

**REGULAR MEETING  
CITY OF MADERA**

**DEVELOPMENT REVIEW COMMITTEE AGENDA  
CONFERENCE ROOM  
CITY HALL**

**Tuesday  
March 15, 2022  
9:30 AM**

This meeting will be conducted will be available to public viewing and participation through zoom. 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: [82190354258](https://www.zoom.us/j/82190354258) followed by \*9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/82190354258>. Public comment will also be accepted via email at [drccomment@madera.gov](mailto:drccomment@madera.gov).

**CALL TO ORDER**

**ROLL CALL**

Planning Manager / Chairperson – Arnaldo Rodriguez  
City Engineer- Keith Helmuth  
Acting Building Official- Arnaldo Rodriguez  
Fire Marshal – Matt Tarr  
Parks Director – Joseph Hebert  
Interim Public Works Director – Daniel Foss  
Police Dept – Shawn Bushey

**PUBLIC COMMENT**

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

**MINUTES**

None

**PUBLIC HEARING ITEMS**

**TSM 2021-03 – Kennedy & Westberry Blvd.**

A noticed public hearing to consider subdividing a 15.36-acre parcel into seven (7) parcels ranging in size from 1.05 to 6.02 acres. The applicant proposes no new development or improvements in association with the division. The site is located on the southeast corner of Kennedy St. (Avenue 16) and North Westberry Boulevard in the I-S (industrial with Special Provisions) Zone District with an I (Industrial) General Plan land use designation and falls within the Specific Plan No. 1. APN: 013-030-013

**TPM 2021-05 – Pecan Parcel Map**

A noticed public hearing to consider a tentative parcel map to allow for the division of one parcel (APNs: 012-480-010) of 53.23-acres into four (4) parcels of 10-acres; 10.76-acres; 11.70-acres; with a 20.77-acres remainder. The parcels are located in proximity to the intersection of West Pecan Avenue and Madera Avenue, in the PD-6000; PD-3000; PD-1500 (Planned Development); CN (Neighborhood Commercial) Zoning Districts with C (Commercial); HD (High Density); MD (Medium Density) and LD (Low Density) General Plan land use designation. The project is exempt from the the California Environmental Quality Act (CEQA) under Section 15315 (Minor Land Divisions).

## **COMMITTEE MEMBER COMMENTS / REPORTS**

Development Review Committee members may use this time to discuss policy questions, report on potential issues of mutual interest and generally discuss ways to better coordinate project reviews.

## **ADJOURNMENT**

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 DEVELOPMENT REVIEW COMMITTEE

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

Report Prepared By: Tim Mulick, Contract Planner

### Staff Report: TSM 2021-03 – Kennedy Street (Avenue 16) and North Westberry Boulevard. Item # 1- March 15, 2022

**PROPOSAL:** TSM 2021-03: A request by Michael Sutherland for a Tentative Subdivision Map to subdivide a 15.36-acre parcel into seven (7) parcels ranging in size from 1.05 to 6.02 acres. The applicant proposes no new development or improvements in association with the division. The site is located on the southeast corner of Kennedy Street (Avenue 16) and North Westberry Boulevard. (APN 013-030-013)

**APPLICANT:** Michael Ray Sutherland  
36691 Avenue 12  
Madera, CA 93636

**OWNERS:** Sibrun LLC  
1267 Willis Street, #200  
Redding, CA 96001

**ADDRESS:** Southeast corner of Kennedy  
Street (Avenue 16) and North  
Westberry Boulevard

**APN:** 013-030-013

**APPLICATIONS:** TSM 2021-03

**CEQA:** Common Sense Exemption

**LOCATION:** The subject property is south and east of the airport limits and is south and east of the intersection of Kennedy Street (Avenue 16) and North Westberry Boulevard, on the west side of the city.

**STREET ACCESS:** The project site has street access from both Kennedy Street (Avenue 16) and North Westberry Boulevard.

**PARCEL SIZE:** 15.36 acres

**GENERAL PLAN DESIGNATION:** Industrial

**ZONING DISTRICT:** I-S (Industrial with Special Provisions Applicable)

**SPECIFIC PLAN:** Specific Plan No. 1

**SITE CHARACTERISTICS:** The subject parcel is a 15.36 acre vacant lot parcel located at southeast corner of the intersection of Kennedy Street (Avenue 16) and North Westbury Boulevard (APN: 013-030-013). Access to the parcel is currently available from either Kennedy Street (Avenue 16) or North Westberry Boulevard. The parcel is bounded to the north by Kennedy Street (Avenue 16) and commercial development, to the east by a vacant parcel designated for medium density residential, to the west by

North Westberry Boulevard and another vacant Industrial parcel, and to the south by designated Open Space related to airport approach operations.

The site is designated in the general plan as Industrial and as I-S (Industrial with ‘Special Provisions Applicable’) on the Zoning Map. There are no plants, animals, cultural, historical, or scenic aspects of the site that make it significant. The topography is flat and soil conditions are good for development. Madera Irrigation District maintains an underground water conveyance line in a 55-foot wide easement along the northern boundary of the site parallel to Kennedy Street. The entirety of the site is located within the C1 airport approach zone, and subject to possible restrictions set forth in the City’s Specific Plan #1 and the Madera County Airport Land Use Compatibility Plan.

**ENVIRONMENTAL REVIEW:** The proposed project will require a Commonsense Exemption to comply with the California Environmental Quality Act.

**SUMMARY:** Tentative Subdivision Map 2021-03 proposes the division of property (APN 013-030-013) into seven (7) separate parcels. No other development is proposed at this time.

#### **APPLICABLE CODES AND PROCEDURES**

*MMC § 10-2.401 Tentative Subdivision Map*

*MMC § 10-2.402.6.3 Denial*

*CGC § 7-2.1.66413 State Subdivision Map Act*

A public review and approval by the Development Review Committee is required for all projects that subdivide land. The project is reviewed for compliance both with the State Subdivision Map Act and any applicable municipal standards for parcels. If the Committee cannot make the appropriate findings, the proposed map should be denied. Conditions may be attached to the approval of the subdivision map to ensure compatibility. Parcel design may be altered and on- or off-site improvements required in order to make the project compatible with zoning and nearby uses.

**PRIOR ACTION:** N/A

#### **ANALYSIS:**

##### Tentative Subdivision Map Review

The parcel to be divided is zoned I-S (Industrial with Special Provisions Applicable) and designated I (Industrial) in the General Plan and is in the subject area of Specific Plan No. 1 (SP1). No rezoning is proposed. All proposed parcels resulting from the division would remain zoned (I). In addition, the proposed parcels would continue to be subject to the requirements of SP1. All the proposed parcels meet the area and set-back requirements as well as the coverage and height restrictions for both (I) and (SP1).

##### Special Provisions Applicable \*\*

The General Plan Land Use, Zoning Map and Specific Plan #1 maps all clearly designate the site for Industrial purposes: however, the Zoning Map includes an additional overlay on a very select group of adjacent commercial and industrial parcels designated with this ‘Special Provisions Applicable’ caveat rendering it a unique (I-S) in the Legend.

##### Special Airport Restrictions

With the expansion of airport zone of operations as set forth in the 2015 Madera County Airport Land Use Compatibility Plan the entirety of the site is now located within the Airport’s expanded C1 Outside Approach Zone (see map). A search of the document only revealed the restrictions that structures are not to exceed 70 feet in height or exceed a Max FAR of 0.80.

### Parking and Accessibility

The parcels resulting from the division would access either Kennedy Street (Avenue 16) or North Westberry Boulevard by way of individual or common driveways. The details of that shared access as well as maintenance of the driveway are outlined in the Covenant, Conditions, Easements, and Restrictions (CC&R) attached to this report.

Each proposed parcel has sufficient parking to meet their respective existing uses. Madera Municipal Code §10-3.1202 (Parking Spaces Required) mandates warehouse and manufacturing operations provide one (1) space for every two (2) employees, one (1) space per every 300 sf of office floor space or customer floor area, and one loading space per 10,000 sf of gross floor area. A condition of the CC&Rs is that an operator in any of the resulting parcels shall not engage in any use for which there is insufficient parking. Each warehouse structure is equipped with, and should maintain, two (2) accessible spaces compliant with the Americans with Disabilities Act (ADA).

### Landscaping

Both I and SP1 require a landscape buffer for any property boundary adjacent to a public right-of-way; therefore, the boundaries along Kennedy Street (Avenue 16) and North Westberry Boulevards will require landscape buffers. The eastern edge of the site is visible from Highway 99 and therefore must provide a landscape screening, decorative walls, or buildings to provide an aesthetically pleasing view from the freeway by requirement of SP1.

### Compatibility with Surrounding Uses

With Commercial uses being established to the north of Kennedy Street (Avenue 16) and along Condor Drive, proposed Industrial uses to the west, medium density residential to the east and open Space to the south reserved for airport approach, there are no conflicting uses that would preclude the proposed approval action.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Staff have performed a preliminary environmental assessment and have determined that the project can be processed with a Common Sense Exemption of the State CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..

## **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Though subdivisions are not specifically addressed in the vision or action plans, the overall project does indirectly support one of the four visions for the City: Good Jobs and Economic Opportunities. This principle recognizes the need to provide commercial opportunities within the City. The opportunity for investment and diversity of action through varied landholders presents an opportunity for a more diversified local economy.

## **RECOMMENDATION**

The information presented in this report provides support for the adoption of a resolution recommending conditional approval of Tentative Subdivision Map 2021-03. It is recommended that the Committee consider the information in this report, as well as testimony received at the public hearing, and make a determination on TSM 2021-03, subject to the findings and conditions of approval.

## **DEVELOPMENT REVIEW COMMITTEE ACTION**

The Commission will be acting on the Commonsense Exemption, Tentative Subdivision Map 2021-01 and determining to either:

- Adopt a resolution adopting a Commonsense Exemption pursuant to CEQA Guidelines Section 15061(b)(3) for the project, and approving Tentative Subdivision Map 2021-03 as conditioned (Motion 1); *or*
- Continue the hearing to a later date, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Development Review Committee should articulate reasons for modifications to findings and conditions of approval) (Motion 2); *or*
- Move to continue the application for Tentative Subdivision Map 2021-03 to a later Development Review Committee hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Development Review Committee should articulate reasons for denial.) (Motion 3).

**Motion 1:** Move to adopt a resolution of the Development Review Committee of the City of Madera adopting a Finding of a Common Sense Exemption pursuant to CEQA Guidelines Section 15061(b)(3), approving TSM 2021-03, based on, and subject to, the findings and conditions of approval as follows:

Findings to Approve a Tentative Subdivision map

*Finding a: The proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.*

All the parcels resulting from the proposed division of land will be consistent with the area, setback, coverage, and all other requirements of their designated zone (heavy commercial) and General Plan designation (commercial). As conditioned, the parcels will also be consistent with the requirements of Specific Plan No. 1.

*Finding b: The proposal is consistent with the Subdivision Ordinance and the California State Subdivision Map.*

The proposed subdivision map and required supporting documents are consistent with the requirements of the Madera Municipal Code. In addition, none of the exemptions listed in the State Subdivision Map Act 66412 apply and all other requirements of the Act are satisfied.

**(OR)**

**Motion 2:** Move to continue the public hearing on TSM 2021-03 to a later Development Review Committee meeting with direction to staff to return with an updated resolution containing appropriate findings modifying the conditions of approval for the following reasons: (Specify – Development Review Committee should articulate reasons for modifications to findings and conditions of approval as well as the date of the future meeting.)

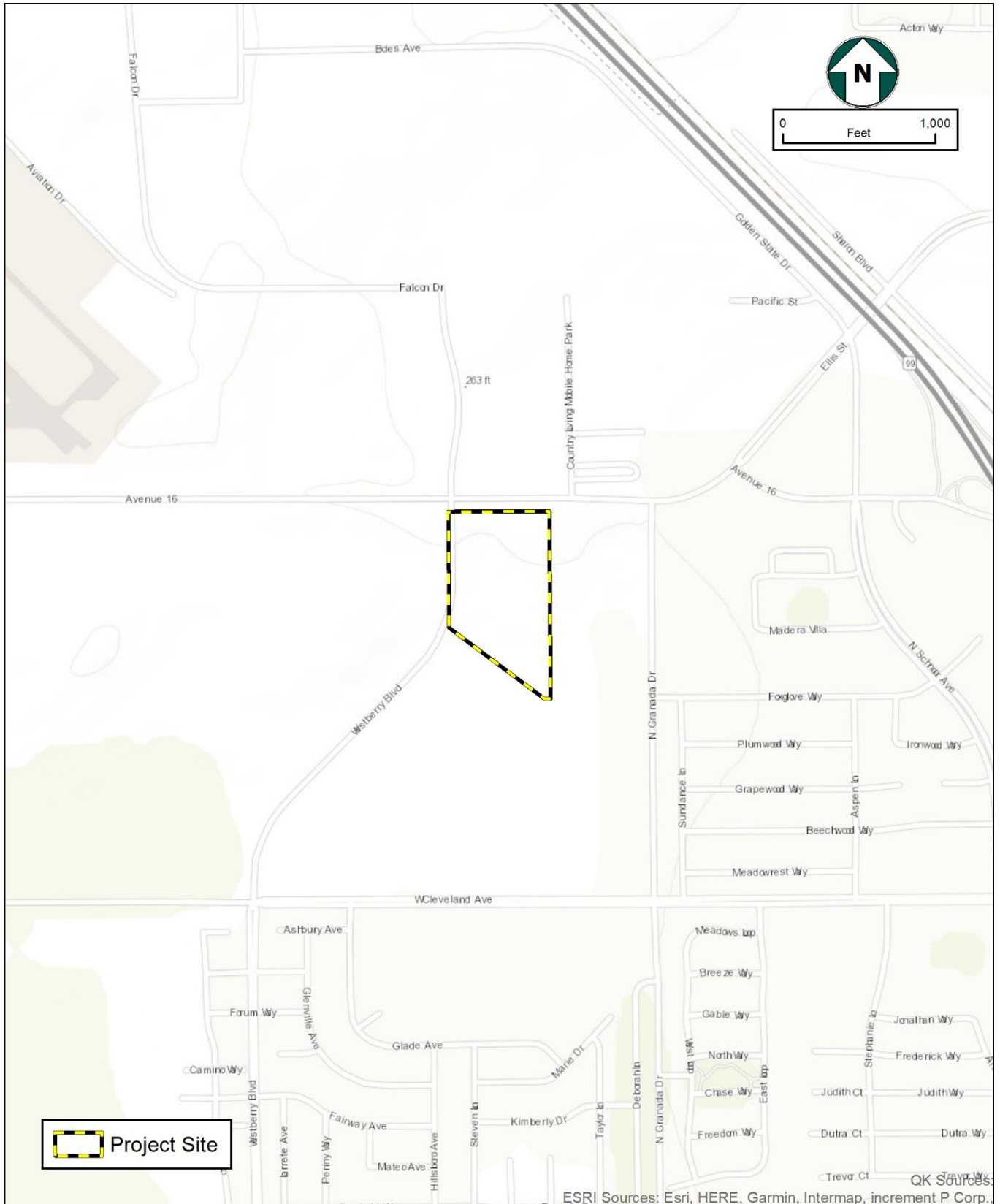
**(OR)**

**Motion 3:** Move to continue the public hearing on TSM 2021-03 to a later Development Review Committee meeting with direction to staff to return with an updated resolution containing appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial as well as the date of the future meeting.)

**ATTACHMENTS**

1. Vicinity Map
2. Aerial Photo
3. General Plan Land Use Map
4. Zoning Map
5. Tentative Subdivision map
6. Tentative Subdivision map - Enlargement
7. Development Review Committee Resolution for TPM 2021-03
8. Conditions of Approval

ATTACHMENT 1  
Vicinity Map  
TSM 2021-03

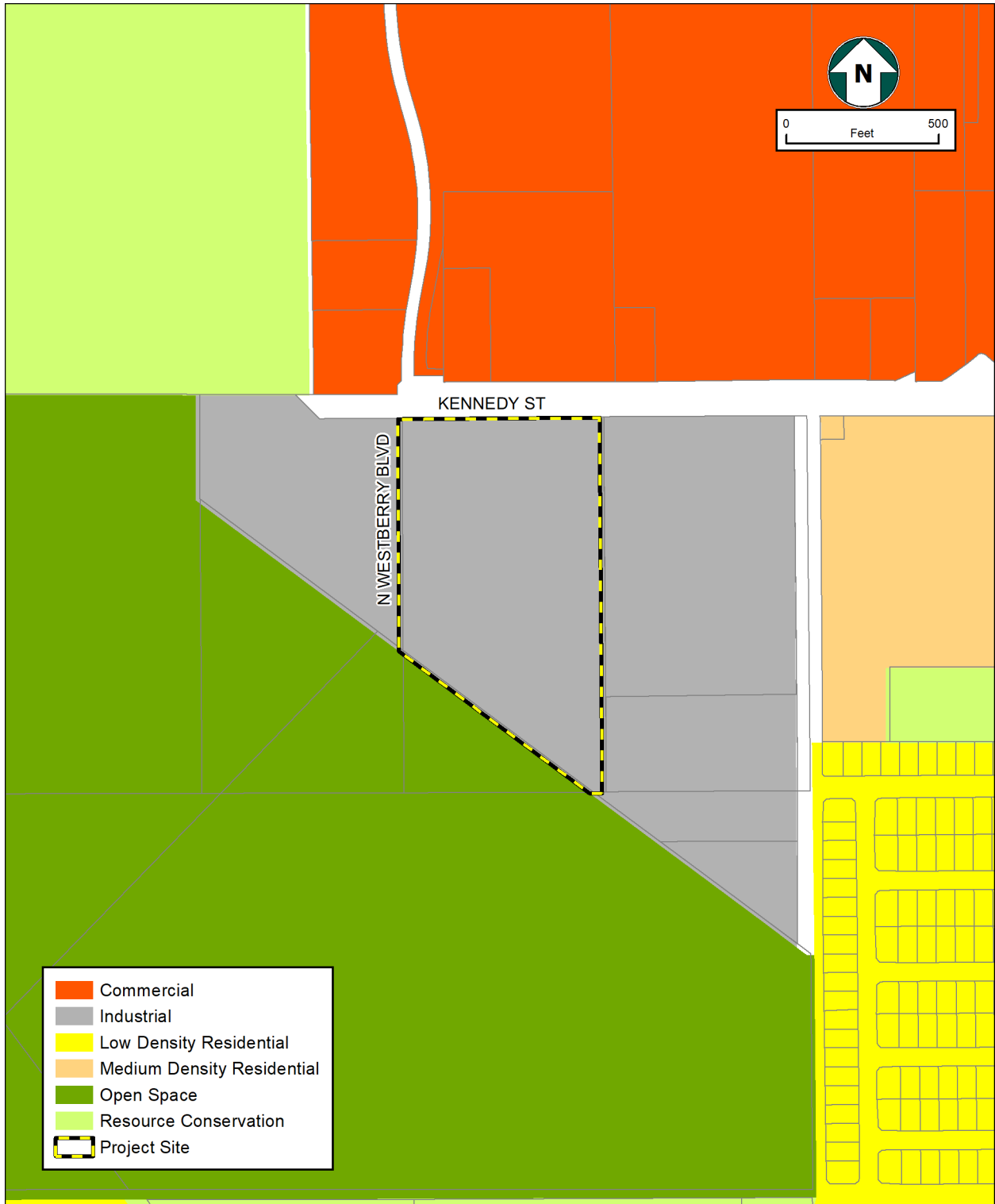




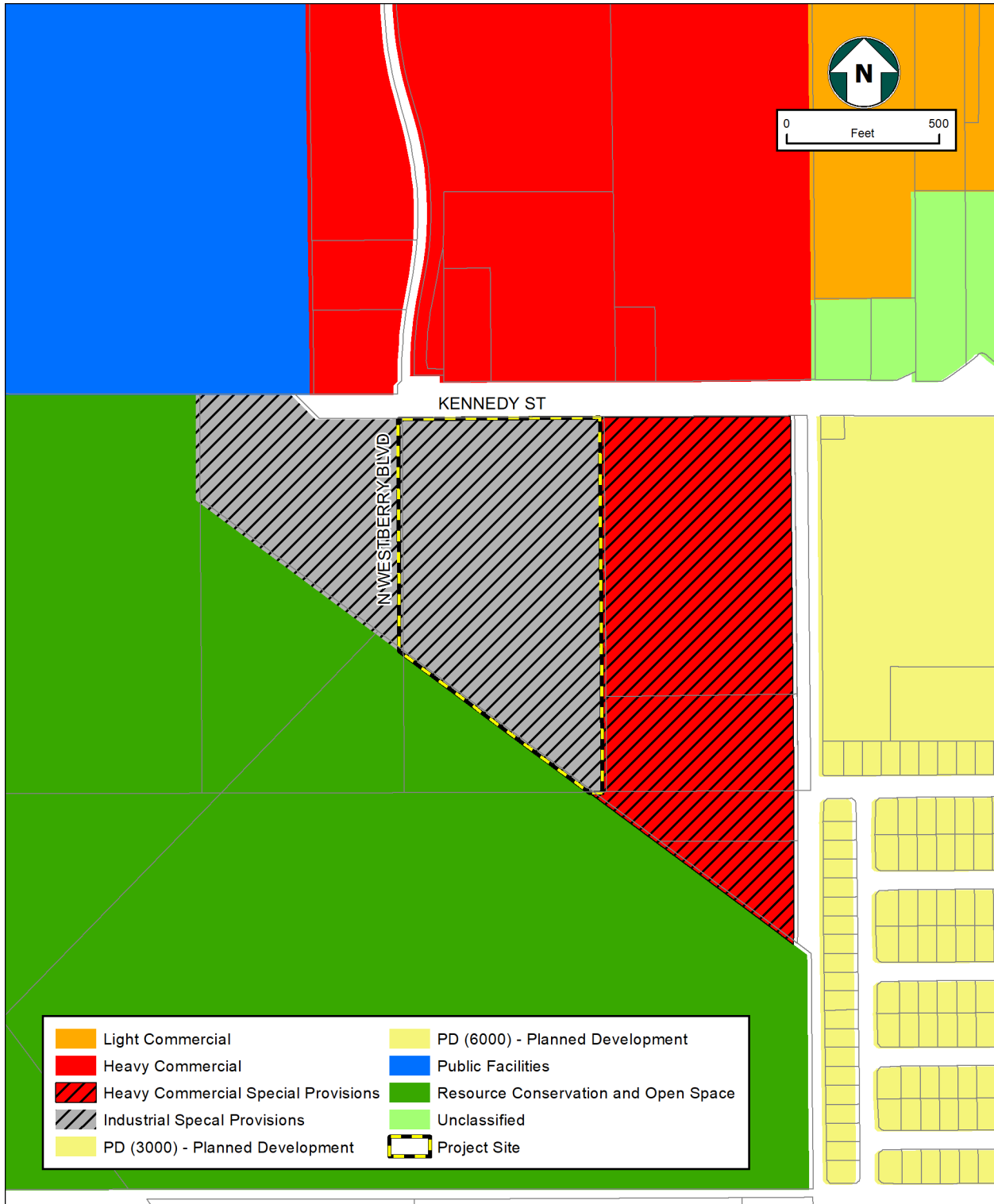
ATTACHMENT 2  
Aerial Photo  
TSM 2021-03



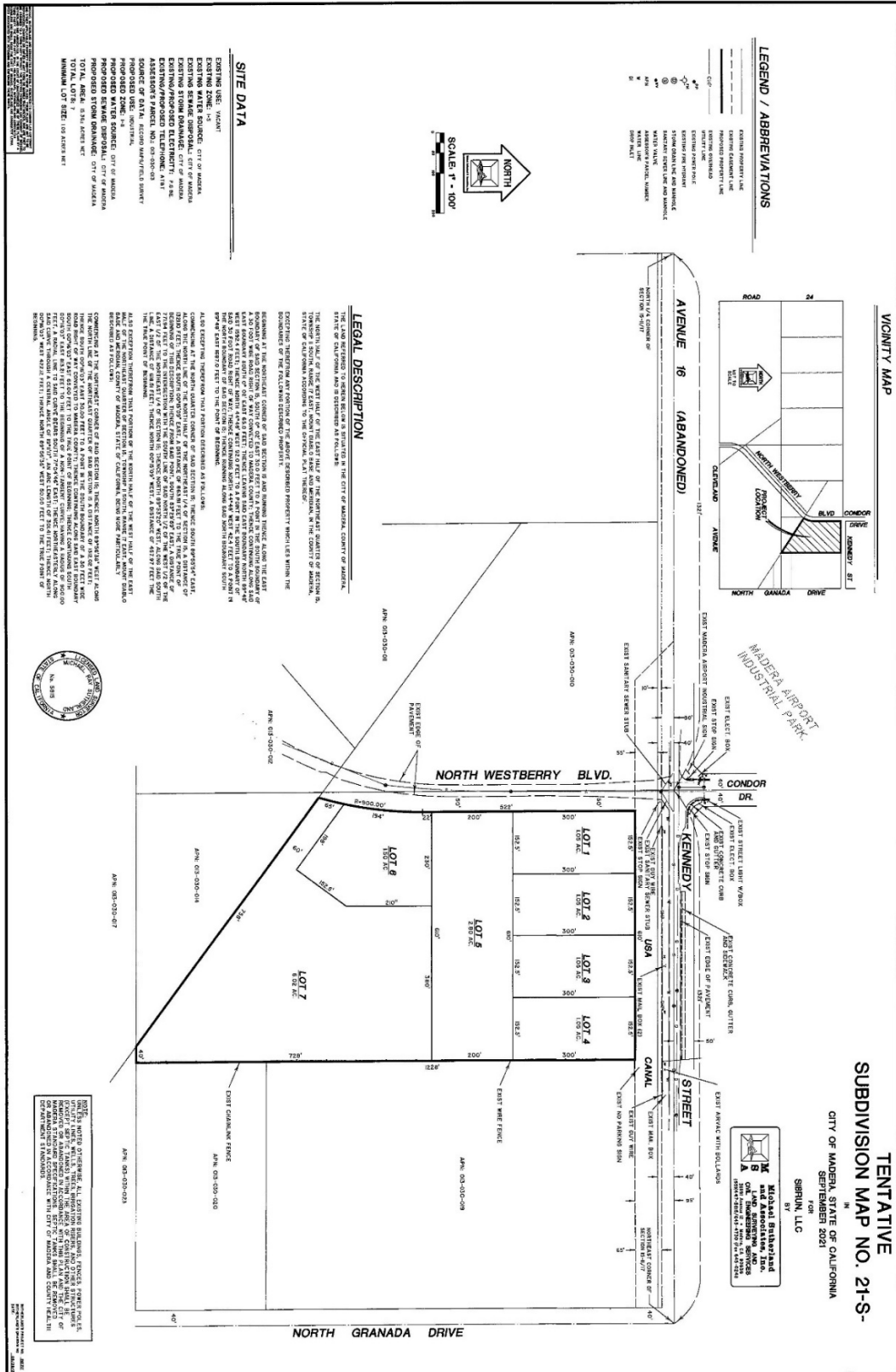
ATTACHMENT 3  
General Plan Land Use Map  
TSM 2021-03



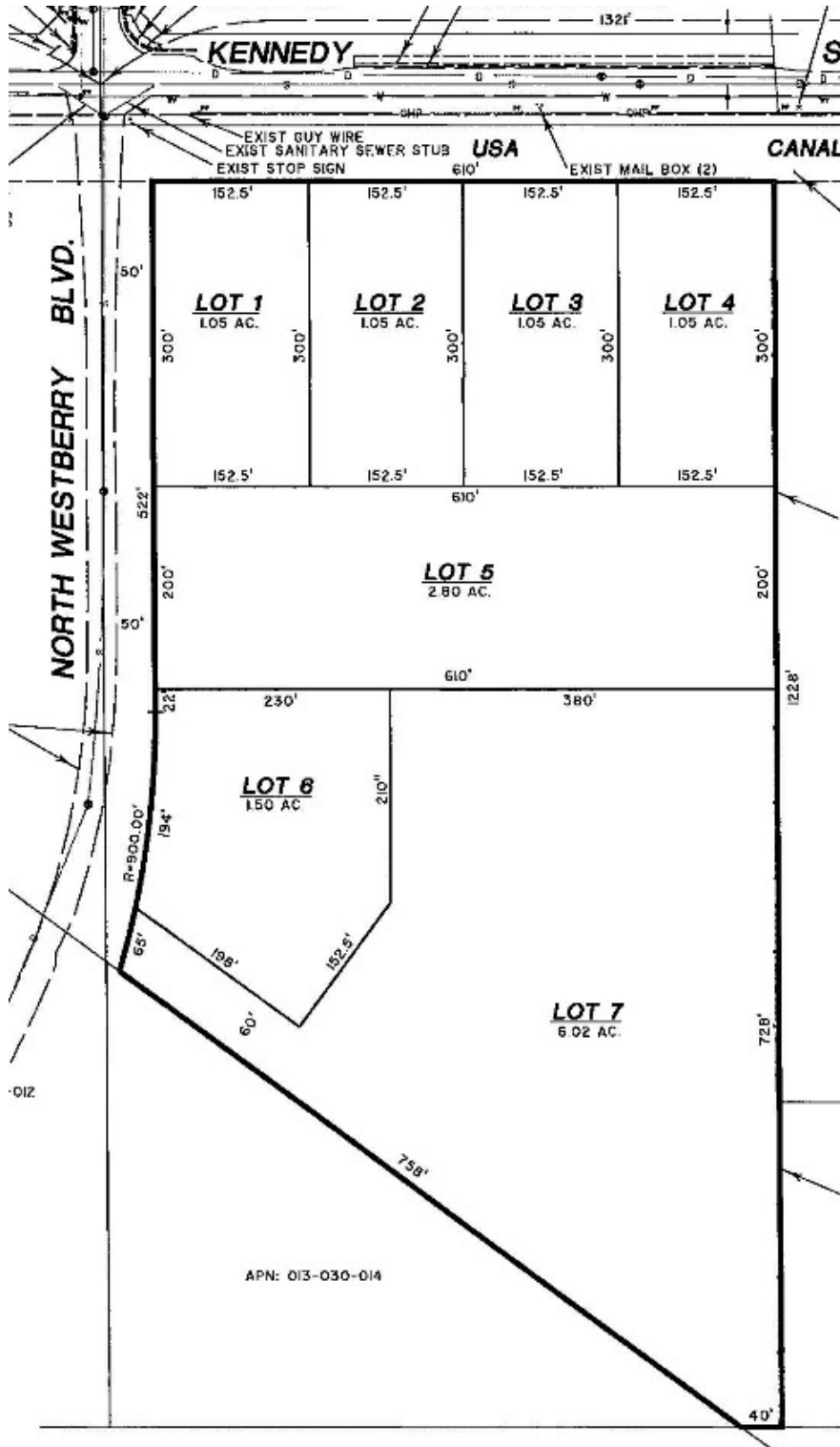
ATTACHMENT 4  
Zoning Map  
TSM 2021-03



# ATTACHEMNT 5 Tentative Subdivision Map TSM 2021-03



**ATTACHMENT 6**  
**Tentative Subdivision Map - Enlargement**  
 TSM 2021-03



**RESOLUTION NO. 102**

**RESOLUTION OF THE DEVELOPMENT REVIEW COMMITTEE OF THE CITY OF MADERA ADOPTING A COMMONSENSE EXEMPTION PER CEQA GUIDELINES SECTION 15601(B)(3) AND APPROVING TENTATIVE SUBDIVISION MAP 2021-03 LOCATED AT THE SOUTHEAST CORNER OF KENNEDY STREET (AVENUE 16) AND NORTH WESTBERRY BOULEVARD**

**WHEREAS**, Sibrun LLC (“Owner”) owns APN 013-030-013 located at the southwest corner of Kennedy Street (Avenue 16) and North Westberry Boulevard in Madera, California (“site”); and

**WHEREAS**, Michael Ray Sutherland is the applicant of the project; and

**WHEREAS**, the 15.36 acre site is approved to be subdivided into seven (7) smaller parcels for the purposes of subsequent sale; and

**WHEREAS**, the site is designated Industrial and zoned I-S (Industrial ‘Special Provisions Applicable); and

**WHEREAS**, the site is within the Specific Plan No. 1 Plan Area; and

**WHEREAS**, the Applicant is seeking a Tentative Subdivision Map (TSM) to divide the 15.36-acre site into seven (7) separate parcels, as proposed by TSM 2021-03; and

**WHEREAS**, based on a preliminary environmental assessment, this project would be subject to a Common Sense Exemption; and

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

**WHEREAS**, under the City’s Municipal Code, the Development Review Committee is authorized to review and approve tentative subdivision maps and environmental assessments for associated projects on behalf of the City; and

**WHEREAS**, the City provided notice of the Development Review Committee hearing as required by law; and

**WHEREAS**, the Development Review Committee received and reviewed TSM 2021-03 at a duly noticed meeting on March 15, 2022; 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 Development Review Committee; and

**WHEREAS**, the Development Review Committee now desires to adopt a Common Sense Exemption for the project, and approve TSM 2021-03, with conditions.

**NOW THEREFORE**, be it resolved by the Development Review Committee of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission finds that the project requires a Commonsense Exemption under Section 21080 of the State CEQA Guidelines, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

3. Findings for TSM 2021-03: The Development Review Committee finds and determines that there is substantial evidence in the administrative record to support the approval of TSM 2021-03, as conditioned. With conditions, the project is consistent with the requirements of the Madera Municipal Code. The Development Review Committee further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. The proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.

Basis for Finding: All the parcels resulting from the proposed division of land will be consistent with the area, setback, coverage, and all other requirements of their designated zone (heavy commercial) and General Plan designation (commercial). As conditioned, the parcels will also be consistent with the requirements of Specific Plan No. 1.

- b. The proposal is consistent with the Subdivision Ordinance and the California State Subdivision Map.

Basis for Finding: The proposed subdivision map and required supporting documents are consistent with the requirements of the Madera Municipal Code. In addition, none of the exemptions listed in the State Subdivision Map Act 66412 apply and all other requirements of the Act are satisfied.

4. Approval of TSM 2021-03: Given that all findings can be made, the Development Review Committee hereby approves TSM 2021-03 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 Development Review Committee of the City of Madera this 15<sup>th</sup> day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Gary Conte, AICP  
Development Review Committee  
Chairperson

Attest:

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Brandi Garcia  
Recording Secretary

Exhibit "A" – Conditions of Approval for TSM 2021-03



### Conditions of Approval for TSM 2021-03

#### **General Conditions**

1. Approval of this tentative subdivision map shall be considered null and void in the event of failure by the applicant and/or the authorized representative, engineer, or surveyor to disclose and delineate all facts and information relating to the subject property.
2. Approval of this tentative subdivision map may become null and void in the event that the subdivision map or conditions of the site is not completed in accordance with all the conditions and requirements imposed on this tentative subdivision map, the zoning ordinance, and all City standards and specifications. This tentative subdivision map 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 subdivision map. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the subdivision map or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this tentative subdivision map or subsequent amendments or revisions. These conditions are conditions imposed solely upon the tentative subdivision map 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 tentative subdivision map, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative subdivision map.
4. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
5. The applicant/owner shall submit to the City of Madera Planning Department a check in the amount necessary to file the CEQA notice 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) business days following action on TSM 2021-03.
6. Project approval is conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the applicant’s signature on the Acknowledgement and Acceptance of Conditions of Approval.
7. This tentative subdivision map approval (TSM 2021-03) shall expire twenty-four (24) months from the effective date, unless a final map is recorded in accordance with the Subdivision Map Act and filed with the County Recorder or the required action is taken to extend the approval before expiration date.
8. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify,

and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

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

#### **Engineering Department**

9. The developer shall pay all required fees for processing the subdivision map and completion of 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.
10. A final subdivision map shall be required in accordance with Section 10-2.502 of the municipal code and the Subdivision Map Act.
11. Future subdivision of parcels created shall comply with the Subdivision Map Act.
12. Monuments shall be placed at all parcel corners and shown on the subdivision map in accordance with the California Subdivision Map Act, the California Land Surveyors Act and City Standards prior to development of property.
13. Subdivision map preliminary submittal shall include three sets of prints; and two sets of the following: title report, soils report, traverse data, signed tentative subdivision map conditions and all referenced deeds, map and documents.
14. Any and all public or private easements on the property identified on the title report shall be shown on the subdivision map with recording data.
15. Prior to recording of the subdivision map, any current, delinquent, or estimated Madera County or Madera Irrigation District taxes for the upcoming assessment year shall be paid in accordance with Subdivision Map Act Section 66492-66494.1.
16. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit shall be required from the Engineering Division.
17. If applicable, all construction of off-site improvements shall be completed prior to issuance of final occupancy.

18. Further development of any parcel of the subdivision map shall meet fire, building, and municipal code requirements for the zone and the approved use.
19. A title report dated no more than 30 days prior to recording date of subdivision map shall be submitted to the City Engineer for review prior to subdivision map recordation.
20. Each newly created parcel shall have a separate water service. Any new connection(s) shall be 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. Existing cross lot connections shall be severed.
21. Each newly created parcel shall have a separate sewer service. Any new connection(s) shall be constructed to current City standards. Existing cross lot connections shall be severed.
22. The developer shall record a Reciprocal Easement Agreement for ingress/egress, utility, drainage, access for emergency services, and parking easements in the City of Madera standard form. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall be responsible for paying all associated fees to the Engineering Department. If an existing cross access agreement has already been recorded, it shall be revised based upon the proposed changes.
23. The developer shall confirm that the newly created parcels can be serviced by refuse enclosures and containers or construct additional refuse enclosures as required. Shared refuse enclosures shall require recordation of an easement that provides mutual right of access and use of the refuse enclosures to all parcels. If necessary, this item will be included in the Reciprocal Easement Agreement referenced in the previous condition.
24. Conditions, as appropriate, have been recommended for the site plan (TSM 2021-03) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies.

**Planning Department**

25. Future projects and/or uses shall be consistent with the Airport Land Use Plan.
26. Comply with the letter from Madera County Airport Land Use Commission dated March 11, 2022 (condition added on March 12, 2022).



March 11, 2022

**Via Email: [arodriguez@madera.gov](mailto:arodriguez@madera.gov)**

Arnoldo Rodriguez, City Manager  
City of Madera  
205 W. 4<sup>th</sup> Street  
Madera CA 93637

Re: ALUC Review of Project TSM 2021-03

Dear Mr. Rodriguez:

We are in receipt of information regarding TSM 2021-03 which would divide a 15.36 acre parcel into seven (7) parcels ranging in size from 1.05 to 6.02 acres. The project site is located within the City of Madera and is located at the southeast corner of the intersection of Kennedy Street (Avenue 16) and North Westberry Boulevard (APN: 013-030-013).

On review of the project information provided, a full ALUC Commission Hearing is not needed. The property is entirely within Compatibility Zone C1 Outer Approach/Departure Zone of the Madera Airport Area of Influence. Staff is recommending the following conditions be added to the Building Permit:

- No component of operations of the facility shall create, or cause to be created, electrical interference with aircraft communications or navigation; and
- 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; and
- Ensure intensity criteria is met; and
- Ensure airspace obstructions do not occur.

Sincerely,

Matthew Treber





# CITY OF MADERA DEVELOPMENT REVIEW COMMITTEE

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

Report Prepared By: Robert Smith, Senior Planner

## Staff Report: Pecan Square II – TPM 2021-05 Item # 2 - March 15, 2022

### SUBJECT:

Pecan Square II Tentative Parcel Map (TPM 2021-05) and CEQA Categorical Exemption.

### RECOMMENDATION:

Conduct a public hearing and adopt a resolution recommending Development Review Committee approve Tentative Parcel Map 2021-05 (TMP 2021-05), subject to conditions of approval, and categorical exemption from CEQA Section 15315 (Minor Land Divisions), subject to conditions of approval.

### PROPOSAL:

An application for a tentative parcel map (TPM 2021-05) to subdivide an undeveloped 53.23-acre parcel (APN 012-480-010) into four (4) parcels ranging in size from 10-acres to 20.77-acres. The applicant proposes no new development or improvements in association with the division of land at this time.

**Table 1: Project Overview**

<i>Project Number:</i>	Tentative Parcel Map 2021-05 and CEQA Categorical Exemption Section 15315 (Minor Land Divisions)
<i>Applicant:</i>	Matthew Charles Tranah - D. R. Horton
<i>Property Owner:</i>	Robert Atamian and Julie Atamian
<i>Location:</i>	Southwest intersection of West Pecan Avenue and Madera Avenue (SR 145).
<i>Project Area:</i>	53.23 ac. (2,318,699 sf)
<i>Plan Land Use:</i>	C (Commercial); HD (High Density); MD (Medium Density); and LD (low Density).
<i>Zoning District:</i>	PD-6000; PD-3000; PD-1500 (Planned Development: 6000, 3000, 1500 square feet site area per dwelling unit); CN (Neighborhood Commercial).
<i>Site Characteristics</i>	<p>The 53.23-acre parcel is currently undeveloped and was historically used for agricultural cultivation.</p> <p>The parcel is bounded on the north by West Pecan Ave with developed single-family dwellings and a small commercial shopping center. Adjacent land to the south and west is open agricultural land; to the northeast is neighborhood commercial. To the east is residential subdivisions.</p>

**SUMMARY:**

The existing parcel will be subdivided into 10-acre; 10.76-acre; 11.7-acre; and a 20.77-acre remainder parcel.

**ANALYSIS:**

The parcel to be divided is zoned PD-6000; PD-3000; PD-1500 (Planned Development: 6000, 3000, 1500 square feet site area per dwelling unit) and designated C (Commercial), HD (High Density), and MD (Medium Density) and LD (Low Density) in the General Plan. The parcels created will meet the required MMC development standards for the various Zoning Districts. No physical development is proposed as part of this permit. No general plan amendment or rezoning is proposed with this application.

**ENVIRONMENTAL REVIEW:**

The project is categorically exempt under Section 15315 (Minor Land Divisions) of the State CEQA Guidelines as this action is the division of property in an urbanized area zoned residential and commercial use into four parcels, in conformance with the City of Madera General Plan and Zoning Ordinance. No variances or exceptions are required, and all services and access to the proposed parcels are available. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

**RECOMMENDED ACTION:**

The Committee will be acting on the Tentative Parcel Map 2021-05. Staff recommends that the Committee:

1. Adopt a resolution adopting a finding of a Categorical Exemption pursuant to CEQA Guidelines Section 15315 for the project, and approving Tentative Parcel Map 2021-05 as conditioned;

*Finding a: The proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.*

All the parcels resulting from the proposed division of land will be consistent with the area, setback, coverage, and all other requirements of their designated zones (Neighborhood Commercial, PD-6000; PD-3000; PD-1500) and General Plan designations (Commercial, High Density, Medium Density, Low Density residential).

*Finding b: The proposal is consistent with the Subdivision Ordinance and the California State Subdivision Map.*

The proposed parcel map and required supporting documents are consistent with the requirements of the Madera Municipal Code. In addition, none of the exemptions listed in the State Subdivision Map Act 66412 apply and all other requirements of the Act are satisfied.

**ALTERNATIVES:**

As an alternative, the Committee may elect to:

1. Move to continue the public hearing on TPM 2021-05 to a later Development Review Committee meeting with direction to staff to return with an updated resolution containing appropriate findings modifying the conditions of approval for the following reasons: (Specify – Development Review Committee should articulate reasons for modifications to findings and conditions of approval as well as the date of the future meeting.)
2. Move to continue the public hearing on TPM 2021-05 to a later Development Review Committee

meeting with direction to staff to return with an updated resolution containing appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial as well as the date of the future meeting.).

**ATTACHMENTS:**

Attachment 1: Vicinity Map

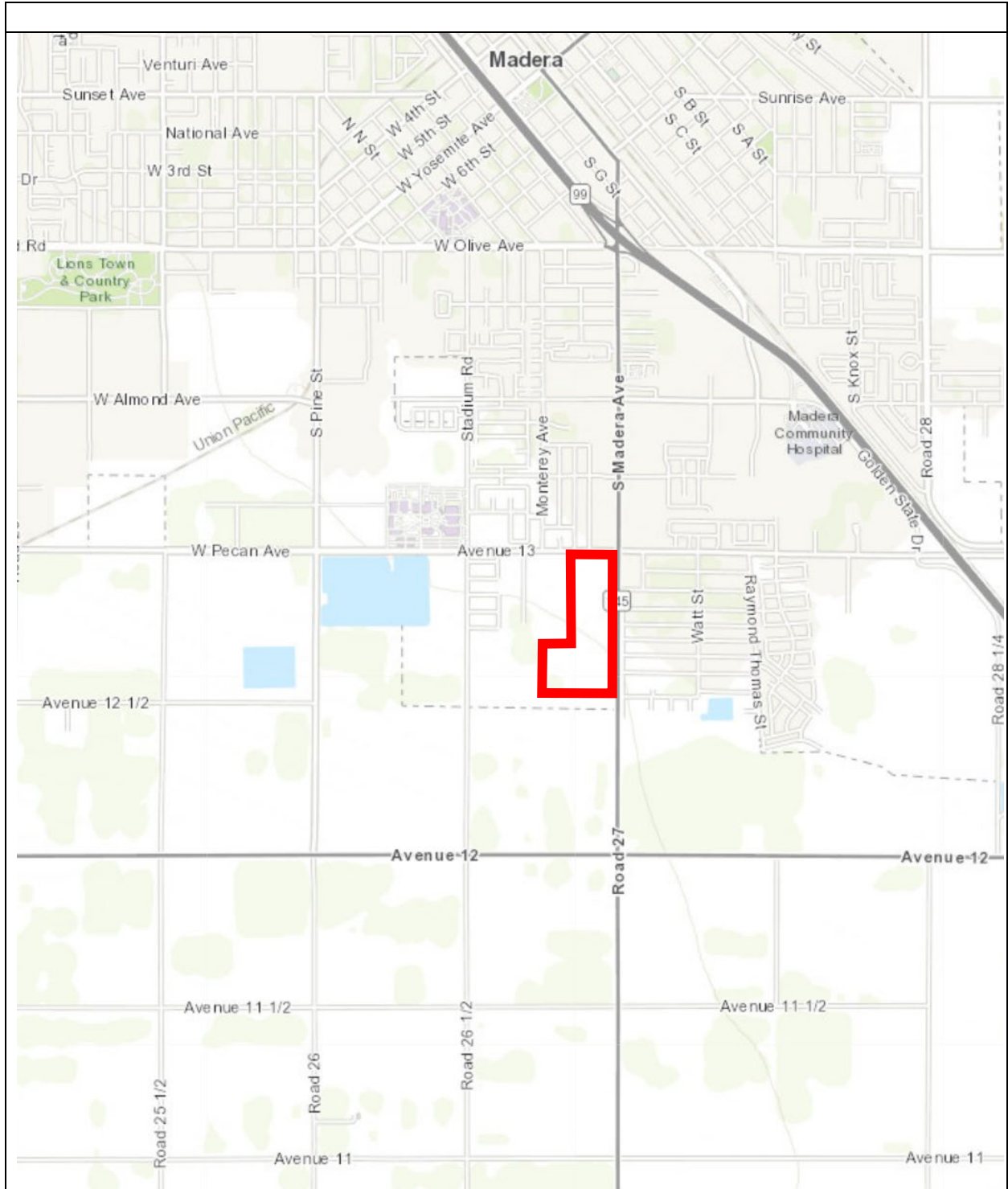
Attachment 2: Aerial Photo

Attachment 3: Zoning Map

Attachment 4: Parcel Disposition Map

Attachment 5: Development Review Committee Resolution for TPM 2021-05

# ATTACHMENT 1 - Vicinity Map



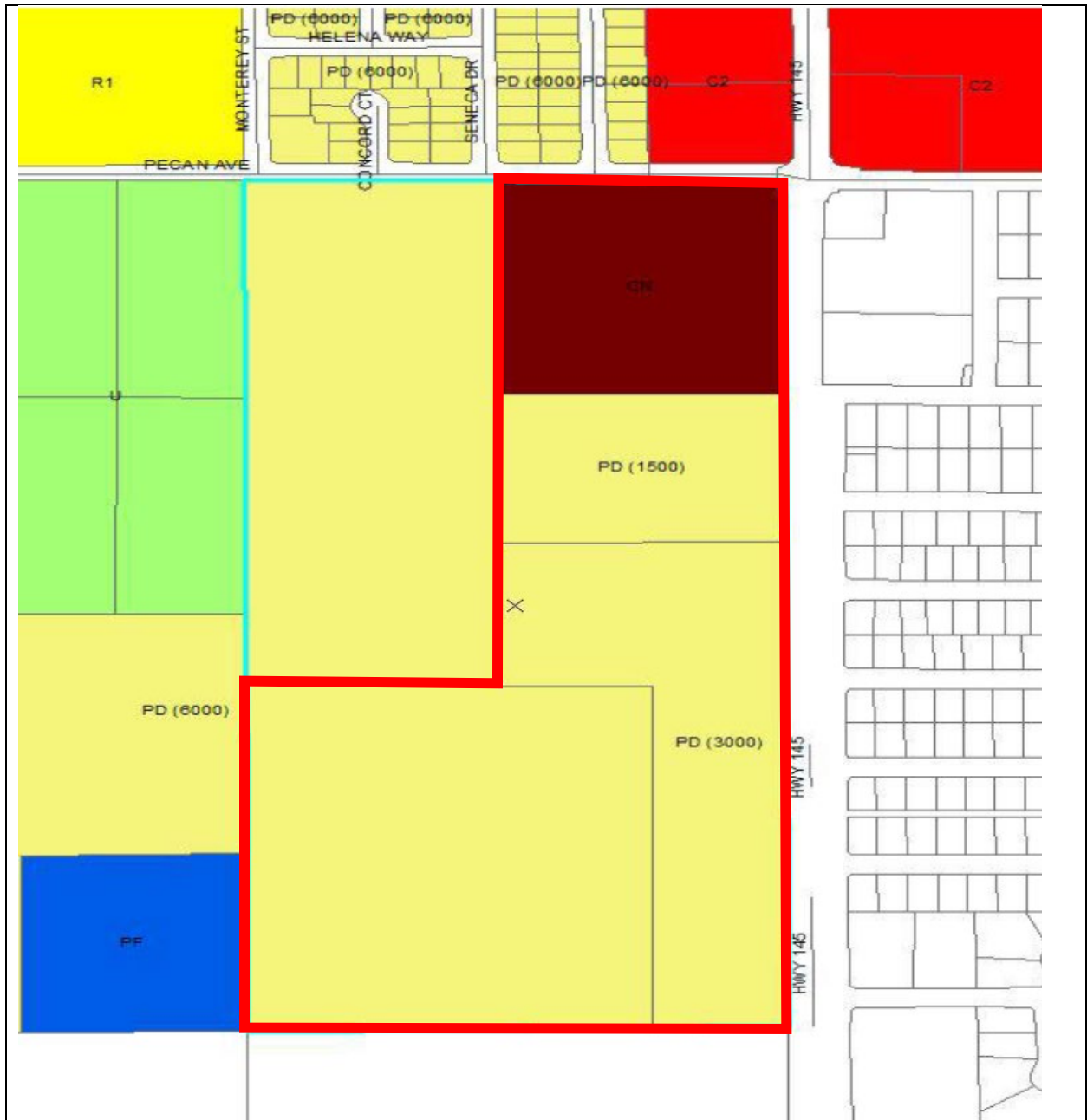


**ATTACHMENT 2**  
**Aerial Site Plan**

**Aerial Site Plan**



ATTACHMENT 3  
Zoning Map



**ATTACHMENT 4**  
**Parcel Disposition Map**

No.	Date	Description

It is the client's responsibility prior to or during construction to notify the designer in writing of any unexcused errors or omissions in the plans and specifications of which a contractor is made aware through investigation with the building codes and methods of construction. Should any such errors or omissions be discovered, the contractor shall be notified immediately in writing by the designer. The contractor shall be responsible for any delays or construction if these procedures are not followed.

CALIFORNIA

**DR. HORTON INC. - PECAN SQUARE II**  
MADERA, CA 93637  
APN: 012-480-010

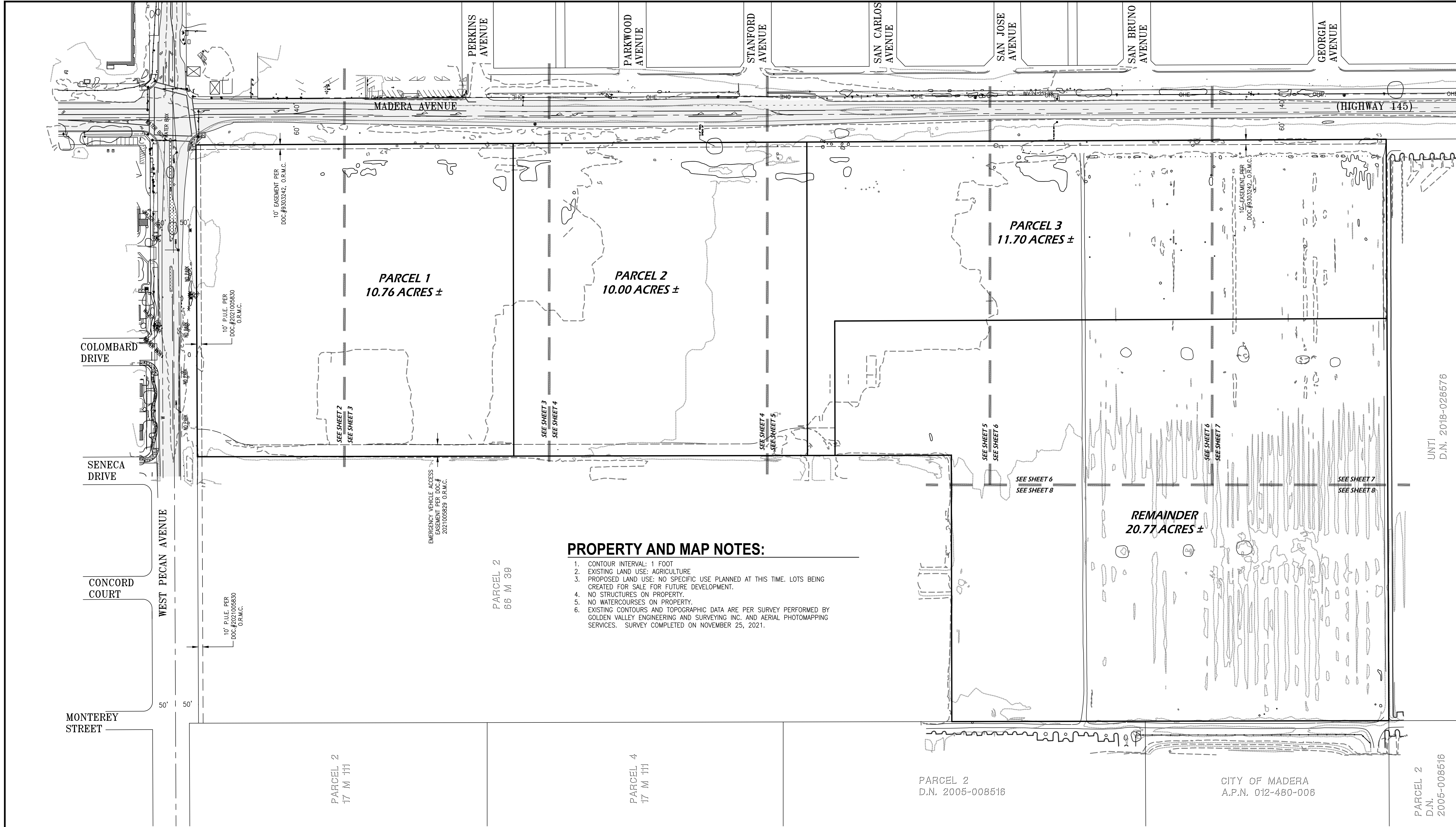
CITY OF MADERA



OWNER:  
**ROBERT "BOB" ATAMIAN & JUDEE ATAMIAN**  
12180 ROAD 26 #1  
MADERA, CA 93637

PREPARED FOR:  
**D.R. HORTON INC.**  
GUY GNIADK  
6475 N. PALM AVE., SUITE 105  
FRESNO, CA 93705  
(559) 509-0292

PROJECT DATA:  
Date: DECEMBER 15, 2021  
Checked By:  
Drawn By: DM  
Job No.: 21143  
SHEET NUMBER:



**PROPERTY AND MAP NOTES:**

1. CONTOUR INTERVAL: 1 FOOT
2. EXISTING LAND USE: AGRICULTURE
3. PROPOSED LAND USE: NO SPECIFIC USE PLANNED AT THIS TIME. LOTS BEING CREATED FOR SALE FOR FUTURE DEVELOPMENT.
4. NO STRUCTURES ON PROPERTY.
5. NO WATERCOURSES ON PROPERTY.
6. EXISTING CONTOURS AND TOPOGRAPHIC DATA ARE PER SURVEY PERFORMED BY GOLDEN VALLEY ENGINEERING AND SURVEYING INC. AND AERIAL PHOTOMAPPING SERVICES. SURVEY COMPLETED ON NOVEMBER 25, 2021.

**SURVEY LEGEND:**

	PROPERTY LINE
	NEIGHBORING PROPERTY LINE
	CENTER LINE OF ROAD
	MATCH LINE
	EASEMENT LINE
	FENCE
	OVERHEAD ELECTRIC LINE
	UNDERGROUND TELEPHONE LINE
	SEWER LINE
	WATER LINE
	MAJOR CONTOUR
	MINOR CONTOUR
	IRON UD

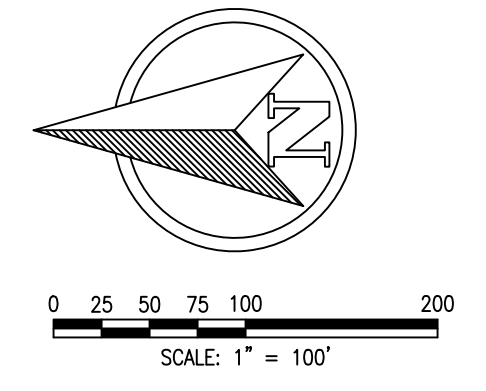
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	BELL SYSTEMS MANHOLE
	CATCH BASIN - CIRCULAR
	FIRE HYDRANT
	GAS VALVE
	GUY POST
	GUY WIRE
	LIGHT POLE
	POST
	SEWER MANHOLE
	SIGN - AS NOTED
	SIGN - NO PARKING
	TELEPHONE RISER

	TRAFFIC LIGHT
	TRAFFIC LIGHT - SHORT
	UTILITY POLE
	WATER VALVE
	TREE, ORCHARD, BRUSH AND VEGETATION
	BUSH
	BUILDING
	ASPHALT AREA
	CONCRETE AREA
	VEGETATION

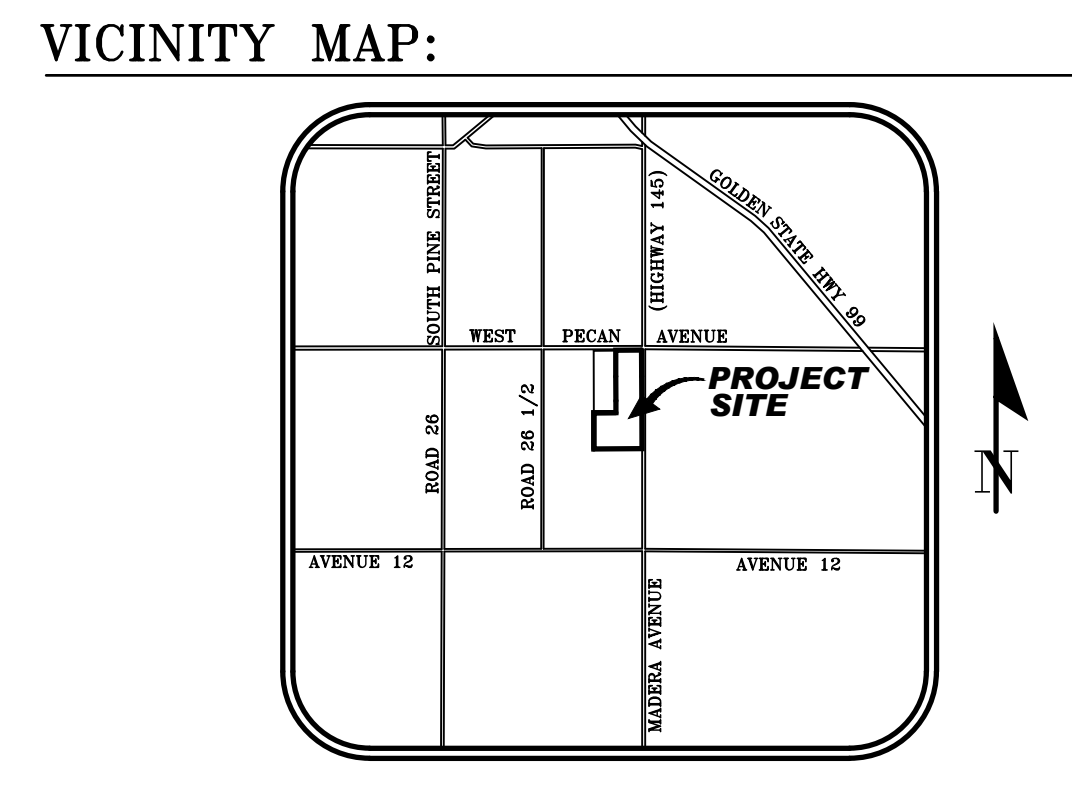
**UTILITIES:**

SMH1 RIM ELEV. = 255.85' 24" INV.(E) = 241.45' 24" INV.(W) = 241.45'	SMH2 RIM ELEV. = 256.60' 8" INV.(N) = 246.65' 24" INV.(E) = 241.53' 24" INV.(W) = 241.53'	SMH3 RIM ELEV. = 256.91' 24" INV.(E) = 241.85' 24" INV.(W) = 241.85'
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**BENCHMARK:**  
NATIONAL GEOGRAPHIC SURVEY BENCHMARK DESIGNATED BORDEN, POINT ID GU3366. BRASS TABLET IN CONCRETE NEAR INTER SECTION OF AVENUE 13 AND HIGHWAY 99, ELEVATION 297' NAVD88



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D.J.N. 2018-028676

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D.J.N.  
2005-008616

PARCEL 2  
D.N. 2005-008516

CITY OF MADERA  
A.P.N. 012-480-008

PARCEL 2  
17 M 111

PARCEL 4  
17 M 111

PARCEL 2  
66 M 39

10' EASEMENT PER  
DOC.#9303242, O.R.M.C.

10' P.U.E. PER  
DOC.#2021005630  
O.R.M.C.

10' P.U.E. PER  
DOC.#2021005630  
O.R.M.C.

EMERGENCY VEHICLE ACCESS  
2021005630 O.R.M.C.

10' EASEMENT PER  
DOC.#9303242, O.R.M.C.

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SEE SHEET 8

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SEE SHEET 7

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SEE SHEET 8

**PARCEL 1**  
10.76 ACRES ±

**PARCEL 2**  
10.00 ACRES ±

**PARCEL 3**  
11.70 ACRES ±

**REMAINDER**  
20.77 ACRES ±

COLOMBARD DRIVE

SENECA DRIVE

CONCORD COURT

MONTEREY STREET

WEST PECAN AVENUE

MADERA AVENUE

PERKINS AVENUE

PARKWOOD AVENUE

STANFORD AVENUE

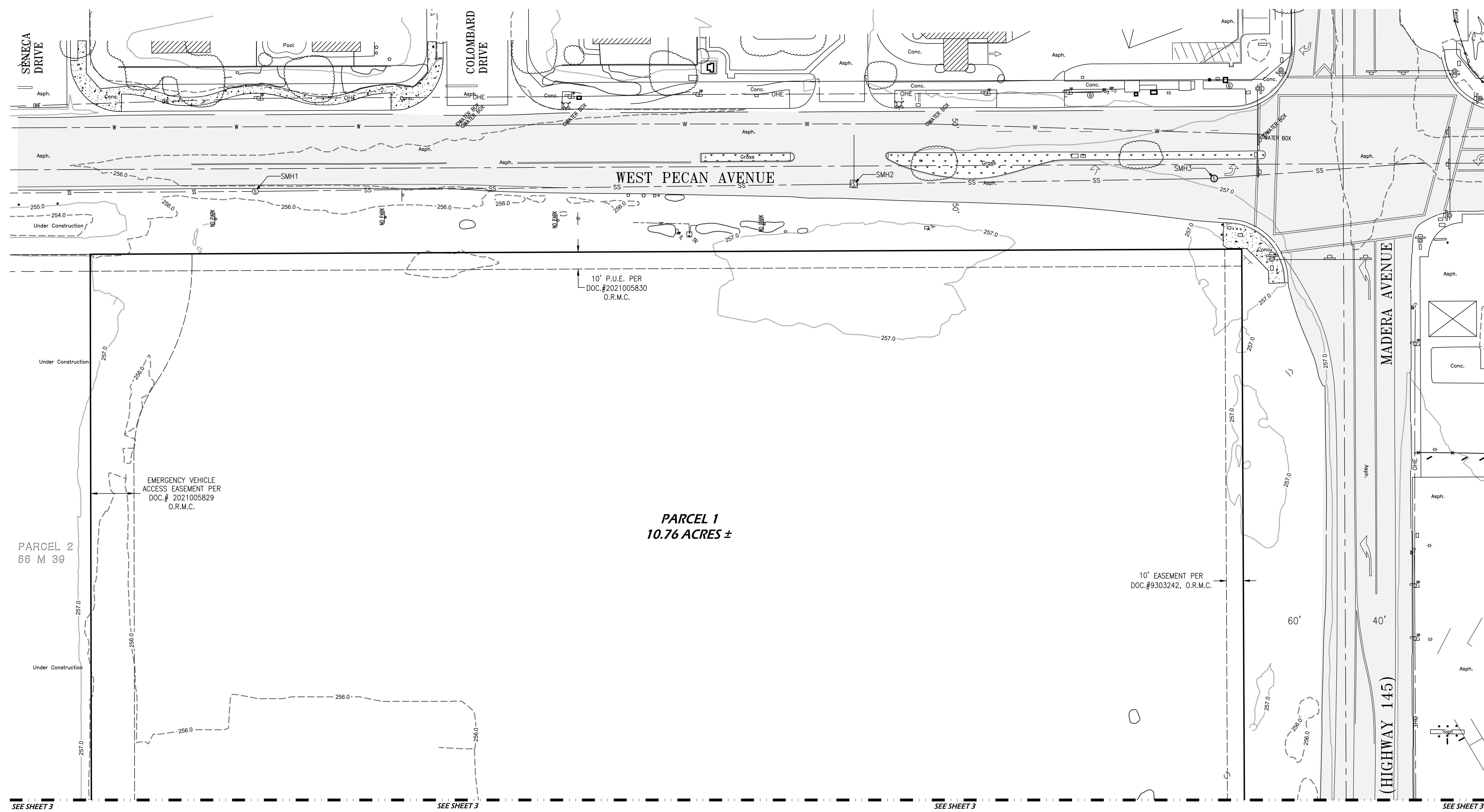
SAN CARLOS AVENUE

SAN JOSE AVENUE

SAN BRUNO AVENUE

GEORGIA AVENUE

(HIGHWAY 145)



**PARCEL DISPOSITION MAP**  
**DR. HORTON INC. - PECAN SQUARE II**  
 MADERA, CA 93637  
 APN: 012-480-010

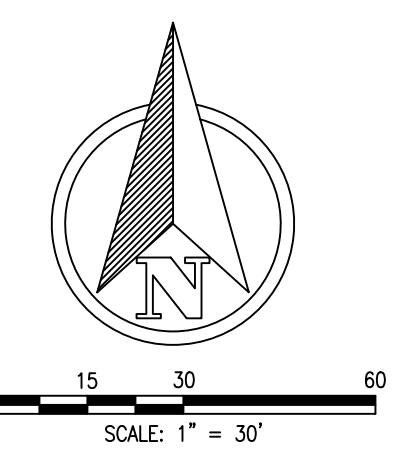
CITY OF MADERA  
 CALIFORNIA

**SURVEY LEGEND:**

	PROPERTY LINE		ARROWS STRIPING		IL IRON LID
	NEIGHBORING PROPERTY LINE		BELL SYSTEMS MANHOLE		TREE, ORCHARD, BRUSH AND VEGETATION
	CENTER LINE OF ROAD		CATCH BASIN - CIRCULAR		BUSH
	MATCH LINE		FIRE HYDRANT		BUILDING
	EASEMENT LINE		GAS VALVE		ASPHALT AREA
	OHE OVERHEAD ELECTRIC LINE		GUY POST		CONCRETE AREA
	UGT UNDERGROUND TELEPHONE LINE		GUY WIRE		VEGETATION
	SS SEWER LINE		LIGHT POLE		
	W WATER LINE		POST		
	MAJOR CONTOUR		SEWER MANHOLE		
	MINOR CONTOUR		SIGN - AS NOTED		
			SIGN - NO PARKING		
			TELEPHONE RISER		
			TRAFFIC LIGHT		
			TRAFFIC LIGHT - SHORT		
			UTILITY POLE		
			WATER VALVE		

**UTILITIES:**

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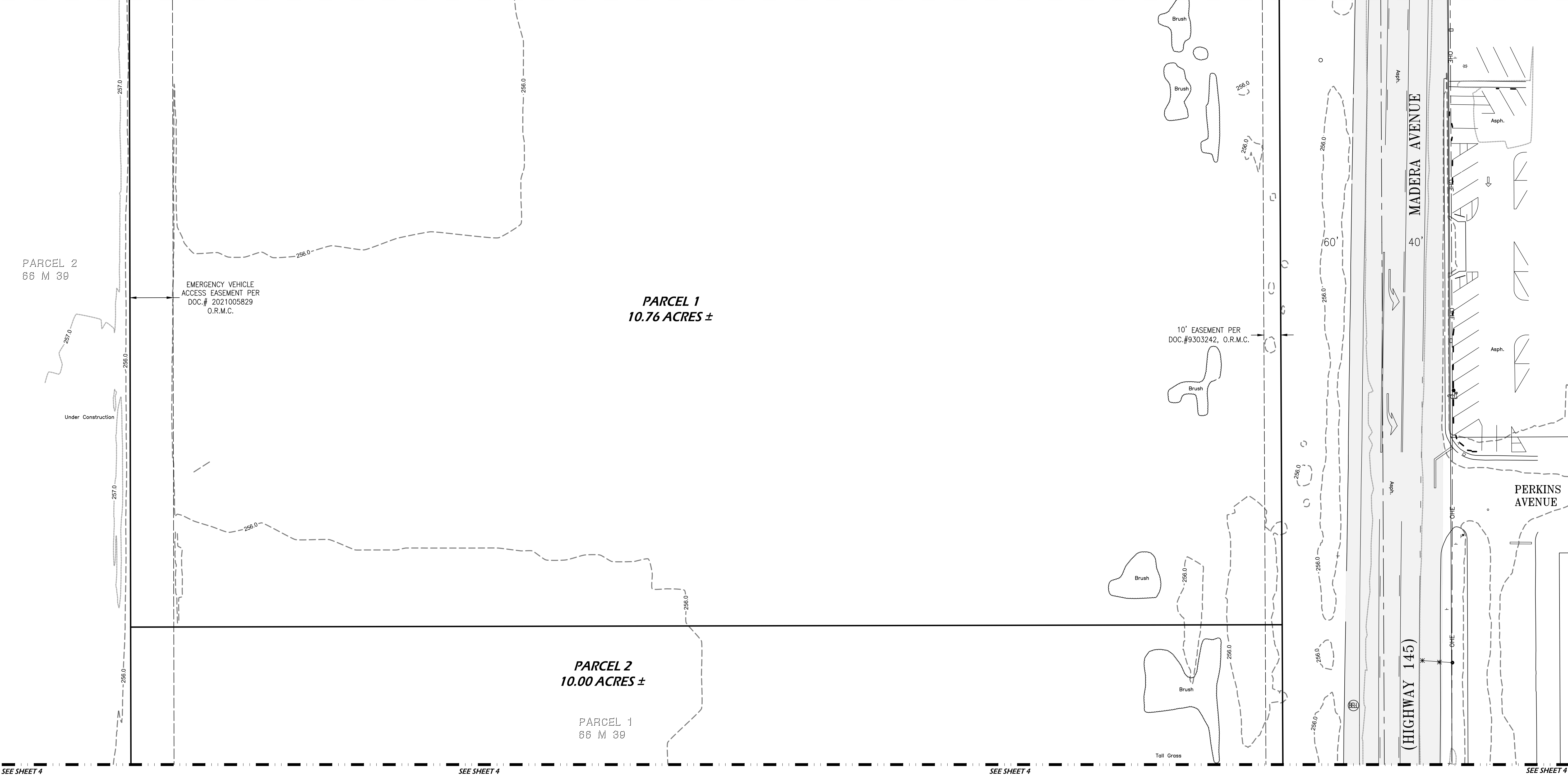
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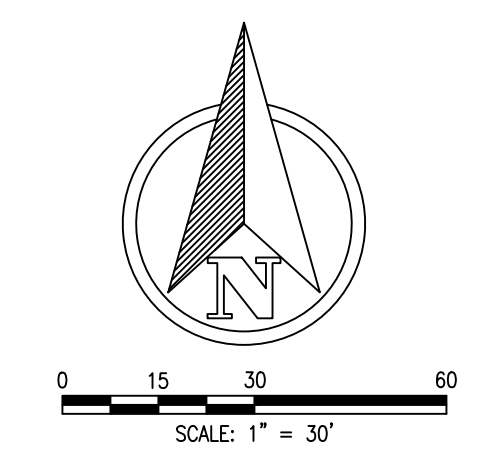
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	W WATER LINE		POST		
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	179 MINOR CONTOUR		SIGN - AS NOTED		
			SIGN - NO PARKING		
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			TRAFFIC LIGHT		
			TRAFFIC LIGHT - SHORT		
			UTILITY POLE		
			WATER VALVE		



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Merced, CA 95341  
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Fax: (209) 722-3254

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PARCEL DISPOSITION MAP

**DR. HORTON INC. - PECAN SQUARE II**

MADERA, CA 93637  
APN: 012-480-010

CITY OF MADERA

CALIFORNIA

OWNER:  
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PREPARED FOR:  
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(559) 509-0292

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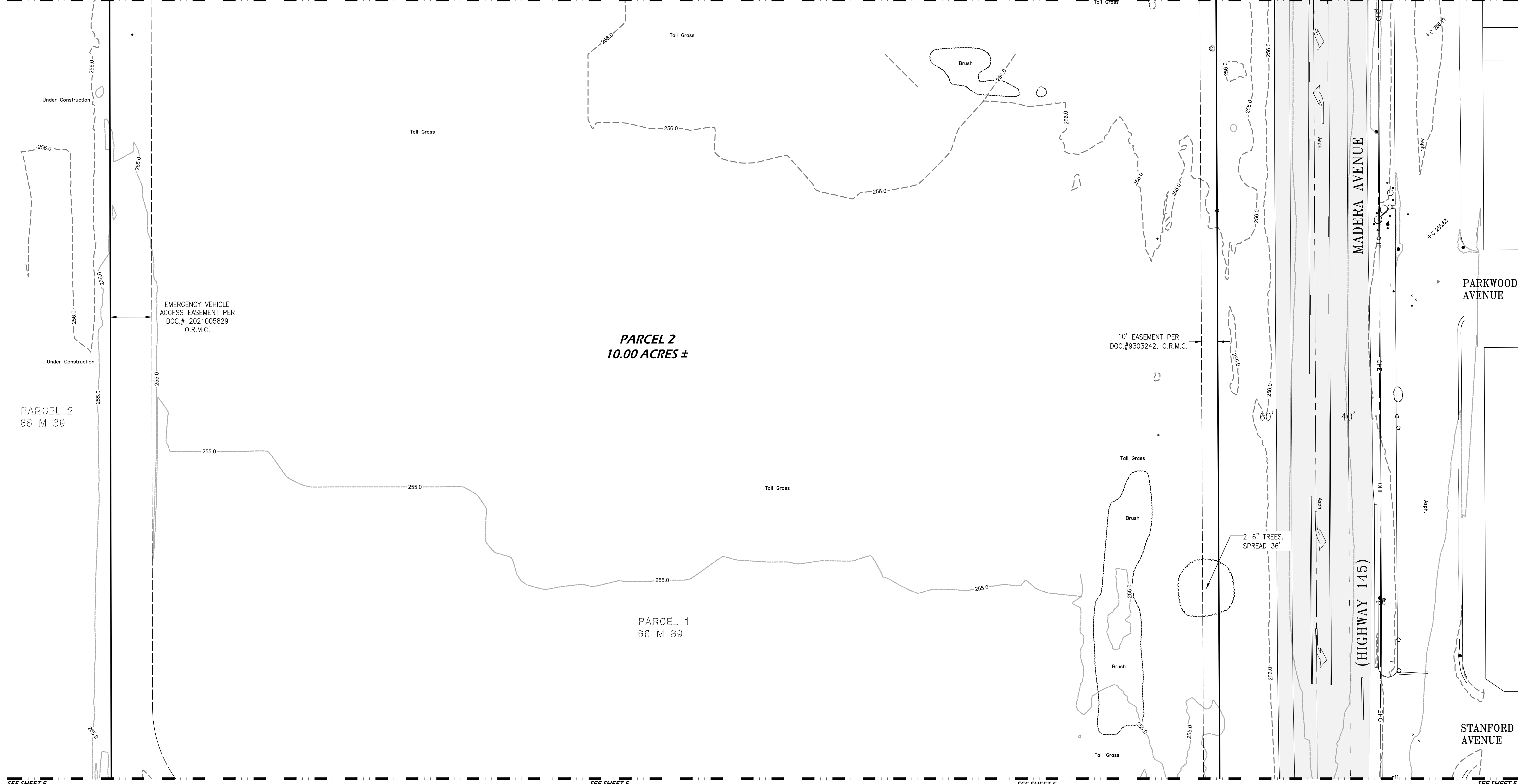
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**SURVEY LEGEND:**

	PROPERTY LINE		ARROWS STRIPING		IL IRON LID
	NEIGHBORING PROPERTY LINE		BELL SYSTEMS MANHOLE		TREE, ORCHARD, BRUSH AND VEGETATION
	CENTER LINE OF ROAD		CATCH BASIN - CIRCULAR		BUSH
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	MAJOR CONTOUR		SEWER MANHOLE		
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			SIGN - NO PARKING		
			TELEPHONE RISER		
			TRAFFIC LIGHT		
			TRAFFIC LIGHT - SHORT		
			UTILITY POLE		
			WATER VALVE		

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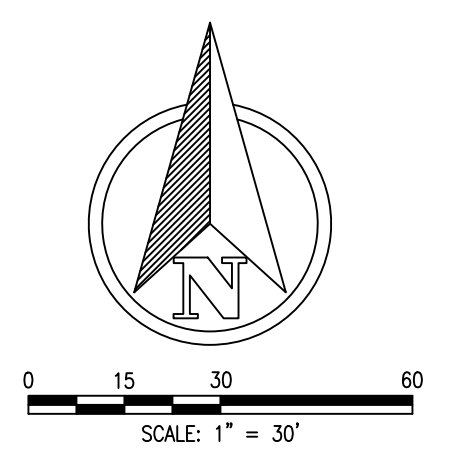
**PARCEL DISPOSITION MAP**  
**DR. HORTON INC. - PECAN SQUARE II**  
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CITY OF MADERA  
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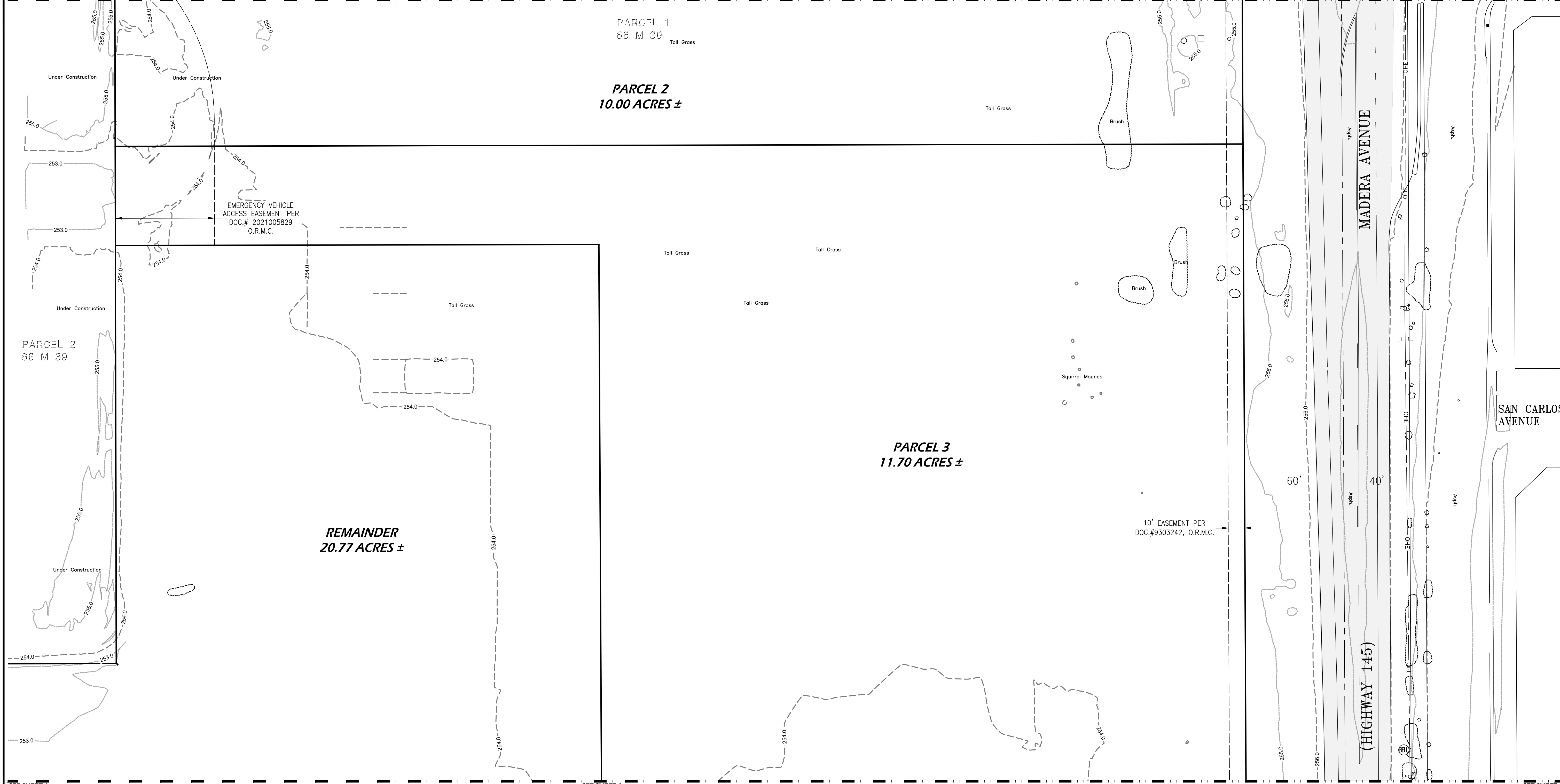
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	NEIGHBORING PROPERTY LINE		BELL SYSTEMS MANHOLE		TREE, ORCHARD, BRUSH AND VEGETATION
	CENTER LINE OF ROAD		CATCH BASIN - CIRCULAR		BUSH
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	W WATER LINE		POST		
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			TELEPHONE RISER		
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			UTILITY POLE		
			WATER VALVE		

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**DR. HORTON INC. - PECAN SQUARE II**

MADERA, CA 93637  
APN: 012-480-010

CITY OF MADERA

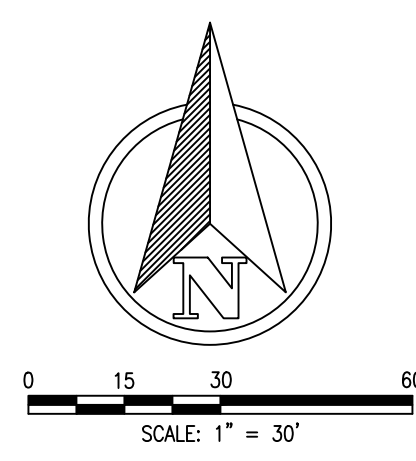
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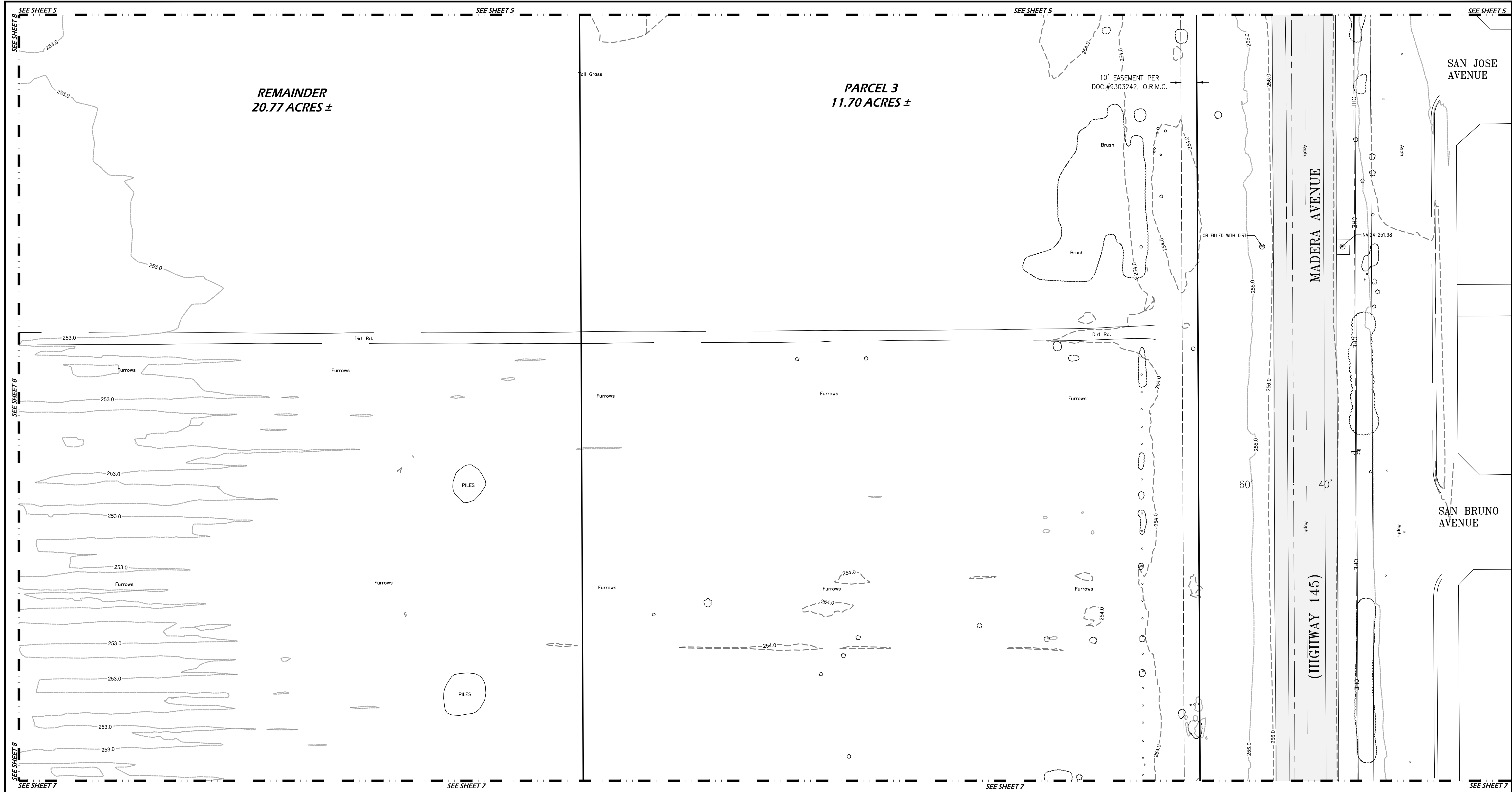
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**DR. HORTON INC. - PECAN SQUARE II**  
 MADERA, CA 93637  
 APN: 012-480-010  
 CALIFORNIA  
 CITY OF MADERA

LICENSED LAND SURVEYOR  
 ZACHARY T. JANZ  
 LS8664  
 STATE OF CALIFORNIA

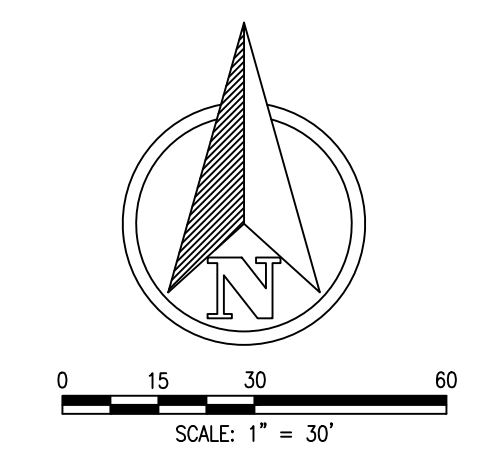
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**SURVEY LEGEND:**

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	CENTER LINE OF ROAD		CATCH BASIN - CIRCULAR		BUILDING
	MATCH LINE		FIRE HYDRANT		ASPHALT AREA
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	OVERHEAD ELECTRIC LINE		GUY POST		VEGETATION
	UNDERGROUND TELEPHONE LINE		GUY WIRE		
	SEWER LINE		LIGHT POLE		
	WATER LINE		POST		
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Fax: (209) 722-3254

No.	Date	Description

It is the client's responsibility prior to or during construction to notify the designer in writing of any unexcused errors or omissions in the plans and specifications of which a contractor through diligent investigation with the building codes and methods of construction should be aware. While construction is in progress, the contractor shall be notified immediately in writing of any errors or omissions that are noticed from the design prior to the client or client's subcontractors proceeding with the work. The client will be responsible for any defects in construction if these procedures are not followed.

**PARCEL DISPOSITION MAP**  
**DR. HORTON INC. - PECAN SQUARE II**  
MADERA, CA 93637  
APN: 012-480-010  
CITY OF MADERA  
CALIFORNIA

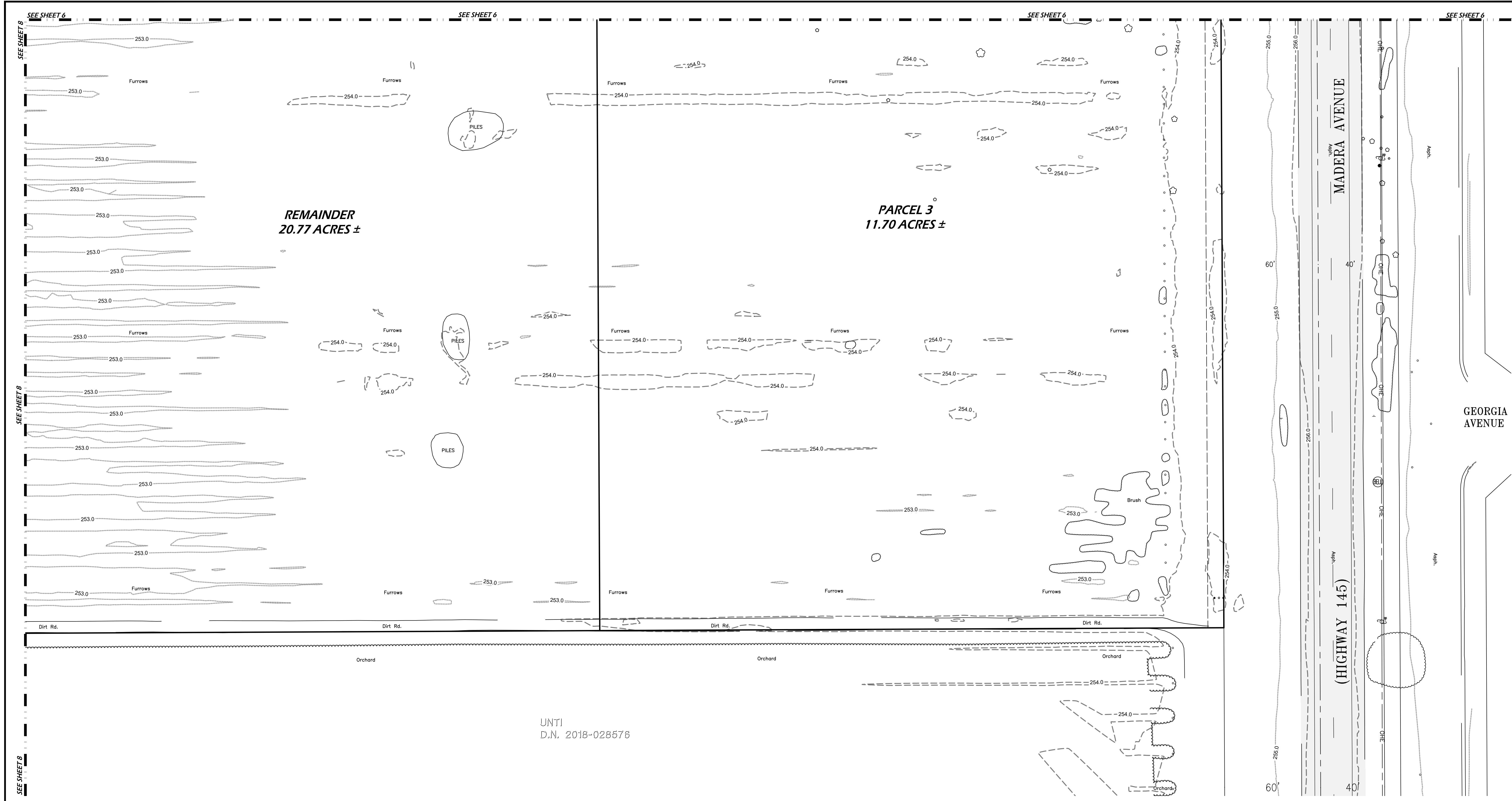


OWNER:  
**ROBERT "BOB" ATAMIAN & JUDEE ATAMIAN**  
12180 ROAD 26 #1  
MADERA, CA 93637

PREPARED FOR:  
**D.R. HORTON INC.**  
GUY GNIADK  
6475 N. PALM AVE., SUITE 105  
FRESNO, CA 93705  
(559) 509-0292

PROJECT DATA:  
Date: DECEMBER 15, 2021  
Checked By:  
Drawn By: DM  
Job No.: 21143  
SHEET NUMBER:

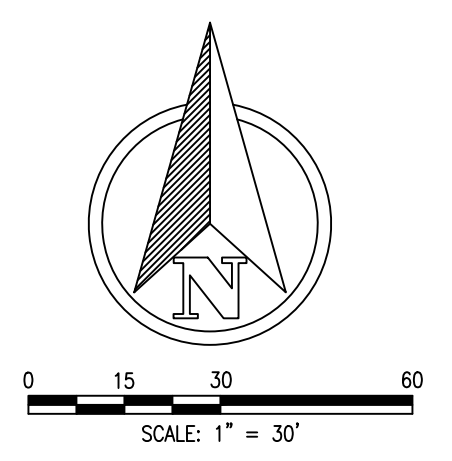
**7 OF 8**



UNIT  
D.N. 2018-028576

**SURVEY LEGEND:**

	PROPERTY LINE		ARROWS STRIPING		IRON LID
	NEIGHBORING PROPERTY LINE		BELL SYSTEMS MANHOLE		TREE, ORCHARD, BRUSH AND VEGETATION
	CENTER LINE OF ROAD		CATCH BASIN - CIRCULAR		BUSH
	MATCH LINE		FIRE HYDRANT		BUILDING
	EASEMENT LINE		GAS VALVE		ASPHALT AREA
	OHE - OVERHEAD ELECTRIC LINE		GUY POST		CONCRETE AREA
	UGT - UNDERGROUND TELEPHONE LINE		GUY WIRE		VEGETATION
	SS - SEWER LINE		LIGHT POLE		
	W - WATER LINE		POST		
	MAJOR CONTOUR		SEWER MANHOLE		
	MINOR CONTOUR		SIGN - AS NOTED		
			SIGN - NO PARKING		
			TELEPHONE RISER		
			TRAFFIC LIGHT		
			TRAFFIC LIGHT - SHORT		
			UTILITY POLE		
			WATER VALVE		



These drawings are instruments of service and are the property of Golden Valley Engineering & Surveying, Inc. All designs and other information on these drawings are for use on the specified project and shall not be used otherwise without the express written permission of Golden Valley Engineering & Surveying, Inc.  
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PREPARED BY:

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Merced, CA 95341  
Ph.: (209) 722-3200  
Fax: (209) 722-3254

No.	Date	Description

It is the client's responsibility prior to or during construction to notify the designer in writing of any unexcused errors or omissions in the plans and specifications of which a contractor through diligent investigation with the building codes and methods of construction should be aware. The client shall be responsible for any unexcused errors or omissions that are not noted hereon prior to the start of construction. The client shall be responsible for any unexcused errors or omissions that are not noted hereon.

**PARCEL DISPOSITION MAP**  
**DR. HORTON INC. - PECAN SQUARE II**  
MADERA, CA 93637  
APN: 012-480-010  
CITY OF MADERA  
CALIFORNIA

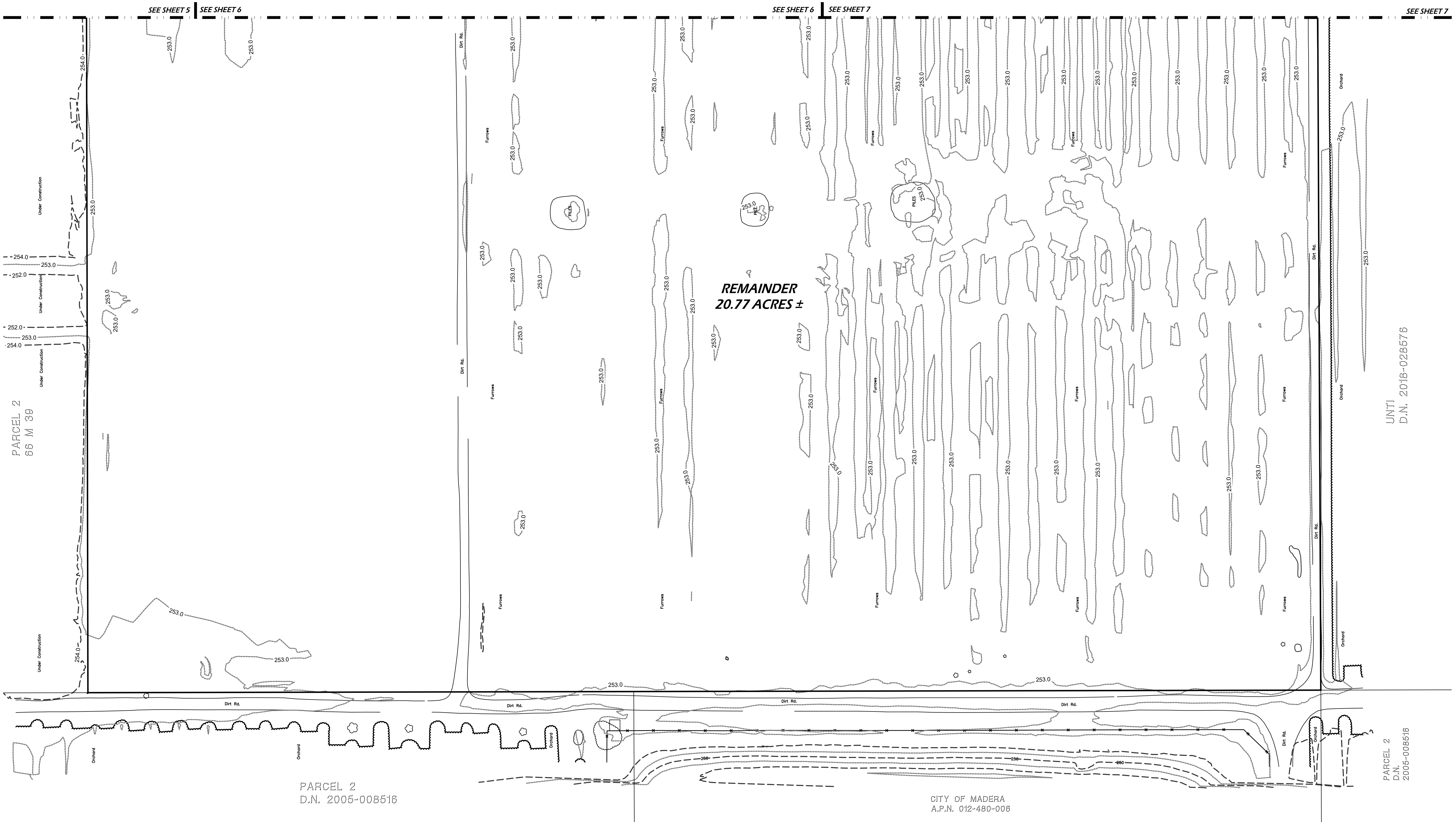


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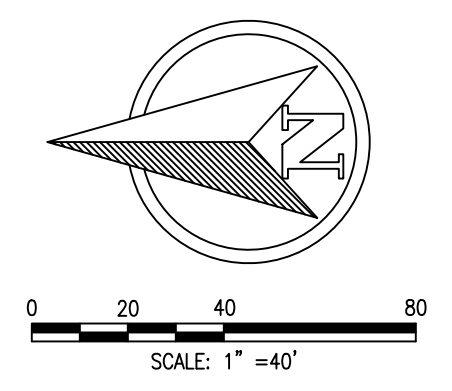
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**8 OF 8**



**SURVEY LEGEND:**

	PROPERTY LINE		ARROWS STRIPING		IRON LID
	NEIGHBORING PROPERTY LINE		BELL SYSTEMS MANHOLE		TREE, ORCHARD, BRUSH AND VEGETATION
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			TELEPHONE RISER		
			TRAFFIC LIGHT		
			TRAFFIC LIGHT - SHORT		
			UTILITY POLE		
			WATER VALVE		



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**ATTACHMENT 5**  
**Development Review Committee Resolution 103**

**RESOLUTION NO. 103**

**RESOLUTION OF THE DEVELOPMENT REVIEW COMMITTEE OF THE CITY OF  
MADERA ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA  
GUIDELINES SECTION 15315 (MINOR LAND DIVISION) AND APPROVING  
TENTATIVE PARCEL MAP 2021-05 (PECAN SQUARE II)**

**WHEREAS**, Robert Atamian and Judee Atamian (“Owner”) owns APN 012-480-010 located at West Pecan Avenue and Madera Avenue in Madera, California (“site”); and

**WHEREAS**, D.R.Horton Inc is the applicant of the project; and

**WHEREAS**, the 53.23-acre site is undeveloped with no improvements to the existing site; and

**WHEREAS**, access to the site is provided by level access from West Pecan Avenue; and

**WHEREAS**, the site is designated C (Commercial), HD (High Density); MD (Medium Density) LD (Low Density) in the general plan and is zoned PD-6000; PD-3000; PD-1500 (Planned Development: 6000, 3000, 1500 square feet site area per dwelling unit); CN (Neighborhood Commercial); and

**WHEREAS**, the Applicant is seeking a tentative parcel map (TPM) to divide the 53.23-acre site into four (4) separate parcels; and

**WHEREAS**, based on a preliminary environmental assessment, this project would be subject to a Class 15 (Minor Land Divisions) Categorical Exemption (CEQA Guidelines Section 15315); and

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

**WHEREAS**, under the City’s Municipal Code, the Development Review Committee is authorized to review and approve tentative parcel maps and environmental assessments for associated projects on behalf of the City; and

**WHEREAS**, the City provided notice of the Development Review Committee hearing as required by law; and

**WHEREAS**, the Development Review Committee received and reviewed TPM 2021-05 at a duly noticed meeting on March 15, 2022; 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 Development Review Committee; and

**WHEREAS**, the Development Review Committee now desires to adopt a Categorical Exemption for the project, and approve TPM 2021-05, with conditions.

**NOW THEREFORE**, be it resolved by the Development Review Committee of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Development Review Committee finds and determines that the project is exempt under Section 15315 of the State CEQA Guidelines as this action is the division of property in an urbanized area zoned commercial use into four parcels which is in conformance with the City of Madera General Plan and Zoning Ordinance. No variances or exceptions are required, and all services and access

to the proposed parcels are available. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

3. Findings for TPM 2021-05: The Development Review Committee finds and determines that there is substantial evidence in the administrative record to support the approval of TPM 2021-05, as conditioned. With conditions, the project is consistent with the requirements of the Madera Municipal Code. The Development Review Committee further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. The proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.

Basis for Finding: All the parcels resulting from the proposed division of land will be consistent with the area, setback, coverage, and all other requirements of their designated zones (Neighborhood Commercial, PD-6000; PD-3000; PD-1500) and General Plan designations (Commercial, High Density, Medium Density, Low Density residential).

- b. The proposal is consistent with the Subdivision Ordinance and the California State Subdivision Map Act.

Basis for Finding: The proposed parcel map and required supporting documents are consistent with the requirements of the Madera Municipal Code. In addition, none of the exemptions listed in the State Subdivision Map Act 66412 apply and all other requirements of the Act are satisfied.

4. Approval of TPM 2021-05: Given that all findings can be made, the Development Review Committee hereby approves TPM 2021-05 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

- 5. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Development Review Committee of the City of Madera this 15th day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Development Review Committee  
Chairperson

Attest:

---

Brandi Garcia  
Recording Secretary

Exhibit "A" – Conditions of Approval for TPM 2021-05

**EXHIBIT "A"**  
**TPM 2021-05**  
**CONDITIONS OF APPROVAL**  
**March 15, 2022**

**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 tentative parcel map review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

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

All discretionary conditions of approval for TPM 2021-05 will ultimately be deemed mandatory unless appealed by the applicant to the Planning Commission within fifteen (15) days after the decision by the Development Review Committee. In the event you wish to appeal the Development Review Committee's decision or discretionary conditions of approval for the entitlement, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Committee failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this tentative parcel map 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 tentative parcel map may become null and void in the event that the parcel map or the conditions of the site is not completed in accordance with all the conditions and requirements imposed on this tentative parcel map, the zoning ordinance, and all City standards and specifications. This tentative parcel map 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 tentative parcel map. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the tentative parcel map or in any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the tentative parcel map review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this tentative parcel map or subsequent amendments or revisions. These conditions are conditions imposed solely upon the tentative parcel map as delineated herein and are not conditions imposed on the City or



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

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

### **Conditions of Approval**

#### **General Conditions**

1. Approval of this tentative parcel map shall be considered null and void in the event of failure by the applicant and/or the authorized representative, engineer, or surveyor to disclose and delineate all facts and information relating to the subject property.
2. Approval of this tentative parcel map may become null and void in the event that the parcel map or conditions of the site is not completed in accordance with all the conditions and requirements imposed on this tentative parcel map, the zoning ordinance, and all City standards and specifications. This tentative parcel map 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 parcel map. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the parcel map or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this tentative parcel map or subsequent amendments or revisions. These conditions are conditions imposed solely upon the tentative parcel map 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 tentative parcel map, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative parcel map.
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 within thirty (30) days, as evidenced by the applicant’s signature on the Acknowledgement and Acceptance of Conditions of Approval.
6. This tentative parcel map approval (TPM 2021-05) shall expire twenty-four (24) months from the effective date, unless a final map is recorded in accordance with the Subdivision Map Act and filed with the County Recorder or the required action is taken to extend the approval before expiration date.
7. 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.

#### **Engineering Department**

8. The developer shall pay all required fees for processing the parcel map and completion of project. Fees due may include but shall not be limited to the following: parcel map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.
9. A final parcel map shall be required in accordance with Section 10-2.502 of the municipal code and the Subdivision Map Act.
10. Future subdivision of parcels created shall comply with the Subdivision Map Act.
11. Monuments shall be placed at all parcel corners and shown on the parcel map in accordance with the California Subdivision Map Act, the California Land Surveyors Act and City Standards prior to development of property.
12. Parcel map preliminary submittal shall include three sets of prints; and two sets of the following: title report, soils report, traverse data, signed tentative parcel map conditions and all referenced deeds, map and documents.
13. Any and all public or private easements on the property identified on the title report shall be shown on the parcel map with recording data.
14. Prior to recording of the parcel map, any current, delinquent, or estimated Madera County or Madera Irrigation District taxes for the upcoming assessment year shall be paid in accordance with Subdivision Map Act Section 66492-66494.1.
15. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit shall be required from the Engineering Division.
16. If applicable, all construction of off-site improvements shall be completed prior to issuance of final occupancy.
17. Further development of any parcel of parcel map shall meet fire, building, and municipal code requirements for the zone and the approved use.

18. Structures or any facility encroaching onto adjacent new parcel shall be removed prior to recording of the parcel map. Structure modification shall comply with building codes and setbacks.
19. A title report dated no more than 30 days prior to recording date of parcel map shall be submitted to the City Engineer for review prior to parcel map recordation.
20. Prior to any final occupancy for any project that borders only State Route 145, the developer shall construct a 12-inch water main along State Route 145 from its current termination point at the intersection of Pecan Avenue and State Route 145 or any current termination point to the southern property line of the proposed project site.
21. Prior to any final occupancy for any project that borders only the future Avenue 12 ½ alignment, the developer shall construct a 12-inch water main along State Route 145 from its current termination point to the intersection of Avenue 12 & ½ and State Route 145 and then to the westerly property line of proposed project site.
22. Water mains shall be constructed to current City standards.
23. The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect.
24. The existing sewer system that serves this section of the City is approaching or at capacity due to a constricted section of the sewer system on Pecan Avenue. The developer shall, as part of future development, construct master-planned sewer facilities in accordance with the City of Madera Sanitary Sewer System Master Plan (Sewer Master Plan), as may be applicable, as indicated below:
25. Pecan Avenue – Prior to any occupancy in Parcel 1, install a parallel 18-inch sewer main from the existing manhole at the intersection of Pecan Avenue and State Route 145 to the existing manhole at or near the westerly edge of Parcel 1.
26. State Route 145 – Prior to any occupancy in Parcel 1 and/or portion of Parcel 2, install at minimum an 8-inch sewer main from the intersection of Pecan Avenue and State Route 145 to the south along State Route 145 to the point at which the Sewer Master Plan (See Figure 7.7 – Detail D) allows for interception of sewer effluent into the Pecan Avenue sewer mains.
27. State Route 145 and Avenue 12 & ½ – Prior to any occupancy in Parcel 3, the "Remainder" or a portion of Parcel 2, construction of the Avenue 12 & ½ 42-inch sewer trunk main shall be constructed, if not already constructed, a 42-inch main shall be constructed between the project and its ultimate connection at the intersection of Granada Drive and Pecan Avenue to the 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.
28. Reimbursements are based on the current impact fee program and are subject to change based on future updates to the program.
29. 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.

30. Each newly created parcel shall have a separate water service. Any new connection(s) shall be 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. Existing cross lot connections shall be severed.
31. Each newly created parcel shall have a separate sewer service. Any new connection(s) shall be constructed to current City standards. Existing cross lot connections shall be severed.
32. Driveways and/or intersections shall be limited to a spacing of 400 to 500 feet on Pecan Avenue and Madera Avenue. The developer/owner shall, prior to first project submittal, provide a plan illustrating an access plan that accommodates all proposed parcels. The use of recorded Reciprocal Easement Agreement for ingress/egress or common streets shall be utilized where necessary to adhere to spacing requirements.
33. Driveways with offsets to those on the opposite side of street shall not be permitted. Parcel 3 currently illustrates a possible offset to Stanford Avenue.
34. In conformance to Parcel Map No. 20-P-01 conditions, the City shall determine if a new water well is required to accommodate demands of any future development project within the limits of TPM 2021-05. If a municipal well (well) is determined to be needed to accommodate anticipated needs of future development or concerns that may exist relative to existing City well capacity in the determination of the City Engineer, the developer will also be required to design a well, dedicate right-of-way for said well and construct said well. The developer of the project may finance the development of the well if the City has not acquired the proper funds at the time of construction. If City funding is not secured, then the developer shall construct and fund the municipal well. The cost of the well shall be 100% reimbursed by the City, upon the availability of funds. If a well is not immediately determined to be necessary, an appropriate well site shall be identified and offered for dedication as part of this TPM.
35. Prior to approval of the first project associated with the TPM, a traffic study shall be prepared that addresses and mitigates the impacts of the planned developments within the boundaries of this TPM on the street system. At a minimum, the intersections of Pecan Avenue & Madera Avenue, Avenue 12 & ½ and Madera Avenue, Pecan Avenue & Monterey Street, Madera Avenue & Avenue 12 and the project driveways shall be evaluated. Study shall also address minimum storage requirements and conflicts between study location and adjacent intersections or driveways. Caltrans should be contacted to confirm scope.
36. Prior to final occupancy of any development of Parcel 1, 2 or 3, the west half of State Route 145 along the entire project frontage of Parcel 1, 2 or 3 shall be improved to a 100-foot arterial roadway including median island, or width as specified by Caltrans, per City standards. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. In addition to basic City arterial and Caltrans highway improvements, off-site construction requirements including additional lanes are subject to complying with the mitigation measures provided within the traffic study.
37. Prior to final occupancy of any development of Parcel 1, the south half of Pecan Avenue shall be improved to a 100-foot arterial roadway standard including median along the entire project frontage of Parcel 1. The south half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip, sidewalk, a 30-foot asphalt section and a 16-foot landscaped median island. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.

38. The north half of Avenue 12½ shall be improved to an 80-foot collector roadway standard per City Standards including paved center turn lane and eastbound travel lane. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
39. Storm runoff for the entirety of this TPM is planned to go to the Agajanian Basin (also referred to as the Atamian Basin) located southwest of the TPM. The developer shall, as may be necessary, plan for and construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate or expand the basin to an amount equivalent to this project's impact on the basin. The extent of the improvements required shall correspond to the extent of the TPM. A detailed drainage study or update to that prepared for the Pecan Square subdivision including recommended conveyance pipe shall be provided in support of the first project initiated following approval of the final map.

-END OF CONDITIONS-