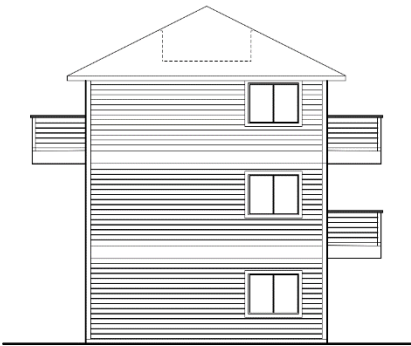
PROPOSED 10-15 FAMILY APARTMENTS FOR:
BELLA VITA APARTMENTS
 OWNER: BIRGO TUBES
 RAILING ADDRESS: 2701 EDGEWATER LANE, VALENCIA CA 93608
 PHONE: (818) 190-2340
 SITE ADDRESS
 OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
 8100 N. 4TH SUITE 112 FRESNO, CA 93710
 Office: (559) 491-5153 Cell: (559) 903-4238
 * VINCENT PALACIOS *
 VINCENTPALACIOS41ERS@YAHOO.COM



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CHECKED	JUNE 2020
DESIGNED	AS NOTED
REVISION DATE:	
PROJECT NO.	2020-03
DATE	06/10/2021
A9	

Attachment 13: Exhibit B-8, Building A Elevations



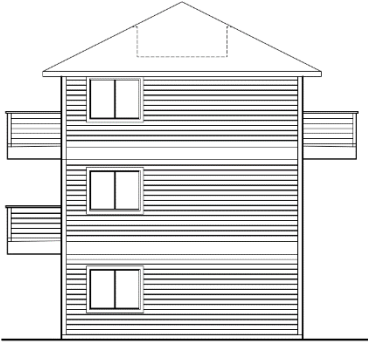
BUILDING A
EAST ELEVATION



BUILDING A
NORTH ELEVATION



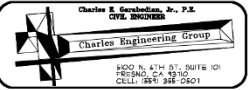
BUILDING A
SOUTH ELEVATION



BUILDING A
WEST ELEVATION

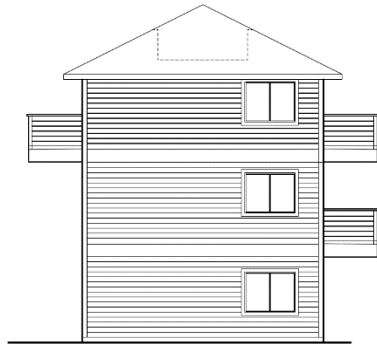
PROPOSED FULL-FAMILY APARTMENTS FOR:
BELLA VITA APARTMENTS
OWNER: SERGIO NUNEZ
FILING ADDRESS: 2101 EDGEMASTER LANE, VALENCA, CA 93555
PHONE: (909) 930-4340
SITE ADDRESS:
OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
500 N. 4TH ST. SUITE 102, FRESNO, CA 93710
Office: (559) 447-5753 Cell: (559) 903-4238
* VINCENT PALACIOS *
VINCENTPALACIOS418R57YAHOO.COM



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DATE:
REVISION DATE:
REVISION NO.:
REVISION DESCRIPTION:
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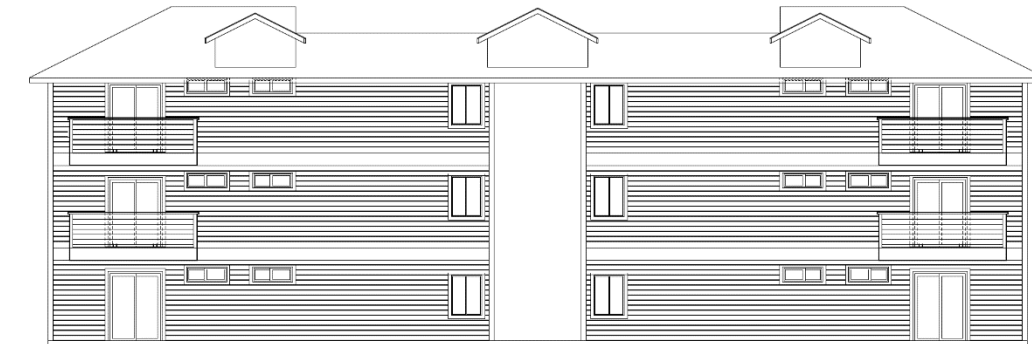
Attachment 14: Exhibit B-9, Buildings B and C Elevations



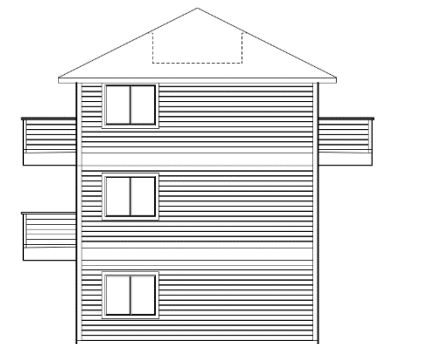
BUILDING B & C
EAST ELEVATION



BUILDING B & C
SOUTH ELEVATION



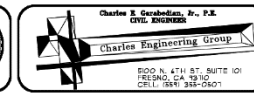
BUILDING B & C
NORTH ELEVATION



BUILDING B & C
WEST ELEVATION

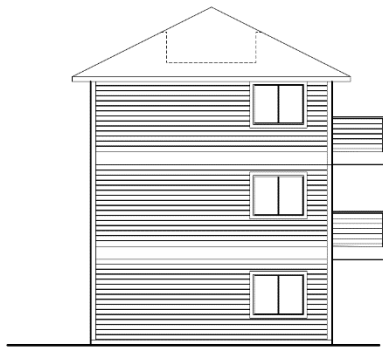
PROPOSED MULTI-FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
OWNER: SERGIO RUBIO
TRADING ADDRESS: 2001 EDGEWATER LANE, VALENCIA, CA 91386
PHONE: (818) 150-4340
SITE ADDRESS
OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
800 N. 4TH ST. SUITE 101 FRESNO, CA 93710
Office: (559) 497-5753 Cell: (559) 403-4258
* VINCENT PALACIOS *
VINCENTPALACIOS41ERS@YAHOO.COM



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Attachment 15: Exhibit B-10, Building D Elevations



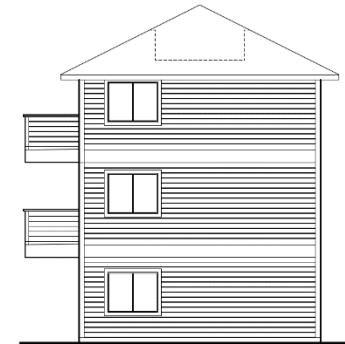
BUILDING D
EAST ELEVATION



BUILDING D
NORTH ELEVATION



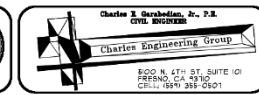
BUILDING D
SOUTH ELEVATION



BUILDING D
WEST ELEVATION

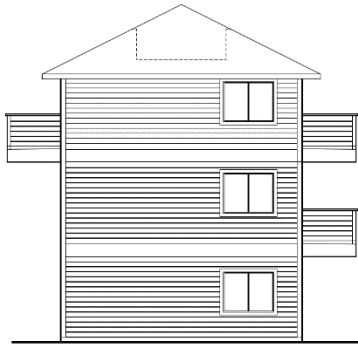
PROPOSED 16-17 FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
OWNER: SERGIO RINCEZ
MAILING ADDRESS: 2704 EDGEMASTER LANE, VALENCIA, CA 93555
PHONE: (561) 130-1240
SITE ADDRESS:
OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
8100 N. 4TH SUITE 102 PRESNO, CA 93710
OFFICE: (559) 497-5753 Cell: (559) 903-4238
* VINCENT PALACIOS *
VINCENTPALACIOS4MERS@YAHOO.COM



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REVISION DATE:
MARCH 9, 2020
BY: VINCENT PALACIOS
A12

Attachment 16: Exhibit B-11, Building E Elevations



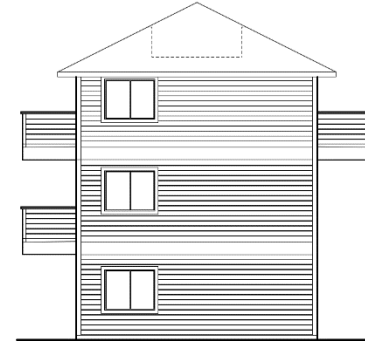
BUILDING E
SOUTH ELEVATION



BUILDING E
WEST ELEVATION



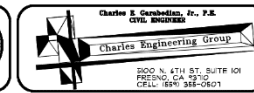
BUILDING E
EAST ELEVATION



BUILDING E
NORTH ELEVATION

PROPOSED MULTI-FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
OWNER: SERGIO RINNET
CALLING ADDRESS: 2701 EDGEMASTER LANE, VALENCIA CA 93555
PHONE: (818) 130-4240
SITE ADDRESS
OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
8100 N. 4TH SUITE 112 PRENSO, CA 93710
Office: (559) 491-5153 Cell: (559) 403-4238
* VINCENT PALACIOS *
VINCENTPALACIOS@YAHOO.COM

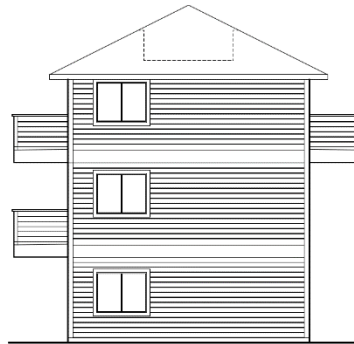


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DATE
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MARCH 4, 2020
BY
VINCENT PALACIOS
A13

Attachment 17: Exhibit B-12, Building F Elevations



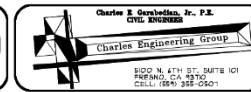
BUILDING F
EAST ELEVATION



BUILDING F
NORTH ELEVATION

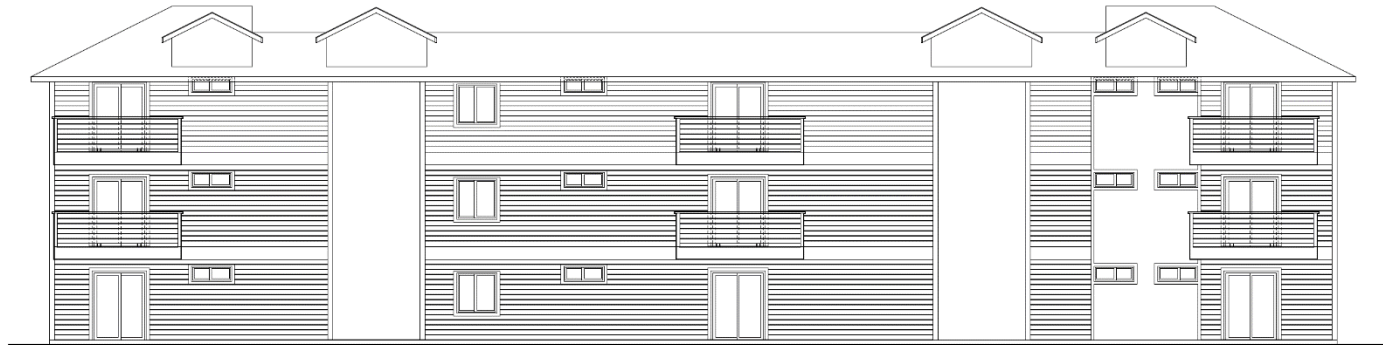
PROPOSED MULTI-FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
 OWNER: SERGIO NUNEZ
 BUILDING ADDRESS: 2701 BOGARTER LANE, VALENCIA CA 93555
 PHONE: (888) 750-4340
 SITE ADDRESS
OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
 5100 N. 6TH SUITE 112 - FRESNO, CA 93710
 Office: (559) 491-5783 Cell: (559) 903-4238
*** VINCENT PALACIOS ***
 VINCENTPALACIOS41ERS@YAHOO.COM

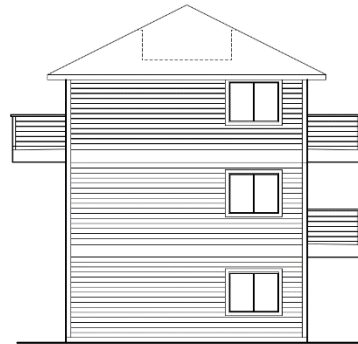


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REVISION DATE	
REVISION	
A14	

Attachment 18: Exhibit B-13, Building F Elevations, cont.



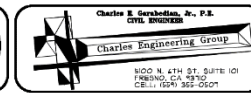
BUILDING F
WEST ELEVATION



BUILDING F
SOUTH ELEVATION

PROPOSED MULTI-FAMILY APARTMENTS FOR:
BELLA VITA APARTMENTS
OWNER: DORADO INVEST
BUILDING ADDRESS: 2701 REDGATE LANE, VALENCIA, CA 93555
PHONE: (888) 930-0340
SITE ADDRESS
OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
5100 N. 4TH STREET, SUITE 101, FRESNO, CA 93710
Office: (559) 491-5753 Cell: (559) 903-4238
* VINCENT PALACIOS *
VINCENTPALACIOS41ERS@YAHOO.COM



DESK ST.
VINCENT PALACIOS
DATE
APR 2020
SCALE
AS NOTED
REVISION DATE
MARCH 11, 2020
SHEET NUMBER
A15

Attachment 19: Exhibit B-14, Building G Elevations



BUILDING G
SOUTH ELEVATION



BUILDING G
NORTH ELEVATION



BUILDING G
WEST & EAST ELEVATION

PROPOSED MULTI-FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
OWNER: BELLUS INVEST
RAISING ADDRESS: 2101 EGGMATER LANE, VALENCIA, CA 91386
PHONE: 818-150-1240
SITE ADDRESS
OWENS STREET & CLARK STREET, MADERA, CA 93638

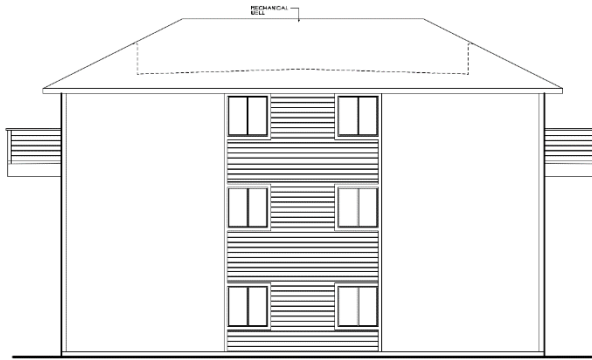
DESIGNED DRAFTING
8100 N. 4TH SUITE 102 FRESNO, CA 93710
Office: (559) 491-5153 Cell: (559) 903-4258
* VINCENT PALACIOS *
VINCENTPALACIOS49ERSYAHOO.COM



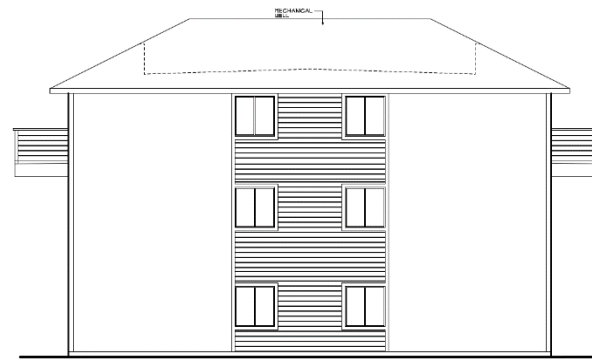
Charles E. Goodwin, Jr., P.E.
CIVIL ENGINEER
Charles Engineering Group
8100 N. 4TH ST. SUITE 101
FRESNO, CA 93710
CELL: (559) 384-0501

DRAWN BY
VINCENT PALACIOS
DATE
JUNE 2020
REVIEW
AS NOTED
REVISION DATE
MARCH 1, 2021
STAFF: KERR
A16

Attachment 20: Exhibit B-15, Building H Elevations



BUILDING H
SOUTH ELEVATION



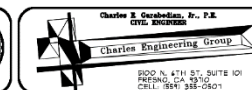
BUILDING H
NORTH ELEVATION



BUILDING H
WEST & EAST ELEVATION

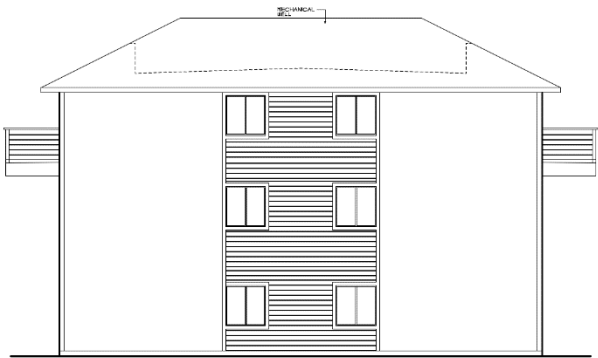
PROPOSED MULTI-FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
OWNER: ORRICO VAREZ
MAILING ADDRESS: 2701 EDGEWATER LANE, VALLEJO CA 94588
PHONE: (925) 930-4340
SITE ADDRESS
OWENS STREET & CLARK STREET, MADERA, CA 93438

DESIGNED DRAFTING
8100 N. 4TH SUITE 112 PRESNO, CA 95110
OFFICE: (559) 471-5153 Cell: (559) 403-4238
* VINCENT PALACIOS *
VINCENTPALACIOS41ERS@YAHOO.COM



DRAWN BY
DATE
SCALE
AS NOTED
REVISION DATE
SHEET NUMBER
A17

Attachment 21: Exhibit B-16, Building I Elevations



BUILDING I
NORTH ELEVATION



BUILDING I
EAST ELEVATION

PROPOSED MULTI-FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
OWNER: DESIGN NILES
MAILING ADDRESS: 2701 EDGEWATER LANE, VALENCIA, CA 93558
PHONE: (818) 750-4260
SITE ADDRESS
OWENS STREET & CLARK STREET, MADERA, CA 93438

DESIGNED DRAFTING
500 N. 4TH STREET 112 FRESONO, CA 93110
Office: (559) 411-5153 Cell: (559) 403-4238
*** VINCENT PALACIOS ***
VINCENTPALACIOS4PERS@YAHOO.COM



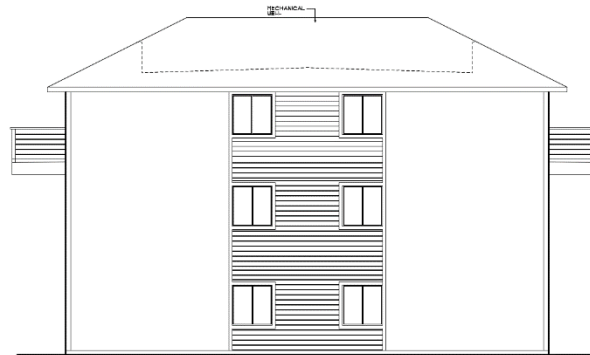
Charles S. Gershenson, Jr., P.E.
Civil Engineer
Charles Engineering Group
500 N. 4TH ST. SUITE 101
FRESONO, CA 93701
CELL: (559) 332-7501

DRAWN BY
VINCENT PALACIOS
DATE
SCALE
DATE
AS NOTED
REVISION DATE
MARCH 4, 2021
SHEET NUMBER
A18

Attachment 22: Exhibit B-17, Building I Elevations, cont.



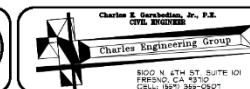
BUILDING I
WEST ELEVATION



BUILDING I
SOUTH ELEVATION

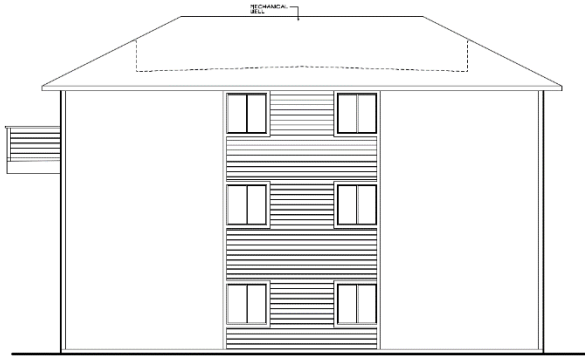
PROPOSED FULTON FAMILY APARTMENTS FOR:
BELLA VITA APARTMENTS
OWNER: DESIGN HOMES
MAILING ADDRESS: 2701 EDGEWATER LANE, VALENCIA CA 93555
PHONE: 888-950-4340
SITE ADDRESS:
OWENS STREET & CLARK STREET, MADERA, CA 93438

DESIGNED DRAFTING
8100 N. 4TH SUITE 112 FRESNO, CA 93710
Office: (559) 491-5153 Cell: (559) 403-4238
* VINCENT PALACIOS *
VINCENT.PALACIOS@ERSBYAHOO.COM



DRAWN BY	VINCENT PALACIOS
DATE	JAN 2020
REVIEW	AS NOTED
REVISION DATE	MARCH 9, 2020
REVISION	SHIRLEY KUNIK
A19	

Attachment 23: Exhibit B-18, Building J Elevations



BUILDING J
SOUTH ELEVATION



BUILDING J
NORTH ELEVATION



BUILDING J
WEST & EAST ELEVATION

PROPOSED MULTI-FAMILY APARTMENTS FOR:
BELLA VITA APARTMENTS
OWNER: SORGO NINEZ
MAILING ADDRESS: 200R BOGHEATER LANE, VALINDIA CA 93558
PHONE: (888) 950-4340
SITE ADDRESS:
OWENS STREET & CLARK STREET, MADERA, CA 93638

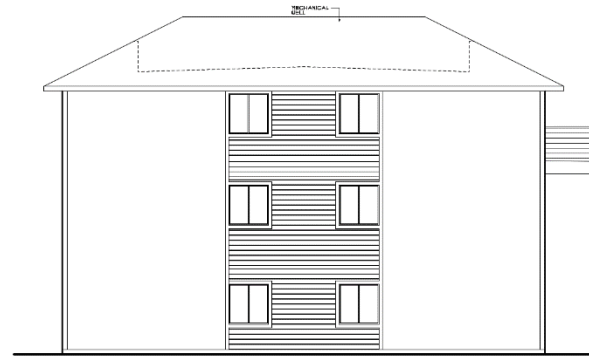
DESIGNED DRAFTING
5100 N. 4TH SUITE 112 FRESNO, CA 93710
Office: (559) 441-5153 Cell: (559) 403-4238
* VINCENT PALACIOS *
VINCENTPALACIOS41ERSYAHOO.COM



Charles E. Garabedian, Jr., P.E.
Civil Engineer
Charles Engineering Group
5100 N. 4TH ST., SUITE 101
FRESNO, CA 93710
CELL: (559) 385-0901

DRAWN BY
VINCENT PALACIOS
DATE
JAN 2020
SCALE
AS NOTED
REVISION DATE:
FEBRUARY 2020
SHEET NUMBER
A20

Attachment 24: Exhibits B-19, Building K Elevations



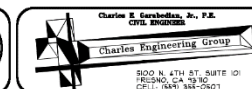
BUILDING K
NORTH ELEVATION



BUILDING K
EAST ELEVATION

PROPOSED 1619 - FAMILY APARTMENTS FOR:
BELLA VITA APARTMENTS
OWNER: SERGIO RUBET
MAILING ADDRESS: 2101 EDGEMERE LANE, VALENCIA CA 93604
PHONE: 888-950-4340
SITE ADDRESS:
OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
800 N. 4TH SUITE 102 FRESNO, CA 93710
Office: (559) 491-5153 Cell: (559) 403-4238
* VINCENT PALACIOS *
VINCENTPALACIOS@GMAIL.COM



DRAWN BY	VINCENT PALACIOS
CITY	FRESNO
DATE	JUNE 2020
REVISION	AS NOTED
REVISION DATA	FIGURE 1.002
FIGURE NUMBER	FIGURE 1.002
A21	

Attachment 25: Exhibit B-20, Building K Elevations, cont.



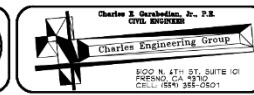
BUILDING K
WEST ELEVATION



BUILDING K
SOUTH ELEVATION

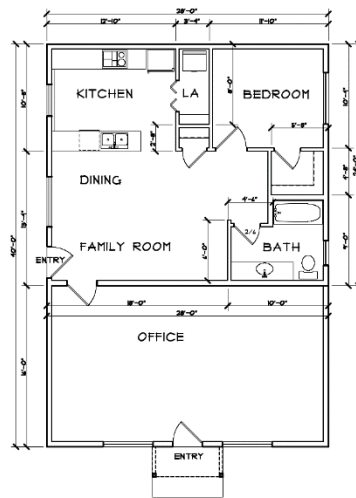
PROPOSED 124 UNIT FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
OWNER: SERGIO MONTE
MAILING ADDRESS: 2704 EDGEMASTER LANE, VALENCIA, CA 93555
PHONE: (559) 930-4340
SITE ADDRESS
OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
5100 N. 4TH SUITE 112 PRESNO, CA 93710
OFFICE: (559) 497-5753 Cell: (559) 909-4238
* VINCENT PALACIOS *
VINCENTPALACIOS@MERSYTAHOO.COM

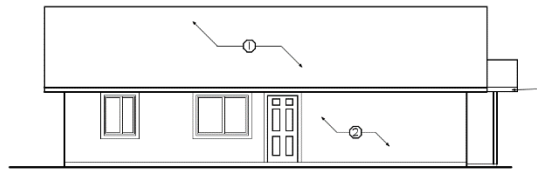
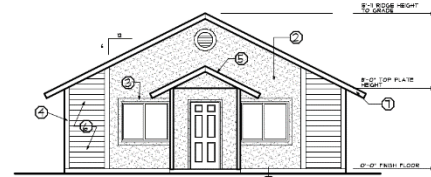


DRAWN BY
VINCENT PALACIOS
DATE
JUNE 2020
SCALE
AS NOTED
REVISION DATE
MARCH 9, 2019
SHEET NUMBER
A22

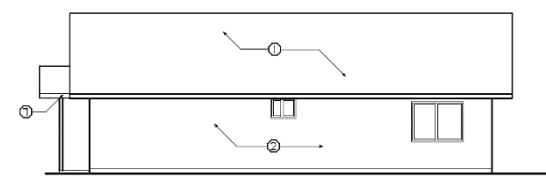
Attachment 26: Exhibit B-21, Floor Plan and Elevations for Office Building



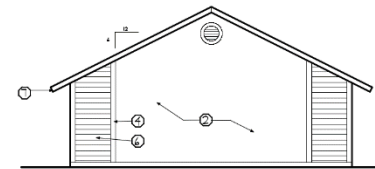
1 BEDROOM
W/ OFFICE 952 S.F.
BUILDING L



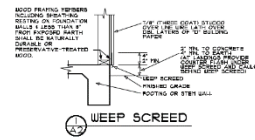
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



FINISH LEGEND

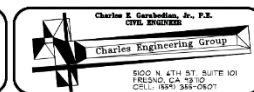
1. CORNER/FLASH/SHIM CORNER
2. CORNER/FLASH/SHIM CORNER
3. CORNER/FLASH/SHIM CORNER
4. CORNER/FLASH/SHIM CORNER
5. CORNER/FLASH/SHIM CORNER
6. CORNER/FLASH/SHIM CORNER
7. CORNER/FLASH/SHIM CORNER
8. CORNER/FLASH/SHIM CORNER
9. CORNER/FLASH/SHIM CORNER
10. CORNER/FLASH/SHIM CORNER
11. CORNER/FLASH/SHIM CORNER

COLOR LEGEND

- | | |
|------------------------|---------------------------|
| ROOFING | OWENS CORNING AGED COPPER |
| STUCCO | MAVADO BEIGE |
| HORIZONTAL LATH STUCCO | MAVADO BEIGE |
| WOOD TRIM | ARTIC WHITE |
| FASCIA BOARD | HEATHERED ROSS |

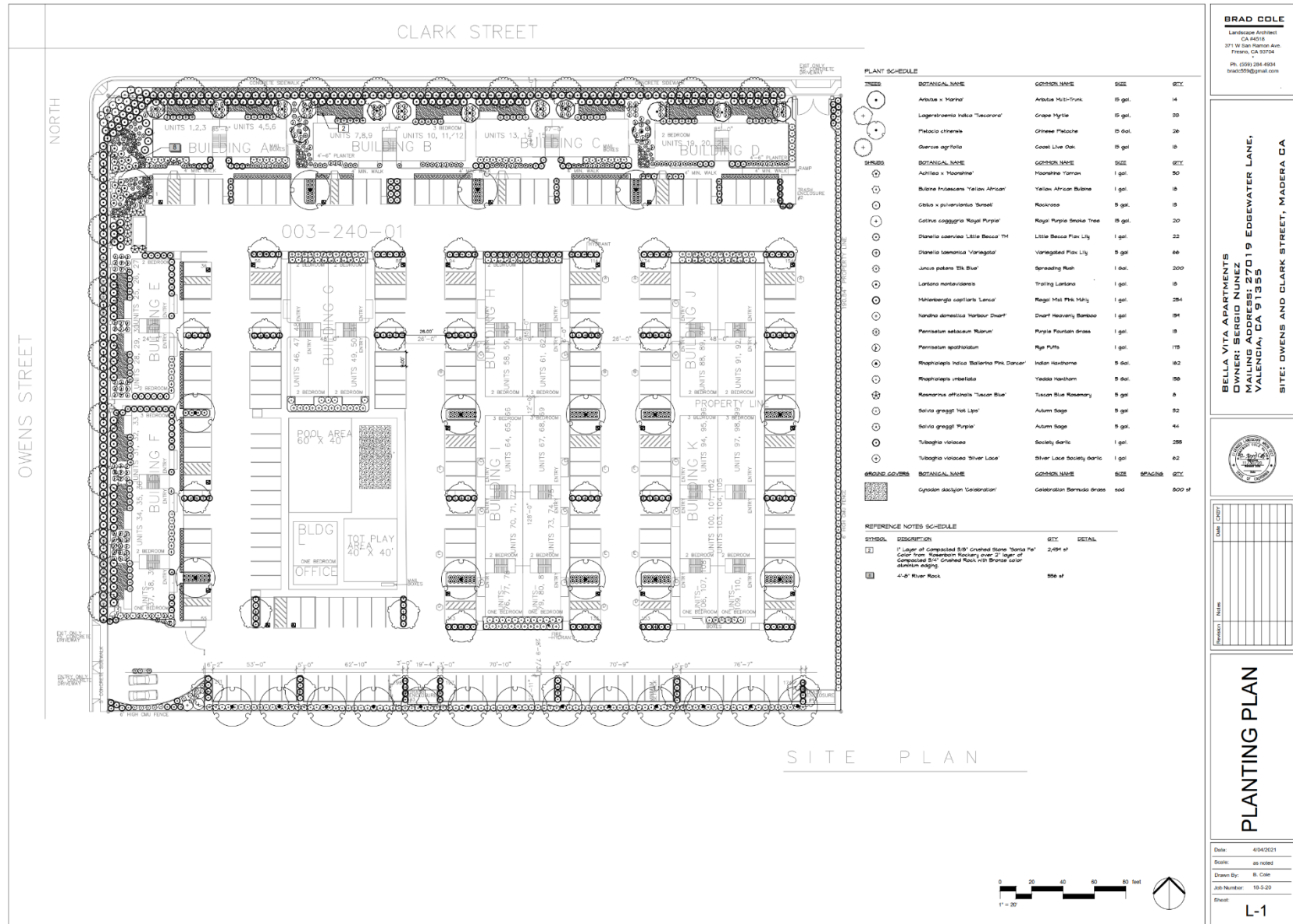
PROPOSED 102ND FLOOR APARTMENTS FOR
BELLA VITA APARTMENTS
OWNER: BELLAVITA INVEST
TRADING ADDRESS: 2014 EDGEWATER LANE, VALENCIA, CA 93608
PHONE: (561) 950-2840
SITE ADDRESS
OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
800 N. 4TH SUITE 172 FRESNO, CA 93710
Office: (559) 491-5153 Cell: (559) 903-4238
* VINCENT PALACIOS *
VINCENTPALACIOS4@GMAIL.COM

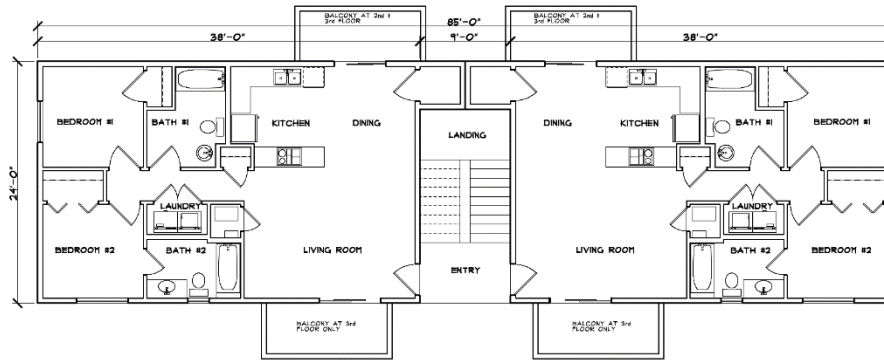


DRAWN BY
VINCENT PALACIOS
DATE
10/10/2021
SCALE
AS SHOWN
REVISIONS
DATE
10/10/2021
BY
VINCENT PALACIOS
A7

Attachment 27: Exhibit C, Landscape Plan



Attachment 28: Floor Plans, Building A, B, C, and E

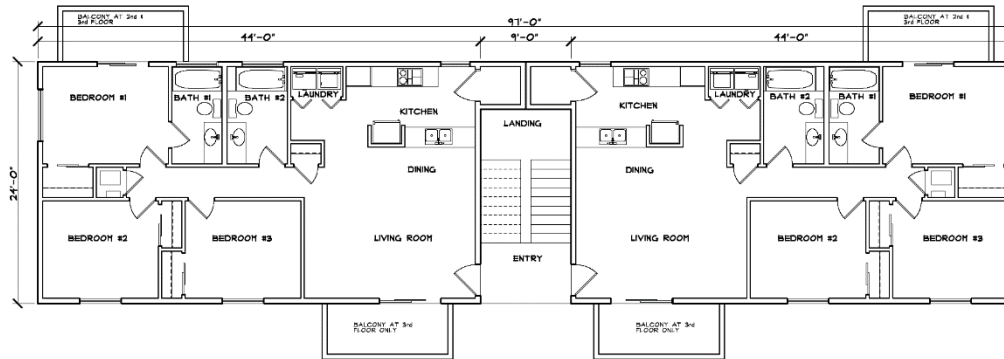


STAIRWELL AREA - 173 S.F.
TOTAL CONDITIONED AREA - 5,598 S.F.
3- STORY BUILDING A & E

BUILDING 'A'



BUILDING 'E'

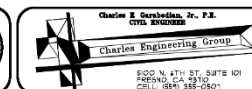


STAIRWELL AREA - 173 S.F.
TOTAL CONDITIONED AREA - 6,462 S.F.
3- STORY BUILDING B & C



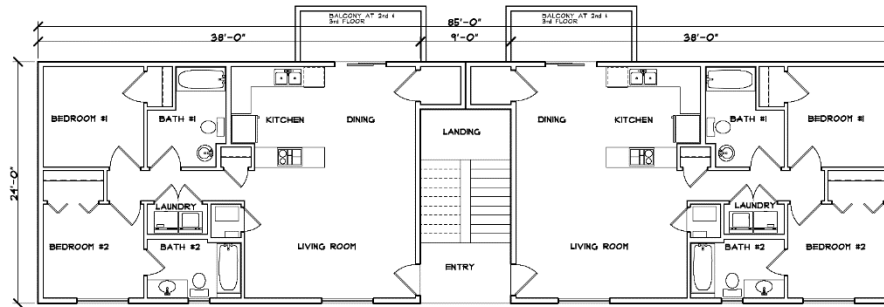
PREPARED FOR: BELLA VITA APARTMENTS
OWNER: BELLAVITA INVEST
BUILDING ADDRESS: 1014 BOWLING GREEN LANE, VALLEJO, CA 94588
PHONE: (925) 930-4340
SITE ADDRESS
QUINS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
5100 N. 4TH ST. SUITE 112 FRESNO, CA 93710
Office: (559) 491-5153 Cell: (559) 903-4238
* VINCENT PALACIOS *
VINCENTPALACIOS4EVERS@YAHOO.COM

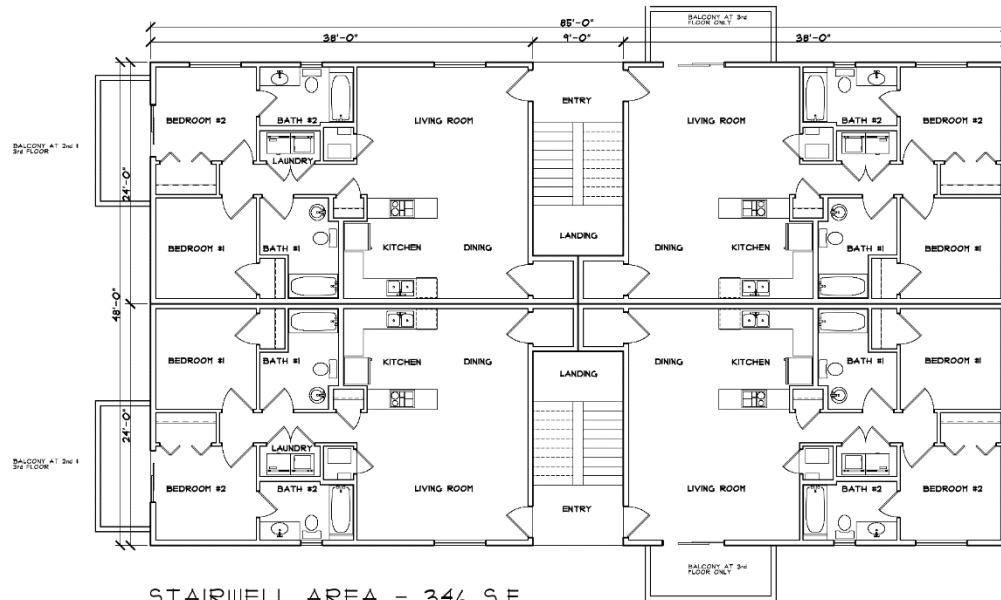


DRAWN BY	VINCENT PALACIOS
DATE	JAN 30/20
SCALE	AS NOTED
REVISION (DATE)	REVISION # 30/2
DRAWN BY	AI

Attachment 29: Floor Plans, Buildings D and G



STAIRWELL AREA - 173 S.F.
TOTAL CONDITIONED AREA - 5,598 S.F.
3- STORY BUILDING D



STAIRWELL AREA - 346 S.F.
TOTAL CONDITIONED AREA - 11,196 S.F.
3- STORY BUILDING G



PROPOSED MULTI-FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
OWNER: MORGAN MAYER
PARING ADDRESS: 2104 EDGEWATER LANE, VALENCIA, CA 93608
PHONE: 888-930-4240
SITE ADDRESS:
OWENS STREET & CLARK STREET, MADERA, CA 93438

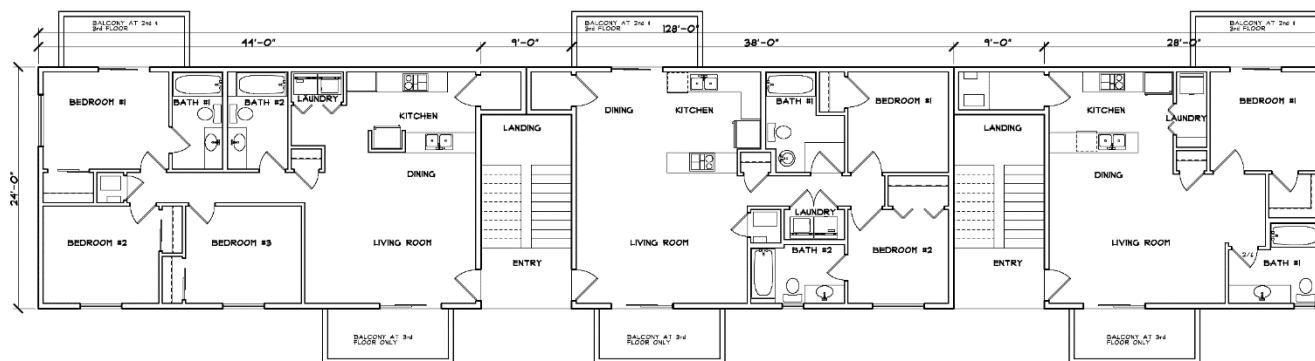
DESIGNED DRAFTING
8100 N. 4TH SUITE 112 FRESNO, CA 93710
Office: (559) 441-5153 Cell: (559) 403-4238
* VINCENT PALACIOS *
VINCENTPALACIOS@REKRYAHOO.COM



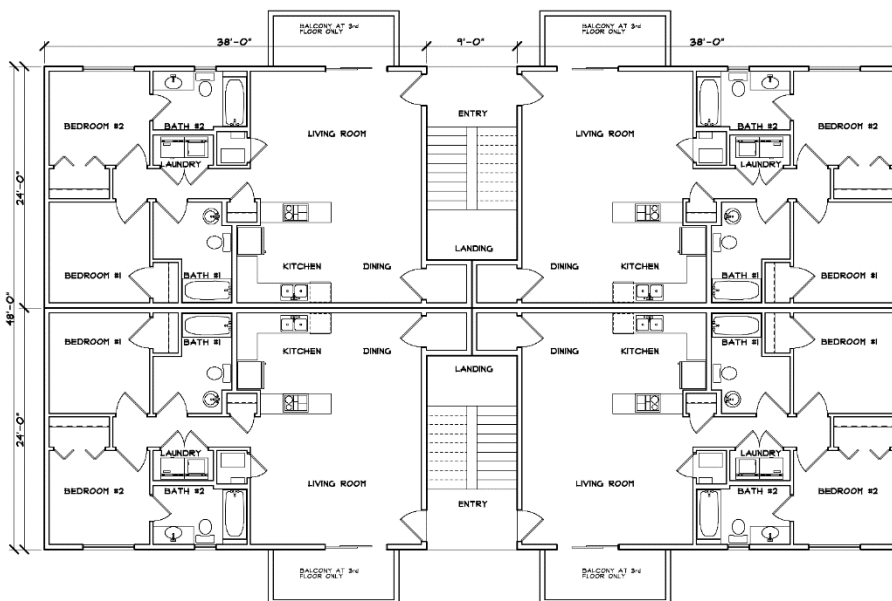
DRAWN BY	VINCENT PALACIOS
CHECKED BY	CHS 2022
DATE	03/08/2022
AS NOTED	
REVISION DATE	
DATE	

A2

Attachment 30: Floor Plans, Buildings F and H



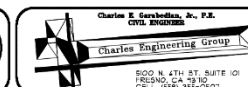
STAIRWELL AREA - 346 S.F.
TOTAL CONDITIONED AREA - 8,175 S.F.
3- STORY BUILDING F



STAIRWELL AREA - 346 S.F.
TOTAL CONDITIONED AREA - 11,196 S.F.
3- STORY BUILDING H

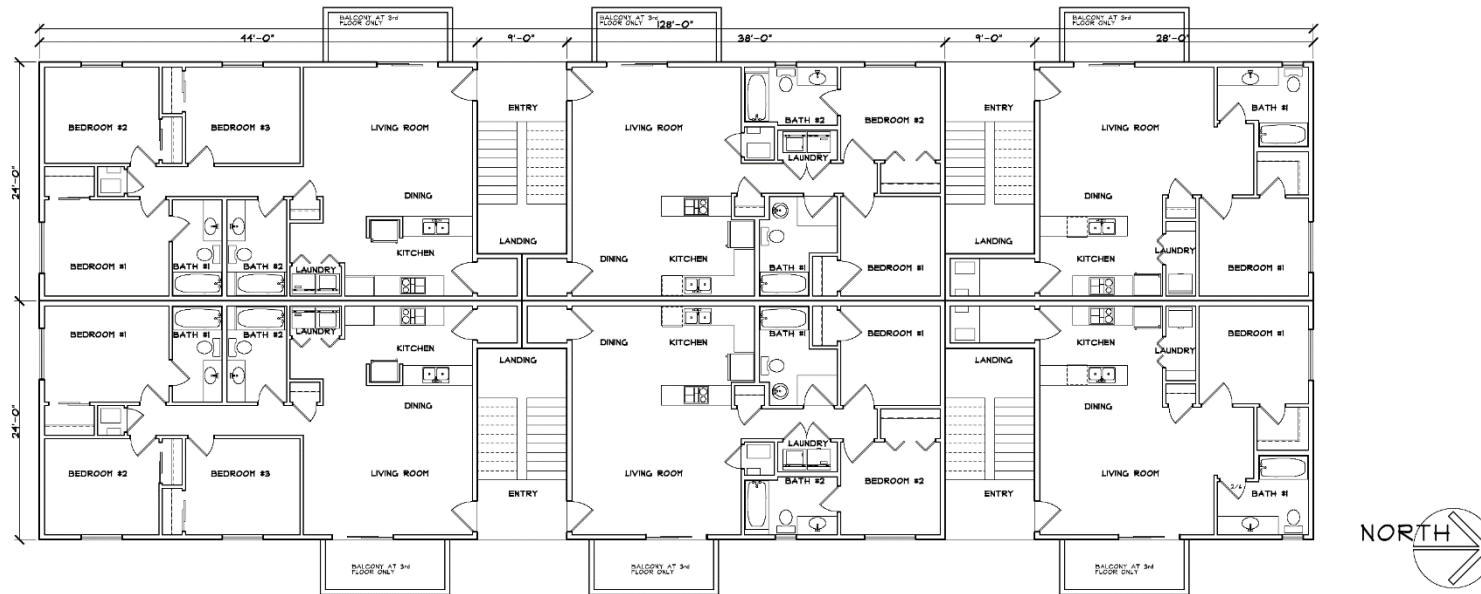
PROPOSED 125 UNIT FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
OWNER: BIRDA WINE
RAISING ADDRESS: 2101 EDGEWATER LANE, VALENCIA, CA 93606
PHONE: (818) 950-2340
SITE ADDRESS
OWENS STREET & CLARK STREET, MADERA, CA 93638

DESIGNED DRAFTING
800 N. 4TH SUITE 172 FRESNO, CA 93710
Office: (559) 491-5153 Cell: (559) 903-4238
* VINCENT PALACIOS *
VINCENTPALACIOS4@GMAIL.COM



DRAWN BY	VINCENT PALACIOS
DATE	APR 2020
SCALE	AS SHOWN
REVISION DATE	MARCH 1, 2021
REVISION	STREET CEMENT
A3	

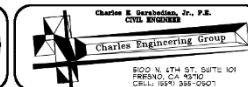
Attachment 31: Floor Plans, Building I



STAIRWELL AREA - 692 S.F.
 TOTAL CONDITIONED AREA - 16,350 S.F.
 3- STORY BUILDING I

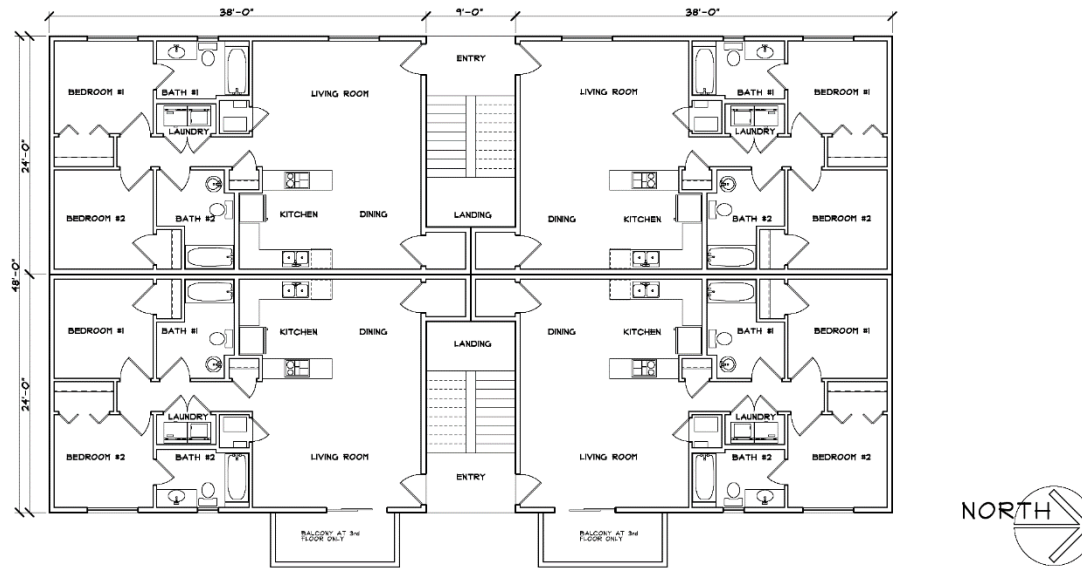
PROPOSED MULTI-FAMILY APARTMENTS FOR:
BELLA VITA APARTMENTS
 OWNER: SERGIO NUNEZ
 PARKING ADDRESS: 2700 EDDGATEWAY LANE, VALENCIA CA 93608
 PHONE: (818) 430-4340
 CITY ADDRESS:
 OWENS STREET & CLARK STREET, MADERA, CA 93438

DESIGNED DRAFTING
 5100 N. 17TH STREET, 101 FRESNO, CA 93710
 Office: (561) 491-5153 Cell: (561) 403-4238
 * VINCENT PALACIOS *
 VINCENTPALACIOS4EVERS@YAHOO.COM



DRAWN BY	VINCENT PALACIOS
CHECKED	
DATE	JUNE 2020
REVISION	
REVISION DATE	
TAKEN & SUD	
SHEET NUMBER	
A5	

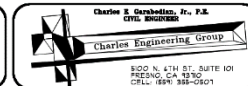
Attachment 32: Floor Plans, Building J



STAIRWELL AREA - 346 S.F.
 TOTAL CONDITIONED AREA - 11,196 S.F.
 3- STORY BUILDING J

PROPOSED MULTI-FAMILY APARTMENTS FOR
BELLA VITA APARTMENTS
 OWNER: SERGIO SUÑEZ
 RAILING ADDRESS: 2101 EDGEMASTER LANE, VALLEJO, CA 94588
 PHONE: (925) 932-4340
 SITE ADDRESS:
 OWENS STREET & CLARK STREET, MADERA, CA 93438


DESIGNED DRAFTING
 8100 N. 4TH SUITE 112 FRESNO, CA 93710
 Office: (559) 411-5153 Cell: (559) 403-4238
 * VINCENT PALACIOS *
 VINCENT.PALACIOS@KSPYAHDO.COM



DRAWN BY:	VINCENT PALACIOS
DATE:	JUNE 2020
SCALE:	AS NOTED
REVISION DATE:	MARCH 15, 2021
SHEET NUMBER:	A4

[illegible]

NORTH 



Charles E. Saruboskan, Jr., P.E.
CIVIL ENGINEER

Charles Engineering Group

800 N. 4TH ST. SUITE 101
FRESNO, CA 93710
CELL: (559) 368-0501

41

Attachment 2: Planning Commission Resolution 1888

RESOLUTION NO. 1888

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING PRECISE PLAN 2020-02 AND VARIANCE 2020-03
(Bella Vita Apartments)**

WHEREAS, New Alliance Investments, LLC (“Owner”) owns APN 003-240-001 and APN 003-240-002 in Madera, California (“site”); and

WHEREAS, the 4.2-acre site is vacant and is planned High Density Residential and zoned PD (1500) (*Planned development, one unit for each 1,500 sq. ft. of site area*) for residential land uses; and

WHEREAS, the Owner is seeking a precise plan (PPL) and variance (VAR) to allow for development of a 112-unit apartment complex on the 4.2-acre vacant lot. The development will include one-, two-, and three-bedroom apartments, a management office, swimming pool, and recreation area. The apartment buildings will be three-stories and the management office will be a one-story building, the development will deviate from the front and street side setbacks for fencing and the parking requirements from 244 required parking spaces to 212 parking spaces, as authorized by PPL 2020-02, and reduce the open space requirement from 750 square feet per unit to 500 square feet per unit, as authorized by VAR 2020-03; and

WHEREAS, the City performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in section 15332 of the California Environmental Quality Act (CEQA) Guidelines as the project is characterized as in-fill development; and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve precise plans and variances on behalf of the City; and

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

WHEREAS, the Planning Commission received and reviewed PPL 2020-02 and VAR 2020-03 at a duly noticed meeting on August 10, 2021; and

WHEREAS, at the August 10, 2021, Planning Commission hearing, 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 continued PPL 2020-02 and VAR 2020-03 to the September 14, 2021 Planning Commission hearing with direction to modify the conditions of approval; and

WHEREAS, at the September 14, 2021, Planning Commission hearing, the evidence, both written and oral, was considered by the Planning Commission, including the modified conditions of approval; and

WHEREAS, the Planning Commission now desires to approve PPL 2020-02 and VAR 2020-03, with conditions, and a Class 32 Categorical Exemption for the project per the California Environmental Quality Act.

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

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

2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project falls within the Class 32 Categorical Exemption set forth in CEQA Guidelines Section 15332 as the project is characterized as in-fill development and meets the required conditions described in said Section. As described in further detail below, the project is consistent with the General Plan and its polices, as well as with the applicable zoning designation and regulations. The proposed development occurs within City limits on a project site of approximately 4.2 acres, which is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effect relating to traffic, noise, air quality, or water quality. Additionally, the site can adequately be served by all required utilities and public services. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply to this project. As such, the Planning Commission adopts a finding of a Categorical Exemption under CEQA Guidelines section 15332 (In-Fill Development Projects) for this project.

3. Findings for PPL 2020-02 and VAR 2020-03: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of PPL 2020-02 and VAR 2020-03, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-3.4.101 through 10-3-4.107 and Section 10-3.1409. 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:

Precise Plan Findings

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

The property is zoned PD (1500), which is consistent with the existing General Plan land use designation of High Density Residential (HD). The project proposes to develop a 112 dwelling unit multifamily development. PPL 2020-02, as conditioned, is consistent with the purpose and intent of the PD (1500) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is surrounded by residential development. The proposed site layout reduces compatibility conflicts with the existing single-family residences to the east and south by not including balconies on the southern and eastern elevations of the buildings and provided an increased setback along those property lines.

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.*

PPL 2020-02 has been reviewed and are consistent with surrounding uses and with all applicable requirements for development in the PD (1500) zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. Although the project proposes a reduction in the required parking spaces, the reduced parking spaces

are adequate for the number of units proposed and would not have an adverse effect on surrounding properties.

Variance Findings

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

The strict interpretation and application of the open space requirement would result in a practical difficulty and unnecessary hardship. At 112 dwelling units, the project would be required to provide 84,000 square feet (nearly two acres) of open space, which is nearly half of the total size of the project site, restricting the available building area on-site.

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

The property proposes a multi-story multifamily development abutting an existing single-family residential subdivision designated as Low Density Residential. General Plan Policy CD-36 requires site design consideration to ensure that privacy impacts are limited, and compatibility is preserved. Implementation of this policy deprives the property of privileges enjoyed by other PD (1500) zoned properties in the vicinity.

4. Approval of PPL 2020-02 and VAR 2020-03: Given that all findings can be made, the Planning Commission hereby approves PPL 2020-02 and VAR 2020-03 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 14th day of September 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 PPL 2020-02 and VAR 2020-03

EXHIBIT "A"
PPL 2020-02 & VAR 2020-03 BELLA VITA RESIDENCES
CONDITIONS OF APPROVAL
SEPTEMBER 14, 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 PPL 2020-02 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning

Commission. All discretionary conditions of approval for VAR 2020-03 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

GENERAL CONDITIONS

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on PPL 2020-02 and VAR 2020-03.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
4. PPL 2020-02 will expire twelve (12) months from the effective date, and VAR 2020-03 will expire six (6) months 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 10-3.1411, Termination, and Section 10-3-4.103, Planning Commission 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. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees.
7. Development of the project shall conform to the plans designated by the City as Exhibit A, Exhibits B-1 through B-21, and Exhibit C, subject to the conditions noted herein.
8. All construction shall cease, and the Planning Manager and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction shall immediately stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's and/or successors-in-interest's expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project

subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.

9. All construction shall cease if any human remains are uncovered, and the Planning Manager, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
10. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys' fees, and damages arising therefrom (collectively "claim").

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

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

PLANNING DEPARTMENT

General Conditions

11. The project site shall be developed in conformance with the site plan as reviewed and approved under PPL 2020-02 and VAR 2020-03. 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 PPL 2020-02. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to PPL 2020-02 and/or VAR 2020-03 be filed for review and approval through the applicable City process.
12. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with PPL 2020-02 and VAR 2020-03 to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
13. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and/or manager may be subject to corrective action.

14. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
15. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
16. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
17. The developer is encouraged to provide a minimum of one (1) dwelling unit to persons with extremely low-income, defined as 30 percent of the Area Median Income. (General Plan Housing Element Policy H-4.1)

Façade Requirements

18. Each building façade visible from Clark and Owens Streets shall vary in trim and detail. Architectural detail shall be equal to or greater than interior-facing elevations. (General Plan Policies CD-33 and CD-34)

Open Space Requirements

19. A minimum of 500 square feet of open space per dwelling unit shall be required, as authorized under VAR 2020-03.
20. Recreation areas shall be constructed as reflected on Exhibit A, Site Plan, including a 2,400 square foot pool area, a 1,600 square foot tot play area, and an 800 square foot picnic area.

Parking Requirements

21. As approved under PPL 2020-02 and shown on the Exhibit A, Site Plan, a minimum of 212 total parking spaces, 113 of which are covered, shall be required. The required number of ADA compliant parking spaces shall be provided in accordance with the Building Code.
22. 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.
23. 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.
24. 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.
25. 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.
26. The developer is encouraged to provide electric vehicle chargers to its tenants. (General Plan Policy CON-33)

Fencing

27. All fences shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood.

28. A six-foot wrought iron fence with pilasters, as depicted on Exhibit A, Site Plan, shall be constructed along Owens and Clark Streets.
29. The six-foot fencing along Owens and Clark Streets shall be setback 10 feet from the property line.
30. A six-foot tall block wall shall be constructed along the south and east property lines, as depicted on Exhibit A, Site Plan.
31. Pedestrian gates shall be provided from the development to Clark Street and Owens Street, as depicted on Exhibit A, Site Plan.

Landscaping

32. Trees shall be required to achieve fifty percent shading of all parking areas within 10 years.
33. A minimum of 1 tree for every 30 feet along the Owens and Clark Street frontages shall be provided, or as needed to be consistent with existing street tree patterns, as determined by the City.
34. A minimum 5-foot planter shall be provided along the east property line.
35. Landscape screening shall be provided along the east and south property lines.
36. A landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
 - a) Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b) Provide permanent automatic irrigation systems for all landscaped areas;
 - c) Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d) Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - e) Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
 - f) Integrate, to the extent feasible, low impact development practices to reduce, treat, infiltrate, and manage runoff flows caused by storms, urban runoff, and impervious surfaces.
37. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved under PPL 2020-02 and VAR 2020-03.
38. 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.
39. 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

40. 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 Gary Lane or Emily Way, is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.

ENGINEERING**General Conditions**

41. Deferrals are not permitted for any condition included herein, unless otherwise stated.
42. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
43. Development impact fees shall be paid at time of building permit issuance.
44. 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.
45. 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.
46. The improvement plans for the project shall include the most recent version of the City's General Notes.
47. 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.
48. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Division.
49. All off-site improvements shall be completed prior to issuance of final occupancy.
50. The developer shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Water

51. New or existing water service connection(s), including landscape areas, shall be upgraded or constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property. Each parcel shall have a separate domestic water service.
52. A separate water meter and backflow prevention device will be required for landscaped areas.
53. The water system shall be designed for the apartment complex to meet the required fire flow for this type of development and shall be approved by the fire department and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code appendix III-A.
54. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
55. Install 8" water main in Clark Street across entire project frontage and connect to the existing 8" water mains to the east and west per City standards.

56. The developer shall reimburse its fair share cost to the city for the previously constructed water main along the entire Owens Street project frontage.
57. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.
58. The developer shall install fire hydrants along Clark Street in accordance with current City standards. Fire hydrant locations shall be approved by the Fire Marshal.

Sewer

59. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards. Each parcel shall have a separate sewer service.
60. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
61. Sewer main connections 6" and larger in diameter shall require manhole installation.
62. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire Owens Street project frontage.
63. 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

64. Support calculations shall be provided that prove the existing storm drain facilities in Clark Street are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities required to provide appropriate drainage along adjacent street frontages.
65. Storm runoff from this project site is planned to go to Sherwood Basin located southeast of this project. The developer shall install new connection(s) to the existing storm drain facilities in Clark Street. Runoff volume calculations shall be provided, and the Developer shall excavate the basin to an amount equivalent to this project's impact on the basin.
66. 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

67. The east half of Owens Street along the entire project parcel frontage shall be improved to an 80-foot collector street per City of Madera standards. The fronting half of the street shall include but not be limited to curb and gutter, sidewalk, park strip landscaping and irrigation, streetlights, signage, and fire hydrants.
68. The south half of Clark Street along the entire project frontage shall be improved to a 60-foot residential street per City of Madera standards. The fronting half of the street shall include but

not be limited to curb and gutter, sidewalk, park strip landscaping and irrigation, streetlights, signage, and fire hydrants and at minimum a 12-foot westbound lane with paved shoulder. Adequate transitions with the existing and future improvements relative to grade and alignment shall be provided on all approaches at the Owens and Clark Street intersection, including but not necessarily limited to:

- Eastbound Approach – Provide left turn lane, through lane and right turn lane placed in their ultimate location.
 - Westbound Approach - Provide left turn lane centered in ultimate street, through lane and right turn lane.
 - Northbound Approach - Provide left turn lane centered in ultimate street, 12-foot wide through lane.
 - Northbound Departure - Provide adequate pavement transitions as may be required.
 - Eastbound Departure - Provide adequate pavement transitions as may be required.
69. The developer shall submit an application to vacate a portion of Clark Street, and consent to the same, in accordance with Streets and Highway Code Sections 8330-8334.5 along with associated fee.
70. The developer shall install a curb ramp on the southeast corner of Clark Street and Owens Street in accordance with City and ADA standards.
71. Onsite parking lot layout shall be per City Standard Drawing E-4.
72. For any proposed driveway location, the potential for driveway conflicts must be addressed. Driveways/roadways on opposite sides of the street shall be aligned or separated a minimum of 100 feet (edge to edge). Driveways/roadways on the same side of the street shall be separated a minimum of 100 feet or a distance equivalent to the left turn storage required for both driveways. All drive approaches shall be constructed to current City standards.
73. The proposed driveways on Owens Street shall be at minimum 24 feet wide; and shall be a street type opening with a minimum face of curb radius of 15-feet.
74. Driveways approach shall have a minimum throat length of 30 feet from face of curb. The throat length shall be justified based on anticipated operation of the complex and the ability to ensure vehicle queues do not extend into the public right-of-way.
75. 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. The applicant shall comply with all improvements identified by the TIS and as required by the City Engineer.
76. "No Parking" signs shall be installed along the Owens Street project parcel frontages per City Standards.
77. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on Clark Street and Owens Street. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
78. 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.

Dry Utilities

79. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.

BUILDING DEPARTMENT

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

FIRE DEPARTMENT

82. All buildings shall be equipped with fire sprinklers. Fire Department Connections shall be placed at fire lanes and near fire hydrants. FDC's shall be labeled to indicate which building they serve.
83. Fire access gates shall be a minimum of 16 feet wide where the approach is direct and 22 feet wide where a turning movement is required. Fire access shall comply with CFC Appendix D.
84. All fire lanes shall be properly posted.
85. On site fire hydrants shall be provide in accordance with CFC Appendices B & C.
86. A Knox box will be provided for access. Powered gates shall prove a Knox override switch.
87. Building setbacks, and exterior wall protection shall comply with the CBC.
88. 2A10BC rated fire extinguishers shall be provided for each building in accordance with the CFC.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

89. 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).

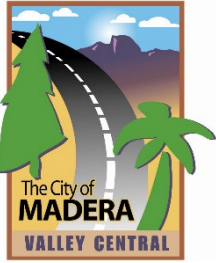
PACIFIC GAS & ELECTRIC

90. Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

MADERA UNIFIED SCHOOL DISTRICT

91. The Madera Unified School District currently levies a fee of \$5.25 per square foot for residential development. Any new development on the subject property will be subject to the development fee in place at the time fee certificates are obtained.

-END OF CONDITIONS-



CITY OF MADERA PLANNING COMMISSION

205 W. Fourth
Street
Madera CA 93637

Staff Report: Links Ranch Subdivision Annexation (ANX) 2021-01, Tentative Subdivision Map (TSM) 2021-02, and Precise Plan Application (PPL) 2021-04 Item # 2 – September 14, 2021

PROPOSAL: An application for an annexation (ANX 2021-01), tentative subdivision map (TSM 2021-02) and precise plan (PPL 2021-04) for a 214-lot single-family residential subdivision (Links Ranch) on approximately 40-acres.

APPLICANT:	Links Ranch, LLC 2900 Airport Drive Madera, CA 93637	OWNER:	Links Ranch, LLC 2900 Airport Drive Madera, CA 93637
SITE ADDRESS:	No address assigned	APN:	033-18-003 (portion)
APPLICATIONS:	ANX 2021-01 TSM 2021-02 PPL 2021-04	CEQA:	Mitigated Negative Declaration

LOCATION: The subject property is located in the northwesterly section of the City, approximately two miles west of State Route 99 (SR 99) on the south side of West Cleveland Avenue between Avenue 16 and Road 23. West Cleveland Avenue forms the northerly boundary, and an approved subdivision (Rancho Santa Fe) under construction and the City limits forms the easterly boundary. *See Attachments 1 and 2.*

STREET ACCESS: The project site presently has street access from West Cleveland Avenue from the north and from Alamoso Drive from the east. The proposed subdivision will create two (2) new streets that will provide direct access to West Cleveland Avenue (future north-south local street identified as “N Street” and a portion of a future north-south collector identified as “B Street”), and the westerly extension of Alamoso Drive from the Rancho Santa Fe subdivision adjacent to the east of the project site.

PROJECT SIZE: 41 acres

GENERAL PLAN DESIGNATION: LD – Low Density Residential and HD – High Density Residential; OS – Open Space. *See Attachment 3.*

ZONING DISTRICT: Existing: ARE – Agricultural Rural Exclusive – 20 Acres (County of Madera); Proposed: P-D (4500) (Planned Development, one unit per 4,500 square feet of site area). *See Attachments 4 and 5.*

SITE CHARACTERISTICS: The subject property contains almond orchards, a single-family residential dwelling (1,395 square feet (sf)), and metal barn for agricultural equipment and related storage. These structures are located on the northeast corner of the site. There are no other improvements or structures on-site.

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

SUMMARY: The applicant, Links Ranch, LLC, is proposing to annex approximately 41 acres, and prezone and subdivide approximately 40 acres to facilitate the development of a 214lot single-family residential subdivision (Links Ranch). The applicant proposes to prezone the subject site P-D (4500). As such, development of the proposed tentative subdivision is subject to a precise plan.

The proposed use is consistent with the subject property's General Plan Land Use Designation Conditions, as appropriate, have been recommended for the project to ensure consistency with the City's General Plan, Planning and Zoning Ordinance, development standards and regulations, as well as other applicable City plans and policies.

SURROUNDING LAND USES: Surrounding land uses include agriculture to the north, west and south, and an approved and under construction single-family residential subdivision to the east. *See Attachments 1 and 2.*

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

Direction from Project site	Existing Use	General Plan Designation	Zone District
North	Agriculture	VR – Village Reserve	ARE – Agricultural Rural Exclusive – 20 Acres (County of Madera)
East	Rancho Santa Fe subdivision under construction	LD – Low Density Residential	P-D (8000) – Planned Development (One unit for each 8,000 sf of site area)
South	Agriculture	VR – Village Reserve	ARE – Agricultural Rural Exclusive – 40 Acres (County of Madera)
West	Agriculture	VR – Village Reserve	ARE – Agricultural Rural Exclusive – 20 Acres (County of Madera)

ANALYSIS:

Prezone and Annexation (ANX 2021-01)

See Attachment 6

Prezone

The project site is currently outside the Madera City limits. Current zoning of the project site is subject to the County of Madera. The County has zoned the property ARE-20 (Agricultural Rural Exclusive – 20 Acres. The applicant proposes to prezone a portion of APN 033-18-003 P-D (4500). Prezoning is required as a precursor to submitting an application for annexation of the site with Madera Local Agency Formation Commission (LAFCo).

Since the applicant is proposing to only annex a portion of APN 033-18-003, the applicant has submitted a parcel map application with Madera County to subdivide the property to be annexed to by the City. The County parcel map application will subdivide the APN 033-18-003 into two parcels – one specific to the area to be annexed and one representing the remainder of the former parcel.

Pursuant to California Code of Regulations Section (§) 65859(a), “[A] city may, pursuant to this chapter, prezone unincorporated territory to determine the zoning that will apply to that territory upon annexation to the city. The zoning shall become effective at the same time that the annexation becomes effective.”

The City is required to ensure a prezone request is consistent with the General Plan. ANX 2021-01 proposes to prezone the property P-D (4500) consistent with the project site’s land use designations. The P-D (4500) Zone District is a Planned Development Zone that permits one unit for each 4,500 sf of site area.

The purpose of the City’s P-D zones is to authorize and regulate density of planned developments and other residential subdivisions. The District is intended to allow use of special design criteria for maximum utility of the site and to allow maximum design flexibility within the density limitations provided in Section 10-3-4.102 of the Madera Municipal Code (MMC). Pursuant to §10-3-4.102, variations from normal zoning standards unique to the development may be considered and are encourage rather than the residential standards specified in the MMC. Such variations may include density transfers.

Plan of Services

The area proposed for prezoning is adjacent to existing City infrastructure and is planned for development by the City’s existing Master Sewer, Water and Transportation/Circulation Plans. The City prefers to keep its infrastructure facilities within its jurisdictional boundaries.

Streets, Landscaping, and Utilities

The site is bounded to the north by West Cleveland Avenue (Arterial). The primary access points to the subdivision are proposed on West Cleveland Avenue at “N Street” (future local street) and “B Street” (future Collector). In addition to expanding the existing right-of-way (ROW) and pavement, the southerly portion of West Cleveland Avenue fronting the proposed subdivision will be improved with curb and gutter, sidewalk, bicycle lanes/sharrows, landscaping, storm drains, and streetlights. Similar improvements are proposed for easterly side of B Street paralleling the project frontage. Landscape corridors are provided along West Cleveland Avenue and B Street. These corridors will contain plant

materials selected for their appropriateness to the project theme, climatic conditions, soil conditions, water requirements, and ongoing maintenance. Materials include but are not limited to Red Maple, Ginkgo, Crape Myrtle, Saratoga Laurel, Chinese Pistache, and Chinese Elm.

The Project is subject to provision of utilities and service systems. The Project will include installation of a 12-inch water main east of the Project site. The 12-inch water main will be installed along West Cleveland Avenue and B Street. A water well will be constructed off-site. Wastewater services will be provided for the Project site. Wastewater from the site will be conveyed to the existing City of Madera Wastewater Treatment Plant through the existing Westberry Trunkline. Further, it has been confirmed that the Melanie Meadows sewer lift station has the capacity to serve the Project. Future residences will be served by the City's contracted waste hauler. Lastly, the Applicant proposes the construction of a temporary stormwater drainage basin to the north of the Project site, north of West Cleveland Avenue, for stormwater drainage.

Police and Fire

The City of Madera, through a contract with Cal Fire, operates Station #57 that would serve the project site. The Madera Police Department is based in downtown Madera to the southeast of the project site. Both agencies have confirmed that they have the resources to provide services to the proposed project.

Future development in this area will be required to participate in the costs of the installation of the infrastructure, as well as being required to annex into the citywide community facilities district which provides revenue for the operation and maintenance of community services.

Tentative Subdivision Map (TSM 2021-02)

See Attachment 7

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 MMC. Generally, a tentative subdivision map is required to subdivide land into five or more parcels.

TSM 2021-02 proposes to subdivide approximately 40-acres into a 214-lot residential subdivision, resulting in a proposed density of 5.35 dwelling units per acre (du/ac). The majority of the subject property (34.6 acres) has a Madera General Plan Land Use designation of LD – Low Density Residential with a lesser portion of the site designated High Density – HD Residential (1.4 acres) and OS – Open Space (5.0 acres). The permitted density range is 2.7 to 7 du/ac for the LD land use designation and 15.1 to 50 du/ac for the HD land use designation. The General Plan's target density is 5.25 du/ac and 22.5 du/ac for LD and HD land use designations, respectively.

General Plan Policy LU-8 permits density averaging as part of a comprehensively planned development (i.e., Planned Development or PD). Accounting for the subject property's combined land use designated acreage, 115 to 312 dwelling units could potentially be permitted on the project site. Pursuant to the City's General Plan, the dwelling unit target for the site would be 214 units based on the property's combined land use designated acreage. Therefore, the proposed 214-lot residential subdivision is within the permitted density range pursuant to the applicable General Plan policy and is therefore consistent with the General Plan. Moreover, the proposed subdivision is consistent with the General Plan target density for the property's total combined land use designation acreage.

Precise Plan (PPL 2021-04)

See Attachment 8

A Precise Plan, or detailed development plan, is required when establishing a P-D Zone District in the City. A precise plan is a tool for coordinating public and private improvements on specific properties where special conditions of size, shape or an existing or desired development require particular attention. Precise plans are utilized within the P-D (Planned Development) Zone District to establish the proposed project's specific development and improvement standards. Sections 10-3-4.101 through 10-3-107 of the MMC establishes standards specific to the development within the P-D (Planned Development) zone district. Sections 10-3.501 through 10-3.513 of the MMC establishes standards specific to the development within the R (Residential) zone district. Additional development standards identified in the MMC, such as parking requirements also apply. Precise plans address, as applicable, the project's relationship to neighboring properties, project building and landscape design and aesthetics, fencing, walls, public infrastructure and services, circulation, parking, and open space. No construction, grading or new development activity may commence in any P-D Zone prior to the approval of a precise plan.

All precise plans are to be processed under the provisions for use permits as set forth in MMC §10-3.13. This section addresses the application, public hearing process as well as the appeal, termination and revocation process. Pursuant to this section, precise plans are subject to the approval of the Planning Commission, and in the case of residential subdivision projects, remain valid so long as the approved tentative map remains valid. Once the subdivision is recorded, the precise plan remains valid until such time that it is amended or repealed.

A precise plan must be utilized (implemented) within 12 months of the effective date of its approval. Failure to utilize the approved precise plan within the 12-month period renders the precise plan null and void unless a written request for an extension is submitted to the Planning Commission prior to the expiration of the precise plan. At such time of the request, the Planning Commission may grant or conditionally grant an extension as it deems appropriate.

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

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

Architecture

Policy CD-33 states, "The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape." Architectural details can be seen in Attachment 8 to this document and have been found by staff to be consistent with Policy CD-33.

Development Standards

These standards are outline in more detail in the Precise Plan Application and related documents.

Application	Standard
Density Range	2.1 – 7.0 du/ac
Minimum Lot Area	5,000 sf.
Minimum Corner Lot Area	5,500 sf.
Maximum Lot Coverage	55%
Minimum Landscape Area (Front Yard)	25%
Minimum Interior Lot Width	45 ft.
Minimum Exterior Lot Width	50 ft.
Minimum Lot Depth	80 ft.
Maximum Building Height	2 stories, 38 ft.
Minimum Curved Frontage	35 ft.
Minimum Yard Setbacks	
<i>Front Setback – Porch, Balcony, Deck</i>	10 ft.
<i>Front Setback – Living Space</i>	13 ft.
<i>Front Setback – Front Entry Gate</i>	20 ft.
<i>Street Side Setback</i>	10 ft. (or 15 ft. for Reverse Corner)
<i>Interior Side Setback</i>	5 ft.
<i>Rear Setback – Patio Cover, Balcony Deck</i>	5 ft.
<i>Rear Setback – Living Space not adjacent to an arterial, collector, or local street</i>	15 ft.
<i>Rear Setback – Living Space adjacent to an arterial, collector, or local street</i>	20 ft.

Landscape

Landscape plans are required as an element of the precise plan. Attention to detail and aesthetic design is necessary to satisfy Goal 4 of the General Plan Community Design Element. Goal 4 requires “[A]ttractive streetscapes in all areas of Madera.” Staff has required landscape and irrigation plans through the conditions of approval.

Open Space

Policy LU-22 states, “Single-family developments need to provide functional outdoor recreational space.” Through conditions of approval for the tentative subdivision map, the Project will be required to pay the necessary park impact fees, as well as parkland acquisition fees to provide for the park and recreational needs of residents, thereby satisfying Policy LU-22. The park impact and parkland acquisition fees collected will be expended solely for the acquisition, development, and/or rehabilitation of parkland or improvements

General Plan Conformance

Cumulatively, the proposed model plans and elevations of this PPL conform with the goals and policies of the General Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

See Attachment 9

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared, describing the potential environmental impacts of the proposed Project. The City has assessed the potential environmental impacts of this Project and has determined that they are all either less than significant or less than significant level with the incorporation of the mitigation measures identified in the document. The City circulated the IS/MND for a 21-day public review and comment period commencing on August 18, 2021 and ending on September 7, 2021.

The IS/MND was distributed as a separately bound document and 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/>. Hard copies are available at the Planning Department counter.

COMMENT LETTERS

The City received three written comment letters during the public comment period and are herein attached. Issues raised in the comment letters received include, but are not limited to the following:

Pacific Gas and Electric (PG&E)

The City received a comment letter from PG&E on August 20, 2021. This letter included attachments detailing electric and gas facilities in the project area. It also notes the following:

1. Gas and electric service requests must still be made via PG&E's internal process.
2. PG&E facilities must be discussed in the project's CEQA document.
3. An engineering deposit may be required for PG&E to review plans.
4. Any proposed use in PG&E easements must be cleared through a California Public Utilities Commission (CPUC) Section 851 filing.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

The City received a comment letter from SJVAPCD on September 8, 2021. This letter included their standard request regarding air quality and greenhouse gas emissions quantification, which has already been done as part of the CEQA process. Further study if required by SJVAPCD will be undertaken during their standard permitting process prior to construction.

California Department of Transportation (Caltrans)

The City received a comment letter from Caltrans on September 9, 2021. This letter provided general recommendations associated primarily with connecting the project to existing infrastructure for both active and public transportation.

CONSISTENCY WITH THE VISION MADERA 2021 PLAN: A continuation of the City's planned growth for residential land uses, as proposed by ANX 2021-01, TSM 2021-02, and PPL 2021-04, 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 Mitigated Negative Declaration for the project and conditional approval of ANX 2021-01, TSM 2021-02, and PPL 2021-04 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 decide on the Mitigated Negative Declaration and ANX 2021-01, TSM 2021-02, and PPL 2021-04, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

See Attachment 10

The Commission will be acting on the Mitigated Negative Declaration and ANX 2021-01, TSM 2021-02, and PPL 2021-04 and determining to either:

- Adopt a resolution adopting a Mitigated Negative Declaration for the project and approving TSM 2021-02 and PPL 2021-04 as conditioned (Motion 1); or
- Continue the hearing to October 12, 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 2021-02 and PPL 2021-04 to the October 12, 2021, Planning Commission hearing with direction to staff to return with an updated resolution for denial (Motion 3).

Motion 1: Move to adopt a resolution of the Planning Commission of the City of Madera adopting the Mitigated Negative Declaration for the project and approving TSM 2021-02 and PPL 2021-04, and recommending to City Council approval of ANX 2021-01 (prezone) based on and subject to the findings and conditions of approval as follows:

Findings to Approve a Prezone

Finding a: The draft Initial Study/Mitigated Negative Declaration is adequate.

The CEQA document prepared for this project adequately addresses potential environmental impacts of the proposed annexation and rezoning and has found that no significant impacts would occur that could not be mitigated.

Finding b: The proposed zoning is consistent with the objectives, policies, programs, and general land use of the Madera General Plan.

The proposed zoning will bring into conformance the zone district with the proposed General Plan designation for the property.

Finding c: The potential uses under the proposed rezoning will be compatible with the adjacent uses and the surrounding area.

The proposed residential area is compatible with adjacent existing and planned uses in the City of Madera.

Finding d: City services and utilities are available to serve the site.

The staff report describes that city services, including police and fire, as well as various utilities are available to serve the site within the City of Madera.

Findings to Approve a Tentative Subdivision Map

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

For the reasons contained within the Analysis section of the Staff Report to the Planning Commission dated September 14, 2021, the proposed project is found to be consistent with all applicable goals, objectives, and policies of the Madera General Plan. There is no specific plan applicable to this project. Subject to compliance with conditions of approval and mitigation measures attached hereto, the proposed project may be found consistent with all applicable local ordinances, regulations, policies, and standards.

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

For the reasons contained within the Analysis section of the Staff Report to the Planning Commission dated September 14, 2021, the proposed project is found to be consistent with all applicable goals, objectives, and policies of the Madera General Plan. There is no specific plan applicable to this project. In addition, the project proposes establishment of the P-D (4500) zone district and has provided a detailed precise plan that meets the design and improvement standards intended for the Planned Development Zone. Therefore, the design or improvement of the proposed subdivision may be found consistent with all applicable local ordinances, regulations, policies, and standards.

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

The site is planned for residential uses consistent with the proposed residential subdivision. There are no unusual site conditions that would render the site physically unsuitable for the proposed type of development. Therefore, it may be found that the site is physically suitable for the type of development proposed.

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

The proposed density of development is at an allowable density under the Madera General Plan. Therefore, the site is physically suitable for the proposed 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.

For all the reasons contained within the Initial Study and Mitigated Negative Declaration prepared for this project consistent with the CEQA as well as within the Analysis section of the Staff Report to the Planning Commission dated September 14, 2021, the proposed project is found to not cause substantial environmental damage or injury to fish or wildlife or their habitat. Further, the project is subject to compliance with the conditions of approval and mitigation measures attached hereto in the attached CEQA document.

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

For the reasons contained within the Analysis section of the Staff Report to the Planning Commission dated September 14, 2021, the proposed project is found to not cause serious public health problems. The subdivision will be developed in accordance with all conditions of approval and mitigation measures attached hereto, including but not limited to sanitary sewer, water service, and storm water runoff requirements. Therefore, it may be found that the design of the subdivision and the type of improvements are 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.

For the reasons contained within the Analysis section of the Staff Report to the Planning Commission dated September 14, 2021, the proposed project will not conflict with easements, acquired by the public-at-large, for access through or use of the property within the proposed subdivision. All public improvements, including street frontage improvements, will be required to comply with City standards.

Findings to Approve a Precise Plan

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

The proposed zoning is consistent with both the proposed land use and as well as adjacent areas in the City of Madera.

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.

The PPL has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the proposed zone district, including provisions for access

to and from the site, parking and loading facilities, drainage, and lighting. The project would not have an adverse effect on surrounding properties.

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

The PPL will be required to install street improvements although the proposed improvements deviate from City standards for collectors and arterials. Related infrastructure improvements will also be required for storm drainage in conformance with City standards. 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 ANX 2021-01, TSM 2021-02, and PPL 2021-04 to October 12, 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 ANX 2021-01, TSM 2021-02, and PPL 2021-04 to the October 12, 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: Madera County Zoning Map

Attachment 5: City of Madera Zoning Map

Attachment 6: Annexation Boundary Map ANX 2021-01

Attachment 7: Tentative Subdivision Map TSM 2021-02

Attachment 8: Precise Plan PPL 2021-04

Attachment 9: Initial Study/Mitigated Negative Declaration

Attachment 10: PG&E Comment Letter

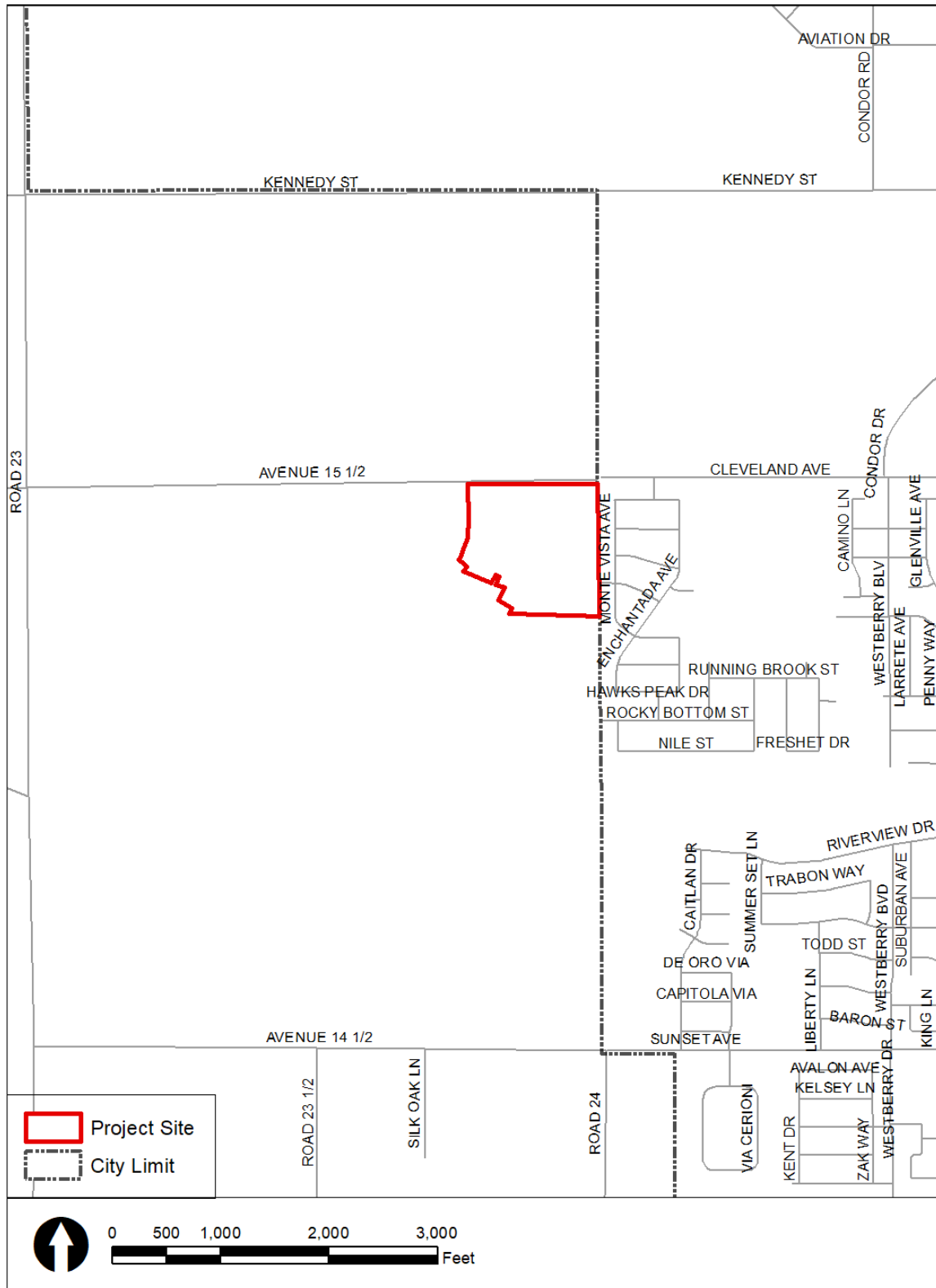
Attachment 11: SJVAPCD Comment Letter

Attachment 12: Caltrans Comment Letter

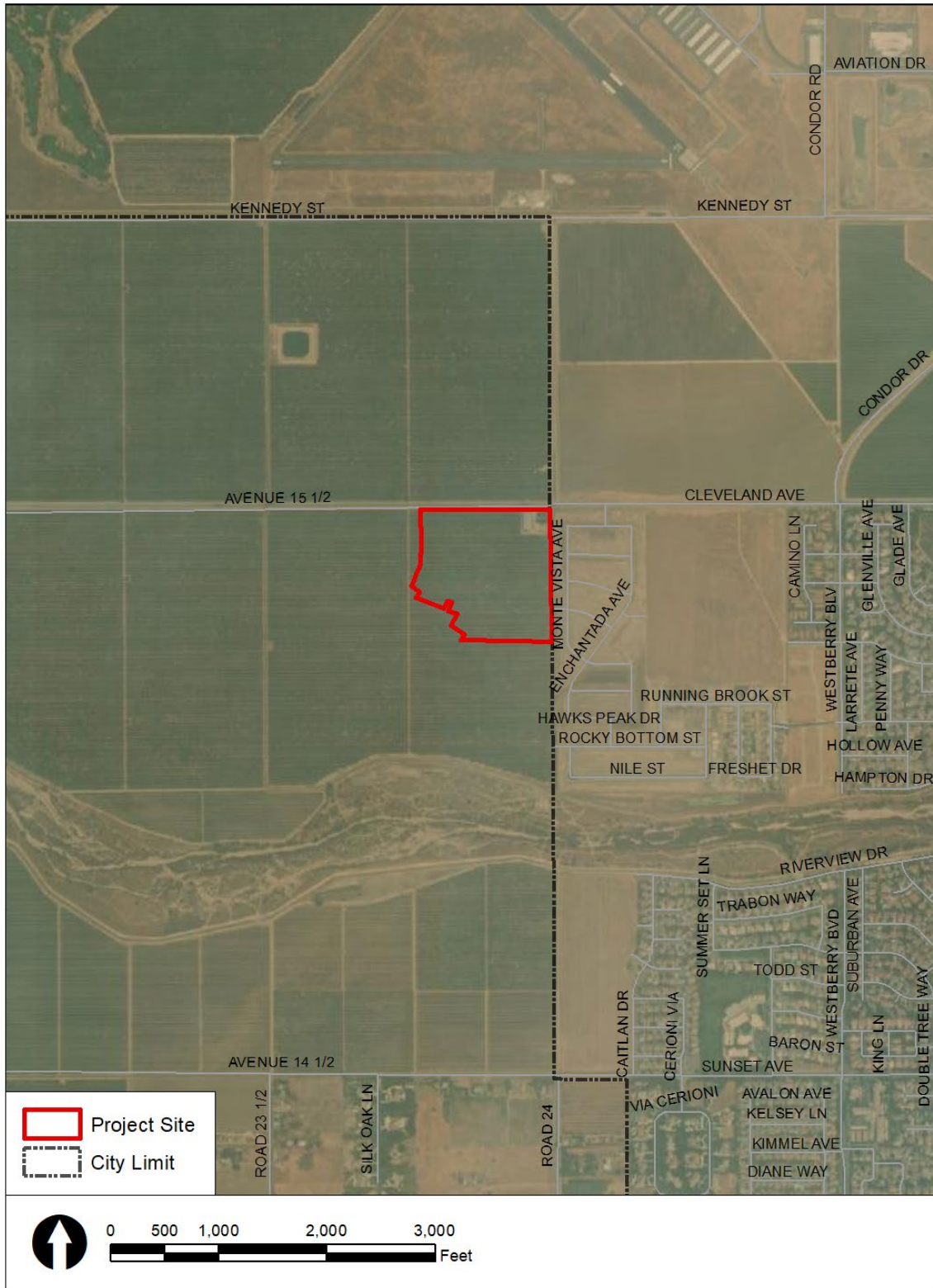
Attachment 13: Planning Commission Resolution, ANX 2021-01

Attachment 14: Planning Commission Resolution, TSM 2021-02, PPL 2021-04

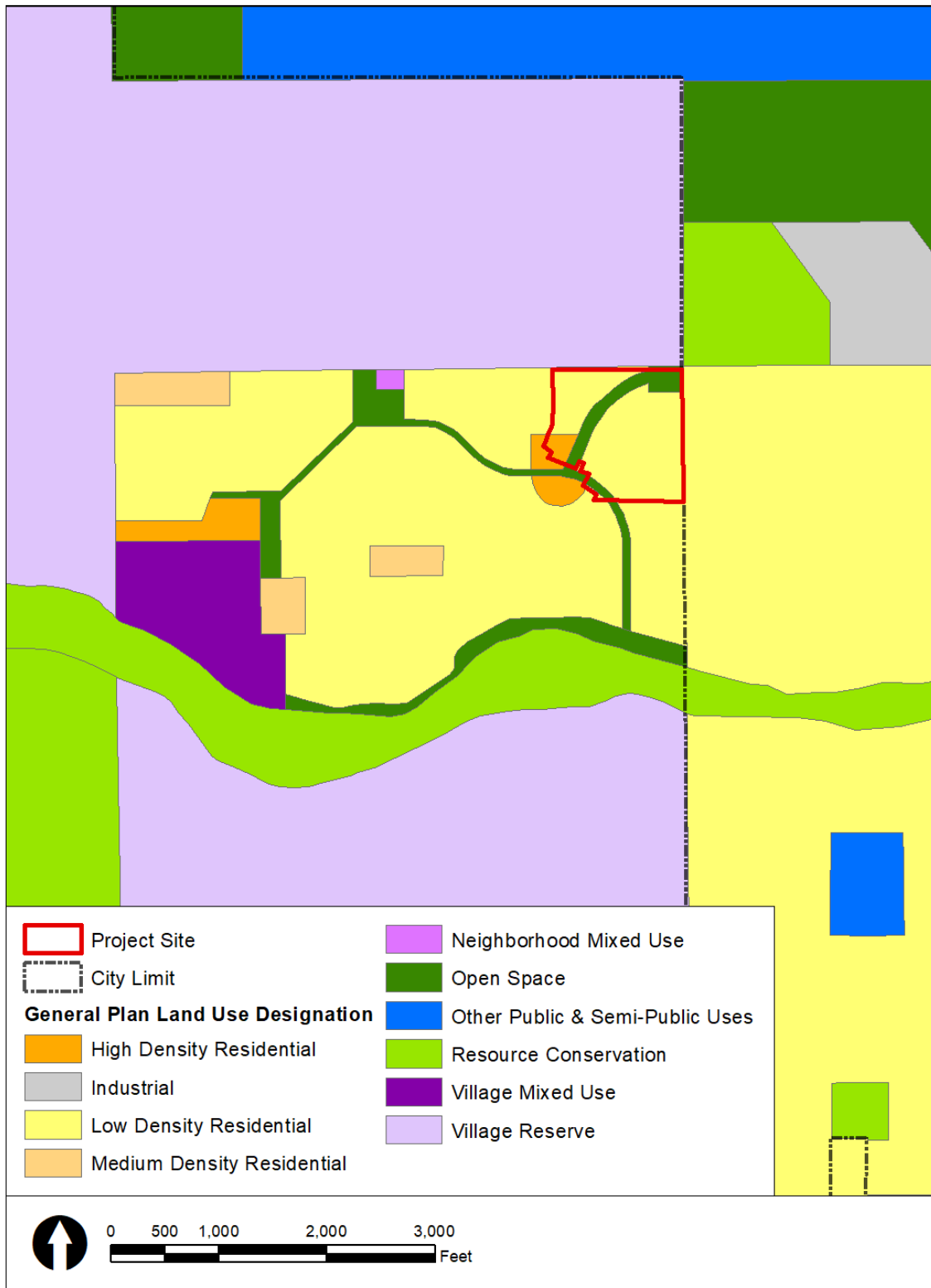
ATTACHMENT 1: Vicinity Map



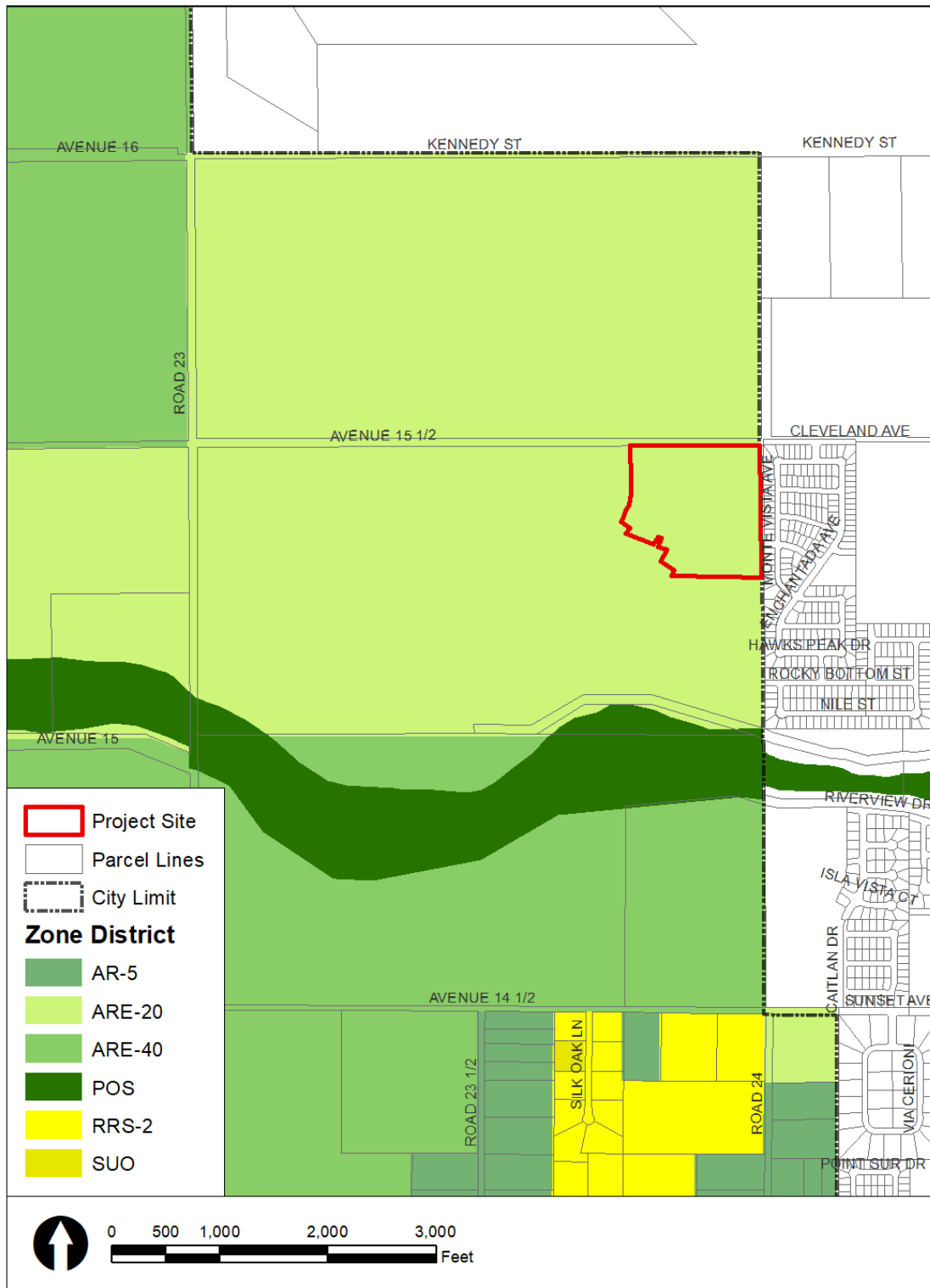
ATTACHMENT 2: Aerial Photo



ATTACHMENT 3: General Plan Land Use Map



ATTACHMENT 4: Madera County Zoning Map



The map displays the Project Site, outlined in red, located in the upper left quadrant. The site is adjacent to the City Limit, indicated by a dashed line. The surrounding area is divided into various zoning districts, including Industrial (grey), Planned Development (12000) (light yellow), Planned Development (4500) (yellow), Planned Development (6000) (light yellow), Planned Development (8000) (light yellow), Public Facilities (blue), Low Density Residential (yellow), Resource Conservation and Open Space (green), and Unclassified (light green). A scale bar at the bottom indicates distances from 0 to 3,000 feet. A north arrow is located in the bottom left corner.

Project Site

City Limit

Zoning_202101

ZONE_CODE

Industrial

Planned Development (12000)

Planned Development (4500)

Planned Development (6000)

Planned Development (8000)

Public Facilities

Low Density Residential

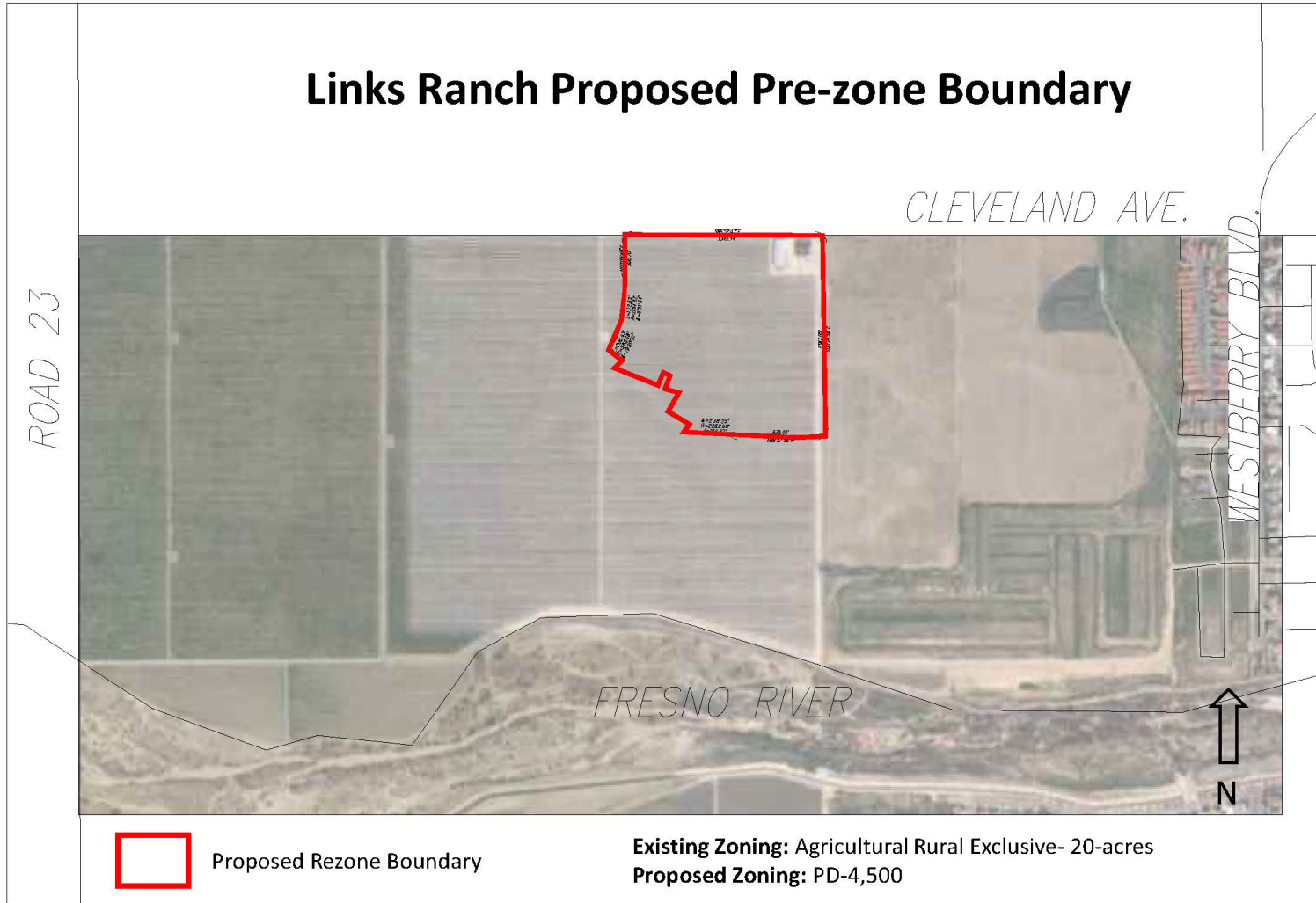
Resource Conservation and Open Space

Unclassified


0 500 1,000 2,000 3,000 Feet

ATTACHMENT 6: Annexation Boundary Map

Links Ranch Proposed Pre-zone Boundary



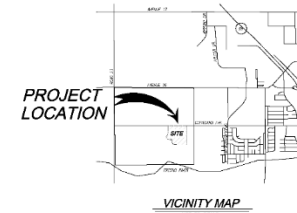
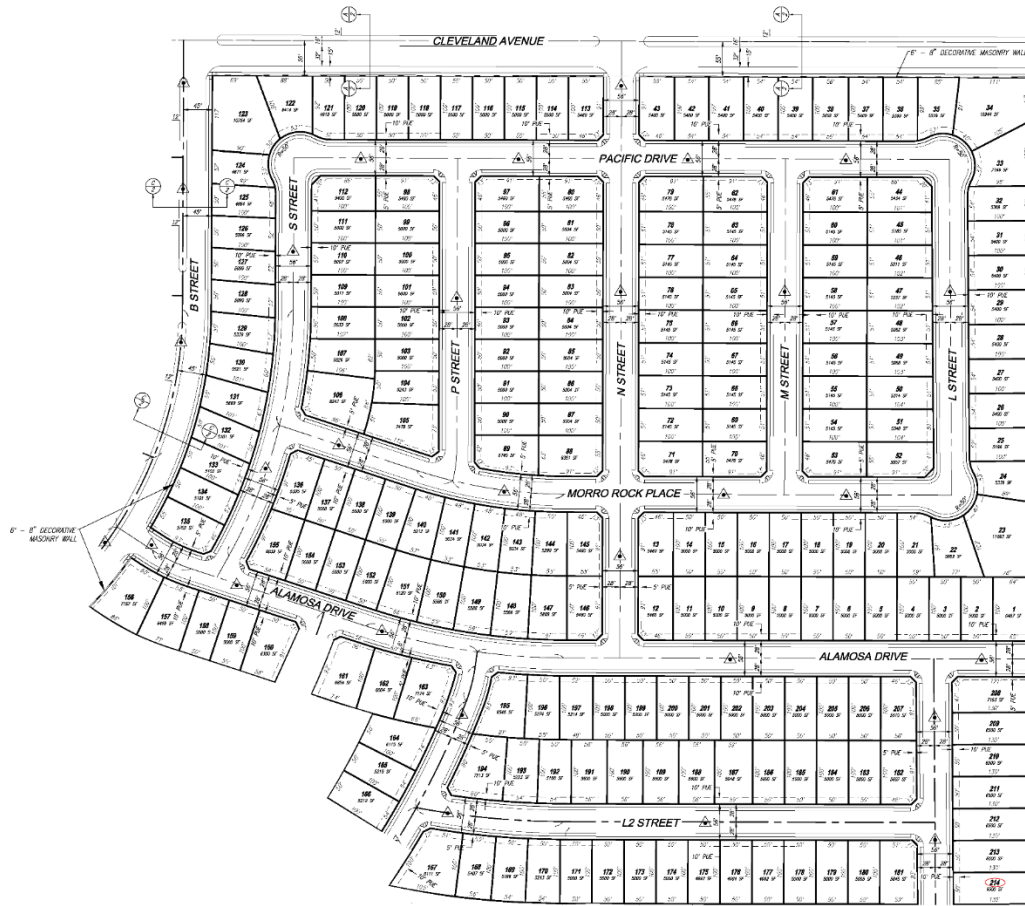
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ATTACHMENT 7: Tentative Subdivision Map

TENTATIVE TRACT MAP NO. 2021-##

IN THE CITY OF MADERA, COUNTY OF MADERA, CALIFORNIA
PREPARED ON JUNE 07, 2021
SHEET 1 OF 2



LEGAL DESCRIPTION

THE LAND SHOWN TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MADERA, STATE CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

ALL OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT Diablo AREA, AND NEUTRAL, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING HEREWITHIN THAT PORTION CONTAINING 3.45 ACRES GRANTED TO THE UNITED STATES OF AMERICA FOR CANAL PURPOSES IN DEED RECORDED MAP 23, 1941 IN VOL. 793 OF OFFICIAL RECORDS, PAGE FIVE, MADERA COUNTY RECORDS.

4.50 ACRES EXCEPTING HEREWITHIN THE NORTH 80 FEET OF THE SOUTH HALF, THE SOUTH 80 FEET OF THE NORTH HALF AND THE WEST 60 FEET OF 3000 SECTION 16, AS GRANTED TO THE COUNTY OF MADERA IN DEED RECORDED JUNE 8, 1941, DOCUMENT NO. 377450, MADERA COUNTY RECORDS.

WITH: 1. 633.37 ACRES (MORE OR LESS)

AREA: 1. 633.37 ACRES (MORE OR LESS)

LOT SIZE COUNT

350,000: 214

350,000: 214

LEGEND

PUBLIC STREET EXISTENCE NOW OFFERED FOR DEDICATION
TOP PUBLIC USE

SITE INFORMATION

GENERAL PLANNING AND USE DESIGNATION: LOW DENSITY RESIDENTIAL

EXISTING USE: Agricultural (Agriculture)

EXISTING ZONING: AG-10 (Agriculture)

PROPOSED ZONING: PD-4000

SITE AREA: 633.37 AC

NUMBER OF LOTS: 214

AVERAGE LOT AREA: 2,960 SQ. FT.

DENSITY: 2.50 UNITS PER ACRE

ADJACENT PARCELS NUMBER: 033-190-003 (PARTIAL)

FORM FLOOD: MAP NUMBER: 030001/000

ZONE: 2 - AREA DEDICATED TO BE OUTSIDE THE STATE GENERAL EXCLUSIVE

BOUNDED BY: TO THE NORTH - CLEVELAND AVENUE

TO THE SOUTH - ALAMOSA DRIVE

TO THE EAST - ROAD 214 ALTERNATE

TO THE WEST - ALAMOSA DRIVE

OWNER: LAND MOUNTAIN LLC, 2000 AIRPORT DRIVE, MADERA, CA 93601

NOTES

1. THERE ARE NO EXISTING STRUCTURES ON SITE.
2. ALL BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE PROPOSED LANDS WHICH PRECISE PLANS.
3. ALL UTILITY SERVICES ARE PROPOSED TO BE PROVIDED BY THE FOLLOWING AGENCIES:
SEWERAGE: CITY OF MADERA
WATER: CITY OF MADERA
ELECTRICITY: CITY OF MADERA
GAS: CITY OF MADERA
TELEPHONE: CITY OF MADERA
CABLE: CITY OF MADERA
MAINTENANCE: CITY OF MADERA
4. TRACT MAP PROVIDES FOR BUILDINGS WITH SOLUTION EXPOSURE FOR NATURAL HEATING DURING THE WINTER MONTHS AND AREL SPACE FOR SOLAR PANELS FOR NATURAL COOLING DURING THE SUMMER MONTHS.
5. PROPOSED STREET IMPROVEMENTS SHALL BE INSTALLED IN CONFORMANCE WITH CITY OF MADERA STANDARDS EXCEPT AS PROVIDED BY THE LAND WHICH PRECISE PLANS.
6. ALL PUBLIC UTILITIES (GAS, TELEPHONE, CABLE, WATER AND SEWER) SHALL BE INSTALLED.
7. ALL IMPROVEMENTS PROPOSED (GAS, WATER, STORM DRAIN, CULVERT, STREETS, SIDEWALKS, AND FURNISHINGS) SHALL BE COMPLETED TO CITY STANDARDS.
8. THIS TRACT IS NOT MORE THAN 200 FEET OF ANY BOUNDARY, PRESENT OR PROPOSED.
9. NEIGHBORHOOD DESIGN TO BE PROVIDED AS REQUIRED BY THE CITY.
10. TOWNSHIP MAPS TO BE PROVIDED TO THE PROJECT TO BE PROVIDED NORTH OF CLEVELAND AVENUE.

SECRETARY OF PLANNING COMMISSION

DATE

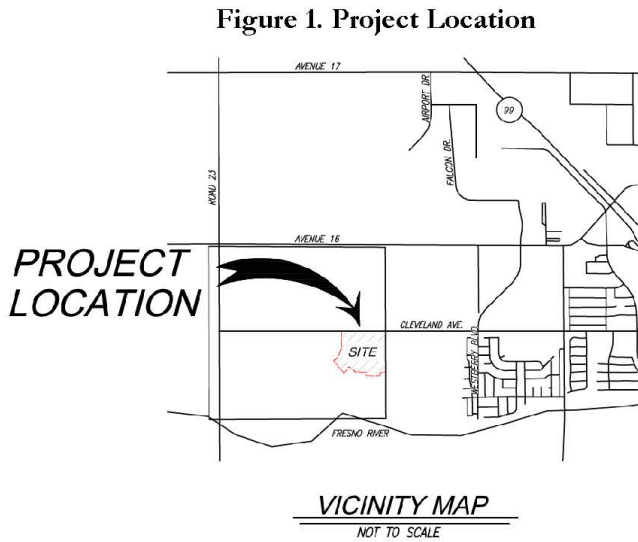


ATTACHMENT 8: Precise Plan

Tentative Tract Map No. 2021-##
Links Ranch

Project Description

Tentative Tract Map No. 2021-## (“Links Ranch”) pertains to approximately ± 41 acres of property located on the south side of Cleveland Avenue between Avenue 16 and Road 23 in Madera (APN: 033-180-003, portion) (Figure 1). The subject site is adjacent to existing development to the east. The Applicant proposes a 214-lot subdivision with a residential density of ± 5.30 DU/acre and average lot area of ± 5,460 sf. Of the 214 lots, there are 214 single-family residences with five (5) of the 214 lots having the potential be developed as duplexes (See Figure 2). The primary access points to the subdivision are proposed on Cleveland Avenue (Arterial) and B Street (Future Collector).



Links Ranch
Precise Plan

Land Use and Zoning Designation

The site has a General Plan Land Use Designation of LD – Low Density Residential and the proposed Zone District is PD-4,500. Single-family residential dwellings and duplexes (on corner lots) are permitted in addition to temporary sales offices and model home complexes.

Lot Summary

<u>Minimum Lot Size Count</u>	
50x100	214

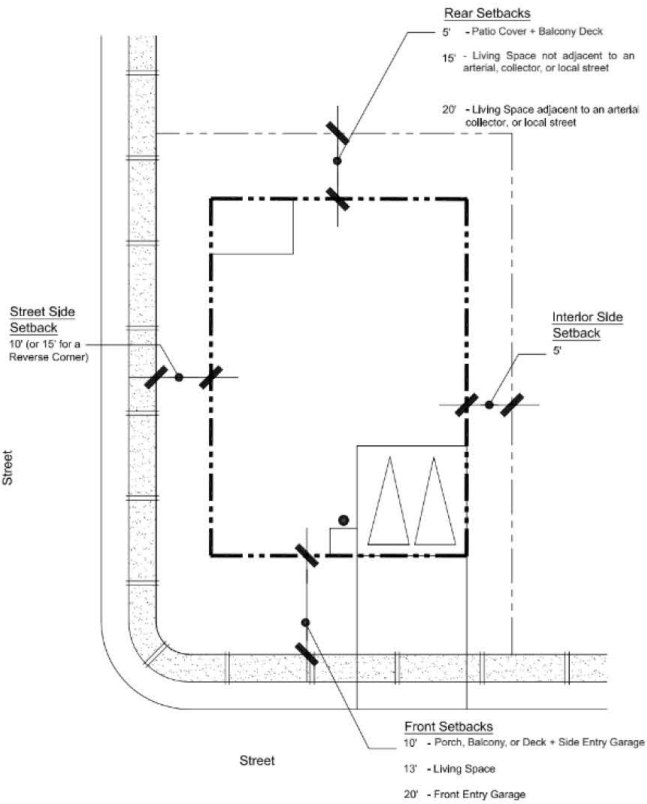
Figure 2. Site Map



Development Standards

<u>Development Standard</u>	<u>Single-Family</u>
Density Range	2.1 – 7.0 du/ac
Minimum Lot Area	5,000 sf.
Minimum Corner Lot Area	5,500 sf.
Maximum Lot Coverage	55%
Minimum Landscape Area (Front Yard)	25%
Minimum Interior Lot Width	45 ft.
Minimum Exterior Lot Width	50 ft.
Minimum Lot Depth	80 ft.
Maximum Building Height	2 stories, 38 ft.
Minimum Curved Frontage	35 ft.
Minimum Yard Setbacks	See Figure 3

Figure 3. Setback Diagram



Project Description
Sheet 1 of 5

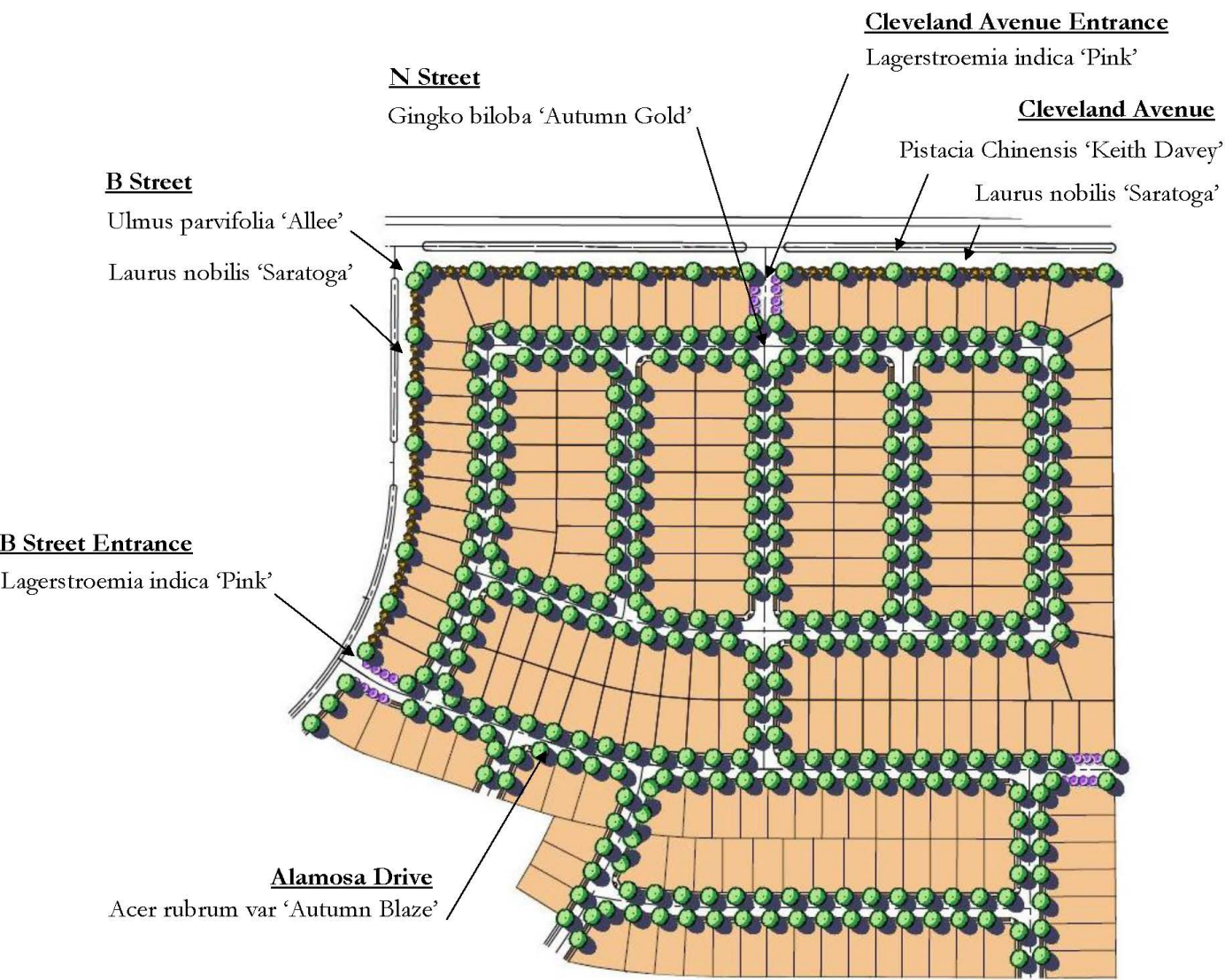
Landscaping Plan

Landscape corridors are provided along major streets including Cleveland Avenue and B Street (**Figure 4**). These corridors will contain landscaping, sidewalks, lighting, and public utilities. The plant materials shown in **Figure 4** have been selected for their appropriateness to the project theme, climatic conditions, soil conditions, water requirements, and ongoing maintenance. Plant material selections shall be reviewed and approved by the City during project review. Plant installation shall be provided per City standards. Final plant species and location will be determined as part of the improvement plan process with the final design utilizing this palette to create aesthetic, cohesive and complementary designs throughout the Project area.

Plant Materials

<u>Botanical Name</u>	<u>Common Name</u>
Acer rubrum var 'Autumn Blaze'	Red Maple
Gingko biloba 'Autumn Gold'	Gingko (male variety)
Lagerstroemia indica 'Pink'	Crape Myrtle
Laurus nobilis 'Saratoga'	Saratoga Laurel
Pistacia Chinensis 'Keith Davey'	Chinese Pistache (seedless)
Ulmus parvifolia 'Allee'	Chinese Elm

Figure 4. Conceptual Landscape Plan



Circulation

The site is bounded to the north by Cleveland Avenue (Arterial) and to the west by B Street (Future Collector) (See Figure 5). This portion of Cleveland Avenue will be improved with sidewalks for pedestrian circulation, constructed of concrete as part of roadway improvements (See Figure 6). B Street will include sidewalks and bicycle lanes for accessibility and mobility for non-motorized travel (See Figure 7). Within the residential subdivision, local streets will be constructed per City of Madera Standards.

Figure 5. Circulation System



Figure 6. Cleveland Avenue Cross Section

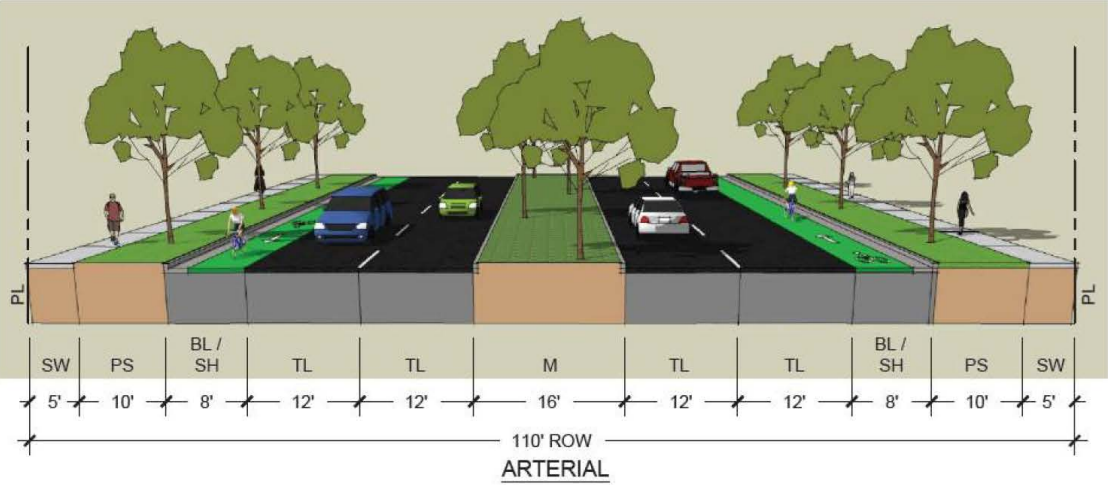
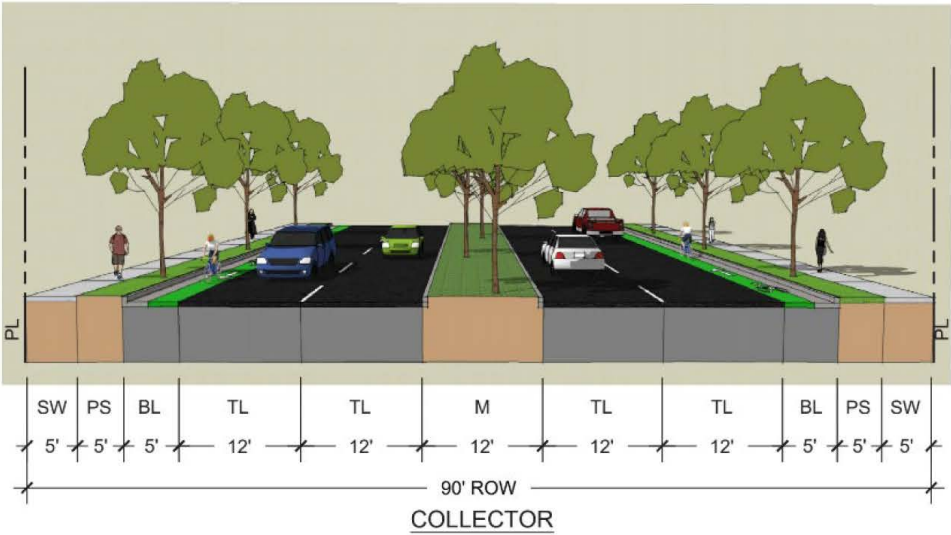


Figure 7. Collector Cross Section



Architecture

The general design guidelines for the residential subdivision are as follows.

Building Siting and Orientation

- 1. Orient the front of the buildings toward the streets and open space, wherever feasible.
- 2. Buildings on corner lots should respond to adjacent streets and intersections appropriately, addressing the increased public visibility by wrapping architectural detailing and elements around the corner.

Building Form, Scale, and Massing

- 1. Form and massing should be established by the characteristics of the building’s architectural style.
- 2. Building forms should be of simple geometry.
- 3. Long, uninterrupted expanses of building walls are discouraged.
- 4. Variation in scale, massing and details should be incorporated among nearby buildings.

Building Façades, Features and Details

- 1. All design features and details should complement the architectural style of the building.
- 2. All design elements should appear as an integrated part of an overall site design concept. Details should be integrated into the buildings and not simply applied as an afterthought.
- 3. Elements such as porches, balconies, bay windows, etc., should be used to break up the façade of multi-story buildings.
- 4. Front entries should be clearly visible and directly accessible from the street, where appropriate.
- 5. Architectural massing and articulation, landscaping and/or lighting should be used to highlight the location of the front entrances.
- 6. Porches and stoops may be used to highlight the front entries and provide a transition from the public street to the private dwelling. Porches should be a minimum of 4’ deep to provide a usable and furnishable space.
- 7. Windows and doors should be detailed, sized and positioned appropriately in the context of the architectural style.
- 8. Windows on side elevations should be staggered, where possible, so as not to be positioned directly opposite the windows on the adjacent buildings.
- 9. Homes on corner lots should be designed for two-sided corner exposure with enhanced architectural elements.

Building Materials and Colors

- 1. To achieve the variety of architectural expressions, no single building material or color should predominate. Rather, a variety of harmonious materials and color should be used to create a rich tapestry of design elements.
- 2. Building materials should be compatible with the architectural style of the home. Permitted building materials include, but are not limited to, stucco, brick, stone, and wood-like siding/shingle.
- 3. Building materials should be high quality, durable and low maintenance.
- 4. Building color palettes should be authentic to the selected architectural styles of the homes.
- 5. Primary building colors should be neutral and muted in hue. Brighter and more saturated colors should be used as accent colors only or as part of a balanced, carefully executed color scheme.
- 6. Architectural details and trims, such as cornices and window/door trims, should be painted a subtly contrasting color to be distinguished from the wall surface.

Roofs

- 1. Roof forms and materials should reflect the selected architectural style of the building.
- 2. Roofs should be designed to appear harmoniously with one another in terms of form and color.
- 3. On larger roof surfaces, features such as parapets, overhanging eaves and variation in the slope of roof planes should be incorporated to add variety.

Example Porch



Example Window Shutters



Utilities and Service Systems

The Project shall be subject to an annexation and pre-zone/rezone within the city limits of Madera. As such, the Project shall be subject to provision of utilities and service systems. Pursuant to Madera Municipal Code Section 10-3-4.104 Precise Plan Application under Planned Development Zones, such utilities and service systems are described below. All required utilities and service systems will be determined at the time of the Final Map.

Fire Hydrants

The Project shall be subject to compliance with standard requirements including the Madera Municipal Code and current California Fire Code. Fire hydrants shall be provided. The location will be determined at the time of the Final Map.

Utilities

The Project shall be subject to all requirements of the City of Madera Engineering Department for construction and installation of water, wastewater, and stormwater drainage infrastructure.

- 1. Water: The Project would include installation of a 12-inch main from the Road 24 Alignment to the western edge of the subject site on Cleveland Avenue as well as along the eastern edge of the subject site. Water main installation shall be per City of Madera installation procedures and guidelines.
- 2. Wastewater: The City of Madera would provide wastewater services for the first 214 units proposed. Wastewater from the project site will be conveyed to the existing City of Madera Wastewater Treatment Plant through the existing Westberry Trunkline. PCE previously confirmed with the City that the Melanie Meadows sewer lift station has the capacity to serve this project.
- 3. Solid Waste: Future residences would be served by the City’s contracted waste hauler.
- 4. Stormwater: The Project would construct a temporary drainage basin north of the subject site for stormwater drainage.

Recreation

There are no recreational facilities proposed as part of this project. The project will include enhanced streetscapes along the major streets. The project will be subject to payment of park impact fees for the construction of new park space.

ATTACHMENT 9: Initial Study/Mitigated Negative Declaration (IS/MND)

The IS/MND has been 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/>. It is also available at the Planning Department counter.

ATTACHMENT 10: PG&E Comment Letter

August 20, 2021

Brandi Garcia
City of Madera
205 West 4th Street
Madera, CA 93637

Ref: Gas and Electric Transmission and Distribution

Dear Brandi,

Thank you for submitting Tentative Subdivision Map No. 2021-02 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

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. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. 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.
2. 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.
3. 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.

4. 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.
5. 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° 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 of four feet (4') in height at maturity may be planted within the easement area.

11. 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.

12. 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.

13. 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.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner 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 that may endanger the safe and reliable operation of its facilities.

ATTACHMENT 11: SJVAPCD Comment Letter

September 9, 2021

John Thomason
City of Madera
Planning Department
205 W. 4th Street
Madera, CA, 93637

**Project: Initial Study/Mitigated Negative Declaration Tentative Subdivision Map
2021-02**

District CEQA Reference No: 20210883

Dear Mr. Thomason:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the project referenced above from the City of Madera (City). The project consists of constructing 214 single-family lots on approximately 40 acres (Project). The Project is located on the south side of Cleveland Avenue between Avenue 16 and Road 23 in Madera, CA (APN 033-18-003).

Project Scope

The Project consists of the construction of a residential subdivision that consists of 214 single-family lots (5.30 dwelling units per acre) to occupy approximately 40-acres of the total 307-acre parcel. The Project would require annexation of the site into the City of Madera.

The site is bounded to the north by Cleveland Avenue and to the east by Road 24 Alignment. This portion of Cleveland Avenue will be improved with curb and gutter, sidewalk, bicycle lanes/sharrows, landscaping, storm drains, and streetlights. Landscape corridors are provided along Cleveland Avenue and B Street.

Based on information provided to the District, Project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).

Samir Sheikh

Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

Other potential significant air quality impacts related to Toxic Air Contaminants (see information below under Health Risk Assessment), Ambient Air Quality Standards, Hazards and Odors, may require assessments and mitigation. More information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: <https://www.valleyair.org/transportation/GAMAQI.pdf>

The District offers the following comments:

1) Criteria Pollutant Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM_{2.5}) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM₁₀, PM_{2.5} standards.

Per the IS/MND, Project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SO_x), 15 tons per year of particulate matter of 10 microns or less in size (PM₁₀), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM_{2.5}).

Although Project construction air emissions are short-term emissions generated from construction activities such as mobile heavy-duty diesel off-road equipment and are determined to result in a less than significant impact on air quality, the District recommends the below measure be considered for the Project.

Recommended Measure: To reduce impacts from construction-related diesel exhaust emissions, the project should utilize clean off-road construction equipment, including the latest tier equipment as feasible.

2) Health Risk Screening/Assessment

The IS/MND states a less than significant impact of substantial pollutant concentrations to sensitive receptors. However, the District would like to clarify that when a project's criteria pollutant emissions from construction and operation are expected to not exceed the District's significance thresholds, a project may still have the potential to result in health impacts to nearby sensitive receptors (i.e. residential units). An assessment on potential health risk impact is based on a Prioritization

and/or a health risk assessment (HRA) and not on whether or not the Project's emissions would exceed the significance thresholds for criterial pollutants. To determine potential health impacts on surrounding receptors, a Prioritization and/or a HRA should be performed for the Project. Similarly to what the IS/MND has already indicated, there are sensitive receptors (i.e. residential units) located directly east of the Project.

A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TACs) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TACs are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. List of TACs identified by OEHHA/CARB can be found at: <https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants>

The District recommends the development project(s) be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

- i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using the latest approved California Air Pollution Control Officer's Association (CAPCOA) methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed.

For your convenience, the District's prioritization calculator can be found at: http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.

- ii) The District recommends a refined HRA for development projects that result in a prioritization score of 10 or greater. Prior to performing an HRA, it is recommended that development project applicants contact the District to review the proposed modeling protocol. A development project would be considered to have a significant health risk if the HRA demonstrates that the project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices, and would trigger all feasible mitigation measures. The District recommends that development projects which result in a significant health risk not be approved.

For HRA submittals, please provide the following information electronically to the District for review:

- HRA AERMOD model files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodology.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- Contacting the District by phone for assistance at (559) 230-6000; or
- Visiting the Districts website (Modeling Guidance) at:
http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

3) Solar Deployment in the Community

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider the feasibility of incorporating solar power systems, as an emission reduction strategy for this Project.

4) Clean Lawn and Garden Equipment in the Community

Since the Project consists of residential development, gas-powered residential lawn and garden equipment have the potential to result in an increase of NO_x and PM_{2.5} emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <http://www.valleyair.org/grants/cgym.htm> and <http://valleyair.org/grants/cgym-commercial.htm>.

5) District Rules and Regulation

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and

regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. For example, *Regulation II - Permits* encompasses multiple rules associated with the permitting of emission sources such as Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), and others.

5a) District Rule 9510 (Indirect Source Review)

The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NO_x and PM₁₀ emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

The proposed Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 50 residential units. When subject to the rule, an Air Impact Assessment (AIA) application is required no later than applying for project-level approval from a public agency. In this case, if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.

An AIA application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>

5b) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002

can be found online at:

<http://www.valleyair.org/busind/comply/asbestosbuln.htm>.

5c) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

5d) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

The list of rules above is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

6) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Patrick Chimienti by e-mail at Patrick.Chimienti@valleyair.org or by phone at (559) 230-6139.

Sincerely,

Brian Clements
Director of Permit Services

A handwritten signature in blue ink, appearing to read "Seth Lane". The signature is fluid and cursive, with the first name "Seth" being larger and more prominent than the last name "Lane".

For: Mark Montelongo
Program Manager

ATTACHMENT 12: Caltrans Comment Letter

California Department of Transportation

DISTRICT 6 OFFICE

1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-1041 | FAX (559) 488-4195 | TTY 711

www.dot.ca.gov



September 9, 2021

Madera-99-13.442

Links Ranch Subdivision

<https://ld-igr-gts.dot.ca.gov/district/6/report/23966>

SENT VIA EMAIL

John Thomason, Senior Planner
City of Madera Planning Department
205 W. 4th Street, Madera, CA 93637

Dear Mx. Thomason:

Thank you for the opportunity to review the notice of intent to adopt a mitigated negative declaration for the Links Ranch Subdivision project. The project site is located approximately 1.5 miles west of the State Route (SR) 99/Cleveland Avenue interchange and approximately 1.5 miles southwest of the SR 99/Avenue 16 interchange, in the City of Madera.

The Project proposes the following actions:

- Annexation of approximately 41 acres on the south side of Cleveland Avenue between Avenue 16 and Road 23, representing the northeast portion of Madera County Assessor's Parcel Number (APN) 033-180- 003 and Cleveland Avenue adjacent to and fronting the project site.
- Prezone to change the zoning from Madera County's current zoning classification of Agricultural Rural Exclusive – 20 Acres (ARE-20) to the City of Madera Planned Development – One Unit per Each 4,500 Square Feet of Site Area (P-D (4500)) which would become effective upon annexation.
- Tentative Subdivision Map to subdivide approximately 40 acres into 214 single family lots which would become effective upon annexation.
- Precise Plan required to establish a Planned Development zone. The precise plan to define and establish specific development standards, landscape and architecture character required of project development.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Caltrans reviewed the Vehicle Miles Traveled (VMT) table 4-6, indicating the Project's impact would be less than significant.
2. Additionally, the project indicated it will comply with mitigation measures outlined in the Governor's Office of Planning and Research *Technical Advisory on Evaluating Transportation Impacts in CEQA* dated December 2018. Caltrans concurs with VMT mitigation measures cited in this application.
3. As a point of information, according to the Madera Active Transportation Plan (2018), Cleveland Avenue, along the Project's northern Boundary is planned include a Class II Buffered Bike Lane from Road 23 to Westberry Boulevard (see page 53). Caltrans recommends the project proponent(s) work with the County/City regarding this alternative transportation measure.
4. The Project might also consider coordinating connections to other local and regional bicycle pathways to further encourage the use of bicycles for commuter and recreational purposes in an effort to further reduce project related vehicle trips.
5. If not done so already, Caltrans recommends the County/City of Madera develop a Development Impact Fee Program to fund future major transportation projects in the area so that projects, such as this one, can pay into to mitigate their fair share.
6. Active Transportation Plans (ATP) and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing Vehicle Miles Traveled (VMT) and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.

If you have any other questions, please call or email Edgar Hernandez at (559) 981-7436 or edgar.hernandez@dot.ca.gov.

Sincerely,



Edgar Hernandez, Associate Transportation Planner
Transportation Planning – North

C: David Padilla, Branch Chief, Caltrans

ATTACHMENT 13: Planning Commission Resolution, ANX 2021-01

RESOLUTION NO. 1893

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA
ADOPTION OF AN ORDINANCE PREZONING PROPERTY LOCATED ON THE
SOUTH SIDE OF WEST CLEVELAND AVENUE BETWEEN AVENUE 16 AND
ROAD 23 TO PD-4500**

WHEREAS, Links Ranch, LLC (“Owner”) owns APN 033-180-003 in Madera, California (“site”); and

WHEREAS, a proposal has been made by the Owner to prezone property consisting of approximately 40 acres (a portion of Madera County Assessor Parcel Number 033-180-003) south of West Cleveland Avenue between Avenue 16 and Road 23 to PD 4500 (Planned Development) as shown in the attached Exhibit A ; and

WHEREAS, the proposed is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, an Initial Study/Mitigated Negative Declaration (IS/MND) 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/MND; 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 make recommendations to the City of Madera City Council pertaining to prezone matters ; and

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

WHEREAS, the Planning Commission received and reviewed application ANX 2021-01 requesting the prezone of approximately 40 acres south of West Cleveland Avenue between Avenue 16 and Road 23 at a duly noticed meeting on September 14, 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 recommend to the City Council of the City of Madera the approval of ANX 2021-01as conditioned.

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: An Initial Study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project fulfills the criteria for a Mitigated Negative Declaration set forth in CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration) as there is no substantial evidence that the project could have a significant effect on the environment, that the document reflects the independent judgement of the City of Madera, and is hereby recommend for adoption in accordance with CEQA.

3. Finding: The proposed rezoning, as specified in Exhibit A, is found to be consistent with the General Plan and is compatible with adjacent zoning and uses.

4. Action: Planning Commission hereby recommends the City Council adopt an ordinance rezoning the area shown in Exhibit A.

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 14th day of September 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit "A" – Proposed Rezoning
Exhibit "B" – Proposed Conditions of Approval

Exhibit “A”
Proposed Rezoning

Links Ranch Proposed Pre-Zone

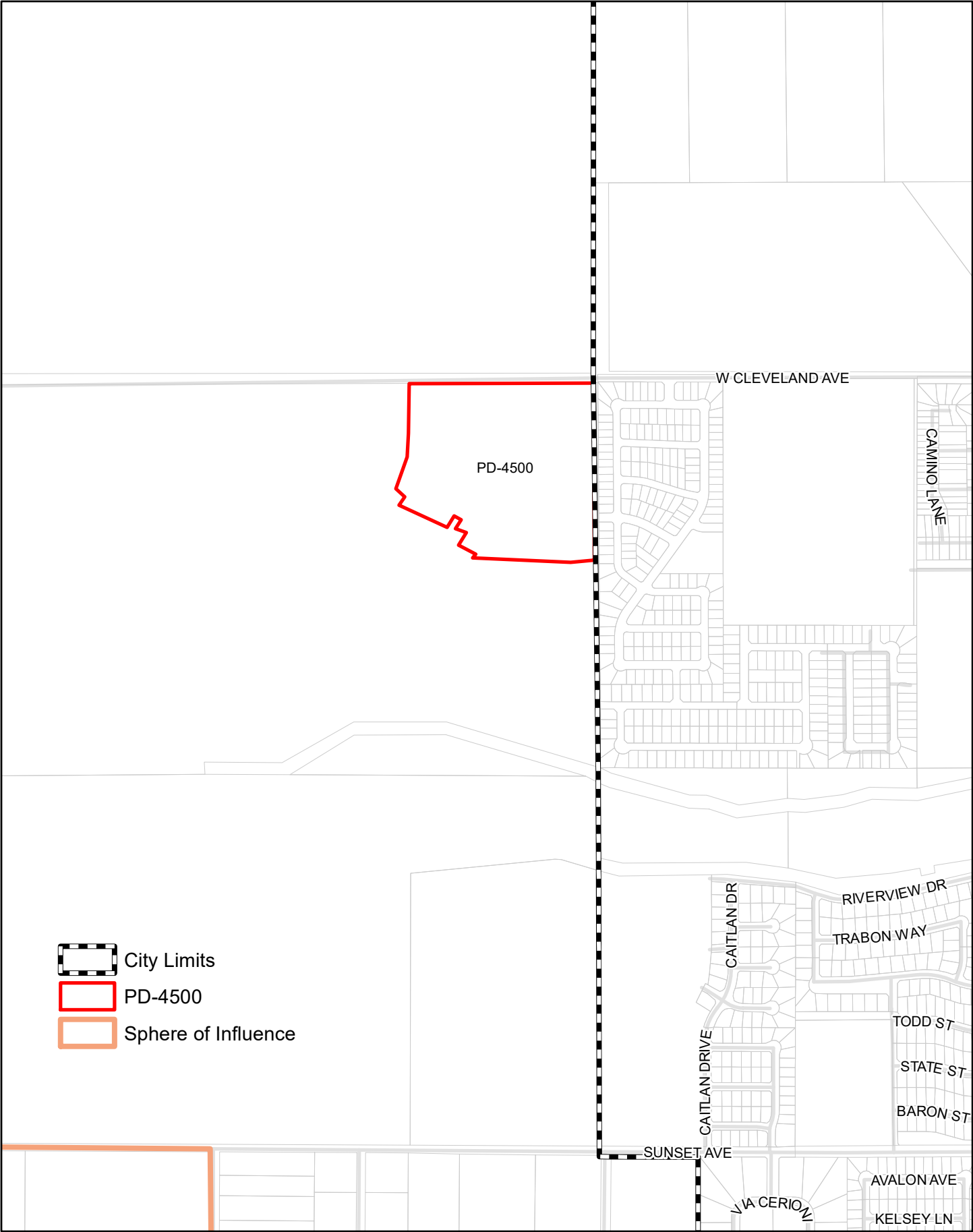


Exhibit “B”
Proposed Conditions of Approval

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.

GENERAL CONDITIONS

1. Approval of this project 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 prezone.
2. Approval of this project may become null and void in the event that the prezone is not completed in accordance with all the conditions and requirements imposed on this prezone action and all City standards and specifications. This application 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 prezone. Unless the conditions of approval specifically require operation inconsistent with the application, new or revised applications are 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 prezone or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the prezone process or for additions or alterations not specifically submitted and reviewed and approved pursuant to this prezone review or subsequent amendments or revisions of the prezone action. These conditions are conditions imposed solely upon the subject site 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 prezone, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, or any other person or entity making use of this prezone.
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. 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 within 30 days, as evidenced by the applicant’s signature on the required acknowledgement form.
6. Prior to adoption of the ordinance completing the prezoning of the project site, the applicant shall provide the City with a legal description of the entire area proposed for annexation and a map prepared to the State Board of Equalization Standards for changes of jurisdictional boundaries.
7. All subsequent development within the project site shall be required to annex into a lighting and landscaping maintenance district which shall participate in the maintenance of landscaping and improvements in public right-of-ways or easements.

-END OF CONDITIONS-

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO PREZONE AN APPROXIMATELY 40 ACRE PROPERTY (APN: 033-18-003 (portion)), LOCATED ON THE SOUTH SIDE OF CLEVELAND AVENUE BETWEEN AVENUE 16 AND ROAD 23, FROM AGRICULTURAL RURAL EXCLUSIVE (ARE, MADERA COUNTY) TO THE PLANNED DEVELOPMENT (P-D 4500) ZONE DISTRICT OF THE CITY OF MADERA, PENDING ANNEXATION.

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

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

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

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

FINDINGS:

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

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

* * * * *

ATTACHMENT 14: Planning Commission Resolution, TSM 2021-02 and PPL 2021-04

RESOLUTION NO. 1892

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING TSM 2021-02 and PPL 2021-04 AND ADOPTING THE
MITIGATED NEGATIVE DECLARATION FOR THE PROJECT PURSUANT TO
CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES
SECTION 15074
(LINKS RANCH)**

WHEREAS, Links Ranch, LLC (“Owner”) owns APN 033-180-003 in Madera, California (“site”); and

WHEREAS, the Owner is seeking a tentative subdivision map, and precise plan to allow for a 214-lot single family residential subdivision on 40-acres of APN 033-180-003 (portion), as proposed by Tentative Subdivision Map 2021-02 (TSM 2021-02), and Precise Plan 2021-04 (PPL 2021-04); and

WHEREAS, the 40-acres is planned for residential land uses; and

WHEREAS, an Initial Study/Mitigated 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/MND; 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, annexation/pre-zone applications, and precise plans on behalf of the City; and

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

WHEREAS, the Planning Commission received and reviewed TSM 2021-02, and PPL 2021-04 at a duly noticed meeting on September 14, 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 2021-02, and PPL 2021-04, with conditions

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

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

2. CEQA: An Initial Study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project fulfills the criteria for a Mitigated Negative Declaration set forth in CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration) as there is no substantial evidence that the project could have a significant effect on the environment. As such, the Planning Commission adopts a finding of a Mitigated Negative Declaration under CEQA Guidelines section 15074 (Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration) for this project.

3. Findings for TSM 2021-02: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of TSM 2021-02, 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 one of the findings, based on the evidence in the record, as follows:

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

For the reasons contained within the Analysis section of the Staff Report to the Planning Commission dated September 14, 2021, the proposed project is found to be consistent with all applicable goals, objectives, and policies of the Madera General Plan. There is no specific plan applicable to this project. Subject to compliance with conditions of approval and mitigation measures attached hereto, the proposed project may be found consistent with all applicable local ordinances, regulations, policies, and standards.

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

For the reasons contained within the Analysis section of the Staff Report to the Planning Commission dated September 14, 2021, the proposed project is found to be consistent with all applicable goals, objectives, and policies of the Madera General Plan. There is no specific plan applicable to this project. In addition, the project proposes establishment of the P-D (4500) zone district and has provided a detailed precise plan that meets the design and improvement standards intended for the Planned Development Zone. Therefore, the design or improvement of the proposed subdivision may be found consistent with all applicable local ordinances, regulations, policies, and standards.

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

The site is planned for residential uses consistent with the proposed residential subdivision. There are no unusual site conditions that would render the site physically unsuitable for the proposed type of development. Therefore, it may be found that the site is physically suitable for the type of development proposed.

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

The proposed density of development is at an allowable density under the Madera General Plan. Therefore, the site is physically suitable for the proposed 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.

For all the reasons contained within the Initial Study and Mitigated Negative Declaration prepared for this project consistent with the CEQA as well as within the Analysis section of the Staff Report to the Planning Commission dated September 14, 2021, the proposed project is found to not cause substantial environmental damage or injury to fish or wildlife or their habitat. Further, the project is subject to compliance with the conditions of approval and mitigation measures attached hereto in the attached CEQA document.

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

For the reasons contained within the Analysis section of the Staff Report to the Planning Commission dated September 14, 2021, the proposed project is found to not cause serious public health problems. The subdivision will be developed in accordance with all conditions of approval and mitigation measures attached hereto, including but not limited to sanitary sewer, water service, and storm water runoff requirements. Therefore, it may be found that the design of the subdivision and the type of improvements are 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.

For the reasons contained within the Analysis section of the Staff Report to the Planning Commission dated September 14, 2021, the proposed project will not conflict with easements, acquired by the public-at-large, for access through or use of the property within the proposed subdivision. All public improvements, including street frontage improvements, will be required to comply with City standards.

4. Findings for PPL 2021-04: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of PPL 2021-04, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4 and Sections 10-3.501 through 10-3.510. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each one of the findings, based on the evidence in the record, as follows:

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

The project is consistent with both the proposed land use and as well as adjacent areas in the City of Madera.

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.

PPL 2021-04 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the P-D 4,500 zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. The project would not have an adverse effect on surrounding properties.

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

PPL 2021-04 will be required to install street improvements in accordance with City standards and the PPL 2021-04 specifications. Related infrastructure improvements will also be required for storm drainage in conformance with City standards. The project site will have access to West Cleveland Avenue which can accommodate traffic generated from the proposed project. The project will also extend Alamosa Drive through the project site linking the project to the adjacent subdivision now under construction. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

5. Approval of TSM 2021-02 and PPL 2021-04 with Conditions: Based on the aforementioned findings, the Planning Commission hereby approves TSM 2021-02 and PPL 2021-04 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A" which approvals are contingent upon the following:

The conditional approval of TSM 2021-01 and PPL 2021-04 shall become final and effective immediately only after the City Council of the City of Madera approves the applicant's request to prezone the project site (ANX 2021-01). If the Council Approval is not made within 180 days of the adoption of this Resolution, then both TSM 2021-01 and PPL 2021-04 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission herein, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then both TSM 2021-01 and PPL 2021-04 shall be returned to the Planning Commission for further consideration and a final decision.

6. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 14th day of September 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 2021-02 and PPL 2021-04.

EXHIBIT "A"
TSM 2021-01 and PPL 2021-04
LINKS RANCH
CONDITIONS OF APPROVAL
September 14, 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 2021-01 and PPL 2021-04 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this tentative subdivision map and/or precise plan, 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 and/or this precise plan.

GENERAL CONDITIONS

1. Approval of this project 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 project may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this project, the zoning ordinance, and all City standards and specifications. These applications are 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 project. Unless the conditions of approval specifically require operation inconsistent with the application, new or revised applications are 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 review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this project or subsequent amendments or revisions. These conditions are conditions imposed solely upon the project 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. 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.
4. 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 these applications.
5. 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.
6. TSM 2021-01 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.
7. PPL 2021-04 shall remain valid only while TSM 2021-01 remains valid. Once TSM 2021-01 is recorded PPL 2021-04 shall remain valid until such time that PPL 2021-04 is amended or repealed.
8. 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.
9. 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.

10. The project site shall be developed in conformance with the plans as reviewed and approved. 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. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to the applications be filed for review and approval through the applicable City process.
11. 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 2021-01.
12. 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.
13. All on-site improvements shall be completed prior to final building inspection and shall be completed to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
14. The Planning Department shall be notified immediately if any prehistoric, archaeologic, or fossil artifact or resource is uncovered during construction. All construction within 50 feet of the discovery must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's or developer's expense, to evaluate the finds and recommend appropriate action according to CEQA Guidelines Section 15064.5. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project site while assessment of historic resources or unique archaeological resources is being carried out.
15. All construction must stop if any human remains are uncovered, and the Planning Manager, City Engineer and County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.

PLANNING DEPARTMENT

16. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
17. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
18. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
19. 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.

20. 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.
21. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees.
22. The applicant/developer shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.
23. The internal street names shall comply with the recommendations of the Planning Department with approval of the Final Map.
24. There shall be no access to lots from street side of corner lots. This condition shall apply to the following lots: 12, 13, 43, 44, 52, 53, 61, 62, 70, 71, 79, 80, 88, 89, 97, 98, 105, 106, 112, 113, 135, 136, 145, 146, 155, 156, 160, 161, 163, 167, 181, 182, 194, 195, 207 and 208.

Residences

25. Each dwelling unit and siting of the unit shall be constructed consistent with "Project Design Guidelines" and "Development Standards" as reviewed and approved with PPPL 2021-04.
26. A minimum of four (4) distinct model floor plans and elevations shall be constructed upon the 214 lots encompassed within TSM 2021-01.
27. Prior to issuance of any building permit for dwelling units, the developer shall submit for approval by the Planning Department a color and materials board(s) representative of all models to be constructed. Final approval of the color and materials board shall be determined by the Planning Manager. Any color or materials shall be approved by the Planning Manager and shall be included in the Precise Plan.
28. The following criteria shall be applied to the location of homes on individual lots:
 - a) The appearance of a home is affected by at least three (3) primary features, including:
 - i. Home Model Plan;
 - ii. Alternative Elevations for Each Plan; and
 - iii. Color Scheme
 - b) Dwelling units built on side-by-side lots shall not repeat more than one (1) of the primary home features described above. Model floor plans shall not be repeated on more than two (2) consecutive lots.
29. For lots where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation. This condition shall apply to the following lots: 12, 13, 34 through and including 44, 52, 53, 61, 62, 70, 71, 79, 80, 88, 89, 97, 98, 105, 106, 112 through and including 136, 145, 146, 155, 156, 160, 161, 163, 167, 181, 182, 194, 195, 207 and 208.
30. The front setback shall vary from the minimum of thirteen (13) feet to living space to a maximum of twenty (20) feet to living space, with at least a two (2) foot variation amongst any two (2) adjacent lots, and a five (5) foot variation over any five (5) consecutive lots, regardless of home model plan.
31. Exterior side yard setbacks shall be a minimum of ten (10) feet and fifteen (15) feet for reverse corner.

32. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.
33. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of building permits.
34. All standards for the location and design of buildings (including accessory structures) and fences which are not specifically included and made a part of PPL 2021-04, shall conform to R1 (Residential) zoning standards.
35. The floor plans of all dwelling units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property.
36. Except as noted in these Conditions of Approval, all driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines and intersections. All approaches shall conform to City standards.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

37. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for Planning Department review and approval:
 - a) The location of all-natural gas and electrical utility meter locations.
 - b) The location of all heating, ventilation, and air conditioning (HVAC) equipment.
 - c) The location of all compressor equipment, and mechanical and electrical equipment.
38. All utility equipment and services shall be screened to the specifications of the Planning Department. The applicant shall show methods proposed to architecturally integrate equipment locations, or show methods proposed to screen equipment using landscaping. Any wall-mounted equipment shall be painted to match the exterior wall and screened when in predominant public views.
39. HVAC units shall be ground mounted. No roof mounted air conditioning or heating ventilation units shall be allowed. All ground-mounted HVAC equipment shall be located in the side or rear yard behind a six (6) foot tall fencing.
40. Natural gas meter placement shall be screened from public view per Planning Department approval.
41. The applicant shall coordinate the installation of utilities consistent with these conditions of approval with Pacific Gas and Electric Company (PG&E).
42. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets shall be provided in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.

Fencing and Walls

43. All fencing and walls shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood.
44. Wood fencing shall be required along all side and rear yards unless otherwise specified in the Conditions of Approval.

45. Wood fencing shall be a dog ear fence picket style and made of cedar quality or better, and all fence posts shall be pressure treated and set in concrete. Fencing shall not exceed a maximum uniform height of six (6) feet. Fencing shall have a gate allowing for easy access to solid waste containers provided by the City or City contracted waste hauler purveyor. The width of the gate shall be a minimum of thirty-six (36) inches.
46. Any retaining walls greater than eighteen (18) inches in height shall be split block masonry.
47. A six (6) foot decorative split block masonry wall with capstone shall be constructed along West Cleveland Avenue between "B" Street and eastern terminus of project site. Wall shall connect to and tie into, and blend seamlessly with the existing masonry wall constructed as part of Rancho Santa Fe Subdivision. Masonry wall shall wrap and extend south on "N" Street along the side yards of Lots 43 and 113 and taper (step-down) to a terminus height of three (3) feet. Said taper shall occur following corner lot side yard fencing requirements.
48. A six (6) foot decorative split block masonry wall shall be constructed along "B" Street between West Cleveland Avenue and southern terminus of project site. The masonry wall shall wrap and extend east south on Alamosa Drive along the side yard of Lot 135 and taper (step-down) to a terminus height of three (3) feet. Said taper shall occur following corner lot side yard fencing requirements.
49. Masonry wall design and plan details shall be approved by the Planning and Engineering Departments prior to issuance of building permits.

Landscape

50. Landscape and irrigation plans 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) Permanent automatic irrigation systems for all landscaped areas;
 - c) Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d) At least one (1) City approved street tree planted in each front yard. Corner lots shall have at least two (2) additional trees planted along the exterior side yard. Said front yard and side street trees overall shall be planted thirty (30) foot on center. Trees should be carefully selected and located to shade the buildings during the summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the buildings during winter months.
 - e) Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - f) 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.
51. Separate landscape and irrigation plans for all landscaping within the City's right-of-way on West Cleveland Avenue and "B" Street shall be prepared and approved by the Planning and Engineering Departments prior to issuance of building permits. Street canopy trees shall be

planted thirty (30) feet on center. The landscape and irrigation plans shall be prepared by a licensed landscape architect

52. 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.
53. 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.

Signage

54. All signage, including, but not limited to, on- or off-site temporary subdivision identification, directional or marketing / sale signs for the purpose advertising homes for sale 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 Ellis Street is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.

Construction Trailer & Sales Center

55. Development of any temporary construction trailer and/or materials storage yard and/or parking on any lot in the subdivision requires the approval of the Planning Manager in advance of installation/placement.
56. The development of any model home sales center on any lot in the subdivision requires the approval of the Planning Manager.

BUILDING DEPARTMENT

57. The development of any model home sales center on any lot in the subdivision requires the approval of the Planning Manager.
58. A building permit is required for all construction on the site.
59. All plans submitted for on-site construction or building permits shall incorporate and reflect all requirements outlined herein.
60. Current State of California and Federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked when the building permit is reviewed and confirmed at final inspection.

FIRE DEPARTMENT

61. All homes shall be equipped with residential fire sprinklers in accordance with the CRC and NFPA 13D.
62. The fire hydrant system shall comply with appendices B&C of the California Fire Code and the City of Madera Standards.

ENGINEERING DEPARTMENT

General Conditions

63. Prior to recording of each final map, all actions 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.
64. Draft Tentative Tract Map shall address entire parcel not just a portion thereof as currently depicted.
65. A final subdivision map shall be required per Section 10-2.502 of the municipal code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
66. 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.
67. 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 of each phase. The City Engineer shall designate or approve the location.
68. 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.
69. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification.
70. Development impact fees shall be paid at time of building permit issuance.
71. 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.
72. 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.
73. 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.
74. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit is required from the Engineering Division. For subdivisions, an Encroachment Permit is only required if construction of improvements is initiated prior to execution of an Improvement Agreement.
75. The improvement plans for the project shall include the most recent version of the City's General Notes.
76. The developer shall comply with the Federal Emergency Management Agency (FEMA) requirements, as may be applicable. Proposed improvements shall account for the areas of the

TSM which lie within the boundaries of FEMA Special Flood Hazard Areas, Zone A and Zone AO, as may be applicable.

Water

77. Prior to framing construction on-site, a water system shall be designed to meet the required fire flow for the type of development planned and approved by the fire department. Fire flows shall be determined by Uniform Fire Code appendix III-A. (TSM)
78. Unless the City Engineer or fire flow analysis specifies larger 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.
79. The developer shall install master-planned water supply facilities in accordance with the City of Madera Water System Master Plan as indicated below :
80. Cleveland Avenue – Install 12-inch main from Road 24 alignment to the western edge of the project frontage.
81. "B Street" – Install a 12-inch main from Cleveland Avenue to the southern edge of the project frontage.

Reimbursements are based on the current impact fee program and are subject to change based on future updates to the program.

The oversize component (difference in cost between constructed pipe size and 8-inch pipe) of the construction of these lines are considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half the 8-inch component is reimbursable from adjacent properties as they develop and connect.

82. Infrastructure shall be installed to the extent necessary to provide a looped water main system that provides an adequate potable water supply that meets fire flow requirements for each phase. Water mains shall be constructed to current City standards in effect at time of construction.
83. The developer shall, subject to confirmation through a separate study initiated by the City, design, dedicate right-of-way and construct a municipal water well in accordance with City of Madera Water System Master Plan. If a water well is not determined to be needed, an appropriate well site shall be identified, dedicated to the City and appropriate block wall perimeter constructed. The cost of the municipal wells is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
84. 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). For each phase, 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.

85. For subdivisions, water services shall be placed 3 feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or streetlight locations.
86. One water quality sampling station, or additional may be determined necessary by the Public Works Department, shall be shown on the improvement plans for each subdivision and installed within each corresponding subdivision and approved by the water quality division of the Public Works Department.
87. 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.
88. Water service connection(s) shall be shown on the improvement plans for each phase and shall be constructed to current City standards in effect at time of construction including 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.
89. A separate water meter and backflow prevention device shall be required for landscape areas.
90. 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.
91. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to construction activities commencing on individual dwelling units.

Recycled Water

92. The developer shall install recycled/non-potable water facilities with the future intent to serve landscape areas including park strips, front and back yards. Recycled facilities shall be designed to operate initially using potable water. When recycled water becomes available, the system shall anticipate full disconnection from potable system and connection to recycled system at a future undetermined time.

Sewer

93. The developer shall install master-planned sewer facilities in accordance with the City of Madera Sanitary Sewer System Master Plan, as may be applicable, as indicated below:
94. Cleveland Avenue – Install 15-inch main from Road 24 alignment to western edge of the project frontage at line and grades necessary to service all areas identified for service in the City of Madera Sanitary Sewer System Master Plan, or as directed by the City Engineer.

Reimbursements are based on the current impact fee program and are subject to change based on future updates to the program.

The oversize component (difference in cost between constructed pipe size and 8-inch pipe) of the construction of these lines are considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half the 8-inch component is reimbursable from adjacent properties as they develop and connect.

95. This TSM shall be permitted to connect to the existing Westberry Trunk sewer main on a temporary basis only. Provisions shall be made to reverse the flows for these lots to the future Road 23 trunk. Sewer flow may remain in the Westberry Trunk sewer main on a permanent basis subject to detailed analysis which shows, based on current known factors, that said demand on sewer capacity from the TSM will not result in unacceptable impacts on the Westberry Trunk main capacity. Examples of acceptable supporting factors may include but are not limited to changes in demand on sewer system as a result of water conservation measures being used on future development, changes in land use for tracts of land that impact the Westberry Trunk sewer main, etc.
96. 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. DVDs shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
97. 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 in effect at time of construction 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.
98. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

99. The developer shall install master-planned or equivalent facilities such as storm retention basins and pipes in accordance with the Storm Drainage System Master Plan. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage System Master Plan, as may be applicable, to convey storm runoff to the corresponding master-planned basins and excavate or expand the basins to an amount equivalent to each 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. If it is determined that a permanent basin shall be constructed, the entirety of the ultimate basin land shall be dedicated, fenced, and outfall structures constructed at ultimate depth and location.
100. 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. This condition is directly applicable to this project or any portion thereof if drainage is directed to the Fresno River.

Streets

101. The developer shall provide a traffic study that addresses and mitigates the impacts of the planned development on the street system. The intersections of Westberry Boulevard/Cleveland Avenue and Cleveland Avenue/Granada Drive shall be evaluated as part of the traffic study.
102. West Cleveland Avenue from the Road 24 alignment to the western edge of the project frontage shall be improved to a 110-foot arterial roadway standard with a five-foot sidewalk, 10-foot park strip and eight-foot bicycle lane on both sides of the roadway, 60-foot asphalt section in total and a 16-foot landscaped median island. The developer to construct the first half of the street (north or south of the centerline) shall construct the 16-foot landscaped median island centered on the centerline. The developer to construct the first half of the street shall also construct on the opposite half of the street 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.
103. "B Street" shall be constructed to a 90-foot collector roadway standard with a five-foot sidewalk, five-foot park strip, 58-foot asphalt section and a 12-foot landscaped median island. The developer to construct the east half of the street shall also construct on the opposite half of the street one permanently paved 12-foot lane and 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 (36-feet total), which includes the median island, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
104. The proposed entrance into the subdivision at the intersection of Cleveland Avenue and "N Street" shall be restricted to left-turn in, right-turn in and right-turn out movements.
105. The developer shall dedicate a ten (10) foot wide Public Utility Easement (PUE) along all internal publicly dedicated streets except areas where back yards front the street. (TSM)
106. Interior streets shall be constructed in accordance City standards in effect at time of construction for collector streets (90-feet), residential streets (60-feet) and couplet streets (67-feet).
107. Alamosa Drive shall be confirmed to coincide with Ranch Santa Fe subdivision connecting street alignment and cross section width.
108. 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.
109. 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 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.

110. The divided community entry streets within the TSM shall be in accordance with plans approved by the City Engineer and the Fire Marshall. Landscaping shall be maintained by the Landscape Maintenance District.
111. 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.
112. Street Easement Dedications shall be made to dedicate sufficient right-of-way to accommodate the corresponding street cross-sections.
113. 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.
114. "No Parking" signs shall be installed along the frontage of arterial and collector roadways per City standards in effect at time of construction.
115. Industry standard traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with each subdivision. Maximum distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer.
116. 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.
117. Access ramps shall be installed at all curb returns per current City standards in effect at time of construction.
118. Driveway approaches shall be constructed per current City standards in effect at time of construction.
119. The developer shall be required to install streetlights along the frontage of all streets associated with each subdivision and other developments in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
120. 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.

121. 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.
122. Improvement plans prepared in accordance with City Standards in effect at time of construction 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 in effect at time of construction, 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.
123. Submittals shall include **(submit a PDF and the stated number of hard copies for each item)** (TSM):
- 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.
124. 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.

125. 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.
126. 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.
127. 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 for each phase. Inspection fees shall be paid prior to initiating construction.
128. 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.
129. The subdivider shall enter an Improvement Agreement in accordance with the municipal code prior to recording of each final map. The Improvement 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.
130. 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 the corresponding 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.
131. For each phase, 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:

132. 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 for each phase.
133. 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.

134. 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.
135. 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:

136. Direct residential access to all collector and arterial streets as well as entry streets is prohibited, and this shall be noted on the final map for each phase.
137. 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.
138. 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.
139. 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.
140. 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.
141. 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.
142. Prior to recording each 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.
143. 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.
144. 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.

145. 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

146. 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).
147. Applicant shall submit to, and have approved by, the SJCAPCD an Authority to Construct (ATC) application prior to issuance of a grading or building permit.
148. Applicant shall submit to, and have approved by, the SJCAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit.
149. Applicant shall submit to, and have approved by, the SJCAPCD a Dust Control Plan prior to issuance of a grading or building permit.

CALIFORNIA DEPARTMENT OF TRANSPORTATION

150. The applicant shall make an effort to connect the proposed development with existing active transportation and public transportation infrastructure.

MADERA UNIFIED SCHOOL DISTRICT

151. 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

152. No component of operations of the subdivision shall create, or cause to be created, electrical interference with aircraft communications or navigation. (TSM, PPL)
153. 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. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

154. 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.
155. 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.

156. 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:
 - a. 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.
 - b. 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).
 - c. 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.
157. 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.
158. 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° 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.
159. 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.
160. 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, waterline '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.

161. 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.
162. 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. 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 of four feet (4') in height at maturity may be planted within the easement area.
163. 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.
164. 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.
165. 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. It is PG&E's policy to permit certain uses on a case-by-case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and way they are exercised, will not interfere with PG&E's rights, or endanger its facilities.
166. Buildings and Other Structures: No buildings or other structures including the footprint and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA – NO BUILDING."
167. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed, and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
168. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like

structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences, and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

169. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
170. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
171. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case-by-case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
172. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
173. Streets and Roads: Access to facilities must be maintained at all times. Streetlights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.
174. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.
175. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.
176. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue, and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.
177. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only

commence after 811 protocols has been followed. Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

178. PG&E is also the owner 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 that may endanger the safe and reliable operation of its facilities.

-END OF CONDITIONS-