

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, October 11, 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: 82130622133# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/82130622133>. 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:

Chairperson Robert Gran Jr.
Vice Chair Ramon Lopez-Maciel
Commissioner Rohi Zacharia
Commissioner Khubaib Sheikh
Commissioner Balwinder Singh
Commissioner Saim Mohammad
Commissioner Jose Eduardo Chavez

INTRODUCTION OF STAFF:

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. DOU 2022-02 – Tobacco

Subject: Consideration of a Determination of Use to reaffirm by Resolution the allowance for smoke shops, tobacco stores, vape lounges, hookah bars, and similar uses to operate in C1 (Light Commercial), C2 (Heavy Commercial) and I (Industrial) zones upon the issuance of a conditional use permit.

Recommendation:

- a. Continue the public hearing and make the necessary findings.
- b. Adopt a Resolution adopting a Categorical Exemption pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) and approving a Determination of Use reaffirming the allowance for smoke shops to operate in the C1 (Light Commercial, C2 (Heavy Commercial) and I (Industrial) zone districts with an approved conditional use permit. (Ricardo Olea)

2. CUP 2021-14 & SPR 2021-28 – Recycling Center

Subject: An application for a Conditional Use Permit and Site Plan Review to allow for the establishment of a CRV recycling operation facility (Ashley’s Recycling) at 700 S. G St. in the C1 (Light Commercial) zone district with a C (Commercial) General Plan land use designation.

Recommendation:

- a. Conduct a public hearing and make the necessary findings.
- b. Adopt a Resolution for denial based on the findings. (Ricardo Olea)

3. TSM 2020-04 – Vineyard West Phase III Map Extension

Subject: An application requesting a 6-year (72 month) extension of a previously approved subdivision map for the Vineyard West subdivision. The subdivision is located at the southwest corner of Riverview Dr. and Caitlan Dr. and would allow for of 135 single family residential lots.

Recommendation:

- a. Conduct a public hearing and make the necessary findings.
- b. Adopt a Resolution approving the 6-year (48 month) extension for the Vineyard West Phase III subdivision map. (Robert Smith)

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

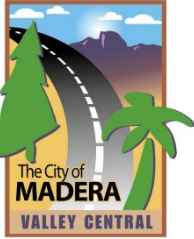
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation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

Ricardo Olea, Assistant Planner

Meeting of: October 11, 2022

Agenda Item: 1

SUBJECT:

Determination of Use (DOU) 2022-02 to affirm by resolution the allowance for tobacco shops, tobacco stores, vape lounges, hookah bars and similar uses to operate in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial Districts subject to a use permit.

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a resolution adopting a Categorical Exemption Pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) and Approving Determination of Use (DOU 2022-02) (Smoke Shops, Tobacco Shops, Vape Lounges, and Hookah Bars).

This item was continued from the September 13, 2022 Planning Commission (Commission) hearing due to a technical error in noticing of this item in the Commission’s September 13, 2022 agenda. At the advice of staff, the Commission continued DOU 2022-02 to the October 11, 2022 Commission hearing.

PROPOSAL:

Staff is requesting the Commission make a determination of use (DOU) to allow for smoke shops, tobacco stores, vape lounges, hookah bars, and similar uses to operate in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts upon the issuance of a conditional use permit.

Table 1: Project Overview	
<i>Project Number:</i>	DOU 2022-02
<i>Applicant:</i>	City of Madera
<i>Property Owner:</i>	N/A
<i>Location:</i>	Citywide
<i>Project Area:</i>	Citywide
<i>Plan Land Use:</i>	C – Commercial, I – Industrial
<i>Zoning District:</i>	C1 – Light Commercial, C2 – Heavy Commercial, I – Industrial
<i>Site Characteristics</i>	Citywide

SUMMARY:

The characteristics of a smoke shop have changed dramatically over the years and increasing interest in establishing new variants of smoke shops in the community have been observed. The use of electronic cigarettes, commonly referred to as vapes, has also been a topic of concern as they have gain major popularity among the youth and raise health hazard concerns. Moreover, with the rise of acceptance of

recreational cannabis use, tobacco stores now offer and sell a wide range of cannabis related products specific to the enjoyment of recreational cannabis use.

This matter was first brought to the City's Planning Commission on September 8, 2015. Staff at the time requested for Commission to make a determination of use to allow for this type of business to operate in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts upon the issuance of a conditional use permit. The Planning Commission approved this request absent a resolution. In the interest of precautions, staff is now requesting the Commission to approve the DOU by resolution.

BACKGROUND:

In the past, a smoke shop typically only sold tobacco products, including single packs and cartons of cigarettes, pipe tobacco and pipes, lighters and lighter accessories, and other sundries associated with the enjoyment of tobacco. Today, smoke shops have evolved into something much more complex than the smoke shops of the past. Smoke shops today now offer a myriad of other types of merchandise not typical of past merchandise mixes. Moreover, smoke shops were permitted retail uses under a general observation that, since a drug store or department store might also sell these products, then a tobacco store should also be considered a permitted use in commercial zones.

With the rise in acceptance of recreational cannabis use, smoke shops now also carry a wide range of cannabis related products including, but not limited to, smoking glassware specific to cannabis use (e.g., bong), cannabidiol (CBD) creams, lotions and other topicals, CBD vapes, CBD consumable products, cannabis enhancement products, and other paraphernalia specific to the enjoyment of recreational cannabis use.

Smoke shops also want to market electronic cigarettes (e.g., vapes) and hookah (e.g., flavored charcoal) as an additional component of their merchandise mix. These products have gained major popularity among the youth and raises pressing concerns related to health hazards. There is also a growing tendency for smoke shops to provide on-site "lounge areas" for their patrons to sample their new products and/or assemble and commune with other patrons.

The shift from store-front smoke shops limited to the sale of tobacco products to smoke shops with lounge areas offering a myriad of products that go beyond tobacco changes the complexity and intensity of everyday operations. This change in complexity and intensity changes the relationship of a smoke shop to other uses in close proximity and may render the use incompatible with surrounding uses in any given location. Additional analysis for each individual smoke shop or similar use proposal is required to determine its compatibility and impact on existing and future surrounding uses on a case-by-case basis.

ANALYSIS:

Additional Uses Permitted

MMC § 10-3.403 Additional Permitted Uses

Uses other than those specifically mentioned in the Madera Municipal Code (MMC) as uses permitted in each of the zones may also be allowed therein, provided such additional uses are similar to those mentioned and are, in the opinion of the Commission as evidenced by resolution of record, not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned in the respective zones.

Determination of Use (DOU)

A DOU is intended to recognize the fact that zoning regulations relating to land use do not address every conceivable use that may be permitted, conditionally permitted, or prohibited within a given zoning

district. The use determination procedure allows consideration of land use proposals not specifically permitted, conditionally permitted, or prohibited in a zone district, but which may be appropriate uses given their similarity to other permitted or conditionally permitted uses. However, a use determination is not intended to be used and shall not be used in lieu of a zone change.

An example of a use explicitly identified as a permitted use in a C1 – Light Commercial zone district would be “banks” and “offices, business or professional”. An example of a use that is allowed because of similarity to permitted uses would be a “payday loan store”, since both “banks” and “offices, business or professional” are permitted uses.

Staff Request

Contemporary smoke shops possess characteristics very different and in contrast to traditional smoke shops. Staff, therefore, requests the Planning Commission make a determination of use requiring that smoke shops, tobacco stores, vape lounges and hookah bars and other similar uses be allowed in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts, subject to the approval of a conditional use permit on a case-by-case basis. The current ordinance allows for other uses that are, in the opinion of the Commission similar in nature, be allowed pursuant to securing a conditional use permit in the respective zone.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and has determined that the project is categorically exempt under Section 15061(b)(3) (General Rule) of the California Environmental Quality Act (CEQA) Guidelines because the activity is covered by the common-sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

COMMISSION ACTION:

The Commission will be acting on the DOU 2022-02 and the CEQA Categorical Exemption. Staff recommends that the Commission:

1. Adopt a resolution adopting a Categorical Exemption Pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) and Approving a Determination of Use (DOU 2022-02) (Smoke shops, tobacco shops, vape lounges, and hookah bars).

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to November 8, 2022 Planning Commission hearing with direction to staff to return with an updated staff report, resolution and/or appropriate findings modifying the project and/or conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications).
2. Move to continue the public hearing to November 8, 2022 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial).

ATTACHMENTS:

1. Resolution

RESOLUTION NO. 1932

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES
SECTION 15061(b)(3) (GENERAL RULE) AND APPROVING DETERMINATION OF
USE (DOU 2022-02) (SMOKE SHOPS, TOBACCO SHOPS,
VAPE LOUNGES, AND HOOKAH BAR USES)**

WHEREAS, on September 8, 2015, staff requested the Planning Commission (Commission) to make a determination of use (“DOU”) in order to allow for the establishment of tobacco stores, smoke shops, vape lounges, hookah bars, and similar uses in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts subject to the approval of conditional use permit by the Planning Commission; and

WHEREAS, a use determination is intended to recognize the fact that zoning regulations relating to land use do not address every conceivable use that may be permitted, conditionally permitted, or prohibited within a given zoning district; and

WHEREAS, the use determination procedure allows consideration of land use proposals not specifically permitted or prohibited in a zone district, but which may be appropriate uses given their similarity to other permitted or conditionally permitted uses; and

WHEREAS, a use determination is not intended to be used and shall not be used in lieu of a zone change; and

WHEREAS, the impetus behind the staff-initiated request were numerous inquiries from the community regarding the ability to establish varying types of tobacco stores and related uses; and

WHEREAS, traditional tobacco stores were typically limited to the sale of tobacco and tobacco related products, including single packs and cartons of cigarettes, pipe tobacco and pipes, lighters and lighter accessories, and other sundries associated with the enjoyment of tobacco; and

WHEREAS, tobacco stores have generally been considered a permitted retail use in commercial zone districts under the general observation that, since a general retail and/or department store might also sell these products, then a tobacco store should also be considered a similar and permitted use; and

WHEREAS, present-day tobacco stores have evolved to offer more than just tobacco and tobacco related products; and

WHEREAS, with the rise of acceptance of recreational cannabis use, tobacco stores now offer and sell a wide range of cannabis related products including, but not limited to smoking glassware specific to cannabis use (e.g., bongs), CBD creams, lotions and other topicals, CBD vapes, CBD consumable products, cannabis enhancement products, and other paraphernalia specific to the enjoyment of recreational cannabis use; and

WHEREAS, tobacco stores have also begun to market and sell hookah products (e.g., flavored charcoal), electronic cigarette (e-cig) devices (e.g., vapes), flavored juices for the use of e-cigs, and batteries and other accessories for the use of “vaping”; and

WHEREAS, there is growing tendency for tobacco stores to provide “lounge areas” for their patrons to sample or simply enjoy their products on-site; and

WHEREAS, the shift from store-front tobacco stores limited to the sale of tobacco products only to tobacco stores that offer lounge areas and products not related to tobacco changes the complexity of everyday operations; and

WHEREAS, the increase of intensity of the “new” tobacco store changes the relationship of the tobacco store to other uses in close proximity and may render the use incompatible with surrounding uses in any given location; and

WHEREAS, additional analysis for each individual tobacco store or similar use proposal is required to determine its compatibility and impact on existing and future surrounding uses on a case-by-case basis; and

WHEREAS, staff has been unable to locate the original resolution establishing a determination of use and therefore, out of an abundance of caution, staff has requested the Commission to make a determination of use by resolution requiring tobacco stores, smoke shops, vape lounges, hookah bars, and related uses be allowed in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts, subject to the approval of conditional use permit on a case-by-case basis; and

WHEREAS, under the City’s Municipal Code, the Commission is authorized to review and approve requests for use determinations on uses not explicitly mentioned as permitted, conditionally permitted, or prohibited uses; and

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

WHEREAS, the Commission received DOU 2022-02 at a duly noticed meeting on September 13, 2022; and

WHEREAS, staff requested the Commission to continue the DOU 2022-02 public hearing due to a technical error in noticing DOU 2022-02 in the Commission’s September 13, 2022 agenda; and

WHEREAS, the Commission continued the DOU 2022-02 public hearing to the October 11, 2022; and

WHEREAS, DOU 2022-02 was properly noticed in the October 11, 2022 Commission agenda; and

WHEREAS, the Commission received and reviewed DOU 2022-02 at a duly noticed meeting on October 11, 2022; and

WHEREAS, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, the Planning Commission now desires to approve DOU 2022-02.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA Recommendation: A preliminary environmental assessment was prepared for this activity in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the request for a use determination is exempt under CEQA Guidelines Section 15061(b)(3) (General Rule) of the State CEQA Guidelines because the activity is covered by the common-sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on

the environment, the activity is not subject to CEQA. Here, similar use types are already allowed in the in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts, subject to the approval of conditional use permit, and confirming this use through stores dedicated to tobacco and related uses will not result in any significant impact above the current baseline, and certainly not an adverse environmental impact. As such a finding under CEQA Guidelines Section 15061(b)(3) is appropriate.

3. Findings to Approve DOU 2022-02: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of DOU 2022-02. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:
 - a. Tobacco stores, smoke shop, vape lounges, hookah bars and similar businesses possess operational characteristics that merit review on a case-by-case basis.
 - b. Currently, tobacco stores have generally been considered a permitted retail use in commercial zone districts as a general retail and/or department store might also sell tobacco products, then tobacco stores, etc., should also be considered a similar and permitted use.
 - c. Tobacco stores, smoke shops, vape lounges, hookah bars, and similar uses within the C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zoned districts, subject to the approval of a conditional use permit, is consistent with the Madera General Plan principles, goals, and policies.
 - d. The allowance for tobacco stores, smoke shops, vape lounges, hookah bars and similar uses in the C1 – Light Commercial, C2 – Heavy Commercial and I – Industrial zoned districts, subject to the approval of a conditional use permit, provides consistency with the Zoning Ordinance.
4. Approval of DOU 2022-02: Given that all findings can be made, the Planning Commission hereby approves DOU 2022-02 and determines that tobacco stores, smoke shops, vape lounges, hookah bars, and similar uses shall be allowed in the C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zoned districts subject to the approval of a conditional use permit on a case-by-case basis.
5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 11th day of October 2022, by the following vote:

AYES:

NOES:

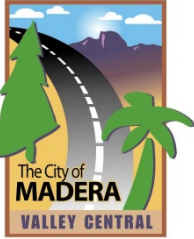
ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager



REPORT TO THE PLANNING COMMISSION

Prepared by:

Ricardo Olea, Assistant Planner

Meeting of: October 11, 2022

Agenda Item: 2

SUBJECT:

Ashley’s Recycling Conditional Use Permit 2021-14 and Site Plan Review 2021-28.

RECOMMENDATION:

Conduct a public hearing and:

- Consider the information in this report, as well as testimony in the public hearing and deny Conditional Use Permit 2021-14 and Site Plan Review 2021-28.

PROPOSAL:

An application for a Conditional Use Permit (CUP) and Site Plan Review (SPR) for consideration to establish a large recycling collection facility (Ashley’s Recycling) at 700 South G Street. The collection facility is proposed to operate on the rear unpaved portion of the site. The proposal calls for the on-site collection of California Refund Value (CRV) beverage containers such as plastic and aluminum bottles and cans that will then be transferred to and processed at an off-site location.

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2021-14, SPR 2021-28
<i>Applicant:</i>	Vilma Yanira Ventura Canesa
<i>Property Owner:</i>	Satihder Boyap
<i>Location:</i>	700 S. G Street, Madera, CA; South corner of the intersection of 11 th Street and South G Street (APN 011-101-001).
<i>Project Area:</i>	14,697 sf; Developed with a vacant building.
<i>Plan Land Use:</i>	C – Commercial
<i>Zoning District:</i>	C1 – Light Commercial
<i>Site Characteristics</i>	There is an existing vacant building that is to remain vacant. The existing building is served by a paved parking lot fronting S. G Street. The rear of the property is unpaved and undeveloped and abuts Highway 99. Surrounding uses are predominately residential, with a Valero gas station northwest and Highway 99 west of the property.

SUMMARY:

The applicant, Vilma Yanira Ventura Canesa, proposes to establish and operate a large CRV recycling collection facility on approximately 7,800 square feet (sf) composed of the rear portion of a 14,697-sf developed parcel located at 700 South G Street (APN 011-101-001). A large recycling collection facility is

defined as a facility greater than 100 sf. An existing 2,000 sf vacant commercial building is centrally located on the site and is to remain and be independent of the proposed project. The rear portion of subject site abuts an alley followed by Highway 99 and is presently unimproved. Existing site improvements fronting South G Street is a paved parking area of seven (7) striped parking spaces accessible by a driveway on South G Street and a driveway on H Street. A third driveway approach is located near the southern end of the property along 11 Street. A 6-foot-high chain link fence surrounds the perimeter of the property abutting South G Street, 11th Street and the alley with access gates positioned at the property’s driveway approaches.

The proposal calls for the on-site collection of CRV material such as plastic and aluminum bottles and cans. Material collected is to be stored in large C-train bins that will be transported to one or more off-site locations for processing. It is common for applicants proposing recycling facilities to conduct and submit a noise study and findings at the time of application submission. The applicant for this proposal submitted application material without a noise study. Absent of this, staff relied on common peer reviewed research on the impacts of long-term noise exposure. Staff also relied on common peer reviewed research and findings on the issue of environmental justice consistent with State planning principles. Similarly, staff made use of CalEnviroScreen 4.0 provided by the California Office of Environmental Health Hazard Assessment and classifications established under Senate Bill 535. Goals and policies found in the General Plan Community Design Element, the Noise Element, and the Housing Element were also considered Staff recommends that the Planning Commission find the proposed recycling collection facility is not a comparable use and will be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing and/or working in the surrounding neighborhood.

SURROUNDING LAND USES:

The subject site is surrounded primarily by residential uses with a Valero gas station to the northwest, directly across 11th Street from the subject site. Property directly north, across the intersection of 11th Street and South G Street, are single-family residential uses. Northeast and directly across South G Street are two (2) multi-family residential complexes (4-plex and an 8-unit apartment). South of the site and directly adjacent to the site is a single-family residential home. Southwest and immediately to the rear of the property is a 20-foot-wide alley followed by Highway 99. Table 2 below lists all the immediate uses adjacent to the subject site.

Table 2: Bordering Site Information

<i>Direction</i>	<i>Existing Use</i>	<i>Land Use</i>	<i>Zone District</i>
<i>North</i>	Single-family residential home	C – Commercial	C1 – Light Commercial
<i>Northeast</i>	Multi-family residential complexes	C – Commercial	R2 – Medium Density Residential
<i>South</i>	Single-family residential home	C – Commercial	R2 – Medium Density Residential
<i>Southwest</i>	Highway 99	–	–
<i>Northwest</i>	Valero gas station	C – Commercial	C1 – Light Commercial

ANALYSIS:

Site Plan Review

MMC § 10-3.4.0102 Site Plan Review Applicability

A site plan review is required for all projects which require a use permit, including a change of use where no on-site construction is proposed. If the Planning Commission (Commission) cannot make the appropriate findings, the proposal should be denied. Conditions may be attached to the approval of the site plan to ensure compatibility.

Conditional Use Permit

MMC § 10-3.1301 – MMC § 10.3.1311 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Commission subject to being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. If the Commission cannot make the appropriate findings even after imposing appropriate conditions, the use permit should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. In addition, the application may be subject to further review, modification, or revocation by the Commission as necessary.

General Provisions

MMC § 10-3.405 – Uses

MMC Section 10-3.405 defines recycling facilities and makes the distinction between a collection facility and a processing facility. A collection facility shall not complete any processing except limited bailing, batching, and the sorting of materials. A small collection facility shall occupy an area of no more than 100 sf and includes bins, boxes, cans, kiosk-type units, bulk reverse vending machines, and/or other containers or receptacles. A large collection facility covers more than 100 sf, includes the same equipment listed for small facilities, and any and all motorized vehicles and trailers. As defined in MMC Section 10-3.405, the project as proposed is categorized as a large recycling collection facility.

Signage

MMC § 10-6.01 – Sign Regulations

The proposal is subject to Section 10-6.09 of the City's Sign Regulations. No signs are approved with this site plan review and a separate sign permit must be applied for. Permanent window signage is prohibited, and temporary window signage is subject to the City's Sign Regulations. Temporary signage, such as for a grand opening, is subject to a separate sign permit independent from any on building or freestanding sign permit issued.

Operations

The applicant proposes to operate seven (7) days a week from 9:00 AM to 5:00 PM. CRV material collected on-site is to be plastic and aluminum cans and bottles. The material collected is sorted and temporarily stored, and then ultimately transported and processed at a processing facility at an off-site location. Equipment used for everyday operations range from large C-train containers, scale, barrels, collecting bags, and other equipment typically found at collection facility. Vehicles proposed for the transporting of CRV material off-site are listed as one (1) truck and one (1) commercial trailer.

Use and Location Impacts

The daily operations of a recycling business are unique in that much of the activity that takes place daily mirrors activities typically seen in an industrially zoned area. However, the daily engagement with customers adds a retail commercial characteristic to this type of business. Where the activities of a recycling collection facility might be better suited for an industrially zone area, operators of CRV recycling facilities instead look for locations close to potential clientele. This distinctive business approach raises locational concerns when proposed to be in an area surrounded by residential uses.

Previous Action

On July 5, 2000, SPR XII-00-11 approved El Amigo Recycling Center at this location. The business' original conditions of approval placed the operation on the northeast corner of the project site in an area not to involve more than 100 square feet. The use began operating out of compliance of the original conditions of approval and on March of 2002 an application to modify SPR XII-00-11 was received. The modification was never finalized due to the applicant/property owner not willing to sign the Acknowledgement and Acceptance of Conditions. Failure to accept and abide by the aforementioned conditions subsequently voided any entitlements applicable to the property. Attempts to resolve the non-permitted use were unsuccessful and the business continued to operate absent of the required permits.

On February 10, 2009, CUP 2008-24 (Oseguera Recycling Center) attempted to obtain the required use permit to legally operate what used to be El Amigo Recycling Center. The business had been illegally operating since March of 2002 and the neighboring residential uses had made several complaints to the City about everyday operations. The report written for CUP 2008-24 sites that the "residents of the neighborhood expressed concerns about the recycling center and its impacts upon the neighborhood. Of greatest concern was the homeless clientele who frequented the recycling center and the consequent apprehension for home and family. Concerns of the amount and speed of vehicles were also expressed." Staff determined that the operation of a recycling facility at 700 South G Street is detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood and injurious surrounding properties. Therefore, staff recommended denial and on February 10, 2009, the Commission approved denial of CUP 2008-24. As a result, there is no current use permit or site plan review on file for this location that allows for the operation of a large recycling collection facility.

Nuisances

Recycling collection facilities are known to be a source of multiple nuisances that negatively impact surrounding residential uses. Odor, insect and rodent infestations, vagrancy, and blight are common nuisances that often result in the operation of a recycling collection facility. The burden of these nuisances placed on the surrounding community raises concerns related to health hazards, land use compatibility and environmental justice.

Noise Impacts

Daily operations of a CRV recycling collection facility typically produce high levels of noise that impact the surrounding uses. It is common for applicants to submit findings from a noise study that thoroughly describe the noise impacts of their daily operations. The applicant for this project proposal submitted application material absent of a noise study to establish that the noise from expanded operations would not have an adverse impact on surrounding residential uses and properties, etc. Absent of findings from a noise study, staff is compelled to rely on common research findings related to the impacts of long-term noise exposure. Peer reviewed studies have found that:

Health impacts associated with excess noise exposure include annoyance, sleep disturbance, interference with communication, decreased school performance, increased levels of stress, and modification of social behavior. Chronic exposure to noise is associated with increased risk of hearing impairment, hypertension, and ischemic heart disease.¹

Additionally, the proposed location abuts Highway 99. Constant vehicular movement from the highway already exposes the surrounding residential uses to long-term noise impacts. Placing a recycling collection facility at this location exacerbates noise levels and adds more stress to the surrounding uses during the proposed hours of operation.

Similarly, as stated in the General Plan Noise Element, “most communities handle noise issues through taking care to put compatible uses near each other and avoid placing noisy uses next to homes and noise-sensitive uses” (General Plan Noise Element, 9-3). The project, as proposed, is contradictory to the following Noise Element goals and policies:

- Goal N-1: To protect residents from the harmful effects of exposure to excessive noise, and to protect the economic base of the City by preventing the encroachment of incompatible land uses near roadways, industries, railroads, and other sources of noise.
- Policy N-1: The City will protect residential areas and other noise-sensitive uses from excessive noise by doing the following:
 - a. 3) Requiring that City decisions which would cause or allow an increase in noise created by stationary or mobile sources (such as development of noise-generating land uses or the construction of new or wider roadways) be informed by a noise analysis and accompanied by noise reduction measures to keep noise at acceptable levels.

The City has a responsibility to uphold the goals and policies established in the General Plan. This ensures the public health, safety, and welfare of the Madera community and the City’s long-term social, economic, and environmental viability. The project as proposed does not align with peer reviewed literature on the matter and is contradictory to the General Plan Noise Element. As the applicant has not provided any study establishing evidence that noise impacts will not be excessive, Staff recommend denial.

Compatibility, Environmental Justice,

MMC Section 10-3.802(43) allows for uses that are not explicitly mentioned under the C1 – Light Commercial zone district to be considered when they are, “similar in character or rendering neighborhood commercial services and are not more detrimental to the welfare of the neighborhood in which located than any use listed in this subsection.” Staff has determined that a CRV recycling collection facility at this location is not a comparable use to the uses listed in MMC Section 10-3.802 and is more detrimental to the welfare of the neighborhood. It is also an incompatible land use in an area that is predominantly surrounded by residential uses.

Placing an incompatible use next to residential uses contradicts goals and policies established in the General Plan Community Design Element and the Housing Element. The project as proposed is contradictory to the following goals and policies:

- Goal CD-7 – Preserve and enhance the character of existing residential neighborhoods.
- Goal H-3 – Conserve and improve the existing housing stock and the existing character and integrity of residential neighborhoods.

¹ Lafferty, J. S. (2018). *Potential Health Effects of Noise Exposure*. Public Health Madison & Dane County.

- Policy H-3.3 – The City shall continue its vigorous code enforcement efforts on residential units to alleviate hazardous conditions and achieve a safe and healthful living environment for all residents.
- Goal H-4 – To provide decent housing and quality living environment for all Madera residents regardless of age, race, religion, sex, marital status, ancestry, national origin, color, disability, or economic level, and to provide a range of housing services for households with special need.

Pursuant to Senate Bill 535, the subject site is in an area classified as a disadvantage community. This classification is given to low-income communities of color and economically disadvantaged areas that are subject to high levels of pollution. Similarly, CalEnviroScreen 4.0² ranks the proposed area in the 95 percentile of pollution burden, 98 percentile of poverty, 82 percentile Hispanic, and an overall 99 percentile score relative to other census tracts. A recycling collection facility has been accepted as an unwanted facility³ in residential areas because of the multitude of negative environmental impacts it has on residents. Staff recommends that all residents of Madera have safe, healthy, and dignified housing and to improve the existing residential areas that are classified as disadvantaged communities under SB 535 and CalEnviroScreen 4.0. A recycling collection facility at this location is in opposition to these efforts and contradicts goals and policies outlined in the General Plan Community Design Element and Housing Element.

Transitional Area

The surrounding parcels are planned for commercial under the General Plan. However, the existing uses are residential, with the exception of the Valero gas station west of the subject site. This is considered a transitional area in which it is the City’s intention and desire to allow for compatible commercial development in the future that serve the existing surrounding residential uses. Commercial uses that are compatible with residential uses include store-front retail, professional offices, and mix-used development. Daily operations of a recycling collection facility constitute intense commercial activities that are more suitable for a C2 – Heavy Commercial zone district or an I – Industrial zone district. A recycling center is not a desirable commercial business for a transitional area surrounded by residential uses.

ENVIRONMENTAL REVIEW:

Staff have done an initial preliminary review of the project, and initially determined that the project could have significant environmental impacts related to noise, conflicts with the City General Plan and regulations designed to avoid or mitigate environmental effect, etc. However, no initial study could be completed as the applicant did not provide a noise study and other information needed to complete such an assessment. As a result, no environmental assessment has been completed for this project as required by the California Environmental Quality Act (CEQA), which serves as another basis for denial. However, if this project is denied, no CEQA analysis is required for such a denial as there would be no decision by the Planning Commission to approve the project.

COMMISSION ACTION:

The Commission will be acting on CUP 2021-14 and SPR 2021-28. Staff recommends that the Commission:

² CalEnviroScreen 4.0 uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a might higher pollution burden than areas with low scores.

³ Bullard, R. B. (2001). Environmental Justice in the 21st Century: Race Still Matters. *Phylon* 49(3/4), 151-171.

1. Move to approve a resolution of the Planning Commission denying Conditional Use Permit 2021-14 and Site Plan Review 2021-28.

ALTERNATIVES:

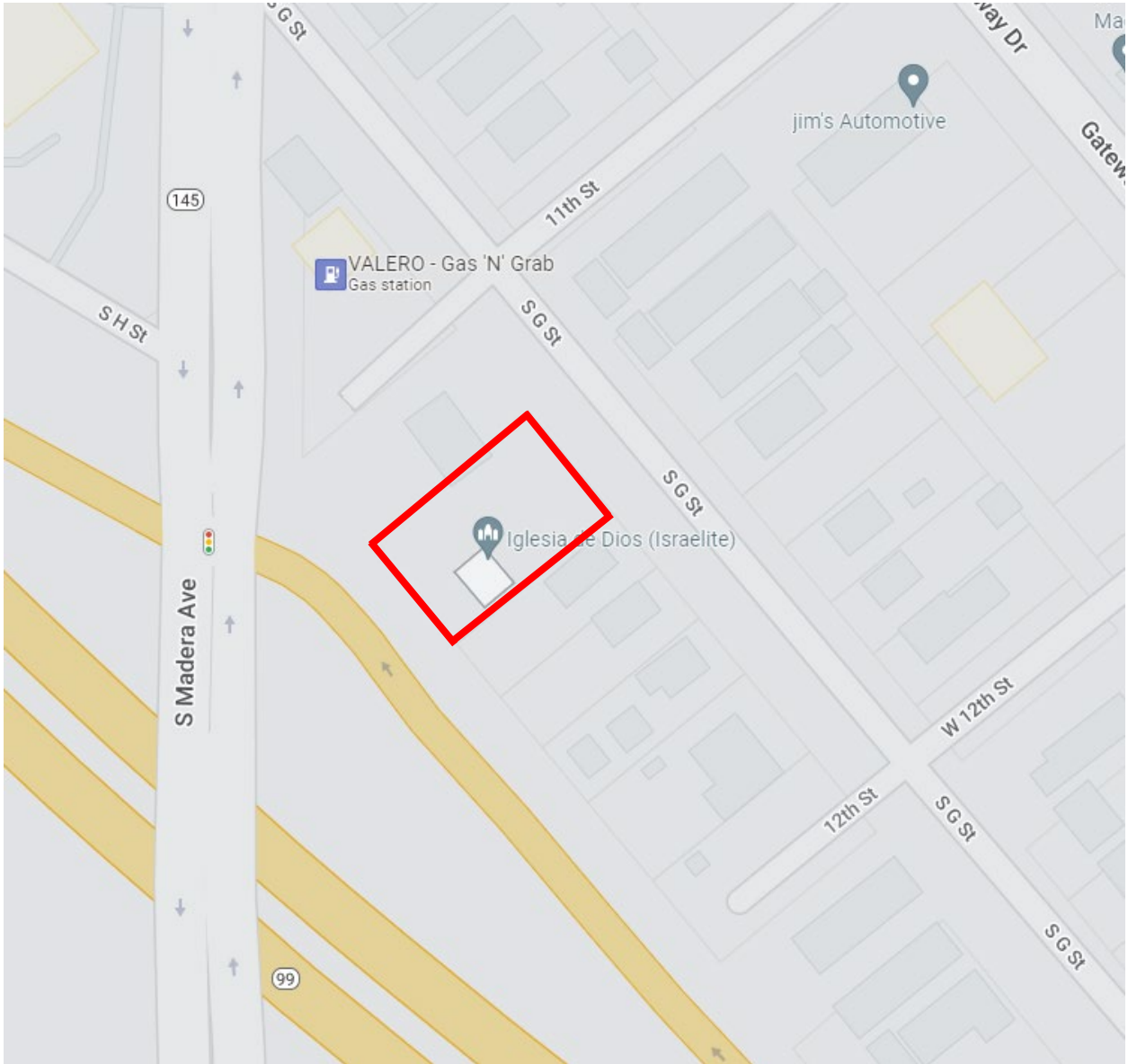
As an alternative, the Commission may elect to:

1. Move to refer this matter back to Staff to prepare an environmental assessment of the project (upon receipt of payment by the applicant for the same, or the provision of necessary noise study and other information), with direction to return to the Planning Commission for an additional consideration once the proposed CEQA assessment is complete.
2. Move to continue the public hearing to December 13, 2022 Planning Commission hearing with direction to staff to return with an updated resolution with modified findings for denial of CUP 2021-14 and SPR 2021-28 for the following reasons: (Specify – Planning Commission should articulate reasons for denial).

ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Site Plan
4. Planning Commission Resolution

Attachment 1: Vicinity Map



Attachment 2: Aerial Map



Attachment 3: Site Plan

ASHLEY RECYCLING CENTER

700 S G ST MADERA, CA 93637

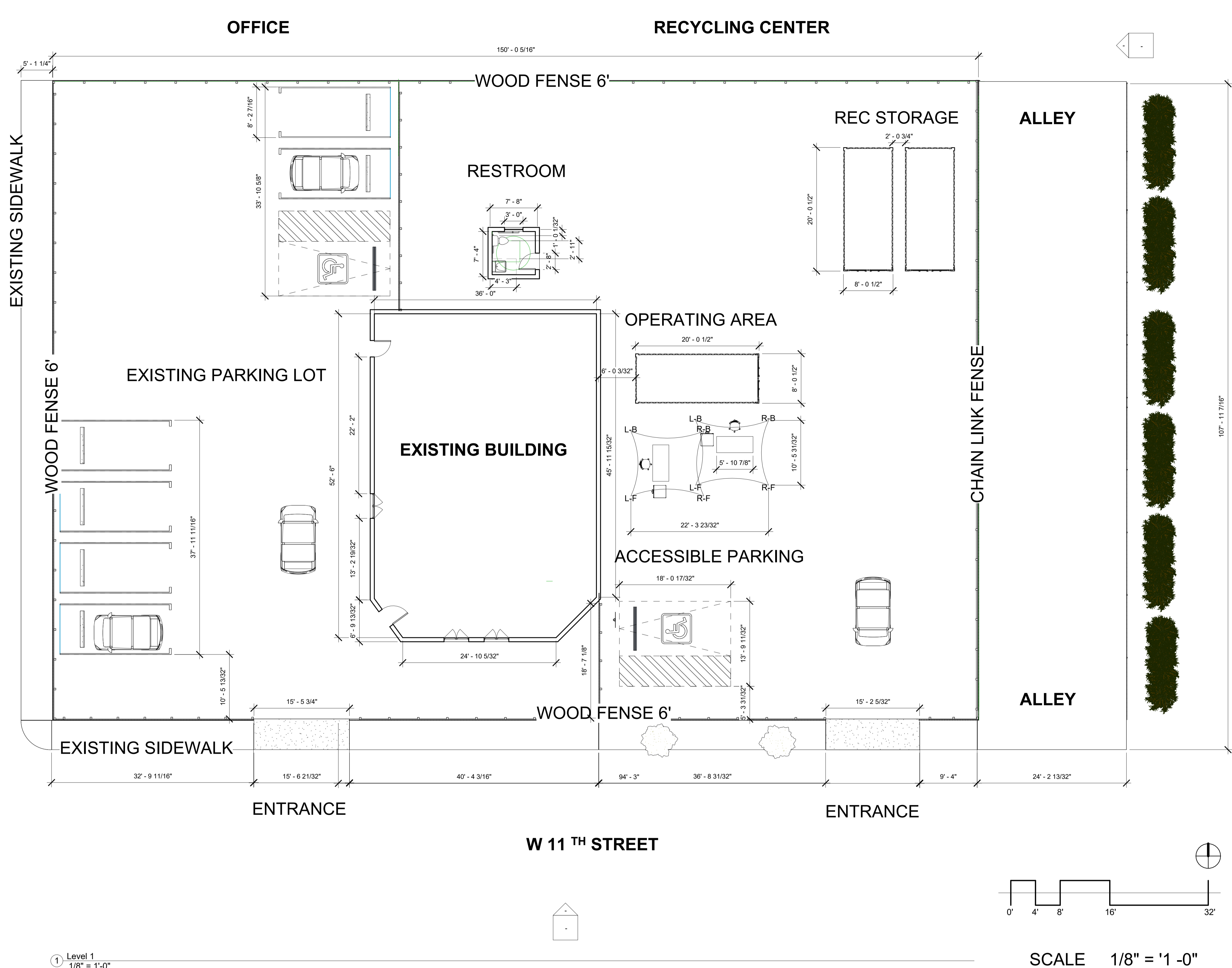
SITE ADDRESS :

No.	Description	Date
1	700 S G ST Madera, CA 93637	05/2022

Owner

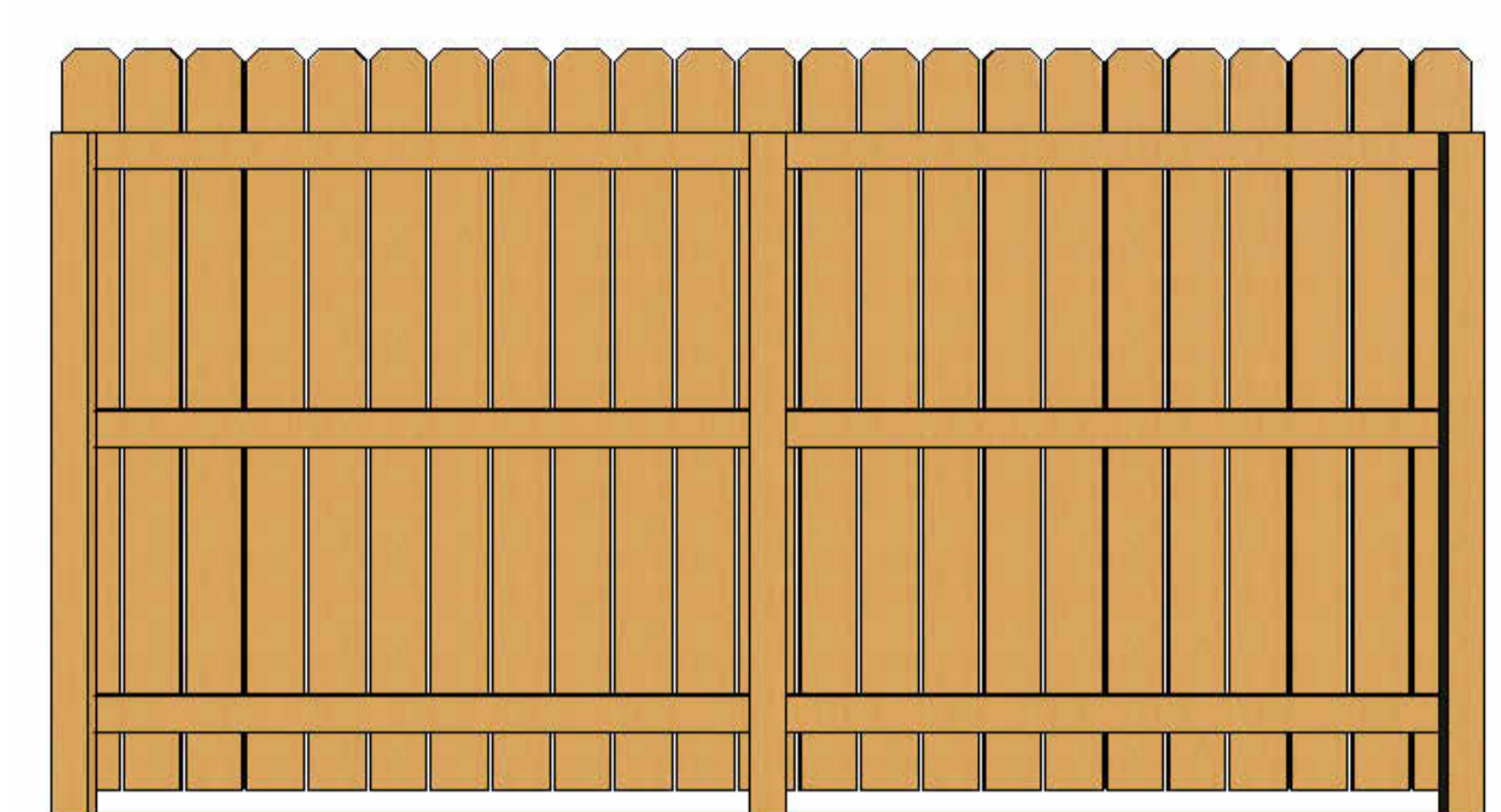
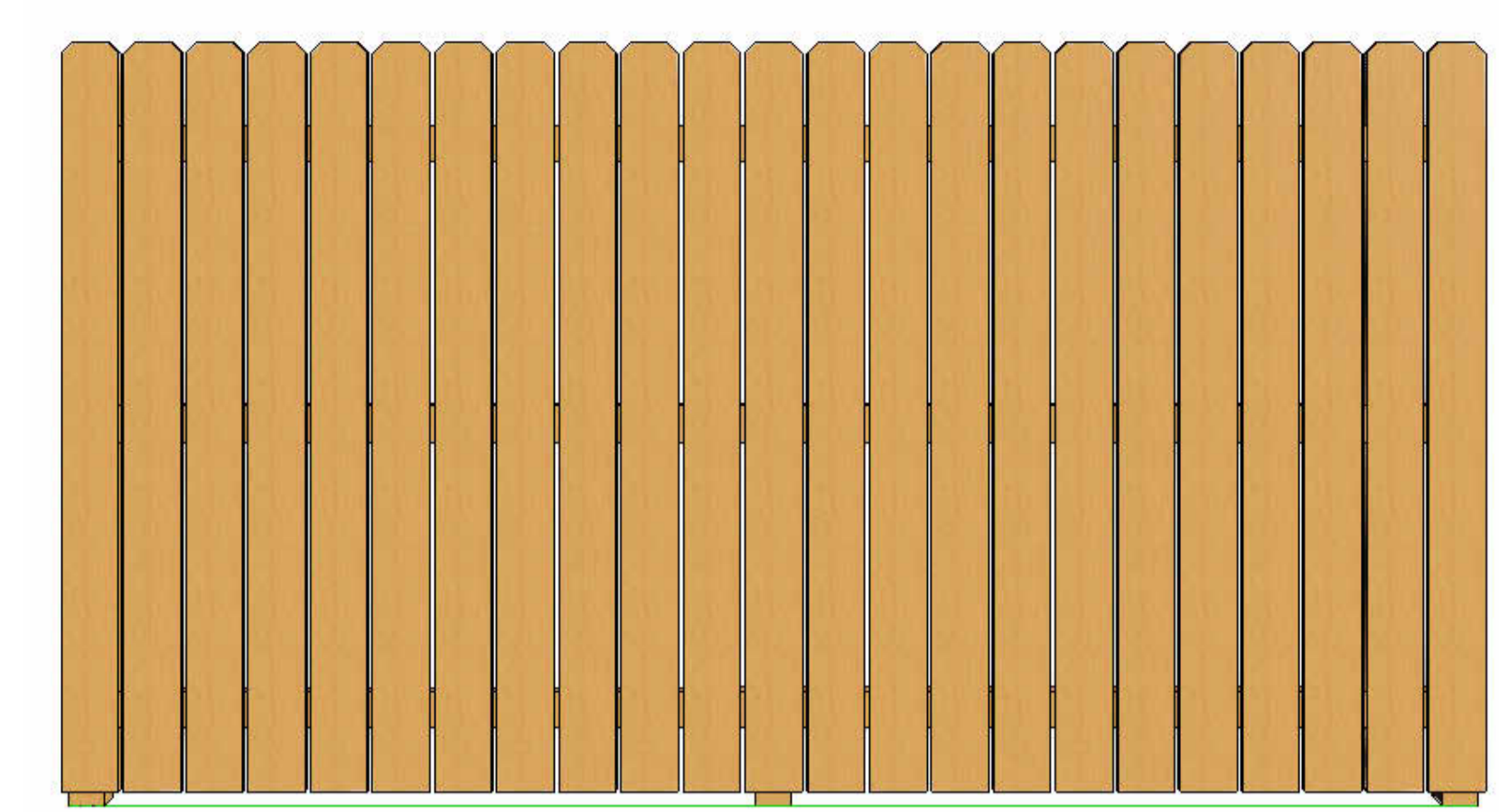
VILMA VENTURA
YANNY.CANESSA70@GMAIL.COM
(559) 718-9455

SITE PLAN



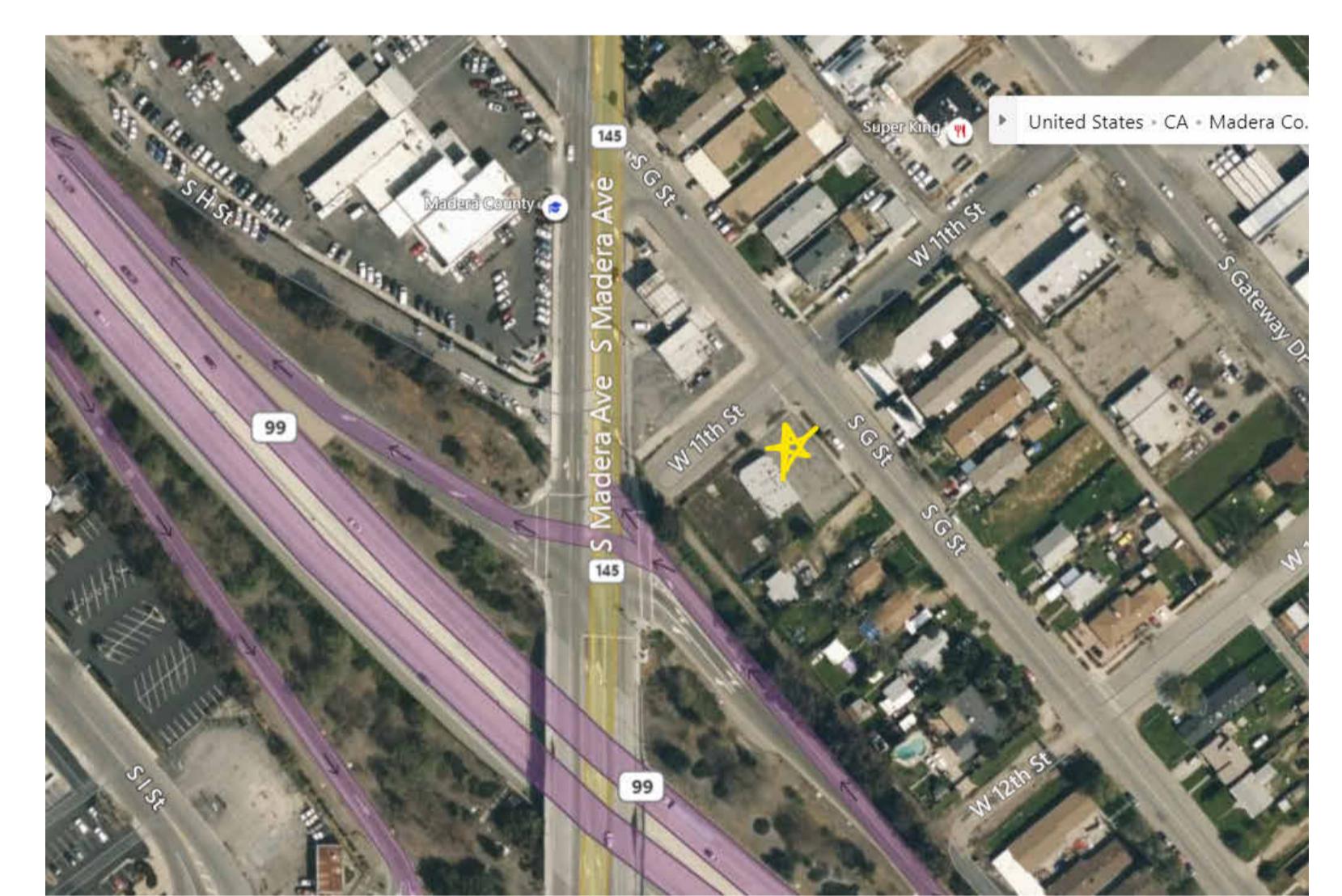
MADERA RECYCLING CENTER - WOOD FENCE PANELS

6 ft. H x 8 ft. W



Cedar Dog Ear

VICINITY MAP



ALLEY PERSPECTIVE



FRONT PERSPECTIVE

DRAFTED BY:

MARIA HERNANDEZ
(559) 824-8629
MHERNANDEZ_2008@YAHOO.COM

Madera Recycling Center 2022 Gst

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
1	
Scale	1/8" = 1'-0"

5/17/2022 6:53:06 PM

Attachment 4: Resolution

RESOLUTION NO. 1936

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
DENYING CONDITIONAL USE PERMIT (CUP 2021-14) AND SITE PLAN REVIEW
(SPR 2021-28) (ASHLEY'S RECYCLING – 700 SOUTH G STREET)**

WHEREAS, Vilma Yanira Ventura Canesa (“Applicant”) proposes to operate a large recycling collection facility at 700 South G Street in Madera, CA; and

WHEREAS, there is an existing vacant building that is not part of this proposal; and

WHEREAS, the subject site is designated and planned for C – Commercial in the General Plan; and

WHEREAS, the subject site is in the C1 – Light Commercial zone district; and

WHEREAS, the primary surrounding uses are residential uses; and

WHEREAS, it is common for applicants who propose recycling facilities to conduct and submit a noise study at the time of application submission to assess the impact on surrounding uses; and

WHEREAS, the Applicant submitted application material but did not submit a noise study; and

WHEREAS, given the nature of the proposed use and its location, a noise study is required for environmental assessment of the project’s environmental impacts, which cannot be completed absent such information; and

WHEREAS, there are health impacts associated with excess noise exposure include annoyance, sleep disturbance, interference with communication, decreased school performance, increased levels of stress, and modification of social behavior. Chronic exposure to noise is associated with increased risk of hearing impairment, hypertension, and ischemic heart disease; and

WHEREAS, a recycling collection facility is generally accepted as an unwanted facility in a residential area due to the multitude of negative environmental impacts it has on residents; and

WHEREAS, under Senate Bill 535, the area in which this project is proposed in is categorized as a disadvantage community; and

WHEREAS, CalEnviroScreen 4.0 ranks the proposed area in the 95 percentile of pollution burden, 98 percentile of poverty, 82 percentile Hispanic, and an overall 99 percentile score relative to other census tracts; and

WHEREAS, Madera Municipal Code (MCM) Section 10-3.802(43) allows for uses that are not explicitly mentioned under the C1 – Light Commercial zone district to be considered when they are similar in character and are not more detrimental to the welfare of the neighborhood than any use listed in this subsection; and

WHEREAS, the proposed recycling collection facility is not a compatible land use in this particular location, which is area surrounded by primarily residential land uses; and

WHEREAS, a recycling collection facility will be more detrimental to the welfare of the surrounding neighborhood than other uses listed in MMC Section 10-3.802; and

WHEREAS, the project as proposed contradicts goals and policies established in the General Plan Community Design Element, the Noise Element, and the Housing Element; and

WHEREAS, the City has a responsibility to uphold all goals and policies in the General Plan to ensure the public health, safety, welfare and well-being of the entire Madera community, as well as the City's long-term social, economic, and environmental viability; and

WHEREAS, under the City's Municipal Code, the Planning Commission is authorized to review and deny conditional use permits; and

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

WHEREAS, the Planning Commission received and reviewed CUP 2021-18 and SPR 2021-28 at a duly noticed meeting on October 11, 2022; and

WHEREAS, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, the Planning Commission now desires to deny CUP 2021-14 and SPR 2021-28.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. Denial Based on CEQA: The Planning Commission finds and determines that there is substantial evidence both CUP 2021-14 and SPR 2021-28 on grounds that there has not been compliance with the California Environmental Quality Act (CEQA). Based on an initial preliminary review of the project, the project could have significant environmental impacts related to noise, odor, insect and rodent infestations, vagrancy, blight, conflicts with the City General Plan and regulations designed to avoid or mitigate environmental effect, etc. However, no initial study could be completed as the Applicant refused to provide a noise study and other information needed to complete such an assessment. As a result, no environmental assessment has been completed for this project as required by CEQA. The Planning Commission further finds that no CEQA analysis is required for denial as there would be no decision by the Planning Commission to approve the project, and denial would maintain the environmental status quo (i.e., would not result in any additional environmental impacts solely due to denial).
3. Findings to Deny CUP 2021-14: The Planning Commission additionally finds and determines that there is substantial evidence in the administrative record to deny CUP 2021-14. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The proposal is not consistent with goals and policies outlined in the General Plan Community Design Element, the Noise Element, and the Housing Element. The proposal is an incompatible land use in an area surrounded by residential uses. Pursuant to Madera Municipal Code (MMC) Section 10-3.802(43), a recycling collection facility has been determined to be more detrimental to the welfare of the surrounding neighborhood than other retail businesses or retail commercial enterprises listed in Section 10-3.802. The proposed large recycling collection facility is also not listed as a classification for light commercial zones (C-1), which is applicable to the project site. Furthermore, the proposed project is inconsistent with the City's General Plan including Goal N-1, Policy N-

1, Goal CD-7, Goal H-3, Policy H-3.3, and Goal H-4. This is further compounded by the sensitive nature of the impacts to this particular area, given noise impacts resulting from proximity to Highway 99, as well as CalEnviroScreen 4.0 assessment which has ranked the proposed area in the 95 percentile of pollution burden, 98 percentile of poverty, 82 percentile Hispanic, and an overall 99 percentile score relative to other census tracts.

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

The surrounding properties are primarily residential. Daily operations of a recycling collection facility produce high levels of noise and create a multitude of nuisances that make it an incompatible use in an area that is primarily residential. See “Finding a,” above, which is also incorporated by reference.

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

Daily operations of a large recycling collection facility can become a source of multiple nuisances such as noise, odor, insect and rodent infestations, vagrancy, and blight. These nuisances have been determined to be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing and/or working in the surrounding neighborhood. This is especially impactful here given the project’s proposed use at this particular location near residences. As an additional grounds, operations at this site have had a long history of non-compliance with City regulations, which has created adverse impacts on the surrounding community including residents. Finally, authorizing the use, without mitigation as appropriate, would be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the surrounding neighborhood and would be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City. See “Finding a” and “Finding b,” above, which is also incorporated by reference.

4. Findings to Deny SPR 2021-28: The Planning Commission additionally finds and determines that there is substantial evidence in the administrative record to deny SPR 2021-28. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

See the findings in Section 3, which are incorporated herein as if set forth in full. As explained more fully above, the proposal is not consistent with goals and policies outlined in the General Plan Community Design Element, the Noise Element, and the Housing Element. The proposal has been determined to be an incompatible land use in an area surrounded by residential uses. Pursuant to Madera Municipal Code (MMC) Section 10-3.802(43), a large recycling collection facility has been determined to be more detrimental to the welfare of the surrounding neighborhood than other uses identified in Section 10-3.802. Further, a large recycling collection facility has inherit operational impacts

including noise, odor, insect and rodent infestations, vagrancy, blight, and other similar impacts. However, given the lack of a noise study and other information, the Planning Commission is unable to determine what conditions are required for the regulation of those items until the impacts can be ascertained. Likewise, it is not possible to achieve or impose measures necessary to eliminate or to effect mitigation to acceptable levels of adverse environmental impacts if those impacts cannot be determined in the first place. As a result, the findings in MMC 10-3.4.0107 cannot be made and the project is not consistent with the zoning ordinance. Finally, a conditional use permit is required for this site under the MMC, and denial of CUP 2021-14 requires denial of SPR 2021-28.

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

The property is not located within the boundary of a specific plan.

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

The project is not consistent with the surrounding uses and is not a comparable use to those listed in MMC Section 10-3.802. The project, as proposed, will have adverse effects on the surrounding property and environmental impacts will be above acceptable levels. See the findings in Section 3, which are incorporated herein as if set forth in full.

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

The proposed project is not consistent with established legislative policies relating to environmental quality. (See Section 2 “Denial Based on CEQA”, as well as Section 3 “Findings to Deny CUP 2021-14,” which findings are incorporated herein.) The project, as proposed, will create adverse environmental impacts and nuisances that negatively impact the health of the surrounding residents, and is not consistent with the City’s legislative policies.

- 5. Denial of CUP 2021-14 and SPR 2021-28: Given all of the foregoing, and each of them, all findings can be made for denial. The Planning Commission hereby denies CUP 2021-14 and SPR 2021-28.
- 6. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 11th day of October 2022, by the following vote:

AYES:

NOES:

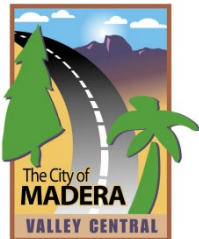
ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager



REPORT TO THE PLANNING COMMISSION

Prepared by:

Robert Smith, Senior Planner

Meeting of: October 11, 2022

Agenda Item: 3

SUBJECT:

Vineyard West Phase III Subdivision Map Extension (TSM 2020-04 EXT)

RECOMMENDATION:

Conduct a public hearing and

1. Adopt a Resolution approving a 6-year (72-month) time extension to Tentative Subdivision Map 2020-04 subject to the findings and updated conditions of approval.

SUMMARY:

DMP Development Corp submitted an application for extension of the Vineyard West Phase III Tentative Subdivision Map (TSM 2020-04) which allows for the creation of 135 single-family residential lots prior to expiration of the original approval on December 8, 2022. TSM 2020-04 is a non-vested tentative subdivision map. City of Madera Municipal Code Section 10-2.402.8.2 allows for extension of time for tentative subdivision maps, and Government Code Section 66452.6(e) allows a tentative subdivision map to be extend for a period not exceeding a total of six (6) years (72 months). The applicant has expressed the need for flexibility for the implementation date of the proposed subdivision in response to market uncertainty. The requested a 6-year (72 month) extension would require a final subdivision map to be recorded on or before December 8, 2028.

With exception to the following three updates to the previously approved conditions of approval, all the of conditions of approval previously approved TSM 2020-04 remain in effect. Condition 4 needs is proposed to be amended to extend the life of the map for the requested 6-year extension. Condition 12a has been added to require TSM 2020-04 to comply with the City's adoption of the Parkland Acquisition Ordinance Act in effect since May 21, 2018 by requiring the payment of parkland acquisition fees in-lieu of parkland dedication. Condition 19 has been deleted in-lieu of the addition of Condition 12a.

Table 1: Project Overview	
<i>Project Number:</i>	Tentative Subdivision Map Extension (TSM 2020-04 EXT)
<i>Applicant:</i>	DMP Development Corp
<i>Property Owner:</i>	DMP Development Corp
<i>Location:</i>	Southwest corner of Riverview Drive and Caitlan Drive (Attachment 1)
<i>Project Area:</i>	30.45-acres
<i>Plan Land Use:</i>	LD (Low Density Residential)
<i>Zoning District:</i>	PD 4500 - Planned Development (one unit for each 4,500 square feet of site area); PD 6,000 - Planned Development (one unit for each 6,000 square feet of site area)
<i>Site Characteristics</i>	The project is located on a vacant parcel. Surrounding uses include a Madera Irrigation District canal and the Fresno River to the north, agricultural uses to the west and south, and existing single family residential to the east (Attachment 2).

PRIOR ACTION:

TSM 2020-04 was approved by Planning Commission on December 8, 2020 allowing a 135-lot single family residential subdivision on just over 30 acres (Attachment 3). The property is the third phase of development of the previously approved Vineyard West subdivision, which includes two prior phases: Phase I is a 47-lot single family residential subdivision and Phase II is a 44-lot single family residential subdivision. Final maps for Phases I and II were recorded in 2003 and 2004, respectively, and both phases have been constructed. While Phase III was also approved under the original Vineyard West subdivision map and subsequently modified in 2005, no final map was recorded for Phase III and construction did not move forward. A precise plan for Phase III was also approved in 2005 with the approval of the modified Phase III subdivision map. The precise plan application has subsequently expired, and a new precise plan would need to be approved prior to recording the Final Map. All phases (I through III) of the Vineyard West subdivision were evaluated under a Mitigation Negative Declaration (MND), which was adopted by the City Council. The current proposal under TSM 2020-04 remains consistent with the analysis conducted under the adopted MND.

ANALYSIS:

Tentative Subdivision Map 2020-04 proposes density at 4.5 dwelling units per acre. On December 8, 2020, the City of Madera Planning Commission approved unanimously, subject to the conditions noted in Planning Commission Resolution No. 1864 (Attachment 4). Pursuant to Government Code Section 66452.6(a)(1) and the provisions of the City of Madera Municipal Code, an approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval. Therefore, the original expiration date of the subject tentative map is December 8, 2022. This extension, if granted, would extend the expiration date to December 8, 2028.

An extension of the existing TSM would enhance the possibility that the subdivision will be fully developed. Extending the map would allow infrastructure requirements and the final map to be completed and filed prior to a further Precise Plan application being submitted to complete the planning permit process. The City is generally required to act on Map extension requests within 60 days, according to state law (Government Code Section 66452.6(e)). Staff recommends an extension as stated above.

ENVIRONMENTAL REVIEW:

This project has already been environmentally assessed. As noted above, a Mitigation Negative Declaration (MND) was prepared for the original Vineyard West subdivision map. The MND analyzed the 234-lot single family residential Vineyard West subdivision. Phases I and II comprise a total of 91 lots with Phase III proposing an additional 137 lots for a total of 228 single family residential lots. The proposed TSM 2020-04 remains within the scope of the original evaluation. Circumstances on the site have not changed, and there is no new substantial information of significant importance that would alter the outcome of the adopted MND. Therefore, the adopted MND is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is warranted, no further environmental review is required. Furthermore, the mere extension of a map is a procedural matter that does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change.

RECOMMENDED ACTION:

Conduct a public hearing and make the necessary findings to:

1. Adopt a resolution recommending approval of a resolution approving a 6-year time extension to the Tentative Subdivision Map 2020-04.

ALTERNATIVES:

As an alternative, the Commission may elect to:

- Move to approve a tentative subdivision extension for a period less than the requested 6-year extension (e.g. 12, 24, or 36 months).
- Move to continue the public hearing to the November 2022, Commission meeting.
- Move to deny the request, based on the following findings: (specify)

ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Tentative Subdivision Map 2020-04
4. Planning Commission Resolution
5. Planning Commission Staff Report approving TSM 2020-04

Attachment 1: Vicinity Map

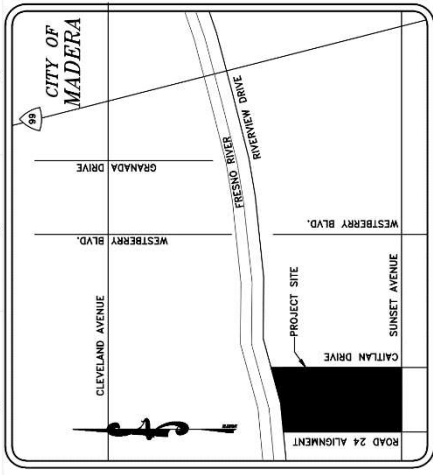


Attachment 2: Aerial Photo



Attachment 3: Subdivision Map

VESTING SUBDIVISION TRACT MAP VINEYARD WEST PHASE 3 MADERA, CALIFORNIA MADERA COUNTY, CALIFORNIA



VICINITY MAP
CITY OF MADERA, N.T.S.

LEGEND

- EXIST. CURB & GUTTER
- PROPOSED CURB AND GUTTER
- PROPERTY LINE
- EXIST. WATER LINE
- PROPOSED WATER LINE
- EXIST. SEWER LINE
- PROPOSED SEWER LINE
- EXISTING STORM DRAIN INLET
- EXISTING STORM DRAIN MANHOLE
- PROPOSED STORM DRAIN MANHOLE
- EXISTING STREET LIGHT
- PROPOSED STREET LIGHT
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT



LOT SIZES
 AVERAGE LOT SIZE = 7,100 SF
 MINIMUM LOT SIZE = 6,100 SF
 MAXIMUM LOT SIZE = 61,033 SF

LAND USE
 EXISTING = AGRICULTURE
 EXISTING ZONING = PD 6000 RESIDENTIAL
 PROPOSED ZONING = PD 6000 RESIDENTIAL

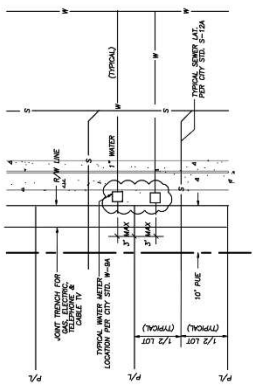
OWNER APPLICANT / PREPARED FOR
 DMP DEVELOPMENT CORP.
 2001 HOWARD RD., SUITE 11
 MADERA, CALIFORNIA 93651
 PHONE: (569) 673-7002

APN
 APN: 008-400-011

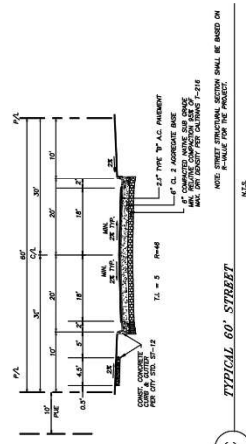
SURVEY
 HARRISON INTERNATIONAL, INC.
 10000 N. HARSHBARGER BLVD. STE. 101
 FRESNO, CA 93710

PLANNING COMMISSION CERTIFICATE
 I, SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MADERA, STATE OF CALIFORNIA, HEREBY CERTIFY THAT SAID PLANNING COMMISSION CONDITIONALLY APPROVED THE TENTATIVE MAP ON THE _____ DAY OF _____, 20____.

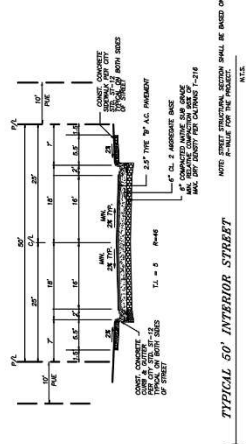
SECRETARY, MADERA CITY PLANNING COMMISSION



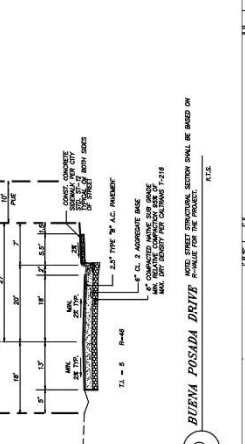
TYPICAL SERVICE CONNECTION (UTILITIES)
 NOTE: SEE STANDARD DRAWING 104-101 FOR TRENCH LAYOUT, N.T.S.
 UNDER A PROPOSED DRIVEWAY



TYPICAL 60' STREET
 NOTE: STREET STRUCTURE SECTION SHALL BE BASED ON STANDARD DRAWING 104-101, N.T.S.



TYPICAL 54' INTERIOR STREET
 NOTE: STREET STRUCTURE SECTION SHALL BE BASED ON STANDARD DRAWING 104-101, N.T.S.



BUENA POSADA DRIVE
 NOTE: STREET STRUCTURE SECTION SHALL BE BASED ON STANDARD DRAWING 104-101, N.T.S.



Attachment 4: Planning Commission Resolution

RESOLUTION NO. 1937

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING A SIX-YEAR TIME EXTENSION FOR VINEYARD WEST PHASE III
TENTATIVE SUBDIVISION MAP 2020-04
(TSM 2020-04 EXT)**

WHEREAS, Planning Commission of the City of Madera (Commission) on December 8, 2020 affirmed the adopted a Mitigated Negative Declaration and approved the Vineyard West Phase III Subdivision Map (TSM 2020-04) to subdivide approximately 30-acres to create 135-single family lots; and

WHEREAS, the approval of TSM 2020-04 was conditioned to expire December 8, 2022, 24 months from the date of approval by the Commission; and

WHEREAS, Government Code Section 66452.6(e) allows the extension of tentative subdivision maps to a maximum of six years (72 months); and

WHEREAS, prior to the expiration of TSM 2020-04, DMP Development Corp, filed a request for a six (6) year extension for TSM 2020-04, herein reference as TSM 2020-04 EXT; and

WHEREAS, based on a preliminary environmental assessment, TSM 2020-04 EXT was determined to be consistent with the Mitigated Negative Declaration prepared and adopted for the original Vineyard West Phase III Tentative Subdivision Map and no further analysis is required: and

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

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

WHEREAS, the Planning Commission received and reviewed TSM 2020-04 EXT at a duly noticed meeting on October 11, 2022; and

WHEREAS, a public hearing was held, the public was provided an opportunity to comment; and

WHEREAS, at the October 11, 2022, public hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: This project has been previously assessed. The Planning Commission finds that the mere extension of time to complete an approved map is a procedural matter that does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. In the alternative, Planning Commission also finds that pursuant to CEQA Guidelines Section 15162 subsequent environmental review is not required for TSM 2020-04 EXT based on the following:

- a. No substantial changes are proposed in the project which will require major revisions of the previous mitigated negative declaration (MND) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the application maintains the same density, intensity and is otherwise consistent with the development originally proposed for the subject site as contemplated by the MND. As such, no further environmental review is necessary or required.
- b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the application is consistent with the originally approved tentative map that was assessed by the MND and there are no new substantial changes in the physical environment that were not anticipated in the MND, including its analysis in light of development contemplated in the General Plan.
- c. There is no new information, which was not known and could not have been known at the time of the previous MND that the project will have significant effect not discussed in the MND. The project will not have any more significant effects than that already discussed and assessed in the MND. As a mitigated negative declaration was previously adopted for the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, it has been determined that no further environmental documents are required for this application for extension of the map life.

3. Findings for TSM 2020-04 EXT: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support approval, as conditioned. With the conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-2.402.8.1 and 10-2.402.8.2. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. *There have been no changes to the provisions of the General Plan, any applicable specific plan or the development code applicable to the project since the approval of the tentative map.*

The Tentative Subdivision Map remains consistent and compatible with the City's General Plan land use designations for the subject site and surroundings. The subject site is not subject to an adopted Specific Plan.

- b. *There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of the development code apply to the project.*

Surrounding property existing conditions and uses remain relatively unchanged since the approval of the tentative subdivision map. The project, with the approval

of the additional condition of approval, will remain consistent with the City's Zoning Ordinance.

- c: *There have been no changes to the capacities of community resources, including but not limited to, water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.*

Adequate service capacity remains available to service the subject site.

- d: *There have been no changes in the character of the site, its surroundings, or the project that that would require major revisions to the previous negative declaration or would cause substantial environmental damage or injury to wildlife.*

The adopted mitigated negative declaration is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

- 4. Approval of TSM 2020-04 EXT: Given that all findings can be made, the Planning Commission hereby approves TSM 2020-04 EXT as conditioned as set forth in the Conditions of Approval attached as Exhibit "A." and shall now expire on December 8, 2028.

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

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 11th day of October 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

EXHIBIT "A"
TSM 2020-04 (VINEYARD WEST PHASE III)
CONDITIONS OF APPROVAL
As Amended October 11, 2022

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

Approval for TSM 2020-04 EXT will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall comply with all mitigation measures required by the mitigated negative declaration approved for this project.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
4. ~~TSM 2020-04 shall be valid for a period of 24 months from the date of its conditional approval. Prior to expiration of the conditionally approved tentative map an extension or extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act.~~

4. TSM 2020-04 shall expire on December 8, 2028, unless a final map is recorded in accordance with the Subdivision Map Act and filed with the County Recorder.
5. Any minor deviation from the approved map or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
6. 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.
7. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

Planning Department

8. A Precise Plan shall be submitted and approved prior to approval of the Final Map for TSM 2020-04.
9. Any proposed modifications not considered minor changes in accordance with Section 10-2.402.9 (Amendments to Approved Subdivisions) shall require an amendment to TSM 2020-04.
10. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
11. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
12. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
- 12a. Subdivider shall provide payment of fees in-lieu of parkland dedication in accordance with the City's Parkland Acquisition Ordinance.

Building Department

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

Fire Department

14. All homes shall be equipped with residential fire sprinklers.
15. The fire hydrant system shall comply with appendices B&C of the California Fire Code and the City of Madera Standards. One fire hydrant is required and placement at Riverview Drive is acceptable.
16. Buena Posada Drive shall be constructed as a public road capable of supporting fire apparatus.

Engineering DepartmentGeneral Conditions

17. Prior to recording of the final map, all action necessary for annexation into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
18. A final subdivision map shall be required per Section 10-2.502 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.
- ~~19. Park land as may be identified elsewhere in these conditions shall be dedicated to the City in advance of, or in conjunction with, recordation of the final subdivision map.~~
20. 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.
21. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the improvements. The City Engineer shall designate or approve the location.
22. All construction vehicles shall access the site by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
23. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification.
24. Development impact fees shall be paid at time of building permit issuance.
25. 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.
26. 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.

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

Water

31. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the fire department and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code appendix III-A.
32. Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of eight (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.
33. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet) or commercial development (300 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
34. Water services shall be placed three (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 street light locations.
35. One water quality sampling station shall be installed within the subdivision and approved by the water quality division of the Public Works Department.
36. 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 back-flow prevention devices.
37. Water service connection(s) shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way. Backflow prevention devices shall be required for any water service not serving a residence and installed within private property.
38. A separate water meter and backflow prevention device shall be required for landscape areas.

39. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
40. The developer shall construct a 12-inch water main along Sunset Avenue from its current termination point at the intersection of Sunset Avenue and Caitlin Drive to the western property line of the proposed project site. The water main shall be constructed to current City standards. The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect.
41. The developer shall construct a 12-inch water main along Riverview Drive from its current termination point at the intersection of Riverview Drive and Caitlin Drive to the western property line of the proposed project site. The water main shall be constructed to current City standards. The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component on the river side of the street is reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
42. The developer shall construct a water main connecting the 12-inch water mains in Sunset Avenue and Riverview Drive to allow for completion of a looped water system.

Sewer

43. The developer shall construct a 12-inch sewer main along Sunset Avenue from its current termination point at the intersection of Sunset Avenue and Caitlin Drive to the western property line of the proposed project site. The sewer main shall be constructed to current City standards. The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect.
44. The developer shall construct a 10-inch sewer main along Riverview Drive from its current termination point at the intersection of Riverview Drive and Caitlin Drive to the western property line of the proposed project site. The sewer main shall be constructed to current City standards. The oversize component (difference in cost between 10-inch and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component on the river side of the street is reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
45. Due to physical constraints already built into the existing sewer system, the developer is permitted to consider two options for development of Vineyard Estates based upon a documented meeting between developer and City on January 15, 2008. Options as detailed in said meeting were: 1) Construct lift station as proposed by the applicant (DMP) but with additional requirements as requested by the City to reduce or eliminate the potential for adverse consequences should power be lost or a pump goes down for any reason. The specifics of the additional requirements have previously been forwarded to DMP but include an emergency backup generator and a backup pump. If the lift station is constructed, the cost of maintaining shall be borne through a Homeowners Association (HOA) formed by DMP or successor of interest in the property. Maintenance shall be performed by a private contractor

through an agreement with the HOA; or 2) Construct a parallel sewer main in Sunset Road east of the westerly limits of the existing sewer manhole at Caitlin Drive to Liberty Lane or some point in between that will allow gravity flow of the sewer system within Vineyard West Phase III. The cost of this parallel main shall not include the construction of the main between Buena Posada Drive and Caitlin Drive as this segment was originally included in the conditions of approval for Vineyard West Phase III.

46. Sewer lines installed within internal publicly owned streets to serve the development within the subdivision shall be sized accordingly and shall be a minimum of eight (8) inches in diameter. Sewer main connections to any existing city main six (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. Digital video disc (DVD) shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
47. Sewer services shall be located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
48. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

49. Storm runoff from the northerly portion of this project site is to be served by a system installed by the adjacent French Cove Subdivision. The developer shall construct a 24-inch storm drain line along Riverview Drive from its current termination point at the intersection of Riverview Drive and Caitlin Drive to the point at which a storm drain analysis performed in accordance with the storm drainage master plan indicates is necessary. Said analysis and consideration of NPDES Permit requirements will also serve to confirm size of pipe in Riverview Drive.
50. Storm runoff from the southerly portion of this project site is to be served by the Mosesian Basin located to the southeast of this project site. The developer shall construct a 24-inch storm drain line along Sunset Avenue from its current termination point at Sunset Avenue and Caitlin Drive to the extent necessary to convey storm runoff to the existing basin. 24-inch storm drain size shall be confirmed through a storm drain analysis performed in accordance with the storm drainage master plan.
51. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate or expand the basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities.
52. 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 due to the existing outfall into the Fresno River.

Streets

53. The developer shall provide a traffic study that addresses and mitigates the impacts of the planned development on the street system. The intersection of Westberry Boulevard/Sunset Avenue shall be evaluated as part of the traffic study. The traffic study shall be submitted to the Engineering Department for review and approval prior to submittal of improvement plans.
54. The developer shall be a proponent of annexing into existing Landscape Maintenance District (LMD) Zone 27B. Where applicable, said Landscape Maintenance District shall address maintenance of landscape planting between side- and rear-yard fencing and edge of sidewalk. If the annexation into LMD Zone 27B 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.
55. 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 27B or new LMD Zone for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the City-wide LMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
56. The existing Sunset Avenue farm to market roadway shall be reconstructed in its entirety. The north half of Sunset Avenue along the entire project frontage shall be an 80-foot collector roadway standard with a five-foot sidewalk pattern. The north half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip, sidewalk and a 28-foot (gutter lip to centerline) asphalt section. The south half of the street shall (or as existing right-of-way will allow) include, but not be limited to, one permanently paved 12-foot travel lane, one half of a 12-foot wide center turn lane) and a four-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 in accordance with applicable standards (i.e. California Manual on Uniform Traffic Control Devices or Caltrans Highway Design Manual). The three lanes (36-foot total) centered on ultimate street centerline, which includes the center turn lane (12-foot wide) and two travel lanes (each 12-foot wide), are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
57. 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.

58. Pavement markings/stripping on Sunset Avenue to the west of Via Cerioni shall be eradicated and repainted as necessary to provide transitions in accordance with California Manual on Uniform Traffic Control Devices.
59. A Street Easement Dedication shall be made to dedicate sufficient right-of-way along the entire project parcel frontage on Sunset Avenue to provide a half-street width of forty (40-ft) feet, north of the center line, to accommodate for a collector standard roadway.
60. The full width of Riverview Drive along the project frontage shall be improved to a 60-foot residential roadway standard with a five-foot sidewalk pattern and a cul-de-sac or other options that may be approved by the City Fire Marshall. The south half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip and sidewalk. The north half of the street shall be limited to curb and gutter, and planting of street trees or other landscaping in accordance with City standards. Landscaping shall be designed as determined by Planning and/or Parks Department.
61. Fencing shall be installed between Riverview Drive and the Madera Irrigation District (MID) Canal as an extension of the fencing to the east constructed by previous subdivisions in accordance with plans approved by MID and the City Engineer.
62. Interior streets shall be constructed in accordance with City standards for a residential street including a five-foot sidewalk, curb and gutter, streetlights, fire hydrants and all other components necessary to complete construction per City standards.
63. 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.
64. "No Parking" signs shall be installed along the Sunset Avenue frontage per City standards.
65. Traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with the subdivision. Maximum distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer.
66. 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.
67. Access ramps shall be installed at all curb returns per current City standards.
68. Driveway approaches shall be constructed per current City standards.
69. The developer shall be required to install streetlights along Sunset Avenue and Riverview Drive frontages and all interior streets associated with the subdivision in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
70. 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.

71. 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 percent compacted native soil or 4 inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
72. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total linear feet of all streets, fire hydrant and street water main linear feet, and sewer line linear feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:
 - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
 - b. Street plans and profiles;
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 2. Streetlights
 3. Traffic signals
 4. Construction details including traffic signage and striping plan.
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
 - d. Grading plan indicating flood insurance rate map community panel number and effective date;
 - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer.
 - f. Storm water pollution control plan and permit.
 - g. Itemized quantities of the off-site improvements to be dedicated to the City.
73. 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.

74. 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.
75. 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.
76. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the public utilities Commission Regulations or operating at 70,000 volts or greater.
77. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
78. 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.
79. The subdivider shall enter an Improvement Agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
80. The subdivider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing improvement plans are approved and submitting 100 percent performance bond, additional bond (50 percent labor & material) and insurance certificate, shall be submitted 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.
81. 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

82. 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.
83. 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.
84. 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.
85. 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

86. A six-foot high decorative masonry block wall shall be constructed along the Sunset Avenue and Riverview Drive frontages.
87. Direct residential access to Sunset Avenue is prohibited and this shall be noted on the final map.
88. 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.
89. 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.
90. 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.
91. 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.
92. 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.
93. Prior to recording the final map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.

94. 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.
95. 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.
96. 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

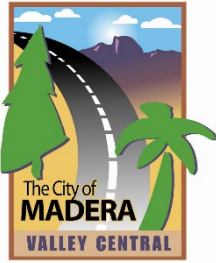
97. The applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM₁₀ Prohibitions) and Rule 9510 (Indirect Source Review).

Madera Unified School District

98. 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.

-END OF CONDITIONS-

Attachment 5: Prior Staff Report from December 8, 2020



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Vineyard West Phase III TSM 2020-04 Item # 2 – December 8, 2020

PROPOSAL: An application for a tentative subdivision map (TSM 2020-04) for a 137-lot single family residential subdivision (Vineyard West Phase III) on an approximately 30.45-acre parcel. This is the third phase of a previously approved tentative subdivision map. Phase I and Phase II of the map were recorded in 2003 and 2004, respectively.

APPLICANT:	DMP Development Corp Michael Pistoresi 2001 Howard Road Site 211 Madera, CA 93637	OWNER:	DMP Development Corp Michael Pistoresi 2001 Howard Road Site 211 Madera, CA 93637
SITE ADDRESS:	No address assigned	APN:	006-450-011
APPLICATIONS:	TSM 2020-04	CEQA:	Consistent with adopted Mitigation Negative Declaration

LOCATION: The subject property is bounded by Riverview Drive to the north, Caitlan Drive to the east, Sunset Avenue to the south, and the Road 24 Alignment to the west.

STREET ACCESS: The project site has street access from Sunset Avenue and Riverview Drive.

PROJECT SIZE: 30.45 Acres

GENERAL PLAN DESIGNATION: LD (Low Density Residential)

ZONING DISTRICT: PD 6000 (Planned Development, one unit per 6,000 square feet of site area)
PD 4500 (Planned Development, one unit per 4,500 square feet of site area)

SITE CHARACTERISTICS: The project is located on a vacant parcel. Surrounding uses include a Madera Irrigation District canal and the Fresno River to the north, agricultural uses to the west and south, and existing single family residential to the east.

ENVIRONMENTAL REVIEW: The proposed subdivision was analyzed as part of a Mitigated Negative Declaration adopted for the original tentative subdivision map. No further analysis is required.

SUMMARY: The applicant, DMP Development Corp., is proposing TSM 2020-04, a 137-lot single family residential subdivision (Vineyard West Phase III) on an approximately 30.45-acre parcel. The proposed use is consistent with the current LD (Low Density Residential) General Plan designation. After review of the proposed project, the TSM is anticipated to be compatible with the surrounding land uses in the area. Conditions, as appropriate, have been recommended for the tentative subdivision map (TSM 2020-04) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies.

PREVIOUS APPROVALS

TSM 2020-04 is proposing a 137-lot single family residential subdivision on just over 30 acres. The property is the third phase of development of the previously approved Vineyard West subdivision, which includes two prior phases: Phase I is a 47-lot single family residential subdivision and Phase II is a 44-lot single family residential subdivision. Final maps for Phases I and II were recorded in 2003 and 2004, respectively, and both phases have been constructed. While Phase III was also approved under the original Vineyard West subdivision map and subsequently modified in 2005, no final map was recorded for Phase III and construction did not move forward. A precise plan for Phase III was also approved in 2005 with the approval of the modified Phase III subdivision map. All phases (I through III) of the Vineyard West subdivision were evaluated under a Mitigation Negative Declaration (MND), which was adopted by the City Council and subsequently confirmed by Planning Commission in 2005. The current proposal under TSM 2020-04 remains consistent with the analysis conducted under the adopted MND.

ANALYSIS

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

TSM 2020-04 proposes to subdivide the approximately 30.45-acre property into 137 parcels. The proposed density is consistent with the LD (Low Density Residential) land use designation per the General Plan, which requires a density of 2.1 to 7 dwelling units per acre (du/ac). The proposed subdivision results in a density of approximately 4.5 du/ac. This density is also consistent with the existing zone districts of PD 4500 and PD 6000, which are compatible with the LD (Low Density Residential) land use designation and allow the proposed lot sizes ranging from 6,180 square feet to just over 10,130 square feet.

While a precise plan was also approved with the original tentative subdivision map, indicating the intent to implement the R-1 development standards, the precise plan has since expired requiring that a new precise plan application be submitted for review and approval to confirm design expectations for the subdivision and to reflect changes that have occurred in product type and mix. Submittal of the precise plan application and review and approval by the City will be required prior to approval of the final map. The conditions of approval for TSM 2020-04 reflect this requirement.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As noted above, a Mitigation Negative Declaration (MND) was prepared for the original Vineyard West subdivision map. The MND analyzed the 234-lot single family residential Vineyard West subdivision.

Phases I and II comprise a total of 91 lots with Phase III proposing an additional 137 lots for a total of 228 single family residential lots. The proposed TSM 2020-04 remains within the scope of the original evaluation, circumstances on the site have not changed, and there is no new substantial information of significant importance that would alter the outcome of the adopted MND. No further analysis is required.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

A continuation of the City's planned growth for residential land uses, as proposed by TSM 2020-04, supports the vision for Well Planned Neighborhoods and Housing. This principle recognizes that the provision of housing opportunities is a key component in the implementation of the City's General Plan and vision for the community.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution conditionally approving Tentative Subdivision Map 2020-04. It is recommended that the Commission consider the information in this report, as well as testimony received at the public hearing, and make a determination on Tentative Subdivision Map 2020-04, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the environmental determination and Tentative Subdivision Map 2020-04 and determining to either:

- Adopt a resolution approving Tentative Subdivision Map 2020-04 as conditioned (Motion 1);
or
- Continue the hearing to January 12, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); or
- Move to continue the application for Tentative Subdivision Map 2020-04 to the January 12, 2021 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)(Motion 3).

Motion 1: Move to adopt a resolution of the Planning Commission of the City of Madera approving Tentative Subdivision Map 2020-04, based on and subject to the findings and conditions of approval as follows:

Findings to Approve a Tentative Subdivision Map

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

The proposed TSM 2020-04 is consistent with the General Plan designation of LD (Low Density Residential). The procedural requirements of the Map Act have been met, and all parcels comply with the General Plan, including all applicable general plan, engineering, and zoning standards pertaining to grading, drainage, utility connections, lot size and density. In this

regard, the design and improvements of the subdivision, subject to the conditions of approval, will be consistent with the requirements and improvement standards of the City of Madera. There is no specific plan applicable the site.

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

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

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

The tract map sub-divide the approximately 30.45-acre property into 137 parcels. The proposed density is consistent with the LD (Low Density Residential) land use designation per the General Plan, which requires a density of 2.1 to 7 dwelling units per acre (du/ac). The proposed subdivision results in a density of approximately 4.5 du/ac. This density is also consistent with the existing zone districts of PD 4500 and PD 6000, which are compatible with the LD (Low Density Residential) land use designation and allow the proposed lot sizes ranging from 6,180 square feet to just over 10,130 square feet, and the site is physically suitable for such proposed type of residential development. Development is required to be consistent with the General Plan, zoning ordinance, and the tentative subdivision map, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.

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

The tract map will create 137 parcels to support residential uses with standard setbacks and ample useable space. As described in further detail above, each parcel will meet the minimum of lot size of 4,500 square feet or 6,000 square feet as appropriate for the existing zoned districts, and the site is physically suitable for such proposed density of development. Any development is required to be consistent with the General Plan, the zoning ordinance, and the tentative subdivision map. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.

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

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

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

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

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

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

(OR)

Motion 2: Move to continue the public hearing on Tentative Subdivision Map 2020-04 to January 12, 2021 with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

(OR)

Motion 3: Move to continue the application for Tentative Subdivision Map 2020-04 to the January 12, 2021 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

ATTACHMENTS

Attachment 1: Vicinity Map

Attachment 2: Aerial Photo

Attachment 3: Tentative Subdivision Map (TSM) 2020-04

Attachment 4: Planning Commission Resolution for TSM 2020-04

Attachment 1: Vicinity Map

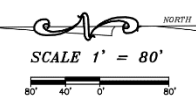
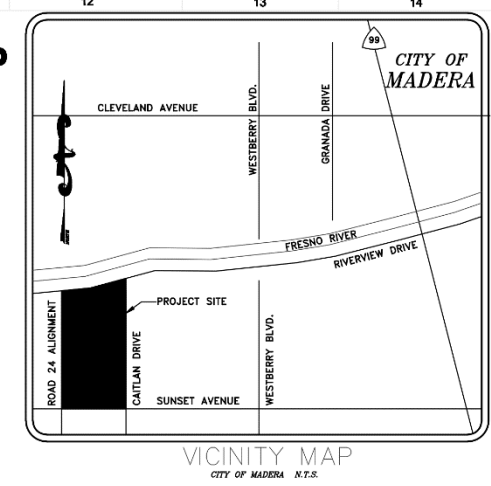
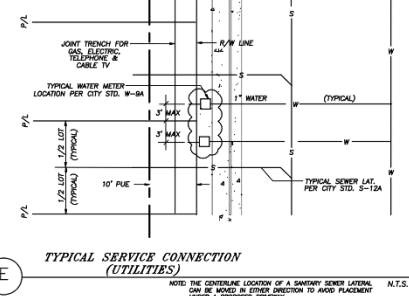
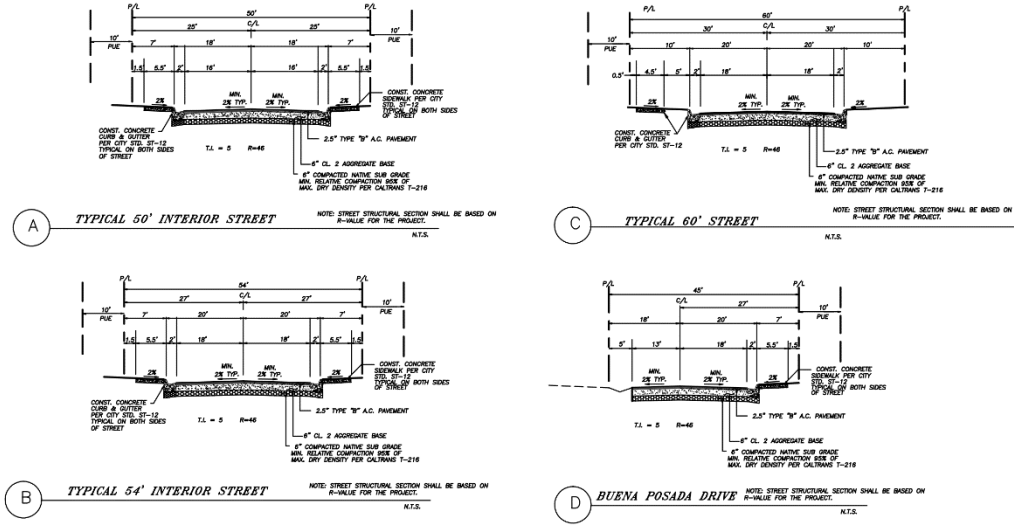
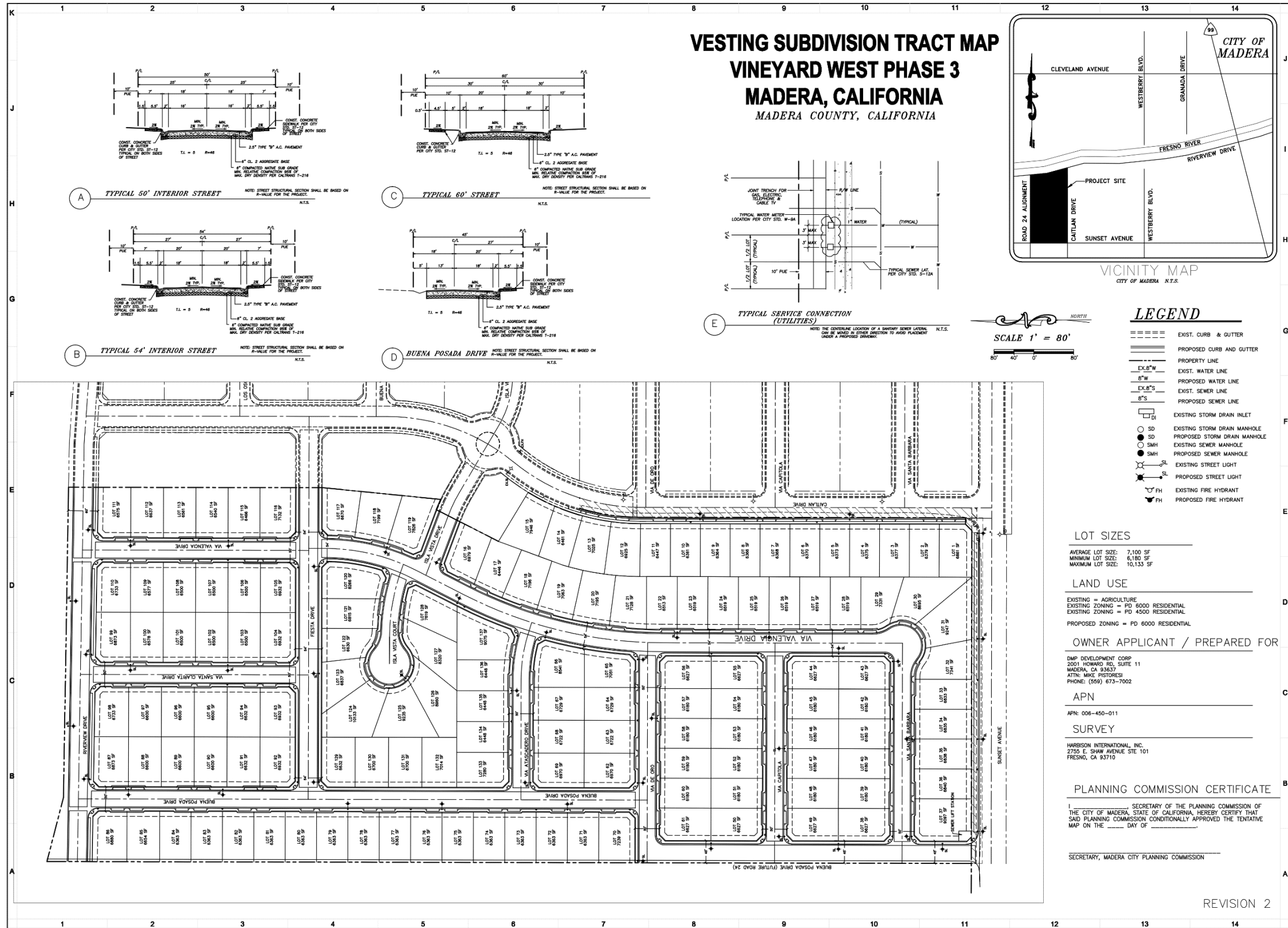


Attachment 2: Aerial Photo



Attachment 3: Tentative Subdivision Map (TSM) 2020-04

VESTING SUBDIVISION TRACT MAP
VINEYARD WEST PHASE 3
MADERA, CALIFORNIA
 MADERA COUNTY, CALIFORNIA



LEGEND

---	EXIST. CURB & GUTTER
---	PROPOSED CURB AND GUTTER
---	PROPERTY LINE
EX.W	EXIST. WATER LINE
W	PROPOSED WATER LINE
EX.S	EXIST. SEWER LINE
S	PROPOSED SEWER LINE
DI	EXISTING STORM DRAIN INLET
SD	EXISTING STORM DRAIN MANHOLE
SD	PROPOSED STORM DRAIN MANHOLE
SMH	EXISTING SEWER MANHOLE
SMH	PROPOSED SEWER MANHOLE
SL	EXISTING STREET LIGHT
SL	PROPOSED STREET LIGHT
FH	EXISTING FIRE HYDRANT
FH	PROPOSED FIRE HYDRANT

LOT SIZES
 AVERAGE LOT SIZE: 7,100 SF
 MINIMUM LOT SIZE: 6,180 SF
 MAXIMUM LOT SIZE: 10,133 SF

LAND USE
 EXISTING = AGRICULTURE
 EXISTING ZONING = PD 6000 RESIDENTIAL
 EXISTING ZONING = PD 4500 RESIDENTIAL
 PROPOSED ZONING = PD 6000 RESIDENTIAL

OWNER APPLICANT / PREPARED FOR

DMP DEVELOPMENT CORP
 2001 HOWARD RD, SUITE 11
 MADERA, CA 93637
 ATTN: MIKE PISTORESI
 PHONE: (559) 673-7002

APN

APN: 006-450-011

SURVEY

HARBISON INTERNATIONAL, INC.
 2755 E. SHAW AVENUE STE 101
 FRESNO, CA 93710

PLANNING COMMISSION CERTIFICATE

I, _____ SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MADERA, STATE OF CALIFORNIA, HEREBY CERTIFY THAT SAID PLANNING COMMISSION CONDITIONALLY APPROVED THE TENTATIVE MAP ON THE _____ DAY OF _____

SECRETARY, MADERA CITY PLANNING COMMISSION

REVISION 2

The City of Madera, California, is not responsible for the accuracy of the information contained in this map. It is the responsibility of the applicant to provide accurate information. The City of Madera, California, is not responsible for the accuracy of the information contained in this map. It is the responsibility of the applicant to provide accurate information. The City of Madera, California, is not responsible for the accuracy of the information contained in this map. It is the responsibility of the applicant to provide accurate information.



HARBISON INTERNATIONAL INC.
 ENGINEERS - SURVEYORS - PLANNERS
 2755 E. SHAW AVE., SUITE 101, FRESNO, CA 93710
 PHONE: (559) 294-7485 FAX: (559) 294-7481



OVERALL
VESTING SUBDIVISION TRACT MAP
VINEYARD WEST PHASE 3
MADERA, CALIFORNIA

REVISIONS:
 No. Date Drawn:
 Approved: JMM
 Project No. 20-105
 Project No. 6-17-2020
 Project No. 6-30-2020
 Project No. 11-9-2020

Title
 TRACT MAP

Sheet No.
 C-1
 OF 3 SHEETS

Attachment 4: Planning Commission Resolution for TSM 2020-04

RESOLUTION NO. 1864

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING TENTATIVE SUBDIVISION MAP 2020-04 (VINEYARD WEST PHASE III)**

WHEREAS, DMP Development Corp. (“Owner”) owns APN 006-450-011 in Madera, California (“site”); and

WHEREAS, the 30.45-acre site is vacant and is planned for Low Density Residential land uses; and

WHEREAS, the Owner is seeking a tentative subdivision map (TSM) to allow for a 137-lot single family residential subdivision, as proposed by TSM 2020-04, which essentially replaces an expired tentative subdivision map that was previously approved for phase III of the project; and

WHEREAS, based on a preliminary environmental assessment, this project was determined to be consistent with a Mitigated Negative Declaration prepared and adopted for the original Vineyard West subdivision and no further analysis is required; and

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

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

WHEREAS, the Planning Commission received and reviewed TSM 2020-04 at a duly noticed meeting on December 8, 2020; and

WHEREAS, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, the Planning Commission now desires to approve TSM 2020-04, with conditions.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: This project has been previously assessed. The Planning Commission finds that pursuant CEQA Guidelines § 15162 subsequent environmental review is not required for TSM 2020-04 based on the following:
 - a. No substantial changes are proposed in the project which will require major revisions of the previous mitigated negative declaration due (MND) to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, TSM 2020-04 maintains the same density, intensity, and use for the 137 lots it creates, and is otherwise consistent with the development originally proposed for phase III of the project as contemplated by the MND. As such, the proposed tentative map has the same environmental impacts assessed in the MND.

b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the original tentative map for phase III expired, and the new proposed vesting tentative map is consistent with the originally approved tentative map that was assessed by the MND. Additionally, the property will continue to be used for residential uses as originally contemplated, and there are no new substantial changes in the physical environment that were not anticipated in the MND, including its analysis in light of the development contemplated in the General Plan.

c. There is no new information, which was not known and could not have been known at the time of the previous mitigated negative declaration that the project will have significant effect not discussed in the MND. The project will not have any more significant effects than that already discussed and assessed in the MND. Furthermore, since a MND was previously adopted for the project, the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, it has been determined that no further environmental documentation is required for vesting TSM 2020-04.

3. Findings for TSM 2020-04: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of TSM 2020-04, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-2.402 and 10-2.402.6.3 . The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The proposed TSM 2020-04 is consistent with the General Plan designation of LD (Low Density Residential). The procedural requirements of the Map Act have been met, and all parcels comply with the General Plan, including all applicable general plan, engineering, and zoning standards pertaining to grading, drainage, utility connections, lot size and density. In this regard, the design and improvements of the subdivision, subject to the conditions of approval, will be consistent with the requirements and improvement standards of the City of Madera. There is no specific plan applicable the site.

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

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

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

The tract map sub-divide the approximately 30.45-acre property into 137 parcels. The proposed density is consistent with the LD (Low Density Residential) land use designation

per the General Plan, which requires a density of 2.1 to 7 dwelling units per acre (du/ac). The proposed subdivision results in a density of approximately 4.5 du/ac. This density is also consistent with the existing zone districts of PD 4500 and PD 6000, which are compatible with the LD (Low Density Residential) land use designation and allow the proposed lot sizes ranging from 6,180 square feet to just over 10,130 square feet, and the site is physically suitable for such proposed type of residential development. Development is required to be consistent with the General Plan, zoning ordinance, and the tentative subdivision map, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.

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

The tract map will create 137 parcels to support residential uses with standard setbacks and ample useable space. As described in further detail above, each parcel will meet the minimum of lot size of 4,500 square feet or 6,000 square feet as appropriate for the existing zoned districts, and the site is physically suitable for such proposed density of development. Any development is required to be consistent with the General Plan, the zoning ordinance, and the tentative subdivision map. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.

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

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

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

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

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

There are no public easements that currently encumber the property to be divided. All modifications made to the existing public improvements fronting the parcels upon development of the properties will be required to current City standards. Additionally, the

subdivision is designed to ensure that it will not conflict with easements and appropriate dedications will be required to ensure public easements for right-of-way, etc., are secured.

4. Approval of TSM 2020-04: Given that all findings can be made, the Planning Commission hereby approves TSM 2020-04 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of December 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Vice Chairperson

Attest:

Gary Conte
Planning Manager

Exhibit "A" – Conditions of Approval for TSM 2020-04

EXHIBIT "A"
TSM 2020-04 (VINEYARD WEST PHASE III)
CONDITIONS OF APPROVAL
November 23, 2020

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

Approval for TSM 2020-04 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall comply with all mitigation measures required by the mitigated negative declaration approved for this project.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
4. TSM 2020-04 shall be valid for a period of 24 months from the date of its conditional approval. Prior to expiration of the conditionally approved tentative map an extension or extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act.

5. Any minor deviation from the approved map or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
6. 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.
7. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

Planning Department

8. A Precise Plan shall be submitted and approved prior to approval of the Final Map for TSM 2020-04.
9. Any proposed modifications not considered minor changes in accordance with Section 10-2.402.9 (Amendments to Approved Subdivisions) shall require an amendment to TSM 2020-04.
10. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
11. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
12. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.

Building Department

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

Fire Department

14. All homes shall be equipped with residential fire sprinklers.
15. The fire hydrant system shall comply with appendices B&C of the California Fire Code and the City of Madera Standards. One fire hydrant is required and placement at Riverview Drive is acceptable.
16. Buena Posada Drive shall be constructed as a public road capable of supporting fire apparatus.

Engineering DepartmentGeneral Conditions

17. Prior to recording of the final map, all action necessary for annexation into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
18. A final subdivision map shall be required per Section 10-2.502 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.
19. Park land as may be identified elsewhere in these conditions shall be dedicated to the City in advance of, or in conjunction with, recordation of the final subdivision map.
20. 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.
21. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the improvements. The City Engineer shall designate or approve the location.
22. All construction vehicles shall access the site by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
23. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification.
24. Development impact fees shall be paid at time of building permit issuance.
25. 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.
26. 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.

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

Water

31. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the fire department and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code appendix III-A.
32. Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of eight (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.
33. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet) or commercial development (300 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
34. Water services shall be placed three (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 street light locations.
35. One water quality sampling station shall be installed within the subdivision and approved by the water quality division of the Public Works Department.
36. 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 back-flow prevention devices.
37. Water service connection(s) shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way. Backflow prevention devices shall be required for any water service not serving a residence and installed within private property.
38. A separate water meter and backflow prevention device shall be required for landscape areas.

39. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
40. The developer shall construct a 12-inch water main along Sunset Avenue from its current termination point at the intersection of Sunset Avenue and Caitlin Drive to the western property line of the proposed project site. The water main shall be constructed to current City standards. The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect.
41. The developer shall construct a 12-inch water main along Riverview Drive from its current termination point at the intersection of Riverview Drive and Caitlin Drive to the western property line of the proposed project site. The water main shall be constructed to current City standards. The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component on the river side of the street is reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
42. The developer shall construct a water main connecting the 12-inch water mains in Sunset Avenue and Riverview Drive to allow for completion of a looped water system.

Sewer

43. The developer shall construct a 12-inch sewer main along Sunset Avenue from its current termination point at the intersection of Sunset Avenue and Caitlin Drive to the western property line of the proposed project site. The sewer main shall be constructed to current City standards. The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect.
44. The developer shall construct a 10-inch sewer main along Riverview Drive from its current termination point at the intersection of Riverview Drive and Caitlin Drive to the western property line of the proposed project site. The sewer main shall be constructed to current City standards. The oversize component (difference in cost between 10-inch and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component on the river side of the street is reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
45. Due to physical constraints already built into the existing sewer system, the developer is permitted to consider two options for development of Vineyard Estates based upon a documented meeting between developer and City on January 15, 2008. Options as detailed in said meeting were: 1) Construct lift station as proposed by the applicant (DMP) but with additional requirements as requested by the City to reduce or eliminate the potential for adverse consequences should power be lost or a pump goes down for any reason. The specifics of the additional requirements have previously been forwarded to DMP but include an emergency backup generator and a backup pump. If the lift station is constructed, the cost of maintaining shall be borne through a Homeowners Association (HOA) formed by DMP or successor of interest in the property. Maintenance shall be performed by a private contractor

through an agreement with the HOA; or 2) Construct a parallel sewer main in Sunset Road east of the westerly limits of the existing sewer manhole at Caitlin Drive to Liberty Lane or some point in between that will allow gravity flow of the sewer system within Vineyard West Phase III. The cost of this parallel main shall not include the construction of the main between Buena Posada Drive and Caitlin Drive as this segment was originally included in the conditions of approval for Vineyard West Phase III.

46. Sewer lines installed within internal publicly owned streets to serve the development within the subdivision shall be sized accordingly and shall be a minimum of eight (8) inches in diameter. Sewer main connections to any existing city main six (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. Digital video disc (DVD) shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
47. Sewer services shall be located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
48. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

49. Storm runoff from the northerly portion of this project site is to be served by a system installed by the adjacent French Cove Subdivision. The developer shall construct a 24-inch storm drain line along Riverview Drive from its current termination point at the intersection of Riverview Drive and Caitlin Drive to the point at which a storm drain analysis performed in accordance with the storm drainage master plan indicates is necessary. Said analysis and consideration of NPDES Permit requirements will also serve to confirm size of pipe in Riverview Drive.
50. Storm runoff from the southerly portion of this project site is to be served by the Mosesian Basin located to the southeast of this project site. The developer shall construct a 24-inch storm drain line along Sunset Avenue from its current termination point at Sunset Avenue and Caitlin Drive to the extent necessary to convey storm runoff to the existing basin. 24-inch storm drain size shall be confirmed through a storm drain analysis performed in accordance with the storm drainage master plan.
51. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate or expand the basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities.
52. 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 due to the existing outfall into the Fresno River.

Streets

53. The developer shall provide a traffic study that addresses and mitigates the impacts of the planned development on the street system. The intersection of Westberry Boulevard/Sunset Avenue shall be evaluated as part of the traffic study. The traffic study shall be submitted to the Engineering Department for review and approval prior to submittal of improvement plans.
54. The developer shall be a proponent of annexing into existing Landscape Maintenance District (LMD) Zone 27B. Where applicable, said Landscape Maintenance District shall address maintenance of landscape planting between side- and rear-yard fencing and edge of sidewalk. If the annexation into LMD Zone 27B 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.
55. 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 27B or new LMD Zone for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the City-wide LMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
56. The existing Sunset Avenue farm to market roadway shall be reconstructed in its entirety. The north half of Sunset Avenue along the entire project frontage shall be an 80-foot collector roadway standard with a five-foot sidewalk pattern. The north half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip, sidewalk and a 28-foot (gutter lip to centerline) asphalt section. The south half of the street shall (or as existing right-of-way will allow) include, but not be limited to, one permanently paved 12-foot travel lane, one half of a 12-foot wide center turn lane) and a four-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 in accordance with applicable standards (i.e. California Manual on Uniform Traffic Control Devices or Caltrans Highway Design Manual). The three lanes (36-feet total) centered on ultimate street centerline, which includes the center turn lane (12-foot wide) and two travel lanes (each 12-foot wide), are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds.
57. 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.

58. Pavement markings/stripping on Sunset Avenue to the west of Via Cerioni shall be eradicated and repainted as necessary to provide transitions in accordance with California Manual on Uniform Traffic Control Devices.
59. A Street Easement Dedication shall be made to dedicate sufficient right-of-way along the entire project parcel frontage on Sunset Avenue to provide a half-street width of forty (40-ft) feet, north of the center line, to accommodate for a collector standard roadway.
60. The full width of Riverview Drive along the project frontage shall be improved to a 60-foot residential roadway standard with a five-foot sidewalk pattern and a cul-de-sac or other options that may be approved by the City Fire Marshall. The south half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip and sidewalk. The north half of the street shall be limited to curb and gutter, and planting of street trees or other landscaping in accordance with City standards. Landscaping shall be designed as determined by Planning and/or Parks Department.
61. Fencing shall be installed between Riverview Drive and the Madera Irrigation District (MID) Canal as an extension of the fencing to the east constructed by previous subdivisions in accordance with plans approved by MID and the City Engineer.
62. Interior streets shall be constructed in accordance with City standards for a residential street including a five-foot sidewalk, curb and gutter, streetlights, fire hydrants and all other components necessary to complete construction per City standards.
63. 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.
64. "No Parking" signs shall be installed along the Sunset Avenue frontage per City standards.
65. Traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with the subdivision. Maximum distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer.
66. 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.
67. Access ramps shall be installed at all curb returns per current City standards.
68. Driveway approaches shall be constructed per current City standards.
69. The developer shall be required to install streetlights along Sunset Avenue and Riverview Drive frontages and all interior streets associated with the subdivision in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
70. 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.

71. 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 percent compacted native soil or 4 inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
72. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total linear feet of all streets, fire hydrant and street water main linear feet, and sewer line linear feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:
 - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
 - b. Street plans and profiles;
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 2. Streetlights
 3. Traffic signals
 4. Construction details including traffic signage and striping plan.
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
 - d. Grading plan indicating flood insurance rate map community panel number and effective date;
 - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer.
 - f. Storm water pollution control plan and permit.
 - g. Itemized quantities of the off-site improvements to be dedicated to the City.
73. 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.

74. 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.
75. 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.
76. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the public utilities Commission Regulations or operating at 70,000 volts or greater.
77. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
78. 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.
79. The subdivider shall enter an Improvement Agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
80. The subdivider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing improvement plans are approved and submitting 100 percent performance bond, additional bond (50 percent labor & material) and insurance certificate, shall be submitted 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.
81. 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

82. 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.
83. 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.
84. 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.
85. 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

86. A six-foot high decorative masonry block wall shall be constructed along the Sunset Avenue and Riverview Drive frontages.
87. Direct residential access to Sunset Avenue is prohibited and this shall be noted on the final map.
88. 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.
89. 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.
90. 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.
91. 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.
92. 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.
93. Prior to recording the final map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.

94. 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.
95. 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.
96. 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

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

Madera Unified School District

98. 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.

-END OF CONDITIONS-