



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 22, 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.)

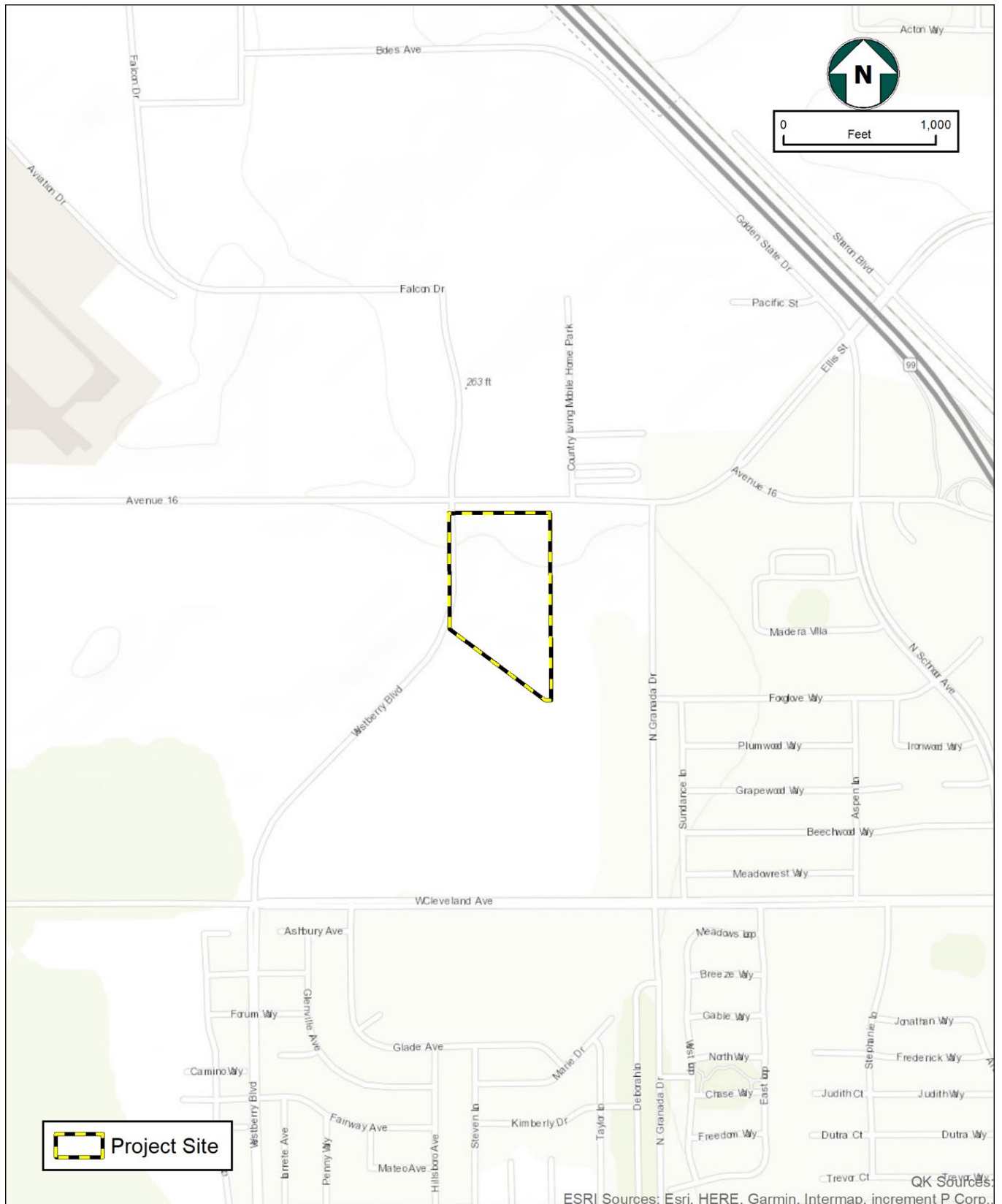
(OR)

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

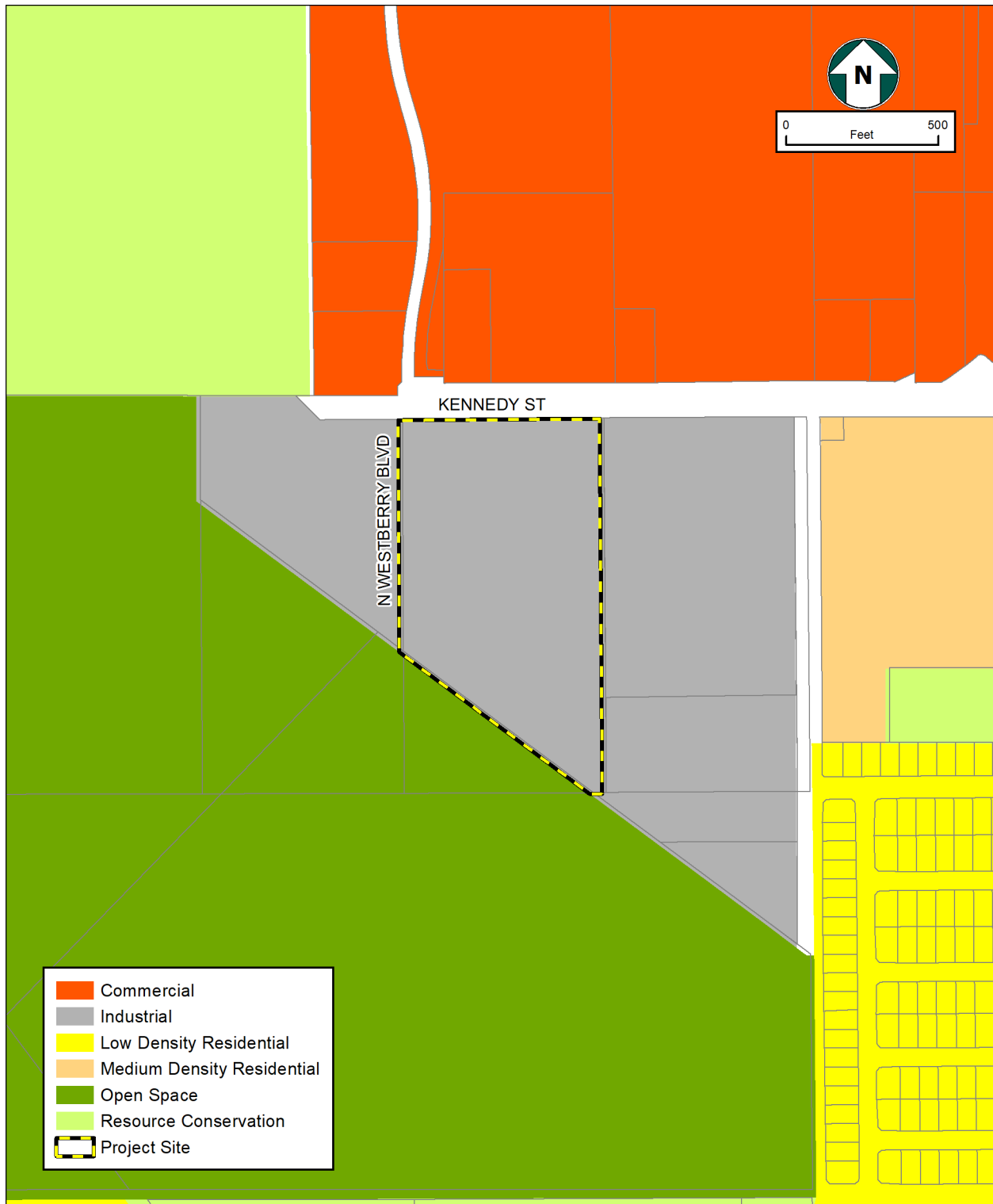
ATTACHMENT 1
Vicinity Map
TSM 2021-03



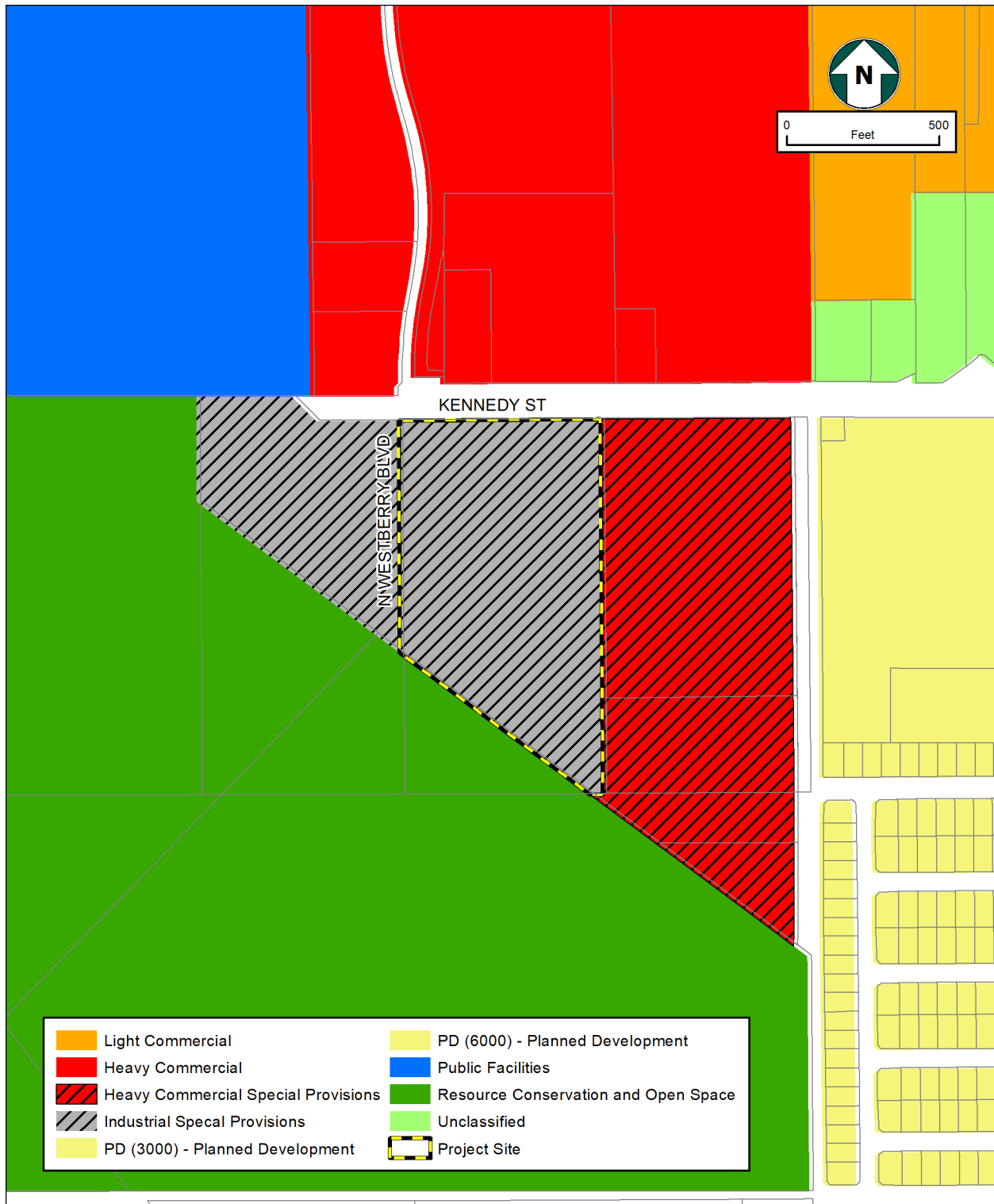
ATTACHMENT 2
Aerial Photo
TSM 2021-03



ATTACHMENT 3
General Plan Land Use Map
TSM 2021-03



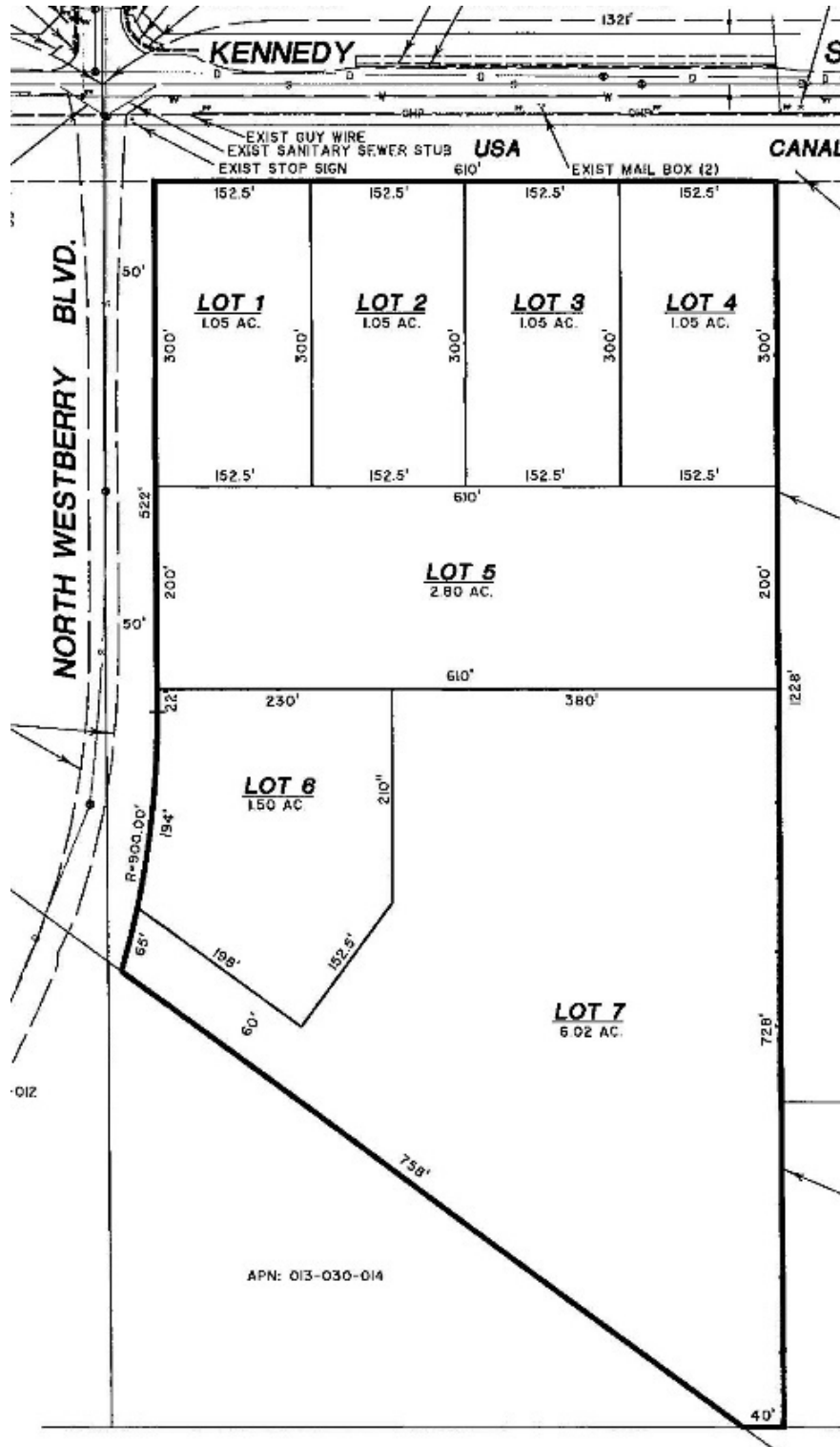
ATTACHMENT 4
Zoning Map
TSM 2021-03



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 22nd day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Gary Conte, AICP
Development Review Committee
Chairperson

Attest:

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

See following page of Engineering Conditions.

Planning Department

9. Future projects and/or uses shall be consistent with the Airport Land Use Plan.
10. 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

Arnoldo Rodriguez, City Manager
City of Madera
205 W. 4th 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



ENGINEERING COMMENTS
SUTHERLAND INDUSTRIAL SUBDIVISION
SEC OF KENNEDY STREET & WESTBERRY BOULEVARD
TSM 2021-03

GENERAL

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification.
7. Development impact fees shall be paid at time of building permit issuance.
8. Improvement plans signed and sealed by a licensed engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
9. 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.
10. 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.

11. 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.
12. The improvement plans for the project shall include the most recent version of the City's General Notes.
13. The developer shall comply with the Federal Emergency Management Agency (FEMA) requirements, as may be applicable.

Water

14. 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.
15. Unless the City Engineer or fire flow analysis specifies larger water lines, a minimum of 8 inches in diameter shall be installed, as may be applicable, in all public 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.
16. The developer shall install master-planned water supply facilities in accordance with the City of Madera Water System Master Plan as indicated below:
 - a. Westberry Boulevard – Install 12-inch main along the entire project frontage on Westberry Boulevard from the intersection of Kennedy Street and Westberry Boulevard.

The oversize component (difference in cost between constructed pipe size 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 the 8-inch component is reimbursable from adjacent properties as they develop and connect.

17. Each newly created parcel shall have a separate water service. New connections shall be constructed to current City standards including Automatic Meter Reading (AMR) water meters located within City right-of-way and backflow prevention devices located within private property. Existing cross lot connections, if any, shall be severed.

18. 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.
19. 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.
20. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved backflow prevention device installed. All water trucks/storage tanks will be inspected for proper air gaps or backflow prevention devices.
21. 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 all water services and shall be installed within private property.
22. A separate water meter and backflow prevention device shall be required for landscape areas.
23. 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.
24. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to construction activities commencing on individual lots.

Sewer

25. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole.
26. All sewer mains within the public right-of-way shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
27. Each newly created parcel shall have a separate sewer service unless cross access and utility easement are approved by the City. New connections shall be constructed to current City standards. Existing cross lot connections, if any, shall be severed.

28. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage on Westberry Boulevard and Kennedy Street.
29. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

30. Storm runoff from this project site is planned to go to the Foxglove Basin located southeast of the project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate or expand the basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities.

In lieu of the fact that conveyance facilities do not fully exist to get storm water to said basin, the developer may construct a temporary on-site basin. A detailed drainage study shall be provided to support the chosen path of conveyance, storage and design of any necessary drainage facilities.

31. 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

32. The developer shall provide a traffic study that addresses and mitigates the impacts of the planned development on the street system. The intersection of Westberry Boulevard/Kennedy Street shall be evaluated as part of the traffic study.
33. The south half of Kennedy Street from the intersection of Westberry Boulevard to the eastern edge of the project frontage shall be dedicated and improved to a 100-foot arterial roadway standard with a five-foot sidewalk pattern. The south half of the street shall include, but not be limited to, sidewalk, streetlights, fire hydrants, curb and gutter, park strip, a 30-foot asphalt section, and a 16-foot landscaped median island. Sidewalk and landscape area shall be per City standard and not be used to absorb grade differences for any reason. The north half of the street shall include, but not be limited to, a twelve-foot travel lane, an eight-foot shoulder (shoulder requirement per Air

District Standards) and drainage swale or a twelve-foot lane and a combination of shoulder/ac dike and drain inlets as may be necessary to accommodate storm runoff. Adequate transition 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.

34. Developer shall be a proponent of expanding existing Landscape Maintenance District Zone to include the existing median island in Kennedy Street and incorporate landscape improvements into the zone. If the expansion of the boundary to include the median island and incorporation of the improvements are not attainable the developer shall sign and submit a landscape district formation and inclusion form, an engineer's report and map for the median island in Kennedy Street prior to occupancy being granted.
35. Developer shall install sidewalk, storm drain, landscape and irrigation improvements within the MID easement adjacent to project site along Kennedy Street. Improvements shall be constructed per Linear Park standards and City preliminary design plans. Developer shall submit plans for review to MID. MID permit shall be obtained prior to construction of improvements within the easement.
36. A Madera Irrigation District (MID) approval block shall be shown on the final improvement plans.
37. The east half of Westberry Boulevard along the entire project frontage shall be dedicated and constructed to a 100-foot arterial roadway standard with a five-foot sidewalk pattern. The east half of the street shall include but not be limited to sidewalk, streetlights, fire hydrants, curb and gutter, park strip, a 30-foot asphalt section, and a 16-foot landscaped median island. Sidewalk and landscape area shall be per City standard and not be used to absorb grade differences for any reason. The west half of the street shall include, but not be limited to, a twelve-foot travel lane, an eight-foot shoulder (shoulder requirement per Air District Standards) and drainage swale or a twelve-foot lane and a combination of shoulder/ac dike and drain inlets as may be necessary to accommodate storm runoff. Adequate transition 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.
38. The developer shall install a traffic signal pole at the intersection of Westberry Boulevard and Kennedy Street at its ultimate location. This improvement would occur with frontage improvements on westerly parcel.
39. The developer shall dedicate a ten (10) foot wide Public Utility Easement (PUE) along the Kennedy Street and Westberry Boulevard project frontages.
40. Proposed entrances into the subdivision shall be constructed to street type entrance with a minimum face of curb radius of 15 feet and be constructed to current City and ADA standards.

41. Driveways shall not be located closer than 305 feet from intersections. Additional driveways shall be spaced no closer than 420 feet from the nearest driveway.
42. The subdivider 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 agreement shall reflect the language included in the Covenant, Conditions, Easements and Restrictions (CC&R) relating to the maintenance of shared utilities. At a minimum, the Reciprocal Easement Agreement should provide a responsible party and method in which said responsibility is conveyed to future successors. 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.
43. The developer shall be a proponent of annexing into existing Landscape Maintenance District (LMD) Zone 1. If the annexation into LMD Zone 1 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.
44. 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 1 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.
45. 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.
46. Street Easement Dedications shall be made to dedicate sufficient right-of-way to accommodate the corresponding street cross-sections.
47. 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.
48. "No Parking" signs shall be installed along the frontage of arterial and collector roadways per City standards in effect at time of construction.

49. 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.
50. Access ramps shall be installed at all curb returns per current City standards in effect at time of construction.
51. Driveway approaches shall be constructed per current City standards in effect at time of construction.
52. 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.
53. 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.
54. 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.

55. Submittals shall include **(submit a PDF and the stated number of hard copies for each item)**:

- a. Engineering Plan Review Submittal Sheet
- b. Civil Plan Submittal Checklist – All required items shall be included on the drawings
- c. Four copies of the final map
- d. Two sets of traverse calculations
- e. Two preliminary title reports
- f. Two signed copies of conditions
- g. Four hard copies of complete improvement plans
- h. Three hard copies of landscape and irrigation plans
- i. Two sets of drainage calculations
- j. Two copies of the engineers estimate

Partial submittals will not be accepted by the engineering department.

56. 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.

57. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines.

58. 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.

59. 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.

60. 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.
61. 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.
62. 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:

63. 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.
64. 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.
65. 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.
66. 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:

67. 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.

68. 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.
69. 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.
70. 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.
71. 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.
72. 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.
73. 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.
74. 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.
75. 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.

DRY UTILITIES

76. 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.