

SPECIAL MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Tuesday, April 5, 2022
6:00 p.m.**

**Council Chambers
City Hall**

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 84946826013# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/84946826013>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

Commissioner Robert Gran Jr. (Chairperson)
Commissioner Ryan Cerioni
Commissioner Ramon Lopez-Maciel
Commissioner Rohi Zacharia
Commissioner Khubaib Sheikh
Commissioner Balwinder Singh

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: None

PUBLIC COMMENT:

The first 15 minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened.

PUBLIC HEARINGS:

- 1. Specific Plan 2017-01, General Plan Amendment 2017-02, Prezone/Rezone 2017-05, Zoning Ordinance/Madera Municipal Code Amendment 2022-01, Environmental Impact Report SCH #2018081051 and Annexation 2022-01 – The Villages at Almond Grove**

Recommendation:

- A. Conduct a public hearing and then:
- B. Adopt a resolution recommending the City Council;
 - a. Adopt the findings required by CEQA Guidelines, Section 15091:
 - b. Certify the Environmental Impact Report (SCH #2018081051) for the proposed Villages at Almond Grove Specific Plan (A 1,883-acre area bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east), including General Plan Amendment (GPA 2017-02), Pre-Zoning/Rezoning (REZ 2017-05), Annexation (ANX 2022-01), Zoning Ordinance Text Amendment (OTA 2022-01) as well as the two related subdivisions (TSM 2020-02 and 2020-03).
 - c. Adopt the Proposed Mitigation Monitoring and Reporting Program, and
 - d. Adopt a Statement of Overriding Considerations, pursuant to the California Environmental Quality Act;
- C. Adopt a resolution recommending the City Council adopt a Resolution amending the General Plan and Madera Municipal Code in order to approve the proposed The Villages at Almond Grove Specific Plan (SPL 2017-01), including General Plan Amendment (GPA 2017-02), Pre-Zoning/Rezoning (REZ 2017-05) Ordinance and Zoning Ordinance Text Amendment (OTA 2022-01); and
- D. Adopt a resolution recommending the City Council initiate Annexation for The Villages at Almond Grove Specific Plan Area (ANX 2022-01).

- 2. Tentative Subdivision Map 2020-02 and Tentative Subdivision Map 2020-03 – The Villages at Almond Grove**

Recommendation:

- A. Conduct a public hearing and then adopt a resolution:
 - a. Contingently approving Tentative Subdivision Map 2020-02 located east of Road 23 between Avenue 16 and the Fresno River, APN 003-180-002 and 033-180-003; and
 - b. Contingently approving Tentative Subdivision Map 2020-03 located west of Road 23, between Avenue 16 and Avenue 17, APN's 033-700-002, 003, 004 and 005.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

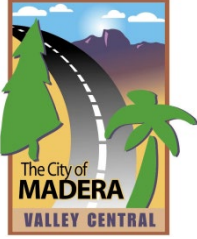
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation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



REPORT TO THE PLANNING COMMISSION

Prepared by:

Meeting of: April 5, 2022

Agenda Number: 1

SUBJECT:

Villages at Almond Grove Specific Plan: Specific Plan (SPL) 2017-01 (Adopting the Villages at Almond Grove Specific Plan); General Plan Amendment (GPA) 2017-02; Pre-zone/Rezone (REZ) 2017-05; Zoning Ordinance Text Amendment (OTA) 2022-01; Environmental Impact Report (EIR) (SCH #2018081051); and Annexation (ANX) 2022-01

RECOMMENDATION:

Conduct a public hearing, and then adopt:

1. A Resolution recommending the City Council:
 - a. Adopt The Findings Required by CEQA Guidelines, Section 15091;
 - b. Certify The Environmental Impact Report (SCH #2018081051) for the proposed The Villages at Almond Grove Specific Plan (A 1,883-Acre Area Bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east), including General Plan Amendment (GPA 2017-02), Pre-Zoning/ Rezoning (REZ 2017-05), Annexation (2022-01), Zoning Ordinance Text Amendment (OTA 2022-01) as well as the two related Subdivisions (TSMs 2020-02 And 2020-03);
 - c. Adopt the Proposed Mitigation Monitoring and Reporting Program, and
 - d. Adopt A Statement of Overriding Considerations, Pursuant to the California Environmental Quality Act;
2. A Resolution recommending the City Council adopt a Resolution amending the General Plan and Madera Municipal Code in order to approve the proposed The Villages at Almond Grove Specific Plan (SPL 2017-01), including General Plan Amendment (GPA 2017-02), Pre-Zoning/Rezoning (REZ 2017-05) Ordinance, and Zoning Ordinance Text Amendment (OTA 2022-01); and
3. A Resolution recommending the City Council Initiate Annexation for The Villages at Almond Grove Specific Plan Area (ANX 2022-01).

PROPOSAL:

The proposed project includes the Villages at Almond Grove Specific Plan (“Specific Plan”) and related items to allow for adoption of the Specific Plan as well as development in the Southeast, Northwest and Southwest Neighborhoods of the Specific Plan Area, also known as Village D in the City’s General Plan. The proposed Specific Plan establishes a walkable community in west Madera and contains a full range of land uses including housing types, commercial uses, potential school sites, and open space uses including implementation of the Vern McCullough Fresno River trail.

Table 1: Project Overview	
<i>Project Numbers:</i>	SPL 2017-01; GPA 2017-02; REZ 2017-05; OTA 2022-01; ANX 2022-01
<i>Applicant:</i>	Precision Civil Engineering
<i>Property Owner:</i>	Various
<i>Location:</i>	The Specific Plan Area is bound by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east (Attachment 1).
<i>Project Area:</i>	1,883 acres, consisting of the following APNs: 033-070-005, 033-070-004, 033-070-002, 033-070-003, 033-170-001, 033-170-002, 033-170-009, 033-170-005, 033-170-010, 033-170-011, 033-180-002, 033-180-003 (Attachment 2)
<i>Plan Land Use:</i>	A majority of the Project site is currently planned Village Reserve. Other portions of the site are currently planned for residential and open space land uses. The City’s General Plan is proposed to be amended to create a Specific Plan land use category that would be applied to the proposed Specific Plan Area.
<i>Zoning District:</i>	The majority of the plan area is within the County of Madera and is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE20). The smaller area of approximately 40 acres is within City limits and is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area). The entire plan area would be either pre-zoned or rezoned by the City to the Specific Plan Zone District.
<i>Site Characteristics</i>	The Specific Plan Area is predominately characterized by active agriculture operations, with a mix of irrigated crops (Attachment 3). Three parcels are currently subject to land conservation contracts (Williamson Act Contract), but they are within the Southwest Neighborhood and are not currently proposed to be subdivided. The Plan Area has a few existing residential and agricultural support structures. The Fresno River abuts the southern portion of the Plan Area and multiple irrigation canals traverse the Plan Area. The terrain is relatively flat, with few inclines aside from the Fresno River and irrigation canals.

SUMMARY:

The proposed Project would adopt the Villages at Almond Grove Specific Plan (**Attachment 4**). The purpose of the Specific Plan is to provide guidance for an orderly and cohesive planned community consistent with the intent of the City’s General Plan, zoning ordinance and the Madera Countywide Airport Land Use Compatibility Plan. The Specific Plan Area is 1,883 acres and is proposing approximately:

- 10,800 residential units
- 2.1 million square feet of commercial and office space
- 164 acres of parks and recreational area
- 55 acres of schools and other public facilities, including implementation of the Vern McCullough Fresno River trail

The proposed Specific Plan provides a development framework for land use, mobility including roadways, utilities and services, resource protection, and implementation to promote the systematic and orderly development of the Specific Plan Area. The project also includes several amendments to the General Plan, a pre-zone/rezone, annexation, zoning ordinance/municipal code text amendment in order to facilitate the approval and implementation of the Specific Plan.

SURROUNDING LAND USES:

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Agriculture	RC – Resource Conservation/Agriculture	ARE – Agricultural Rural Exclusive – 20 Acres (County of Madera), ARE – Agricultural Rural Exclusive – 40 Acres (County of Madera)
<i>East</i>	Municipal Golf Course, Municipal Airport, developing residential	OS – Open Space, P&SP – Other Public and Semi-Public Uses, I – Industrial, LD – Low Density Residential	RCO – Resource Conservation and Open Space, I – Industrial, PD 4500, PD 6000, PD 8000, PD 12000, R1, U – Unclassified
<i>South</i>	Agriculture	RC – Resource Conservation/Agriculture; VLD – Very Low Density Residential	ARE – Agricultural Rural Exclusive – 40 Acres (County of Madera)
<i>West</i>	Agriculture	RC – Resource Conservation/Agriculture	ARE – Agricultural Rural Exclusive – 20 Acres (County of Madera), ARE – Agricultural Rural Exclusive – 40 Acres (County of Madera)

ANALYSIS:

Project proposal

The purpose of The Villages at Almond Grove Specific Plan is to implement the goals and policies of the City’s and Madera Countywide Airport Land Use Compatibility Plan (ALUCP) to provide guidance to ensure orderly growth and provisions for adequate infrastructure, and public facilities and services to support a diversity of homes and businesses. The Specific Plan was crafted based on the principles below.

- *Extending the City’s Fabric:* Create a plan that extends the existing urban fabric of the City and enhances livability through added amenities.
- *Compact Mixed-Use:* Integrate housing, business, employment, and civic uses crucial to the strength and economic viability of the plan. Create compact centers with a human-scaled mix of uses fronting walkable streets, further enhance its pedestrian-friendly access.

- *Diversity of Housing Building Types:* Provide a variety of housing options allowing for a diverse mix of household sizes, lifestyles, and incomes key to a well-balanced community.
- *Walkable, Bikeable Streets:* Establish a variety of interconnected streets providing multiple access routes to civic and commercial uses, ensuring low-traffic walking and on-street bicycling. Streets featuring sidewalks, planting strips, on-street parking, and homes with front porches inviting walkability.
- *Open Space Integration:* Provide a network of parks, open spaces, and trails to serve as focal points, gathering places, recreational uses, and green connectivity. The Fresno River serves as the main open space amenity with a riverfront park, urban gardens and a trail system connection for residents and visitors to enjoy.
- *Sustainability:* Utilize smart growth principles advocating thoughtful and sustainable development patterns to conserve resources, reduce impacts on the environment, promote active lifestyle, support livability, offer social engagement opportunities and achieve fiscal sustainability. Protection of the Fresno River area is a vital component of the health and well-being of the community and the environment.

In addition to the proposed Specific Plan, additional project components are being requested by the project applicant. These include:

- Several amendments to the General Plan to allow for implementation of the Specific Plan,
- A pre-zone/rezone,
- An annexation, and a zoning ordinance/municipal code text amendment.

The applications have been submitted in order to facilitate the approval and implementation of the Specific Plan and are described as follows. A portion of the Specific Plan area is proposed to be subdivided through two proposed vesting tentative maps, which will be presented for Planning Commission consideration immediately after this item.

Specific Plan Amendment (SPL 2017-01) – Recommendation

The proposed amendment would adopt the Villages at Almond Grove Specific Plan (SPL 2017-01). The Specific Plan Area is 1,883-acres, consisting of approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, approximately 55 acres of schools and other public facilities.

The proposed Specific Plan provides a development framework for land use, mobility including roadways, utilities and services, resource projection, and implementation to promote the systematic and orderly development of the Specific Plan Area (**Attachment 1**). The Specific Plan Area is bound by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. The Plan Area consists of three (3) neighborhoods: Northwest Neighborhood (650 gross acres); Southwest Neighborhood (589 gross acres); and the Southeast Neighborhood (645 gross acres) (**Attachment 3**). The Plan establishes the review and approval process of subsequent development proposals such as subdivision maps, site plans, and improvement plans. Findings for the Specific Plan Amendment are detailed in **Attachment 8**.

General Plan Amendments (GPA 2017-02) – Recommendation

The proposed amendments would modify policies in the Land Use Element related to “Village D: Northwest Madera” to allow for consistency between the General Plan and the proposed Specific Plan (Page 8-49 of the General Plan). The amendments would also modify and add policies to incorporate a new land use category, “Specific Plan Area” (Page 8-74 of the General Plan). The amendment would also change the General Plan Land Use Designation of the Specific Plan Area to “Specific Plan Area – Villages at Almond Grove” (Page 8-11 of the General Plan, Figure LU-2). In addition, the General Plan would be amended to remove the requirement that residential development shall conform to the “Target Density” requirement for each land use category (density requirements will be governed by given density range) (Page 8-14 of the General Plan). Removal of the requirement would give flexibility within the entire General Plan Area. The General Plan Amendment would also remove the requirement for a permanent agricultural buffer on the western edge of the Specific Plan Area (Page 8-49 of the General Plan). Findings for the General Plan Amendment are detailed in **Attachment 8**.

Prezone/Rezone (REZ 2017-02) – Recommendation

The portion of the plan area within the County of Madera is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE20). This area would be pre-zoned to the new SP Zone proposed under OTA 2022-01 to facilitate the proposed annexation to the City. The smaller area of approximately 40 acres is within City limits and is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area) and would be rezoned to the new SP Zone for consistency with the new Specific Plan land use designation proposed under the GPA. Findings for the Prezone/Rezone are detailed in **Attachment 8**.

Zoning Ordinance Text Amendment (OTA 2022-01) – Recommendation

The City’s Municipal Code would be amended to establish a new Specific Plan Zone District (SP Zone) to provide a framework for the establishment of standards and permitted uses in the zone, and to facilitate implementation of the Specific Plan. Standards and permitted uses would be as established through adoption of a Specific Plan. The text amendment will add Section 10-3.11.601 through 10-3.11-605 in order to create the “Specific Plan Zones (SP)” zone district, as well as modifications to integrate the new sections. The purpose of this text amendment is to establish a general zoning classification that can be utilized when specific plans at this and other locations are adopted so that unique standards and special districts can be created without creating new zone districts in the Municipal Code. The intent is to streamline development so that this general zoning classification will be placed on parcels within a specific plan area and the detailed development requirements will be provided in a corresponding specific plan. Findings for the Zoning Ordinance Text Amendment are detailed in **Attachment 8**.

Annexation (ANX 2022-01) – Recommendation

The proposed project includes annexation of approximately 1,883 acres to the City, all of which are located within the City’s Sphere of Influence and Urban Growth Boundary. The Madera Local Agency Formation Commission (LAFCo) is the responsible agency for the annexation request. However, the City Council must first authorize application to Madera LAFCo to initiate the annexation process. It is anticipated that the Madera LAFCo will use the EIR in its decision-making process as required under CEQA. Findings for the Annexation are detailed in **Attachment 9**.

General Plan Consistency

A continuation of the City’s planned growth for residential, commercial, and public institutional land uses, as proposed by the Specific Plan, supports the General Plan vision for a Well-Planned City. This principle recognizes that the provision of housing and commercial opportunities is a key component in the

implementation of the City's General Plan and vision for the community. This principle is furthered by Land Use Goal LU-1, which states that Madera is a well-planned city prepared for growth through comprehensive planning which balances growth demands with resources and infrastructure, to facilitate high quality development. The Villages at Almond Grove Specific Plan implements the goals and policies of the City's General Plan and provides guidance to ensure orderly growth and provisions for adequate infrastructure, and public facilities and services to support a diversity of homes and businesses. Overall, implementation of the Specific Plan would be consistent with the City's General Plan.

Specifically, the Villages at Almond Grove Specific Plan complies with several City's General Plan policies, including Policy LU-14 which requires the preparation of a Public Facilities Financing Plan (PFFP) for new developments in annexed areas, and Village D Specific Policies that guides development in the Plan Area. The Specific Plan shows compliance to Policy LU-14 in Chapter 7 of the Specific Plan Infrastructure Master Plan, which identifies funding mechanisms and sources as well as financing strategy and feasibility. Village D policies include mixing of uses in the core area, conformance with the Building Blocks principles, etc. These guidelines are addressed in the circulation, land use, development standards, and design guidelines of the Specific Plan. Additional findings for the Specific Plan Amendment are detailed in **Attachment 8**. As such, the Specific Plan is consistent with the City's General Plan.

The Plan Area is within the Airport Influence Area of the Madera Municipal Airport. The Madera Countywide ALUCP identifies compatibility factors in which compatibility zones for the Madera Municipal Airport were derived and provides land use compatibility criteria for land near the airport to avoid potential safety problems and to ensure airport operations are not constrained by surrounding development. The Specific Plan is consistent with the Madera County ALUCP.

Streets and Access Points

The Circulation Plan for The Villages at Almond Grove reinforces the principal of moving vehicles, pedestrians, cyclists, and public transit safely and efficiently through and around the Plan Area. Access to the Plan Area will be provided via Avenue 17, Avenue 16, Cleveland Avenue, Road 23, and Road 24.

The Circulation Plan establishes the hierarchy and general location of roadways within the Specific Plan area (**Attachment 5**); conceptual sections of these roadways are provided in the Specific Plan.

A traffic study prepared as part of the Specific Plan's EIR identifies the need for additional rights-of-way at critical intersections to accommodate lanes for left and right turn movement. Phasing and construction of the improvements shall be implemented as required by the City Engineer and pursuant to the mitigation measures identified in the EIR and as identified in the Specific Plan.

A pedestrian circulation system utilizing sidewalks and paseos will be provided. Sidewalks will be provided along all streets in the Plan Area and will vary between 5 feet and 12 feet in width. Sidewalks shall be constructed of concrete as part of the roadway improvements. Paseos are incorporated as part of the open space and lead to a connection throughout the Plan Area.

Bicycle lanes and off-street trails are an integral element in creating accessibility and mobility within the Plan Area. The Plan includes a multi-purpose pedestrian and bicycle trail along the Fresno River including implementation of the Vern McCullough Fresno River trail. The Plan proposes trail connections to link the multi-purpose trail along the river with the larger on-street bicycle network for the Plan. These bike paths will provide linkages to the City's master planned bike path system, including the Vern McCullough Fresno River trail.

Existing public transit in Madera consists of Madera Metro and Dial-A-Ride. Madera Metro's Route 2 is the closest public transit to the Plan Area. While there is currently no public transit in the Plan Area there is the opportunity to expand service as needed as determined by the City.

Utilities and Services

The Project is subject to a Infrastructure Master Plan that was prepared in accordance with state law to ensure provision of utilities and service systems, described as follows.

The Villages water supplies are met by the use of ground water obtained from wells that are to be newly constructed in conformance with the Madera Subbasin Groundwater Sustainability Plan (GSP). In order to reduce groundwater demand, the Project shall be utilizing groundwater only for indoor water supply, while using reclaimed water for outdoor irrigation.

The City's Sanitary Sewer System Master Plan (SSSMP) identified the need for an additional sewer trunk line running down Road 23 to connect to the existing Wastewater Treatment Plant (WWTP).

To conserve water the Project intends to utilize reclaimed wastewater by constructing a non-potable water distribution (purple pipe) system for all outdoor use, including all open spaces and parks. Doing so allows for efficient disposal of treated water from the local wastewater treatment plant as well as reducing the potable water demand; thus, minimizing the impacts to the groundwater aquifer. In addition to meeting outdoor watering demands, reclaimed water shall also be used for groundwater recharge. The non-potable water system, irrigation system, and surface sprayer shall be constructed to be in compliance with Title 22 requirements.

The proposed storm water collection system will be comprised of roadway curb and gutter, inlets, pipelines, and retention basins. Grading shall be per the City standards. Storm water runoff will be stored in retention basins on-site and percolated into the ground.

ENVIRONMENTAL REVIEW:

The proposed project has been reviewed for compliance with CEQA. The City prepared an Environmental Impact Report ("EIR") (SCH #2018081051) to evaluate the environmental effects of the project (**Attachment 6**).

Key Components of Requested Action

Environmental Impact Report (EIR): An EIR is the highest level of environmental review under the California Environmental Quality Act (CEQA), which describes and analyzes the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The term "EIR" may mean either a draft or a final EIR depending on the context. As further described in Attachment 7, the Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments received and propose changes to the Draft EIR if needed.

Response to Comments (RTC): This document provides responses to comments received on the Draft EIR and revises the Draft EIR, as necessary, in response to those comments or to make clarifications in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project. Seven comment letters were received, and the letters and responses are contained in the RTC, which is provided in the Final EIR (**Attachment 5**).

Mitigation Monitoring and Reporting Program (MMRP): This document contains a table with the required mitigation measures, the responsible party or parties for implementing the measure, and the timing of implementation. The MMRP is contained as Exhibit C of **Attachment 7**.

Findings of Fact and Statement of Overriding Considerations: When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact. The Findings of Fact and Statement of Overriding Considerations are attached as Exhibit B of **Attachment 7**.

Certification of the EIR: The Planning Commission will hold a public hearing to consider the adequacy and completeness of the EIR under CEQA and will make a recommendation to City Council regarding certifying the EIR and adopting the necessary Findings of Fact and Statement of Overriding Considerations. The Planning Commission will make a separate resolution (**Attachment 7**) regarding its recommendation on the consideration of the proposed project.

EIR Process/Public Input and Noticing: The City, as the lead agency under CEQA, has engaged in extensive public input and noticing including:

1. *Notice of Preparation (NOP) and Scoping Meeting:* Upon the City's determination that an EIR was required for this project, a NOP was made available to the general public and responsible trustee agencies to solicit input on issues of concern that should be addressed in the EIR. The NOP was issued on August 17, 2018, and the 30-day comment period on the NOP closed on September 17, 2018. The NOP was re-issued on December 3, 2018, and the 30-day comment period of the re-issued NOP closed on January 2, 2019. The NOP included a project description, project location, and a brief overview of the topics to be covered in the EIR. Comment letters were received from public agencies and were incorporated into the Draft EIR (DEIR). A Scoping Meeting was also announced and two were held on September 12, 2018, and December 18, 2018. Three (3) members of the public attended the first scoping meeting, and zero (0) members of the public attended the second scoping meeting. Outreach was as follows:
 - NOP and Scoping Meeting notice were circulated to relevant agencies and other interested parties.
 - NOP was mailed to the Office of Planning and Research State Clearinghouse.
 - NOP and Scoping Meeting notice were published in the Madera Tribune.
 - NOP was posted by the County Clerk for 30 days.
 - NOP was posted by the City Clerk for 30 days, including the website.
2. *Draft Environmental Impact Report:* Upon completion of the Draft EIR, the City issued a Notice of Availability (NOA) announcing the release of the document for a 45-day public comment period beginning December 23, 2021. Due to the closures of public facilities in response to COVID-19, the Draft EIR was available for viewing via the following methods:
 - Via web link on the City's webpage
 - Copies of the Draft EIR were made available for check-out at City Hall

Seven comment letters were received. None of these comments contained new information that revealed any potentially new or more significant environmental impacts that could have required recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

3. *Final EIR/Response to Comments:* The Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments and possibly propose changes to the Draft EIR, if needed. After the close of the public review period for the Draft EIR described above, the City prepared formal responses to the written comments received. CEQA Guidelines, Section 15088(b), requires the City's responses to comments to be provided to commenting public agencies 10 days prior to final certification of the FEIR. As noted above, seven comment letters were received, and the letters are contained in the Response to Comments, which are provided in the FEIR.

As detailed in the EIR, there are some significant and unavoidable impacts associated with this project related to certain components of aesthetics, agricultural resources, air quality, noise, public services and recreation, transportation, and utility and service systems. In this regard, CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]). CEQA requires the lead agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations," which is Exhibit B to **Attachment 8** and would be recommended as part of the approval of the Resolution.

COMMISSION ACTION:

The Commission's recommendations will be forwarded for consideration by the City Council.

ALTERNATIVES:

As an alternative, the Commission may elect to:

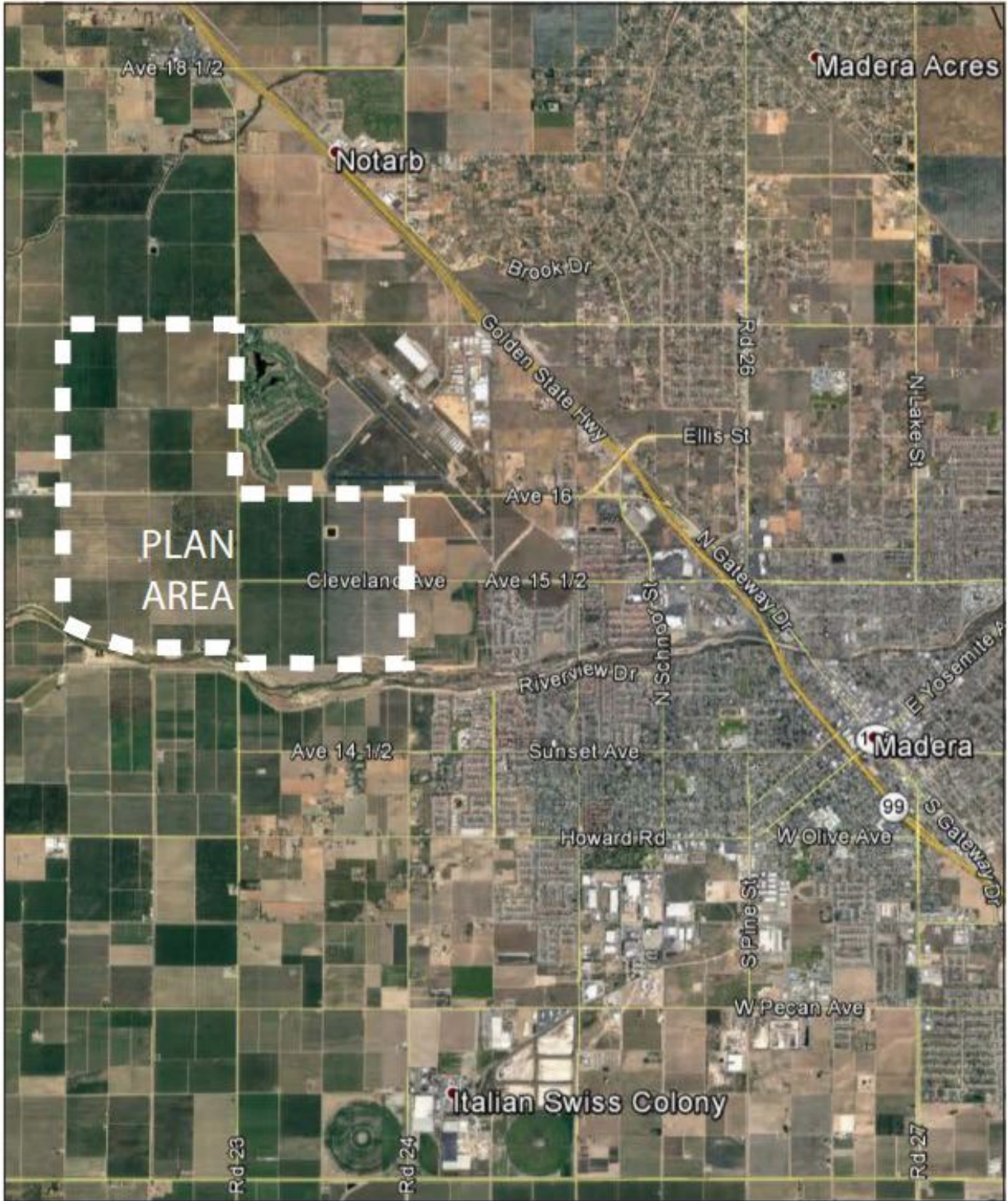
- Move to continue the public hearing to the April 12, 2022, Commission meeting.
- Move to deny the request, based on findings: (specify)

ATTACHMENTS:

1. Attachment 1: Vicinity Map
2. Attachment 2: Current Assessor Parcels
3. Attachment 3: Aerial Photograph and Physical Setting
4. Attachment 4: Specific Plan
5. Attachment 5: Circulation Plan
6. Attachment 6: EIR
7. CEQA Resolution: A Resolution of The Planning Commission of The City of Madera Recommending The City Council (1) adopt the findings required by CEQA Guidelines, Section 15091; (2) certify The Environmental Impact Report (SCH #2018081051) for the proposed The Villages At Almond Grove Specific Plan (a 1,883-acre area bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east), including General Plan Amendment (GPA 2017-02), Pre-Zoning/ Rezoning (REZ 2017-05), Annexation (ANX 2022-01), Zoning Ordinance Text Amendment (OTA 2022-01) as well as the two related subdivisions (TSM 2020-02 and 2020-03); (3) adopt the Proposed Mitigation Monitoring and Reporting Program, and (4) adopt a Statement of Overriding Considerations, pursuant to The California Environmental Quality Act.

8. Entitlement Resolution: A Resolution of The Planning Commission of The City of Madera recommending the City Council adopt a resolution amending the General Plan and Madera Municipal Code in order to approve the proposed The Villages at Almond Grove Specific Plan (SPL 2017-01), including General Plan Amendment (GPA 2017-02), Pre-Zoning/Rezoning (REZ 2017-05) Ordinance, and Zoning Ordinance Text Amendment (OTA 2022-01).
9. Annexation Resolution: A Resolution of The Planning Commission of The City of Madera recommending the City Council initiate annexation for The Villages at Almond Grove Specific Plan Area (Annexation No. 22-01).
10. Madera County: Correspondence dated March 23, 2022, regarding Airport Land Use Consistency Review.

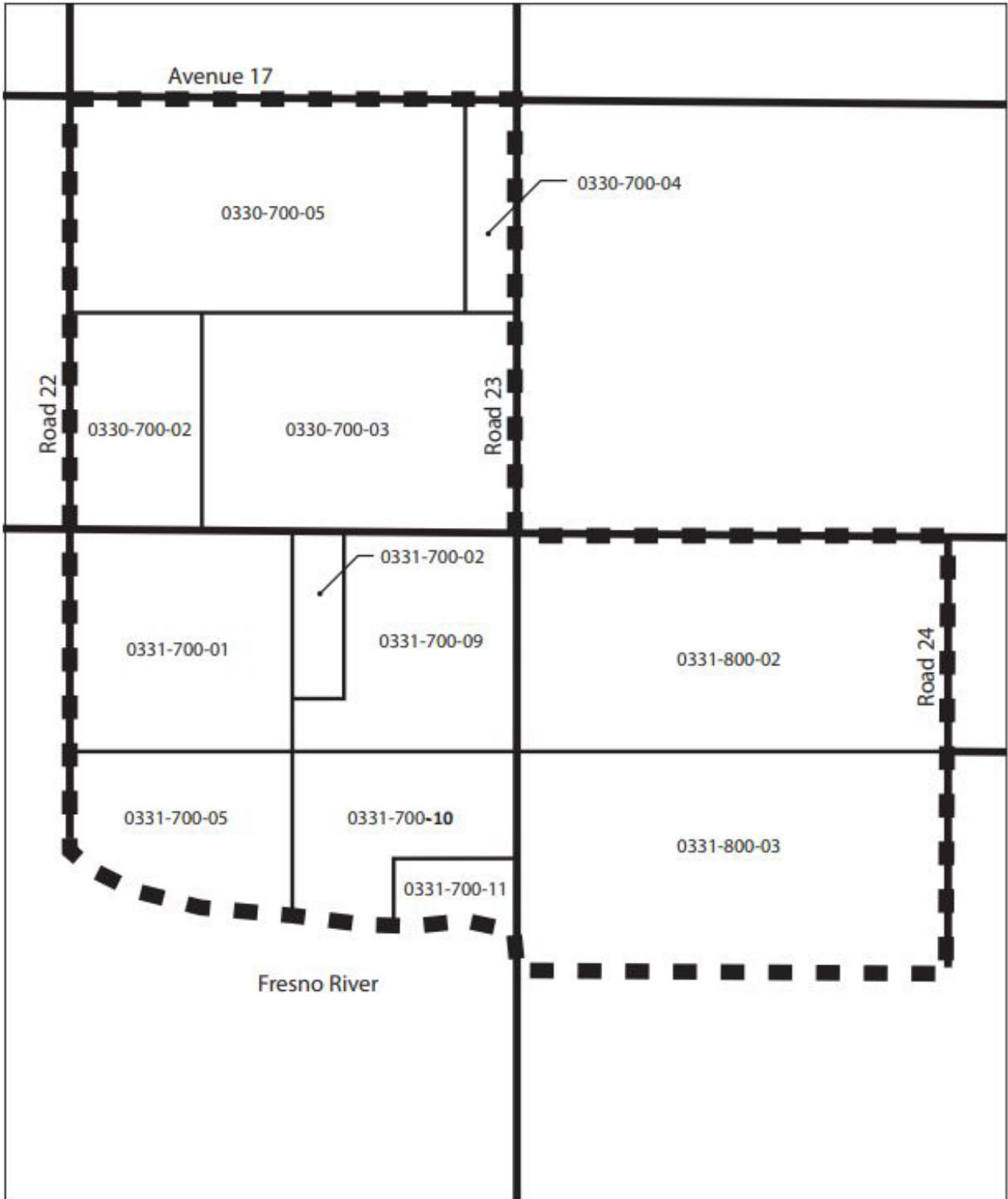
Attachment 1: Vicinity Map



Source: Google Maps



Attachment 2: Current Assessor Parcels



Source: KTG Group



Attachment 3: Aerial Photograph and Physical Setting



Source: Google Maps



Attachment 4: The Villages at Almond Grove Specific Plan

The Villages at Almond Grove Specific Plan is distributed as a separately bound document and is also posted on the City's Website on the Planning Division page under Current Projects and Environmental Review at the following website address: <https://www.madera.gov/home/departments/planning/>.

Attachment 6: Environmental Impact Report

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared an environmental impact report (“EIR”) to evaluate the environmental effects of the Project. The EIR (SCH #2018081051) is distributed as a separately bound document and is also posted on the City’s Website on the Planning Division page under Current Projects and Environmental Review at the following website address: <https://www.madera.gov/home/departments/planning/>.

Attachment 7: CEQA Resolution

(A resolution of The Planning Commission of The City Of Madera recommending The City Council (1) adopt the findings required by CEQA Guidelines, Section 15091; (2) certify the Environmental Impact Report (SCH #2018081051) for the proposed The Villages at Almond Grove Specific Plan (a 1,883-acre area bounded by Avenue 17 on the north, Road 22 on the west, The Fresno River on the south, and Road 23 and Road 24 on the east), including General Plan Amendment (GPA 2017-02), Pre-Zoning/ Rezoning (REZ 2017-05), Annexation (ANX 2022-01), Zoning Ordinance Text Amendment (OTA 2022-01) as well as the two related subdivisions (TSM 2020-02 and 2020-03); (3) adopt the Proposed Mitigation Monitoring And Reporting Program, and (4) adopt a Statement of Overriding Considerations, pursuant to The California Environmental Quality Act).

RESOLUTION NO. 1912

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING THE CITY COUNCIL (1) ADOPT THE FINDINGS REQUIRED BY CEQA GUIDELINES, SECTION 15091; (2) CERTIFY THE ENVIRONMENTAL IMPACT REPORT (SCH #2018081051) FOR THE PROPOSED THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN (A 1,883-ACRE AREA BOUNDED BY AVENUE 17 ON THE NORTH, ROAD 22 ON THE WEST, THE FRESNO RIVER ON THE SOUTH, AND ROAD 23 AND ROAD 24 ON THE EAST), INCLUDING GENERAL PLAN AMENDMENT (GPA 2017-02), PRE-ZONING/ REZONING (REZ 2017-05), ANNEXATION (ANX 2022-01), ZONING ORDINANCE TEXT AMENDMENT (OTA 2022-01) AS WELL AS THE TWO RELATED SUBDIVISIONS (TSM 2020-02 and 2020-03); (3) ADOPT THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM, AND (4) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the project known as the “The Villages at Almond Grove Specific Plan” (Specific Plan), a specific plan, is located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. The project also includes, within the boundaries of the Specific Plan, Vesting Tentative Subdivision Map 2020-02 on approximately 645 acres and Vesting Tentative Subdivision Map 2020-03 on approximately 661 acres; and

WHEREAS, the Specific Plan proposes a mix of uses consisting of low-, medium- and high-density residential uses, commercial uses, office uses, and public spaces for schools, parks and recreational areas. The project would include approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, and approximately 55 acres of schools and other public facilities: and

WHEREAS, approval of the Specific Plan would require approval of General Plan Amendment 2017-02, Specific Plan 2017-01 (adopting the Specific Plan), Pre-Zoning/ Rezoning 2017-05, Annexation 2022-01, and Zoning Ordinance Text Amendment 2022-01; and

WHEREAS, Precision Civil Engineering, Inc., has submitted the related Vesting Tentative Subdivision Map 2020-02 on behalf of the property owners, Links Ranch LLC and Fagundes, Fagundes, Fagundes, GP, for private development within the Southeast Neighborhood portion of the Specific Plan area that will create a 2,390-lot residential subdivision and 29 outlets, 10 of which will be used for parks or open space, 2 for storm drain basins, 12 for future mixed-use developments, 4 for high-density residential uses, and 1 for a future school site. The site is broken up into 27 blocks and will be primarily a mix of Low-Density, Medium-Density, and High-Density residential uses: and

WHEREAS, Precision Civil Engineering, Inc., has submitted the Vesting Tentative Subdivision Map 2020-03, also on behalf of the property owners for private development within the Northwest Neighborhood portion of the Specific Plan area that will create a 2,815-lot residential subdivision and 17 outlets, 6 of which will be used for parks or open space, 6 for future business park developments, 3 for storm drain basins, 1 for future mixed- use developments, and

1 for a future school site. The site is broken up into 36 blocks and will be primarily a mix of Low-Density and Medium-Density residential uses: and

WHEREAS, as a result the following entitlements are being considered for approval:

Specific Plan:

- Specific Plan (SPL 2017-01) (Adopting the Villages at Almond Grove Specific Plan)
- Environmental Impact Report (SCH #2018081051)
- General Plan Amendment (GPA 2017-02)
- Pre-Zone/Rezone (REZ 2017-05)
- Annexation (ANX 2022-01)
- Zoning Ordinance/ Madera Municipal Code Text Amendment (OTA 2022-01) (Southeast Neighborhood)
- Vesting Tentative Subdivision Map (TSM 2020-02) (Southeast Neighborhood)
- Vesting Tentative Subdivision Map (TSM 2020-03) (Northwest Neighborhood)

(collectively “Project”); and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Environmental Impact Report (SCH #2018081051) (as further defined below, the “EIR”) in order to evaluate the proposed Project; and

WHEREAS, in compliance with CEQA Section 21080.4, a Notice of Preparation (“NOP”) was prepared by the City and distributed for public comment to the State Clearinghouse, Office of Planning and Research, responsible agencies, and other interested parties for a 30-day public review and comment period commencing on August 17, 2018 (re-issued on December 3, 2019), after which a public scoping meeting was held during the NOP review period on September 12, 2018, and December 18, 2018; and,

WHEREAS, the draft EIR (“DEIR”) was circulated for a 45-day public review and comment period commencing on December 23, 2021, a copy of the Draft EIR (DEIR) was circulated through the State Clearinghouse (SCH #2018081051), posted on the City’s website, and was available at the Madera City Hall; and

WHEREAS, the public review period for the DEIR ended on February 7, 2022; and

WHEREAS, a Final EIR (FEIR) was prepared on the proposed Project consistent with CEQA Guidelines Section 15088(b), which addressed comments received on the DEIR, responses to those comments, as well as any appropriate revisions and clarifications to the DEIR; and

WHEREAS, the City of Madera on March 16, 2022, published a legal notice in compliance with State law concerning Planning Commission consideration of the EIR in the Madera Tribune, a local newspaper of general circulation, which included the date and time of the Planning Commission consideration of a recommendation for the EIR. In addition, on or prior to March 18, 2022, a public hearing notice was mailed to each property owner within at least 300 feet of the Project site, as well as to all property owners within the Specific Plan area, indicating the date and time of the public hearing regarding the proposed Project (including the EIR) in accordance with State law; and

WHEREAS, on March 29, 2022, the Planning Commission conducted a duly noticed public hearing on the EIR as defined below, at which time it received input from City Staff, the City Attorney's office, and the developers; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission of the City of Madera, after which public testimony was closed; and

WHEREAS, the Planning Commission has reviewed the EIR, and all associated documents prepared for the project, the staff reports pertaining to the EIR, and all of the evidence received by the Planning Commission; and

WHEREAS, Section 21000 of the Public Resources Code and Section 15000 *et. seq.* of Title 14 of the California Code of Regulations ("CEQA Guidelines") which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment caused by the Specific Plan and the associated tentative Subdivision maps; and

WHEREAS, the Planning Commission desires, in accordance with CEQA, to recommend the City Council declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, technical, and other considerations for approving the project that the Council believes justify the occurrence of those impacts; and

WHEREAS, CEQA (Guidelines Section 15043) affirms the City Council's authority to approve a project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (CEQA Guidelines Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (CEQA Guidelines Section 15093).

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission desires to recommend the City Council (1) adopt the findings required by CEQA Guidelines, section 15091; (2) certify the EIR; (3) adopt the proposed mitigation monitoring and reporting program ("MMRP"), and (4) adopt a statement of overriding considerations, pursuant to CEQA; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Madera resolves as follows:

1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. EIR Contents. The EIR consists of the following:
 - a. The FEIR including any attached appendices;
 - b. The DEIR including attached appendices;

- c. The Notice of Preparation and comments received in response to the Notice of Preparation.
- d. The Mitigation Monitoring and Reporting Plan (“MMRP”);
- e. Additions and corrections to the remaining portions of the DEIR that have been made pursuant to public comments and DEIR review including all appendices attached thereto;
- f. Comments received on the DEIR with responses to each of the comments made;
- g. The Notice of Completion and Availability of the DEIR for public review; and
- h. Any other information added by the Lead Agency.

(All hereafter collectively referred to as the “EIR”).

3. Accompanying Documents To EIR. Documents that shall accompany and be part of the EIR are:
 - a. Mitigation Monitoring and Reporting Program; and
 - b. Findings of Fact and Statement of Overriding Considerations.
4. Certification of Compliance with California Environmental Quality Act. The Planning Commission does hereby find that the EIR (Exhibit “A” to this Resolution, a copy which is on file with the City’s Planning Department), the Findings of Fact and the Statement of Overriding Considerations (Exhibit “B” to this Resolution), and the Mitigation Monitoring and Reporting Program (Exhibit “C” to this Resolution) have been prepared in accordance with requirements of the California Environmental Quality Act, and the CEQA Guidelines.
5. CEQA Findings of Fact, Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations.
 - a. *Recommendation to Adopt Findings of Fact.* The Planning Commission does hereby recommend to the City Council that it approve, accepts as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the Findings of Fact, Exhibit “B” of this Resolution.
 - b. *Recommendation to Certify Environmental Impact Report.* The Planning Commission hereby recommends to the City Council that it certify that (1) the EIR has been completed in compliance with CEQA; (2) that it has reviewed and considered the information contained in the EIR prior to approving the project; and (3) that the EIR reflects the City Council’s independent judgment and analysis.
 - c. *Recommendation Regarding Feasible and Binding Effect of Mitigation Monitoring and Reporting Program.* As more fully identified and set forth in EIR and in the Findings of Fact for this Project, which is Exhibit “B” to this Resolution, the Planning Commission hereby recommends to the City Council that it find that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring and Reporting Program.
 - d. *Recommendation to Adopt Statement of Overriding Considerations.* Even after the adoption of all feasible mitigation measures and, certain significant or potentially significant environmental effects caused by the proposed modified Project directly, or cumulatively, will remain. The proposed Project has been carefully reviewed and the

policies included in the proposed Project along with the mitigation measures identified in the EIR have avoided or substantially lessen several environmental impacts, to the extent feasible. Nonetheless, the proposed Project may have certain environmental effects which cannot be avoided or substantially lessened. The City has carefully considered all of the environmental impacts that have not been mitigated to an insignificant level. Therefore, the Planning Commission hereby recommends that the City Council issue and approve a Statement of Overriding Considerations in the form set forth in Exhibit "B," which identifies the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City Council.

- e. *Recommendation to Adopt Mitigation Monitoring and Reporting Program.* As required by applicable State law, the Planning Commission hereby recommends to the City Council that it adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit "C" of this Resolution. The Planning Commission finds that the Program is designed to ensure that, during project implementation, the City and any other responsible parties implement the project components and comply with the mitigation measures identified in the Findings of Fact and the Mitigation Monitoring and Reporting Program.

- 6. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Madera.

Passed and adopted by the Planning Commission of the City of Madera this 5th day of April 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit A: Environmental Impact Report.

Exhibit B: Findings of Fact and the Statement of Overriding Considerations.

Exhibit C: Mitigation Monitoring and Reporting Program.

Exhibit "A"

Environmental Impact Report

<https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011>

Exhibit "B"

Findings of Fact and
Statement of Overriding Considerations

<https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011>

Exhibit "C"
Mitigation Monitoring and Reporting Program
(Appendix 'M' in Environmental Impact Report)

<https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011>

Attachment 8: Resolution

(A Resolution of The Planning Commission of The City of Madera Recommending the City Council Adopt a Resolution Amending The General Plan And Madera Municipal Code In Order To Approve The Proposed The Villages At Almond Grove Specific Plan (SPL 2017-01), Including General Plan Amendment (GPA 2017-02), Pre-Zoning/Rezoning (REZ 2017-05) Ordinance, and Zoning Ordinance Text Amendment (OTA 2022-01)).

RESOLUTION NO. 1913

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA RECOMMENDING THE CITY COUNCIL ADOPT A
RESOLUTION AMENDING THE GENERAL PLAN AND MADERA
MUNICIPAL CODE IN ORDER TO APPROVE THE PROPOSED THE
VILLAGES AT ALMOND GROVE SPECIFIC PLAN (SPL 2017-01),
INCLUDING GENERAL PLAN AMENDMENT (GPA 2017-02), PRE-
ZONING/REZONING (REZ 2017-05) ORDINANCE AND ZONING
ORDINANCE TEXT AMENDMENT (OTA 2022-01)**

WHEREAS, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, the City of Madera has adopted a Comprehensive General Plan Update and Environmental Impact Report, and the City of Madera is currently in compliance with State mandates relative to Elements of the General Plan; and

WHEREAS, State law also provides for periodic review, updates, and amendments of its various plans; and

WHEREAS, the City has policies encouraging preparation of specific plans or master plans in certain areas prior to the properties being developed. In this case, the Specific Plan No. 2017-01 was submitted for the project area; and

WHEREAS, the project SPL 2017-01 known as the “The Villages at Almond Grove Specific Plan” (Specific Plan), a specific plan, is located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. The project also includes, within the boundaries of the Specific Plan, Vesting Tentative Subdivision Map (TSM) 2020-02 on approximately 645 acres and Vesting Tentative Subdivision Map (TSM) 2020-03 on approximately 661 acres; and

WHEREAS, the Specific Plan proposes a mix of uses consisting of low-, medium- and high-density residential uses, commercial uses, office uses, and public spaces for schools, parks and recreational areas. The project would include approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, and approximately 55 acres of schools and other public facilities; and

WHEREAS, because the Specific Plan area currently has a Village Reserve land use designation on the majority of the site, a General Plan amendment is needed to create a Specific Plan land use category that would be applied to the entire proposed Specific Plan Area; and

WHEREAS, because the Specific Plan area, with the exception of approximately 40 acres, referred to as “Links Ranch Subdivision,” is outside of City limits and currently has County agricultural zoning, a prezone/rezone is needed; and

WHEREAS, approximately 40 acres of the Specific Plan area, referred to as “Links Ranch Subdivision is currently inside the City limits, a rezone is needed; and

WHEREAS, City services can be reasonably extended to the Specific Plan area; and

WHEREAS, approval of SPL 2017-01 would require approval of GPA 2017-02, SPL 2017-01 (adopting the Specific Plan), REZ 2017-05, ANX 2022-01, and OTA 2022-01, and

WHEREAS, a proposal has been made requesting amendments to the Madera General Plan, as shown in the attached Exhibit A; and

WHEREAS, the requested GPA 2017-02 consists of amendments to the Madera General Plan. The amendment would modify policies in the Land Use Element related to “Village D: Northwest Madera” to allow for consistency between the General Plan and the proposed Specific Plan. In addition, the City’s General Plan would be amended to create a Specific Plan land use category that would be applied to the proposed Specific Plan Area (see Figure 3 in attached Exhibit A). Further, the General Plan would be amended to remove the requirement that residential development shall conform to the “target density” requirement for each land use category (density requirements will be governed by given density range). The General Plan Amendment would also remove the requirement for a permanent agricultural buffer on the western edge of the Specific Plan Area; and

WHEREAS, the proposed OTA 2022-01 proposes a text amendment to add a specific plan zone district (SP Zone) to the Madera Municipal Code to provide a framework for the establishment of standards and permitted uses in the zone; and

WHEREAS, the proposed REZ 2017-05 proposes to prezone the property within the County of Madera that is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE20) and rezone the smaller area within City limits that is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area), to the the Specific Plan (SP) Zone District; and

WHEREAS, the proposed General Plan Amendment, Specific Plan, Prezone/Rezone, along with the related Text Amendment, will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the proposed General Plan Amendment, Specific Plan, Prezone/Rezone, and Text Amendment are compatible with the neighborhood and not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the City of Madera, acting as the Lead Agency, prepared an Environmental Impact Report (EIR) (SCH #2018081051) for the Specific Plan, and this related General Plan Amendment, Prezone/Rezone, and Text Amendment; and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the EIR, the Specific Plan, and the related General Plan Amendment, Prezone/Rezone and Text Amendment and related entitlements were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the negative declaration, and considered testimony received as a part of the public hearing process; and

WHEREAS, the Planning Commission now desires to recommend that the City Council adopt GPA 2017-02, SPL 2017-01, REZ 2017-05, and OTA 2022-01.

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

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

2. CEQA: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared an environmental impact report (“EIR”) to evaluate the environmental effects of the Project. The Planning Commission has fully considered the EIR and has concurrently recommended it for certification by the City Council. The Planning Commission finds that the Project is consistent with, and has been fully assessed by the EIR, and that the general plan amendment, specific plan, prezone/rezone and zoning text amendments are specifically anticipated projects in the EIR and are consistent with the purpose and intent of the EIR.

3. General Plan Findings: The Planning Commission finds that the GPA 2017-02 is consistent with the General Plan goals, policies and objectives. The Planning Commission further recommends that the City Council find that GPA 2017-02 is consistent with the General Plan goals and policies. The project does not adversely affect the implementation of the General Plan with respect to surrounding properties. The proposed amendment essentially consists of minor updates to the General Plan to allow for a Specific Plan land use category that would be applied to the Specific Plan Area, removal of the requirement that residential development shall conform to the “target density” requirement for each land use category to allow for additional flexibility, removal of the requirement for a permanent agricultural buffer on the western edge of the Specific Plan Area. These changes will assist in the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth. Ensuring viable development would also assist with the implementation of the Housing Element goals and policies in providing opportunity sites for necessary housing, including goal H-1, as well Goal SUS-1, Policies SUS-11, SUS-13, and SUS 15 of the General Plan regarding development of commercial opportunities and businesses to sustain jobs and local economic viability. The proposed amendment would support the City’s efforts to meet the Regional Housing Need Allocation (RHNA) as directed by the State of California Department of Housing and Community Development and as required by the City’s Housing Element of the General Plan. All the planned uses and proposed modifications are consistent with the General Plan policies and objectives and as such the proposed amendment would continue to implement the General Plan policies. Approval of GPA 2017-02 is in the public interest.

4. Specific Plan Findings: The Planning Commission finds, and recommends the City Council find, that SPL 2017-01 is consistent with State and local requirements, including as follows:

- a. *State Law Consistency*: The Specific Plan is consistent with the requirements of Government Code section 65450 *et seq.*, including the following:
 - i. The Specific Plan includes the distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan.
 - ii. The Specific Plan includes proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage,

water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the Plan.

- iii. The Specific Plan includes standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
 - iv. The Specific Plan includes a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the items listed above.
 - v. The Specific Plan includes a statement of the relationship of the specific plan to the general plan.
- b. *General Plan Consistency:* The Planning Commission finds, and recommends the City Council find, that the Specific Plan has been prepared in conformance with the goals, policies, and objectives of the General Plan as amended. The Specific Plan is consistent with the General Plan land use designation of "Specific Plan Area," which allows the Plan to develop land use standards and regulations tailored to the Plan Area. The Specific Plan Area land use designation will be applied to areas where a Specific Plan is adopted by the City. This change will assist the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth.

Ensuring viable development would also assist in the implementation of the Housing Element goals and policies in providing opportunity site for necessary housing, including goals to provide adequate sites to meet the 2013-2023 RHNA (Objective H-1), assist in the development of housing to meet need of lower-income households (Objective H-2), and adequately remove governmental constraints to housing development (Objective H-3). For example, the project addresses the City's current and projected housing needs through the provision of approximately 10,783 additional residential dwelling units in close proximity to mixed uses, commercial uses, and village centers. This is a substantial residential component, and addresses a significant portion of the housing stock anticipated by the General Plan Housing Element, etc., for the City of Madera for years to come. Further, the project provides a range of single and multi-family homes, including village country estates (54 units), village low density (4,784 units), village medium density (3,579 units), village high density (2,366 units), and the opportunity for mixed use residential in conjunction with commercial and office uses, etc. More than half of the residential units (5,945 total units) are planned for medium or high density, which promotes affordability for those with lower or fixed income needs. As such, the project would address the City's current and projected housing needs for all segments of the community by providing a range of single and multi-family homes.

As further described in EIR Table 4.11.A: General Plan Policies Related to Land Use and Planning, the Specific Plan is consistent with the General Plan as amended. For example, the Specific Plan's Public Facilities Financing Plan (PFFP) complies with General Plan Policy LU-14 as i) it articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden; and ii) it analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use

Element of this General Plan. The Specific Plan is also consistent with other General Plan goals, policies, and objectives including Goal SUS-1, Policies SUS-11, SUS-13, and SUS 15. The Specific Plan also incorporates Village D Specific Policies that guides development in the Plan Area. These Village D policies include mixed of uses in the core area, river frontage design along the Fresno River, conformance with the Building Blocks principles, etc. These guidelines are addressed in the circulation, land use, development standards, and design guidelines of the Specific Plan. As such, the Specific Plan is consistent with the City of Madera General Plan

- c. *Madera Countywide Airport Land Use Compatibility Plan*: The airport land use compatibility plan (ALUCP) contains individual compatibility plans for the Chowchilla Municipal Airport and the Madera Municipal Airport, the two public-use airports in Madera County. Under California Government Code Section 65302.3(a), general plans must be consistent with any airport land use plan adopted pursuant to Public Utilities Code Section 21675. The Specific Plan includes appropriate land use types and densities located within the airport zones to ensure consistency with the ALUC plan, and future development within the airport zones would be required to comply with the restrictions of the ALUC plan prior to approval both by law and per the General Plan.
- d. *Climate Action Plan*: As further described in EIR Table 4.8.F: Project Consistency with the City of Madera Climate Action Plan, the implementation of Mitigation Measure GHG-1.1 would ensure the proposed Specific Plan incorporates design features consistent with the applicable measures as included in the City's Climate Action Plan (CAP). With implementation of these measures, the Specific Plan is in compliance with the City's CAP.

5. Pre-Zone/Rezone Findings: The Planning Commission finds that REZ 2017-05 is consistent with the Specific Plan and General Plan as amended. The Planning Commission further recommends that the City Council find that REZ 2017-05 i) is consistent with the General Plan goals, objectives, and policies and will provide the required consistency between the General Plan, as amended, and zoning; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) is necessary to promote public necessity, convenience, general welfare, and good zoning practices; iv) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements; v) City services are either available or can be extended to serve the area; and vi) adoption is in the best interests of the City. The Plan area is currently zoned by Madera County Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20). The entire plan area would be pre-zoned by the City of Madera consistent with City zoning as identified in the Specific Plan. The project is consistent with the General Plan goals, objectives, and policies, and those of the Specific Plan, including:

- a. The goals, policies, and objectives as discussed above, including the General Plan Housing Element and EIR Table 4.11.A: General Plan Policies Related to Land Use and Planning.
- b. Goal SUS-1: Establish and maintain a diverse and sustainable local economy.
- c. Policy SUS-11: The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature

of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.

- d. Policy SUS-13: The City shall support the location and continued operation of local businesses that supply goods and services needed in City.
- e. Policy SUS-15: The City shall seek to promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.
- f. Policy LU-14: All proposals to annex property into the City limits for the purpose of new development shall prepare a Public Facilities Financing Plan (PFFP) that articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden. The PFFP shall analyze backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of this General Plan. (The Planning Process required for Village Reserve Areas in Policy LU-34 shall be sufficient to meet this requirement.) The cost of preparing the PFFP shall be shared proportionately among property owners in each Village, with the shares of any non-participating owner collected at the time of development and reimbursed to owner(s) who prepared the PFFP through a reimbursement agreement.
- g. Policy CD-20: The comprehensive planning of Villages shall include the creation of consistent design themes for each Village area that are specific to the Village but consistent with overall City standards.
- h. Village D Specific Policies:
 - i. All future development in this Village shall conform to the Building Blocks principles as described in this General Plan.
 - ii. The Village core area shall provide for an integrated mix of uses, including park and open space uses, along the river.
 - iii. Future development along the Fresno River should be designed to take advantage of the river frontage, including orienting development to front the river where not otherwise prohibited by site conditions.
 - iv. Village and neighborhood planning shall provide for the alignment of the designated arterial which runs through the Village east and west (Cleveland Avenue), to bend to the south to provide circulation to the proposed village core located along the Fresno River.
 - v. All development proposals within Village D shall comply with the provisions of the Airport Land Use Master Plan. The establishment of land use designations at the village and neighborhood levels, as well as the layouts of individual projects, shall reflect the allowable uses and densities in the Airport Land Use Master Plan.

6. Ordinance Text Amendment Findings: OTA 2022-01 proposes to amend the City's Municipal Code to include a specific plan zone district (SP Zone) to provide a framework for standards and permitted uses in the zone. The Planning Commission finds, and recommends the

City Council find, that OTA 2022-01 is consistent with the General Plan as amended, and that amendment is warranted by public necessity, convenience, general welfare, and good zoning practices.

7. Public Health, Safety, and Welfare: The Planning Commission finds that approval of GPA 2017-02, SPL 2017-01, REZ 2017-05, and OTA 2022-01 are in the best interest of the City, and are not detrimental to public health, safety, or welfare, and recommends that the City Council find the same.

8. Recommendations of Approval: Given that all of the findings can be made, the Planning Commission recommends the City Council adopt GPA 2017-02, SPL 2017-01 (including the associated public facilities financing plan [PFFP]), REZ 2017-05, and OTA 2022-01, as set forth in Exhibit A, Exhibit B, Exhibit C, and Exhibit D, respectively, which amends the General Plan text, the General Plan land use designations for the project site, the Zoning for the project site, and the Madera Municipal Code.

9. Effective Date: This resolution is effective immediately.

* * * * *

Passed, approved and adopted by the Planning Commission of the City of Madera this 5th day of April 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran, Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit A: GPA 2017-02: Land Use Map and General Plan Amendments

Exhibit B: SPL 2017-01 (including associated public facilities financing plan (PFFP) (attached as a separate exhibit)

Exhibit C: Draft City Council Ordinance for REZ 2017-05 (with proposed Zoned District Diagram)

Exhibit D: Draft City Council Ordinance for OTA 2022-01

Exhibit 'A'

GPA 2017-02: Land Use Map and General Plan Amendments

General Plan Land Use Designation – Current



General Plan Land Use Designation – Proposed

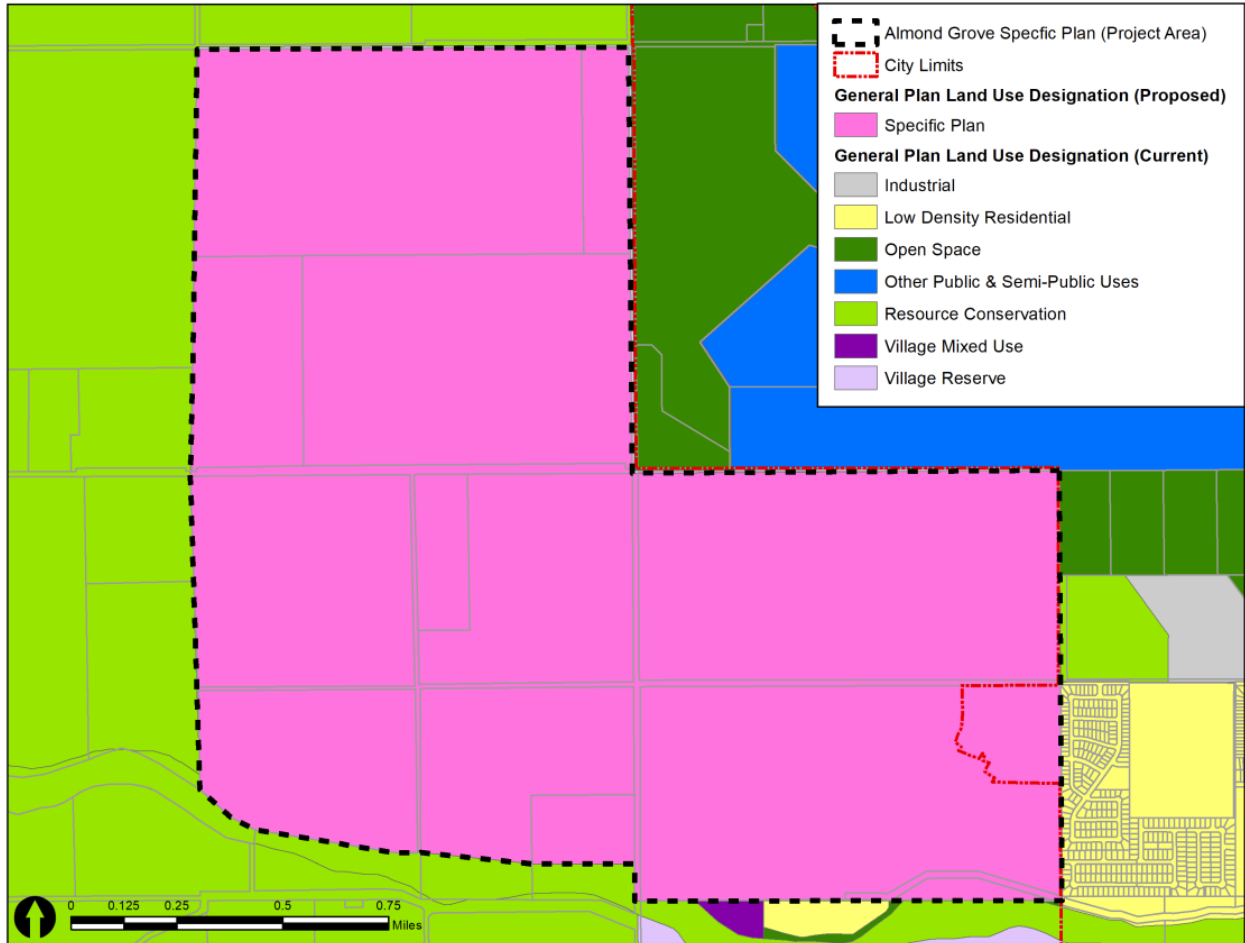
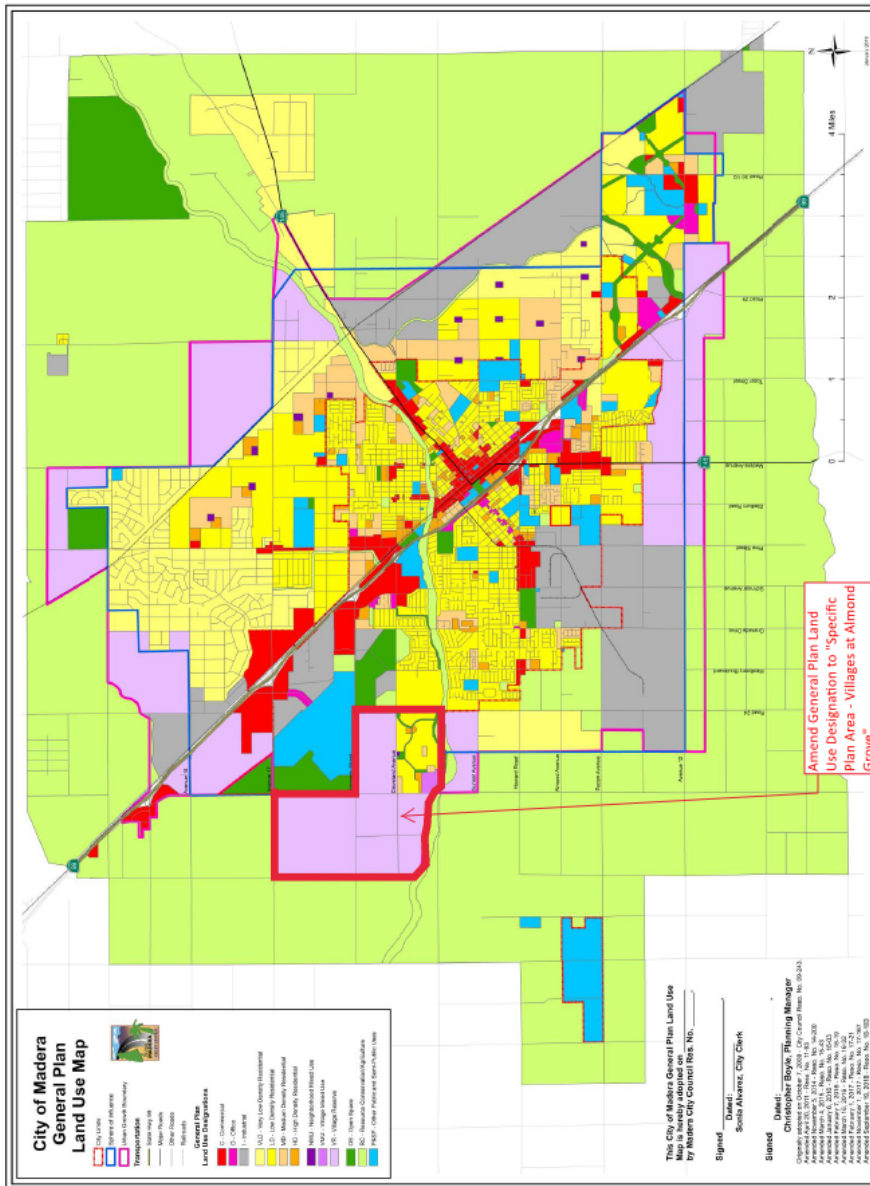


FIGURE LU-2: LAND USE MAP



Policy LU-6▶

Where a density range is specified for residential development, developments shall provide at least the minimum density and shall not exceed the maximum density except as provided for in any applicable density bonus provision.

Policy LU-7▶

~~Residential development shall conform to the "Target Density" requirement for each land use category. Development density (dwelling units per acre, as calculated using the same methodology as described in Policy LU-5), shall be at or above the Target Density unless one or more of the following findings can be made:~~

- ~~▲ Specific characteristics of the site (flooding, topography, protected habitat areas, airport proximity, etc.) cannot be built on and reduce the development potential below the Target Density.~~
- ~~▲ Development at the Target Density would result in unacceptable impacts to roadways or other infrastructure or the exceedence of any City adopted Threshold Standards.¹~~
- ~~▲ Development was limited by a Development Agreement, Vesting Tentative Tract Map, or other City approved plan or agreement existing before October 1, 2009.~~

~~Target Density requirements shall apply to all land which was part of a parcel of at least ten (10) acres in size on or after October 1, 2009.~~

¹ See Policy LU-13.

IMPLEMENTATION POLICIES

Policy LU-32▶

Zoning shall be consistent with General Plan land use designations. In areas where the zoning and the land use designation are not identical, **Table LU-A** shall be used to determine consistency for rezoning applications.

TABLE LU-A: GENERAL PLAN/ZONING CONSISTENCY

General Plan Land Use Category	Consistent Zoning Districts
Residential Categories	
Very Low Density Residential	UR, U
Low Density Residential	RA, R-1, PD-4500, PD-6000, PD-8000, PD-12000
Medium Density Residential	R-2, PD-4500, PD-3000
High Density Residential	R-3, PD-2000, PD-1500
Village Categories	
Village Reserve	All Districts
Village Mixed Use	C-R, C-N, C-1, C-2, C-H, PO, PD Zones
Commercial Categories	
Commercial	C-R, C-N, C-1, C-2, C-H
Office	PO
Industrial Categories	
Industrial	I, IP
<u>Specific Plan Area</u>	
<u>Specific Plan Area</u>	<u>All Districts, SP</u>

Policy LU-35▶

Policy LU-36▶

submitting either type of plan must include a list of all affected owners and their property(ies) and must show how their participation was sought.

- In some Village areas (as mapped and defined in this Land Use Element), the Village Reserve designation applies only to a portion of the Village. In this case, the process outlined below is required **only** for the Village Reserve areas, not to the entire Village. However, submitting plans that cover the entire Village is permitted.

In some Village Reserve areas, a Village Center is not required. See the detailed policies for the affected Village area (later in this Land Use Element) for further information.

In addition to the required plans, maps, reports, etc., the City may at its discretion require other items as needed to address issues in any particular Village. These may include additional environmental analysis, traffic studies, biological studies, noise studies, etc.

Action Item LU-34.1

Establish and make available procedural guidelines detailing the three step village reserve planning process.

Figure LU-3 depicts the Village and District areas as defined by the City of Madera. This map shall be used to implement other policies in this General Plan which refer to villages and village centers. Although shown as defined lines, the exact boundaries of a village may be adjusted at the City's discretion to reflect conditions on the ground, ownership boundaries, or other conditions. Such a change shall not be considered an amendment to this General Plan.

Note to the Reader: The policies on the pages following Figure LU-3 address individual Villages and Districts.

After the establishment of the Specific Plan for Village Reserve areas, the Specific Plan Area land use may be adopted in place of the existing land use designation through a General Plan Amendment. The area should be named "Specific Plan Area" with a number or the name of the project appended after (eg., Specific Plan Area - Villages at Almond Grove).

- ~~In conjunction with village and neighborhood planning, a mechanism shall be established which creates a permanent agricultural buffer where the westerly edge of the Village abuts the Growth Boundary. This buffer shall average at least 400' in depth, with a minimum depth of 250', and must run continuously along westerly edge of the Village. No habitable structures are to be located within this buffer, although passive recreational opportunities (such as trails and community gardens) may be allowed. Alternative methods and designs to establish the buffer may be proposed, and including placing the buffer on either side of the Growth Boundary. Physical maintenance of the buffer shall be provided consistent with the design and function of the space.~~
- The Village core area shall provide for an integrated mix of uses, including park and open space uses, along the river.
- Future development along the Fresno River should be designed to take advantage of the river frontage, including orienting development to front the river where not otherwise prohibited by site conditions.
- Village and neighborhood planning shall provide for the alignment of the designated arterial collector which runs through the Village east and west (~~Cleveland Avenue~~), to bend to the south to provide circulation to the proposed village core located along the Fresno River.
- All development proposals within Village D shall comply with the provisions of the Airport Land Use Master Plan. The establishment of land use designations at the village and neighborhood levels, as well as the layouts of individual projects, shall reflect the allowable uses and densities in the Airport Land Use Master Plan.

Policy LU-45▶**SPECIFIC PLAN AREA CATEGORIES AND POLICIES**

The following is the City's specific plan area land use category:

Specific Plan Area: The Specific Plan Area (SP) may be applied to areas where a Specific Plan has been adopted by the City. A Specific Plan is a detailed plan for the development of a particular area and may contain residential, commercial, industrial, public, and/or open space uses. Detailed land use regulations are contained within each adopted Specific Plan document.

Exhibit 'B'

Specific Plan 2017-01 (including associated Public Facilities Financing Plan (PFFP))

<https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011>

Exhibit 'C'

Draft Ordinance for REZ 2017-05 (proposed Zoning Map)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 1,883 ACRES WITH THE VILLAGES OF ALMOND GROVE SPECIFIC PLAN, WHOSE LOCATION IS BOUNDED BY AVENUE 17 ON THE NORTH, ROAD 22 ON THE WEST, THE FRESNO RIVER ON THE SOUTH, AND ROAD 23 AND ROAD 24 ON THE EAST, FROM AGRICULTURAL RURAL EXCLUSIVE - 40 ACRES (ARE-40) AND AGRICULTURAL RURAL EXCLUSIVE - 20 ACRES (ARE20), AS WELL AS PD 4500 (PLANNED DEVELOPMENT, ONE UNIT PER 4,500 SQUARE FEET OF SITE AREA), TO THE SPECIFIC PLAN (SP) ZONE DISTRICT.

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. At its meeting on April 12, 2022, the City Council approved General Plan Amendment 2017-02 (General Plan Amendment), and also approved Specific Plan 2017-01 known as the "The Villages at Almond Grove Specific Plan" (Specific Plan) located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. As part of that meeting, the City Council also certified an Environmental Impact Report (SCH #2018081051) (EIR) and adopted a mitigation monitoring and reporting program (MMRP) for the project. The Planning Commission of the City of Madera previously held a hearing and recommended approval of, among others, the General Plan Amendment and Specific Plan. Additionally, the Planning Commission recommended approval of Pre-Zoning/ Rezoning 2017-05 (Prezone/Rezone) to prezone the property within the County of Madera that is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE20) and rezone the smaller area within City limits that is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area), to the Specific Plan (SP) Zone District. The City Council desires to approve the Prezone/Rezone.

SECTION 2. Based on the testimony and information presented at its public hearing, the City Council finds that Pre-Zone/Rezone 2017-05 i) is consistent with the Specific Plan and General Plan goals, objectives, and policies, and will provide the required consistency between the General Plan, as amended, and zoning; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) is necessary to promote public necessity, convenience, general welfare, and good zoning practices; iv) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements; v) City services are either available or can be extended to serve the area;

and vi) adoption is in the best interests of the City. The majority of the Plan area is currently zoned by Madera County Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20). Approximately 40 acres of the Plan area is currently zoned by the City of Madera as Plan Development (one unit for each 4,500 sq ft of the area (PD – 4500)). The entire plan area would be pre-zoned or rezoned by the City of Madera as applicable consistent with City zoning as identified in the Specific Plan. Such determinations are based on the administrative record including the following:

- a. General Plan and Specific Plan Consistency. The Prezone/Rezone is consistent with the goals, policies, and objectives, including the General Plan Housing Element and EIR Table 4.11.A: General Plan Policies Related to Land Use and Planning. The Prezone/Rezone will allow for implementation of the Specific Plan, as is consistent with the General Plan land use designation of "Specific Plan Area," which allows the Plan to develop land use standards and regulations tailored to the Plan Area. This change will assist the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth.

The Prezone/Rezone is a necessary step to ensuring viable development that would also assist in the implementation of the Housing Element goals and policies in providing opportunity site for necessary housing. For example, the project addresses the City's current and projected housing needs through the provision of approximately 10,783 additional residential dwelling units in close proximity to mixed uses, commercial uses, and village centers. This is a substantial residential component and would provide a significant portion of the housing stock anticipated by the General Plan Housing Element, etc., for the City of Madera for years to come. Further, the project provides a range of single and multi-family homes, including village country estates (54 units), village low density (4,784 units), village medium density (3,579 units), village high density (2,366 units), and the opportunity for mixed use residential in conjunction with commercial and office uses, etc. More than half of the residential units (5,945 total units) are planned for medium or high density, which promotes affordability for those with lower or fixed income needs. As such, the project would address the City's current and projected housing needs for all segments of the community by providing a range of single and multi-family homes.

Further, the mixed-use nature of the Specific Plan as implemented by the Prezone/Rezone encourages diversification and development of the City's economic base. The Specific Plan provides substantial diversification in terms of residential verses commercial uses. Additionally, within the commercial uses there is a broad diversification that provide various types of sales taxes (restaurants, entertainment, automobile sales, etc.) in conjunction with higher tax rates associated with high-quality retail. The project will provide significant benefits to the City and community in terms of creating both short and long-term employment opportunities for the residents of the City including construction work and long-term jobs including in the commercial and entertainment industries, which are reasonably expected to result in more personal income associated with higher-quality retail, and which income will likely to be spent locally, resulting in additional tax revenues and economic development. This is

consistent with General Plan Goal SUS-1 (establish and maintain a diverse and sustainable local economy), as well as Policy SUS-11 (abundant commercial opportunities and development of a strong local workforce), Policy SUS-13: (support operation of local businesses that supply goods and services needed in City); and Policy SUS-15 (promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.) The employment opportunities are designed to also encourage the use of ridesharing (consistent with General Plan Policy CI-37), facilitate employment opportunities that minimize the need for vehicle trips (General Plan Policy CI-42) and promote jobs that reduce the need for residents to commute to work outside the City (General Plan Policy SUS-15).

The implementation of the Specific Plan through this rezone also complies with General Plan Policy LU-14, in that the project has prepared a Public Facilities Financing Plan (PFFP) that articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden. General Plan Policy CD-20 calls for the comprehensive planning of Villages that is consistent with overall City standards, which has been met here. Finally, the Prezone/Rezone is consistent with the Specific Plan specific policies including those related to conformity with Building Blocks principles; agricultural buffers; the provision of a Village core area providing for an integrated mix of uses, including park and open space uses, along the Fresno river; development designed to take advantage of river frontage, alignment of arterials, and compliance with the Airports Land Use Master Plan.

- b. The Prezone/Rezone will promote and protect the public's health, safety, peace, comfort, convenience and general welfare. As discussed above, the Prezone/Rezone implements the Specific Plan, which is consistent with the General Plan. All aspects of these documents, including the Specific Plan's Public Facilities Financing Plan (PFFP), work together to promote the public welfare including housing, jobs, convenience of access, aesthetic values, protection of environmental values, protection of public and private improvements, etc.
- c. City Services. As extensively discussed in the EIR, City services are available or can be extended to serve the area. Additionally, the City has approved the PFFP, which i) articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden; and ii) analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of the General Plan.

SECTION 3. Given that all of the findings can be made, the City Council approves Pre-Zone/Rezone 2017-05, to prezone the property within the County of Madera that is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE20) and rezone the smaller area within City limits that is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area), to the Specific Plan (SP) Zone District. The City Council hereby amends the City of Madera Zoning Map as illustrated in Attachment "A," which is attached and incorporated by reference and which indicates the segment of the City of Madera Zoning Map to be amended. To the extent not already annexed, territory annexed to

the City subject to Pre-Zone/Rezone 2017-05 shall be automatically added to the City of Madera's official zone map. Pre-zoning shall be recorded on the official zone map in the same manner as change of zoning district amendments, but shall be identified by the use of parentheses enclosing the district symbols. Such pre-zoning classification shall become the effective zoning of the property at the same time that the annexation becomes effective.

SECTION 4. Based on the testimony and information presented at its public hearing, the City Council finds that the City Council previously prepared and certified the EIR for The Villages at Almond Grove Specific Plan. The EIR identified that implementation of the proposed project would require certain approvals, including approval of pre-annexation zoning and rezoning. This pre-annexation zoning and rezoning was included within the scope of the project, and was environmentally assessed in the EIR. The pre-annexation zoning and rezoning does not change the environmental assessment of the EIR. Further, the EIR was certified on April 12, 2022. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 since that time as no substantial changes have been proposed in the project which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. As such, the City Council finds Pre-Zoning/ Rezoning 2017-05 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 6. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 7. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

ATTACHMENT "A"

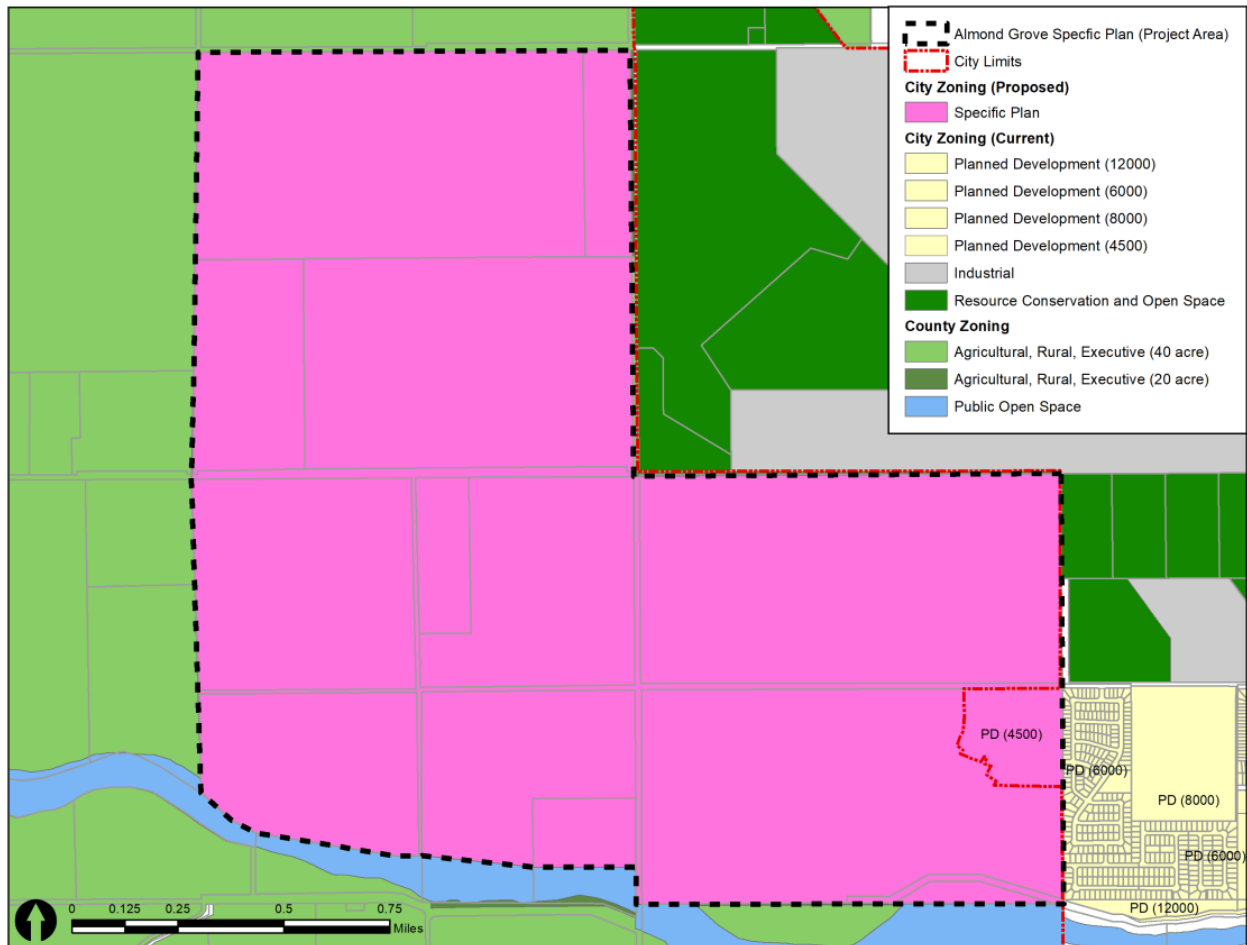
Change Of Zoned District Amendments For Pre-Annexation Zoning and Rezoning For The Villages At Almond Grove Specific Plan

Prior Zoned District



The existing zoned district consists of approximately 1,883 acres in the west of the City of Madera generally bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east.

New Zoned District



Current Assessor Parcel Numbers:

- » 0331-700-01
- » 0330-700-02
- » 0330-700-03
- » 0330-700-04
- » 0330-700-05
- » 0331-700-02
- » 0331-700-05
- » 0331-700-09
- » 0331-700-10
- » 0331-700-11
- » 0331-800-02
- » 0331-800-03

Exhibit 'D'

Draft Ordinance for Municipal Code Text Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING SECTION 10-3.301 OF CHAPTER 3 OF TITLE 10 OF THE CITY MUNICIPAL CODE, AND ADDING SECTIONS 10-3.11.601 THROUGH SECTIONS 10-3.11.604 OF SUBCHAPTER 11 OF CHAPTER 3 OF TITLE 10 OF THE CITY MUNICIPAL CODE TO PROVIDE FOR SPECIFIC PLAN ZONES (SP)

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. The City Council finds that Ordinance/Madera Municipal Code Amendment No. OTA 2022-01 is consistent with the General Plan as amended, and that amendment is warranted by public necessity, convenience, general welfare, and good zoning practices. The City Council approves Ordinance/Madera Municipal Code Amendment No. OTA 2022-01 as set forth below.

SECTION 2. Section 10-3.301 of the Madera Municipal Code is amended to read in its entirety as follows:

§ 10-3.301 ESTABLISHMENT.

(A) In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to promote the public health, safety, peace, comfort and general welfare, 16 classes of land use zones are established to be known as follows:

- (1) **PD.** Planned Development Zones
- (2) **R.** Residential Zones
- (3) **RCO.** Resource Conservation and Open Space Zone
- (4) **PF.** Public Facilities Zone
- (5) **PO.** Public Office Zone
- (6) **C-1.** Light Commercial Zone
- (7) **C-2.** Heavy Commercial Zone
- (8) **C-R.** Restricted Commercial Zone
- (9) **WY.** West Yosemite Avenue Overlay Zone
- (10) **I.** Industrial Zone
- (11) **UR.** Urban Reserve Zone
- (12) **U.** Unclassified Zone
- (13) **IP.** Industrial Park Zone
- (14) **N-C.** Neighborhood Commercial Zones
- (15) **H-C.** Highway Commercial Zones
- (16) **SP.** Specific Plan Zone

(B) An "S" subdesignation may be added to a zone classification applied to a parcel or parcels of land when deemed appropriate by the City Council, upon recommendation of the Planning

Commission, for the purpose of setting forth special provisions for the use of such land on an interim or transitional basis. Such use may be one that would otherwise not be permitted by the regular zoning classification. The "S" subdesignation shall be established by ordinance, after due public hearing processes, and the ordinance shall set forth the circumstances of the subdesignation, including but not limited to the purpose and time period for the special provisions. Upon the termination of the specified time period the special provisions shall automatically become null and void and the subdesignation shall be duly deleted from the zoning map of the city without further hearing.

SECTION 3. Sections 10-3.11.601 through Sections 10-3.11.604 of Subchapter 11 of Chapter 3 of Title 10 of the Madera Municipal Code is added to read in its entirety as follows:

Specific Plan Zones (SP)

§ 10-3.11.601 PURPOSE AND APPLICATION

(A) The purpose of the SP Zone is to accomplish the following:

(1) To provide a framework for how to analyze project level development standards and permitted uses in the SP zone district; and

(2) To provide a framework and requirements for approving specific plans proposed in the City by establishing a development review framework for comprehensively planned communities pursuant to Government Code Section 65450 to 65457 for the preparation of specific plans.

§ 10-3.11.602 APPLICABILITY

(A) For properties already zoned SP, the allowed uses, allowed density, and required property development standards shall be as outlined in the applicable specific plan. Where the regulations of a specific plan are silent or not specifically referenced, the comparable regulations of these zoning regulations and all adopted ordinances, regulations, standards, and guidelines of the city shall apply.

(B) For properties proposed to be rezoned to the SP Zone, a specific plan meeting the requirements outlined below is required and must be submitted concurrently with the rezone request. The SP Zone, including all standards and processes, is available to all new development proposals within the city, except those areas within the city limits already regulated by an existing adopted specific plan and approved prior to the adoption of this ordinance. Those areas shall be exempt from this chapter, and all activities within such areas shall be subject to the existing standards and procedures of the applicable specific plan.

(C) All new SP Zones must encompass an area of no less than five (5) acres of contiguous property.

§ 10-3.11.603 SPECIFIC PLAN REQUIRED ELEMENTS

(A) A specific plan shall provide regulations and design standards governing the minimum and maximum development parameters of all real property within the proposed SP Zone District. All specific plans prepared and adopted under subchapter 11.601 et seq. shall be consistent with the requirements of Government Code Section 65450 as amended, and shall include, at a minimum, the following:

(1) Purpose. State the relationship to the goals and policies of the General Plan.

(2) Setting. State the existing and regional setting to establish the conditions and reasons for the project.

(3) Proposed Land Uses. Establish the distribution, type, definitions of, and regulations for all proposed land uses. The uses described within the specific plan shall be designed and developed in a manner consistent with the General Plan and Section 10-3.11.604 below.

(4) Development Standards. Establish all regulating policies and include all of the following for all building types:

(a) Building height, setbacks, massing, and design standards.

(b) Lot area, width, depth, and structural limitations.

(c) Maximum number of dwelling units and the maximum residential density (of the Specific Plan Area and any individual site or portion).

(d) Usable open space provisions and requirements within the development.

(e) Off-street parking and loading facilities.

(f) Design and development standards (architectural, landscape, streetscape, street furniture, utilities, fence/wall types, etc.), which may include design themes or similar architectural treatments to control future construction of buildings on parcels covered by the Specific Plan. Site planning at the perimeter of the zone boundaries shall provide for the mutual protection of the zone and the surrounding property.

(g) Signage requirements shall be addressed, either through chapter 6 of title 10 (Sign Regulations) or by a unique sign program codified in the specific plan.

(h) All areas for storage of vehicles, maintenance equipment, refuse and collection facilities, manufactured products, or other similar materials used by or in a manufacturing/fabricating process on-site shall be prohibited or shall be enclosed by a decorative, block, or brick wall and/or landscape screening in combination.

(5) Site Planning. Establish a comprehensive map of all major streets, open spaces, private and public property, and land uses for all affected property, consistent with the intent of the General Plan.

(a) Consider and preserve environmentally sensitive resources (water courses, view sheds, drainage areas, wooded areas, rough terrain [canyons, ravines, steep slopes, ridges, knolls, promontories], and other similar natural features) and make provisions to retain natural features and amenities found on-site.

(b) Provide landscape architectural concept plans and standards, including project entries, streetscapes, fencing details, lighting, signage, utility, and street furniture.

(6) Infrastructure. Identify the proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed.

(a) Include written analysis detailing plans for the construction, improvement, or extension of transportation facilities, public utilities, and all other public facilities/services required to serve the properties.

(b) Dedicate all public right-of-ways and public park spaces within or abutting the development to applicable City specifications.

(c) Private streets and alleys shall be designed to public street standards (where applicable), or propose modifications, and be privately owned and maintained for their intended purpose without public cost or maintenance responsibility.

(d) Consideration of other forms of access, such as pedestrian ways, paseos, courts, plazas, driveways, horse trails, bike trails, or open public parking areas, may be made at the time of specific plan consideration by the city.

(7) Maintenance. Provisions assuring the continued maintenance of private property, grounds, and all common areas shall be required.

(8) Phasing. Specific plans developed in phases or neighborhoods over a period of time, not developed in a consecutive and uninterrupted manner, shall be required to process each phase or neighborhood through separate entitlement processes.

§ 10-3.11.604 ALLOWED LAND USES

(A) All use of lands within the SP Zones shall be compatible with the purpose and intent of these zoning regulations.

(B) All use of lands within the SP Zones shall be consistent or made consistent with the General Plan Land Use Map, which may include varying densities of residential, commercial, and/or industrial development.

(C) A new specific plan shall be processed using the same procedure as a General Plan amendment as well as a change of zone boundaries per Section 10-3.1501 et seq.

SECTION 4. SEVERANCE. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. CEQA. Based on the testimony and information presented at its public hearing on April 12, 2022, the City Council finds that the City Council previously prepared and certified an Environmental Impact Report (SCH #2018081051) (EIR) for The Villages at Almond Grove Specific Plan (Specific Plan). The EIR identified that implementation of the proposed project would require certain approvals, including amendment of the Municipal Code to implement the Specific Plan Zones. This amendment was included within the scope of the project, and was environmentally assessed in the EIR. The amendment of the Municipal Code does not change the environmental assessment of the EIR. Further, the EIR was certified on April 12, 2022. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 since that time as no substantial changes have been proposed in the project which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant

effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. As such, the City Council finds Zoning Ordinance/Madera Municipal Code Amendment No. OTA 2022-01 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines Section 15162, and no further action or review is required under CEQA.

SECTION 6. PUBLICATION. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

Attachment 9: Annexation Resolution

(A resolution of The Planning Commission of The City of Madera Recommending the City Council initiate Annexation for The Villages at Almond Grove Specific Plan Area (ANX 2022-01)).

RESOLUTION NO. 1911

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
RECOMMENDING THE CITY COUNCIL INITIATE ANNEXATION FOR THE
VILLAGES AT ALMOND GROVE SPECIFIC PLAN AREA (ANX 2022-01)**

WHEREAS, the City of Madera desires to initiate proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code; and

WHEREAS, Government Code section 56654 provides that “[a] proposal for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency . . . [;]” and

WHEREAS, the specific changes of organization requested consists of annexation to the City of Madera and detachment from the County of Madera of the area known as the Villages at Almond Grove Specific Plan (“Specific Plan”); and

WHEREAS, the Specific Plan area includes three (3) active Williamson Act contracts (Parcels 033-170-001, 033-170-009, and 003-170-005) in the southwest portion of the area (all of which are not currently proposed for development);

WHEREAS, a map of the boundaries of the territory is set forth in Exhibit “A” attached hereto and by this reference incorporated herein; and

WHEREAS, the proposed annexation area is within the Sphere of Influence (SOI) and the Urban Growth Boundary of the City of Madera; and

WHEREAS, the City has an agreement with the County of Madera to comply with Revenue and Tax Code Section 99 regarding property tax revenue transfer upon annexation, which MOU includes standards of annexations; and

WHEREAS, the City does not propose any specific term and conditions for the proposed reorganization; and

WHEREAS, the reasons for this proposed annexation is to allow for the implementation of City of Madera 2025 General Plan adopted October 7, 2009, which was a comprehensive update to the City’s then-existing General Plan, as further implemented by the Specific Plan; and

WHEREAS, the Specific Plan area contains approximately 12 existing parcels containing approximately 1,883 acres within the City’s existing Urban Growth Boundary, and is bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east (see Exhibit “A”); and

WHEREAS, approval of the Specific Plan would require approval of General Plan Amendment 2017-02, Specific Plan 2017-01 (adopting the Specific Plan), Pre-Zoning/ Rezoning 2017-05, Zoning Ordinance/ Madera Municipal Code Text Amendment 2022-01, and Annexation 2022-01; and

WHEREAS, the City prepared an Environmental Impact Report (EIR) (SCH #2018081051) for the Specific Plan, and this related annexation; and

WHEREAS, the Planning Commission held a public hearing on March 29, 2022, to consider a recommendation to the City Council regarding annexation of the Specific Plan area; and

WHEREAS, in conjunction with the public hearing on April 5, 2022, the Planning Commission considered a recommendation of rezoning and annexation for the Specific Plan area, consistent with the Specific Plan and the General Plan, as amended; and

WHEREAS, in the public hearing on April 5, 2022, the Planning Commission considered recommending to the City Council that they (1) adopt the findings required by CEQA Guidelines, section 15091; (2) certify the Specific Plan Environmental Impact Report (EIR) (SCH #2018081051); (3) adopt the proposed mitigation monitoring and reporting program (“MMRP”), and (4) adopt a statement of overriding considerations, pursuant to CEQA; and

WHEREAS, after due consideration of all the items before it, the Planning Commission now desires to adopt this Resolution recommending to the City Council initiate the annexation of the Specific Plan area.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Madera as follows:

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project and has prepared an environmental impact report (“EIR”) (SCH #2018081051) to evaluate the environmental effects of the Project, including the proposed annexation. The Planning Commission has fully considered the EIR and has concurrently recommended it for certification by the City Council, which is likely to occur at a Council meeting prior to Council consideration of a resolution initiating annexation. As such, Planning Commission finds, and recommends the Council find, that the annexation and related Specific Plan and project entitlements are specifically anticipated and assessed in the EIR, are consistent with the purpose and intent of the EIR, and identified annexation as being subject to streamlining under CEQA based on consistency with those documents. The impacts associated with both the pre-zone and annexation were previously analyzed in the EIR. The Planning Commission further recommends the City Council find that there is no substantial new evidence in the record that this project may have additional significant impacts that were not analyzed as significant adverse effects in the EIR. Additionally, there is no substantial new evidence of potentially significant off-site impacts and cumulative impacts that were not discussed in the EIR, and no potentially significant adverse effects peculiar to the Project. Next, the City Council is recommended to find that there are no previously identified significant effects, which as a result of substantial new information which was not known at the time the EIR was certified, that have a more severe adverse impact than assessed in the EIR. Furthermore, none of the mitigation measures and alternatives previously determined to be infeasible are now feasible. Finally, no new mitigation measures or alternatives that would substantially reduce one or more significant effect on the environment have been identified. Based upon

these findings, the Planning Commission recommends the City Council determine that no further environmental documentation is required for this project.

3. General Plan Consistency. The Planning Commission finds that the annexation is consistent with the goals, objectives, and policies of the Madera General Plan, as amended by GPA 2017-02.
4. Recommendation for Approval. Based on the information provided above the Planning Commission recommends to the City Council of Madera to initiate annexation for the entire Villages at Almond Grove Specific Plan area that is not within the City limits, by adopting a resolution of application requesting the Local Agency Formation Commission of Madera County to initiate proceedings for the change of organization of territory as described in Exhibit "A", in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
5. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Madera.

Passed and adopted by the Planning Commission of the City of Madera this 5th day of April 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

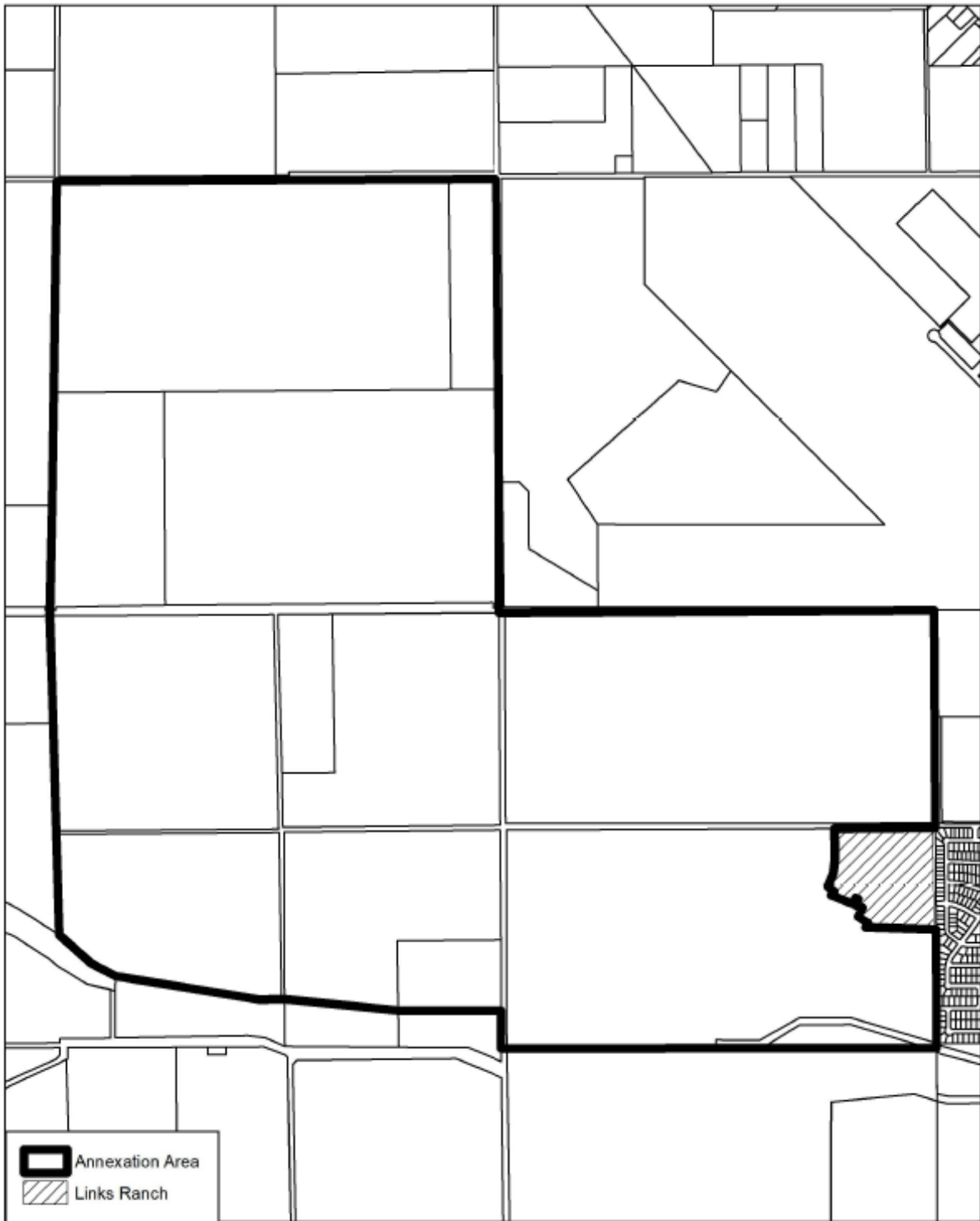
Attest:

Robert Gran Jr.
Planning Commission Chairperson

Gary Conte, AICP
Planning Manager

Exhibit A: The Villages of Almond Grove Specific Plan – Proposed Area of Annexation.

EXHIBIT "A" PROPOSED AREA OF ANNEXATION



Source: County of Madera



The proposed area of annexation consists of approximately 1,883 acres in the west of the City of Madera generally bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east.

Current Assessor Parcel Numbers:

- » 0331-700-01
- » 0330-700-02
- » 0330-700-03
- » 0330-700-04
- » 0330-700-05
- » 0331-700-02
- » 0331-700-05
- » 0331-700-09
- » 0331-700-10
- » 0331-700-11
- » 0331-800-02
- » 0331-800-03

Attachment 10:
Madera County Correspondence dated March 23, 2022,
regarding Airport Land Use Consistency Review



March 23, 2022

Via Email: edunkel@precisioneng.net

Edward D. Dunkel, Jr.
Precision Civil Engineering, Inc
1234 O Street
Fresno CA 93721

Re: ALUC Consistency Review of the Villages at Almond Grove Specific Plan

Dear Mr. Dunkel:

This letter is issued on behalf of the Madera County Airport Land Use Commission (ALUC), in my capacity as ALUC Secretary, under the authority delegated to the ALUC Secretary by Section 2.1.1 and 2.3.3 of the ALUC Plan to make consistency determinations. We are in receipt of information regarding the Villages at Almond Grove Specific Plan which includes approximately 1,883 gross acres. The project site is within Madera County and is located north of the Fresno River, south of Avenue 17, west of Road 24, and south and west of the Madera Municipal Airport (APN: 033-070-005, 033-070-004, 033-070-002, 033-070-003, 033-170-001, 033-170-002, 033-170-009, 033-170-005, 033-170-010, 033-170-011, 033-180-002, 033-180-003).

On review of the project information provided, a full ALUC Commission Hearing is not required based on Section 2.1.1 of the Madera Countywide Airport Land Use Compatibility Plan. The property is within Compatibility Zones B2 Sideline Zone, C1 Outer Approach/Departure Zone, C2 Primary Traffic Pattern Zone, and D Other Airport Environs of the Madera Airport Area of Influence. Staff is recommending the following conditions be added to the project approvals:

- 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; and



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- Ensure compliance with all aspects of the Madera Countywide Airport Land Use Compatibility Plan for the Madera Municipal Airport.

Please let me know if you have any questions or concerns.

Sincerely,

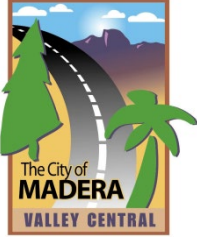


Matthew Treber

CC: Arnoldo Rodriguez, City of Madera (arodriguez@madera.gov)



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REPORT TO THE PLANNING COMMISSION

Prepared by:

Meeting of: April 5, 2022

Agenda Number: 2

SUBJECT:

Vesting Tentative Subdivision Map (TSM) 2020-02 and Vesting Tentative Subdivision Map (TSM) 2020-03
(A portion of The Villages at Almond Grove Specific Plan)

RECOMMENDATION:

Conduct a public hearing and adopt

1. A Resolution Contingently Approving:
 - a. Vesting Tentative Subdivision Map 2020-02 located east of Road 23, between Avenue 16 and the Fresno River, Assessor's Parcel Numbers 033-180-002 and 033-180-003; and
 - b. Vesting Tentative Subdivision Map 2020-03 located west of Road 23, between Avenue 16 and Avenue 17, Assessor's Parcel Numbers 033-700-002, 033-700-003, 033-700-004, and 033-700-005.

PROPOSAL:

Applications for two vesting tentative subdivision maps (TSM 2020-02 and TSM 2020-03) have been submitted. TSM 2020-02 pertains to approximately 645 gross acres of property and proposes the creation of a 2,390-lot residential subdivision with 29 outlots. TSM 2020-03 pertains to approximately 661 gross acres of property and proposes the creation of a 2,815-lot residential subdivision with 17 outlots. Both maps are adjacent to one another.

Table 1: Project Overview

<i>Project Number:</i>	TSM 2020-02 and TSM 2020-03
<i>Applicant:</i>	Precision Civil Engineering
<i>Property Owner:</i>	Links Ranch LLC, and Fagundes, Fagundes, Fagundes GP
<i>Location:</i>	TSM 2020-02 is generally located east of Road 23, between Avenue 16 and the Fresno River (APNs 033-180-002 and 033-180-003). TSM 2020-03 is generally located west of Road 23, between Avenue 16 and Avenue 17 (APN: 033-700-02, 03, 04, 05).
<i>Project Area:</i>	Approximately 645 acres (TSM 2020-02) and 661 acres (TSM 2020-03)
<i>Plan Land Use:</i>	TSM 2020-02: Village reserve with smaller portions of the site planned for low, medium, and high-density residential land uses, along with open space, and village and neighborhood mixed use land uses.

	<p>TSM 2020-03: Village reserve.</p> <p>A separate General Plan Amendment is in process which proposes to change the planned land uses on the subject site to the Specific Plan land use.</p>
<i>Zoning District:</i>	<p>TSM 2020-02: Agricultural Rural Exclusive - 20 Acres (ARE20) and Public Open Space (small portion of the Fresno River).</p> <p>TSM 2020-03: Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE20).</p> <p>An application is currently in process to prezone both sites to the Specific Plan Zone District.</p>
<i>Site Characteristics</i>	<p>The subject site is predominately characterized by active agriculture operations, with a mix of irrigated crops. The site has a few existing residential and agricultural support structures. The Fresno River abuts the southern portion of the project site and multiple irrigation canals traverse the Plan Area. The terrain is relatively flat, with few inclines aside from the Fresno River and irrigation canals.</p>

SUMMARY:

The proposed project would subdivide the subject sites as described below.

Vesting Tentative Subdivision Map 2020-02

Pertains to approximately 645 gross acres of property located east of Road 23, between Avenue 16 and the Fresno River (APNs 033-180-002 and 033-180-003). This approval map is contingent upon approval of a related annexation request, General Plan Amendment, Pre-zone, Municipal Code text amendment, and Specific Plan. The map proposes the creation of a 2,390-lot residential subdivision with lots ranging from 40 feet by 80 feet to 55 feet by 110 feet, or 3,200 square feet (sf.) to 6,050 sf in size. In addition to these residential lots, the vesting tentative subdivision map proposes to create:

- 29 outlots, 10 of which will be used for parks or open space,
- 2 for storm drain basins,
- 12 for future mixed-use developments,
- 4 for high-density residential uses, and
- 1 for a future school site

Vesting Tentative Subdivision Map 2020-03

Pertains to approximately 661 gross acres of property located west of Road 23, between Avenue 16 and Avenue 17 (APN: 033-700-02, 03, 04, 05). This approval map is contingent upon approval of a related annexation request, General Plan Amendment, Pre-zone, Municipal Code text amendment, and specific plan. The map proposes the creation of a 2,815-lot residential subdivision with lots ranging in size from 40 feet by 80 feet to 55 feet by 110 feet. In addition to these residential lots, the tentative subdivision map proposes to create:

- 17 outlots, 6 of which will be used for parks or open space,
- 6 for future business park developments,
- 3 for storm drain basins,

- 1 for future mixed- use developments, and
- 1 for a future school site

SURROUNDING LAND USES:

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Agriculture	RC – Resource Conservation/Agriculture	ARE – Agricultural Rural Exclusive – 20 Acres (County of Madera), ARE – Agricultural Rural Exclusive – 40 Acres (County of Madera)
<i>East</i>	Municipal Golf Course, Municipal Airport, developing residential	OS – Open Space, P&SP – Other Public and Semi-Public Uses, I – Industrial, LD – Low Density Residential	RCO – Resource Conservation and Open Space, I – Industrial, PD 4500, PD 6000, PD 8000, PD 12000, R1, U – Unclassified
<i>South</i>	Agriculture	RC – Resource Conservation/Agriculture; VLD – Very Low Density Residential	ARE – Agricultural Rural Exclusive – 40 Acres (County of Madera)
<i>West</i>	Agriculture	RC – Resource Conservation/Agriculture	ARE – Agricultural Rural Exclusive – 20 Acres (County of Madera), ARE – Agricultural Rural Exclusive – 40 Acres (County of Madera)

ANALYSIS:

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

As noted above, Vesting Tentative Subdivision Map 2020-02 pertains to approximately 645 gross acres of property located east of Road 23, between Avenue 16 and the Fresno River (APNs 033-180-002 and 033-180-003). This map is proposed in conjunction with an annexation request, General Plan Amendment, Pre-zone/Rezone, Municipal Code text amendment, and the proposed The Villages at Almond Grove Specific Plan that will establish the requested zone districts.

The lot sizes, lot pattern, street design, etc., are proposed in conformance with the requirements detailed in the proposed Specific Plan and Airport Land Use Compatibility Plan. Vesting Tentative Subdivision Map 2020-02 proposes the creation of a 2,390-lot residential subdivision with lots ranging from 40 feet by 80 feet to 55 feet by 110 feet, or 3,200 sf to 6,050 sf in size. In addition to these residential lots, the vesting tentative subdivision map proposes to create 29 outlots, 10 of which will be used for parks or open space, 2 for storm drain basins, 12 for future mixed-use developments, 4 for high-density residential uses, and 1 for a future school site.

Because the proposed subdivision is larger than a typical subdivision map, TSM 2020-02 has been broken up into 27 blocks. These blocks represent logical boundaries for development and are grouped by land

use and/or drainage area whenever possible. The blocks are generally numbered in the logical order of development, however, could be developed out of sequence.

This tentative subdivision map will conform to the Permitted Uses pursuant to the Specific Plan; however, Conditional Uses will require separate land use entitlements pursuant to the Specific Plan and may require future environmental analysis.

Vesting Tentative Subdivision Map 2020-03 pertains approximately 661 gross acres of property located west of Road 23, between Avenue 16 and Avenue 17 (APN: 033-700-02, 03, 04, 05). This map is proposed in conjunction with an annexation request, General Plan Amendment, Prezone/Rezone, Municipal Code text amendment, and the proposed Specific Plan that will establish the requested zone districts.

The lot sizes, lot pattern, street design, etc., are proposed in conformance with the requirements detailed in the proposed Specific Plan and Madera Countywide Airport Land Use Compatibility Plan. Vesting Tentative Subdivision Map 2020-03 proposes the creation of a 2,815-lot residential subdivision with lots ranging in size from 40 feet by 80 feet to 55 feet by 110 feet. In addition to these residential lots, the tentative subdivision map proposes to create 17 outlots, 6 of which will be used for parks or open space, 6 for future business park developments, 3 for storm drain basins, 1 for future mixed-use developments, and 1 for a future school site.

Because the proposed subdivision is larger than a typical subdivision map, the map for Tentative Subdivision Map 2020-03 has been broken up into 36 blocks. These blocks represent logical boundaries for development and are grouped by land use and/or drainage area whenever possible. The blocks are generally numbered in the logical order of development, however, could be developed out of sequence.

This tentative subdivision map will conform to the Permitted Uses pursuant to the proposed Specific Plan; however, Conditional Uses will require separate land use entitlements pursuant to the proposed Specific Plan and may require future environmental analysis.

Plan Consistency

The two proposed subdivision maps comply with the City's General Plan policies, including land uses policies related to Village D. Village D policies include mixing of uses in the core area, conformance with the Building Blocks principles, etc. These guidelines and policies are addressed in the circulation, land use, development standards, and design guidelines of the related Specific Plan. The maps have been reviewed against this proposed Specific Plan and have been deemed to be compliant, subject to the attached conditions of approval (contained within the resolution). Thus, the proposed maps are consistent with the City's General Plan.

The two maps are within the Airport Influence Area of Madera Municipal Airport. The Madera Countywide ALUCP identifies compatibility factors in which compatibility zones for the Madera Municipal Airport were derived and provides land use compatibility criteria for land near the airport to avoid potential safety problems and to ensure airport operations are not constrained by surrounding development. The project is consistent with the Madera County ALUCP.

Additional findings and details can be found in the proposed Resolution. **(Attachment 5.)**

ENVIRONMENTAL REVIEW:

The proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared an environmental impact report (“EIR”) to evaluate the environmental effects of the Specific Plan Project, including development of TSM 2020-02 and TSM 2020-03. The Planning Commission has fully considered the EIR as part of a prior Agenda item and has made a recommendation regarding certification by the City Council. As such, both TSM 2020-02 and TSM 2020-03 have been environmentally assessed, and no further CEQA is required.

COMMISSION ACTION:

The Commission’s decision will not become final until the pre-conditions as specified in the proposed Resolution (**Attachment 5**) have been met (e.g., the City Council approves certain entitlements for The Village at Almond Groves Specific Plan, etc.). Once the pre-conditions are met, the Commission’s action is final unless appealed to City Council.

ALTERNATIVES:

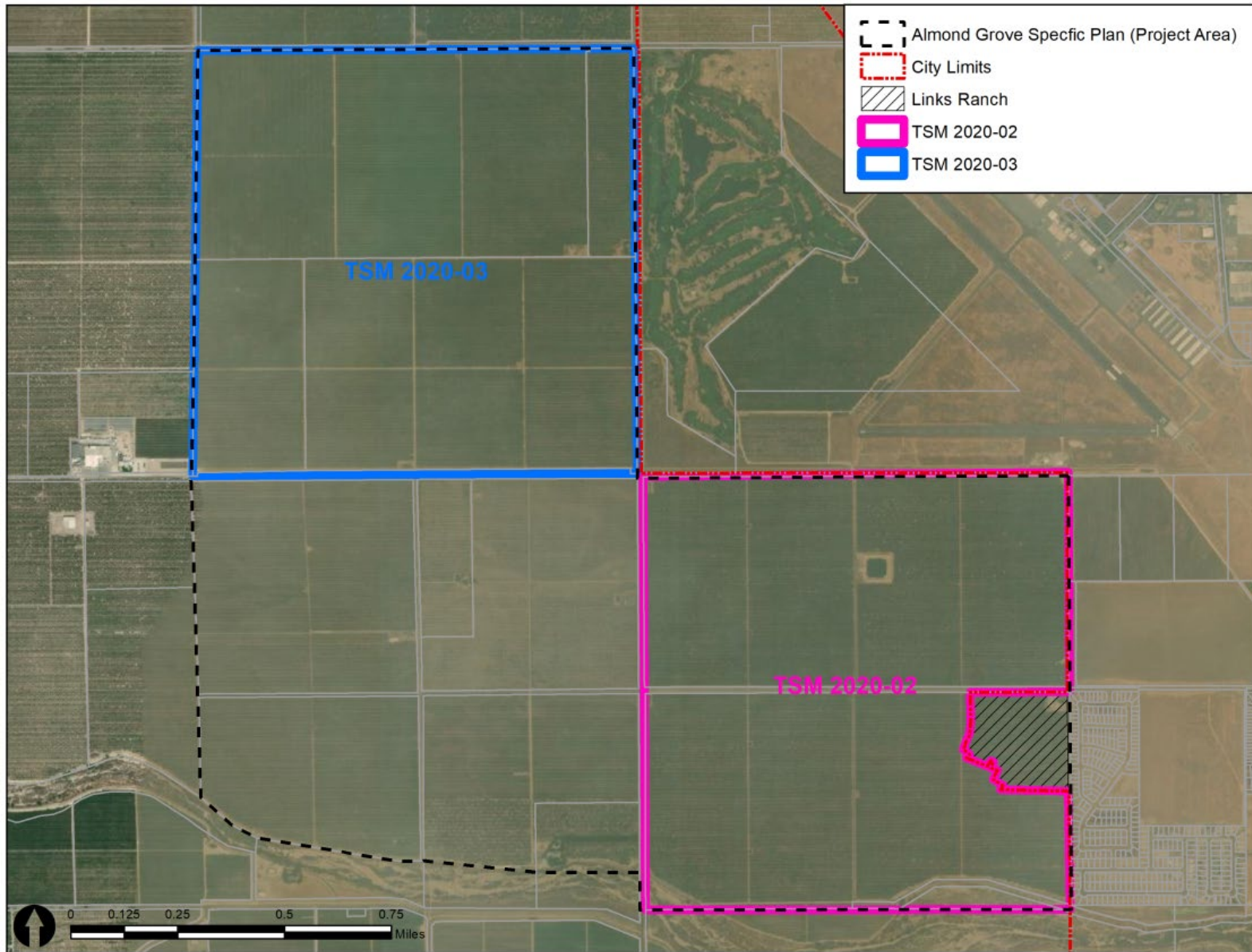
As an alternative, the Commission may elect to:

- Move to continue the public hearing to the April 12, 2022, Commission meeting.
- Move to deny the request, based on findings: (specify)

ATTACHMENTS:

1. Vicinity Map/Aerial Photo
2. TSM 2020-02 Overall Map
3. TSM 2020-03 Overall Map
4. EIR
5. A resolution of The Planning Commission of The City of Madera contingently approving (1) Vesting Tentative Subdivision Map 2020-02 located east of Road 23, between Avenue 16 and the Fresno River, Assessor’s Parcel Numbers 033-180-002 and 033-180-003; and (2) Vesting Tentative Subdivision Map 2020-03 located west of Road 23, between Avenue 16 and Avenue 17, Assessor’s Parcel Numbers 033-700-002, 033-700-003, 033-700-004, and 033-700-005.

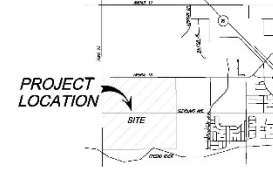
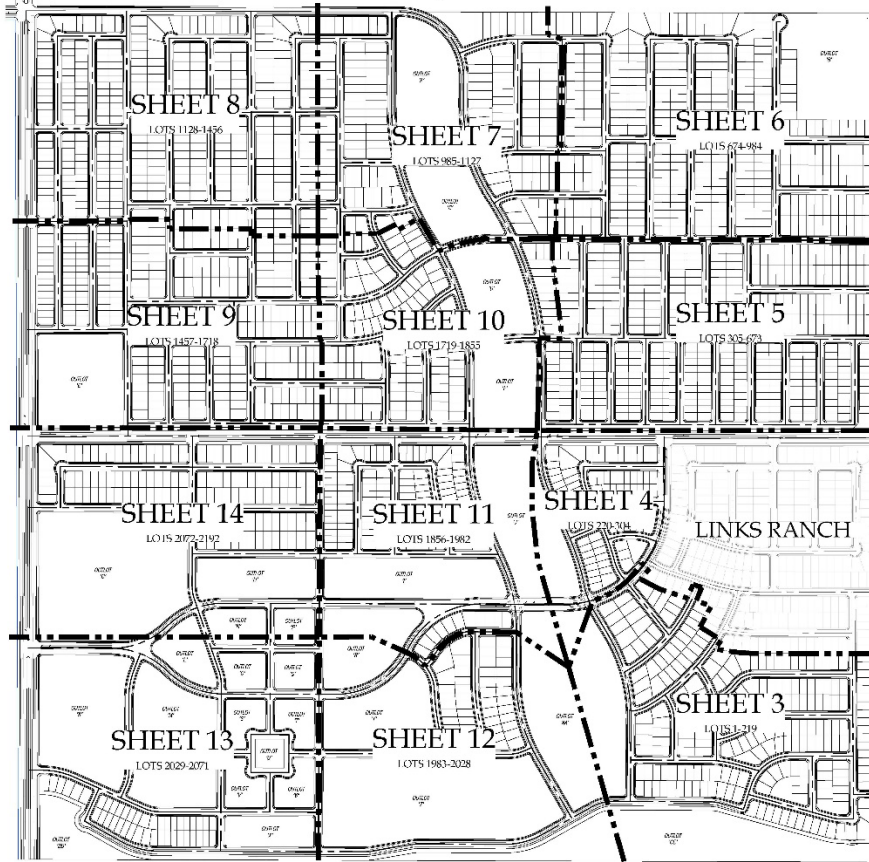
Attachment 1: Vicinity Map



Attachment 2: TSM 2020-02 Overall Map

TENTATIVE TRACT MAP NO. 2020-02

IN THE CITY OF MADERA, COUNTY OF MADERA, CALIFORNIA
 PREPARED ON JANUARY 2, 2020
 SHEET 1 OF 14



LEGAL DESCRIPTION

THE LEGAL DESCRIPTION IS SHOWN HEREON AS SHOWN IN THE COUNTY OF MADERA, STATE OF CALIFORNIA AND IS ASSIGNED AS FOLLOWS:

APN: J. 823-06-002 AND J23-06-002
 AND: J. 946-06-001 AND J23-06-001

LOT SIZE COUNT

40000	527
40000	46
20000	35
10000	142
5000	54
2500	212

OUTLOT NOTES

1. LOTS 1126-1456 TO BE TRANSFERRED TO THE CITY OF MADERA.
2. LOTS 985-1127 TO BE TRANSFERRED TO THE CITY OF MADERA.
3. LOTS 674-984 TO BE TRANSFERRED TO THE CITY OF MADERA.
4. LOTS 1457-1718 TO BE TRANSFERRED TO THE CITY OF MADERA.
5. LOTS 1719-1855 TO BE TRANSFERRED TO THE CITY OF MADERA.
6. LOTS 308-673 TO BE TRANSFERRED TO THE CITY OF MADERA.
7. LOTS 2162-2192 TO BE TRANSFERRED TO THE CITY OF MADERA.
8. LOTS 1856-1982 TO BE TRANSFERRED TO THE CITY OF MADERA.
9. LOTS 276-704 TO BE TRANSFERRED TO THE CITY OF MADERA.
10. LOTS 2029-2071 TO BE TRANSFERRED TO THE CITY OF MADERA.
11. LOTS 1983-3028 TO BE TRANSFERRED TO THE CITY OF MADERA.
12. LOTS 1-219 TO BE TRANSFERRED TO THE CITY OF MADERA.

SITE INFORMATION

GENERAL PLAN USE AND ZONING DESIGNATION	RESIDENTIAL
EXISTING USE	RESIDENTIAL
EXISTING ZONING	MADERA 1450 R2
2015 ZONING	MADERA 1450 R2
2019 ZONING	R2-2025 ZS
APPROX. AC. TOTAL	2760
APPROX. AC. PER LOT	2.58 AC. PER LOT
EXISTING	2,582 EXIST. PER ACRES
PROPOSED PERMIT NUMBER	MAD20-02-02
FORM NUMBER	REV. 03/2016
DATE	01/02/2020
DESIGNED BY	01/02/2020
DATE	01/02/2020
BY	01/02/2020
DATE	01/02/2020
BY	01/02/2020
DATE	01/02/2020

NOTES

1. FROM THE AS SHOWN SHOWN ON THIS MAP.
2. THE CITY OF MADERA HAS REVIEWED THIS TRACT MAP AND HAS DETERMINED THAT THE TRACT MAP IS IN ACCORDANCE WITH THE CITY OF MADERA'S ZONING ORDINANCES AND THE CITY OF MADERA'S SUBDIVISION MAP ACT.
3. ALL OUTLOT NOTES SHALL BE REVIEWED BY THE CITY OF MADERA.
4. ALL OUTLOT NOTES ARE SUBJECT TO THE FOLLOWING:
 - SUBJECT TO THE CITY OF MADERA'S ZONING ORDINANCES.
 - THE CITY OF MADERA'S SUBDIVISION MAP ACT.
 - THE CITY OF MADERA'S PLANNING COMMISSION'S REVIEW.
 - THE CITY OF MADERA'S BOARD OF SUPERVISORS' REVIEW.
5. THE CITY OF MADERA HAS REVIEWED THIS TRACT MAP AND HAS DETERMINED THAT THE TRACT MAP IS IN ACCORDANCE WITH THE CITY OF MADERA'S ZONING ORDINANCES AND THE CITY OF MADERA'S SUBDIVISION MAP ACT.
6. THE CITY OF MADERA HAS REVIEWED THIS TRACT MAP AND HAS DETERMINED THAT THE TRACT MAP IS IN ACCORDANCE WITH THE CITY OF MADERA'S ZONING ORDINANCES AND THE CITY OF MADERA'S SUBDIVISION MAP ACT.
7. THE CITY OF MADERA HAS REVIEWED THIS TRACT MAP AND HAS DETERMINED THAT THE TRACT MAP IS IN ACCORDANCE WITH THE CITY OF MADERA'S ZONING ORDINANCES AND THE CITY OF MADERA'S SUBDIVISION MAP ACT.
8. THE CITY OF MADERA HAS REVIEWED THIS TRACT MAP AND HAS DETERMINED THAT THE TRACT MAP IS IN ACCORDANCE WITH THE CITY OF MADERA'S ZONING ORDINANCES AND THE CITY OF MADERA'S SUBDIVISION MAP ACT.

SECRETARY OF PLANNING COMMISSION _____ DATE _____



PLANNING & ZONING DEPARTMENT • CIVIL ENGINEERING
 1000 S STREET, MADERA, CALIFORNIA 93601
 TEL: 562-520-2000 FAX: 562-520-2005
 WWW.PRECISION-TECH.COM

PRECISION
 CIVIL ENGINEERING

PROJECT: THE VILLAGES AT ALMOND GROVE
 SHEET INFORMATION: TENTATIVE TRACT MAP NO. 2020-02
 CITY: MADERA COUNTY: MADERA

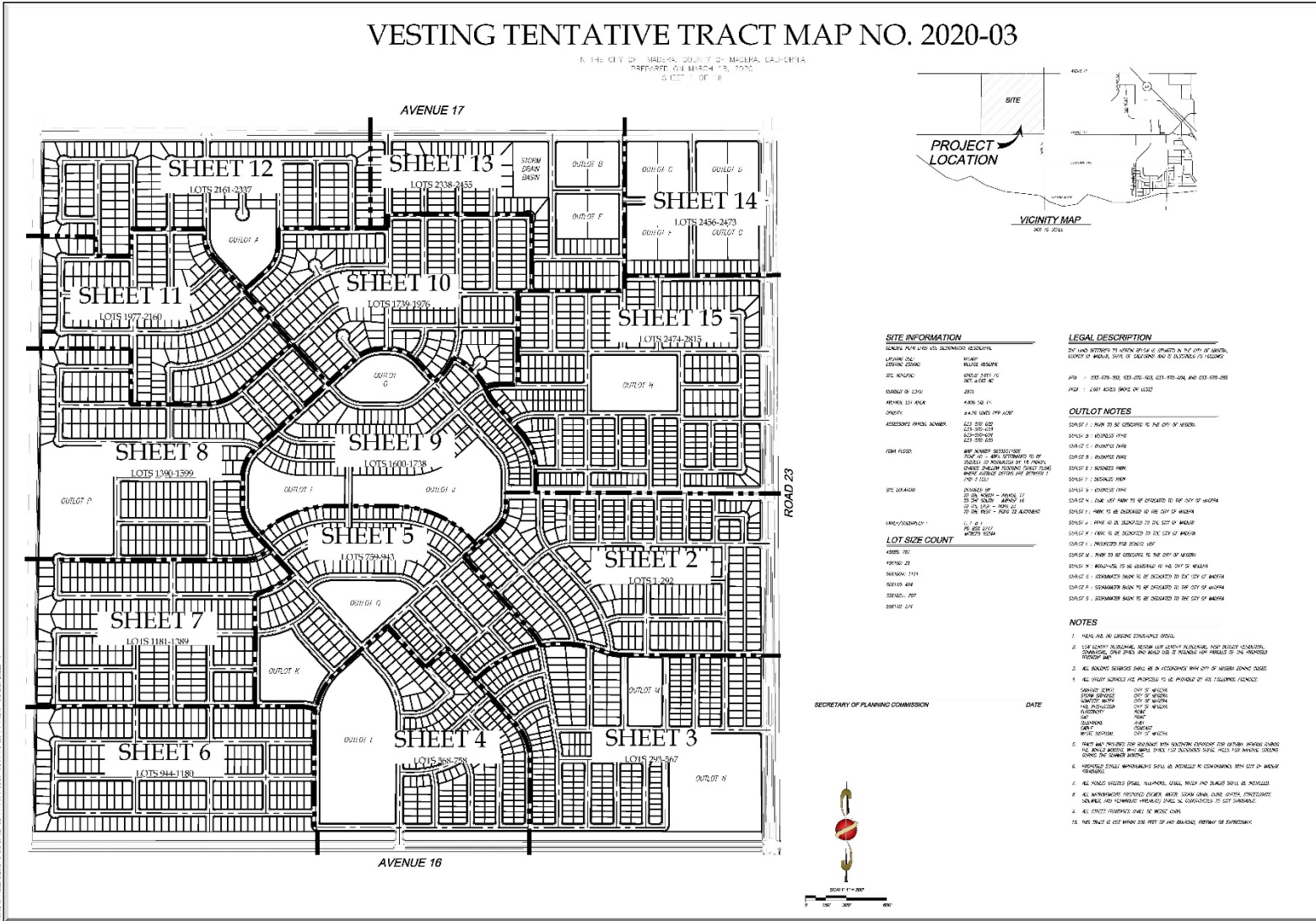
DESIGNED BY: JMG
 CHECKED BY: DJP
 DATE: 09/18/2020

DATE PLOTTED: 1 OF 14
 JOB NUMBER: 160557

Attachment 3: TSM 2020-03 Overall Map

VESTING TENTATIVE TRACT MAP NO. 2020-03

IN THE CITY OF MADRERA, COUNTY OF MADRERA, CALIFORNIA
 PREPARED ON MARCH 13, 2020
 SHEET 1 OF 6



SITE INFORMATION

OWNER	TRINITY
ADDRESS	14000 20TH ST
APPLICANT	TRINITY
PROJECT NAME	TRINITY
DATE	03/13/2020
SCALE	1" = 100'
DATE	03/13/2020

LEGAL DESCRIPTION

SECTION 17, TOWNSHIP 13N, RANGE 12E, S4, MERIDIAN, COUNTY OF MADRERA, STATE OF CALIFORNIA AND 2020-03-0000

ACRES: 1.0000

APPROXIMATE AREA: 1.0000 ACRES

OUTLET NOTES

OUTLET 1: TO BE CONVEYED TO THE CITY OF MADRERA

OUTLET 2: RESERVED

OUTLET 3: RESERVED

OUTLET 4: RESERVED

OUTLET 5: RESERVED

OUTLET 6: RESERVED

OUTLET 7: RESERVED

OUTLET 8: RESERVED

OUTLET 9: RESERVED

OUTLET 10: RESERVED

OUTLET 11: RESERVED

OUTLET 12: RESERVED

OUTLET 13: RESERVED

OUTLET 14: RESERVED

OUTLET 15: RESERVED

NOTES

1. THIS MAP IS AN UNLAWFUL INSTRUMENT.
2. THE CITY OF MADRERA HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE CITY OF MADRERA ORDINANCES AND THE STATE OF CALIFORNIA.
3. ALL RIGHTS RESERVED ARE RESERVED TO THE CITY OF MADRERA.
4. THE CITY OF MADRERA HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE CITY OF MADRERA ORDINANCES AND THE STATE OF CALIFORNIA.
5. THE CITY OF MADRERA HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE CITY OF MADRERA ORDINANCES AND THE STATE OF CALIFORNIA.
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PLANNING & SURVEYING ENGINEERING
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 CIVIL & SURVEYING ENGINEERS

PROJECT TITLE: THE VILLAGES AT ALMOND GROVE
 SHEET INFORMATION: TENTATIVE TRACT MAP NO. 2020-03
 CITY OF: MADRERA
 COUNTY OF: MADRERA

APPROVED DATE: _____
 REVISIONS: _____
 DRAWN BY: LC
 CHECKED BY: DT
 DATE: 03/18/2020

15 2020
 SHEET NUMBER: 1 OF 16
 JOB NUMBER: 18-059

RESOLUTION NO. 1913

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA CONTINGENTLY APPROVING (1) VESTING TENTATIVE SUBDIVISION MAP 2020-02 LOCATED EAST OF ROAD 23, BETWEEN AVENUE 16 AND THE FRESNO RIVER, ASSESSORS PARCEL NUMBERS 033-180-002 AND 033-180-003; AND (2) VESTING TENTATIVE SUBDIVISION MAP 2020-03 LOCATED WEST OF ROAD 23, BETWEEN AVENUE 16 AND AVENUE 17, ASSESSORS PARCEL NUMBERS 033-700-002, 033-700-003, 033-700-004, AND 033-700-005

WHEREAS, Precision Civil Engineering, Inc., or behalf of property owners Fagundes, Fagundes, Fagundes, GP (“Applicant”), submitted two (2) vesting tentative subdivision maps to subdivide the approximately 645-acre Southeast Neighborhood portion and the approximately 661-acre Northwest Neighborhood portion of property in the area of what is proposed to be the Villages at Almond Grove Specific Plan (“Specific Plan”); and

WHEREAS, vesting Tentative Subdivision Map (TSM) 2020-02 is a subdivision located east of Road 23, between Avenue 16 and the Fresno River that divides the 645 gross acres into 27 blocks. TSM 2020-02 creates a 2,390-lot residential subdivision and 29 outlots, 10 of which will be used for parks or open space, 2 for storm drain basins, 12 for future mixed-use developments, 4 for high-density residential uses, and 1 for a future school site (floating). The site will be primarily a mix of Low-Density, Medium-Density, and High-Density residential uses; and

WHEREAS, vesting Tentative Subdivision Map 2020-03 is a subdivision located west of Road 23, between Avenue 16 and Avenue 17 that divides the 661 gross acres into 36 blocks. TSM 2020-03 creates a 2,815-lot residential subdivision and 17 outlots, 6 of which will be used for parks or open space, 6 for future business park developments, 3 for storm drain basins, 1 for future mixed-use developments, and 1 for a future school site (floating). The site will be primarily a mix of Low-Density and Medium-Density residential uses; and

WHEREAS, these properties are currently utilized for agricultural purposes and will continue to be allowed to be utilized for these purposes during the implementation of the Specific Plan; and

WHEREAS, an adjoining property to the west of TSM 2020-02 and south of TSM 2020-03, in an area known as the Southwest Neighborhood portion of the Specific Plan, is planned for development as part of the Specific Plan, but no development is currently proposed; and

WHEREAS, these properties are currently within the City’s Sphere of Influence (“SOI”) but outside the City limits, and are required to prepare a specific plan or master plan before the properties can be annexed into the City and developed to urban uses; and

WHEREAS a Specific Plan known as the “Villages at Almond Grove Specific Plan” was prepared for this purpose, and encompasses both the properties of TSM 2020-02 and TSM 2020-03, as well as other properties, consisting of a total of 1,883 acres; and

WHEREAS, a General Plan Amendment (GPA 2017-02), Specific Plan (SPL 2017-01), Pre-zone/ Rezone (REZ 2017-05), Zoning Ordinance Text Amendment (OTA 2022-01), and Annexation 2022-01, were considered by the Planning Commission concurrently with the Tentative Subdivision Maps (TSM 2020-02 and TSM 2020-03); and

WHEREAS, an Environmental Impact Report (SCH #2018081051) (“EIR”) prepared for the Specific Plan also assessed development of TSM 2020-02 and TSM 2020-03; and

WHEREAS, the City of Madera on March 16, 2022, published a legal notice in compliance with State law concerning Planning Commission consideration of TSM 2020-02 and TSM 2020-03 in the Madera Tribune, a local newspaper of general circulation, which included the date and time of the Planning Commission consideration of a recommendation for the approval of the TSMs. In addition, on or prior to March 18, 2022, a public hearing notice was mailed to each property owner within at least 300 feet of the project site, as well as to all property owners within the Specific Plan area, indicating the date and time of the public hearing regarding the proposed Project (including the TSMs) in accordance with State law; and

WHEREAS, on April 5, 2022, the Planning Commission conducted a duly noticed public hearing at the Madera City Hall City Council Chambers located at 205 West 4th Street on the EIR, Specific Plan, GPA, Prezone/Rezone, Annexation, and the related Zoning Ordinance/Madera Municipal Code Text Amendment, and at that meeting recommended to the City Council certification of the EIR, approval of the Specific Plan, GPA, Prezone/Rezone, Annexation, and the related Zoning Ordinance/Madera Municipal Code Text Amendment; and

WHEREAS, the Planning Commission recognizes the requirements of Government Code section 66454, in that the City must condition approval of any tentative map on annexation of the property to the City within a period of time specified by the city, and the tentative map approval is not effective until annexation is complete; and

WHEREAS, to accommodate the Applicant’s request to consider the TSMs in conjunction with the approval of the Specific Plan, etc., Planning Commission now desires to contingently approve Tentative Subdivision Maps 2020-02 and 2020-03 such that no decision of approval of TSM 2020-02 and TSM 2020-03 becomes final and effective until immediately after the City Council certifies the EIR (SCH #2018081051) and adopts General Plan Amendment 2017-02, Specific Plan 2017-01, Rezoning 2017-05; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that TSM 2020-02 and TSM 2020-03 be set for further consideration and a final decision by the Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Madera as follows:

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared an environmental impact report (“EIR”) to evaluate the environmental effects of the Project, including development of TSM 2020-02 and TSM 2020-03. The Planning Commission has fully considered the EIR and has concurrently recommended it for certification by the City Council. The Planning Commission finds that TSM 2020-02 and TSM 2020-03 are consistent with, and have been fully assessed by the EIR, and that TSM 2020-02 and TSM 2020-03 are entitlements specifically anticipated projects in the EIR and are consistent with the purpose and intent of the EIR.

3. Subdivision Findings. The Planning Commission determines that none of the findings required by Madera Municipal Code Section 10-2.402.6, and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative map apply to this project, or that findings regarding flood protection cannot be made. To the contrary, the Planning Commission finds as follows:

- a. The proposed maps are consistent with applicable general and specific plans.

Support. There is no evidence the subdivision maps are inconsistent with the General Plan as amended and Specific Plan. To the contrary, the Specific Plan implements the goals and policies of the City's General Plan. It establishes the land use designations, planning principles and project objectives and design guidelines for the Specific Plan area consistent with the General Plan as amended. For example, the subdivisions create lots for low density residential, medium density residential, mixed use, and public uses. The boundaries of these parcels match the boundaries of the Specific Plan as well as the General Plan as amended, which are the only plans applicable to this Project. All lots are proposed with uses that are consistent with the density range of both the Specific Plan and General Plan as amended. For example, Block 18 of TSM 2020-03 will have a density of approximately 4.3 residences per gross acre. These residences are within the VLDR (Village Low Density Residential) land use designation which allows a density range of 2.1 to 7.0 residences per gross acre.

The Planning Commission has reviewed the analysis and all evidence presented in this matter and determines that proposed Tentative Subdivision Map 2020-02 and Tentative Subdivision Map 2020-03 are consistent with Specific Plan 2017-01 (adopting the Specific Plan) and has also found the Specific Plan is consistent with the General Plan as amended by General Plan Amendment 2017-02, and as such, the Tentative Subdivision Map 2020-02 and Tentative Subdivision Map 2020-03 are also therefore consistent with the General Plan.

- b. The design and improvement of the proposed subdivisions are consistent with applicable general and specific plans.

Support. As discussed above, the TSMs are consistent with the General Plan as amended by GPA 2017-02 and the Specific Plan as created by SPL 2017-01. Additionally, the proposed parcel sizes, as shown on the tentative subdivision maps, meet the standards proposed by the Specific Plan and are therefore of adequate size to accommodate the uses that will be permitted on them. The property will be improved with new or expanded street system for which the traffic study prepared for the project indicates will operate within acceptable levels of service (D or better) and the project will also be provided with full City services that meet all City standards. Further, any new use that locates onto one of the new lots is required to meet all City Zoning, Building, and Public Works development standards, and to comply with the Development Regulations of the Specific Plan.

- c. That the site is physically suited for the type of development.

Support. There is no evidence that the site is not physically suited for the type of development proposed by the tentative subdivision maps. To the contrary, Tentative Subdivision Map 2020-02 and Tentative Subdivision Map 2020-03 were thoroughly analyzed and compared to the Specific Plan and General Plan. Additionally, all relevant CEQA environmental concerns were addressed in the EIR that was prepared for the

Specific Plan and the TSMs, including flooding, drainage, traffic, biological resources, and other items dealing with the physical characteristics of the site and potential physical impacts of the proposed development. The proposed TSMs comply with the allowable land use and residential planned land use density and acreage allocations, and with the goals, objectives, and policies contained in the Specific Plan and the General Plan. The proposed development meets all adopted standards and requirements, thus is physically suited for the type of development being proposed.

- d. That the site is physically suited for the density of development.

Support. There is no substantial evidence in the record that the site is not suited for the density of development being proposed. Each new lot will meet or exceed the minimum lot sizes required by the relevant district contained within the Specific Plan. The TSMs are reviewed by City departments to ensure compliance with the Development Regulations of the Specific Plan. The proposed TSMs were thoroughly analyzed and compared to the Specific Plan and the EIR that was prepared for the subdivisions, which determined that the proposed density of development was appropriate for this site and is physically suited for the proposed development density.

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

Support. There is no evidence that the design or improvements will, in themselves, cause substantial environmental damage, etc. The EIR prepared for the project analyzed the TSMs against all of the relevant CEQA environmental concerns, including fish and wildlife habitat. Although even with the proposed mitigation measures there remain unavoidable significant environmental impacts, these are not related to design issues, but are instead related to cumulative impacts of the Specific Plan overall to the loss of certain habitat. Regardless, there are economic, legal, social, technological or other benefits associated that outweigh the unavoidable adverse environmental impacts that are addressed in the Statement of Overriding Considerations prepared as a result of the EIR for this project. Further, the project has been conditioned with mitigation to reduce the significance of potential cumulative impacts on fish or wildlife or their habitat. As such, the design or improvements of the TSMs are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

Support. There is no substantial evidence in the record that the design of the TSMs will cause serious public health problems. Every new lot will be connected to City water, sewer and storm drainage systems which will minimize public health concerns. Mitigation has been imposed on the project to address potential environmental impacts, including those related to hazardous wastes, etc. As such, design of the TSMs or the type of improvements are not likely to cause serious public health problems.

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

Support. The subdivisions will be served by public streets that are dedicated to the City for public use and the parks and open spaces will be on land owned by the City. There is no use of private streets or other types of easements with which the project would cause a conflict. Dedications for public right of way, etc., are required for public utilities, roadways, and other improvements. There is no evidence in the record that the TSMs or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

4. Approval with Conditions. Based on the aforementioned findings, the Planning Commission hereby approves TSM 2020-02 (Exhibit "A") and TSM 2020-03 (Exhibit "C"), subject to the conditions set forth in Exhibit "B" (TSM 2020-02 conditions of approval) and Exhibit "D" (TSM 2020-03 conditions of approval) attached hereto, which approvals are contingent upon the following:

- a. The approval of Tentative Subdivision Map 2020-02 and Tentative Subdivision Map 2020-03 shall become final and effective immediately only after the City Council of the City of Madera i) certifies the Environmental Impact Report (SCH #2018081051), ii) adopts General Plan Amendment 2017-02; iii) adopts Specific Plan No. 2017-01, iv) adopts Prezone/Rezone 2017-05, v) adopts Annexation 22-01, and vi) adopts Zoning Ordinance Text Amendment 2022-01; (collectively "Council Approvals"). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then both TSM 2020-02 and TSM 2020-03 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission herein, or require a major modification or addition of a condition of approval to be consistent with a Council Approval, then both TSM 2020-02 and TSM 2020-03 shall be returned to the Planning Commission for further consideration and a final decision.

Consistent with Government Code section 66454, the Planning Commission individually conditions approval of both TSM 2020-02 and TSM 2020-03 on annexation to the City of the property within 12 months of the date the decision of the Planning Commission becomes final.

5. Certification. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.
6. Final Action and Appeals. This action shall become final and effective 15 days after, and only upon the Council Approvals including certification of the EIR and adoption of General Plan Amendment 2017-02 and Specific Plan 2017-01, unless within such 15 days an appeal is filed with the City Clerk in accordance with the provisions of the Madera Zoning Ordinance.

Passed and adopted by the Planning Commission of the City of Madera this 5th day of April 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

- Exhibit A: TSM 2020-02
- Exhibit B: Conditions of approval for TSM 2020-02
- Exhibit C: TSM 2020-03
- Exhibit D: Conditions of approval for TSM 2020-03

Exhibit 'A'
Tentative Subdivision Map
(TSM 2020-02)



Exhibit 'B'
TSM 2020-02 Conditions of Approval



EXHIBIT "A"
TSM 2020-02, THE VILLAGES AT ALMOND GROVE
CONDITIONS OF APPROVAL
MARCH 29, 2022

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

Approval for TSM 2020-02 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

GENERAL CONDITIONS

1. Approval of this project shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. Approval of this project may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this project, the zoning ordinance, and all City standards and specifications. These applications are granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application

is material to the issuance of this project. Unless the conditions of approval specifically require operation inconsistent with the application, new or revised applications are required if the operation is found to be out of conformance with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this project or subsequent amendments or revisions. These conditions are conditions imposed solely upon the project and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee and the Department of Fish and Game de minimis filling fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on these applications.
5. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
6. TSM 2020-02 shall be valid for a period of 24 months from the date of its conditional approval, unless modified by a Development Agreement. Prior to expiration of the conditionally approved tentative map an extension or extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act.
7. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
8. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

9. 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.
10. 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.
11. The project site shall be developed in conformance with the plans as reviewed and approved. Minor modifications to the site plan, which are necessary to meet regulatory, engineering, or similar constraints or requirements may be made at the discretion of the Planning Manager without an amendment. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to the applications be filed for review and approval through the applicable City process. Please see requirements contained in the Villages at Almond Grove Specific Plan for specific processing procedures.
12. Any proposed modifications not considered minor changes in accordance with the Villages at Almond Grove Specific Plan (and the Madera Municipal Code, as referenced) shall be processed according to the procedures of this Specific Plan.
13. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and/or manager may be subject to corrective action.
14. All on-site improvements shall be completed prior to final building inspection and shall be completed to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
15. The Planning Manager and City Engineer shall be notified immediately in any event any prehistoric, archaeological, or fossil artifact or resource is uncovered or discovered during construction activities on site. All construction within 50 feet of the discovery must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's or developer's expense, to evaluate the finds and recommend appropriate action according to CEQA Guidelines Section 15064.5. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project site while assessment of historic resources or unique archaeological resources is being carried out.

16. All construction must stop if any human remains are uncovered, and the Planning Manager, City Engineer and County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.
17. The subject is currently utilized for agricultural purposes and will continue to be allowed to be utilized for these purposes during the implementation of the Specific Plan and this subdivision map.
18. An Environmental Impact Report (SCH #2018081051) ("EIR") was prepared that assessed this subdivision map, and a mitigation monitoring and reporting program (MMRP) was adopted by City Council consistent with the requirements of the California Environmental Quality Act (CEQA). All construction and use of the property must comply with the requirements of the MMRP.
19. Consistent with Government Code section 66454, approval of TSM 2020-02 is contingent upon on annexation of the property to the City within 12 months of the date the decision to approve TSM 2020-02 becomes final.

PLANNING DEPARTMENT

20. All setbacks, revisions to lot sizes, architectural elements, and other applicable property development and design standards shall be in compliance with the Villages at Almond Grove Specific Plan.
21. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
22. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
23. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
24. Park land shall be dedicated, or payment of in-lieu fees shall be made, or combination of both, in accordance with the "City's Acquisition of Land and/or Payment of Fees for City Park Facilities," commencing with Section 10-2.1300 of the Municipal Code.
25. The developer shall cause such Right to Farm notice as required by Section 10-3.418(6) of the Municipal Code to be recorded in the Office of the County Recorder.
26. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees.

27. The applicant/developer shall coordinate with the United States Post Office and the Planning Department relative to the proposed location of the postal boxes for the project.
28. The internal street names shall comply with the recommendations of the Planning Department with approval of the Final Map.
29. There shall be no access to lots from street side of corner lots.

Residences

30. Each dwelling unit and siting of the unit shall be constructed consistent with the Villages at Almond Grove Specific Plan.
31. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.
32. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of building permits.

Utility Placement Considerations/Screening Requirements

33. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets shall be provided in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.

Fencing and Walls

34. All fencing and walls shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood and shall comply with requirements of the Specific Plan.
35. Decorative block walls in accordance with the Specific Plan shall be constructed as needed, for noise attenuation when homes back onto major streets.
36. Masonry wall design and plan details shall be approved by the Planning and Engineering Departments prior to issuance of building permits.

Landscape

37. Landscape and irrigation plans shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:

- a. Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b. Permanent automatic irrigation systems for all landscaped areas;
 - c. Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d. At least one (1) City approved street tree planted in each front yard. Corner lots shall have at least two (2) additional trees planted along the exterior side yard. Said front yard and side street trees overall shall be planted thirty (30) foot on center. Trees should be carefully selected and located to shade the buildings during the summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the buildings during winter months.
 - e. Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - f. Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
38. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved.
39. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.

Signage

40. All signage, including, but not limited to, on- or off-site temporary subdivision identification, directional or marketing/ sale signs for the purpose advertising homes for sale shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage, is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.

Construction Trailer & Sales Center

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

BUILDING DEPARTMENT

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

FIRE DEPARTMENT

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

ENGINEERING DEPARTMENT

General Conditions

49. 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.
50. 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.
51. Park land internal to or immediately adjacent to each corresponding final subdivision map as shown in the Tentative Subdivision Map (TSM), shall be dedicated to the City in advance of, or in conjunction with, recordation of said corresponding final subdivision map.
52. Developer shall coordinate with Madera Unified School District the location of the School Site shown in the TSM in advance of, or in conjunction with, recordation of first final subdivision map. The school sites shall be considered "floating".
53. 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.

54. 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.
55. 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.
56. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification
57. Development impact fees shall be paid at time of building permit issuance or as otherwise agreed upon (i.e. an approved development agreement).
58. Development impact fees are not generally expected to generate a sufficient stream to reimburse all improvements in a manner that coincides with requirements for construction of infrastructure. Developer shall anticipate such in the funding of infrastructure.
59. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
60. 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.
61. 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.
62. The improvement plans for the project shall include the most recent version of the City's General Notes.
63. The developer shall comply with the Federal Emergency Management Agency (FEMA) requirements, as may be applicable. Proposed improvements shall account for the areas of the TSM which lie within the boundaries of FEMA Special Flood Hazard Areas, Zone A and Zone AO, as may be applicable.

64. This development is subject to the development standards of The Villages at Almond Grove Specific Plan (Specific Plan), including the associated Infrastructure Master Plan, Water Supply Assessment and Traffic Impact Analysis, as may be applicable. Improvements shall be constructed as detailed and within the time frame identified
65. Development shall occur in a stepwise manner, moving outward from existing infrastructure. Geographically remote development (leapfrog development) of the TSM shall construct all master-planned infrastructure necessary (permanent full street width, water, sewer, storm drain, etc.) to provide adequate services from the nearest logical connection point as determined by the City Engineer.

Water

66. 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.
67. Unless the City Engineer or fire flow analysis specifies larger water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works.
68. The developer shall install master-planned water supply facilities in accordance with the Specific Plan and/or the City of Madera Water System Master Plan as indicated below:
 - a. Road 23 - Install 18-inch main along property frontage.
 - b. Avenue 16 - Install 12-inch main along property frontage.
 - c. Cleveland Avenue - Install 12-inch main from Road 24 alignment to Road
 - d. Road 24 alignment - Install 12-inch main along property frontage.
 - e. Southern boundary of TSM - Install 12-inch main along property frontage.
 - f. Residential streets (60-feet) as depicted in the Specific Plan - Install two

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

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

69. 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 and in accordance with the Specific Plan, Infrastructure Master Plan and Water Supply Assessment, as may be applicable.

70. The developer shall design, dedicate right-of-way and construct municipal water wells in accordance with the Specific Plan, Infrastructure Master Plan and the City of Madera Water System Master Plan as needed for each phase of the TSM. If a water well is not determined to be needed for any phase of the TSM, an appropriate well site shall be identified, dedicated to the City and appropriate block wall perimeter constructed. The cost of the municipal wells is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
71. 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.
72. For subdivisions, water services shall be placed 3 feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or streetlight locations.
73. One water quality sampling station, or additional may be determined necessary by the Public Works Department, shall be shown on the improvement plans for each subdivision and installed within each corresponding subdivision and approved by the water quality division of the Public Works Department.
74. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved backflow device installed. All water trucks/storage tanks will be inspected for proper air gaps or backflow prevention devices.
75. Water service connection(s) shall be shown on the improvement plans for each phase and shall be constructed to current City standards in effect at time of construction including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way. Backflow prevention devices shall be required for any water service not serving a residence and installed within private property.
76. For non-single-family residential development, each parcel shall have a separate water service connection or record a reciprocal easement agreement across all parcels as a result of a commercial subdivision or similar type of development.
77. A separate water meter and backflow prevention device shall be required for landscape areas.

78. 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.
79. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to construction activities commencing on individual dwelling units.

Recycled Water

80. The developer shall install recycled water facilities in accordance with the Specific Plan and expand the City's Wastewater Treatment Plant (WWTP) to treat effluent that shall be used by the development of the TSM and future development for irrigation of parks and outdoor landscaped areas. The expansion of the WWTP shall be designed in a scalable manner that allows for future expansion as growth occurs within the City.
81. First phase to be constructed shall be designed and constructed to accommodate future connection to the recycled water system when it becomes available.

Sewer

82. The developer shall install master-planned sewer facilities in accordance with the Specific Plan, Infrastructure Master Plan and the City of Madera Sanitary Sewer System Master Plan, as may be applicable, as indicated below:
 - a. Road 23 - Install 30-inch main, pressure main and sewer lift station between Avenue 16 and Pecan Avenue.
 - b. Cleveland Avenue - Install 15-inch main from Road 24 alignment to Road

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

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

The sewer lift station and force main are considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.

83. Connection to the existing Westberry Trunk is permitted for the first phase of an approximate maximum 200 lots on a temporary basis. Provisions shall be made to reverse the flows for these 200 lots back to the future Road 23 trunk.
84. Sewer lines installed within internal publicly owned streets to serve the development within the subdivision shall be sized accordingly and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to

paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.

85. Sewer services shall be located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards in effect at time of construction and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
86. For non-single-family residential development, each parcel shall have a separate sewer service connection or record a reciprocal easement agreement across all parcels as a result of a commercial subdivision or similar type of development.
87. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

88. The developer shall install master-planned or equivalent facilities such as storm retention basins and pipes in accordance with the Specific Plan. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Specific Plan, Infrastructure Master Plan and Storm Drainage System Master Plan, as may be applicable, to convey storm runoff to the corresponding master-planned basins and excavate or expand the basins to an amount equivalent to each project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities. Regardless of whether the basins are fully excavated at time of first development, the entirety of the ultimate basin land shall be dedicated, fenced, frontage improvements constructed, and outfall structures constructed at ultimate depths and locations.
89. 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

90. The developer shall implement mitigation measures recommended by the Traffic Impact Analysis that correspond to each phase of development to mitigate the impacts of each

phase on the street system. The mitigation measures may result in additional right-of-way dedications and construction of additional improvements internal and external to the TSM than that specified herein.

91. The developer shall construct street improvements in accordance with the locations and cross-sections specified in the Specific Plan to the extent necessary to provide access to each phase, including but not limited to permanent paving, sidewalk, curb and gutter, park strip, streetlights, fire hydrants and all other components necessary to complete construction in accordance with City standards in effect at time of construction, prior to acceptance of improvements by the City.
92. All streets identified in the Specific Plan shall be constructed to the cross sections delineated therein. Where not specifically identified, those streets shall be constructed in accordance with arterial and collector standards in effect at time of construction.
93. The east half of Road 23 along the entire project frontage shall be improved to a 135-foot roadway standard with an eight-foot sidewalk, seven-foot park strip, eight-foot bicycle lane, 42-foot asphalt section and a 17-foot landscaped median island in accordance with the Specific Plan. The west half of the street shall include one permanently paved 12-foot lane and 8-foot shoulder (shoulder requirement per Air District Standards), and drainage swale, or a 12-foot travel lane and a combination of shoulder/AC dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The center three lanes (40-feet total), which includes 16 feet of the median island, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
94. West Cleveland Avenue from the Road 24 alignment to Road 23 shall be improved to a 110-foot arterial roadway standard with a five-foot sidewalk, 10-foot park strip and eight-foot bicycle lane on both sides of the roadway, 60-foot asphalt section in total and a 16-foot landscaped median island in accordance with the Specific Plan. The developer to construct the first half of the street (north or south of the centerline) shall construct the 16-foot landscaped median island centered on the centerline. The developer to construct the first half of the street shall also construct on the opposite half of the street one permanently paved 12-foot lane and 8-foot shoulder (shoulder requirement per Air District Standards), and drainage swale, or a 12-foot travel lane and a combination of shoulder/AC dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The center three lanes (40-feet total), which includes the median island, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
95. Along the north side of West Cleveland Avenue, a frontage road shall be constructed to a 50-foot frontage roadway standard in accordance with the locations and cross-section specified in the Specific Plan.

96. Interior streets shall be constructed in accordance with the Specific Plan and City standards in effect at time of construction for collector streets (90-feet), residential streets (60-feet) and couplet streets (67-feet).
97. The developer shall be a proponent of, and agrees to, annex into existing Landscape Maintenance District (LMD) Zone 21D or successor LMD zone. If the annexation into LMD Zone 21D is not attainable, the developer shall at their sole expense, form a new Landscape Maintenance District zone. The subdivider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.
98. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required LMD Zone 21D, or successor LMD zone, 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 Citywide 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.
99. The divided community entry streets within the TSM shall be in accordance with the Specific Plan and shall be constructed and landscaped in accordance with plans approved by the City Engineer and the Fire Marshall. Landscaping shall be maintained by the Landscape Maintenance District.
100. 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.
101. Street Easement Dedications shall be made to dedicate sufficient right-of-way to accommodate the corresponding street cross-sections as specified in the Specific Plan or as may be identified in the Traffic Impact Analysis.
102. 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.
103. "No Parking" signs shall be installed along the frontage of arterial and collector roadways per City standards in effect at time of construction.
104. Industry standard traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with each subdivision. Maximum

distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer.

105. 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.
106. Access ramps shall be installed at all curb returns per current City standards in effect at time of construction.
107. Driveway approaches shall be constructed per current City standards in effect at time of construction.
108. 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.
109. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
110. 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.
111. 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.
112. 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.

113. 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.
114. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages.
115. 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.

116. 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.
117. 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.
118. 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.
119. 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.
120. 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:

121. 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.
122. 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.
123. 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.

124. 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:

125. Direct residential access to all collector and arterial streets as well as entry streets is prohibited, and this shall be noted on the final map for each phase.
126. 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.
127. 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.
128. 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.
129. 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.
130. 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.
131. 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.

132. 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.
133. 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.
134. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

135. The applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM10 Prohibitions) and Rule 9510 (Indirect Source Review).
136. Applicant shall submit to, and have approved by, the SJCAPCD an Authority to Construct (ATC) application prior to issuance of a grading or building permit.
137. Applicant shall submit to, and have approved by, the SJCAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit.
138. Applicant shall submit to, and have approved by, the SJCAPCD a Dust Control Plan prior to issuance of a grading or building permit.

MADERA UNIFIED SCHOOL DISTRICT

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

AIRPORT LAND USE COMMISSION

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

PG&E (WHERE APPLICABLE)

142. There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>
143. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of our work.
144. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
145. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe:
 - a. Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.
 - b. Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).
 - c. No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.
146. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
147. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So, to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the

math for a 24-inch-wide trench being dug along a 36-inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away or be entirely dug by hand.) Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away. Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

148. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations. For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.
149. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, waterline 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement. If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.
150. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.
151. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16-foot-wide gate for vehicular access. Gates will be secured with PG&E corporation locks. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

152. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.
153. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.
154. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities. It is PG&E's policy to permit certain uses on a case-by-case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and way they are exercised, will not interfere with PG&E's rights, or endanger its facilities.
155. Buildings and Other Structures: No buildings or other structures including the footprint and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA- NO BUILDING."
156. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed, and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
157. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences, and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
158. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

159. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
160. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case-by-case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
161. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
162. Streets and Roads: Access to facilities must be maintained at all times. Streetlights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.
163. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.
164. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.
165. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue, and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.
166. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/G095/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed. Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

167. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

-END OF CONDITIONS-

Exhibit 'C'
Tentative Subdivision Map
(TSM 2020-03)



Exhibit 'D'
TSM 2020-03 Conditions of Approval



EXHIBIT "A"
TSM 2020-03, THE VILLAGES AT ALMOND GROVE
CONDITIONS OF APPROVAL
MARCH 29, 2022

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

Approval for TSM 2020-03 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

GENERAL CONDITIONS

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

2. Approval of this project may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this project, the zoning ordinance, and all City standards and specifications. These applications are granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this project. Unless the conditions of approval specifically require operation inconsistent with the application, new or revised applications are

required if the operation is found to be out of conformance with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this project or subsequent amendments or revisions. These conditions are conditions imposed solely upon the project and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee and the Department of Fish and Game de minimis filling fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on these applications.
5. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
6. TSM 2020-03 shall be valid for a period of 24 months from the date of its conditional approval, unless modified by a Development Agreement. Prior to expiration of the conditionally approved tentative map an extension or extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act.
7. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
8. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").
9. 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.

10. 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.
11. The project site shall be developed in conformance with the plans as reviewed and approved. Minor modifications to the site plan, which are necessary to meet regulatory, engineering, or similar constraints or requirements may be made at the discretion of the Planning Manager without an amendment. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to the applications be filed for review and approval through the applicable City process. Please see requirements contained in the Villages at Almond Grove Specific Plan for specific processing procedures.
12. Any proposed modifications not considered minor changes in accordance with the Villages at Almond Grove Specific Plan (and the Madera Municipal Code, as referenced) shall be processed according to the procedures of this Specific Plan.
13. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and/or manager may be subject to corrective action.
14. All on-site improvements shall be completed prior to final building inspection and shall be completed to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
15. The Planning Manager and City Engineer shall be notified immediately in the event any prehistoric, archaeological, or fossil artifact or resource is uncovered or discovered during construction activities on site. All construction within 50 feet of the discovery must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's or developer's expense, to evaluate the finds and recommend appropriate action according to CEQA Guidelines Section 15064.5. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project site while assessment of historic resources or unique archaeological resources is being carried out.
16. All construction must stop if any human remains are uncovered, and the Planning Manager, City Engineer and County Coroner must be notified according to Section

7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.

17. The subject is currently utilized for agricultural purposes and will continue to be allowed to be utilized for these purposes during the implementation of the Specific Plan and this subdivision map.
18. An Environmental Impact Report (SCH #2018081051) ("EIR") was prepared that assessed this subdivision map, and a mitigation monitoring and reporting program (MMRP) was adopted by City Council consistent with the requirements of the California Environmental Quality Act (CEQA). All construction and use of the property must comply with the requirements of the MMRP.
19. Consistent with Government Code section 66454, approval of TSM 2020-03 is contingent upon on annexation of the property to the City within 12 months of the date the decision to approve TSM 2020-03 becomes final.

PLANNING DEPARTMENT

20. All setbacks, revisions to lot sizes, architectural elements, and other applicable property development and design standards shall be in compliance with the Villages at Almond Grove Specific Plan.
21. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
22. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
23. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
24. Park land shall be dedicated, or payment of in-lieu fees shall be made, or combination of both, in accordance with the "City's Acquisition of Land and/or Payment of Fees for City Park Facilities," commencing with Section 10-2.1300 of the Municipal Code.
25. The developer shall cause such Right to Farm notice as required by Section 10-3.418(6) of the Municipal Code to be recorded in the Office of the County Recorder.
26. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees.
27. The applicant/developer shall coordinate with the United States Post Office and the Planning Department relative to the proposed location of the postal boxes for the project.

28. The internal street names shall comply with the recommendations of the Planning Department with approval of the Final Map.
29. There shall be no access to lots from street side of corner lots.

Residences

30. Each dwelling unit and siting of the unit shall be constructed consistent with the Villages at Almond Grove Specific Plan.
31. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.
32. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of building permits.

Utility Placement Considerations/Screening Requirements

33. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets shall be provided in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.

Fencing and Walls

34. All fencing and walls shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood and shall comply with requirements of the Specific Plan.
35. Decorative block walls in accordance with the Specific Plan shall be constructed as needed, for noise attenuation when homes back onto major streets.
36. Masonry wall design and plan details shall be approved by the Planning and Engineering Departments prior to issuance of building permits.

Landscape

37. Landscape and irrigation plans shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
 - a. Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b. Permanent automatic irrigation systems for all landscaped areas;

- c. Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d. At least one (1) City approved street tree planted in each front yard. Corner lots shall have at least two (2) additional trees planted along the exterior side yard. Said front yard and side street trees overall shall be planted thirty (30) foot on center. Trees should be carefully selected and located to shade the buildings during the summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the buildings during winter months.
 - e. Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - f. Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
38. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved.
39. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.

Signage

40. All signage, including, but not limited to, on- or off-site temporary subdivision identification, directional or marketing/ sale signs for the purpose advertising homes for sale shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.

Construction Trailer & Sales Center

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

BUILDING DEPARTMENT

43. The development of any model home sales center on any lot in the subdivision requires the approval of the Planning Manager.

44. A building permit is required for all construction on the site.
45. All plans submitted for on-site construction or building permits shall incorporate and reflect all requirements outlined herein.
46. Current State of California and Federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked when the building permit is reviewed and confirmed at final inspection.

FIRE DEPARTMENT

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

ENGINEERING DEPARTMENT

General Conditions

49. 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.
50. 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.
51. Park land internal to or immediately adjacent to each corresponding final subdivision map as shown in the Tentative Subdivision Map (TSM), shall be dedicated to the City in advance of, or in conjunction with, recordation of said corresponding final subdivision map.
52. Developer shall coordinate with Madera Unified School District the location of the School Site shown in the TSM in advance of, or in conjunction with, recordation of first final subdivision map. The school sites shall be considered "floating".
53. 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.

54. 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.
55. 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.
56. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification.
57. Development impact fees shall be paid at time of building permit issuance or as otherwise agreed upon (i.e. an approved development agreement).
58. Development impact fees are not generally expected to generate a sufficient stream to reimburse all improvements in a manner that coincides with requirements for construction of infrastructure. Developer shall anticipate such in the funding of infrastructure.
59. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
60. 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.
61. 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.
62. The improvement plans for the project shall include the most recent version of the City's General Notes.
63. The developer shall comply with the Federal Emergency Management Agency (FEMA) requirements, as may be applicable. Proposed improvements shall account for the areas of the TSM which lie within the boundaries of FEMA Special Flood Hazard Areas, Zone AO.
64. This development is subject to the development standards of The Villages at Almond Grove Specific Plan (Specific Plan), including the associated Infrastructure Master Plan, Water Supply Assessment and Traffic Impact Analysis, as may be applicable. Improvements shall be constructed as detailed and within the time frame identified

65. Development shall occur in a stepwise manner, moving outward from existing infrastructure. Geographically remote development (leapfrog development) of the TSM shall construct all master-planned infrastructure necessary (permanent full street width, water, sewer, storm drain, etc.) to provide adequate services from the nearest logical connection point as determined by the City Engineer.

Water

66. 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.
67. Unless the City Engineer or fire flow analysis specifies larger water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works.
68. The developer shall install master-planned water supply facilities in accordance with the Specific Plan and/or the City of Madera Water System Master Plan as indicated below:
 - a. Road 23 - Install 18-inch main along property frontage.
 - b. Avenue 16 - Install 12-inch main along property frontage.
 - c. Avenue 17 - Install 12-inch main along property frontage.
 - d. Avenue 17 - Install 24-inch main between Road 23 and Airport Drive/Golden State Boulevard.
 - e. Road 22 alignment - Install 12-inch main along property frontage.
 - f. Arterial street (110-feet) located mid-way between Avenue 16 and Avenue 17 as depicted in the Specific Plan – Install 12-inch main.
 - g. North-south residential streets (60-feet) located approximately mid-way between Road 22 and Road 23 as depicted in the Specific Plan – Install 12-inch water mains connecting to Avenue 17 and Avenue 16.

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

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

69. 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 and in accordance with the Specific Plan, Infrastructure Master Plan and Water Supply Assessment, as may be applicable.
70. The developer shall design, dedicate right-of-way and construct municipal water wells in accordance with the Specific Plan, Infrastructure Master Plan and the City of Madera Water System Master Plan as needed for each phase of the TSM. If a water well is not determined to be needed for any phase of the TSM, an appropriate well site shall be identified, dedicated to the City and appropriate block wall perimeter constructed. The cost of the municipal wells is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
71. 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.
72. For subdivisions, water services shall be placed 3 feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or streetlight locations.
73. One water quality sampling station, or additional may be determined necessary by the Public Works Department, shall be shown on the improvement plans for each subdivision and installed within each corresponding subdivision and approved by the water quality division of the Public Works Department.
74. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved backflow device installed. All water trucks/storage tanks will be inspected for proper air gaps or backflow prevention devices.
75. Water service connection(s) shall be shown on the improvement plans for each phase and shall be constructed to current City standards in effect at time of construction including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way. Backflow prevention devices shall be required for any water service not serving a residence and installed within private property.
76. For non-single-family residential development, each parcel shall have a separate water service connection or record a reciprocal easement agreement across all parcels as a result of a commercial subdivision or similar type of development.

77. A separate water meter and backflow prevention device shall be required for landscape areas.
78. 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.
79. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to construction activities commencing on individual dwelling units.

Recycled Water

80. The developer shall install recycled water facilities in accordance with the Specific Plan and expand the City's Wastewater Treatment Plant (WWTP) to treat effluent that shall be used by the development of the TSM and future development for irrigation of parks and outdoor landscaped areas. The expansion of the WWTP shall be designed in a scalable manner that allows for future expansion as growth occurs within the City.
81. First phase to be constructed shall be designed and constructed to accommodate future connection to the recycled water system when it becomes available.

Sewer

82. The developer shall install master-planned sewer facilities in accordance with the Specific Plan, Infrastructure Master Plan and the City of Madera Sanitary Sewer System Master Plan, as may be applicable, as indicated below:
 - a. Road 23 - Install 15-inch main along the property frontage.
 - b. Avenue 16 – Install 18-inch main, pressure main and sewer lift station along the property frontage to the extent required by the Specific Plan, Infrastructure Master Plan and the City of Madera Sanitary Sewer System Master Plan.

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

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

The sewer lift station and force main are considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.

83. Sewer lines installed within internal publicly owned streets to serve the development within the subdivision shall be sized accordingly and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to

paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.

84. Sewer services shall be located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards in effect at time of construction and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
85. For non-single-family residential development, each parcel shall have a separate sewer service connection or record a reciprocal easement agreement across all parcels as a result of a commercial subdivision or similar type of development.
86. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

87. The developer shall install master-planned or equivalent facilities such as storm retention basins and pipes in accordance with the Specific Plan. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Specific Plan, Infrastructure Master Plan and Storm Drainage System Master Plan, as may be applicable, to convey storm runoff to the corresponding master-planned basins and excavate or expand the basins to an amount equivalent to each project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities. Regardless of whether the basins are fully excavated at time of first development, the entirety of the ultimate basin land shall be dedicated, fenced, frontage improvements constructed, and outfall structures constructed at ultimate depths and locations.
88. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4' s) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall be subject to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

Streets

89. The developer shall implement mitigation measures recommended by the Traffic Impact Analysis that correspond to each phase of development to mitigate the impacts of each phase on the street system. The mitigation measures may result in additional right-of-

way dedications and construction of additional improvements internal and external to the TSM than that specified herein.

90. The developer shall construct street improvements in accordance with the locations and cross-sections specified in the Specific Plan to the extent necessary to provide access to each phase, including but not limited to permanent paving, sidewalk, curb and gutter, park strip, streetlights, fire hydrants and all other components necessary to complete construction in accordance with City standards in effect at time of construction, prior to acceptance of improvements by the City.
91. All streets identified in the Specific Plan shall be constructed to the cross sections delineated therein. Where not specifically identified, those streets shall be constructed in accordance with arterial and collector standards in effect at time of construction.
92. Road 23 along the entire project frontage shall be improved to a 135-foot arterial roadway standard with an eight-foot sidewalk, seven-foot park strip and eight-foot bicycle lane on both sides of the roadway, 84-foot asphalt section in total and a 17-foot landscaped median island in accordance with the Specific Plan. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The center three lanes (40-feet total), which includes 16 feet of the median island, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
93. The arterial roadway mid-way between Avenue 16 and Avenue 17 connecting Road 23 to the residential street as depicted in the Specific Plan shall be improved to a 110-foot arterial roadway standard with a five-foot sidewalk, 10-foot park strip and eight-foot bicycle lane on both sides of the roadway, 60-foot asphalt section in total and a 16-foot landscaped median island in accordance with the Specific Plan. The developer to construct the first half of the street (north or south of the centerline) shall construct the 16-foot landscaped median island centered on the centerline. The developer to construct the first half of the street shall also construct on the opposite half of the street one permanently paved 12-foot lane and 8-foot shoulder (shoulder requirement per Air District Standards), and drainage swale, or a 12-foot travel lane and a combination of shoulder/AC dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The center three lanes (40-feet total), which includes the median island, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
94. Interior streets shall be constructed in accordance with the Specific Plan and City standards in effect at time of construction for collector streets (90-feet), residential streets (60-feet) and couplet streets (67-feet).
95. The developer shall be a proponent of, and agrees to, annexing into existing Landscape Maintenance District (LMD) Zone 21D, or designated successor LMD. If the annexation into LMD Zone 21D or its successor 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.

96. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required LMD Zone 21D, or its successor LMD Zone, or a 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 Citywide 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.
97. The divided community entry streets within the TSM shall be in accordance with the Specific Plan and shall be constructed and landscaped in accordance with plans approved by the City Engineer and the Fire Marshall. Landscaping shall be maintained by the Landscape Maintenance District.
98. 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.
99. Street Easement Dedications shall be made to dedicate sufficient right-of-way to accommodate the corresponding street cross-sections as specified in the Specific Plan or as may be identified in the Traffic Impact Analysis.
100. 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.
101. "No Parking" signs shall be installed along the frontage of arterial and collector roadways per City standards in effect at time of construction.
102. Industry standard traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with each subdivision. Maximum distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer.
103. 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.
104. Access ramps shall be installed at all curb returns per current City standards in effect at time of construction.

105. Driveway approaches shall be constructed per current City standards in effect at time of construction.
106. 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.
107. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
108. 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.
109. 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.
110. 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.

111. 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.
112. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages.
113. 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.
114. 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.
115. 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.

116. 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.
117. 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.
118. 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:

119. 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.
120. 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.
121. 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.
122. 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:

123. Direct residential access to all collector and arterial streets as well as entry streets is prohibited, and this shall be noted on the final map for each phase.

124. 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.
125. 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.
126. 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.
127. 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.
128. 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.
129. 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.
130. 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.
131. 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.

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

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

133. The applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM10 Prohibitions) and Rule 9510 (Indirect Source Review).
134. Applicant shall submit to, and have approved by, the SJCAPCD an Authority to Construct (ATC) application prior to issuance of a grading or building permit.
135. Applicant shall submit to, and have approved by, the SJCAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit.
136. Applicant shall submit to, and have approved by, the SJCAPCD a Dust Control Plan prior to issuance of a grading or building permit.

MADERA UNIFIED SCHOOL DISTRICT

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

AIRPORT LAND USE COMMISSION

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

PG&E (WHERE APPLICABLE)

140. There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>
141. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This

inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of our work.

142. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
143. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe:
 - d. Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.
 - e. Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).
 - f. No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.
144. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
145. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So, to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24-inch-wide trench being dug along a 36-inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away or be entirely dug by hand.) Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away. Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
146. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations. For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore

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

147. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^{\circ} \pm 15^{\circ}$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, waterline 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement. If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.
148. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.
149. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16-foot-wide gate for vehicular access. Gates will be secured with PG&E corporation locks. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.
150. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.
151. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

152. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities. It is PG&E's policy to permit certain uses on a case-by-case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and way they are exercised, will not interfere with PG&E's rights, or endanger its facilities.
153. Buildings and Other Structures: No buildings or other structures including the footprint and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA- NO BUILDING."
154. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed, and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
155. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences, and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
156. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
157. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
158. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case-by-case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

159. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
160. Streets and Roads: Access to facilities must be maintained at all times. Streetlights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.
161. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.
162. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.
163. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue, and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.
164. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/G095/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed. Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.
165. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

-END OF CONDITIONS-