

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

**COUNCIL CHAMBERS - CITY HALL  
TUESDAY  
August 16, 2016  
6:00 pm**

**CALL TO ORDER**

**ROLL CALL**

Commissioner Kenneth Hutchings (Chairperson)  
Commissioner Jim DaSilva (Vice Chairperson)  
Commissioner Robert Gran, Jr.  
Commissioner Bruce Norton  
Commissioner Pamela Tyler  
Commissioner Ruben Mendoza  
Commissioner Jeff Dal Cerro

**INTRODUCTION OF STAFF**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

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

**MINUTES:**

**CONSENT ITEMS:**

NONE

**PUBLIC HEARING ITEMS**

**1. CUP 2016-09 & SPR 2016-34 – Cubano Café & Grill Outdoor Dining**

A noticed public hearing to consider a conditional use permit and site plan review to allow for outdoor dining as a component of a restaurant located on the southeast corner of the intersection at East Yosemite Avenue and South B Street (400 East Yosemite Avenue), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-165-012).

**2. TPM 2015-01, SPR 2015-18, CUP 2015-09 to CUP 2015-17 & VAR 2015-02 – Madera Travel Center**

A noticed public hearing to consider multiple entitlements which cumulatively provide for the development of a travel center on property located at the southeast corner of the intersection of State Route 99 and Avenue 17, in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-240-003). An environmental impact report (EIR) has been prepared for the project and will be considered for certification by the Planning Commission prior to taking any action on the proposed project. The EIR and related documents are available at the Planning Department (205 W. 4<sup>th</sup> Street) or on the web at: [cityofmadera.org/web/guest/highlighted-projects](http://cityofmadera.org/web/guest/highlighted-projects). The proposal includes the following:

**TPM 2015-01** – A tentative parcel map to allow for the division of a 48.36-acre parcel of land into four separate parcels, encompassing 1.87 acres, 2.36 acres, 7.26 acres and 12.92 acres respectively. The tentative parcel map includes an 18.87 acre remainder and an approximately 5.09 acre easement dedicated for street purposes.

**SPR 2015-18** – A site plan review to facilitate the development of the overall site, including the travel center with truck and auto fueling facilities, food service and convenience market; hotel; restaurant; tire shop and vehicle repair; and a covered recreational vehicle storage facility.

**CUP 2015-09 to 17** – A series of conditional use permits to allow for alcohol sales, drive-thru activities, a truck stop, automotive repair, a hotel, RV storage, and a freeway sign.

**VAR 2015-02** – A variance from the sign regulations of the Zoning Ordinance to allow for the construction of a freeway sign taller than forty feet.

**3. CUP 2015-21 – Whole Body Bootcamp Revocation**

A noticed public hearing to consider revocation of Conditional Use Permit 2015-21 which allows for the operation of an athletic fitness club located at the southeast corner of South Pine Street and Maple Street in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 012-230-021 & 022).

**NON-PUBLIC HEARING ITEMS**

NONE

**ADMINISTRATIVE REPORTS**

**COMMISSIONER REPORTS**

**ADJOURNMENT:** The next regular meeting will be held on September 13, 2016.

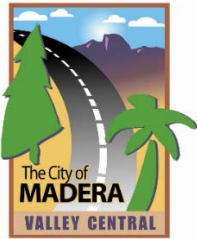
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. If you need special assistance to participate in a City meeting or other services offered by this City, please contact the Planning Department office at (559) 661-5430. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services. Any and all persons interested in this matter may provide comments.

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION for an appeal period.

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.



CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Cubano Grill & Café Outdoor Dining  
CUP 2016-19, SPR 2016-34 & Environmental Determination  
Item #1 – August 16, 2016**

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**PROPOSAL:** An application for a conditional use permit and site plan review to allow for outdoor dining as a component of a new restaurant.

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<b>APPLICANT:</b>	Jorge Buenrostro	<b>OWNER:</b>	Omar Moreno
<b>ADDRESS:</b>	400 East Yosemite Avenue	<b>APN:</b>	007-165-012
<b>APPLICATION:</b>	CUP 2016-19 and SPR 2016-34	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The property is located at the southeast corner of East Yosemite Avenue and South B Street.

**STREET ACCESS:** The site has access to East Yosemite Avenue and South B Street.

**PARCEL SIZE:** Approximately 5,100 square feet

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C1 (Light Commercial)

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**SITE CHARACTERISTICS:** The site is surrounded by a mix of commercial, office and residential uses. Businesses and governmental agencies in close proximity to the property include the Social Security Administration office, the Redevelopment Agency, a Quickeroo specialty grocery store, a Bank of America and a Camarena Health Center. A mix of all residential densities are located south of the property and a majority of single family residences are located north of the property.

**ENVIRONMENTAL REVIEW:** The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

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**SUMMARY:** The City’s Zoning Ordinance allows for outdoor dining in the C1 (Light Commercial) Zone District with approval of a conditional use permit. The applicant proposes to convert the vacant area located behind the restaurant into an attractive outdoor dining courtyard. The applicant proposes to utilize Conditional Use Permit 1992-19, which allows for the sale of beer and wine for on-site consumption. The parking regulations are exempt because the business is within the Downtown Parking District. With no previous site plan reviews approved for the site, conditions of approval ensure that expansion of the site is consistent with current City standards.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.801 Light Commercial Zones  
MMC § 10-3.405 Uses  
MMC § 10-3.1205 Parking Exemptions  
MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission 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, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

## **PRIOR ACTION**

Conditional Use Permit (CUP) 1992-19 allows for the sale of beer and wine for on-site consumption in conjunction with a bona-fide eating establishment. No site plan review has ever been performed on this property.

## **ANALYSIS**

### Background

The site was originally occupied by the Taqueria Mexicali restaurant in 1992. The restaurant obtained approval of a use permit that allowed for the sale of beer and wine for on-site consumption in association with their bona fide eating establishment. Taqueria Mexicali closed in April of 2016.

### Outdoor Dining Courtyard

The applicant proposes the conversion of the vacant area located behind the restaurant into a new outdoor courtyard dining area. The courtyard would encompass approximately 2,000 square feet and would be surrounded by planters and a decorative wrought iron fence, creating an attractive outdoor element to the site while providing a degree of separation from the street.

The restaurant proposes to have six (6) tables seating twenty-four (24) people within an approximately 620 square foot dining area. The applicant shall comply with ADA standards, requiring at least one (1) handicap accessible table. Staff recommends that a four foot (4') path of travel be required throughout the outdoor dining area except as provided by law.

The proposed outdoor dining courtyard is located within 250 feet, both north and south, of residential properties. Staff recommends that no amplified or live performance music be allowed in the outdoor dining courtyard. In protecting the public's health, staff also recommends that no smoking be allowed in the outdoor dining area.

To protect the aesthetic value of the site, all signage should be in compliance with the City's sign regulations. No signage should be erected on or affixed to any portion of the outdoor courtyard fencing.

### Consumption of Alcohol

The applicant wishes to utilize Conditional Use Permit 1992-19, allowing for the sale of beer and wine for on-site consumption in conjunction with the restaurant. The applicant also wishes to allow consumption of beer and wine within the outdoor dining area. It is recommended that the applicant comply with all State of California Department of Alcoholic Beverage Control (ABC) regulations relating to the outdoor consumption of alcohol.

### Hours of Operation

The applicant proposes the hours of operation for both the restaurant and the outdoor dining courtyard to be from as early as 8:00 a.m. until as late as 2:00 a.m. In light of the fact that residential properties are as close as 150 feet from the outdoor dining area, staff recommends the hours of operation for the outdoor dining courtyard to be from as early as 8:00 a.m. until as late as 7:00 p.m. Sunday through Thursday, and as early as 8:00 a.m. and as late as 9:00 p.m. Friday and Saturday.

### Parking

The site is located within the Downtown Parking District. According to section 10-3.1205(B) of the Madera Municipal Code, parking standards are exempt so long as the property is within the Downtown Parking District.

### Site Improvements

With no site improvements made in the past, this site has not seen any meaningful improvements since being developed. Conditions of approval require on- and off-site improvements that bring the site to a current City standard. On-site improvements include a reconditioning of the structure, construction of new concrete ground cover for the outdoor dining courtyard and construction of a new trash enclosure. Off-site improvements include upgrades to sidewalks, ADA accessibility, and installation of a new Automatic Meter Reading (AMR) water meter.

### Trash Enclosure/Service

The State of California has required construction of trash enclosures to provide necessary infrastructure for waste diversion on commercial properties. Trash service has been an issue on this site for some time. With no dedicated alleyway or cross-access easements to the north or east of the property, the only access the trash service company has is from the sidewalk to the south. Staff conversed with an employee from the trash service company and found that the bin is being rolled across the sidewalk in order to be serviced. This should only occur when a parcel is landlocked and has no other options. In this case, an alternative to the type of refuse container used on the property can be entertained.

The applicant has proposed the construction of a new trash enclosure that would contain three trash containers, also known as toters. Similar to trash containers on residential properties, and unlike trash bins, toters can be rolled across the concrete sidewalk to be serviced by the trash service company. There is a proposed pathway for employees to utilize the trash enclosure on trash service day, which would be located along the perimeter of the courtyard and screened from the public view. This would fulfill the State's requirement for waste diversion.

This proposed conditional use permit was reviewed by various City Departments. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

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

Though approval of outdoor dining as a component of a restaurant is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*;

## **RECOMMENDATION**

The information presented in this report supports conditional approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2016-19 and Site Plan Review 2016-34 subject to the findings and conditions of approval outlined in this report.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the use permit and site plan review request, determining to either:

- approve the applications with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission's action.

Motion 1: Move to approve Conditional Use Permit 2016-19 and Site Plan Review 2016-34, based on and subject to the findings and conditions of approval:

### Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- Outdoor dining in association with a restaurant is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- Parking standards are exempt per section 10-3.1205(B) of the Madera Municipal Code.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not 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. The use is deemed to be a compatible use that is consistent with the zoning for the site.

## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature

upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.

2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-19 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2016-19 and Site Plan Review 2016-34 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.
5. Site Plan Review 2016-34 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-34.
7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

### **Building Department**

8. A building permit is required for all improvements. The tenant space and outdoor dining courtyard must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act prior to occupancy.
9. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

### **Engineering Department**

#### General

10. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
11. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.
12. The improvement plans for the project shall include the most recent version of the City's General Notes.



13. Improvements within the City right-of-way shall require an encroachment permit from the Engineering Division.
14. Improvements within the State of California right-of-way require an encroachment permit from Caltrans.

#### Sewer

15. The existing sewer service connection shall be upgraded to current City standards including cleanouts, if not already installed.

#### Streets

16. The developer shall reconstruct/upgrade the existing handicap access ramp located at the southeast corner of East Yosemite Avenue and South B Street to current ADA standards.
17. Damaged sidewalk along East Yosemite Avenue and South B Street shall be reconstructed per current City Standards.

#### Water

18. Existing water service connections shall be upgraded to current City standards including installation of Automatic Meter Reading (AMR) water meters located within City right-of-way and backflow prevention device located within private property.

#### **Fire Department**

19. A building permit is required for all proposed changes.
20. All exterior gates in the egress path must be equipped with no locks or latches unless they are panic hardware.
21. Portable 2A10BC-rated fire extinguishers are required within 75 feet of all areas of the building, including patio dining areas.
22. Emergency lighting is required at all egress paths, including the patio.

#### **Planning Department**

##### General

23. The conditions of approval for Conditional Use Permit 2016-19 and Site Plan Review 2016-34 shall supersede all prior conditions set forth in Conditional Use Permit 1992-19.
24. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
25. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
26. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.

27. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of this permit.

### Business Operations

28. Conditional Use Permit 2016-19 allows for outdoor dining as a component of the restaurant's operations.
29. No outdoor display of merchandise shall be allowed.
30. No amplified or live performance music shall be allowed in the outdoor dining courtyard.
31. Smoking shall be prohibited in the outdoor seating area, except as provided by law.
32. The sale of beer and wine for on-site consumption is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control. The applicants, its operators, and successors, shall comply with all applicable City, State, and Federal Requirements and Standards.
33. The sale of alcoholic beverages shall be restricted to on-site consumption only. No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the use.
34. Hours of operation for the restaurant shall be from as early as 8:00 a.m. until as late as 2:00 a.m., seven (7) days a week. Hours of operation for the outdoor courtyard shall be from as early as 8:00 a.m. until as late as 7:00 p.m., Sunday through Thursday, and as early as 8:00 a.m. until as late as 9:00 p.m. Friday and Saturday.
35. All on- and off-site improvements shall be completed in advance of the utilization of the outdoor dining component of the restaurant.

### Fences and Walls

36. The developer shall construct a new trash enclosure in conjunction with the construction of the outdoor dining courtyard. The trash enclosure shall be painted to match the refreshing of the existing primary structure. The location of the trash enclosure shall be consistent with the approved site plan.
37. The trash containers/toters shall be stored inside the trash enclosure. The containers/toters may be placed on the curb in front of the street the night before the designated trash service day, and shall be moved back into the enclosure by midnight the day of service.

### Landscaping

38. A landscape and irrigation plan for on-site landscaping improvements shall be submitted by a draftsman or architect to the Planning Department for review and approval.
39. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to; ensuring irrigation equipment is properly operating at all times, trimming and pruning trees and shrubs and replacing dead or unhealthy vegetation with drought tolerant plantings.

## Signage

40. Existing dilapidated sign(s) shall be removed from the structure.
41. No permanent or temporary signage shall be placed within the outdoor dining area or affixed onto the outdoor dining area fencing.
42. All signage shall be of pan channel letter quality or better and in compliance with the Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC Chapter 10-6.

## Structures

43. Prior to the submittal of a building permit, the applicant shall submit a color and materials presentation board to the Planning Department for review and approval, detailing building and trash enclosure colors and materials.
44. The existing structure on the site shall be reconditioned. At a minimum, all structures shall be repainted consistent with the approved colors and materials presentation board.

### **(OR)**

Motion 2: Move to continue the application for Conditional Use Permit 2016-19 and Site Plan Review 2016-34 to the September 13, 2016 Planning Commission hearing, based on and subject to the following (specify):

### **(OR)**

Motion 3: Move to deny the application for Conditional Use Permit 2016-19 and Site Plan Review 2016-34 based on and subject to the following findings (specify)

## **ATTACHMENTS**

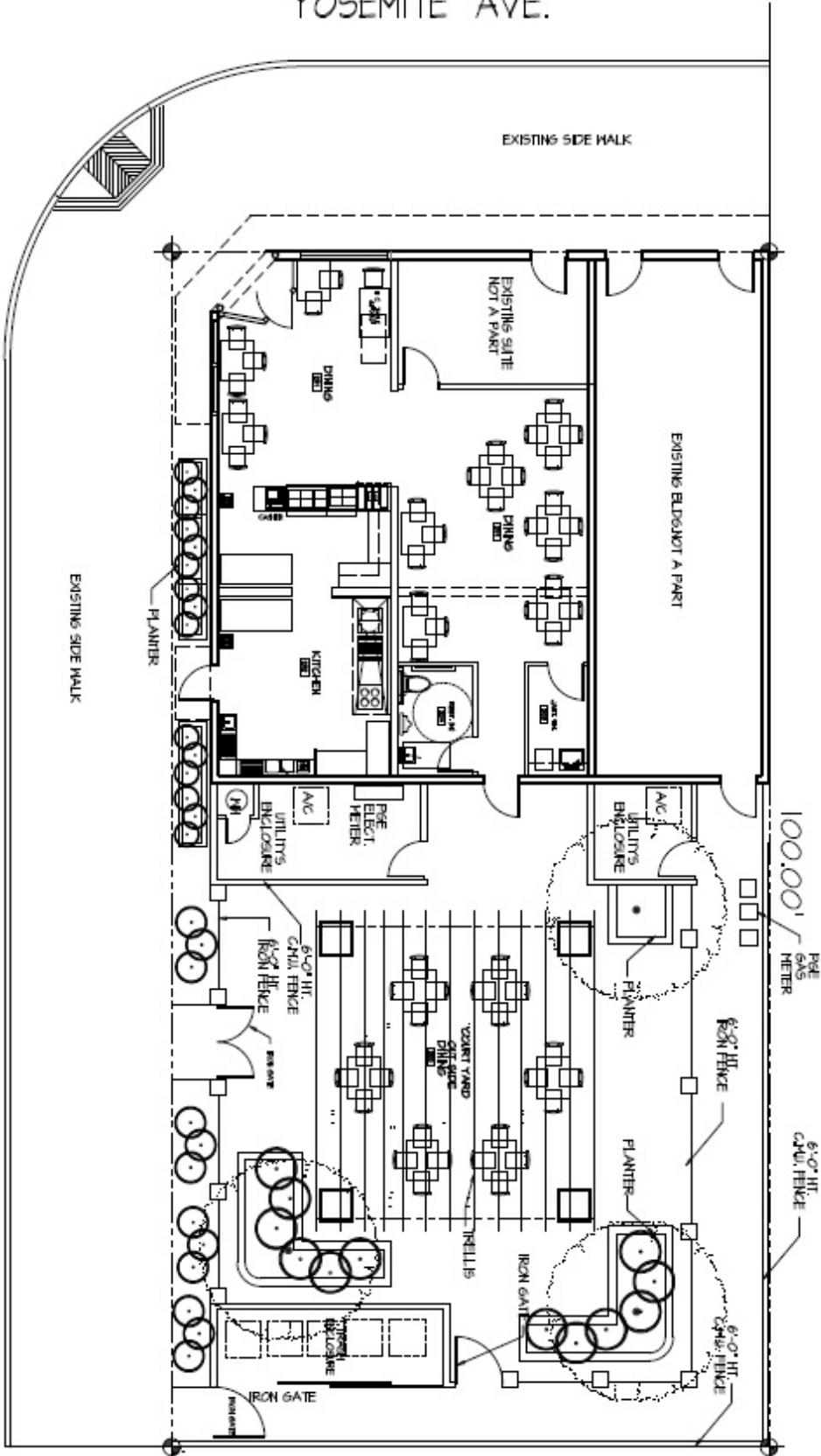
Aerial Photo  
Site Plan  
Elevations

**Aerial Photo**



# Site Plan

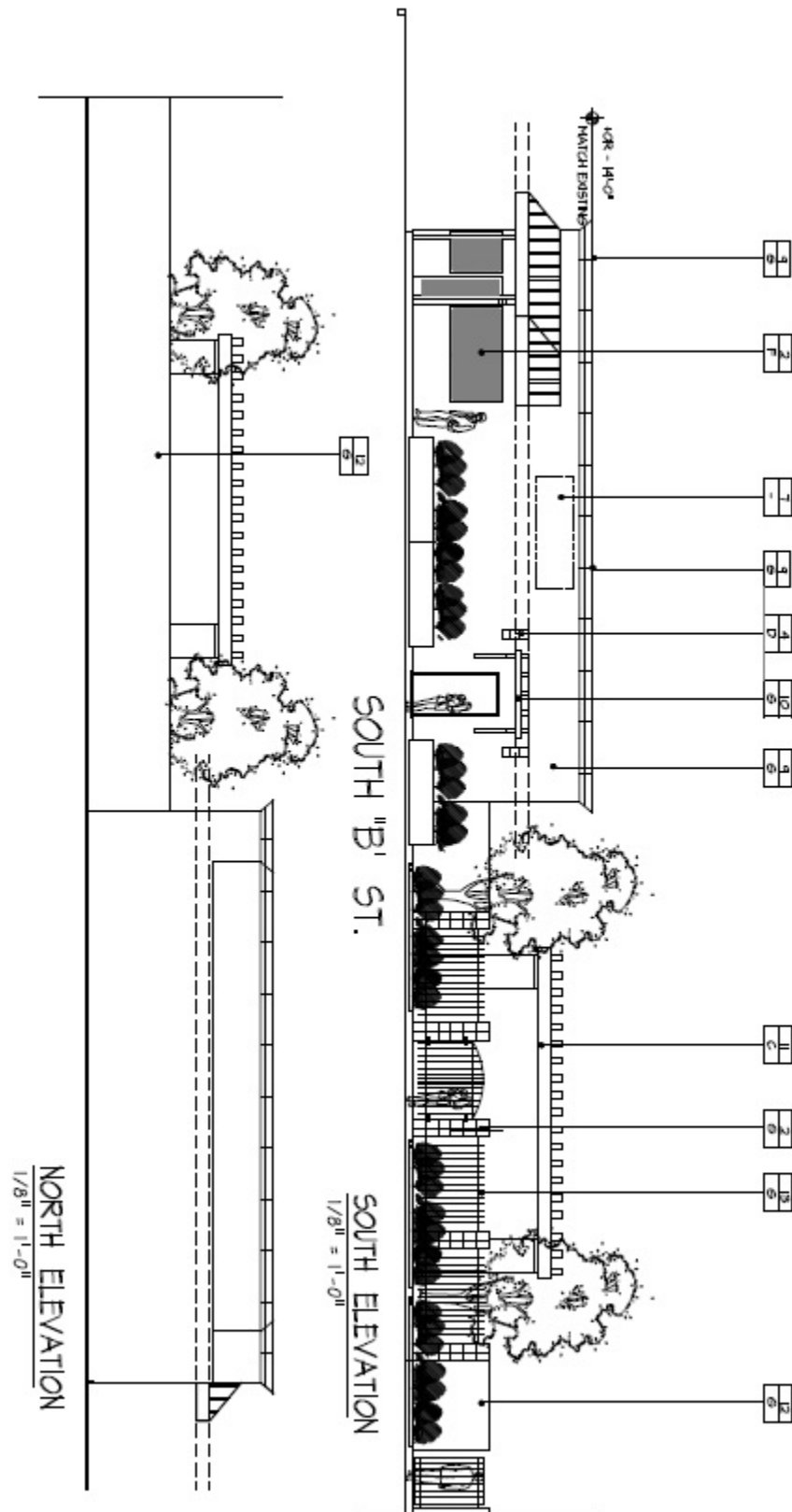
YOSEMITE AVE.

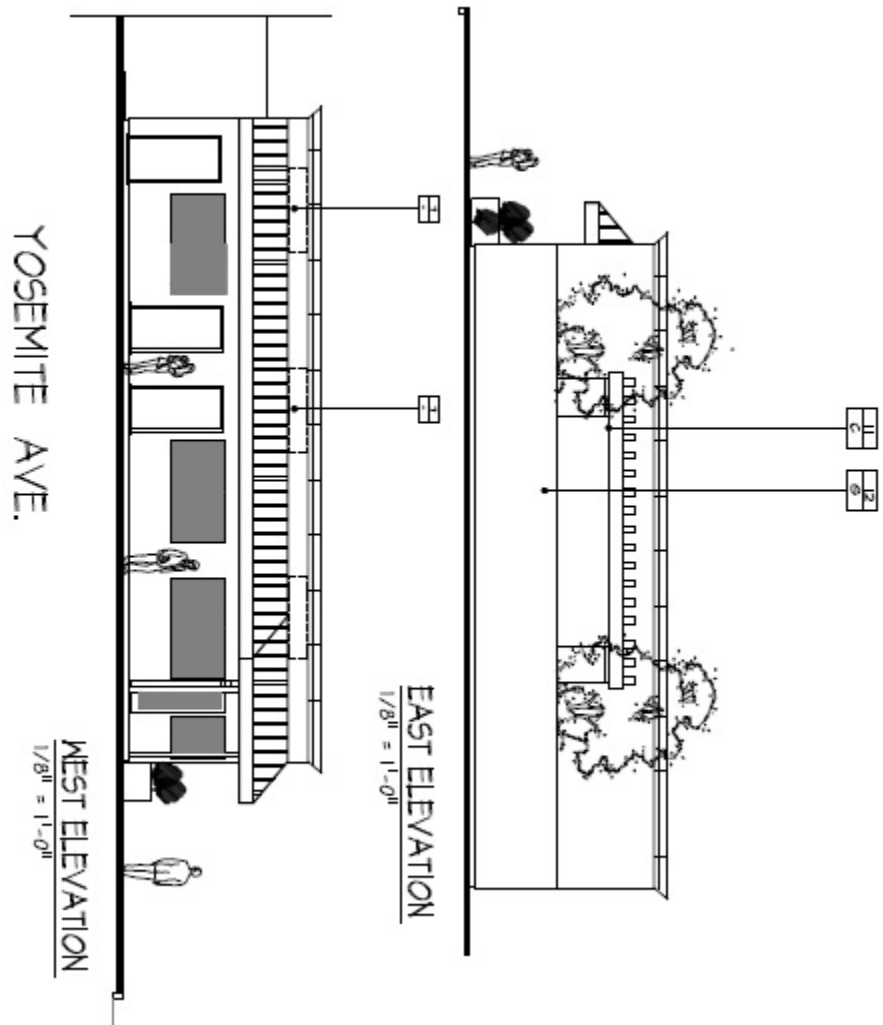


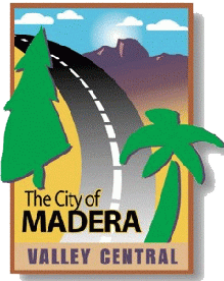
SOUTH 'B' ST.

**SITE PLAN**  
1/8" = 1'-0"

# Elevations







CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Madera Travel Center  
TPM 2015-01, SPR 2015-18, CUP 2015-09 to 2015-17,  
VAR 2015-02 and Environmental Determination  
Item #2 - August 16, 2016**

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**PROPOSAL:** A request for approval of a tentative parcel map, site plan review, multiple conditional use permits and a variance which cumulatively provide for the development of a travel center. An environmental impact report, mitigation monitoring and reporting program, statement of overriding considerations, and related findings for all project components are also being considered in conjunction with the proposal.

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<b>APPLICANT:</b>	Love's Travel Center	<b>OWNER:</b>	Jim & Maryvonne Gagliardi
<b>ADDRESS:</b>	1750 Avenue 17	<b>APN:</b>	013-240-003
<b>APPLICATIONS:</b>	TPR 2015-01, SPR 2015-18 CUP 2015-09 to 2015-17 and VAR 2015-02	<b>CEQA:</b>	Environmental Impact Report

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**LOCATION:** The project site is located on the southeast corner of State Route 99 and Avenue 17.

**STREET ACCESS:** Avenue 17 and the future Sharon Boulevard.

**PARCEL SIZE:** 48.36 acre in total, of which 24.40 acres encompasses the various components of the proposed development, 5.09 acres is dedicated in street easements, and an 18.87 acre remainder.

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C2 (Heavy Commercial)

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**SITE CHARACTERISTICS:** The project site is located on the south side of Avenue 17, east of the State Route 99 corridor. Vacant commercially-zoned land is located to the south and to the north. Rural residential property is located to the east. The Union Pacific Railroad/State Route 99 transportation corridor is immediately west, with vacant lands and the Airport Industrial Park beyond.

**ENVIRONMENTAL REVIEW:** An environmental impact report (EIR) has been prepared for the project. The Planning Commission will make a determination regarding the certification of the EIR in conjunction with the various entitlements.

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**SUMMARY:** The environmental impact report adequately addresses impacts and identifies appropriate mitigation measures for the project. Although most impacts can be mitigated to a level of less than significant, some remain significant and unavoidable. A statement of overriding consideration is required if the project is to be approved. The project implements the C (Commercial) General Plan designation for the site, and the development is consistent with the applicable goals and policies contained in the General Plan.



## **APPLICABLE CODES AND PROCEDURES**

Section 10-3.901 C2 Zone

Section 10-3.1301 Conditional Use Permits

Section 10-3.1401 Variances

Section 10-3.4.0101 Site Plan Review

Section 10-6 Sign Regulations

Section 10-2.501 Tentative Parcel Maps

California Public Resources Code Section 21000 et. seq., California Environmental Quality Act.

## **PRIOR ACTION**

The project site was rezoned and annexed into the City in 2007 for the purpose of developing the Gateway Galleria retail shopping center. The proposed shopping center development would have included approximately 450,000 square feet of retail uses in over twenty buildings. The project was never constructed. The last use of the property was a holding facility for large storage containers and earth moving equipment.

## **ANALYSIS**

### **Overview**

The Madera Travel Center project spans approximately 24.5 acres and includes multiple entitlements that cumulatively provide for the development of the site overall. The entire project, inclusive of all of its individual components, is the subject of an environmental impact report (EIR). Action on the environmental document must be taken before the project itself can be considered, and the EIR must be certified by the Planning Commission if the Commission wishes to approve the project. The following applications are part of the overall project:

Tentative Parcel Map 2015-01: A tentative parcel map is required to subdivide the existing property to prepare the property to accommodate the proposed project. The existing 48.36-acre parcel of land is proposed to be divided into four separate parcels, encompassing 1.87 acres, 2.36 acres, 7.26 acres and 12.92 acres respectively. These four parcels, which accommodate the various components of the project, total approximately 24.5 acres. The tentative parcel map also includes an 18.87 acre remainder and an approximately 5.09 acre easement dedicated for street purposes, the future Sharon Boulevard arterial street.

The tentative map has been processed in a manner consistent with the State Subdivision Map act and the City of Madera Subdivision Ordinance. Conditions of approval (Attachment 4D) ensure that requirements will be incorporated into the final map prior to its recordation. The map and the parcels that will be created by the map are consistent with the City General Plan and the applicable provisions of the zoning ordinance. Improvements of the type and design called for in the General Plan will be provided in conjunction with the map, including but not limited to public utilities, streets, and pedestrian amenities. Right of way will be dedicated to accommodate all near term and future public improvements. The proposed parcels are suitable for the use and density of the travel center use that is proposed in conjunction with the site plan review.

Site Plan Review 2015-18: The site plan review process is required for all commercial development projects in the City. The process establishes design requirements for the overall development, as well as for specific buildings and features within the development. Site plans are reviewed for compliance with General Plan policies such as those summarized within this report, as well as with the minimum development standards identified in the zoning ordinance. Development submittals are also evaluated against the City's Design and Development

guidelines, which describe and illustrate preferred design concepts which should be incorporated into commercial projects.

In order to address the City's various requirements, the site plan review package for the project includes the overall layout of the travel center and its individual components, with specific details regarding building configuration, parking and circulation, site amenities, landscaping and off-site improvements. The individual components of the Madera Travel Center project include:

#### Travel Stop

An 11,981 square-foot Travel Stop building, including 7,965 square feet within the store portion and a 4,016 square foot, branded food restaurant with drive-through, served by on-site parking for passenger vehicles and trailer trucks. Gasoline and diesel fuel, and propane will be sold on site, with nine covered fuel islands for trucks, and nine separate fuel islands for automobiles, as well as truck scales, oil-water separator, RV dump, and both above ground diesel fuel tanks and underground gasoline tanks, and an underground diesel exhaust fluid tank. All large truck maneuvering will be segregated from car traffic and non-trucker personnel for safety.

#### Tire Shop and Truck Area

Designed within the site as an ancillary component of the Travel Stop, in a separate area from the Travel Stop building, the tire shop and truck area will provide parking facilities for tractor-trailers and general services for big rig tractor maintenance, including the sale and installation of tires. There will be no heavy maintenance or engine rebuilding activities conducted on-site. Access to this component is separate from the general passenger car and truck visitors to the travel stop.

#### Project Hotel

A free-standing 81-room, four-story hotel is proposed with amenities that include an outdoor swimming pool, picnic arbor, free breakfast for guests, fitness center, meeting facilities, and business center for travelers.

#### Restaurant with Drive-through Lane

A freestanding restaurant of approximately 4,400 square feet is proposed in the northwest corner of the site with a drive-through window and long queuing driveway. A tenant is not currently identified.

#### RV and Boat Storage Facility

A gaited RV and Boat Storage facility is proposed. The recreational vehicle storage facility would include seven canopy-covered, open-air storage buildings that would provide a total of 307 storage spaces. A small office building and a wash area would also be provided, and security fencing would be installed. On-site security consists of monitored camera surveillance along with dedicated keypad entry/exit that controls rolling iron gates. Decorative wrought iron with stone pilaster fencing would be included along all street frontages in support of required landscaping.

#### Historical Pedestrian Plaza

An important corner of the property is the southwest corner of Avenue 17 and Sharon Boulevard. The proposed project includes a pedestrian plaza at this location that will address a part of the history of Madera, including metal plaques that will describe the logging history of the Madera area. This feature establishes a physical presence at the corner of Avenue 17 and Sharon Boulevard and serves as an entry feature. It also helps to meet the intent of the General Plan principal of "holding corners," which is intended to improve the appearance of roadways and their intersections.

Please review the attached site plan for graphic understanding of the travel center project overall as well as the individual components discussed above.

Conditional Use Permits (CUP) 2015-09 to 17: A series of conditional use permits are required that would provide for the following entitlements:

- CUP 2015-09 is required in order to allow for changeable copy (gasoline prices) in association with a freeway sign.
- CUP 2015-10 is required in order to allow for the sale of alcoholic beverages as a component of the operations of the travel stop component of the travel center project.
- CUP 2015-11 is required to allow for the establishment of a drive-thru restaurant as a component of the travel stop component of the project. A use permit is required for drive-thru activities.
- CUP 2015-12 is required to allow for the truck stop in the C2 (Heavy Commercial) Zone District.
- CUP 2015-13 is required to allow for automotive repair in the C2 (Heavy Commercial) Zone District.
- CUP 2015-14 is required to allow for the sale of alcoholic beverages as a component of the operation of the freestanding restaurant.
- CUP 2015-15 is required to allow for the establishment of a drive-thru component as Part of the freestanding restaurant.
- CUP 2015-16 is required to allow for a hotel in the C2 (Heavy Commercial) Zone District.
- CUP 2015-17 is required to allow for a RV and boat storage facility in the C2 (Heavy Commercial) Zone District.

Conditions of approval have been incorporated into the project to provide cohesiveness between and compatibility with the individual activities proposed on the project site.

Variance 2015-02: A variance from the sign regulations of the Zoning Ordinance to allow for the construction of a freeway sign taller than forty feet. The applicant proposes to construct a 125 foot tall multi-tenant freeway sign consistent with the freeway sign criteria of the City.

### **General Plan Consistency**

The existing General Plan land use designation for the subject property is C (Commercial), which functions as the City's retail commercial land use category. The individual components of the travel center are cumulatively consistent with this land use designation. The City of Madera General Plan also includes numerous goals and policies which are to be applied to commercial development. The project substantially adheres to these policies, as outlined in the General Plan consistency matrix provided as Attachment 5.0. A summary of key policy areas is provided below:

General Plan policies require that commercial developments are aesthetically pleasing; that all new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian orientation, entryways, gathering points, and the practice of holding corners. The project includes variations of contemporary architectural design, incorporates pedestrian connectivity across the various components of the project, and includes a historical plaza that anchors the corner of the project site.

Parking lots are required to be landscaped, to include shade trees, in order to create an attractive pedestrian environment with safe and well-defined pedestrian connections from buildings to parking areas, from buildings to the adjoining street(s), and among buildings on the same site. Parking lot landscaping is included as a project feature and logical pedestrian

connections are provided within the travel center. Because the handling characteristics of big rig trucks create special constraints and concerns in parking lots, the applicant has designed a travel center where big rig traffic is separated from the general motoring public. In this big rig fueling, service and parking component of the site, a larger parking field provides greater turn radius and parking stall dimensions so as to better accommodate these larger vehicles.

The General Plan also specifies that that developers proposing to rely on the use of “standard designs” or “corporate architecture” be required to improve their designs as necessary to meet the City’s overall standards for quality; buildings include human-scale details such as windows facing the street, awnings, and architectural features that create a visually interesting pedestrian environment. When more than one structure is on a site, they should be linked visually through architectural style, colors and materials, signage, landscaping, design details such as light fixtures, and the use of arcades, trellises, or other open structures. Unarticulated boxy structures shall be broken up by creating horizontal emphasis through the use of trim, varying surfaces, awnings, eaves, or other ornamentation, and by using a combination of complementary colors. The architectural styles proposed by the applicant are consistent with these General Plan criteria. The individual buildings developed within the various components of the project embrace the concepts outlined in the Community Design Element.

### **Off-Site Improvements**

The travel center will access the public right-of-way from both Avenue 17 and Sharon Boulevard. Substantial improvements along the length of the Avenue 17 frontage will be required. The right-of-way access points will align to the currently undeveloped Madera Town Center commercial project approved on the north side of Avenue 17. A new segment of Sharon Boulevard will be fully constructed to provide access to the eastern edge of the project. City sewer and water services will be provided throughout the project to serve each of the parcels and buildings proposed. Storm water run-off generated by the project will be directed to a new temporary detention pond located immediately southeast of project site, on the east side of Sharon Boulevard. With the planned improvements, all necessary infrastructure and utilities to serve the project will be available. Additional detail regarding recommended off-site improvements is contained in the Environmental Impact Report prepared for the project.

### **Parking**

Parking has been allocated so that sufficient parking is available for each component of the travel center project. However, it is recommended that reciprocal parking and access easements be recorded so that the center functions as a cohesive unit. The location and configuration of the buildings, parking lots, drive isles and pedestrian connections are designed to work in conjunction with one another.

The travel center project proposes 309 parking stalls for the entire site. The project provides sufficient off-street parking and is consistent with the parking requirements of the Zoning Ordinance. Although the matrix below appears to indicate the provision of nearly double the required parking stalls, the numbers are reflective of two factors. First, the project provides 98 parking stalls for tractor trailer “big rig” parking as a logical component of the project site. Those stalls are included within the Truck Tire Care & Parking component of the site, which is calculated solely by the square footage of the tire care structure. Second, the hotel parking standard is based on beds rather than rooms, requiring only one parking stall per three beds. The hotel has 121 beds and therefore requires only forty (40) parking stalls serving eighty-one (81) rooms. The seventy (70) parking stalls proposed to serve the hotel is more reflective of potential demand for parking based on the number of sleeping rooms in the hotel.

Project Component	Structural Sq. Footage & Parking Standards	Required Parking	Provided Parking
Freestanding Restaurant	4,400 sf – seating for 140	47	66
81-Room Hotel	1 space for every 3 beds	40	79
Travel Stop Fast Food	4,016 sf – seating for 70	24	24
Travel Stop Store	7,965 sf – 1 stall / 250 sf	32	32
Truck Tire Care & Parking	8,073 sf – 1 stall / 400 sf	20	98
RV and Boat Storage	600 sf – 1 stall / 300 sf	3	10
<b>TOTAL</b>	plus 1 stall / 2 employees	<b>166</b>	<b>309</b>

The parking areas are primarily located between structures and to the rear of the site, with very few parking stalls located between the structure and the street. Parking fields are further divided by landscape peninsulas and pedestrian paths of travel connecting the individual buildings and connecting to the street.

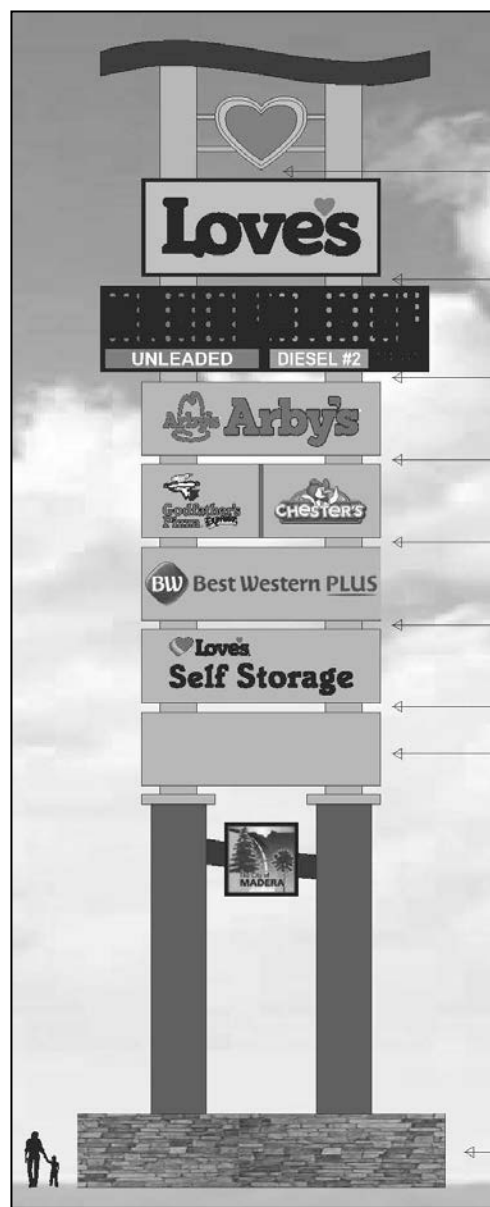
### Landscaping

A conceptual landscaping plan has been provided with the site plan which proposes consistent landscape treatments throughout the center. A mix of trees, shrubs and groundcover are proposed in proximity to buildings, along the perimeter of the proposed project, and within the parking area. It is recommended that a detailed landscape and irrigation plan be submitted to the Planning Department and Parks and Community Services Department for review and approval as a component of submittal for building permits. Additionally, it is recommended that the landscape and irrigation plan incorporate landscaping elements between structures and pedestrian elements in order to provide separation between hardscape and the structural elements of the project.

### Signage

The development of a master sign program is recommended to demonstrate a unified sign style within the center and to establish allowances for individual sign permits when they are proposed. The program should cover building signage and freestanding signage proposed for the individual components and the associated tenants located on the project site. The required master sign program should also identify sign requirements and allowances consistent with the intent of the provisions of the City's sign ordinance. The total amount of the signage proposed and the method of allocation amongst buildings should be consistent with the scale of the proposed commercial center, and should be consistent with the flexible approach utilized for existing commercial centers in the City. The consistency in sign design, in combination with restrictions on where signs can be placed, will enhance the site aesthetically.

The master sign program will be submitted by the applicant and reviewed and approved by the Planning Department prior to issuance of building permits. It is recommended that the design of monument signage be consistent with primary design details for buildings in the travel center. Freestanding signage should include



internal illumination, stucco structural surfacing, and a unifying stone treatment as a component of the base.

The proposed 125-foot tall freeway sign should not be a component of the master sign permit since the allowance for a freeway sign requires the approval of a conditional use permit and variance. A variance is required in order to allow signage taller than forty (40') feet. The approval of a variance from the Sign Regulations of the City of Madera follows the same path as required for all variances from the Zoning Ordinance. Ordinance states that "Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted."

Finding in support of a variance can be made based on the consistency of the request with the purpose and intent of the sign ordinance itself. The ordinance states:

(A) The purpose of this chapter is to regulate signs in the city. Signs have an obvious impact on the character, quality, and economic health of the City of Madera. As a prominent part of the scenery, signs may attract the viewing public, help set the visual tone of the community, and affect the safety of vehicular and pedestrian traffic. This chapter shall prevent the degradation of the visual quality of the city which can result from the proliferation of excessive amounts of signage, poorly designed signage, inappropriately located signage, and/or signage maintained in a hazardous or unsightly fashion. The intent of this chapter is to:

- (1) Advance the economic vitality of the city;
- (2) Improve the character and natural beauty of the community and its various neighborhoods and districts;
- (3) Promote the visibility of businesses through signage;
- (4) Enhance the public's ability to identify uses and premises without confusion;
- (5) Prevent the proliferation of sign clutter;
- (6) Ensure the safety of pedestrian and vehicular traffic;
- (7) Provide specific instruction for the permitting of signage within the city; and
- (8) Implement the community design objectives expressed in the General Plan's Vision 2025.

(B) Signs in the city shall:

- (1) Be of sufficient quality as to enhance rather than detract from the aesthetic value of structures and places;
- (2) Be proportionate to the scale of architecture;
- (3) Be compatible to the environment in which the signage is proposed to be located;
- (4) Be sensibly sized for public view;
- (5) Be commensurate with the purpose of the zone district in which the signage is proposed to be located;
- (6) Provide information as opposed to advertisement; and
- (7) Should never compromise the safety of the public.

The freeway signage design criteria provides for freeway signage that is directed squarely at consistency with the purpose and intent of Chapter 6: Sign Regulations. Without approval of the variance and use permit, attainment of freeway signage that best satisfies all elements of the purpose and intent is difficult to attain. Approval of the variance resolves practical difficulties, reconciles unnecessary hardships, and provides results most consistent with the general purposes of the Sign Ordinance.

A conditional use permit is required in order to allow for the changeable copy gasoline price component of the sign. The design of the freeway sign, including the sign height and signage

area, is addressed within the City's freeway sign criteria. An important component of the freeway sign criteria is that existing and future businesses in proximity to the freeway sign should be provided the opportunity, when available, to locate on the freeway sign. In the case of the travel center freeway sign, it is recommended that a minimum of two planks be available for lease on a contract basis for future uses located adjacent to or in proximity to the travel center properties. Please review the preliminary design of the freeway sign, shown in graphic above.

### **Drive-Thru Windows**

Drive-thru windows are proposed to serve both of the two proposed restaurants. One is proposed as a component of the travel stop structure and one is an element of the freestanding restaurant proposed to be located west of the hotel. The drive-thru window locations are incorporated into the design of the building in such a way that does not substantively detract from the overall architectural value of the building, consistent with the City's Design and Development Guidelines.

The Design and Development Guidelines also recommend no less than a ten (10) car queueing depth for restaurant drive-thru uses. The freestanding restaurant located west of the hotel provides the required queueing depth, but the drive-thru associated with the travel stop restaurant provides an approximately five (5) car queueing depth. This design would typically not be supported by staff due to potential negative impacts to site circulation. Staff discussed this issue with the project engineer to discern whether the specific characteristics of the project mitigated these concerns.

Love's has a total of nine (9) travel stops in the state of California, and of those nine (9) travel stops, seven (7) have a drive-thru for the fast-food restaurant attached to the travel stop. Of the seven (7) locations that have a drive-thru, five (5) locations (71%) have a reverse drive-thru with a short queue length, similar to the proposed Madera Travel Center project. Those travel stops are located in Coachella, Tehachapi, Lost Hills, Santa Nella, and Lodi. During the time these stores have been in operation, Love's has not experienced any operational deficiencies or traffic issues caused by a shorter drive-thru queue length. The drive-thru on those sites do not experience the typical volumes encountered on stand-alone fast-food restaurants, which is attributable to the mixed-use of the project whereby most customers are utilizing more than one service besides the fast-food restaurant. A principal attraction of the travel stop industry is convenience. Having multiple services within the travel stop ultimately allows for the public to fuel their vehicle while purchasing sundries in the convenience store and/or a meal at one of the restaurants on site, utilizing multiple services on site during a single trip. This is not to say, however, that the drive-thru is never used; but the overall usage is disproportionately smaller compared to a standard stand-alone fast food restaurant, where the primary purpose of visiting a stand-alone restaurant is to purchase a meal. Therefore, staff supports the shorter queueing depth associated with the travel center drive-thru.

### **Alcohol Sales**

Two conditional use permit requests for the sale of alcoholic beverages are included in the travel center project. The first request would allow for the consumption of alcohol in conjunction with the proposed freestanding restaurant. While the exact tenant is not yet identified, on-site consumption of beer and wine is supported as a component of this request since many restaurants desire the opportunity to serve beer and wine as a component of their business model. When operated in accordance with the requirements of the Department of Alcoholic Beverage Control, such uses demonstrate compatibility with the accompanying uses that cumulatively form the travel center site.

The second request would allow for the sale of alcoholic beverages as a component the Love's travel stop store. This allowance would provide for the sale of beer and wine for off-site

consumption only. Traditionally available as a component of the Love's Travel Center, beer and wine would be available for purchase by the general public and the trucking community as well.

### **Outdoor Seating**

Outdoor seating may be a desired ancillary activity as part of the operations at the restaurants, travel center store, hotel or historical plaza within the travel center. Although not shown on the travel center site plan, there are opportunities for outdoor seating to occur as a component of these uses. In that there is sufficient parking to allow for outdoor seating, the allowance for outdoor seating is provided as part of the individual use permits that apply to multiple establishments proposed on the travel center site.

### **Environmental Impact Report**

An environmental impact report (EIR) has been prepared for the project in compliance with the California Environmental Quality Act. The purpose of the environmental impact report is to provide information regarding the nature and significance of potential impacts, including the extent to which those impacts can be reduced to less than significant levels through the implementation of mitigation measures. A Draft EIR was completed and made available for public review for a 45 day period between April 13<sup>th</sup> and May 30<sup>th</sup>. The complete Final EIR consists of the Draft EIR, text changes to the Draft EIR, all comments received on the Draft EIR, responses to those comments, and all documents and resources referenced and incorporated by reference in the Final EIR.

### **Areas Where Significant Environmental Effects May Occur**

The EIR identifies significant or potentially significant environmental effects in the following areas: aesthetics, air quality, biology, cultural resources, geology, greenhouse gases, hazards and hazardous materials, hydrology and water quality, noise, traffic and circulation, public services. The EIR concludes that potentially significant impacts in all categories can be reduced to a level of less than significant through the application of mitigation measures, with the exception of specific impacts in the categories of greenhouse gas (GHG) emissions, groundwater supplies, public services (water), and traffic, which will remain significant and unavoidable. These four categories are discussed below

- GHG Emissions. An analysis of greenhouse gas emissions was performed in conjunction with preparation of the EIR to determine whether the project will generate GHG emissions, either directly or indirectly, that have a significant impact on the environment (Section 3.7 of the Draft EIR). The analysis utilizes the approach recommended by the San Joaquin Valley Unified Air Pollution Control District for determining the significance of GHG emissions. In this case, the approach specifies that a 29% reduction in emissions, when compared against "Business as Usual (BAU)" conditions, is necessary to determine that the project would have a less than cumulatively significant impact. Though a 2015 California Supreme Court ruling brings into question the reliance on some BAU comparisons, the San Joaquin Air District continued to recommend the usage of this methodology in the absence of a defined alternative. (See page 3.7-13 of Draft EIR for more on this issue.)

Utilizing the Air District's recommended approach, the analysis demonstrates that the project will reduce emissions greater than 29% compared to business as usual. As such, the impact would be considered less than significant. Even so, in order to avoid any dispute over the validity of that methodology in the aftermath of the 2015 California Supreme Court Ruling, the EIR conservatively concludes that the impact should be treated as being potentially significant and unavoidable.

- Traffic: A traffic impact study was prepared for the project to determine how project-related traffic would affect nearby streets and intersections, including the State Route



99/Avenue 17 interchange which lies adjacent to the site. The study evaluates impacts that might occur under existing and near-term conditions, as well as those that may occur in the year 2036.

In order to reduce traffic impacts to less than significant levels, the project will be responsible for substantial traffic mitigation, including requirements to either construct improvements or pay a fair share towards future improvements. In the case of some impacts to the freeway interchange, the traffic signal(s) that would otherwise mitigate the impact cannot be installed until the traffic warrants are in place to support the signal. Additionally, the City cannot ensure that some improvements necessary to mitigate future impacts will be in place because of a lack of certainty in funding availability. For these reasons, impacts to traffic increases and LOS must be considered significant and unavoidable. (DEIR, pp. 3.13-1 through 3.13-46.)

- Hydrology and Water Quality. Construction of the Project will not result in a significant increase in water usage. Due to the overdraft condition of the regional groundwater basin, however, even with implementation of appropriate mitigation measures, operation of the Project will result in significant and unavoidable impacts to groundwater use and recharge. (DEIR, pp. 3.9-1 through 3.9-27.)
- Public Services and Utilities. Implementation of the Project will result in an increased demand for municipal water and will require an extension of the existing City water system. Even with mitigation, the potential impact remains significant and unavoidable. (DEIR, pp. 3.12-1 through 3.12-19; see specifically 3.12-16 through 3.12-17.)

#### Alternatives

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

Based on the requirements of CEQA Guidelines (Section 15126.6) and the Project's Objectives, the following alternatives to the Project were identified:

- No Project Alternative
- Reduced Traffic Alternative
- Reduced Water Demand Alternative

Chapter 4 of the Draft EIR describes each alternative and compares it with the proposed Project. For each resource topic there is a description of how the potential environmental impact of each alternative compares to that of the proposed Project. The EIR concludes that each alternative would result in less impacts in one or more impact categories, though some alternatives would result in greater impacts in some areas. The reduced traffic impact would result in less impacts (overall) to the greatest number of resources.

The applicant reviewed each alternative to determine its feasibility and the degree to which it meets project objectives. The results of this analysis are summarized in the letter from the applicant's representative (Attachment 2). Staff concurs with this determination, and the analysis supporting the rejection of each alternative is incorporated in Section 8 (pages 8-18) of the CEQA Findings of Fact (Attachment 4A).

### Statement of Overriding Considerations

Section 10592 of the CEQA Guidelines allows local decision makers to approve projects that will have a significant impact on the environment. CEQA requires decision makers to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable,” and a *Statement of Overriding Considerations* may be adopted. Because the proposed project would generate impacts which are significant and unavoidable, a statement of overriding considerations is required in order to allow its approval.

As described above, development of the Madera Travel Center Project will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures. There are no feasible Project alternatives that would mitigate or substantially lessen the impacts. Despite these effects, Staff recommends that the Commission determine that the economic, social and other benefits that the Project will produce will render the significant effects acceptable. Anticipated benefits for the project are summarized below and discussed in more detail in the attached CEQA Findings of Fact (Attachment 4A).

1. The Project will use an undeveloped area of the City, consistent with current land use policies.
2. The Project will create new employment opportunities for local residents. The Project will also have a positive impact on job creation in the City.
3. The Project will generate sales, property, and transient occupancy tax revenue.
4. The Project will provide extended-stay hotel rooms to meet demand in the area.
5. The Project will provide needed additional overnight parking for truck drivers in a safe environment.
6. The Project will provide regional travelers on State Route 99 with clean, diverse amenities to serve their travel needs.

### Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared for the Project and is included as part of the recommended resolution approving the project. The Resolution is included as Attachment 4.0 to this report, and the MMRP is included as Attachment 4B. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period. The Final MMRP is attached to and incorporated into the Final EIR document and is approved in conjunction with certification of the EIR and adoption of the Findings of Fact.

### **SUMMARY OF RECOMMENDATIONS**

The information presented in this report supports positive action on the various components of the project, including certification of the environmental impact report, and approval of the site plan review, various conditional use permits, and the variance. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and adopt the resolution certifying the project EIR and adopting the statement of overriding considerations. After adoption of the resolution, it is recommended that Planning Commission take action to approve the master site plan review and various conditional use permits.

## **PLANNING COMMISSION ACTION**

The Commission will be taking action on a resolution addressing the certification of the environmental impact report, adoption of a mitigation monitoring and reporting program, and adoption of the statement of overriding considerations. If the Commission chooses to certify the EIR, it will also be acting on a resolution (refer to Motion 1B). The Planning Commission is the designated decision making body for all project components. Therefore, the Planning Commission will make the final determination on all items.

Motion 1a: Move to adopt a resolution certifying the Environmental Impact Report for the Madera Travel Center (Attachment 3).

(AND)

Motion 1b: Move to adopt a resolution approving the Madera Travel Center Project including Tentative Parcel Map 2015-01, Site Plan Review 2015-18, Conditional Use Permits 2015-09 through 2015-17 and Variance 2015-02 (Attachment 4.0); adopting mitigation measures and a mitigation monitoring and reporting program (Attachment 4B); adopting findings of fact and a statement of overriding considerations (Attachment 4A); adopting land use project findings (Attachment 4C); and adopting conditions of approval (Attachment 4D).

(OR)

Motion 2: Move to continue the request for approval of Tentative Parcel Map 2015-01, Site Plan Review 2015-18, Conditional Use Permits 2015-09 through 2015-17 and Variance 2015-02 to the September 13, 2016 Planning Commission hearing: (specify)

(OR)

Motion 3: Move to deny the request for Tentative Parcel Map 2015-01, Site Plan Review 2015-18, Conditional Use Permits 2015-09 through 2015-17 and Variance 2015-02 based on the following findings: (specify)

## **ATTACHMENTS**

- 1.0 Maps and Drawings
  - 1A. Aerial Photo
  - 1B. Site Plan
  - 1C. Travel Stop Elevations
  - 1D. Tire Center Elevations
  - 1E. Hotel Elevations
  - 1F. Freeway Sign Elevation
  - 1G. Historic Plaza Site Plan
  - 1H. Historic Plaza Elevation
- 2.0 Applicant's Letter and Exhibit 1- EPS Technical Memo
- 3.0 EIR Certification Resolution
- 4.0 Project Approval Resolution
  - 4A. Resolution Exhibit A. CEQA Findings of Fact
  - 4B. Resolution Exhibit B. Mitigation Monitoring & Reporting Program
  - 4C. Resolution Exhibit C. Project Findings

4D. Resolution Exhibit D. Project Conditions of Approval

5.0 General Plan Consistency Matrix

MATERIALS PREVIOUSLY DISTRIBUTED

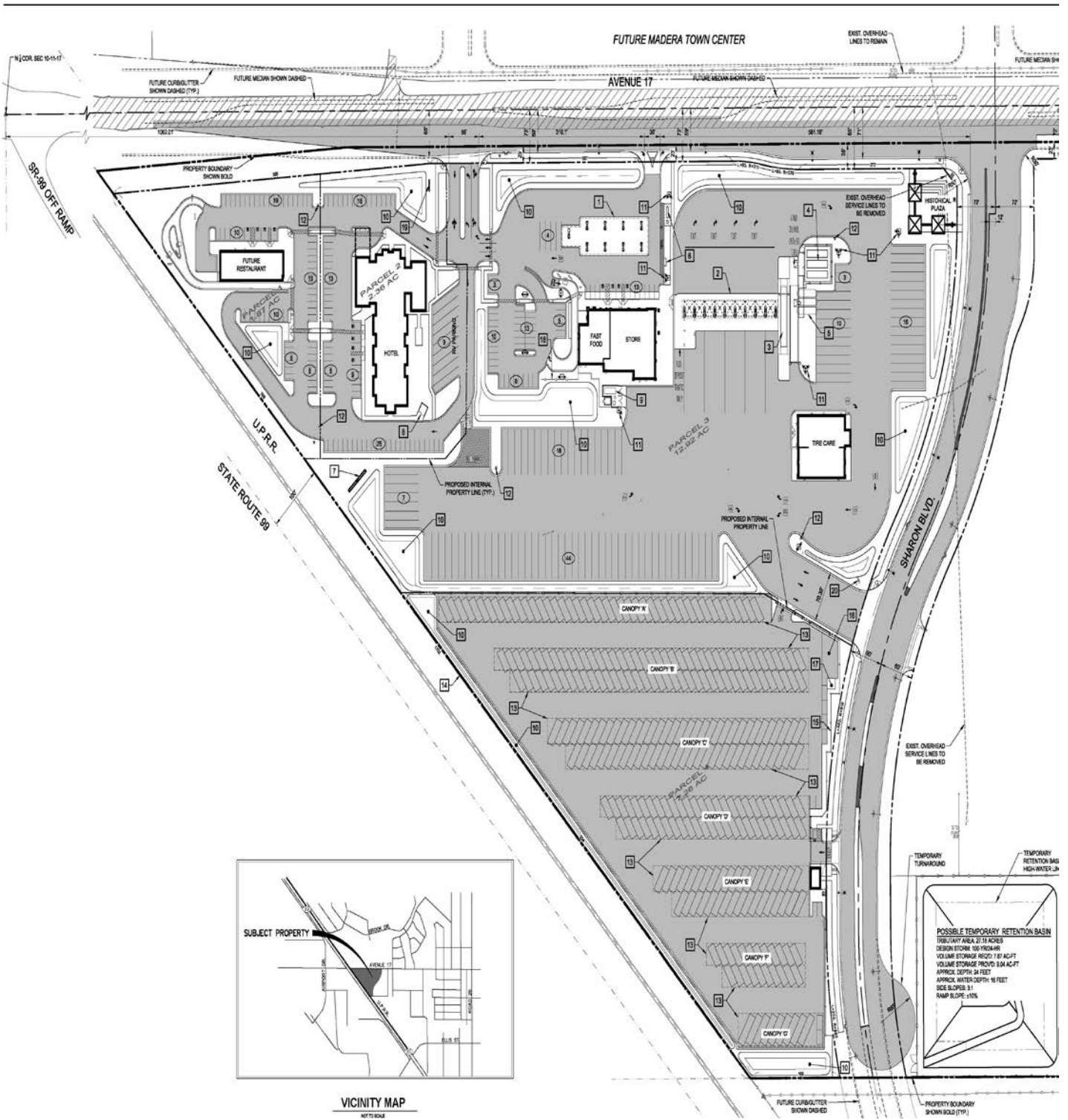
Draft EIR - Madera Travel Center

Final EIR - Madera Travel Center

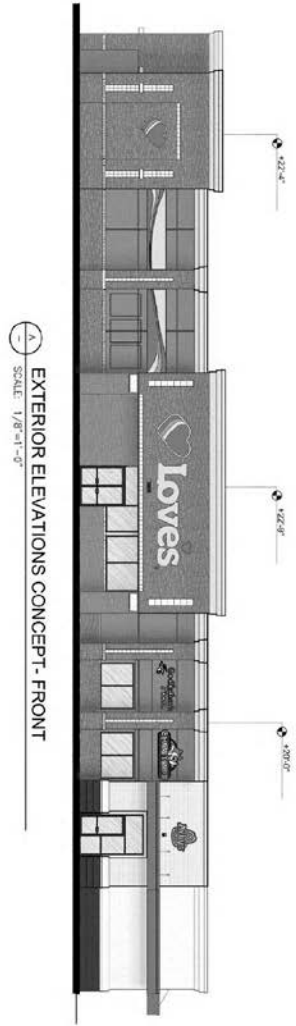
1A. – Aerial Photo



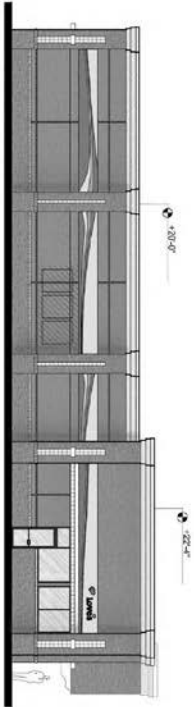
# 1B. – Site Plan



# 1C. – Travel Stop Elevation



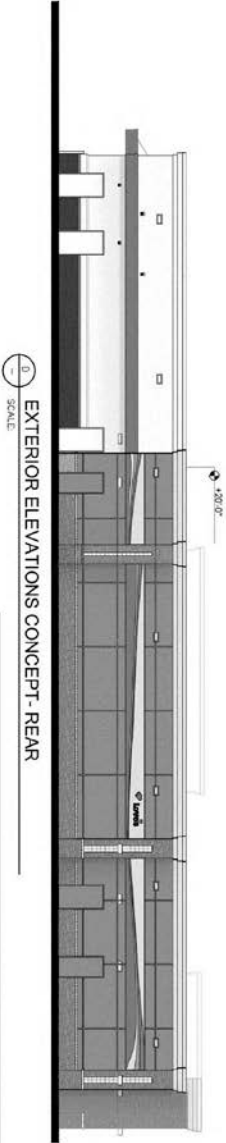
EXTERIOR ELEVATIONS CONCEPT - FRONT  
SCALE: 1/8"=1'-0"



EXTERIOR ELEVATIONS CONCEPT - LEFT SIDE  
SCALE:



EXTERIOR ELEVATIONS CONCEPT - RIGHT SIDE  
SCALE:



EXTERIOR ELEVATIONS CONCEPT - REAR  
SCALE:

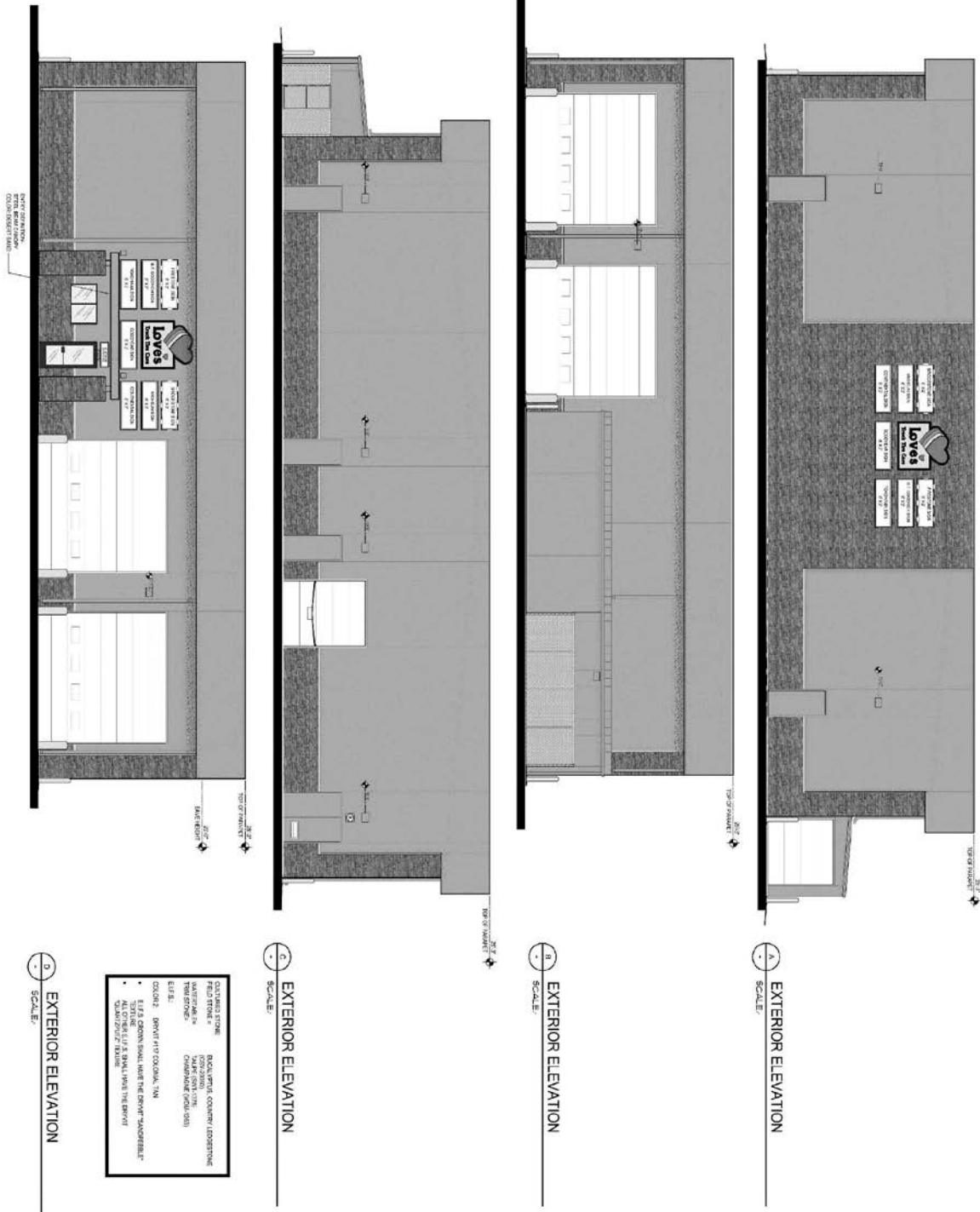
<p>CUT THRU STONE: EUCALYPTUS, COUNTRY LEGESTONE (CSVC-0900) WATER TABLE TRIM STONE: CHAMPAGNE (MDM-125)</p> <p>E.I.F.S.: COLOR 1: DRYVIT 4449 BLOCKSKIN COLOR 2: DRYVIT 4117 COCONUT TAN</p> <p>E.I.F.S. CROWN SHALL HAVE THE DRYVIT "SANDPEBBLE" TEXTURE ALL OTHER E.I.F.S. SHALL HAVE THE DRYVIT "QUARTZITE" TEXTURE</p>	<p>ABOVE: DRYVIT OUTSULATION PLUS MD E.I.F.S. SYSTEM WITH STANDARD TEXTURE - COLOR: ABBV81030</p> <p>DRYVIT OUTSULATION PLUS MD E.I.F.S. SYSTEM WITH CUSTOM BRICK SPECIALTY FINISH</p> <ul style="list-style-type: none"> <li>• 28PT. 28" COROUTE TEMPLATE</li> <li>• DRYVIT "02" BASE COAT</li> <li>• COLOR: ABBY 11028 FOR COROUT LAYER</li> <li>• COLOR: ABBY1212 FOR BRICK LAYER</li> </ul>
<p>METAL CORNS: "DURCLAST 8419/1E37" REGAL CORNER DRYVIT OUTSULATION PLUS MD E.I.F.S. SYSTEM WITH STANDARD TEXTURE - COLOR: ABBY13100</p> <p>"COROCLAST 58.20/1E87" CORNER BRONZE TANK BRONZE PAINT: "SHERWIN WILLIAMS SW 47005 - "PURE WHITE" SHERWIN WILLIAMS SW 48005 - "STOF"</p>	

06-22-2016



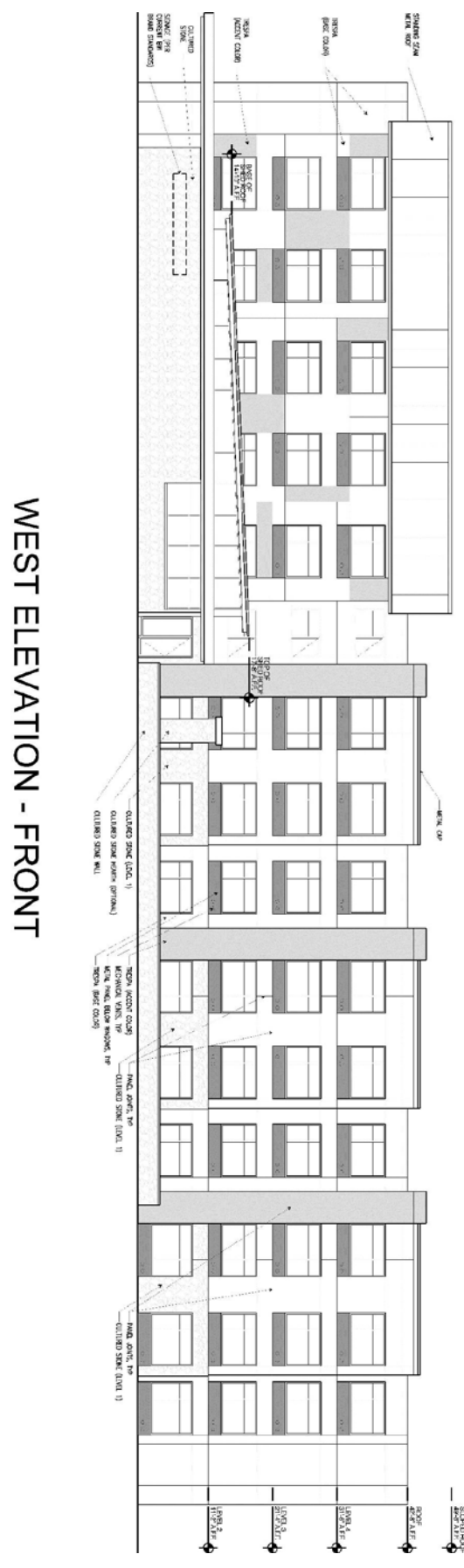
**Loves**  
Travel Stops &  
Country Stores  
MADERA, CALIFORNIA

# 1D. – Tire Center Elevation

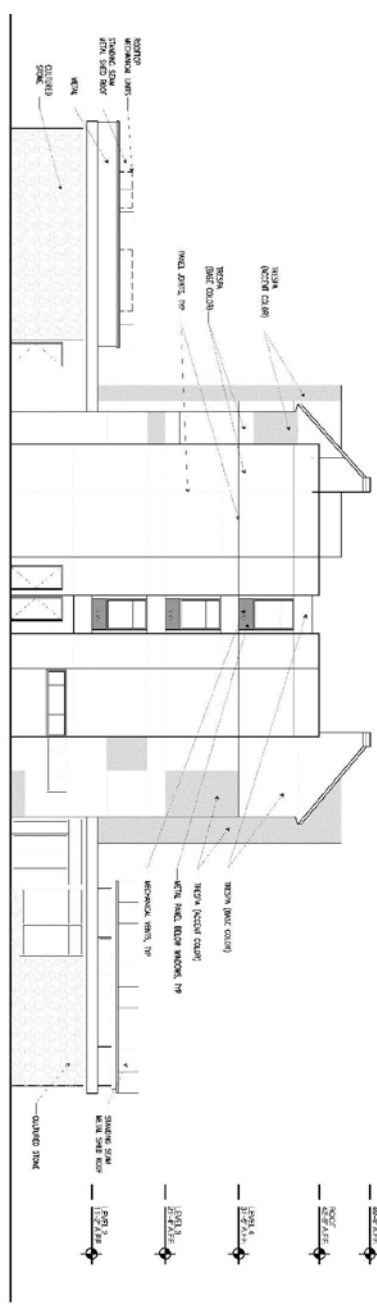




# 1E. – Hotel Elevations



**WEST ELEVATION - FRONT**



**NORTH ELEVATION**

**BEST WESTERN PLUS EXECUTIVE RESIDENCY  
LOVES HOSPITALITY, LLC  
BUILDING ELEVATIONS**

**GSB, INC. ARCHITECTS PLANNERS  
10-27-15**

**EXTERIOR CLADDING LEGEND:**

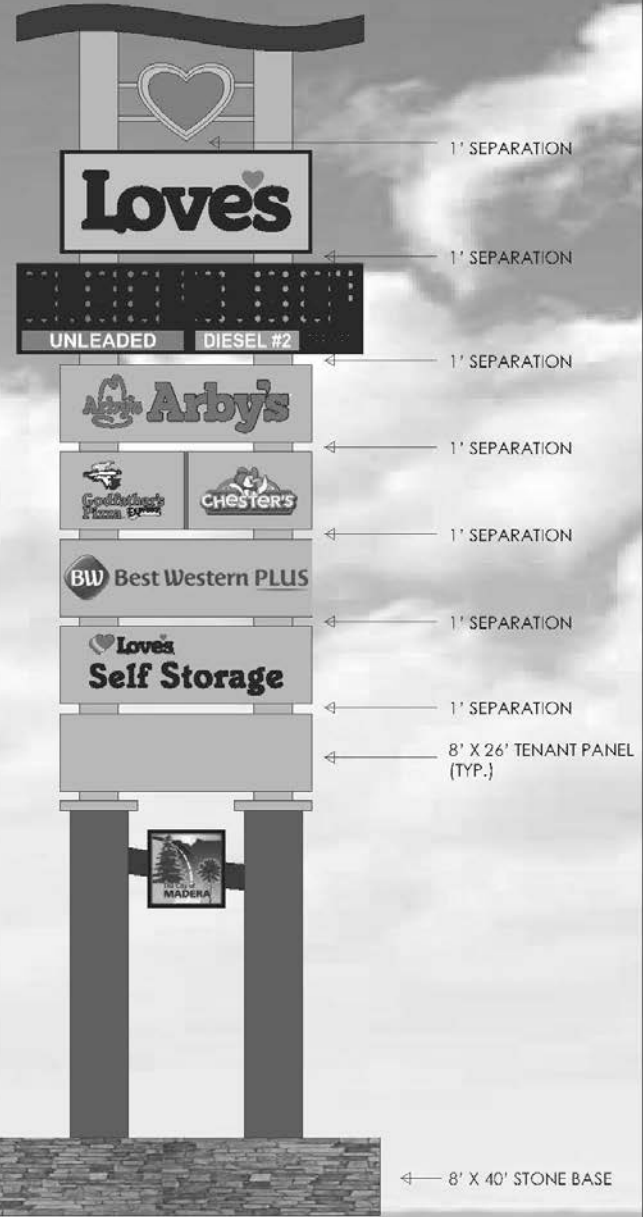
- 1. COOL PALETTE - OPTION A
- TRINSA (GOLDEN COLOR) - WINDUFT ELEGANT ONE
- TRINSA (GOLDEN COLOR) - WICKA 1/2" THINNING SLIVER
- CALABRO STONE - CUMBRINO - NONVAIN (LOCK IN BRITNOR)
- WICKA - BACKCROSS STEEL FINISH

- 2. MAIN PALETTE - OPTION B
- TRINSA (GOLDEN COLOR) - WINDUFT ELEGANT ONE
- TRINSA (GOLDEN COLOR) - WICKA 1/2" THINNING SLIVER
- CALABRO STONE - CUMBRINO - NONVAIN (LOCK IN BRITNOR)
- WICKA - BACKCROSS STEEL FINISH

# 1F. – Freeway Sign Elevation

## LOVE'S TENANT SIGN ~ MADERA, CA

<b>OVERALL HEIGHT: 125'</b>	<b>TOTAL SQ. FT.: 1123.66</b>
4' 10" X 36' DECORATIVE SWOOSH	
8' X 10' HEART (80 SQ. FT.)	
10' 8" X 26' LOVES (277.33 SQ. FT.)	
9' 6" X 36' PRICER - 76" NUMERALS (342 SQ. FT.)	
6' X 21' 8" ARBY'S LETTERS (130 SQ. FT.)	
6' X 8' 6" GODFATHER'S LETTERS (35.05 SQ. FT.)	
6' X 10' CHESTER'S LOGO (60 SQ. FT.)	
4' 6-3/8" X 24' 10" BEST WESTERN PLUS (112.53 SQ. FT.)	
6' 3" X 20' SELF STORAGE (86.75 SQ. FT.)	
8' X 8' CITY OF MADERA (64 SQ. FT.) - NOT COUNTED IN TOTAL	

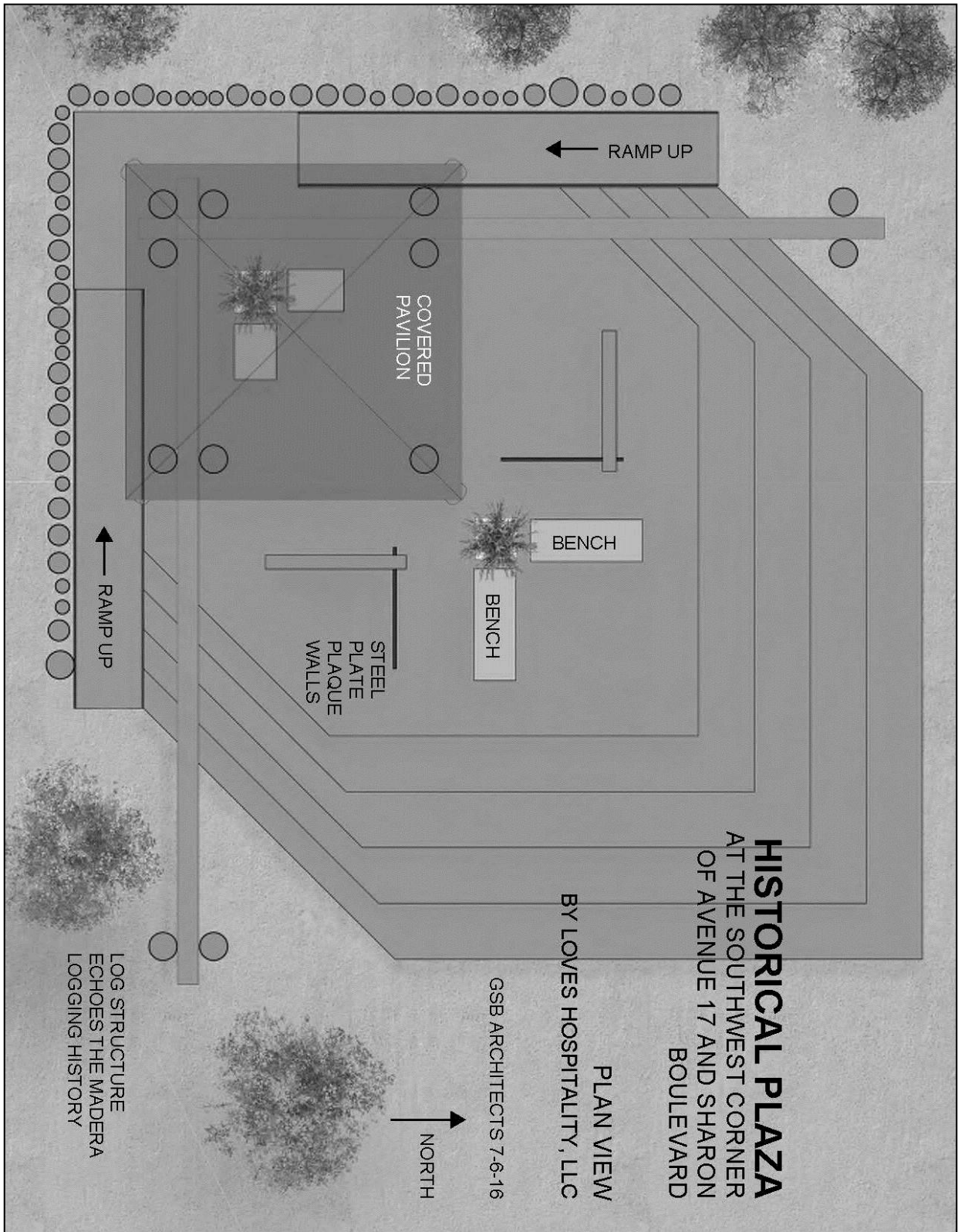


43' 9" FROM BOTTOM OF SUBWAY SIGN TO GRADE  
DIESEL INSTALLED TOWARDS INTERSTATE / HIGHWAY

LOCATION:	DATE:	DRAWING #:	REVISION #:	SCALE:	DRAWN BY:
MADERA, CA	6/29/15	E11156-2901	4 (7/28/16) JW	1/16" = 1'	JW



**1G. – Historic Plaza Site Plan**



1H. – Historic Plaza Elevation





REMY | MOOSE | MANLEY  
LLP

James G. Moose  
jmoose@rmmenvirolaw.com

July 21, 2016

Planning Commission  
Council Chambers, City Hall  
205 W. 4th Street  
Madera CA, 93637

Re: Proposed Madera Travel Center Project

Dear Commissioners:

Our firm represents the Applicant for the Madera Travel Center (the “Project”), which would be located near the northern edge of the city limits at the Avenue 17 and State Route 99 interchange. The Project is scheduled to come before the Commission for formal consideration on August 9, 2016. In this letter and its attached exhibits, we respectfully offer analysis and substantial evidence in support of approval of the Project and in opposition to approval of any of the Project alternatives outlined in the environmental impact report (EIR) prepared for the Project. These alternatives consist of the following: No Project Alternative; Reduced Traffic Alternative; and Reduced Water Demand Alternative.

The information conveyed herein supports the formal rejection of these alternatives as “infeasible” within the meaning of that legal term of art, and also supports approval of the Project due to the economic and social benefits it will bring to the City. This letter and its attachments include quantified expert economic evidence of the clear economic and fiscal benefits of the Project.

In compliance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA), the Draft and Final EIRs for the Project include the requisite “reasonable range of alternatives.” (Cal. Code Regs., tit. 14, div. 6, ch. 3 (CEQA Guidelines), § 15126.6, subd. (a).) The No Project Alternative assumes that the Project is not approved and that development of the proposed truck stop would not occur. Because the site is zoned for commercial use, is located at a major interchange along SR 99, and the City has received previous proposals for commercial development, this alternative assumes development of a different project that falls within the uses identified in the Madera Zoning Ordinance as Permitted Uses in the C-1 or C-2 zoning districts. (DEIR, p. 4-6.)

The Reduced Traffic Alternative would allow for development of a truck stop that is half the size of that included in the proposed Project. Specifically, the alternative proposes a truck stop with a travel center up to 5,990 square feet, no hotel, and no stand-alone restaurant with drive-through. This alternative would not adversely affect the traffic level of service to the same degree as the proposed Project. (Draft EIR (DEIR), p. 4-10 through 4-11.)

The Reduced Water Demand Alternative would reduce water demand associated with operation of the proposed Project. In order to accomplish this goal, the alternative would reduce the size of the proposed hotel from 81 to 40 rooms, reduce the square footage of landscaped areas that require regular irrigation, incorporate efficient irrigation systems, and allow for only drought-tolerant plant species.

These actions would reduce peak water usage by 10 percent beyond what can be achieved using the existing Madera Model Water Efficient Landscape Ordinance and State of California water reduction mandates. (DEIR, pp. 4-15 through 4-16.)

In this letter and supporting attachments, we offer specific reasons why we believe the Commission can reject each of these project alternatives as “infeasible” within the meaning of CEQA. We base our suggestions in part on the professional opinions of Economic and Planning Systems (EPS), an expert economics firm that prepared the analysis found in Exhibit 1 attached hereto. We hope you will find our reasoning and the supporting evidence persuasive as you consider approving the Madera Travel Center Project as proposed.

### ANALYSIS

Exhibit 1 to this letter is a technical memorandum written by economist Amy Lapin of EPS, one of California’s leading firms in the business of assessing the economic and fiscal ramifications of developments proposals. This expert explains why, in her professional judgment, the Commission has the ability to reject the No Project, Reduced Traffic, and Reduced Water Demand Alternatives as infeasible.

We respectfully submit that Ms. Lapin’s expert conclusions, supported by mathematical calculations, provide the Planning Commissioners with an ample evidentiary basis for rejecting the Project alternatives as infeasible.

#### Relevant Legal Principles

Before setting out in detail the expert evidence mentioned above, we will first explain the relevant legal principles so that the Commission can consider the evidence in its proper context. These principles will demonstrate that the Commission enjoys considerable discretion in determining whether a particular alternative set forth in an EIR is “infeasible” and thus may be rejected without violating CEQA.

These issues matter because CEQA contains a general statutory command that public agencies should not approve projects that would cause *significant* environmental effects when there are *feasible* mitigation measures or *feasible* alternatives that can substantially lessen such effects. (Pub. Resources Code, § 21002.) This “substantive mandate”<sup>1</sup> can be met through (i) the adoption of feasible mitigation measures, (ii) the choice of a feasible alternative that lessens or avoids significant effects, or (iii) a combination of mitigation and alternatives. Notably, “alternatives and mitigation measures have the same function – diminishing or avoiding adverse environmental effects.” Stated another way, “alternatives are a type of mitigation.” (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376, 403.)

This substantive mandate is effectuated in part through the requirement that, after certifying a final EIR, lead agency decision-makers, as one of the actions needed to approve a project, must adopt *findings* describing the disposition of each significant effect identified in the EIR. The most common finding is that “changes or alterations” (typically mitigation measures) “have been required in, or incorporated into, the project,” with the result that significant effects are “mitigate[d] or avoid[ed].” (Pub. Resources Code, § 21081, subd. (a)(1); see also CEQA Guidelines, § 15091, subd. (a)(1).) Another possible finding is that proposed mitigation measures or alternatives, despite their environmental advantages compared with “the project,” are *infeasible*. (Pub. Resources Code, § 21081, subd. (a); see also CEQA Guidelines, § 15091, subd. (a)(3).) In our own experience, this “infeasibility finding” is used

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<sup>1</sup> / See *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 134.

with some frequency with respect to mitigation measures that, for whatever reason, are simply unworkable.<sup>2</sup> The finding is much more common, however, with respect to alternatives to proposed projects.

The CEQA Guidelines define “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, § 15365; see also Pub. Resources Code, § 21061.1.) The ultimate determination of whether an alternative is feasible or infeasible must be made by an agency’s decision-making body (here, the Planning Commission). Such a task cannot be delegated to staff. (CEQA Guidelines, § 15025, subd. (b)(2).) Thus, the Commission is not bound by City staff’s opinion on these issues. Any decision to reject an alternative, however, must be supported by substantial evidence. (Pub. Resources Code, § 21081.5; CEQA Guidelines, § 15091, subd. (b).)

One legitimate basis for rejecting an alternative to a private development proposal is on pure *economic* grounds. One of the leading cases on this subject is *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.app.4th 587, 598-601 (*Uphold Our Heritage*), in which the Court of Appeal rejected a town’s CEQA findings prepared in connection with a proposed demolition permit for a historical mansion owned by the late computer entrepreneur Steve Jobs. The court found fatal problems with the town’s CEQA Findings because the town never obtained information from the applicant regarding the costs of building a new home to replace the existing structure proposed for demolition. Without such comparative cost information, the town council could not undertake a complete side-by-side comparison between the proposed “project” (demolition and new construction) and an alternative consisting of renovating the historical structure. After reviewing prior CEQA case law dealing with the rejection of alternatives to private projects on economic grounds, the court announced the applicable legal principles as follows:

If the cost of renovation exceeds the cost of new construction, *it is the magnitude of the difference that will determine the feasibility of this alternative.* [Citation.] There is no evidence in the record on which such a determination can be made.

In requiring such an evaluation, we do not imply any disagreement with appellants that Jobs’s personal wealth or ability to shoulder the costs of the proposed alternatives is irrelevant. In *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430 (*MODE*), the court rejected the claim that the financial wherewithal of the project applicant bears upon the feasibility of mitigation measures and project alternatives. (*Id.* at p. 448.) CEQA should not be interpreted to allow discrimination between project applicants for an identical project based upon the financial status of the applicant. (*Id.* at pp. 448-449.) The court explained, “[e]conomic unfeasibility is not measured by increased cost or lost profit, but upon whether the effect of the proposed mitigation is such that the project is rendered impractical. [Citation.] The fact that a project costs too much to be profitable or cannot operate at a profit so as to render it impractical does not hinge on the wealth of its proponent. *No proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful.* But, if the project can be economically successful with mitigation, then CEQA requires that mitigation, regardless of the proponent’s financial status.” (*Id.* at p. 449.) Accordingly, the question is not whether Jobs can afford the proposed alternative, but whether the marginal costs of the alternative as compared to the cost of the proposed project are so great that *a reasonably prudent property owner* would not proceed with the

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<sup>2</sup> / The Applicant is not asking the Commission to reject any *mitigation measures* proposed in the EIR as infeasible. Rather, the Applicant is prepared to implement each and every mitigation measure set forth in the Project EIR.

rehabilitation. (See *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco*, *supra*, 102 Cal.App.4th at pp. 693-694 [applying prudent person standard to determine economic feasibility of proposed alternatives].)

(*Uphold Our Heritage*, *supra*, 147 Cal.App.4th at pp. 599-600 (emphasis added).)

Distilled to its essence, the legal standard for assessing the *economic feasibility* of an alternative to a proposed private development project is whether “a reasonably prudent property owner” would proceed with the alternative in light of its cost differential compared to the “project” as proposed.

The CEQA concept of “feasibility,” however, is sufficiently broad to embrace concerns other than pure private-sector economics. *Fiscal considerations* are also relevant. Thus, evidence indicating that a proposed alternative would generate less tax revenue than a project as proposed may also be a legitimate ground for rejecting the alternative as infeasible. (*Foundation for San Francisco’s Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 913 (*Foundation*) (noting that CEQA “specifically provides for the weighing of economic, social and ‘other’ conditions”); see also Pub. Resources Code § 21002.1, subd. (c).) In *Foundation*, which involved a legal challenge to a proposed retail project requiring the demolition of an existing historical structure, the respondent lead agency’s decision-makers properly rejected project alternatives that called for the rehabilitation of the existing structure. The lead agency’s analysis showed that the alternatives would have generated between 15 and 20 percent less sales tax revenue for San Francisco than would have been created by the project as proposed. This information, combined with other data regarding the economic costs of the alternatives, constituted “substantial evidence” supporting the Board of Supervisors’ finding that the alternatives were infeasible. (*Foundation*, *supra*, 106 Cal.App.4th at pp. 913-914.)

As the *Foundation* decision makes clear, the broad definition of feasibility under CEQA does not limit the thought process of agency decision-makers to the question of whether a proposed alternative is infeasible due to purely financial considerations. Rather, the definition impliedly recognizes the inevitable need to allow elected officials to legislate or to otherwise consider the policy ramifications of their actions, while requiring them generally to strive to find means to avoid or reduce significant environmental damage where reasonably possible.

CEQA case law also supports an even broader, more discretionary notion of feasibility. Thus, agency decision-makers are free to reject an alternative that they consider undesirable from a policy standpoint, provided that any such decision reflects “a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417 (*City of Del Mar*).) As the California Supreme Court has emphasized, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576 (*Goleta II*).)

In the *City of Del Mar* case, the petitioner municipality (Del Mar), in attempting to force the approval of an alternative development project less dense than what its sister city (San Diego) had proposed and approved, asserted that the respondent lead agency “ha[d] misconstrued the scope of CEQA’s infeasibility requirement” by equating “feasibility” with “desirability.” The Court of Appeal disagreed. Emphasizing that San Diego had attempted to accommodate various economic and social factors in reaching its land use decision, the court reasoned as follows:



“feasibility” under CEQA encompasses “desirability” to the extent that desirability is based on a *reasonable balancing* of the relevant economic, environmental, social, and technological factors.

(133 Cal.App.3d at p. 417 (emphasis added).)

Under *City of Del Mar*, a court reviewing a lead agency’s ultimate assessment as to whether an alternative is “infeasible”—a determination made in findings, not in the EIR—looks only to see whether the agency has *reasonably balanced* competing environmental, economic, social, and technological considerations, and has supported its decision with substantial evidence.

Another leading case, *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490 (*Sierra Club*), upheld a lead agency’s reliance on an applicant’s project objectives in rejecting alternatives as infeasible in findings. There, a wine-making company submitted to the respondent county an application for a use permit to develop a 1.4 million square-foot integrated winery facility on 218 acres of property zoned for industrial uses and located in an industrial park near the county’s airport. The applicant identified several objectives related to its desire to consolidate at a single location existing wine-making and warehousing facilities operating at different locations. (*Id.* at p. 1499.) The EIR for the project concluded that, despite mitigation, impacts to wetlands would be significant and unavoidable. The EIR analyzed three project alternatives: a no project alternative, an alternative that avoided all on-site wetlands, and a reduced-scale alternative. Based in large part on the applicant’s objectives and information submitted by the applicant, the county board of supervisors, in approving the project, rejected the alternatives as infeasible.

*Sierra Club* sued, arguing that the county had insufficient bases to reject the reduced-scale alternative as infeasible. The reduced-scale alternative would have reduced the size of the project by 50 percent, thereby reducing the impacts of the project, including those relating to the wetlands. Rejecting this challenge, the appellate court found that substantial evidence supported the conclusion in the county’s findings that this alternative would frustrate the objectives of consolidating winery operations and thereby reducing the existing traffic and air quality impacts occurring from the existing, fragmented operations. (*Id.* at pp. 1506–1509.)

Another instructive decision here is *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957. In that case, the respondent city approved a master plan for a city-owned greenbelt property. The planning process for the master plan included provisions for resources enhancement and a trail system that would include an east-west multi-use trail, among other things. One of the key goals was to preserve and restore coastal prairie habitat, particularly Santa Cruz tarplant populations. The city prepared a draft EIR, which acknowledged that the project would have a significant effect on tarplant habitat due to the chosen alignment of the multiuse trail, which would be paved, compliant with the Americans with Disabilities Act, and connect the communities adjacent to the greenbelt property. The EIR analyzed four project alternatives to the multiuse trail that might reduce or eliminate the plan’s significant impacts: a no project alternative; an alternative that was similar to the project, but in which the east-west trail would not travel through a portion of the property; an alternative that was also similar to the project, but in which all trails were unpaved; and an alternative that provided an unpaved trail system without an east-west connector trail. In its CEQA findings addressing the feasibility of the alternatives outlined in the EIR, the city council concluded that all the alternatives were infeasible based on policy grounds and for failure to satisfy project objectives.

The California Native Plant Society sued, challenging the city’s infeasibility findings on procedural and substantive grounds. As to the city’s feasibility analysis, the court clarified the difference between a determination of “potential feasibility” justifying the inclusion of an alternative in an EIR and a finding of “actual feasibility” made by agency decision-makers at the end of the CEQA process. As stated

by the court, while it is up to the EIR preparer to identify alternatives as potentially feasible, the decision-making body is charged, at the time of project approval, with determining whether they are actually feasible. In making such determinations, agency decision-makers must necessarily weigh and balance the pros and cons of different courses of action, taking account of a broad range of factors. The court concluded that the city council had properly engaged in such balancing.

Citing *City of Del Mar, supra*, 133 Cal.App.3d 401, the court concluded that the city was legally justified in rejecting environmentally superior alternatives as infeasible on the basis of its determination that the alternatives were undesirable from a policy standpoint because they failed to achieve primary objectives of the project, and because substantial evidence supported this finding. The court explained its reasoning here as follows (citations omitted; italics in original):

Here, the City's infeasibility findings likewise are based on policy considerations, particularly the City's interest in promoting transportation alternatives as well as access to its open space for persons with disabilities. Such policy considerations are permissible under the relevant statute, which calls for a determination that "economic, legal, *social*, technological, or *other considerations* . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report." Under this authority, an alternative that "is impractical or undesirable from a policy standpoint" may be rejected as infeasible. Additionally, an alternative "may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record."

Appellants nevertheless attack the infeasibility determination in this case, asserting that the City "rejected the alternatives simply because they did not like them, not because they were truly infeasible." As we see it, however, appellants' assertion represents nothing more than a "policy disagreement with the City." In making its infeasibility findings, the City determined "how the numerous competing and necessarily conflicting interests should be resolved." At bottom, appellants' disagreement is "with the nature of the balance struck between those interests." This is not a case involving straightforward questions of legal or economic infeasibility. Arguably, such cases may present brighter lines for judicial review. Whether or not that is so, this much is clear: it is wholly improper for us to "arrogate to ourselves a policy decision which is properly the mandate of the City." In this case, the City's determination was consistent with permissible statutory factors. And it was justified under relevant case law, including *Del Mar, supra*, 133 Cal.App.3d 401.

(177 Cal.App.4th at pp. 1001-1002.)

Importantly, a decision-making body's findings on the feasibility of the alternatives may be supported by *any* "substantial evidence in the record." (Pub. Resources Code, § 21081.5; CEQA Guidelines, § 15091, subd. (b); see also *Sequoiah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (in assessing the feasibility of alternatives in findings, "the agency may receive such information in whatever form it desires"); CEQA Guidelines, § 15131, subd. (c).) Thus, the courts have consistently upheld agency decisions to rely on substantial information submitted by project applicants in rejecting project alternatives set forth in EIRs. (See, e.g., *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 690-693; *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400-1401; and *Sierra Club, supra*, 121 Cal.App.4th at pp. 1507-1508.)

In short, the kind of substantial evidence discussed below provides legitimate grounds upon which the Commission may reject as infeasible the Reduced Traffic and Reduced Water Demand Alternatives. We will now address that evidence in detail for each alternative.

Expert Opinion of Amy Lapin of Economic & Planning Systems, Inc.

The Project Applicant believes that the Commission has ample basis for rejecting each project alternative for the reasons discussed in Draft and Final EIRs. The EPS Memorandum provides additional supporting evidence regarding the infeasibility of Project alternatives.

First, the EPS memo notes that Love's Travel Stops & Country Stores (Love's) strategically chose the location of the proposed Project to fill a coverage gap in the corridor for its trucking customer base, between Love's Tulare and Ripon travel stop locations. The ability of the Project to address this coverage gap and thereby allow Love's to serve the State Route 99 corridor is an important factor in the economic feasibility of this particular travel stop project. (EPS Technical Memo, p. 2.)

Second, the Project as proposed comports with Love's business model for projects located outside of Love's home base geographic area, which includes the states of Oklahoma, Texas, Kansas, and Colorado. For projects outside these states, Love's business model is to develop travel stops that combine auto and truck fuel services with convenience store, fast-food restaurant, and hotel services. There are two reasons Love's will not operate stand-alone commercial uses outside of this home base geographic area. First, projects operated outside of this area entail high General and Administrative ("G&A") costs associated with management oversight. Second, a project that excludes or reduces the hotel, restaurant and travel stop space, or fuel dispensing pumps would limit Love's ability to effectively use the Project in Love's marketing efforts to its trucking customer base. Based on these factors, the Project requires the profit margins from all of the uses combined (fuel dispensing area, convenience store, fast-food restaurant, hotel, and storage facility) in order to achieve economic viability. (EPS Technical Memo, p. 2.)

Love's is proposing to construct an 81-room extended-stay hotel as part of the Project. There is sufficient demand for such a hotel in the area—there are currently no extended stay hotels in Madera and the nearest extended stay hotel is in the City of Fresno, 18 miles away. Thus, the hotel will fill this gap in the City. The hotel is designed to meet the needs of consumers seeking longer hotel stays, including those visiting nearby correctional facilities and recreational areas, and construction and medical-center related businesses. An 81-room hotel will allow Love's to successfully compete with respect to room rates and revenue-per-available-room expectations, while maximizing overhead cost efficiencies. (EPS Technical Memo, pp. 2, 4.)

With these and other considerations in mind, the EPS Memorandum specifically compares each alternative against the Project in light of the project objectives and economic feasibility.

*No Project Alternative*

The Draft EIR provides sufficient reasons for the Commission to reject the No Project Alternative as infeasible, as this alternative is entirely speculative. There is no project proponent or project applicant. What is more, even if the hypothetical No Project Alternative were proposed, construction would take five to ten years or longer, while construction of the Project is expected to take only one year. The highly speculative, hypothetical nature of this alternative is sufficient, by itself, to render the alternative infeasible. (DEIR, p. 4-5; EPS Technical Memo, pp. 13, 17.)

This conclusion is not surprising, since under CEQA the No Project Alternative does not embody a real, viable alternative that can be brought to life by some sort of action taken by an agency's decision-making body. Rather, the No Project Alternative provides a kind of benchmark against which to compare a proposed project. The comparison is between doing nothing and doing something. (See CEQA Guidelines, § 15126.6, subd. (e)(1); *Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 89, 917-918.) Future impacts—and future benefits—flow from “doing nothing” only to the extent that, at some point in the future, another applicant might propose another project consistent with the general plan and zoning designations for a piece of property.

In addition to the speculative nature of the No Project Alternative, there are other reasons why it can be rejected as infeasible. For example, because of the potential long time period for development, the No Project Alternative would be less effective than the Project, at least for the near-term, in meeting project objectives of “creat[ing] new jobs that can be filled wholly or partly by local residents,” “maximize[ing] tax revenues to the City of Madera.” (See DEIR, p. 2-21.)

Although the mix of uses that would eventually be developed on the subject site under the No Project Alternative cannot be known at present, it is likely that the ultimate mix would be less-oriented to serving customers traveling down Highway 99 than the Project will be. For that reason, the No Project Alternative would be less effective than the Project in meeting the project objective of “provid[ing] visitor-serving facilities that maximize the benefits of the Project site's proximity to State Route 99 for all buildings and tenants and thereby minimize traffic generation on local streets and total vehicle miles traveled (and attendant air pollution and greenhouse gas generation) by visitors exiting and reentering that highway.” (*Id.*)

#### *Reduced Traffic Alternative*

The Applicant also believes that the Commission has ample bases for rejecting the Reduced Traffic Alternative. Under this Alternative, the size of the Project would be reduced by one-half, to 5,990 square feet, and would not include a hotel or stand-alone restaurant with drive-through. (DEIR, pp. 4-10 through 4-11.) The Commission may properly and lawfully find both that this alternative is infeasible for failing to meet key project objectives, and is economically infeasible. Specifically, the Reduced Traffic Alternative conflicts with the project objectives of developing a property of *sufficient size* to accommodate a Travel Center with sufficient amenities and fueling positions to accommodate the necessary cars and semi-trucks. (EPS Technical Memo, p. 17.)

Based on the Applicant's experience developing similar travel centers, a reduction in the size of the proposed Project along the lines proposed by this alternative would jeopardize the viability of the Project. A project without a hotel of this size, restaurant and travel stop space, and fuel dispensing pumps, would limit Love's ability to effectively use the Project in marketing efforts to its trucking customer base. In addition, the high costs associated with the management of such projects outside of the Love's home base geographic area require the profit margins of all commercial uses combined; excluding the hotel and restaurant would make the Project unviable. (EPS Technical Memo, p. 18.)

Compared to the Project, the Reduced Traffic Alternative would generate \$12.6 million less in economic activity, \$430,000 less in annual City General Fund revenues, and fewer than half the number of jobs. (EPS Technical Memo, p. 17.) This Alternative, then, would be less effective than the Project itself in meeting the project objectives of “provid[ing] visitor-serving facilities that maximize the benefits of the Project site's proximity to State Route 99 for all buildings and tenants,” “creat[ing] new jobs that can be filled wholly or partly by local residents,” and “maximize[ing] tax revenues to the City of Madera.” (See DEIR, p. 2-21.)

Based on all of these considerations described above, the Commission may (and we respectfully submit, should) reject the Reduced Traffic Alternative as infeasible.

*Reduced Water Demand Alternative*

The Applicant further believes that the Commission also has ample basis for rejecting the Reduced Water Demand Alternative, which would reduce the size of the hotel from 81 rooms to 40 rooms, and would further reduce water demand associated with the Project's landscape irrigation. (DEIR, pp. 4-15 through 4-16.) The Commission may find that this alternative is infeasible both for failing to meet key project objectives, and because it is economically infeasible. Specifically, this alternative conflicts with the project objective of developing a Travel Center with a hotel of *sufficient size*. A 40-room hotel would not meet existing consumer demand for lodging in the City, and would not allow Love's to successfully compete with respect to room rates and revenue-per-available-room expectations; nor would Love's be able to maximize overhead cost efficiencies. Such a reduction in the size of the hotel would potentially reduce net revenues by more than half, and would render the Project infeasible. (EPS Technical Memo, p. 18.)

Compared to the Project, the Reduced Water Demand Alternative would generate \$4.2 million less economic activity and about \$101,000 less in annual City General Fund Revenues. In addition, this alternative would create 15 fewer jobs than would be created by the Project. (EPS Technical Memo, p. 18.) This Alternative, then, would be less effective than the Project itself in meeting the project objectives of "provid[ing] visitor-serving facilities that maximize the benefits of the Project site's proximity to State Route 99 for all buildings and tenants," "creat[ing] new jobs that can be filled wholly or partly by local residents," and "maximize[ing] tax revenues to the City of Madera." (See DEIR, p. 2-21.)

Based on all of these considerations described above, the Commission may (and we respectfully submit, should) also reject the Reduced Water Demand Alternative as infeasible.

*Economic and Revenue Impacts of the Proposed Project*

In addition to addressing the above-described problems with the alternatives set forth in the EIR, the EPS memorandum also analyzes and summarizes the economic and revenue impacts of the Project, providing ample substantial evidence to support adoption of a Statement of Overriding Considerations, which is a finding required under CEQA where decision-makers opt to approve a project despite its significant unavoidable environmental effects. In a Statement of Overriding Considerations, decision-makers explain why a project's "economic, legal, social, technological, or other benefits ... outweigh the unavoidable adverse environmental effects" and thus make such effects "acceptable." (CEQA Guidelines, § 15093, subd. (a).)

One-time economic benefits will be generated by Project construction as a result of spending on construction related goods and services. These direct economic benefits will be limited to the construction period of the Project. An estimated direct construction investment of \$28.1 million is estimated to create about 200 jobs over the duration of construction. Indirect economic benefits are estimated to equal approximately \$3.5 million and create about 25 jobs. (EPS Technical Memo, p. 7.)

The Project will also result in revenue generated through property tax. Based on a total assessed value of approximately \$23.5 million, it is estimated that the Project will generate about \$235,000 annually at full buildout. The County General Fund would receive about \$2,200 of this amount annually. The remaining \$233,000 of the property tax revenue would be allocated to other taxing entities such as

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Council Chambers, City Hall  
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the County General Fund, local school districts, and the Educational Revenue Augmentation Fund. (EPS Technical Memo, p. 9.)

The Project will also result in other revenue generated through taxes. The Project will generate approximately \$43,000 annually in property tax in lieu of vehicle license fee (VLF) revenue, and approximately \$470,000 in annual sales tax revenue for the City. The Project will also result in \$200,000 in transient occupancy tax revenue. (EPS Technical Memo, pp. 11-13.)

### CONCLUSION

For the reasons set forth in this letter, as supported by Exhibit 1 and the EIR, the Commission can, and we believe should, reject as infeasible the No Project Alternative, the Reduced Traffic Alternative, and the Reduced Water Demand Alternative. For the reasons also set forth in this letter, as supported by Exhibit 1, we respectfully urge the Commission to adopt a Statement of Overriding Considerations specifically citing the economic and fiscal benefits calculated by EPS. We hope that your staff agrees with our recommendations and will supply you with draft CEQA Findings and related paperwork that reflect the reasoning set forth herein on all of these points.

Very truly yours,

*Elizabeth R. Pollock For*

James G. Moose

cc: David Merchen  
J. Brent Richardson  
Mayor and City Council  
Kym Van Dyke

Technical memorandum written by  
economist Amy Lapin of EPS

# **EXHIBIT 1**

*The Economics of Land Use*



## **MEMORANDUM**

To: Kym Van Dyke, Love's Travel Stops and Country Stores  
From: Amy Lapin  
Subject: Draft Environmental Impact Report Alternatives Economic Assessment for the proposed Madera, California, Travel Center; EPS #162066  
Date: July 19, 2016

Based on Economic & Planning Systems, Inc. (EPS)'s extensive urban land economics expertise, Love's Travel Stops and Country Stores (Love's) retained EPS to provide consulting services related to a proposed Love's Travel Center (Project) to be developed in the City of Madera (City), California.

EPS was retained to complete two specific tasks: (1) estimate select, potential City General Fund revenues generated by the proposed Project and three land use alternatives, as detailed in the April 2016 Draft Environmental Impact Report (DEIR); and (2) assess the feasibility of the three land use alternatives relative to the proposed Project. The purposes of this memorandum are to provide a concise description of the Project and DEIR alternatives and summarize EPS's findings.

## **Proposed Project Summary**

### **Project Description**

As described in the DEIR, the Project site is located on one 50-acre parcel (Assessor's Parcel Number 013-240-003) in Madera. The Project is located in the northern portion of the City at the Avenue 17 and State Route 99 (SR 99) interchange. Of the 50-acre site, approximately 25 acres are proposed to be developed as part of the Project; the remaining acreage will be separated from the Project through a tentative parcel map and not developed at this time.

The proposed Project is a travel center that combines a fuel dispensing area; convenience store; two fast-food restaurants; and a midscale-chain, extended-stay hotel. The fuel dispensing area will be equipped with 27 fueling positions, 18 of which will dispense gasoline for automobiles and 9 of which will dispense diesel fuel for trucks.

*Economic & Planning Systems, Inc.  
2295 Gateway Oaks Drive, Suite 250  
Sacramento, CA 95833-4210  
916 649 8010 tel  
916 649 2070 fax*

*Oakland  
Sacramento  
Denver  
Los Angeles*

**[www.epsys.com](http://www.epsys.com)**



Specifically, the primary components of the proposed Project include:

- An approximately 12,000-square-foot Travel Stop building that will house a nearly 8,000-square-foot convenience store and a 4,000-square-foot, branded drive-through restaurant.
- An 8,000-square-foot free-standing tire shop.
- A nearly 58,000-square-foot, free-standing 81-room, four-story, extended stay hotel.
- A second, 4,400-square-foot, free-standing drive-through restaurant.
- A 150,000-square-foot Recreational Vehicle (RV) and boat storage facility.

The Project also includes a historical pedestrian plaza highlighting the City's history and 302 onsite parking spaces for passenger vehicles and trailer trucks. Onsite improvements for various infrastructure facilities (e.g., water and wastewater; landscaping and irrigation; roadways) are required to construct the Project. Offsite infrastructure improvements, including water and sewer improvements, also are required as part of development approval.

Refer to **Table 1** for a summary of proposed land uses in the Project.

### **Project Feasibility**

Love's specifically chose the location of the proposed Project to provide needed corridor coverage to their trucking customer base. The proposed Project location is strategic in filling a gap between their Tulare, California, and Ripon, California, travel stop locations. According to Love's, the success of the proposed Project is enhanced by their ability to serve the entire SR 99 corridor.

The proposed Project comports with Love's business model, which is to develop a travel stop that combines a fuel dispensing area, convenience store and fast-food restaurant, tire care center, hotel, and RV/boat storage if the project is located outside of their home base geographic area.<sup>1</sup> That is, Love's does not operate stand-alone commercial uses (i.e., restaurants; convenience stores with or without restaurants, hotels, storage facilities) outside of their home base geographic area. There are two factors underlying this approach. First, high General and Administrative (G&A) costs associated with the management oversight of projects outside of their home base geographic area require the profit margins of all commercial uses combined (i.e., fuel dispensing area, convenience store, fast-food restaurants, hotel, storage facility) to achieve economic viability. Second, a project that excludes or reduces the hotel, restaurant and travel stop space, or fuel dispensing pumps would limit Love's ability to effectively use the Project in marketing efforts to their trucking customer base.

Love's is proposing the construction of an 81-room, extended-stay hotel as part of the proposed Project. The hotel will fill an existing gap in the City; there are no extended-stay hotels in the City, and the next closest extended-stay hotel is located 18 miles away in the City of Fresno.

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<sup>1</sup> Love's home base geographic area includes the states of Oklahoma, Texas, Kansas, and Colorado.

**Table 1**  
**Madera Love's Travel Center**  
**Draft EIR Alternatives Economic Assessment**  
**Land Use Summary**

Land Use	Proposed Project [1]	Commercial Square Feet/ Hotel Rooms			Reduced Water Demand [1]
		No Project [2]	DEIR Alternatives Reduced Traffic [1]	Reduced	
<b>Commercial Land Uses</b>					
<b>Travel Stop</b>					
Retail	7,965	0	3,982	7,965	
Restaurant	4,016	0	2,008	4,016	
<b>Total Travel Stop</b>	<b>11,981</b>	<b>0</b>	<b>5,990</b>	<b>11,981</b>	
<b>Tire Shop and Truck Stop</b>	8,073	0	8,073	8,073	
<b>Hotel</b>	57,792	0	0	28,539	
<i>Hotel Rooms</i>	81	0	0	40	
<b>Restaurant</b>	4,400	12,000	0	4,400	
<b>Other Commercial Land Uses</b>					
Community-Serving Retail	0	200,000	0	0	
Community-Serving Non-Retail	0	20,000	0	0	
Service Station	0	3,000	0	0	
<b>Total Commercial Land Uses</b>	<b>82,246</b>	<b>235,000</b>	<b>14,063</b>	<b>52,993</b>	
Recreational Vehicle/Boat Storage Facility	150,000	0	150,000	150,000	
<b>Total Land Uses</b>	<b>232,246</b>	<b>235,000</b>	<b>164,063</b>	<b>202,993</b>	

Source: April 2016 Madera Travel Center Draft Environmental Impact Report; City of Madera; Urban Land Institute; EPS.

[1] Total square feet detailed in the April 2016 Madera Travel Center DEIR.

[2] Total square feet estimated by the City of Madera. Square footage by land use category estimated by EPS based on a reasonable allocation of commercial categories, as informed by the 2008 ULI Dollars and Cents of Shopping Centers. Actual land uses and associated square feet may vary.

The hotel will be oriented towards consumers seeking longer hotel stays, with demand stemming primarily from visitors to nearby correctional facilities and recreational areas and construction and medical center-related business travelers.

According to a June 2014 Smith Travel Research study, room demand has been steadily increasing without an increase in room supply. The study concludes that there appears to be sufficient demand for an 80-room hotel. Thus, the hotel is proposed at its current size to meet this demand. Moreover, the competitive supply of extended-stay hotels are similarly sized (average number of rooms is approximately 80), and a hotel of this size will allow Love's to successfully compete with respect to room rates and revenue per available room (REVPAR) expectations, while maximizing overhead cost efficiencies (e.g., labor, utilities, other operational expenses).

### **Project Objectives**

The principal objective of the proposed Project is to construct a Travel Center and related land uses to serve existing travelers and truck traffic on SR 99 and nearby areas. Additional specific objectives are described below:<sup>2</sup>

- To effectuate land use decisions embodied in the City of Madera General Plan and Zoning Ordinance by developing uses on Assessor's Parcel 013-240-003 consistent with, or conditionally permitted by, those contemplated by those planning documents.
- To develop a property of sufficient size to accommodate all of the following: a Travel Center of approximately 11,981 square feet that consists of a convenience store and adjoining fast food restaurant, restrooms, and auto and truck fuel dispensing area able to accommodate approximately 2,000 cars and 600 semi-trucks per day; an 81-room hotel on one acre; a free-standing drive-through restaurant with indoor seating for approximately 140 people; an approximately 150,000 square foot RV/Boat storage facility; and an approximately 8,073 square foot tire care facility.
- To provide visitor-serving facilities that maximize the benefits of the project site's proximity to SR 99 for all buildings and tenants and thereby minimize traffic veneration on local streets and total vehicle miles traveled (and attendant air pollution and greenhouse gas generation) by visitors exiting and reentering that highway.
- To construct a facility with access to adequate existing or anticipated utility infrastructure to support planned operations.
- To create jobs that can be filled wholly or partly by local residents.
- To maximize tax revenues to the City of Madera.

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<sup>2</sup> Draft Environmental Impact Report for the Madera Travel Center, prepared by Quad Knopf. State Clearinghouse No. 20150121. April 2016.

## DEIR Project Alternatives

The DEIR identified the following three land use alternatives to the proposed Project:

- Alternative 1: No Project Alternative.
- Alternative 2: Reduced Traffic Alternative.
- Alternative 3: Reduced Water Demand Alternative.

Detailed descriptions of these alternatives are described below. **Table 1** includes a land use summary for each DEIR alternative.

### Alternative 1: No Project Alternative

Typically, a No Project Alternative indicates no change to a project site's undeveloped condition. However, the DEIR indicates this is a highly unlikely outcome for the Project site because the site is zoned for commercial and located at a major interchange along SR 99. The City has indicated that if the proposed Project is not approved or the application is withdrawn, another application to develop commercial uses likely would be submitted. The Project site is zoned to accommodate C-1 and C-2 allowable uses, which include bakeries, banks, barbershops, department stores, florists, food stores, hardware stores, hobby supplies and crafts, pharmacies, service stations, restaurants, and automobile parts and supply stores. However, a precise land use summary was not defined in the DIER.

In the absence of a concrete set of land uses, the City provided EPS with a reasonable land use program for this alternative. In this analysis, the No Project Alternative is estimated to include 235,000 square feet of highway-oriented, community-serving retail comprising the following specific uses: a 3,000-square-foot gas station, 12,000 square feet of restaurants, and 220,000 square feet of general community-serving commercial uses. Of the 220,000 square feet of general community-serving commercial uses, 10,000 square feet of development is assumed to comprise non-retail (e.g., medical and dental office; financial institution) uses.<sup>3</sup>

### Alternative 2: Reduced Traffic Alternative

The Reduced Traffic Alternative is defined as development of the Travel Center that is one-half the size of the proposed Project (reduced to 5,990 square feet). Correspondingly, the one-half reduction is assumed to reduce the number of fueling positions from 27 to 14 (with 8 pumps that dispense gasoline for automobiles and the remaining 6 pumps that dispense diesel fuel for trucks). This alternative also omits development of the hotel and free-standing restaurant. As shown in **Table 1**, this alternative would comprise a total of about 14,000 square feet of development, excluding the storage facility, and 164,000 square feet including the storage facility.

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<sup>3</sup> EPS estimated typical highway-oriented, community-serving retail uses and associated square footages, based on data obtained from the Dollars & Cents of Shopping Centers/The SCORE 2008, published by the Urban Land Institute and the International Council of Shopping Centers. The 2008 publication is the most recent publication available.

### **Alternative 3: Reduced Water Demand Alternative**

The Reduced Water Demand Alternative reduces the size of the hotel from 81 rooms to 40 rooms. All other proposed land uses remain the same as the proposed Project, including the number of fueling positions.

## **Economic and Revenue Impacts of Proposed Project and Project Alternatives**

This memorandum estimates select economic and revenue impacts generated by the proposed Project and each DEIR alternative:

- One-time construction impacts in Madera County (County).
- Property tax revenues generated at Project buildout for the City's General Fund, comprising property tax and property tax in lieu of vehicle license fee (PTIL VLF) revenue.
- Sales tax revenues generated at Project buildout for the City.
- Transient Occupancy Tax (TOT) revenue for the City.

### **Economic Impacts: One-Time Construction Impacts**

This memorandum presents the estimated economic impacts generated in the County during Project construction, including output (new dollars in the local economy), employment, and income generated. It is important to note the construction impacts estimated (shown in 2016 dollars) reflect impacts produced over the entire construction period.<sup>4</sup> The DEIR indicates the Project is anticipated to be constructed within one year. It also is assumed the Reduced Traffic and Reduced Water Demand Alternatives would have a one-year construction period. Given the amount of commercial square footage in the No Project Alternative, it is assumed that the construction period would be longer than one year and likely would be constructed in phases over a 5- to 10-year period, or longer, depending on market demand.

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<sup>4</sup> This analysis uses the IMPLAN software package and IMPLAN county database to calculate economic multipliers for the County. The software and model data is used by economists and planners to generate economic multipliers for hundreds of specific industries in counties and states or combinations of counties and states throughout the nation. The IMPLAN software generates a model of the industrial structure and household profile for the County (local) economy, which in turn determines the extent to which spending by retail stores, hotels, office firms, or households is captured and recirculated in the local economy, rather than being allowed to "leak" outside of the County. In general, a more structurally diverse economy will capture and recirculate spending and will generate a larger economic multiplier.

The most current available IMPLAN model data for the County is from 2014, with analysis results adjusted to reflect 2016 dollars. This analysis represents the potential impacts in the entire County, including all the cities and communities located in the County. However, given the City's position as the County seat and largest population and employment center in the County, the majority of, if not all, impacts estimated in this analysis are assumed to occur in the City.

One-time economic impacts are generated by construction-related spending on goods and services. As such, the duration of these impacts is limited to the construction period of the Project and reflects direct impacts (changes in the specific industries being analyzed) and indirect impacts (changes in inter-industry purchases). Because construction activities result in only temporary increases to economic activity, Project construction is not anticipated to create new resident employees and therefore new (induced) household expenditures in the local economy. Thus, total impacts do not include induced impacts to avoid overestimation of economic impacts associated with temporary increases to economic activity.

**Table 2** summarizes the estimated one-time impacts generated by construction of the Project and each DEIR alternative in the local economy (County).

### ***Proposed Project***

The Project is estimated to result in an estimated direct construction investment of \$28.1 million, creating 200 one-time jobs over the duration of the construction period.<sup>5</sup> Indirect economic impacts are estimated to equal approximately \$3.5 million and create 25 one-time construction jobs. Combined, the economic impacts of Project construction activity are anticipated to generate \$31.6 million and about 225 one-time construction jobs in the local economy.

### ***No Project***

The No Project Alternative is estimated to result in an estimated direct construction investment of \$55.3 million, creating 405 one-time jobs over the duration of the construction period of about 5 to 10 years.<sup>6</sup> Indirect economic impacts are estimated to equal approximately \$6.3 million and create about 40 one-time construction jobs. Combined, construction activity associated with the No Project Alternative is anticipated to generate \$61.6 million and about 445 one-time construction jobs in the local economy.

*If the No Project Alternative is constructed, as defined in this analysis, this alternative generates about \$30.0 million in additional economic activity and 220 additional one-time construction jobs relative to the proposed Project.*

### ***Reduced Traffic***

The Reduced Traffic Alternative is estimated to result in an estimated direct construction investment of \$16.7 million, creating 115 one-time jobs over the duration of the construction period.<sup>7</sup> Indirect economic impacts are estimated to equal approximately \$2.2 million and create

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<sup>5</sup> Direct construction costs exclude soft costs (e.g., architecture, engineering). Instead, these costs are captured in the indirect outputs. Soft costs may be greater than indirect outputs because indirect outputs shown are confined to those captured in the County.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

**Table 2**  
**Madera Love's Travel Center**  
**Draft EIR Alternatives Economic Assessment**  
**Detailed Economic Impacts of Project Construction (Rounded 2016\$)**

Activity/Impact Categories	DEIR Alternatives															
	Proposed Project				No Project				Reduced Traffic				Reduced Water Demand			
	Impact Type [1]		One Time	Total	Impact Type [1]		One Time	Total	Impact Type [1]		One Time	Total	Impact Type [1]		One Time	Total
	Direct	Indirect	Impact	Direct	Indirect	Impact	Impact	Direct	Indirect	Impact	Impact	Direct	Indirect	Impact	Impact	
<b>Project Construction Costs [2]</b>																
Onsite Improvements	\$22,100,000			\$49,300,000		\$10,700,000	\$18,300,000				\$18,300,000					
Onsite Soft Costs	\$6,200,000			\$13,800,000		\$3,000,000	\$5,100,000				\$5,100,000					
<b>Subtotal Project Construction Costs</b>	<b>\$28,300,000</b>			<b>\$63,100,000</b>		<b>\$13,700,000</b>	<b>\$23,400,000</b>				<b>\$23,400,000</b>					
Offsite Improvements	\$6,000,000			\$6,000,000		\$6,000,000	\$6,000,000				\$6,000,000					
Offsite Soft Costs	\$1,300,000			\$1,300,000		\$1,300,000	\$1,300,000				\$1,300,000					
<b>Total Project Construction Costs</b>	<b>\$35,600,000</b>			<b>\$70,400,000</b>		<b>\$21,000,000</b>	<b>\$30,700,000</b>				<b>\$30,700,000</b>					
<b>Total Project Construction Costs (Less Soft Costs)</b>	<b>\$28,100,000</b>			<b>\$55,300,000</b>		<b>\$16,700,000</b>	<b>\$24,300,000</b>				<b>\$24,300,000</b>					
<b>Madera County Output [3]</b>																
Industry Output (excl. Income)	\$18,716,000		\$21,141,000	\$36,257,000		\$11,329,000	\$16,253,000				\$16,253,000					
Income [4]	\$9,384,000		\$1,025,000	\$19,043,000		\$5,371,000	\$8,047,000				\$8,047,000					
<b>Total Output</b>	<b>\$28,100,000</b>		<b>\$31,551,000</b>	<b>\$55,300,000</b>		<b>\$16,700,000</b>	<b>\$24,300,000</b>				<b>\$24,300,000</b>					
<b>County Employment</b>																
(Job years) [5]	200	25	225	405	40	445	115	15	130	170	20	190				

Source: IMPLAN; Lane Engineers, Inc.; Love's Travel Stops and Country Stores; RSMeans; EPS.

- [1] Note that total construction impacts include direct and indirect impacts only; induced impacts were not estimated because construction activities are temporary and thus are not anticipated to generate net new household expenditures in the local economy.
- [2] Proposed project and Reduced Traffic/Water Demand DEIR alternative construction costs provided by Lane Engineers, Inc. and Love's Travel Stops and Country Stores and rounded to the nearest \$100,000. No Project construction cost estimates based on information EPS obtained from RSMeans construction cost data. Soft costs (e.g., architecture, engineering) are excluded in estimated direct construction impacts. Instead, these costs are captured in the indirect output figures.
- [3] Analysis based on Madera County data from the 2014 IMPLAN dataset (escalated to 2016 dollars). Output is the amount of business expenditures on goods and services retained in the local economy.
- [4] Includes employee compensation, proprietors income, and other income (industry profits, rents, and royalties).
- [5] Employment includes both full-time and part-time workers. Job years refer to the number of jobs in each year summed over the entire period of construction.

about 15 one-time construction jobs. Combined, construction activity associated with the Reduced Traffic Alternative is anticipated to generate \$18.9 million and about 130 one-time construction jobs in the local economy.

*If the Reduced Traffic Alternative is constructed as defined in this analysis, this alternative generates about \$12.6 million less in economic activity and 95 fewer one-time construction jobs relative to the proposed Project.*

### **Reduced Water Demand**

The Reduced Water Demand Alternative is estimated to result in an estimated direct construction investment of \$24.3 million, creating 170 one-time jobs over the duration of the construction period.<sup>8</sup> Indirect economic impacts are estimated to equal approximately \$3.0 million and create about 20 one-time construction jobs. Combined, construction activity associated with the Reduced Water Demand Alternative is anticipated to generate \$27.3 million and about 190 one-time construction jobs in the local economy.

*If the Reduced Water Demand Alternative is constructed as defined in this analysis, this alternative generates a reduction of about \$4.2 million in economic activity and 35 fewer one-time construction jobs relative to the proposed Project.*

### **Revenue Impacts**

**Table 3** summarizes key, annual, estimated City General Fund revenues—including property tax, sales tax, and TOT revenue—resulting from development of the proposed Project and each DEIR alternative. As shown, the proposed Project is estimated to generate approximately \$715,000 in annual City General Fund revenues. The No Project Alternative is estimated to generate about \$693,000, while the Reduced Traffic Alternative is estimated to generate about \$257,000 and the Reduced Water Demand Alternative is estimated to generate about \$607,000 in annual City General Fund revenues.

In addition, **Table 3** estimates annual, ongoing employment resulting from the operations of planned uses in the proposed Project and each DEIR alternative. As shown, the proposed Project is estimated to create 80 jobs in the City. The No Project Alternative is estimated to create about 270 jobs in the City. The Reduced Traffic and Reduced Water Demand Alternatives are estimated to create about 30 ongoing jobs and 65 ongoing jobs, respectively.

### **Property Tax Revenues**

Based on a total assessed value of approximately \$23.5 million, it is estimated that the Project, at buildout, will generate about \$235,000 in annual property tax revenues. Of this amount, the City General Fund would receive about \$2,200 annually. Other taxing entities (e.g., County General Fund; school districts) and the Educational Revenue Augmentation Fund (ERAF) would receive approximately \$233,000 annually, in aggregate. These allocations reflect the City

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<sup>8</sup> Ibid.



**Table 3**  
**Madera Love's Travel Center**  
**Draft EIR Alternatives Economic Assessment**  
**Summary of Key Annual General Fund Revenues and Ongoing Employment (2016\$)**

Item	Source	Annual Revenue at Buildout			
		Proposed Project	No Project	Reduced Traffic	Reduced Water Demand
<b>Annual Key General Fund Revenues</b>					
Property Tax	Table 4	\$2,000	\$5,000	\$1,000	\$2,000
Property Tax in Lieu of VLF	Table 4	\$43,000	\$93,000	\$22,000	\$36,000
Sales Tax	Table 5	\$470,000	\$595,000	\$234,000	\$470,000
Transient Occupancy Tax	Table 6	\$200,000	\$0	\$0	\$99,000
<b>Total Revenues</b>		<b>\$715,000</b>	<b>\$693,000</b>	<b>\$257,000</b>	<b>\$607,000</b>
<b>Ongoing Employees</b>					
Travel Stop Convenience Store	Sq. Ft./Employee [1]	16	0	8	16
Tire Shop	500	16	0	16	16
Hotel	500	29	0	0	14
Restaurant	2,000	17	24	4	17
Storage Facility	500	2	0	2	2
Community-Serving Retail/Non-Retail	75,000	0	244	0	0
Service Station	900	0	3	0	0
<b>Total Ongoing Employees</b>	1,000	<b>80</b>	<b>271</b>	<b>30</b>	<b>65</b>
<i>Sum</i>					

Source: Love's Travel Stops and Country Stores; City of Madera; Madera County Auditor-Controller; EPS.

[1] Employee densities based on EPS research for similar land uses throughout the Central Valley.

General Fund post-ERAF property tax rate for the Tax Rate Area (TRA) in which the proposed Project is located and a 50-percent tax sharing arrangement with the County for incremental increases in property tax revenue.

Estimated annual property tax to the City's General Fund for each DEIR alternative is described below:

- **No Project Alternative:** Approximately \$5,000 (about \$2,700 more than the proposed Project).
- **Reduced Traffic Alternative:** Approximately \$1,000 (about \$1,200 less than the proposed Project).
- **Reduced Water Demand Alternative:** Approximately \$1,800 (about \$380 less than the proposed Project).

Refer to **Table 4** for the estimation of annual property tax revenues generated by the Project and each DEIR alternative at buildout.

#### ***PTIL VLF***

This analysis uses a formula provided by the California State Controller's Office to forecast PTIL VLF, which is calculated by taking the percentage increase of the City's assessed value resulting from the Project and applying that percentage share to the City's current State of California (State) allocation of PTIL VLF. This calculation, estimated to equal approximately \$43,000 annually at Project buildout, is shown in **Table 4**.

Estimated annual PTIL VLF to the City's General Fund for each DEIR alternative is described below:

- **No Project Alternative:** Approximately \$93,000 (about \$50,000 more than the proposed Project).
- **Reduced Traffic Alternative:** Approximately \$22,000 (about \$21,000 less than the proposed Project).
- **Reduced Water Demand Alternative:** Approximately \$36,000 (about \$7,000 less than the proposed Project).

#### ***Sales Tax Revenue***

Based on estimated taxable sales revenue for land uses in the proposed Project, EPS estimates the Project, at buildout, would generate approximately \$47.0 million in annual taxable sales revenues. These revenues comprise taxable sales from the following services: gasoline and diesel sales, convenience store sales, fast-food restaurant sales, and tire care sales.<sup>9</sup>

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<sup>9</sup> Excludes taxable expenditures of Project employees; assumes these expenditures are captured in onsite commercial sales or taxable sales at other commercial establishments in the County.

Table 4  
Madera Love's Travel Center  
Draft EIR Alternatives Economic Assessment  
Estimated Annual Property Tax Revenues (2016\$)

Item	Assumptions/ Source	Formula	Annual Revenue at Buildout			
			Proposed Project	No Project	Reduced Traffic	Reduced Water Demand
<b>Assessed Value of Project</b>						
Land [1]		a	\$1,393,784	\$1,393,784	\$1,393,784	\$1,393,784
Improvements [2]		b	\$22,100,000	\$49,300,000	\$10,700,000	\$18,300,000
<b>Total Assessed Value of Project</b>		c = a + b	<b>\$23,493,784</b>	<b>\$50,693,784</b>	<b>\$12,093,784</b>	<b>\$19,693,784</b>
<b>Property Tax Revenue (1% of Assessed Value)</b>						
Land	1.00%	d = a * 1.00%	\$13,938	\$13,938	\$13,938	\$13,938
Improvements	1.00%	e = b * 1.00%	\$221,000	\$493,000	\$107,000	\$183,000
<b>Total Property Tax Revenue</b>	1.00%	f = c * 1.00%	<b>\$234,938</b>	<b>\$506,938</b>	<b>\$120,938</b>	<b>\$196,938</b>
<b>Estimated Property Tax Allocation [3]</b>						
City General Fund	2.02%	g = e * 2.02%	\$4,464	\$9,959	\$2,161	\$3,697
Property Tax Sharing Agreement: Rev. to City [4]		h = g * 50%	\$2,232	\$4,979	\$1,081	\$1,848
Other Taxing Entities/ERAF	97.98%	i = d + (e * 97.98%) + h	\$232,706	\$501,959	\$119,857	\$195,090
<b>Property Tax In-Lieu of Motor Vehicle In-Lieu Fee Revenue (VLF)</b>						
Total Citywide Assessed Value [5]		j	\$2,717,869,926	\$2,717,869,926	\$2,717,869,926	\$2,717,869,926
Buildout Assessed Value [1]		c	\$23,493,784	\$50,693,784	\$12,093,784	\$19,693,784
<b>Total Assessed Value</b>		k = j + c	<b>\$2,741,363,710</b>	<b>\$2,768,563,710</b>	<b>\$2,729,963,710</b>	<b>\$2,737,563,710</b>
Percent Change in AV		l = c / j	0.86%	1.87%	0.44%	0.72%
<b>Property Tax In-Lieu of VLF [6]</b>		m = l * \$5,000,000	<b>\$43,221</b>	<b>\$93,260</b>	<b>\$22,249</b>	<b>\$36,230</b>

prop tax

Source: Lane Engineers, Inc.; Love's Travel Stops and Country Stores; ParcelQuest; City of Madera; Madera County Auditor-Controller; EPS.

[1] Based on the current assessed value for the following Project Assessor Parcel Number: 013-240-003.

[2] Based on the estimated Project construction cost estimate, provided by Lane Engineers, Inc. and Love's Travel Stops and Country Stores.

[3] City General Fund and other taxing entities/Educational Revenue Augmentation Fund (ERAF) allocations of the 1% property tax rate obtained from the Madera County Auditor-Controller.

[4] Per the City of Madera, the City splits any incremental increase in property tax revenue with Madera County 50%/50%.

[5] Reflects Citywide Assessed Valuation for FY 2015-16. Includes Citywide secured, unsecured, homeowner exemption, and public utility rolls.

[6] Property tax in-lieu of VLF amount derived from the City of Madera FY 2015-16 Adopted Budget.

Based on \$47.0 million in annual taxable sales, the Project is estimated to generate about \$470,000 in annual sales tax revenue for the City, as shown in **Table 5**.

Estimated annual Sales Tax revenue to the City's General Fund for each DEIR alternative is described below:

- **No Project Alternative:** Approximately \$595,000 (about \$125,000 more than the proposed Project).
- **Reduced Traffic Alternative:** Approximately \$234,000 (about \$236,000 less than the proposed Project).
- **Reduced Water Demand Alternative:** Approximately \$470,000 (equaling the same as the proposed Project).

### **TOT Revenue**

This analysis uses a case-study methodology to estimate TOT revenues generated by the hotel proposed for the Project. TOT revenue is estimated based on the number of lodging units (hotel rooms), an annual occupancy rate of 75 percent, an average daily room rate of \$100, and the City's TOT rate of 9 percent. This analysis estimates an annual \$200,000 in City TOT revenue for the proposed Project. The occupancy rate and average daily room rate assumptions are derived from recent occupancy and room rates of midscale hotels in the Central Valley.

The No Project and Reduced Traffic Alternatives do not assume development of a hotel, so no annual TOT revenue is estimated. The Reduced Water Demand Alternative is based on an assumed hotel about half the size of the hotel in the proposed Project. Accordingly, this analysis estimates the Reduced Water Alternative will generate \$99,000 in annual TOT revenue for the City's General Fund.

Refer to **Table 6** for estimated TOT revenue generated by the Project and each DEIR alternative.

## **DEIR Alternatives Feasibility Assessments**

The feasibility assessment of each Project alternative is based on the following considerations: Project objectives, Love's business objectives, one-time construction impacts and employment, and ongoing annual tax revenues to the City and employment. **Table 7** summarizes whether the Proposed Project and each DEIR Alternative meet the stated Project objectives.

### **Alternative 1: No Project Alternative Feasibility Assessment**

Under this alternative the proposed Project would not proceed. As stated previously, the City has indicated that if the proposed Project does not proceed, another application to develop commercial uses would likely be submitted given the site's location at a major highway interchange. Currently, there is no such application and thus, in the short term, the Project site would remain vacant. In the long term, the Project site could be developed with any land use permitted under the current zoning for the site (C-1 and C-2) unless General Plan or zoning amendments are approved.

**Table 5**  
**Madera Love's Travel Center**  
**Draft EIR Alternatives Economic Assessment**  
**Estimated Annual Taxable Sales and Use Tax Revenue (2016\$)**

Item	Annual Taxable Sales per Unit [1]	Proposed Project	Annual Revenue at Buildout		
			No Project [2]	Reduced Traffic	Reduced Water Demand
<b>Land Use Assumptions</b>					
Travel Stop Gasoline and Diesel Pumps [3]		27	0	14	27
Travel Stop Convenience Store Building Sq. Ft.		7,965	0	3,982	7,965
Tire Shop Building Sq. Ft.		8,073	0	8,073	8,073
Restaurant Building Sq. Ft. [4]		8,416	12,000	2,008	8,416
Community-Serving Retail Building Sq. Ft.		0	200,000	0	0
Service Station Building Sq. Ft.		0	3,000	0	0
<b>Annual Taxable Sales at Project Buildout [5]</b>					
Travel Stop Gasoline and Diesel Sales	\$1,500,000 per pump	\$40,500,000	\$0	\$21,000,000	\$40,500,000
Travel Stop Convenience Store Sales	\$275 per bldg. sq. ft.	\$2,190,375	\$0	\$1,095,050	\$2,190,375
Tire Shop Sales	\$50 per bldg. sq. ft.	\$403,650	\$0	\$403,650	\$403,650
Restaurant Sales	\$470 per bldg. sq. ft.	\$3,955,520	\$5,640,000	\$943,760	\$3,955,520
Community-Serving Retail	\$250 per bldg. sq. ft.	\$0	\$50,000,000	\$0	\$0
Service Station Sales	\$1,300 per bldg. sq. ft.	\$0	\$3,900,000	\$0	\$0
<b>Total Annual Taxable Sales at Project Buildout</b>		<b>\$47,049,545</b>	<b>\$59,540,000</b>	<b>\$23,442,460</b>	<b>\$47,049,545</b>
<b>Total Annual Bradley Burns Sales Tax Revenue [6]</b>		<b>\$470,495</b>	<b>\$595,400</b>	<b>\$234,425</b>	<b>\$470,495</b>

sales tax

Source: Love's Travel Stops and Country Stores; Urban Land Institute; EPS.

[1] Annual taxable sales per unit based on information provided by Love's Travel Stops and Country Stores and ULI's 2008 Dollars & Cents of Shopping Centers (escalated to 2016 dollars). Motor vehicle fuel taxable sales excludes gas tax revenues.

[2] The No Project alternative excludes square footage associated with estimated non-retail commercial uses that would not generate annual taxable sales. Actual land uses and associated taxable sales may vary.

[3] Provided by Love's Travel Stops and Country Stores.

[4] Combines Travel Stop restaurant and other free-standing restaurant building square footage in Proposed Project and Reduced Water Demand alternative.

[5] As a conservative approach, excludes taxable expenditures of Project employees captured elsewhere in the City.

[6] Sales tax revenue based on the California Bradley-Burns Uniform Local Sales and Use Tax of 1.0%.

**Table 6**  
**Madera Love's Travel Center**  
**Draft EIR Alternatives Economic Assessment**  
**Estimated Annual Transient Occupancy Tax (TOT) Revenue (2016\$)**

Item	Formula	Assumption	Annual Revenue at Buildout			
			Proposed Project	No Project	Reduced Traffic	Reduced Water Demand
<b>Hotel Rooms</b>	a		81	0	0	40
Annual Rooms Available	$b = a * 365$		29,565	0	0	14,600
Occupancy Rate [1]	c	75.0%				
Average Daily Room Rate [1]	d	\$100				
City of Madera TOT Rate	e	9.0%				
<b>Annual Transient Occupancy Tax (Rounded)</b>	$f = b * c * d * e$		<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$99,000</b>

tot

Source: Smith Travel Research; California Local Government Finance Almanac; EPS.

[1] Assumptions based on average occupancy rates and average room rates for midscale class hotels in the Central Valley, June 2014.

**Table 7**  
**Madera Love's Travel Center**  
**Draft EIR Alternatives Economic Assessment**  
**Summary of DEIR Project Alternatives and Project Objectives**

Project Objective	DEIR Alternatives [1]		
	Alt. 1 No Project	Alt. 2 Reduced Traffic	Alt. 3 Reduced Water Demand
To effectuate land use decisions embodied in the City of Madera General Plan and Zoning Ordinance by developing uses on Assessor's Parcel 013-240-003 consistent with, or conditionally permitted by, those contemplated by those planning documents.	x	x	x
To develop a property of sufficient size to accommodate all of the following: a Travel Center of approximately 11,981 square feet that consists of a convenience store and adjoining fast food restaurant, restrooms, and auto and truck fuel dispensing area able to accommodate approximately 2,000 cars and 600 semi-trucks per day; an 81-room hotel on one acre; a free-standing drive-through restaurant with indoor seating for approximately 140 people; an approximately 150,000 square foot RV/Boat storage facility; and an approximately 8,073 square foot tire care facility.	x		
To provide visitor-serving facilities that maximize the benefits of the project site's proximity to State Route 99 for all buildings and tenants and thereby minimize traffic generation on local streets and total vehicle miles traveled (and attendant air pollution and greenhouse gas generation) by visitors exiting and reentering that highway.	x	x	x
To construct a facility with access to adequate existing or anticipated utility infrastructure to support planned operations.	x	x	x
To create jobs that can be filled wholly or partly by local residents.	x	x	x
To maximize tax revenues to the City of Madera.	x		

**READER'S NOTE: An "X" denotes that the proposed Project or DEIR Alternative meets the proposed Project objectives** *objectives*

Source: Quad Knopf; Love's Travel Stops and Country Stores; EPS.

[1] Proposed Project alternatives are taken from the April 2016 Draft Environmental Impact Report for The Madera Travel Center, State Clearinghouse No: 20150121.

In this analysis, the No Project Alternative envisions development of 235,000 square feet of highway- and community-serving retail. This alternative does not meet the Project's principal objective, which is to construct a Travel Center and related land uses to serve existing travelers and truck traffic along SR 99 and nearby areas, nor does it meet many of the Project objectives identified in the DEIR. This alternative would meet the objective of creating jobs that could be filled wholly or partly by local residents.

If the Project is developed as envisioned in this analysis, the No Project Alternative may generate significant one-time construction-related economic impacts, including one-time construction-related employment opportunities. Relative to the proposed Project, the No Project Alternative is estimated to generate about \$30.0 million in additional economic activity and 220 additional one-time construction jobs. In addition, the No Project Alternative may generate substantial annual City General Fund revenue and ongoing annual jobs in the City. Annual General Fund revenue is estimated to be about \$22,000 less than revenue generated by the proposed Project, thereby not maximizing the amount of tax revenues to the City. The No Project Alternative is estimated to create more than 3 times the number of jobs in the proposed Project.

It is important to keep in mind that while the No Project Alternative, as defined in this analysis, would generate a substantial amount of one-time construction activity in the County, General Fund revenue, and ongoing jobs, the land uses in this alternative are speculative, and a market analysis would be necessary to understand market demand and absorption for this type and amount of retail development. It is likely that a project of this magnitude may be developed in several phases over a 5- to 10-year period, or longer, depending on market demand. Further, the construction of new, community-serving retail has the potential to shift consumer demand away from existing retail development in the City. Further analysis would be warranted to understand the impacts of new development and its potential for reduced annual sales tax revenue, vacancies, and urban decay at existing retail centers.

## **Alternative 2: Reduced Traffic Feasibility Assessment**

The Reduced Traffic Alternative would reduce Project development significantly, halving the size of the Travel Center, including halving the number of fueling positions, and omitting development of the hotel and free-standing restaurant.

This alternative meets the Project's principal objective and a majority of the remaining Project objectives identified in the DEIR. However, this alternative conflicts with the Project objective of developing a property of sufficient size to construct a nearly 12,000-square-foot Travel Center with sufficient amenities (e.g., convenience store; restaurants) and fueling positions to accommodate 2,000 cars and 600 semi-trucks per day.

Furthermore, the Reduced Traffic Alternative generates significantly fewer one-time, construction-related impacts, less annual City General Fund revenue, and fewer ongoing jobs relative to the proposed Project. Specifically, the Reduced Traffic Alternative generates about \$12.6 million less in economic activity and 95 fewer one-time construction jobs relative to the proposed Project. The Reduced Traffic Alternative also would generate about \$430,000 less in annual City General Fund revenues than the proposed Project. Finally, although this alternative would create jobs for local residents, the Reduced Traffic Alternative would create fewer than half the number of jobs created under the proposed Project.



This alternative conflicts with Love's business objective of developing financially feasible projects. Specifically, high G&A costs associated with the management oversight of projects outside of their home base geographic area requires the profit margins of all commercial uses combined (i.e., fuel dispensing area, convenience store, fast-food restaurants, hotel, and storage facility) to achieve economic viability. Furthermore, a project that excludes or reduces the hotel, restaurant and travel stop space, or fuel dispensing pumps would limit Love's ability to effectively use the Project in marketing efforts to their trucking customer base.

### **Alternative 3: Reduced Water Demand Feasibility Assessment**

The sole difference in the Reduced Water Demand Alternative is a reduction in the size of the hotel from 81 rooms to 40 rooms. This alternative meets the Project's principal objective and a majority of the remaining Project objectives identified in the DEIR. However, this alternative conflicts with the Project objective of developing a Travel Center with an 81-room hotel.

The Reduced Water Demand Alternative generates slightly fewer one-time, construction-related impacts, less annual City General Fund revenue, and fewer ongoing jobs relative to the proposed Project. Specifically, the Reduced Water Demand Alternative generates about \$4.2 million less economic activity and 35 fewer one-time construction jobs relative to the proposed Project. The Reduced Water Demand Alternative also would generate about \$101,000 less annual City General Fund revenues than the proposed Project. Finally, although this alternative would create jobs for local residents, it would create 15 fewer jobs than are created under the proposed Project.

The hotel in the proposed Project is sized to meet existing consumer demand for lodging in the City. The competitive supply of extended-stay hotels are similarly sized (average number of rooms is approximately 80), and a hotel of this size will allow Love's to successfully compete with respect to room rates and REVPAR expectations, while maximizing overhead cost efficiencies (e.g., labor; utilities; other operational expenses). A reduction in the number of hotel rooms would impede Love's ability to successfully compete with similar, proximate hotels and may reduce net revenues by more than half, thereby rendering the hotel infeasible to operate.

**RESOLUTION NO. 1812**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
MADERA CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR  
THE MADERA TRAVEL CENTER PROJECT**

WHEREAS, on June 9, 2015, Love's Travel Stops and Country Stores filed with the City of Madera (the "City") an application to construct the Madera Travel Center ("Project") near the northern edge of the city limits, at the Avenue 17/State Route 99 (SR 99) interchange; and

WHEREAS, the City circulated a Notice of Preparation (NOP) for the Project for a 30-day public review period from February 19, 2015 to March 20, 2015; and

WHEREAS, the City received three letters in response to the NOP; and

WHEREAS, following the NOP, the City prepared a Draft Environmental Impact Report (EIR) that was circulated for agency and public comment between April 14, 2016 and May 31, 2016; and

WHEREAS, the City received six timely letters and one additional letter after the close of the comment period commenting on the Draft EIR and upon review City staff determined that none of the comments received during the comment period provided any basis to identify any new significant impacts or significant new information that would require recirculation of the Draft EIR; and

WHEREAS, on July 22, 2016, a Final EIR incorporating responses to all substantive comments on the Draft EIR was published and made available to the public; and

WHEREAS, the complete Final EIR consists of the Draft EIR, text changes to the Draft EIR, all comments received on the Draft EIR, responses to those comments, and all documents and resources referenced and incorporated by reference in the Final EIR; and

WHEREAS, the Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of CEQA (Cal. Code Regs., Title 14, § 15000 et seq.) (CEQA Guidelines); and

WHEREAS, the Planning Commission has reviewed the Final EIR in its entirety and has determined that the document reflects the City's independent judgment; and

WHEREAS, on August 16, 2016, the Planning Commission held a duly noticed public hearing on the proposed Final EIR and the proposed Project, during which the Commission heard and received evidence and all persons present were given the opportunity to hear and be heard with respect to any matter relating to the Project; and

WHEREAS, all of the findings and conclusions made by the Commission pursuant to this Resolution are based upon City's record of proceedings for the Project, including the oral and written evidence presented to the Commission; and

WHEREAS, the Final EIR is deemed legally and factually adequate for purposes of making decisions on the merits of the Project; and

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

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The above Recitals are true and correct and hereby incorporated as substantive findings of this Resolution.

SECTION 2. The City of Madera Planning Commission hereby certifies that (1) the EIR has been prepared in accordance with the requirements of CEQA and the CEQA Guidelines, (2) the Final EIR was presented to the Commission and the Commission has reviewed and considered the information contained in the Final EIR prior to considering adoption of the Project, and (3) the Final EIR reflects the City's independent judgment and analysis.

SECTION 3. This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 16<sup>th</sup> day of August, 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Kenneth Hutchings, Chairperson  
City Planning Commission

Attest:

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Christopher F. Boyle  
Planning Manager

RESOLUTION NO. 1813

**A RESOLUTION OF THE CITY OF MADERA PLANNING COMMISSION  
APPROVING THE MADERA TRAVEL CENTER PROJECT; ADOPTING  
MITIGATION MEASURES AND A MITIGATION MONITORING AND REPORTING  
PROGRAM; ADOPTING CEQA FINDINGS OF FACT AND A STATEMENT OF  
OVERRIDING CONSIDERATIONS; ADOPTING LAND USE PROJECT FINDINGS;  
AND ADOPTING PROJECT CONDITIONS OF APPROVAL**

WHEREAS, the City of Madera Planning Commission (“Planning Commission”), by adoption of Resolution No. **1812**, has certified the Final EIR for the Madera Travel Center Project (the “Project”), which consists of the following: the Draft EIR, text changes to the Draft EIR, all comments received on the Draft EIR, responses to those comments, all documents and resources referenced and incorporated by reference in the Final EIR, a Mitigation Monitoring and Reporting Program, and any other relevant information; and

WHEREAS, the Final EIR identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the construction and operation of the Project; and

WHEREAS, the City of Madera (“City”) is required, pursuant to CEQA Guidelines section 15091, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant project-related environmental effects; and

WHEREAS, as demonstrated by the CEQA Findings of Fact, attached as **Exhibit A** to this Resolution, the Project will cause a number of significant and potentially significant environmental effects or impacts, most of which can be fully avoided through the adoption of feasible mitigation measures; and

WHEREAS, as demonstrated by the CEQA Findings of Fact, some significant effects caused by the Project remain significant and unavoidable because they cannot be avoided by the adoption of feasible mitigation measures, and there are no feasible Project alternatives that would mitigate or substantially lessen the impacts; and

WHEREAS, as demonstrated by the CEQA Findings of Fact and Statement of Overriding Considerations and in accordance with CEQA Guidelines section 15093, overriding economic, social, and other considerations outweigh the significant and unavoidable effects of the Project; and

WHEREAS, the City is required by Public Resources Code section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the City are carried out; and

WHEREAS, the Mitigation Monitoring and Reporting Program for the Project is attached hereto as **Exhibit B**; and

WHEREAS, as demonstrated by the Madera Travel Center Land Use Project Findings, attached as **Exhibit C** to this Resolution, each component of the project, considered individually and cumulatively, is consistent with the Goals, Policies, and Land Use Designations of the City of Madera General Plan; and

WHEREAS, as demonstrated by the Madera Travel Center Land Use Project Findings, attached as **Exhibit C** to this Resolution, each component of the project, considered individually and cumulatively, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working the neighborhood; and

WHEREAS, as demonstrated by the Madera Travel Center Land Use Project Findings, attached as **Exhibit C** to this Resolution, on and off-site facilities and improvements related to the project have been arranged to avoid or minimize detrimental impacts to the surrounding area; and

WHEREAS, as to ensure consistency with the General Plan and protect the health, safety, peace, morals, comfort and general welfare of the community and surrounding neighborhood, conditions of approval have been prepared for the Project and reviewed by the Planning Commission, attached as **Exhibit D** to this Resolution; and

WHEREAS, the Planning Commission has studied the proposed Project and Final EIR and considered all written information and verbal information presented and all public comments on the Project; and

WHEREAS, all of the Findings and conclusions made by the Planning Commission pursuant to this Resolution are based upon the oral and written evidence presented to the Planning Commission as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, the Final EIR is deemed legally and factually adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, none of the comments made during the public review period, the oral or written testimony presented during the public hearings on the Project, and other information presented to the City on the Project and the EIR have produced significant new information requiring recirculation or additional environmental review under CEQA Guidelines section 15088.5; and

WHEREAS, the Planning Commission has determined it is appropriate to approve the Mitigation Monitoring and Reporting Program, to approve the Project, and to adopt conditions of approval for the Project; and

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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MADERA  
PLANNING COMMISSION:**

SECTION 1: The recitals set forth above are true and correct and hereby incorporated as substantive findings of this Resolution.

SECTION 2: The Planning Commission has considered the Final EIR, all staff reports pertaining to the Project, and all other pertinent documents relating to the Project.

SECTION 3: The Planning Commission finds, pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, that the proposed mitigation measures as set forth in Exhibits A and B are feasible, and will therefore become binding upon the City when the Planning Commission approves the Project (see Section 7 below). The Planning Commission further finds that, for the reasons set forth in Exhibit A, none of the alternatives to the Project, as set forth in the Final EIR, are feasible. The Planning Commission hereby adopts the CEQA Findings of Fact attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth herein.

SECTION 4: The Planning Commission hereby adopts, pursuant to Public Resources Code section 21081.6, the Mitigation Monitoring and Reporting Program contained in the Final EIR, attached hereto as Exhibit B and incorporated herein by this reference. The Planning Commission further determines that the Mitigation Monitoring and Reporting Program is designed to ensure that, during the implementation of the Project, the City and any other responsible parties implement the components of the Project and comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program.

SECTION 5: The Planning Commission hereby adopts the Statement of Overriding Considerations attached hereto as Exhibit A, pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15093.

SECTION 6: The Planning Commission hereby adopts the Madera Travel Center Land Use Project Findings attached hereto as Exhibit C.

SECTION 7: The Planning Commission hereby approves the Project and each of the individual components thereof as follows:

- SPR 2015-18: allows for and establishes requirements for the overall development of the site.
- TPM 2016-01: allows for the division of the subject property into 4 parcels and a remainder.
- CUP 2015-09: allows for changeable copy (gasoline prices) in association with a freeway sign.

- CUP 2015-10: allows for the sale of beer and wine as a component of the operations of the travel stop component of the travel center project.
- CUP 2015-11: allows for the establishment of a drive-thru restaurant as a component of the travel stop component of the project.
- CUP 2015-12: allows for a truck stop in the C2 (Heavy Commercial) Zone District.
- CUP 2015-13: allows for automotive repair in the C2 (Heavy Commercial) Zone District.
- CUP 2015-14: allows for the sale of beer and wine as a component of the operation of the freestanding restaurant.
- CUP 2015-15: allows for the establishment of a drive-thru component as part of a proposed freestanding restaurant.
- CUP 2015-16: allows for a hotel in the C2 (Heavy Commercial) Zone District.
- CUP 2015-17: allows for a RV and boat storage facility in the C2 (Heavy Commercial) Zone District.
- VAR 2015-02: allows for the construction of a freeway sign taller than forty feet.

SECTION 8: The Planning Commission finds, pursuant to Section 10-3.4.1017 and Section 10-3.1307(c) of the Madera Municipal Code, that the adoption of conditions of approval for the Project is appropriate to ensure consistency with the General Plan and to protect public health, safety, peace, morals and general welfare of the community and surrounding area. The Planning Commission hereby adopts the Madera Travel Center Conditions of Approval attached hereto as Exhibit D.

SECTION 9: The documents and materials that constitute the record of proceedings on which the Findings set forth in this Resolution have been based are located at the City of Madera Community Development Department, 205 West 4th Street, Madera CA 93637. The custodian for these records is the City of Madera Community Development Director. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 10: The Planning Commission hereby authorizes and directs staff to draft, execute, and file a Notice of Determination with the Madera County Clerk and Office of Planning and Research within five (5) working days of the adoption of this Resolution, in accordance with Public Resources Code section 21152.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 16<sup>th</sup> day of August, 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Kenneth Hutchings  
Planning Commission Chairperson

Attest:

---

Christopher F. Boyle  
Planning Manager



**CEQA FINDINGS OF FACT**  
**for the**  
**MADERA TRAVEL CENTER**

**I. INTRODUCTION**

The City of Madera (“City”), as lead agency, prepared an Environmental Impact Report (EIR) for the Madera Travel Center project and related actions (the “Project”). In its entirety, the EIR consists of the April 2016 Draft EIR (“Draft EIR” or “DEIR”) and the July 2016 Final EIR (“Final EIR” or “FEIR”). (State Clearinghouse No. 20150121.) As described in the EIR, the Project is a Travel Center that will include a hotel, restaurant, fueling islands, recreational vehicle (“RV”) and boat storage, and other services and amenities for automobile and trailer truck travelers.

**II. PROJECT DESCRIPTION**

**A. LOCATION**

The Project is located in the City of Madera near the northern edge of the city limits, at the Avenue 17/State Route 99 (SR 99) interchange. The Project site contains one parcel encompassing approximately 50 acres (Assessor’s Parcel Number 013-240-003). Of this, about 25 acres will be developed as part of the Project; the remainder of the parcel will be separated from the Travel Center site through a tentative parcel map. The Project also includes a street right-of-way dedication. (DEIR, p. ES-1.)

**B. PROJECT COMPONENTS**

The Project is comprised of a Travel Stop; tire shop and truck area; 81-room, four-story hotel; restaurant with drive-through; RV and boat storage facility; and an historical pedestrian plaza. (DEIR, p. ES-2.) Offsite improvements include a 24-inch water main to extend existing water service to the site; a sewer main in the proposed Sharon Boulevard roadway dedication and smaller sewer lines to provide service onsite; and a temporary retention basin, if necessary. (DEIR, p. ES-4.) The Project site will be divided into five parcel areas, as follows:

- Parcel 1 – Restaurant, approximately 1.9 acres;
- Parcel 2 – Hotel, approximately 2.4 acres;
- Parcel 3 – Travel Stop and tire shop, approximately 12.9 acres;
- Parcel 4 – RV and boat storage facility, approximately 7.3 acres; and
- Parcel 5 – Undeveloped parcel, approximately 18.8 acres

(DEIR, p. ES-4.)

The Travel Stop will be an 11,981 square-foot building, including 7,965 square feet within the store portion and a 4,016 square foot branded food restaurant with drive-through, and on-site parking for passenger vehicles and trailer trucks. Gasoline and diesel fuel, as well as propane, will be sold on site, with nine covered fuel islands for trucks and nine separate fuel islands for

automobiles. The site will also have truck scales, an oil-water separator, an RV dump, above-ground diesel fuel tanks and underground gasoline tanks, and an underground diesel exhaust fluid tank. All large truck maneuvering will be segregated from car traffic and non-trucker personnel for safety. (DEIR, p. ES-2.)

### **C. BACKGROUND**

The Project site was previously used by National Hardware Supply as a holding facility for large storage containers and earth moving equipment such as bulldozers, loaders, backhoes, graders, forklifts, scrapers, and farm equipment. With the relocation of the heavy equipment business around 2007, only a few miscellaneous remnants of the prior operation remain and that equipment is no longer stored at the site. Near the center of the site are two abandoned, single-story office buildings, each approximately 200 square feet, one of which is a portable building. The perimeter of the site is secured by a chain-link fence. An asphalt paved driveway extends into the site from Avenue 17 to the north and meanders along the northwest side of the site to the center where the vacant buildings are located. Other features include a storm water detention basin in the northwest portion of the site and a large dirt/aggregate parking area that extends from the north end to the south end of the site along the west side. The site also contains large amounts of construction debris, refuse, fill dirt, storage containers, and scrap wood. The Project site terrain is flat and the majority of the ground surface is an earth and gravel mixture, with patches of low grassy areas.

The site is designated for commercial use on the Madera General Plan Land Use Diagram and zoned C-2 (Heavy Commercial). The Project site is surrounded by Avenue 17, undeveloped land, and an abandoned dairy facility to the north; residential units to the east; undeveloped land to the south; and SR-99, Southern Pacific Railroad tracks and undeveloped land to the west. The City-approved Madera Town Center project may eventually be developed immediately north of the Project site, across Avenue 17. Other land uses in the area include light industrial parks and the Madera Municipal Airport west of SR-99. (DEIR, ES-4 through ES-5.)

### **D. PROJECT OBJECTIVES**

The underlying purpose of the Project is to construct a Travel Center and related land uses on 24.5 acres of an approximately 50-acre parcel. The parcel abuts SR 99, a major thoroughfare. The Project will serve travelers and truck traffic already using SR 99, and other potential customers within nearby areas. Additional project objectives are:

- To effectuate land use decisions embodied in the City of Madera General Plan and Zoning Ordinance by developing uses on Assessor's Parcel 013-240-003 consistent with, or conditionally permitted by, those contemplated by those planning documents;
- To develop a property of sufficient size to accommodate all of the following: a Travel Center of approximately 11,981 square feet that consists of a convenience store and adjoining fast food restaurant, restrooms, and auto and truck fuel dispensing area able to accommodate approximately 2,000 cars and 600 semi-trucks per day; a 81-room hotel on one acre; a free-standing drive-through restaurant with indoor seating for approximately

140 people; an approximately 150,000 square foot RV/Boat storage facility; and an approximately 8,073 square foot tire care facility;

- To provide visitor-serving facilities that maximize the benefits of the Project site's proximity to State Route 99 for all buildings and tenants and thereby minimize traffic generation on local streets and total vehicle miles traveled (and attendant air pollution and greenhouse gas generation) by visitors exiting and reentering that highway;
- To construct a facility with access to adequate existing or anticipated utility infrastructure to support planned operations;
- To create new jobs that can be filled wholly or partly by local residents; and
- To maximize tax revenues to the City of Madera.

(DEIR, p. 2-21.)

#### **E. DISCRETIONARY APPROVALS**

The City, as lead agency, as well as certain "responsible agencies," are required to take discrete planning and regulatory actions to approve the overall Project. The discretionary actions necessary to fully carry out the Project are described below. Those actions attributable to the City are within the jurisdiction of the City's Planning Commission, though such actions could be the subject of an administrative appeal to the City Council. In addition to certifying the Final EIR and adopting these Findings and the associated Statement of Overriding Considerations and Mitigation Monitoring Plan, the Planning Commission (and possibly the City Council) may be required to take the following actions:

- Site Plan Review – Overall site;
- Truck Stop (including tire shop and related facilities) – Conditional Use Permit
- Hotel – Conditional Use Permit
- RV/Boat Storage – Conditional Use Permit
- Drive-through Restaurant – Conditional Use Permit
- Outdoor Seating – Conditional Use Permit
- Subdivision of the existing parcel – Tentative Subdivision Map
- Alcohol Sales in Restaurant/Convenience Store – Conditional Use Permit
- Signage – Variance and Conditional Use Permit for sign exceeding normal height and size limits
- Overall Development – Development Agreement
- All Structures – Building Permits

- Construction of off-site utilities and infrastructure

Permits or other approvals required by other entities:

- San Joaquin Valley Air Pollution Control District - Indirect Source Review
- County of Madera – Construction of off-site utilities and infrastructure in County public street right-of-way.

(DEIR, pp. 2-21 through 2-22.)

### **III. ENVIRONMENTAL REVIEW PROCESS**

In accordance with section 15082 of the CEQA Guidelines, the City issued a Notice of Preparation (“NOP”) and Notice of Availability for the Project on February 19, 2015. (See Appendix A to DEIR.) The 30-day public review period on the NOP ended on March 20, 2015. Pursuant to CEQA Guidelines sections 15023, subdivision (c), and 15087, subdivision (f), the State Clearinghouse in the Office of Planning and Research was responsible for distributing the document to State agencies, departments, boards and commissions for review and comment. The City followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The State Clearinghouse made that information available to interested agencies for review and comment. Only three parties responded to the NOP: the San Joaquin Valley Air Pollution Control District, the California Department of Transportation, and the Madera Irrigation District. (DEIR, p. 1-8.) The City advertised and conducted a public scoping meeting on March 3, 2015, but there were no attendees other than City staff and the City’s environmental consultants. (DEIR, p. ES-5.)

The City published the Draft EIR for a 45-day public and agency review period on April 15, 2016. The review period ended on May 31, 2016, and the City received six timely letters commenting on the DEIR. After reviewing these letters carefully, City staff determined that none of the comments provided any basis for identifying any new significant impacts or other significant new information that would require recirculation of some or all of the DEIR. The proposed Final EIR was issued on July 22, 2016.

### **IV. RECORD OF PROCEEDINGS**

In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for the City’s decision on the Project includes the following documents:

- The NOP and all other public notices issued by the City in conjunction with the Project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Final EIR for the Project, including comments received on the Draft EIR and the responses to those comments and appendices;
- Documents cited or referenced in the Draft EIR and Final EIR;
- The mitigation monitoring and reporting program for the Project;

- All findings and resolutions adopted by the Planning Commission in connection with the Project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the Planning Commission's action on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the Planning Commission's public hearing on August 9, 2016;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the Planning Commission in connection with the Project;
- The letter from James G. Moose to the Planning Commission dated July 21, 2016, and attachments;
- The City of Madera General Plan;
- The City of Madera Zoning Ordinance and all other City Code provisions cited in materials prepared by or submitted to the City;
- Any and all resolutions adopted by the Planning Commission regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the Planning Commission, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City of Madera Community Development Department, 205 West 4th Street, Madera, CA 93637. The custodian of these documents is the City of Madera Community Development Director.

The Planning Commission's decision makers have relied on all of the documents listed above in reaching their decisions on the Project, even if not every document was formally presented to the decision makers as part of the files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decision with which Planning Commission decision makers were aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to Planning Commission staff or consultants, who then provided advice to the final decision makers. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to approval of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

## V. FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of Projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to provide that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a Project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. (CEQA Guidelines, § 15091.) As explained elsewhere in these findings, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 (upholding CEQA findings rejecting alternatives in reliance on applicant’s project objectives); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 1001 (CNPS) (“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”) (quoting *Kostka & Zischke, Practice Under the Cal. Environmental Quality Act* [Cont.Ed.Bar 2d ed. 2009] (*Kostka*), § 17.309, p. 825); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (*Bay-Delta*) (“[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary program objectives”; “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”).) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); see also *CNPS, supra*, 177 Cal. App. 4th at p. 1001 (after weighing “economic, environmental, social, and technological

factors,’ ... ‘an agency may conclude that a mitigation measure or alternative is impractical or undesirable from a policy standpoint and reject it as infeasible on that ground”) (quoting Kostka, *supra*, § 17.29, p. 824.)

For purposes of these findings (including the table described in section VII below), the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

CEQA requires that the lead agency adopt feasible mitigation measures or, in some instances, feasible alternatives to substantially lessen or avoid significant environmental impacts that would otherwise occur.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a Statement of Overriding Considerations setting forth the specific reasons that the agency found the Project’s benefits outweigh its unavoidable adverse environmental effects. The Statement of Overriding Considerations for the Project is included herein in Section IX below.

## **VI. MITIGATION MONITORING AND REPORTING PROGRAM**

A Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared for the Project and is included in the same Resolution that adopts these Findings. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period. The Final MMRP is attached to and incorporated into the Final EIR document and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact.

## **VII. SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

The Draft EIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project will contribute to or cause. Most of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Other effects, however, cannot be avoided by the adoption of feasible mitigation measures or alternatives and thus will be significant and unavoidable. For reasons set forth in Section IX. B., *infra*, however, the Planning Commission has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the Project.

### **Table of Impacts and Mitigation Measures**

The Planning Commission’s Findings with respect to the Project’s significant effects and mitigation measures are set forth in the table included as Exhibit A to these Findings. The Findings set forth in the table are hereby incorporated by reference.

The Table in Exhibit A does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, the table provides a summary description of each impact, describes the applicable mitigation measures identified in the Draft EIR or Final EIR and adopted

by the Planning Commission, and states the Commission's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR and Final EIR, and the Commission hereby incorporates by reference into these Findings the discussion and analysis in those documents supporting the Final EIR's determinations. In making these Findings, the Planning Commission ratifies, adopts, and incorporates into these Findings the analyses and explanations in the Draft EIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Planning Commission has adopted all of the Mitigation Measures identified in the table.

### **VIII. PROJECT ALTERNATIVES**

#### **A. Basis for Alternatives-Feasibility Analysis**

As explained above, Public Resources Code section 21002, a key provision of CEQA, provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project. (*CNPS, supra*, 177 Cal.App.4th at pp. 999-1000; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315; *City of Del Mar, supra*, 133 Cal.App.3d at p. 417.) As noted earlier, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid.*; see also *CNPS, supra*, 177 Cal.App.4th at p. 1001.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Under CEQA Guidelines section 15126.6, the alternatives to be discussed in detail in an EIR should be able to "feasibly attain most of the basic objectives of the project[.]" For this reason, the project objectives described above provided the framework for defining possible project alternatives. (See *Bay-Delta, supra*, 43 Cal.4th at p. 1166.) Alternatives also were evaluated based on general feasibility criteria suggested by the CEQA Guidelines. These criteria include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory



limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site, including consideration of whether or not the site is already owned by the applicant. (DEIR, p. 7-2.)

Based on the requirements of CEQA Guidelines section 15126.6 and the Project's Objectives, the following alternatives to the Project were identified:

- No Project Alternative
- Reduced Traffic Alternative
- Reduced Water Demand Alternative

A possible offsite alternative was also preliminarily considered in the Draft EIR, Chapter 4, pursuant to CEQA Guidelines section 15126.6, subdivision (f)(2), but was not considered further in the Draft EIR analysis. The key objective of the Project is to construct a travel center that caters to motorists, particularly drivers of tractor trailers, located within the City of Madera immediately adjacent to SR-99. The Project must also be located in an area zoned for heavy commercial use. Because of this key objective, an offsite alternative was rejected as both infeasible and unnecessary from an impact reduction standpoint, since developing the same Project on another site within the City of Madera would result in the same or similar impacts under CEQA and would therefore be unlikely to avoid or lessen any significant and unavoidable impacts of the Project. The reasoning set forth in the Draft EIR for rejecting this alternative is incorporated herein by this reference and adopted. (DEIR, p. 4-4.)

The Planning Commission finds that a good faith effort was made in the EIR to evaluate a reasonable range of reasonable alternatives that could feasibly attain most of the basic objectives of the Project but that would avoid or substantially lessen any of the significant effects of the Project, even when the alternatives might impede the attainment of the project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. (See, e.g., DEIR, pp. 4-1 through 4-22; Lapin Memorandum, Draft Environmental Impact Report Alternatives Economic Assessment (July 19, 2016) ("Economic Assessment").)

### **1. Significant Unavoidable Impacts of the Project**

As noted earlier, Exhibit A to these CEQA Findings of Fact is a table setting forth all of the significant effects associated with the Project, along with all of the adopted Mitigation Measures aimed at reducing the severity of those significant effects. In most instances, the adopted Mitigation Measures will reduce impacts to less than significant levels. In five instances, however, the significant impacts will still remain significant (and thus unavoidable) even after the adoption of all feasible Mitigation Measures. These significant unavoidable impacts are briefly summarized below:

#### **Greenhouse Gas Emissions**

*Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment*

At the time the EIR was first being prepared, the San Joaquin Valley Air Pollution Control District recommended that, in assessing the significance of the Project's GHG-related impacts, the City employ a methodology that compared the Project's predicted GHG emissions to the GHG emissions that would have occurred under what is commonly called a "business-as-usual scenario." At that time, this approach had been upheld by two Court of Appeal decisions. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335-337; *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 841-843.) Based on this methodology, the City initially concluded that the Project would not cause any significant GHG-related impacts. Shortly before the public release of the Draft EIR, however, the California Supreme Court cast doubt on the manner in which this approach, though permissible in theory, had been applied. (*Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 225-227.) For this reason, before releasing the Draft EIR for public review, the City changed its original impact conclusion and conservatively determined that the Project's GHG-related impacts are potentially significant and unavoidable. (DEIR, pp. 3.7-1 through 3.7-23.)

### **Hydrology and Water Quality**

*Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)*

Construction of the Project will not result in a significant increase in water usage. Due to the overdraft condition of the regional groundwater basin, however, even with implementation of appropriate mitigation measures, operation of the Project will result in significant and unavoidable impacts to groundwater use and recharge. (DEIR, pp. 3.9-1 through 3.9-27.)

### **Public Services and Utilities**

*Increase in demand for water supply and construction of additional water supply infrastructure*

Implementation of the Project will result in an increased demand for municipal water and will require an extension of the existing City water system. Even with mitigation, the potential impact remains significant and unavoidable. (DEIR, pp. 3.12-1 through 3.12-19; see specifically 3.12-16 through 3.12-17.)

### **Transportation/Traffic**

*Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;*

*Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways*

Because no feasible improvements are available to reduce impacts at several intersections to acceptable levels-of-service (LOS) and improvements identified in the adopted Mitigation Measures cannot be assured, impacts to traffic increases and LOS will be significant and unavoidable. Also, because of design constraints at several intersections, impacts from the projected future traffic growth and Project traffic cannot be reduced to acceptable LOS, and impacts will be significant and unavoidable. (DEIR, pp. 3.13-1 through 3.13-46.)

### **Cumulative Impacts**

The Project will result in cumulatively considerable incremental contributions to cumulatively significant impacts to biological resources, greenhouse gas emissions, public services and utilities, and transportation and traffic. The discussions of greenhouse gas emissions, public services and utilities, and transportation and traffic included above also apply to the cumulative impacts analysis. (See DEIR, pp. 5-1 through 5-13; see specifically DEIR pp. 5-9, 5-12, and 5-13.)

#### *Biological Resources*

Conversion of the Project site from its current state to that of a planned travel center is not expected to contribute cumulatively to biological resource impacts in the region because the Project site is currently disturbed, consists of low-quality habitat for special-status species, and contains no natural water bodies. The Project site was used for decades as a commercial property. As such, the property historically had little value to biological resources. The Project will result in construction of permanent facilities on the site, but the wildlife values will not be reduced substantially from historic levels. Direct and indirect Project impacts that could potentially occur to special-status species will be precluded by implementing standard avoidance and minimization measures. Given the low-quality habitat that exists on the Project site, the Project will not result in a significant loss of habitat.

Despite the Project having a less-than-significant direct effect on biological resources, the cumulative habitat loss of this and all other urbanization projects in the City of Madera and the San Joaquin Valley dictate that, for the Valley, the cumulative impact will be significant, cumulatively considerable, and unavoidable. There are no additional Project-related mitigation measures that will further reduce this impact. (DEIR, pp. 5-7 through 5-8.)

## **2. Scope of Necessary Findings and Considerations for Project Alternatives**

As noted above, these Findings address whether the various alternatives substantially lessen or avoid any of the significant impacts associated with the Project and then consider the feasibility of each alternative. Under CEQA, as noted earlier, “(f)feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, § 15364.) As also explained earlier, the concept of feasibility permits agency decisionmakers to consider the extent to which an alternative is able to meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social and technological factors supported by substantial evidence.

These Findings consider the extent to which the alternatives are able to meet the project objectives, as described in the EIR and in Section II.D, above.

## **B. DESCRIPTION OF PROJECT ALTERNATIVES**

The Draft EIR identified and compared environmental effects of the three alternatives listed below with the environmental impacts resulting from the Project. The EIR evaluated the following alternatives to the Project:

### ***No Project Alternative***

CEQA Guidelines section 15126.6, subdivision (e), requires every EIR to include a No Project Alternative. “The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” In general, this alternative should discuss “existing conditions ... as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” Consistent with this obligation, “where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.” (*Id.* at subd. (e)(3)(B).)

Under the No Project Alternative, development of the travel center would not occur. It is highly unlikely that the Project site would remain in its current undeveloped condition because the site is zoned for commercial use and is located at a major interchange along SR 99, and the City has received previous proposals for commercial development. The City anticipates that, in the event the Madera Travel Center Project were not approved, another application proposing commercial development would be submitted in the near future. Thus, the No Project Alternative is based on the assumption that the City would receive such an application whose components are limited to those uses identified in the Madera Zoning Ordinance as permitted uses (no use permit required) in either the C-1 or C-2 zoning districts. These uses include: bakery, bank, barber shop, department store, drug store, florist, food store, hardware store, hobby supplies and crafts, pharmacy, service station, restaurant, and automobile parts and supply store. (DEIR, pp. 4-5 through 4-6.)

### **1. Potential Impacts of No Project Alternative in Comparison to the Project**

#### ***Greenhouse Gas Emissions***

If the site were developed under the No Project Alternative, GHG emissions would potentially be greater than with the Project. But with implementation of project design features, which would typically be required for any development on the site, the No Project Alternative would have GHG impacts similar to those of the Project. Like with the Project, development under the No Project alternative would likely have significant and unavoidable impacts related to the generation of greenhouse gases. (DEIR, p. 4-8.)

#### ***Hydrology and Water Quality***

For the same reasons described for the Project, potential impacts on groundwater supplies would be significant and unavoidable. (DEIR, p. 4-8; see Section VIII.A.1., Hydrology and Water Quality, above.)

#### *Public Services and Utilities*

Under the Project, impacts associated with long-term water demand will be significant and unavoidable, even with mitigation. Development of the site under the No Project Alternative would create high water demand associated with landscaping and potable needs. The extent of the impacts to water demand, however, would vary depending on the type of development. For example, if the site were developed with uses that have relatively lower water demands than the restaurant and hotel components of the Project, the No Project Alternative would have a lesser level of impact than the Project. On the other hand, if retail operations were developed, the impact to water supply would be greater, and would be significant and unavoidable. (DEIR, p. 4-9.)

#### *Transportation and Traffic*

Development of the site with by-right uses allowed under the C-1 and C-2 zoning district would, like the Project, probably attract motorists from SR 99, but would also likely attract a higher percent of traffic from the surrounding community. Those traffic patterns going to and leaving the site would be similar to those of the Project, with perhaps less SR 99 ramp traffic volume and greater volume from local streets. Although this would likely result in less trailer truck traffic, it could result in greater passenger car traffic. Some mitigation measures would likely be necessary, and the conflicts with transportation and congestion plans would remain significant and unavoidable. (DEIR, p. 4-10.)

#### *Summary*

The No Project Alternative would have similar impacts as the Project on aesthetics, agriculture and forestry, biological resources, cultural resources, geology/soils/seismicity, greenhouse gases, hydrology/water quality, land use, and traffic. The No Project Alternative would have greater hazards and water supply impacts and fewer air quality, noise, public utility and traffic impacts. (DEIR, p. 4-10.) (On the subject of air quality, the No Project Alternative, compared with the Project, would likely generate more emissions from light-duty, gasoline-powered vehicles but fewer emissions of diesel particulates and other toxins from tractor trucks. [DEIR, p. 4-6]) than the emissions from light duty, gasoline vehicles. Therefore, although the No Project alternative could be a destination that would attract a greater number of local residents, diesel emissions would be lower and less toxic than with the proposed Project.

## **2. Feasibility of the No Project Alternative**

Although the subject property would likely be developed rather than remain permanently vacant under the No Project Alternative, the likely land uses would not meet all of the project objectives, or would not meet them as fully as the Project would. In particular, the No Project Alternative does not meet the principal objective, which is to construct a Travel Center and related land uses to serve existing travelers and truck traffic along SR 99 and nearby areas. The Project is expected to take full advantage of the benefits of the subject site's proximity to SR 99 by catering to truck

drivers and other travelers traveling along that highway. In doing so, the Project will likely result in a lower overall number of vehicle miles traveled, with related reductions in air pollution and GHG emissions from light-duty, gasoline powered vehicles.

What's more, the No Project Alternative, as defined in the EIR, is a hypothetical, speculative scenario created for purposes of comparison in the EIR. There is no project applicant, and such a project is not presently before the Commission. In addition, it is likely that a project of this magnitude would be developed in several phases over a 5-10 year period, or longer, depending on market demand, whereas the Project is expected to be constructed over a one-year period. (See Economic Assessment, p. 17.) The highly speculative, hypothetical nature of this alternative renders it sufficient, by itself, to render the alternative infeasible. (DEIR, p. 4-5; Economic Assessment, p. 17.)

But there are also additional grounds for rejecting the No Project Alternative. It would be less effective than the Project in meeting project objectives of "creat[ing] new jobs that can be filled wholly or partly by local residents," "maximize[ing] tax revenues to the City of Madera." (See DEIR, p. 2-21.)

Although the mix of uses that would eventually be developed on the subject site under the No Project Alternative cannot be known at present, it is likely that the ultimate mix would be less-oriented to serving customers traveling down Highway 99 than the Project will be. For that reason, the No Project Alternative would be less effective than the Project in meeting the project objective of "provid[ing] visitor-serving facilities that maximize the benefits of the Project site's proximity to State Route 99 for all buildings and tenants and thereby minimize traffic generation on local streets and total vehicle miles traveled (and attendant air pollution and greenhouse gas generation) by visitors exiting and reentering that highway." (*Id.*)

For all of these reasons, the Commission rejects the No Project Alternative as infeasible.

### ***Reduced Traffic Alternative***

The Reduced Traffic Alternative is intended to improve the LOS to 'E' in the am peak hour and 'D' in the pm peak hour in 2016. This alternative would also improve the LOS through 2036. To achieve the necessary reduction in vehicle trip generation sufficient to meet this goal, this alternative would reduce the size of the Project to a travel center of one-half the original size of the Project (up to 5,990 square feet) with no hotel or stand-alone restaurant. The tire shop, truck area, RV and boat storage facility, and other Project features would remain the same. (DEIR, pp. 4-10 through 4-11.)

#### **1. Potential Impacts of Reduced Traffic Alternative in Comparison to the Project**

##### ***Greenhouse Gas Emissions***

The reduction in the size and number of buildings under the Reduced Traffic Alternative would reduce potential operational GHG emissions. And like the Project, the Reduced Traffic Alternative would require implementation of mitigation measures or emission-reducing design features to further reduce these emissions. Thus, this alternative would result in lesser overall potential

greenhouse gas emissions than the Project. As explained above, the Project is deemed to have significant impacts because the business-as-usual method of analysis, as commonly applied until very recently, may not be valid under CEQA. (See *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204.) For the same reason, development under the Reduced Traffic Alternative would also have significant and unavoidable impacts related to the generation of greenhouse gases. (DEIR, p. 4-13.)

#### *Hydrology and Water Quality*

Development of the Reduced Traffic Alternative would have a lesser level of impact to groundwater recharge than the Project because there would likely be smaller and fewer construction pads, and therefore less impervious surface area. In addition, compared to the Project's estimated need for 20,300 gallons per day ("gpd") of water for indoor use, water use under this alternative would be reduced by almost 75 percent to approximately 5,000 gpd. The need for water for landscaping would also be significantly reduced. The Reduced Traffic Alternative, however, would still require increased groundwater production and would therefore contribute to overdraft of the Madera Subbasin. Thus, potential impacts on groundwater supplies would remain significant and unavoidable. (DEIR, p. 4-13.)

#### *Public Services and Utilities*

Despite a 70-percent reduction in water usage compared to the Project, the Reduced Traffic Alternative would still contribute to the overdraft condition of the Madera Subbasin, and the potential impacts associated with increased water demand would remain significant and unavoidable. (DEIR, p. 4-14.)

#### *Transportation and Traffic*

The Reduced Traffic Alternative was devised in part to reduce traffic impacts at the Avenue 17/SR 99 northbound ramps associated with the Project by reducing the square footage of the Travel Center structure and eliminating the hotel and stand-alone restaurant. The potential traffic LOS impacts of this alternative would improve from F to E during am peak hours, and from F to D during pm peak hours for the existing-plus-project scenario. Because traffic LOS would be improved under this alternative, impacts to LOS are less than those of the Project. In addition, daily am trips would be reduced from 545 to 175, and daily pm trips would be reduced from 644 to 215 when compared to the Project. The City's target is LOS 'C,' however, and current conditions are LOS 'D.' Therefore, although the impacts to LOS would be less under this alternative than with the Project, the LOS would still be negatively affected by implementation of this alternative. Even with the implementation of mitigation requiring the payment of a fair share for intersection impacts (see DEIR, Table 4-1, p. 4-15), the impacts to traffic would remain significant and unavoidable under the Reduced Traffic Alternative. (DEIR, pp. 4-14 through 4-15.)

#### *Summary*

Compared to the Project, the Reduced Traffic Alternative would result in reduced impacts in seven areas: air quality (including health risks), geology/soils/seismicity, greenhouse gas,

hydrology/water quality, noise, public services and utilities, and traffic and transportation. There are similar impacts in six areas: aesthetics, agricultural and forestry, biological, cultural, hazards/hazardous materials, and land use. The Reduced Traffic Alternative would result in no increased environmental impacts. This alternative would meet all but two of the project objectives. Additionally, if the project is intended to maximize tax revenues to the City of Madera, the less intensive use of the site under this alternative would not accomplish this objective. (DEIR, p. 4-15.)

## **2. Feasibility of Reduced Traffic Alternative**

The Reduced Traffic Alternative meets the Project's principal objective and a majority of the remaining objectives. But, this alternative conflicts with the objective of developing a property of sufficient size to construct a nearly 12,000 square foot Travel Center with sufficient amenities and fueling positions. A project that excludes or reduces the hotel, restaurant and travel stop space, or fuel dispensing pumps limits Love's ability to effectively use the Project in marketing efforts to their trucking customer base. Moreover, this alternative would not be financially feasible—high general and administrative costs associated with the management oversight of projects outside of the Project applicant's home-base area requires the profit margins of *all* commercial uses combined in order to achieve economic viability. The Reduced Traffic Alternative generates about \$12.6 million less in economic activity and 95 fewer one-time construction jobs relative to the Project. This alternative would also generate about \$430,000 less in annual City General Fund revenues than the Project. And, this alternative would create fewer than half the total number of jobs created with the Project. (See Economic Assessment, pp. 17-18.)

This Alternative, then, would be less effective than the Project in meeting the project objectives of “provid[ing] visitor-serving facilities that maximize the benefits of the Project site's proximity to State Route 99 for all buildings and tenants,” “creat[ing] new jobs that can be filled wholly or partly by local residents,” and “maximize[ing] tax revenues to the City of Madera.” (See DEIR, p. 2-21.)

For all of these reasons, the Commission rejects the Reduced Traffic Alternative as infeasible.

### ***Reduced Water Demand Alternative***

The Project is expected to use a total of 33,800 gpd, or 37.9 acre-feet per year of water, including approximately 5,300 gpd for the hotel. The Reduced Water Demand Alternative addresses water impacts by reducing demand associated with operation of the Project. This alternative responds to the Governor's April Drought Declaration and statewide water usage limitations per Executive Order B-29-15 and is consistent with the Madera Regional Groundwater Management Plan, the Integrated Regional Water Management Plan, and the rules or regulations adopted by the Madera Groundwater Authority pursuant to AB 3030, the Sustainable Groundwater Management Act. (Water Code, § 10750, subd. (a).) This alternative would reduce the size of the hotel from 81 to 40 rooms and would further reduce water demand associated with the project's landscape irrigation. Reducing the number of hotel rooms would achieve water savings by reducing water used for daily



laundry, cleaning, showers, and other uses. An average of 65 gallons per room, or 2,600 gallons, would be saved each day. To reach a goal of a 10-percent water reduction, an additional 1,500 gallons of water per day would be saved through reducing the square footage of landscaped areas that require regular irrigation, using efficient irrigation systems, and using only drought-tolerant plant species (e.g., xeriscape). Together, this would reduce peak water usage by 10 percent beyond that which can be achieved through the existing State's 2015 Model Water Efficient Landscape Ordinance. (DEIR, pp. 4-15 through 4-16.)

## **1. Potential Impacts of Reduced Water Demand Alternative in Comparison to the Project**

### *Greenhouse Gas Emissions*

Reduction in the size of the hotel building would slightly reduce potential operational greenhouse gases compared to the Project's emissions. However, for the same reasons that the City determined the Project will have significant and unavoidable greenhouse gas impacts, the Reduced Water Demand Alternative would also have significant and unavoidable impacts in this respect. (DEIR, pp. 4-17 through 4-18.)

### *Hydrology and Water Quality*

The Reduced Water Demand Alternative would have a lesser level of impact to groundwater recharge than the Project because less soil would be disturbed or made impervious compared to what would occur under the Project. In addition, although less groundwater would be necessary than for the Project, and although groundwater recharge could potentially be higher because of the use of pavers or hardscaping, the potential impacts on groundwater supplies would remain significant and unavoidable. (DEIR, p. 4-18.)

### *Public Services and Utilities*

Impacts on water supply would be less than with the Project. Each hotel room is estimated to use 65 gpd of water, and this alternative would have a net decrease of 2,600 gpd compared to the Project. Although potential impacts associated with increased water demand would be less than under the Project, they would remain significant and unavoidable. (DEIR, p. 4-19.)

### *Transportation and Traffic*

Because the Reduced Water Demand Alternative reduces building size, traffic impacts at the Avenue 17/SR 99 northbound ramps could be reduced in comparison to the Project. The reduction, however, would be minimal. The location of the hotel at the western edge of the site would likely affect traffic volumes at the Sharon Boulevard to Walden Drive segment. In 2016, eastbound am trips would likely remain the same (see Table 4-1) at 279 trips, and pm trips would fall from 668 to 670 trips; in the westbound lane, am trips would decrease by one trip (to 728) and pm trips would decrease by three (to 398). Results in 2036 were very similar to those in 2016. Thus, the potential impacts of this alternative are similar to those of the Project. Although there would be a slight decrease in traffic to the site, the LOS along this segment would remain the same and impacts related to conflicts with transportation and congestion plans would remain significant and

unavoidable. Like with the Project and the Reduced Traffic Alternative, even with mitigation requiring payment of a fair share for impacts to other intersections, traffic impacts would remain significant and unavoidable. (DEIR, p. 4-19.)

### *Summary*

Compared to the Project, the Reduced Water Demand Alternative would result in reduced impacts to air quality, geology/soils/seismicity, greenhouse gas, hydrology/water quality, noise, utilities and services, and some transportation effects. This alternative could result in greater impacts to aesthetic resources. It would meet all but two of the project objectives. Additionally, the Reduced Water Demand Alternative would not maximize tax revenues in the City of Madera. (DEIR, p. 4-19.)

## **2. Feasibility of Reduced Water Demand Alternative**

The Reduced Water Demand Alternative would meet the Project's principal objective and a majority of the remaining objectives in the EIR. This alternative would not meet the objective of developing a Travel Center with an 81-room hotel. An 81-room hotel is necessary as part of the Project in order to meet existing consumer demand for lodging in the City. The competitive supply of extended stay hotels are similarly sized, and a hotel of such size is necessary for Love's to successfully compete with respect to room rates and revenue-per-available-room expectations, while maximizing overhead cost efficiencies. A reduction in the number of hotel rooms would impede Love's ability to successfully compete with similar, proximate hotels and may reduce net revenues by more than half, thereby rendering hotel operation infeasible. In addition, the Reduced Water Demand Alternative generates about \$4.2 million less economic activity and 35 fewer one-time construction jobs relative to the Project. This alternative would also generate about \$101,000 less annual City General Fund revenues than the Project. Finally, this alternative would create 15 fewer jobs than created with the Project. (See Economic Assessment, p. 18.)

This Alternative, then, would be less effective than the Project in meeting the project objectives of "provid[ing] visitor-serving facilities that maximize the benefits of the Project site's proximity to State Route 99 for all buildings and tenants," "creat[ing] new jobs that can be filled wholly or partly by local residents," and "maximiz[ing] tax revenues to the City of Madera." (See DEIR, p. 2-21.)

For all of these reasons, the Commission rejects the Reduced Water Demand Alternative as infeasible.

## **IX. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth in the preceding sections, the City's approval of the Madera Travel Center Project will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures, and there are no *feasible* Project alternatives that would mitigate or substantially lessen the impacts. Despite these effects, however, the Planning Commission, in accordance with CEQA Guidelines section 15093, chooses to approve the Project because, in its view, the economic, social and other benefits that the Project will produce will render the significant effects acceptable.

## **A. Significant and Unavoidable Impacts**

As explained in Section VIII.A.1., above, the Madera Travel Center Project will result in the following significant and unavoidable impacts:

- *Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment*
- *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)*
- *Increase in demand for water supply and construction of additional water supply infrastructure*
- *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;*
- *Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways*
- *Contribute in a cumulatively considerable manner to cumulatively significant impacts to biological resources, greenhouse gas emissions, public services and utilities, and transportation and traffic*

## **B. Overriding Considerations**

In the Planning Commission's judgment, the Project and its benefits outweigh its unavoidable significant effects. These findings are based on substantial evidence in the record. The following statement identifies the specific reasons why, in the Commission's judgment, the benefits of the Project as approved outweigh its unavoidable significant effects. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and the documents found in the Record of Proceedings, which are described and defined in Section IV above.

1. The Project will use an undeveloped area of the City, consistent with current land use policies. The Project site has been approved for commercial development and will develop a currently underutilized site with major potential as a tax-generating commercial area due to its proximity to and visibility from State Route 99. The Project will improve this site with economically beneficial uses.
2. The Project will create new employment opportunities for local residents. The Project will also have a positive impact on job creation in the City. The Project will

generate diversity in employment opportunities, including 225 temporary construction jobs, as well as 80 permanent full-time and part-time jobs.

3. The Project will generate sales, property, and transient occupancy tax revenue. The Project will provide much-needed sales tax and property tax revenues to the City General Fund, County General Fund, school districts, the Educational Revenue Augmentation Fund, and other taxing entities.
4. The Project will provide extended-stay hotel rooms to meet demand in the area. Local demand for hotel rooms has been increasing. The Project will provide an 80-room hotel to meet this demand.
4. The Project will provide needed additional overnight parking for truck drivers in a safe environment. Long-haul truck drivers have limited options for safe overnight parking while on the job. The Project will include 98 truck spaces. These new parking stalls designated specifically for trucks will provide additional, needed, off-site, overnight parking.
5. The Project will provide regional travelers on State Route 99 with clean, diverse amenities to serve their travel needs. Love's has been at the forefront of the convenience store and travel center industry for more than three decades. Consistent with its longstanding practices and commitment to customer service, the Project will embody the Love's guiding principles of "Clean Places, Friendly Faces" by providing friendly service and clean, modern facilities stocked with the fuel, food and supplies drivers need. In particular, the Project will provide a much-needed Travel Stop building with a convenience store and branded drive-through restaurant, free-standing tire shop, free-standing hotel, and storage facility.

### **C. Conclusion**

As explained earlier, the Planning Commission has balanced these benefits and considerations against the significant unavoidable effects of the Project and has concluded that the impacts are outweighed by these benefits. After balancing environmental costs against Project benefits, the Commission has concluded that the benefits the community, economy, and City and County treasuries will derive from the Project outweigh the environmental risks. The Commission believes the Project benefits outlined above override the significant and unavoidable environmental costs associated with the Project.

**Exhibit A to CEQA Findings of Fact for  
Madera Travel Center Project**

ENVIRONMENTAL IMPACT (SIGNIFICANT BEFORE MITIGATION)		MITIGATION MEASURES		LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	<b>AESTHETICS</b>				
3.1-3	<b>Create a new source of substantial light or glare</b>	3.1-3a	A lighting plan shall be prepared and submitted to the City of Madera Community Development Department for approval in conjunction, prior to the issuance of building permits. The lighting plan shall adhere to the City of Madera Design & Development Guidelines and design review requirements, as applicable, regarding the appropriate use of building materials, lighting, and signage to prevent light and glare from adversely affecting motorists and adjacent land uses. The City shall ensure that the lighting Project plan incorporates the requirements set forth in mitigation measures 3.1-3b through 3.1-3d below.	Less than Significant	<u>Finding:</u> Implementation of Mitigation Measures 3.1-3a, 3.1-3b, 3.1-3c and 3.1-3d, which have been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that these mitigation measures be adopted. The Planning Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.  <u>Explanation:</u> The Project site is currently undeveloped, vacant land. New Project lighting has the potential to create light pollution in the vicinity of the proposed Project site, especially in residential areas along SR 99. Proper light shields, design, and landscaping are commonly used to reduce light pollution generated by blocking the conveyance of lights
		3.1-3b	Decorative uplighting used to illuminate trees, walls, waterfalls, fountains, and other objects shall be ground-mounted and directed upwards, away from the viewer to prevent glare.		
		3.1-3c	Night lighting shall be limited to that necessary for security, safety, and identification and also be screened from adjacent residential areas and not be directed beyond the boundaries of the parcel on which the buildings are located.		

		3.1-3d	<p>Outdoor security lighting at businesses shall be controlled by timers.</p> <p>All lighting proposed as part of the Project, shall be fully hooded, shielded, directed downward and away from adjoining properties and rights-of-way. Light shields shall be installed and maintained consistent with manufacturer's specifications, and shall reduce the spillage of light on to adjacent properties to less than a one-foot standard, as measured at the adjacent property line.</p>		<p>upwards. Light production will occur from outside of buildings and on signage that will be visible from adjacent areas and the highway. Implementation of these mitigation measures will ensure that this impact is less than significant. (DEIR, pp 3.1-17 through 3.1-19.)</p>
	<b>AIR QUALITY</b>				
3.3-4	<b>Expose sensitive receptors to substantial pollutant concentrations</b>	3.3-1	<p>The Project Applicant shall install auxiliary power hookups in the truck parking area that are capable of providing power to a minimum of 12 trucks TRUs or auxiliary cab power. The Project Applicant shall also install signage in the truck parking areas that restrict the use of diesel powered auxiliary power units (APU).</p>	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measures 3.3-1, 3.3-2, and 3.3-3, which have been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>Without mitigation, sensitive receptors 7 and 8 would result in a cancer risk increase in excess of the 20 per million people threshold. With incorporation of these mitigation measures, sensitive</p>
		3.3-2	<p>The Project Applicant shall install an approximately 2'x3' sign near the diesel parking area on the property stating that no truck idling is allowed on the premises.</p>		
		3.3-3	<p>The Project Applicant shall plant a row of trees along the eastern and southern edges of the travel stop. The tree species utilized shall be selected to exhibit many of the qualities highlighted in the UC Davis –Caltrans Air Quality Project paper "<i>Practical Mitigation Measures for</i></p>		

			<p><i>Diesel Particulate Matter: near-Road Vegetation Barriers,</i>" as being effective at removing very fine particulate matter. These trees could include, but are not limited to, species from the <i>Pinus</i> (Pine), <i>Quercus</i> (Oak) and <i>Ulmus</i> (Elm and Hackberry) families.</p>		<p>receptors 7 and 8 would fall below the cancer risk threshold—for sensitive receptor 7, the cancer risk would decrease to 14.2 and for sensitive receptor 8 the risk would decrease to 15.5 per million persons. Because these numbers fall below the threshold of 20 per million people, this impact would be less than significant. (DEIR, pp. 3.3-37 through 3.3-47 as amended by FEIR, pp. 3.3-41 through 3.3-50; see also FEIR, pp. 5-4 through 5-5, 8-8.)</p>
	<b>BIOLOGICAL RESOURCES</b>				
3.4-1	<b>Have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species</b>	3.4-1e	<p>An environmental awareness training program shall be presented to construction personnel prior to the start of construction. The presentation shall include the life history information for all special-status species that could potentially occur on the Project site. The presentation shall discuss the legal protection status of each species, the definition of "take" under existing environmental laws, specific measures that workers would employ to avoid take of wildlife species, and the penalties for violations. An attendance sheet shall be circulated at all training sessions to document worker attendance. All personnel who are unable to attend the initial training program due to scheduling or other factors will review the training program materials and sign the training attendance sheet.</p>	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.4-1e, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>Some special-status species could potentially be present on the Project site and be impacted by the Project. Each species is discussed below and appropriate measures to reduce impacts</p>

					to below significant levels are provided where appropriate. With implementation of these mitigation measures and Mitigation Measure 3.4-1e, Project activities will not contribute to significant impacts to special-status species.
3.4.1a	<b>Impacts to western burrowing owl</b>	3.4-1a	<p>Standard measures for the protection of burrowing owls provided in the CDFW’s Staff Report on Burrowing Owl Mitigation (2012) shall be implemented except where determined to be unnecessary by the City after consultation with a qualified biologist. Active burrows should be avoided, compensation should be provided for the displacement of burrowing owls, and habitat acquisition and the creation of artificial dens for any burrowing owls removed from construction areas should be provided. These measures are generally outlined as follows:</p> <ol style="list-style-type: none"> <li>1. Pre-construction surveys shall be conducted. Pre-construction surveys of construction areas, including a 150-meter buffer, should be conducted no less than 14 days and no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey shall be completed, including but not limited to a final survey conducted within 24 hours prior to ground disturbance.</li> <li>2. If western burrowing owls are present on the construction site (or within 150 meters of the construction site), exclusion fencing</li> </ol>	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.4-1a, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>Although there are no known historical records of the burrowing owl on the Project site, there is one historical record of a burrowing owl within ten miles of the site. No burrowing owls were observed on the Project site during surveys. But because the Project site supports fallow non-native annual grassland habitat with numerous small mammal burrows, the burrowing owl could potentially breed or winter there. (DEIR, p. 3.4-8.) Implementation of this mitigation</p>



			<p>shall be installed between the nest site or active burrow and any earth-moving activity or other disturbance. <i>The California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines</i> (California Burrowing Owl Consortium, 1993) recommends that exclusion areas extend 160 feet around occupied burrows during the non-breeding season (September 1 through January 31) and extend 250 feet around occupied burrows during the breeding season (February 1 through August 31). This 250-foot buffer could be removed once it is determined by a qualified biologist that the young have fledged. Typically, the young fledge by August 31st. This date may be earlier than August 31st, or later, and would have to be determined by a qualified biologist.</p> <p>3. If western burrowing owls are present in the non-breeding season (September 1 through January 31) and must be passively relocated from the Project site, passive relocation shall not commence until October 1<sup>st</sup> and must be completed by February 1<sup>st</sup>. Passive relocation may only be conducted by a qualified biologist or ornithologist and with approval by CDFW. After passive relocation, the area where owls occurred and its immediate vicinity will be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document that owls are not reoccupying the site.</p> <p>4. If western burrowing owls are documented on the Project site and require relocation,</p>		<p>measure will prevent Project-related disruption of burrowing owl activity, which will reduce potential impacts to the burrowing owl to less than significant. (DEIR, p 3.4-18.)</p>
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			<p>compensation for the loss of foraging and burrowing owl habitat shall be required and follow the CDFW’s Staff Report on Burrowing Owl Mitigation (2012) and the California Burrowing Owl Consortium’s Burrowing Owl Survey Protocol and Mitigation Guidelines (1993). The size of the mitigation site shall be based upon the number of owls or pairs of owls located on the construction area during pre-construction surveys. Compensatory mitigation lands shall encompass a minimum of 6.5 acres of habitat per burrowing owl pair (or unpaired resident single bird) found on site, and those lands shall contain burrows that have been occupied by owls within the last three years. The mitigation site must be determined to be suitable by a qualified biologist and may be located off site. The mitigation site must consist of grassland habitat that contains small mammals (or other prey) and ground squirrel burrows. Two natural or artificial nest burrows shall be provided on the mitigation site for each burrow in the Project area. The mitigation site must be approved by the California Department of Fish and Wildlife. The area shall be preserved in perpetuity as wildlife habitat through a conservation easement that designates the California Department of Fish and Wildlife, or any other qualified conservation organization, as the Grantee of the easement.</p>		
3.4.1b	<b>Impacts to Swainson’s hawks</b>	3.4-1b	<p>Nesting surveys for the Swainson’s hawks shall be conducted in accordance with the protocol outlined in the <i>Recommended Timing and</i></p>	Less than Significant	<p><u>Finding:</u> Implementation of Mitigation Measure 3.4-1b, which has been required or</p>

		<p><i>Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley</i> (Swainson’s Hawk Technical Advisory Committee 2000). If potential Swainson’s hawk nests or nesting substrates are located within 0.5 mile of the Project site, then those nests or substrates must be monitored for activity on a routine and repeating basis throughout the breeding season, or until Swainson’s hawks or other raptor species are verified to be using them. The protocol recommends that the following visits be made to each nest or nesting site: one visit during January 1-March 20 to identify potential nest sites, three visits during March 20-April 5, three visits during April 5-April 20, and three visits during June 10-July 30. A lesser number of visits may be permissible if deemed adequate by the City after consultation with a qualified biologist. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to Project-related ground disturbance activities. If Swainson's hawks are not found to nest within the survey area, then no further action is warranted.</p> <p>If Swainson's hawks are found to nest within the survey area, active Swainson’s hawk nests shall be avoided by 0.5 mile during the nesting period, unless this avoidance buffer is reduced through consultation with the CDFW and/or a qualified biologist with expertise in Swainson’s hawk issues. If a construction area falls within this nesting site, construction must be delayed until the young have fledged (left the nest). The</p>		<p>incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>There are no known historical records of the Swainson’s hawk occurring on the Project site or within ten miles of the Project site. The Swainson’s hawk generally breeds within riparian forests and other forested areas. It roosts in a variety of trees and forages widely over forests, grasslands, and shrublands. Trees on the Project site are likely too immature to support raptor nests, but one inactive raptor nest was observed in a tree adjacent to the Project site. The Swainson’s hawk could potentially nest in trees adjacent to the Project site or within 0.5 miles of the Project site. Also, if Swainson’s hawks nest within ten miles of the Project site, they could potentially forage on the site. (DEIR, pp 3.4-9 through 3.4-10.) Implementation of this mitigation measure will prevent Project-related disruption of Swainson’s hawk nesting activity and will reduce potential</p>
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			2,500- foot-radius no-construction zone may be reduced in size but in no case shall be reduced to less than 500 feet except where a qualified biologist concludes that a smaller buffer area is sufficiently protective. A qualified biologist must conduct construction monitoring on a daily basis, inspect the nest on a daily basis, and ensure that construction activities do not disrupt breeding behaviors.		impacts to the Swainson’s hawk to less than significant. (DEIR, p. 3.4-19.)
3.4.1c	<b>Impacts to nesting raptors</b>	3.4-1c	<p>A pre-construction survey shall be performed on the Project site, and within 500 feet of its perimeter, in areas where there is a potential for nesting raptors and other migratory birds to occur if construction occurs during the breeding season (generally defined from February 1 to August 31). These areas include power poles or trees that are suitable for the establishment of nests. Areas also include non-native annual grassland habitat and agriculturally developed land, which provide potential breeding habitat for ground-nesting birds such as the western meadowlark and northern harrier. The pre-construction survey shall be performed during the period 3 to 14 days prior to construction to identify active nests and mark those nests for avoidance. These surveys can be completed in conjunction with surveys that may be required for other species.</p> <p>If nesting raptors other than Swainson’s hawk are identified during the surveys, active raptor nests shall be avoided with a buffer of 500 feet and all other migratory bird nests shall be</p>	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.4-1c, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>Various species of migratory birds and raptors, which are protected by the Migratory Bird Treaty Act and various provisions of the California Fish and Game Code have the potential to nest on the Project site. One inactive raptor nest was located approximately 100 feet west of the central polygonal portion of the Project site, and a second inactive raptor</p>

			<p>avoided with a buffer of 250 feet. Avoidance buffers may be reduced through consultation with the CDFW and/or a qualified biologist.</p> <p>No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by early July, but September 1st is considered the end of the nesting period unless otherwise determined by a qualified biologist. Once raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can be terminated.</p>		<p>nest was located approximately 430 feet southwest of the southern linear portion of the Project site. One active mourning dove nest was located within the herbaceous ground layer on the southern linear portion of the Project site. (DEIR, p. 3.4-10) Implementation of this mitigation measure will prevent Project-related disruption of raptor and migratory bird nesting activities, which will reduce Project impacts to nesting raptors and other migratory birds to less than significant. (DEIR, p. 3.4-20.)</p>
3.4.1d	<b>Impacts to the San Joaquin kit fox and American badger</b>	3.4-1d	<p>Because one American badger den with a species diagnostic sign, a horizontal scratch mark, was found on the Project site and up to 10 potential dens and/ or burrows that could be modified and inhabited by the San Joaquin kit fox and American badger were located throughout Ponding Basins 1 and 2, there is the potential for the San Joaquin kit fox and American badger to occur on the Project site. Therefore the <i>USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (USFWS 2011) shall be followed. The measures that are listed below have been excerpted from those guidelines and would protect San Joaquin kit foxes and American</p>	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.4-1d, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p>

		<p>badgers from direct mortality and from destruction of active dens and natal or pupping dens. The Lead Agency or Designee shall determine the applicability of the following measures depending on specific construction activities and shall implement such measures when required, as explained below.</p> <ol style="list-style-type: none"> <li>1. Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the San Joaquin kit fox or American badger. If such surveys find active or natal or pupping dens for either San Joaquin kit fox or American badger den, exclusion zones shall be placed in accordance with USFWS Recommendations.</li> </ol> <p>If any den is found within the construction area and must be removed, it must be appropriately monitored and excavated by a trained wildlife biologist. Destruction of natal dens and other “known” kit fox dens must not occur until authorized by USFWS. Replacement dens will be required if such dens are removed. Potential dens that are removed do not need to be replaced if they are determined to be inactive after monitoring.</p> <ol style="list-style-type: none"> <li>2. Project construction-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all Project areas, except on County roads and State and</li> </ol>	<p>There are no known historical records of the American badger occurring on the Project site, but there are two historical records occurring within ten miles of the Project site. One den with diagnostic signs (i.e., horizontal scratch marks in the den entrance) was observed on the northwest portion of the Project site near Ponding Basin 1. The den was not determined to be actively used by the American badger. Due to the mobility of this species and its preferred foraging habitat, it could potentially modify burrows on the Project site for occupancy or occur on the Project site as an occasional transient or forager. (DEIR, pp 3.4-10 through 3.4-11.)</p> <p>There are no known historical records of the San Joaquin kit fox occurring on the Project site or within ten miles of the Project site. A red fox, known as a competitor and predator of the San Joaquin kit fox, was observed several years ago on the parcel north of the Project site. No San Joaquin kit foxes or signs of San Joaquin kit foxes (e.g., dens, tracks, scat, characteristic scratch marks) were observed on the Project site. Due to the mobility of this species, though, it could potentially modify burrows on the Project site for occupancy or occur on the Project site as an occasional transient or forager. (DEIR, p. 3.4-11.)</p> <p>Implementation of this mitigation measure would reduce potential impacts</p>
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			<p>federal highways; this is particularly important at night when kit foxes and American badgers are most active. Night-time construction shall be minimized to the extent possible. However if it does occur, then the speed limit shall be reduced to 10-mph. Project construction-related vehicles shall be prohibited from going off-road outside of designated Project areas.</p> <p>3. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted at the addresses provided below.</p> <p>4. Kit foxes and American badgers are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the</p>		<p>to the San Joaquin kit fox and American badger to less than significant. (DEIR, p. 3.4-23.)</p>
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			<p>direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.</p> <ol style="list-style-type: none"> <li>5. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project site.</li> <li>6. Use of firearms on the site shall adhere to USFWS protocols.</li> <li>7. No pets, such as dogs or cats, shall be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens.</li> <li>8. Use of rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.</li> <li>9. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program</li> </ol>		
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			<p>and their name and telephone number shall be provided to the USFWS.</p> <p>10. An employee education program shall be conducted. The program shall consist of a brief presentation by persons knowledgeable in San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.</p> <p>11. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in</p>		
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			<p>consultation with the USFWS, CDFW, and revegetation experts.</p> <p>12. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.</p> <p>13. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hofmann, the wildlife biologist, at (530)934-9309. The USFWS shall be contacted at the numbers below.</p> <p>14. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hofmann at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.</p> <p>15. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the</p>		
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			<p>reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.</p> <p>Any Project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:</p> <p>Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846 (916) 414-6620 or (916) 414-6600</p>		
	<b>CULTURAL RESOURCES</b>				
3.5.1	<b>Cause a substantial adverse change in the significance of a historical resource as defined in <i>CEQA Guidelines</i> section 15064.4</b>	3.5-1	<p>In the event that resources potentially qualifying as historical resources or unique archaeological resources per CEQA Guidelines Section 15064.5 and Public Resources Code section 21083.2 are inadvertently discovered during ground-disturbing activities, all work within 50 feet of the find shall halt until a qualified archaeologist who meets the Secretary of the Interior’s professional qualifications standards in prehistoric or historical archaeology, as appropriate, shall evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents either an historical resource or a</p>	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.5-1, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>Based on the results of field survey and database research findings, the generally favorable surface visibility conditions, and</p>

			<p>unique archaeological resource, the archaeologist shall recommend to the City's Community Development Director potential means of addressing impacts to such resources. Such additional measures may include avoidance, testing, and evaluation or data recovery excavation. The Community Development Director shall then determine whether any such recommended measures are feasible in light of project design, economics, logistics, and other factors. If avoidance is infeasible based on these factors, then testing or data recovery shall be the preferred method of dealing with the affected resources. Once the measure(s) chosen by the Community Development Director have been identified and implemented, construction work in the area within 50 feet of the find shall be resumed.</p>		<p>the extent of previous disturbance observed within the Project site, the potential to encounter subsurface historical deposits is minimal. This suggests that there is a low potential for ground-disturbing activities to expose and affect previously unknown significant cultural resources, including historical resources, at the Project site. There is still a possibility that historical or archaeological materials may be exposed during construction. Grading and trenching, as well as other ground-disturbing activities, have the potential to damage or destroy these previously unidentified and potentially significant cultural resources within the Project area, including historical resources. Disturbance of any deposits that have the potential to provide significant cultural data would be considered a significant impact under CEQA. (DEIR, pp 3.5-14 through 3.5-15.)</p> <p>The implementation of this mitigation measure will ensure that any impacts to prehistoric or historical resources are reduced to less than significant. (DEIR, p. 3.5-15.)</p>
3.5-2	<p><b>Cause a substantial adverse change in the significance of a unique archaeological resource, as defined in Public Resources Code section 21083.2(g)</b></p>	3.5-1	See discussion of Impact 3.5-1 above.	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.5-1, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level.</p>

					<p>The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>Record searches and field surveys of the Project site and off-site water and sewer mains revealed that no archaeological (i.e., prehistoric) resources have been found within the Project area. Therefore, the potential to encounter subsurface archaeological deposits is minimal and there is a low potential for ground-disturbing activities to expose and affect previously unknown significant cultural resources, including archaeological resources, at the site. There is still a possibility that archaeological materials may be exposed during construction, however. (DEIR, pp 3.5-15 through 3.5-16.)</p> <p>The implementation of this mitigation measure will ensure that any impacts to unique archaeological resources are reduced to less than significant. (DEIR, p. 3.5-16.)</p>
3.5.3	<b>Directly or indirectly destroy a unique paleontological resource</b>	3.5-3	To mitigate potential adverse effects a monitoring program shall be developed in	Less than Significant	<u>Finding:</u>

	<p><b>or site or unique geologic feature</b></p>		<p>consultation with a professional paleontologist, which would provide intermittent inspection of excavations at the Project site by a professional paleontologist during site grading and excavation activities. Should the construction crew or paleontologist uncover any bones or teeth, all construction-related activities in the immediate vicinity would be stopped until the paleontologist has assessed the find and, if deemed significant, salvaged it for deposition in a repository such as University of California Museum of Paleontology where it would be properly curated and preserved for scientific study. Any period in which construction is halted shall be kept to the minimum amount of time feasible under the circumstances. To avoid any unnecessary loss of time during construction, the City shall require the paleontologist to assess the significance of the affected resources as soon as is feasible under the circumstances.</p> <p>Following the completion of the above tasks, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to the Madera Community Development Department and to the Natural History Museum of Los Angeles County.</p>		<p>Implementation of Mitigation Measure 3.5-3, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>A database search found no paleontological localities of any kind in the Madera Quadrangle, but two Irvingtonian vertebrate fossil localities were identified in Madera County. The database search yielded nothing for the Modesto Formation in Madera County, but found six Rancholabrean vertebrate localities for this geologic unit in Stanislaus and Fresno Counties. Because of this, there is a basis for concluding that paleontological impacts could occur at the Project site as a result of site grading and excavation activities. Implementation of this mitigation measure will ensure that any impacts to paleontological resources are reduced to less than significant. (DEIR, pp 3.5-16 through 3.5-17.)</p>
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3.5.4	<b>Disturb human remains, including those interred outside of formal cemeteries</b>	3.5-4	<p>If human remains are uncovered during Project construction, the Project proponent shall immediately halt work, contact the Madera County Coroner to evaluate the remains, and follow the procedures and protocols set forth in §15064.5 (e)(1) of the <i>CEQA Guidelines</i>. The Madera Community Development Department shall also be notified of the discovery. If the County Coroner determines that the remains are Native American, the Project proponent shall contact the Native American Heritage Commission, in accordance with Health and Safety Code §7050.5, subdivision (c), and Public Resources Code §5097.98 (as amended by AB 2641). The NAHC shall identify the person or persons believed to be most likely descended from the deceased Native American. The Most Likely Descendant (MLD) shall be afforded the opportunity to provide recommendations concerning the future disposition of the remains and any associated grave goods as provided in PRC 5097.98. Per Public Resources Code §5097.98, the Project operator shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.</p>	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.5.4, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>There is no indication from archival research results or the archaeological survey that any particular location in the Project area has ever been used for human burial purposes. But given the sensitivity for buried archaeological resources, the Project could inadvertently uncover or damage human remains, which would be a significant impact. In the unlikely event that human remains are uncovered, implementation of this mitigation measure will ensure that any impacts to unknown human remains are less than significant. (DEIR, pp. 3.5-17 through 3.5-18.)</p>
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	<b>GEOLOGY, SOILS AND SEISMICITY</b>				
3.6-2a	<b>Result in substantial soil erosion or instability on-site</b>	3.6-1	<p>Prior to issuance of grading permits, an erosion control plan shall be submitted and approved by the City of Madera that reduces erosion and water quality degradation. The erosion control plan shall indicate the proper control of erosion, sedimentation, siltation and other pollutants and will be implemented to meet NPDES permit requirements and City standards (see Section 3.9 of the EIR). The plan shall address storm drainage during construction and set forth BMPs that shall be carried out during construction to minimize erosion, sedimentation and water quality degradation. BMPs selected shall be in accordance with the California Stormwater Quality Association Best Management Practices Handbook, and will include vegetated swales, bioretention areas, and a flow-based, storm water treatment device.</p> <p>The plan shall require that all drainage facilities shall be constructed to the City of Madera specifications. The plan shall indicate whether grading will occur in the winter months.</p> <p>The plan shall also require that:</p> <ul style="list-style-type: none"> <li>• Drainage facilities shall be protected as necessary to prevent erosion of onsite soils immediately following grading activities.</li> <li>• Cut slopes and drainage ways within native material shall be protected from direct exposure to water runoff</li> </ul>	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.6-2, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>Although the Project site is relatively flat, grading of 33.4 acres of the 50-acre site will be required prior to construction. Motor graders scraping, lifting, transporting and spreading the surface soils of the site will result in loosened, exposed soils that can lead to soil erosion and/or soil instability.</p> <p>Construction activities related to off-site infrastructure resulting in ground disturbance (topographic alteration) could create a potential for ground instability and soil erosion. In addition, impacts related to ground disturbance that could result from trench/pipeline construction within the off-site utility</p>



			<p>immediately following grading activities.</p> <ul style="list-style-type: none"> <li>• The design for collected run-off shall dissipate immediately following grading activities.</li> <li>• Cut and fill embankment slopes shall be protected from sheet, rill, and gully erosion.</li> <li>• Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures shall be applied as specified in the improvement plans/grading plans.</li> </ul>		<p>corridors could potentially occur. Trenching and pipeline construction are temporary in nature, though, and once the utility is installed the surface is typically returned to its original condition. Most off-site utility lines will be placed in already disturbed roadway easements, and BMPs shall be applied during construction to minimize erosion and sedimentation.</p> <p>Implementation of this mitigation measure will reduce this impact to less than significant. (FEIR, pp. 3.6-8 through 3.6-9.)</p>
	<b>GREENHOUSE GASES</b>				
3.7-1	<b>Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment</b>		<p>See Project features described in the 'Explanation' section of this table. With the inclusion of these features, no additional feasible mitigation measures are available.</p>	Significant and Unavoidable	<p><u>Finding:</u></p> <p>Implementation of the design features described below, which have been required or incorporated into the Project, will reduce the severity of this impact, but not to a less-than significant level. The Planning Commission hereby directs that these features be incorporated into the Project. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.</p> <p>The City finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures</p>

				<p>beyond the project features to reduce GHG emissions. This impact will remain significant and unavoidable. The City concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.</p> <p><u>Explanation:</u></p> <p>Several design features presented in the Project Description of the DEIR are considered to be beneficial to greenhouse gas impacts. These features and others described below will reduce emissions by design and are included as part of the Project:</p> <ul style="list-style-type: none"> <li>• All proposed outdoor lighting fixtures to be energy efficient LED, and signage for travel stop, hotel and restaurant, and monument sight at Avenue 17 entrance and directional signs throughout the Project proposed to be internally LED illuminated;</li> <li>• Site will be landscaped with water-efficient deciduous and evergreen trees and a variety of tall, medium and low shrubs and ground covers. Plants will be ranked per California's Water Use Classification of Landscape Species and the landscape will meet the requirements of the</li> </ul>
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					<p>State’s Model Water Efficient Landscape Ordinance;</p> <ul style="list-style-type: none"> <li>• Irrigation will be a mix of low-volume overhead irrigation (rotators) and surface and sub-surface drip irrigation. The minimum efficiency of all irrigation utilized will be 71 percent, with the majority of the specified equipment in the 85 percent to 95 percent range. There will be a separate water meter for landscape irrigation, and the irrigation controller will be a “Smart Controller” able to compensate for changing weather and seasons.</li> </ul> <p>These Project design features would reduce greenhouse gas emissions 570 tCO2e/year. (DEIR, pp. 3.7-20 through 3.7-21.)</p> <p>The EIR compared the Project’s 2020 GHG emissions to the emissions that would occur from development without the Project design features and without the regulatory requirements that have been promulgated to comply with AB 32. This analysis demonstrates a reduction in emissions substantially greater than 29 percent. Thus, under the methodology recommended by the San Joaquin Valley Air Pollution Control District, the impact would be less than significant.</p>
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					<p>In order to avoid any dispute over the validity of the SJVAPCD’s methodology in relation to the Project, based on the Supreme Court decision in <i>Center for Biological Diversity v. California Department of Fish and Wildlife (2015) 62 Cal.4th 204</i>, the City has decided with the applicant’s agreement to conservatively treat the impact as potentially significant and unavoidable.</p> <p>With the inclusion of the reductions described herein and in the EIR, no additional feasible mitigation measures are available. (DEIR, pp.3.7-19 through 3.7-23.)</p>
	<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
3.8-1	<b>Create a significant hazard to the public or environment through transport, use or disposal of hazardous materials</b>	3.8-1a	The Project proponent shall prepare a Hazardous Materials Business Plan and submit it to the Madera Certified Unified Program Agency (CUPA) for review and approval. The Hazardous Materials Business Plan shall include, at a minimum, floor plans of the facility and business conducted at the site; an inventory of hazardous materials that are handled or stored on site; an emergency response plan; and a safety and emergency response training program for new employees with annual refresher courses. A copy of the approved plan shall be provided to the City of Madera Planning Department prior to the issuance of certificate of occupancy.	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measures 3.8-1a and 3.8-1b, which have been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p>

		3.8-1b	<p>The Project proponent shall obtain the appropriate underground storage tank permit, as required under the State Health and Safety Code, as previously referenced from the Madera County Environmental Health Department for the installation of such tanks as a result of the Project. A copy of the approved underground storage tank permit shall be provided to the City of Madera Planning Department prior to the issuance of grading permits.</p>	<p>The travel stop, hotel, restaurant, and RV and boat storage area are typical commercial uses that would likely require the use of some common hazardous materials including cleaning products, pesticides, fertilizers, and gasoline and solvents. The fuel area, tire shop and truck area would require transport, use and disposal of significant hazardous materials such as large quantities of gasoline and diesel fuels and flammable propane gas. If not properly transported, used or disposed, such materials could create hazards for customers, employees, and nearby residents, which is a potentially significant impact.</p> <p>Federal and state law require labeling such materials and identify proper use, storage and disposal instructions. The use of such materials will also be regulated by the Madera County Environmental Health Department, which has been certified by DTSC as the local CUPA. The Project proponent will be required to prepare a hazardous materials management plan, which would include details such as floor plans of the facility and business conducted at the site, an emergency response plan, and a safety and emergency response training program for new employees with annual refresher courses.</p> <p>The fuel island and propane area, and the tire shop and truck area, would also</p>
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				<p>require transport of large amounts of hazardous materials including gasoline, oil and other automotive materials. In accordance with California Vehicle Code section 32000, licensing is required for every motor (common) carrier who transports, for a fee, in excess of 500 pounds of hazardous materials at one time, and every carrier, if not for hire, who carries more than 1,000 pounds of hazardous material of the type requiring placards. Transport of hazardous materials would also be required to comply with the Hazardous Materials Transportation Regulations.</p> <p>The Project site will also include underground storage tanks, which are also regulated by the State Water Resources Control Board under the UST Program, Health and Safety Code, division 20, chapter 6.7 (sections 25280-25299.8). The Madera CUPA has authority to issue permits for the operation of USTs, and the CUPA oversees UST installation, operation and removal.</p> <p>Implementation of these mitigation measures will ensure that appropriate compliance measures will be taken to reduce any potential impacts to the public or to the environment regarding hazardous materials to less than significant. (DEIR, pp 3.8-16 through 3.8-17, as amended by FEIR, p. 3.8-17.)</p>
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3.8-2	<b>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions</b>	3.8-2	<p>The Project proponent shall have a qualified professional prepare a Phase II Environmental Site Assessment for the Project site that includes soil sampling. Based on the conclusions of the Phase II Environmental Site Assessment, the Project proponent shall prepare a work plan and submit it to the Madera County Environmental Health Department for review and approval. A copy of the approved work plan shall be provided to the City of Madera Planning Department prior to the issuance of grading permits,</p> <p>As determined by the results of the Phase II Environmental Site Assessment, at a minimum, the work plan shall include but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Delineating the vertical and horizontal extent of the any soil contamination;</li> <li>2. Providing workers with notices and information regarding the presence of any surface and subsurface contamination;</li> <li>3. Educating workers regarding the appropriate measures for protecting themselves from surface and subsurface contamination through a training program;</li> <li>4. Preparing a remediation plan for affected soils that outlines proposed remediation methods, including capping, excavation and offsite disposal, stockpiling, and/or onsite treatment in accordance with applicable laws, including California Code of Regulations, Title 22, Section 66261.20-24;</li> <li>5. Identifying the party responsible for funding and conducting site cleanup;</li> </ol>	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.8-2, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>The Project site contains three recognized environmental conditions (RECs):</p> <ol style="list-style-type: none"> <li>1. The limited knowledge of the previous operations, equipment maintenance/repair operations, storage, and chemical handling practices of the used equipment sales yard and National Hardware Supply historic use, the used equipment sales and truck yard and septic system;</li> <li>2. A 50 square foot soil staining area located where parking of large trucks and equipment previously occurred;</li> <li>3. A deteriorated kiln, three containers that appeared to be burned adjacent to the kiln, and dark soil in the area of the kiln and other apparently burned</li> </ol>
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			<p>6. Removing and disposing of air-conditioning unit; three aboveground storage tanks; numerous drums, barrels, and/or containers; stained asphalt pavements; trash, debris, and/or waste materials; materials associated with the dumping and construction/demolition debris areas; and three fill soil piles in accordance with applicable laws;</p> <p>7. Removing or abandoning onsite septic system in accordance with applicable laws;</p> <p>8. Taking other actions as required by the conclusions in the Phase II Environmental Site Assessment; and</p> <p>9. Taking other actions as required by the Madera County Environmental Health Department.</p>		<p>material, indicating burning of an unknown material.</p> <p>The Phase I ESA for the Project recommends additional investigation to determine if these three RECs have affected soils at the site. In addition, the Phase I ESA describes other conditions that would require remediation prior to grading:</p> <ul style="list-style-type: none"> <li>• One window mounted air-conditioning unit where leaking and staining was not observed;</li> <li>• Three ASTs where staining was not observed;</li> <li>• Numerous drums, barrels, and/or containers greater than 5 gallons throughout the site where staining or surface releases were not observed;</li> <li>• Stained asphalt pavements where staining appeared <i>de minimus</i>;</li> <li>• Trash, debris and/or waste materials throughout the site where leaking, staining, noxious odors or hazardous materials storage was not observed;</li> <li>• Dumping area where staining or surface releases was not observed;</li> <li>• Construction/demolition debris area where leaking and/or staining were not observed; and</li> </ul>
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					<ul style="list-style-type: none"> <li>Three fill soil poles that included mixed dirt with materials such as wood and asphalt pieces.</li> </ul> <p>Because of these RECs and other conditions, developing the site in its current state could result in the upset and accident conditions involving the release of hazardous materials into the environment, which would be a significant impact. (DEIR, pp. 3.8-17 through 3.8-19.)</p> <p>Implementation of this mitigation measure will reduce this impact to less than significant. (DEIR, p. 3.8-20.)</p>
	<b>HYDROLOGY AND WATER QUALITY</b>				
3.9-1	<b>Violate any water quality standards or waste discharge requirements</b>	3.9-1a	Prior to issuance of grading permits, the Project proponent shall submit a Notice of Intent (NOI) and SWPPP to the RWQCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). The SWPPP shall specify and require the implementation of Best Management Practices (BMPs), with the intent of keeping all products of erosion from moving off site and into receiving waters during construction. The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended BMPs for the construction phase shall include, but is not limited to, the following:	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measures 3.9-1a and 3.9-1b, which have been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p>

		3.9-1b	<ul style="list-style-type: none"> <li>• Stockpiling and disposing of demolition debris, concrete, and soil properly;</li> <li>• Protecting existing storm drain inlets and stabilizing disturbed areas;</li> <li>• Implementing erosion controls;</li> <li>• Properly managing construction materials; and</li> <li>• Managing waste, aggressively controlling litter, and implementing sediment controls.</li> </ul> <p>The City of Madera Community Development Department shall confirm that the RWQCB has approved the SWPPP prior to issuance of grading permits.</p> <p>Prior to issuance of grading permits, the Project proponent shall prepare a drainage plan for the Project for approval by the City of Madera City Engineer that identifies post-construction treatment, control, and design measures that minimize surface water runoff, erosion, siltation, and pollution. The drainage plan shall be prepared in accordance with the City's <i>Storm Water Quality Management Program</i> and CASQA's <i>Storm Water Best Management Practices Handbook</i> as well as the City Engineer's Standard Specifications and Standard Drawings. During final design of the Project, the Project proponent shall implement a suite of post-construction stormwater treatment and control Best Management Practices designed to address the most likely sources of stormwater pollutants resulting from operation and maintenance of the Project. These measures shall take into account</p>		<p>The Project is subject to the State Water Resources Control Board Phase II Small MS4 General Permit, and therefore must apply the City of Madera's standard specifications and standard drawings for storm water-related Project facilities. The Project proponent has also committed to implementing volumetric treatment criteria and/or flow-based treatment criteria in accordance with section E.12.e.ii.c of the General Permit. The Project proponent will also implement the following specific water quality related BMPs to further ensure that the Project will not degrade water quality:</p> <ul style="list-style-type: none"> <li>• Gasoline and diesel fueling areas shall be covered by canopies and shall be surfaced with Portland cement concrete. Diesel fueling areas shall be covered by canopies and shall have catch basins piped to an oil-water separator at each fueling bay to effectively preclude these areas from degrading storm water runoff. Storm water shall be precluded from entering catch basins due to covered canopies and grading design;</li> <li>• Diesel fuel delivery areas shall have catch basins to capture any incidental spillage and shall be piped to an oil-water</li> </ul>
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			<p>the proposed 1.52-acre fenced retention basin, low-lying landscaped areas to be used as vegetated swales, shall be designed to methods described in Section E.12.e.ii.c of the SWRCB Phase II Small MS4, General Permit (Order No. 2013-0001-DWQ) and shall include the following Project-proponent proposed water quality best management practices:</p> <ul style="list-style-type: none"> <li>Gasoline and diesel fueling areas shall be covered by canopies and shall be surfaced with Portland cement concrete. Diesel fueling areas shall be covered by canopies and shall have catch basins piped to an oil-water separator at each fueling bay to effectively preclude these areas from degrading storm water runoff. Storm water shall be precluded from entering catch basins due to covered canopies and grading design;</li> <li>Fuel delivery areas shall have catch basins to capture any incidental spillage and shall be piped to an oil-water separator, and discharged to the sanitary sewer system. Catch basins shall not receive storm water runoff due to grading design;</li> <li>Above ground diesel tanks shall have a containment curb around them; and</li> <li>Maintenance bays in the tire shop shall be fully covered to preclude degradation of storm water runoff as a result of maintenance operations.</li> </ul>		<p>separator and discharged to the sanitary sewer system. Catch basins shall not receive storm water runoff due to grading design;</p> <ul style="list-style-type: none"> <li>Above ground diesel tanks shall have a containment curb around them; and</li> <li>Maintenance bays in the tire shop shall be fully covered to preclude degradation of storm water runoff as a result of maintenance operations.</li> </ul> <p>The storm water drainage system will also comply with applicable standard specifications and standard drawings as required by the General Permit. Without mitigation, water quality impacts would be potentially significant.</p> <p>Implementation of these mitigation measures will reduce this impact to less than significant. (DEIR, pp. 3.9-18 through 3.9-21)</p>
3.9-2	<b>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that</b>	3.12-3	See discussion of Impact 3.12-3 below.	Significant and Unavoidable	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.12-3, which has been required or incorporated into the Project, will reduce</p>

	<p>there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)</p>			<p>the severity of this impact, but not to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.</p> <p>The City finds that fully mitigating this impact is not feasible; additional potential mitigation measures are either unenforceable or infeasible. This impact will remain significant and unavoidable. The City concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.</p> <p><u>Explanation:</u></p> <p>The City uses groundwater pumped from the Madera Subbasin to meet all of its water demand. The annual demand for groundwater by the City has been estimated at 12,700 acre-feet/year. The Project is expected to use approximately 33,800 gallons per day, or 31.9 acre-feet/year. The September 2015 City of Madera Water System Master Plan estimates the average daily water production as 9,800,000 gallons and long term demand as 41,000,000 gallons. The</p>
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					<p>Project’s daily supply requirement represents less than 0.4 percent of the current City domestic demand and 0.08 percent of the City’s long-term requirements. The report and its appendices conclude that the City could continue to rely upon its groundwater source as adequate to supply City buildout. (CITE.). The Project is consistent with the General Plan, and therefore the Project’s water usage is accounted for in the General Plan update.</p> <p>The Madera Subbasin is “critically overdrafted,” but the Project’s projected groundwater usage is already accounted for and the Project will not change the baseline condition of groundwater supplies in the Basin beyond the baseline condition already analyzed in the General Plan EIR.</p> <p>But due to the overdraft condition of the regional groundwater basin, this impact is significant. Even with implementation of this mitigation, the potential impact remains significant and unavoidable. (DEIR, pp. 3.9-21 through 3.9-23.)</p>
3.9-3	<b>Substantially alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner that would result in</b>	3.9-1a 3.9-1b	See discussion of Impact 3.9-1 above.	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measures 3.9-1a and 3.9-1b, which have been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning</p>

	<p><b>substantial erosion or siltation on site or off site</b></p>			<p>Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>Potential impacts on water quality from erosion and sedimentation are expected to be localized and temporary during construction. Construction-related erosion and sedimentation impacts as a result of soil disturbance will be less than significant after implementation of a SWPP (see mitigation measure 3.9-1a). No drainages or other water bodies are present on the Project site and therefore the Project will not change the course of any such drainage. But erosion may occur onsite during rain events or high winds.</p> <p>Grading activities have the potential to result in erosion or sedimentation and/or discharge of construction debris from the site. Some earthmoving activities (e.g., excavation, creating building pads, grading for the road realignment, etc.) have the potential to loosen soil, and the removal of any onsite vegetation could contribute to future soil loss and erosion by wind and storm water runoff. Clearing of vegetation and grading activities could, for example, lead to exposed or</p>
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					<p>stockpiled soils, which are susceptible to peak storm after runoff flows and wind forces. In addition, the presence of large amounts of raw materials for construction may lead to storm water runoff contamination.</p> <p>The Project proponent is required to obtain coverage under the NPDES General Permit because the Project will result in one or more acres of land disturbance. To conform to the requirements of the NPDES General Permit, a SWPP must be prepared. The SWPP will specify BMPs to prevent construction pollutants, including eroded soils (such as topsoil), from moving offsite. Implementation of the Permit and BMP requirements will mitigate the potential for erosion of soils or siltation during construction activities.</p> <p>With implementation of these mitigation measures, impacts with regard to erosion from construction and in the operational phase of the Project will be less than significant. (DEIR, pp 3.9-23 through 3.9-24.)</p>
3.9-4	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that	3.9-1a 3.9-1b	See discussion of Impact 3.9-1 above.	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measures 3.9-1a and 3.9-1b, which have been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning</p>

	<p>would result in flooding on site or off site</p>			<p>Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>Aside from a temporary retention basin, no drainages or other water bodies are present on the Project site and therefore, development of the site will not change the course of any drainages that may potentially result in on- or off-site flooding. Water will be used during the temporary construction phase of the Project (for dust suppression), but such water will be mechanically and precisely applied and will generally infiltrate or evaporate prior to running off.</p> <p>The Project site is flat and grading will not substantially alter the overall topography. Although the amount of surface runoff on the Project site will not substantially increase with construction of the Project, runoff patterns and concentrations could be altered by grading activities associated with the Project.</p> <p>Because onsite drainage patterns will be altered and new impermeable surfaces will be added with the Project, the rate and volume of runoff from the site could</p>
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					<p>change, thereby resulting in flooding offsite.</p> <p>Implementation of these mitigation measures will reduce these impacts to less than significant. (DEIR, pp.3.9-24 through 3.9-25)</p>
3.9-5	<p><b>Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff</b></p>	<p>3.9-1a</p> <p>3.9-1b</p>	<p>See discussion of Impact 3.9-1 above.</p>	<p>Less than Significant</p>	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measures 3.9-1a and 3.9-1b, which have been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>There are no existing storm water drainage systems on the Project site. The site is drained by sheet flow and does not rely on constructed storm water drainage systems. Development of the Project site will introduce additional impervious surfaces and will have the potential to increase the amount of storm water runoff either on or offsite. Surface runoff velocities, volumes and peak flow rates</p>

					would therefore have the potential to increase.  Implementation of these mitigation measures will reduce these impacts to less than significant. (DEIR, pp 3.9-25 through 3.9-26.)
	<b>NOISE</b>				
3.11.1	<b>Exposure to excessive noise levels or vibration</b>	3.11-1a	<p>The following shall be implemented by the Project proponent for the duration of Project construction:</p> <ul style="list-style-type: none"> <li>a. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site;</li> <li>b. The construction contractor shall locate the pile driver such that the rear of the vibratory pile driver faces toward the noise sensitive receptors when the machine is being utilized;</li> <li>c. The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise sensitive receptors nearest the Project site during all Project construction;</li> <li>d. The construction contractor shall ensure that all construction equipment is equipped with manufacturer-approved mufflers and baffles; and</li> <li>e. Project construction hours shall comply with the Chapter 11, Noise Control, §3-11.02 of the City Code of Ordinances.</li> </ul>	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measures 3.11-1a and 3.11-1b, which have been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>During construction, noise from construction activities will add to the noise environment in the immediate Project vicinity. Construction activities will generate maximum noise levels ranging from 76 to 88dB at a distance of 50 feet. But construction activities would be temporary in nature and are anticipated to occur during normal daytime working hours.</p>

		3.11-1b	<p>Prior to issuance of building permits for the Project's proposed Hotel on Parcel 2, the Project proponent shall prepare a project-specific noise model which demonstrates to the satisfaction of the City of Madera Community Development Department that the Project will either: (1) cause an interior noise level of no greater than 45 dB Ldn, or (2) include windows in sleeping areas of the hotel with an STC rating that reduces interior noise levels to 45 dB Ldn or lower.</p>	<p>Since the nearest sensitive receptors are approximately 700 feet from the proposed nearest entrance to the Project site, the predicted maximum noise levels from construction would range between 55 and 68 dB, which is considerably less than the existing measured background noise levels. Construction of the Project could temporarily increase noise levels during construction in the immediate area, but the increases in noise levels are not expected to affect any noise-sensitive uses because of their distance from the closest construction.</p> <p>Although construction noise impacts will be temporary, implementation of mitigation measure 3.11-1a will further reduce temporary impacts on sensitive receptors resulting from construction to less than significant.</p> <p>Hotel patrons may be exposed to overall noise levels that exceed applicable transportation and statutory noise standards. The hotel could be exposed to traffic and railroad noise levels as high as 80 dB Ldn on the upper floors. Therefore, interior noise levels would need to have a 35 dB exterior to interior noise reduction. Sleeping areas facing the interior of the Project site could be exposed to on-site noise levels up to 75 dB Ldn. A typical façade construction will provide an</p>
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					<p>exterior to interior noise reduction of 25 dB.</p> <p>Implementation of these mitigation measures will reduce interior noise levels to 45 dB Ldn or lower and the impact will be less than significant. (DEIR, p. 3.11-14 through 3.11-18.)</p>
	<b>PUBLIC SERVICES</b>				
3.12-3	<b>Increased demand for water supply and construction of additional water supply infrastructure</b>	3.12-3	As part of the Site Plan Review process, the applicant shall submit a water conservation plan to the City of Madera Planning Department for review and approval which demonstrates the landscaping and buildings will include available water conservation measures for both interior and exterior water usage that, after compliance with all existing federal, state and local regulations, will result in a reduction of an additional 10 percent over anticipated water demand for the Project.	Significant and Unavoidable	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.12-3, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.</p> <p>The City finds that fully mitigating this impact is not feasible; additional potential mitigation measures are either unenforceable or infeasible. This impact will remain significant and unavoidable. The City concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set</p>

					<p>forth in the Statement of Overriding Considerations.</p> <p><u>Explanation:</u></p> <p>The Project is expected to use approximately 33,800 gallons per day, or 37.9 acre-feet per year of water. Implementation of the Project will result in an increased demand for municipal water and require an extension of the existing city water system. As evidenced by continuing falling groundwater levels described in the City’s General Plan EIR, the community usage of groundwater remains a significant impact. Inasmuch as the groundwater situation is a regional issue, the City alone does not have the ability to affect it. Thus, with implementation of the Project this impact will be significant.</p> <p>Even with mitigation, this potential impact remains significant and unavoidable. (DEIR, pp. 3.12-16 through 3.12-17.)</p>
	<b>TRANSPORTATION AND TRAFFIC</b>				
3.13-1	<b>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for performance of the circulation system or with an applicable congestion management program</b>	3.13-1a	Prior to occupancy, the Project applicant shall provide evidence to the Madera Community Development Department that the following road improvements have been completed to address Project-related traffic impacts during Existing Plus Project and Near-Term (Year 2016) Plus Project scenarios as follows:	Significant and Unavoidable	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measures 3.13-1a and 3.13-1b, which have been required or incorporated into the Project, will reduce the severity of this impact, but not to a less-than significant level. The Planning Commission hereby directs that</p>

		3.13-1b	<p>Avenue 17 at Sharon Boulevard: Near-Term (Year 2016) Plus Project scenario: Install Traffic Signal</p> <p>Prior to the issuance of certificates of occupancy for each structure, the Project applicant shall provide the proposed Project’s pro rata funding toward the affected roadways and intersections as required by the City of Madera, the County of Madera, and Caltrans. The proposed Project’s proportionate share responsibility for the cost of the installation of all required road improvements in the year 2036 is calculated as follows:</p> <p style="text-align: center;">Equitable Share = (Project Trips)/(Cumulative Year 2036 Plus Project Traffic – Existing Traffic)</p> <p>Pro rata funding shall be paid to the City of Madera Engineering Department for implementation in the City Development Impact Fees Program of the County, as appropriate. A copy of the payment receipts shall be provided to the City of Madera Community Development Department.</p> <p>Table 3.13-15 shows the equitable share responsibility for improvements to City of Madera and Caltrans facilities as described above. The equitable share responsibility shown in Table 3.13-15 is the result of LOS enhancements related to capacity. Avenue 17 at Sharon Boulevard is the only study intersection that is included within the City of Madera’s fee program.</p>	<p>these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.</p> <p>The City finds that fully mitigating this impact is not feasible; additional potential mitigation measures are either unenforceable or infeasible. This impact will remain significant and unavoidable. The City concludes, however, that the Project’s benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.</p> <p><u>Explanation:</u></p> <p>It is anticipated that implementation of the Project will exceed the acceptable LOS at several identified roadways. Mitigation Measures 3.13-1 through 3.13-3 are required to reduce impacts of the Project. In some instances, with implementation of these measures, traffic will be reduced to acceptable LOS and, therefore, impacts will be reduced to a less than significant level. However, because of design constraints at several intersections, implementation of traffic improvements in those locations is infeasible and impacts from the projected future traffic growth plus Project traffic</p>
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			<p>Traffic signals and other related improvements identified for the Avenue 17 at Project Driveway #1 and Sharon Boulevard at Project Driveway #3 intersections are only necessary to accommodate Project site access to the adjacent roadway network. There is planned future development on the other side of Avenue 17 and Sharon Boulevard that will also be served by the improvements identified at Project Driveway #1 and #3. City of Madera staff has indicated that the traffic signals and other related improvements at Project Driveway #1 and #3 shall be the sole responsibility of the proposed Project and the planned future development on the other side of each street. As a result, Table 3.13-16 has been prepared for the purpose of identifying the proposed Project's fair-share of improvements identified at Project Driveway #1 and #3.</p> <p>(See FEIR, ES-16 through ES-17 to view Tables 3.13-15 and 3.13-16, incorporated herein by reference.)</p>		<p>cannot be reduced to acceptable LOS. Therefore, implementation of the Project is anticipated to reduce the effectiveness of the performance of the circulation system at those identified intersections.</p> <p>It should also be noted that the improvements identified in the PSR for the Avenue 17 and SR 99 interchange are, in large part, capacity increasing improvements. As identified in section 3.5 of the TIS, there are several large developments that are approved or are pending in close proximity to the interchange which have yet to be constructed. These projects are projected to generate approximately 47,571 daily trips in addition to the underlying traffic growth in the Project area and the trips generated by the Project. In the absence of those developments, major improvements to the interchange would not be necessary. If funding through federal, state, or local taxes or fee assessments is not available when fees are assessed for these projects, all of the future development impacting the interchange would be responsible for constructing the improvements. Each development project would be required to contribute a fair-share toward the costs of improvements identified in the PSR. The City would calculate and assess a fair-share for each subsequent project based on the specific characteristics of</p>
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				<p>that property. Alternatively, though no program currently exists, the City may choose to include the improvements in a broader fee program applied to new development.</p> <p>Implementation of these mitigation measures will reduce impacts as the measures are completed. Because some traffic signal warrants will not be met under the 2016 scenario, these intersections may not meet the LOS of 'C' in that year, but would improve with implementation of mitigation measures. However, as shown in Table 3.13-13, one intersection will exceed applicable standards even after mitigation and no feasible improvements are available to reduce the traffic at that intersection to acceptable LOS. Moreover, except for the Avenue 17 at Sharon Blvd. intersection, which is included within the City of Madera's fee program, the additional improvements necessary to mitigate the Project's contributions to cumulative impacts at the locations identified in Table 3.13-15 for which the Project will pay its fair-share are either (1) not programmed into the City traffic impact fee program or any other funding program and therefore would rely on funding from sources other than the project applicant that have yet to be identified in order to be constructed, or (2) the intersections/roadways are under</p>
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					the jurisdiction of Caltrans, and the City of Madera cannot assure that necessary improvements would be installed as contemplated. Therefore, it cannot be assured that these impacts will be fully mitigated. Even with mitigation, this potential impact remains significant and unavoidable. (DEIR, pp. 3.13-26 through 3.13-41, as amended by FEIR, pp. 3.13-30 through 3.13-41.)
3.13-2	<b>Conflict with an applicable congestion management program, including LOS standards</b>	3.13-2	<p>Prior to the issuance of grading permits, the Project applicant shall:</p> <p>Prepare and submit a Construction Traffic Control Plan to City of Madera Community Development Department and the California Department of Transportation offices for District 6, as appropriate for any traffic control in Caltrans right-of-way, for review and approval. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues:</p> <ul style="list-style-type: none"> <li>• Timing of deliveries of heavy equipment and building materials;</li> <li>• Directing construction traffic with a flag person;</li> <li>• Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;</li> </ul>	Significant and Unavoidable	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.13-2, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.</p> <p>The City finds that fully mitigating this impact is not feasible; additional potential mitigation measures are either unenforceable or infeasible. This impact will remain significant and unavoidable. The City concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set</p>

		<ul style="list-style-type: none"> <li>• Ensuring access for emergency vehicles to the Project site;</li> <li>• Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;</li> <li>• Maintaining access to adjacent property; and</li> <li>• Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the Project site, and avoiding residential neighborhoods to the maximum extent feasible.</li> </ul> <p>Obtain all necessary permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize City-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the issued permits shall be submitted to the City of Madera Community Development Department.</p>	<p>forth in the Statement of Overriding Considerations.</p> <p><u>Explanation:</u></p> <p>During temporary construction activities it is estimated that the Project will require a maximum of nine off-road equipment trips, approximately 148 worker trips, and 26 vendor delivery trips (including heavy trucks), per day. It is not anticipated that the construction-related traffic would exceed capacity of the existing roadways; however, there is the potential to disrupt roadway services with the additional vehicles as well as slow-moving trucks delivering heavy equipment, especially during detention personnel shift changes. This is a potentially significant impact.</p> <p>As noted in Impact 3.13-1 Table 3.13-10, once operational, the Project will generate approximately 3,942 car trips and 1,689 truck trips on a daily basis. The additional Project components will generate an estimated 2,922 car trips and 60 truck trips daily. The total number of trips estimated with the implementation of the Project is anticipated to exceed the capacity of the identified circulation system even when the roadways are built to the identified standards.</p> <p>Mitigation Measure 3.13-2 will reduce construction impacts at the Project site to a less-than significant increase in traffic in relation to the existing traffic load and</p>
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				<p>capacity of the street system because of the anticipated construction schedule, the temporary nature of construction vehicle trips, and the projected low project trip generation potential during the construction phase for the site. Impacts to traffic during the construction phase of the Project will be less than significant.</p> <p>With respect to operations, even with implementation of mitigation, due to design constraints at several intersections, impacts from the projected future traffic growth and Project traffic cannot be reduced to acceptable LOS. Also, the additional improvements necessary to mitigate the Project's contributions to cumulative impacts at the locations identified in Table 3.13-15 for which the Project would pay its fair-share are either (1) not programmed into the City traffic impact fee program or any other funding program and therefore would not rely on funding from sources other than the Project applicant that have yet to be identified in order to be constructed, or (2) the intersections/roadways are under the jurisdiction of Caltrans, and the City of Madera cannot assure that necessary improvements would be installed as contemplated. Therefore, although the need for mitigation is based on construction of all the proposed projects</p>
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					<p>in the study, it cannot be assured that these impacts would be fully mitigated. Therefore, implementation of the Project is anticipated to reduce the effectiveness of the City's congestion management plan at identified intersections.</p> <p>Even with the implementation of the identified mitigation, the impact remains significant. (DEIR, pp. 3.13-41 through 3.13-43.)</p>
3.13-4	<b>Substantially increase hazards due to a design feature</b>	3.13-2	See discussion of Impact 3.13-2 above.	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.13-2, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>The use of oversize vehicles during construction could create a hazard to the public by limiting motorist views on roadways and by the obstruction of space. With implementation of Mitigation Measure 3.13-2, all oversize vehicles used on public roadways during construction will be required to obtain required</p>

					permits and approval of a Construction Traffic Control Plan, as well as to identify construction delivery times and vehicle travel routes in advance to minimize construction traffic during am and pm peak hours. Travel planning will further reduce construction-related traffic and roadway hazards that would otherwise affect motorists on the public highways in the vicinity of the Project site. With mitigation the impact will be reduced to a level that is less than significant. (DEIR, p. 3.13-44.)
3.13-5	<b>Result in inadequate emergency access</b>	3.13-2	See discussion of Impact 3.13-2 above.	Less than Significant	<p><u>Finding:</u></p> <p>Implementation of Mitigation Measure 3.13-2, which has been required or incorporated into the Project, will reduce this impact to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u></p> <p>The Project includes right-of-way dedication for, and construction of, Sharon Blvd., beginning at Avenue 17 and extending to a temporary cul-de-sac at the southern end of the Project site.</p>

				<p>Other Project design features include a dedicated right-turn pocket into the Project site on Avenue 17, and additional street improvements along the Avenue 17 frontage, including installation of signalized intersections on Avenue 17. These road improvements will allow for easy access to the facility by first responders and emergency equipment. Additionally, all Project designs and engineering are required to comply with the Uniform Fire Code and City building regulations and standard to ensure adequate emergency access. The site plan will be reviewed by City staff and any necessary design revisions will be made to ensure adequate access to the facility.</p> <p>In order to prevent or lessen potential traffic congestion and parking problems on the surrounding public streets that might impede emergency access to the facility by first responders, the Project will comply with off-street parking requirements of the Madera Zoning Ordinance Chapter 10-3.1202. Review of the final site plan by City staff will ensure that adequate parking is provided on the Project site. A total of 302 parking spaces will be provided.</p> <p>The Construction Traffic Control Plan required in Mitigation Measure 3.13-2 will, among other things, require that equipment deliveries are scheduled outside peak traffic hours, and will be</p>
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					devised so that construction would not interfere with emergency response or evacuation plans. The Project will not interfere with emergency or evacuation plans, or emergency access to the Project site. With implementation of this mitigation, this impact will be less than significant. (DEIR, pp 3.13-45.)
	<b>CUMULATIVE IMPACTS</b>				
	<b>Biological resources</b>	3.4-1a 3.4-1b 3.4-1c 3.4-1d	See discussion of Impact 3.4 above.	Cumulatively considerable, significant and unavoidable	<p><u>Finding:</u></p> <p>The City finds that fully mitigating this impact is not feasible; potential mitigation measures are either unenforceable or infeasible. This impact will remain significant and unavoidable. The City concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.</p> <p><u>Explanation:</u></p> <p>The Project site is currently disturbed, consists of low-quality habitat for special-status species, and contains no natural water bodies. The Project site was historically used as a commercial site for decades, as storage for a heavy equipment rental yard. As such, the property historically had little value to biological resources. The Project will result in permanent facilities being constructed on the site, but the wildlife</p>

					<p>values would not be reduced substantially from historic levels. Direct and indirect Project impacts that could potentially occur to special-status species would be precluded by implementing standard avoidance and minimization measures. Given the low quality habitat that exists on the Project site, the Project will not result in a significant loss of habitat.</p> <p>Despite the Project having less than significant direct effects, the cumulative habitat loss of this and all other urbanization projects in the City of Madera and San Joaquin Valley dictate that, for the Valley, the cumulative impact will be significant, cumulatively considerable, and unavoidable. There are no Project-related mitigation measures that will reduce this cumulative impact. (DEIR, pp. 5-7 through 5-8.)</p>
	<b>Greenhouse gases</b>		See discussion of Impact 3.7-1 above.	Cumulatively considerable, significant and unavoidable	<p><u>Finding:</u></p> <p>Implementation of the design features described for impact 3.7-1, above, which have been required or incorporated into the Project, will reduce the severity of this impact, but not to a less-than significant level. The Planning Commission hereby directs that these measures be incorporated into the Project. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but</p>



					<p>not avoid, the significant environmental effect as identified in the Final EIR.</p> <p>The City finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond the project features tending to reduce GHG emissions. This impact will remain significant and unavoidable. The City concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.</p> <p><u>Explanation:</u> Even with mitigation, this potential impact remains significant and unavoidable. See explanation for impact 3.7-1 above. See also DEIR, p. 5-9.</p>
	<b>Public services, utilities and service systems</b>	3.12-3	See discussion of Impact 3.12-3 above.	Cumulatively considerable, significant and unavoidable	<p><u>Finding:</u> Implementation of Mitigation Measure 3.12-3, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.</p> <p>The City finds that fully mitigating this impact is not feasible; additional potential</p>

					<p>mitigation measures are either unenforceable or infeasible. This impact will remain significant and unavoidable. The City concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.</p> <p><u>Explanation:</u></p> <p>The City of Madera General Plan EIR concluded that in combination with cumulative development in the subbasin, the General Plan would contribute to an increased demand for water supply, requiring increased groundwater production and potentially worsening the overdraft condition of the basin. Additional water for the Project would further impact the water subbasin. Even with mitigation, this potential impact remains significant and unavoidable. (DEIR, p. 5-12.)</p>
	<b>Transportation and traffic</b>	3.13-1a 3.13-1b	See discussion of Impact 3.13-1 above.	Cumulatively considerable, significant and unavoidable	<p><u>Finding:</u> Implementation of Mitigation Measures 3.13-1a and 3.13-1b, which have been required or incorporated into the Project, will reduce the severity of this impact, but not to a less-than significant level. The Planning Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the Project that will</p>

				<p>substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.</p> <p>The City finds that fully mitigating this impact is not feasible; additional potential mitigation measures are either unenforceable or infeasible. This impact will remain significant and unavoidable. The City concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.</p> <p><u>Explanation:</u></p> <p>Without the Project, in year 2036 four of seven study intersections would be below-acceptable LOS. With the Project those four intersections, as well as the intersection at Avenue 17 at Sharon Boulevard and two Project driveways (a total of seven intersections) will have a below-acceptable LOS. Cumulative impacts at three of those seven intersections would occur due to cumulative growth, with or without the Project. One of five roadway segments will also fall below acceptable LOS through the year 2036. The Project will contribute to the cumulative significant impact of the Avenue 17 roadway segment between the SR 99 NB ramps and Sharon Blvd. under the cumulative year 2036 plus Project scenario.</p>
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				<p>Significant cumulative intersection and roadway impacts are expected to result from the Project in connection with past, present, and reasonably foreseeable projects, and the Project's contribution to those impacts will be cumulatively considerable. Implementation of mitigation measures 3.13-1 through 3.13-4 will reduce but not eliminate cumulative impacts associated with intersections operating below the adopted LOS standard. Several intersections will exceed applicable standards even after mitigation and no feasible improvements are available to reduce the traffic at those intersections to acceptable LOS.</p> <p>With the exception of the intersection of Avenue 17 and Sharon Blvd., the additional improvements necessary to mitigate the Project's contributions to cumulative impacts at the locations identified in Table 3.13-15 for which the Project would pay its fair share are either (1) not programmed into the City traffic impact fee program or any other funding program and therefore would rely on funding from sources other than the Project applicant that have yet to be identified in order to be constructed; or (2) the intersections/roadways are under the jurisdiction of Caltrans, and the City of Madera cannot assure that necessary improvements would be installed as</p>
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					contemplated. Therefore, it cannot be assured that these impacts would fully mitigated and the Project's contribution to the impact remains cumulatively significant and unavoidable. (DEIR, pp. 5-12 through 5-13.)
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## MITIGATION MONITORING AND REPORTING PROGRAM

### Introduction

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared by the City of Madera (the City) in connection with its consideration of the Madera Travel Center (the Project).

Section 21081.6(a)(1) of the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15091(d) and 15097 require a lead agency to adopt a monitoring and reporting program when it either has required changes in a project or has adopted mitigation measures (as conditions of approval) to avoid or substantially lessen significant environmental effects of a project. The City has designed this MMRP to ensure compliance during Project implementation not only with adopted mitigation measures, but also with the policies of the City's General Plan and other City regulations and ordinances, as well as regional, State and federal regulations. This MMRP contains measures identified in the EIR that would be implemented through monitoring of an activity, such as grading or excavation, and other measures that would be implemented through a reporting mechanism. With implementation of the mitigation measures identified in the EIR, as well as other conditions of Project approval described in the Draft EIR, the potential environmental effects of the Project would be eliminated or reduced to the extent feasible.

The MMRP has been designed to provide focused, yet flexible guidelines. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program.

### Program Management

The MMRP will be in place through all phases of the Project. The Project planner, assigned by the City, shall coordinate enforcement of the MMRP and oversee it to ensure that proper action is taken on each mitigation measure. Each City department or division shall ensure that the Project complies with the mitigation measures that relate to that department.

The Project planner or responsible City department has the authority to stop the work of the operator if compliance with any aspect of the MMRP is not occurring after written notification has been issued. The time within which compliance must occur varies by resource and mitigation measure at issue: some require evidence of completion before a grading permit will be issued, for instance, while biological monitoring may be needed throughout the construction period. In most cases, work must cease immediately upon issuance of written notification. The Project planner or responsible City department also has the authority to deny entry into a new construction phase until compliance with a requirement of this program occurs.

### Condition Compliance Matrix

The table "*Mitigation Monitoring and Reporting Program*," includes mitigation measures that will mitigate the potential significant environmental impacts of the Project. A

procedure of compliance and verification has been outlined for each measure. This procedure designates what action will be taken and when, who will take action, and to whom and when compliance will be reported. Mitigation Measures are identified beginning on page 3.

**TABLE 1  
MITIGATION MONITORING AND REPORTING PROGRAM  
MADERA TRAVEL CENTER**

Environmental Impact	EIR Mitigation Measures/ Conditions of Approval	Responsible for Implementing Actions	Responsible for Verifying Compliance	Timing
<b>MITIGATION MEASURES</b>				
<b>Aesthetics</b>				
<b>Impact #3.1.1</b> – Adverse impact on scenic vistas	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.1.2</b> – Damage scenic resources	No mitigation measures are required	N/A	N/A	N/A
<b>Impact #3.1.3</b> – Create a new source of light or glare	<b>Mitigation Measure #3.1-3a:</b> A lighting plan shall be prepared and submitted to the City of Madera Community Development Department for approval in conjunction with and prior to the issuance of building permits. The lighting plan shall adhere to the City of Madera Design & Development Guidelines and design review requirements, as applicable, regarding the appropriate use of building materials, lighting, and signage to prevent light and glare from adversely affecting motorists and adjacent land uses. The City shall ensure that the lighting Project plan incorporates the requirements set forth in mitigation measures 3.1-3b through 3.1-3d below.	Project Applicant	City of Madera Community Development Dept.	Plan submitted prior to issuance of building permits: improvements installed prior to occupancy
	<b>Mitigation Measure #3.1-3b:</b> Decorative uplighting used to illuminate trees, walls, fountains, and other objects shall be ground-mounted and directed upwards, away from the viewer to prevent glare.	Project Applicant	City of Madera, Community Development Dept.	Plan submitted prior to issuance of building permits: improvements installed prior to occupancy
	<b>Mitigation Measure #3.1-3c:</b> Night lighting shall be limited to that necessary for security, safety, and identification and also be screened from adjacent residential areas and not be directed beyond the boundaries of the parcel on which the buildings are located. Outdoor security lighting at businesses shall be controlled by timers.	Project Applicant	City of Madera, Community Development Dept.	Plan submitted prior to issuance of building permits: improvements installed prior to occupancy
	<b>Mitigation Measure #3.1-3d:</b> All lighting proposed as part of the Project, shall be fully hooded, shielded, directed downward and away from adjoining properties and rights-	Project Applicant	City of Madera,	Plan submitted prior to issuance



**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

Environmental Impact	EIR Mitigation Measures/ Conditions of Approval	Responsible for Implementing Actions	Responsible for Verifying Compliance	Timing
	of-way. Light shields shall be installed and maintained consistent with manufacturer's specifications, and shall reduce the spillage of light on to adjacent properties to less than a one-foot standard, as measured at the adjacent property line.		Community Development Dept.	of building permits: improvements installed prior to occupancy

Agriculture and Forestry Resources				
<b>Impact #3.2.1</b> – Conversion of prime farmland, unique farmland, or farmland of statewide importance to non-agricultural uses	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.2.2</b> – Conflict with Agricultural Zoning or Williamson Act Contracts	No mitigation measures are required	N/A	N/A	N/A

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

<p><b>Impact #3.2.3</b> – Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production or result in the loss of forest land or conversion of forest land to non-forest use</p>	<p>No mitigation measures are required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p><b>Impact #3.2.4</b> – Involve other Changes Resulting in the Conversion of Prime Farmland, Unique Farmland, Farmland of Local Importance, and Farmland of Statewide Importance to Non-agricultural Use or conversion of forest lands to non-forest use</p>	<p>No mitigation measures are required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

<b>Air Quality</b>				
<b>Impact #3.3.1</b> – Conflict with or obstruct implementation of the applicable air quality plan	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.3.2</b> – Violation of air quality standards by area and operational emissions	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.3.3</b> – Result in cumulatively considerable net increase of any criteria pollutant	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.3.4</b> – Expose sensitive receptors to substantial pollutant concentrations	<p><b>Mitigation Measures #3.3-1:</b> The Project Applicant shall install auxiliary power hookups in the truck parking area that are capable of providing power to a minimum of 12 trucks TRUs or auxiliary cab power. The Project Applicant shall also install signage in the truck parking areas that restrict the use of diesel powered auxiliary power units (APU).</p> <p><b>Mitigation Measure #3.3-2:</b> The Project Applicant shall install an approximately 2’x3’ sign near the diesel parking area on the property stating that no truck idling is allowed on the premises.</p> <p><b>Mitigation Measure #3.3-3</b> The Project Applicant shall plant a row of trees along the eastern and southern edges of the travel stop. The tree species utilized shall be selected to exhibit many of the qualities highlighted in the UC Davis –Caltrans Air Quality Project paper “<i>Practical Mitigation Measures for Diesel Particulate Matter: Near-Road Vegetation Barriers</i>”, as being effective at removing very fine particulate matter. These trees could include, but are not limited to, species from the <i>Pinus</i> (Pine), <i>Quercus</i> (Oak) and <i>Ulmus</i> (Elm and Hackberry) families.</p>	Project Applicant	City of Madera, Community Development Dept.	Implementation of mitigation during construction, and verified prior to occupancy.
		Project Applicant	City of Madera, Community Development Dept.	Implementation of mitigation during construction, and verified prior to occupancy.
		Project Applicant	City of Madera, Community Development Dept.	Implementation of mitigation during construction, and verified prior to occupancy.

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

<b>Impact #3.3-5</b> – Create objectionable odors	No mitigation measures are required.	N/A	N/A	N/A
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**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

Biological Resources				
<p><b>Impact #3.4.1</b> – have a substantial adverse effect on any special status species.</p> <p><b>Impact #3.4.1a</b> – Impacts to the western burrowing owl</p>	<p><b>Mitigation Measure #3.4-1j:</b> The following measures will be implemented to ensure that impacts to the burrowing owl are less than significant. Active burrows should be avoided, compensation should be provided for the displacement of burrowing owls, and habitat acquisition and the creation of artificial dens for any burrowing owls removed from construction areas should be provided. These measures are generally outlined as follows:</p> <ol style="list-style-type: none"> <li>1. A pre-construction survey for western burrowing owls shall be conducted. Pre-construction surveys of construction areas, including a 150-meter buffer, should be conducted no fewer than 14 days and no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey shall be completed, including but not limited to a final survey conducted within 24 hours prior to ground disturbance.</li> <li>2. If western burrowing owls are present on the construction site (or within 150 meters of the construction site), exclusion fencing shall be installed between the nest site or active burrow and any earth-moving activity or other disturbance. <i>The California Burrowing Owl Consortium’s Survey Protocol and Mitigation Guidelines</i> (California Burrowing Owl Consortium, 1993) recommends that exclusion areas extend 160 feet around occupied burrows during the non-breeding season (September 1 through January 31) and extend 250 feet around occupied burrows during the breeding season (February 1 through August 31). This 250-foot buffer could be removed once it is determined by a qualified biologist that the young have fledged. Typically, the young fledge by August 31st. This date may be earlier than August 31st, or later, and would have to be determined by a qualified biologist.</li> <li>3. If western burrowing owls are present in the non-breeding season (September 1 through January 31) and must be passively relocated from the Project site, passive relocation shall not commence until October 1<sup>st</sup> and must be completed by February 1<sup>st</sup>. Passive relocation may only be conducted by a qualified biologist or ornithologist and with approval by CDFW. After passive relocation, the area where owls occurred and its immediate vicinity will be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document that owls are not reoccupying the site.</li> </ol>	<p>Project Applicant and/or their designees</p>	<p>City of Madera, Community Development Department and/or its designee</p>	<p>Prior to and during construction activities</p>

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

	<p>4. If western burrowing owls are documented on the Project site and require relocation, compensation for the loss of foraging and burrowing owl habitat shall be required and follow the CDFW’s Staff Report on Burrowing Owl Mitigation (2012) and the California Burrowing Owl Consortium’s Burrowing Owl Survey Protocol and Mitigation Guidelines (1993). The size of the mitigation site shall be based upon the number of owls or pairs of owls located on the construction area during pre-construction surveys. Compensatory mitigation lands shall encompass a minimum of 6.5 acres of habitat per burrowing owl pair (or unpaired resident single bird) found on-site, and those lands shall contain burrows that have been occupied by owls within the last three years. The mitigation site must be determined to be suitable by a qualified biologist and may be located off site. The mitigation site must consist of grassland habitat that contains small mammals (or other prey) and ground squirrel burrows. Two natural or artificial nest burrows shall be provided on the mitigation site for each burrow in the Project area. The mitigation site must be approved by the CDFW. The area shall be preserved in perpetuity as wildlife habitat through a conservation easement that designates the CDFW, or any other qualified conservation organization, as the Grantee of the easement.</p>			
<p><b>Impact #3.4.1b -</b> Impacts to Swainson’s hawks</p>	<p><b>Mitigation Measure #3.4-1b:</b> The following measures shall be implemented to reduce potential impacts to Swainson’s hawk: Nesting surveys for the Swainson’s hawks shall be conducted in accordance with the protocol outlined in the <i>Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley</i> (Swainson’s Hawk Technical Advisory Committee 2000). If potential Swainson’s hawk nests or nesting substrates are located within 0.5 mile of the Project site, then those nests or substrates must be monitored for activity on a routine and repeating basis throughout the breeding season, or until Swainson’s hawks or other raptor species are verified to be using them. The protocol recommends that the following visits be made to each nest or nesting site: one visit during January 1-March 20 to identify potential nest sites, three visits during March 20-April 5, three visits during April 5-April 20, and three visits during June 10-July 30. A fewer number of visits may be permissible if deemed adequate by the City after consultation with a qualified biologist. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to Project-related ground disturbance activities. If Swainson's hawks are not found to nest within the survey area, then no further action is warranted.</p>	<p>Project Applicant and/or their designees</p>	<p>City of Madera, Community Development and/or its designee</p>	<p>Prior to and during construction activities</p>

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

	<p>If Swainson's hawks are found to nest within the survey area, active Swainson's hawk nests shall be avoided by 0.5 mile during the nesting period, unless this avoidance buffer is reduced through consultation with the CDFW and/or a qualified biologist with expertise in Swainson's hawk issues. If a construction area falls within this nesting site, construction must be delayed until the young have fledged (left the nest). The 2,500-foot-radius no-construction zone may be reduced in size but in no case shall be reduced to less than 500 feet except where a qualified biologist concludes that a smaller buffer area is sufficiently protective. A qualified biologist must conduct construction monitoring on a daily basis, inspect the nest on a daily basis, and ensure that construction activities do not disrupt breeding behaviors.</p>			
<p><b>Impact #3.4.1c –</b>  Impacts to nesting raptors and other migratory birds</p>	<p>A pre-construction survey shall be performed on the Project site, and within 500 feet of its perimeter, in areas where there is a potential for nesting raptors and other migratory birds to occur if construction occurs during the breeding season (generally defined from February 1 to August 31). These areas include power poles or trees that are suitable for the establishment of nests. Areas also include non-native annual grassland habitat and agriculturally developed land, which provide potential breeding habitat for ground-nesting birds such as the western meadowlark and northern harrier. The pre-construction survey shall be performed during the period 3 to 14 days prior to construction to identify active nests and mark those nests for avoidance. These surveys can be completed in conjunction with surveys that may be required for other species.</p> <p>If nesting raptors other than Swainson's hawk are identified during the surveys, active raptor nests shall be avoided with a buffer of 500 feet and all other migratory bird nests shall be avoided with a buffer of 250 feet. Avoidance buffers may be reduced through consultation with the CDFW and/or a qualified biologist.</p> <p>No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by early July, but September 1st is considered the end of the nesting period unless otherwise determined by a qualified biologist. Once raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can be terminated.</p>	<p>Project Applicant and/or their designees</p>	<p>City of Madera, Community Development and/or its designee</p>	<p>Prior to and during construction activities</p>

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<p><b>Impact #3.4.1d</b> – Impacts to the San Joaquin kit fox and American badger</p>	<p>Because one American badger den with a species diagnostic sign, a horizontal scratch mark, was found on the Project site and up to 10 potential dens and/ or burrows that could be modified and inhabited by the San Joaquin kit fox and American badger were located throughout Ponding Basins 1 and 2, there is the potential for the San Joaquin kit fox and American badger to occur on the Project site. Therefore, the <i>USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or during Ground Disturbance</i> (USFWS 2011) shall be followed. The measures that are listed below have been excerpted from those guidelines and would protect San Joaquin kit foxes and American badgers from direct mortality and from destruction of active dens and natal or pupping dens. The Lead Agency or Designee shall determine the applicability of the following measures depending on specific construction activities and shall implement such measures when required, as explained below.</p> <p>1. Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the San Joaquin kit fox or American badger. If such surveys find active or natal or pupping dens for either San Joaquin kit fox or American badger, exclusion zones shall be placed in accordance with USFWS Recommendations using the following:</p> <table border="1" data-bbox="422 878 1291 1037"> <tr> <td>Potential Den</td> <td>50-foot radius</td> </tr> <tr> <td>Known Den</td> <td>100-foot radius</td> </tr> <tr> <td>Natal/Pupping Den (Occupied and Unoccupied)</td> <td>Contact U.S. Fish and Wildlife Service for guidance</td> </tr> <tr> <td>Atypical Den</td> <td>50-foot radius</td> </tr> </table> <p>If any den is found within the construction area and must be removed, it must be appropriately monitored and excavated by a trained wildlife biologist. Destruction of natal dens and other “known” kit fox dens must not occur until authorized by USFWS. Replacement dens will be required if such dens are removed. Potential dens that are removed do not need to be replaced if they are determined to be inactive after monitoring.</p> <p>2. Project construction-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all Project areas, except on County roads and State and federal highways; this is particularly important at night when kit foxes and American badgers are most active. Night-time construction shall be minimized to the extent possible. However if it does occur, then the speed</p>	Potential Den	50-foot radius	Known Den	100-foot radius	Natal/Pupping Den (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance	Atypical Den	50-foot radius	<p>Project Applicant and/or their designees</p>	<p>City of Madera, Community Development and/or its designee</p>	<p>Prior to and during construction activities</p>
Potential Den	50-foot radius											
Known Den	100-foot radius											
Natal/Pupping Den (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance											
Atypical Den	50-foot radius											



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	<p>limit shall be reduced to 10-mph. Project construction-related vehicles shall be prohibited from going off-road outside of designated Project areas.</p> <p>3. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted at the addresses provided below.</p> <p>4. Kit foxes and American badgers are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.</p> <p>5. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project site.</p> <p>6. Use of firearms on the site shall adhere to USFWS protocols.</p> <p>7. No pets, such as dogs or cats, shall be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens.</p> <p>8. Use of rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. EPA, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed</p>			
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**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
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	<p>necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.</p> <p>9. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.</p> <p>10. An employee education program shall be conducted. The program shall consist of a brief presentation by persons knowledgeable in San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.</p> <p>11. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in consultation with the USFWS, CDFW, and revegetation experts.</p> <p>12. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.</p> <p>13. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or</p>			
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**TABLE 1 (Continued)**  
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	<p>entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hofmann, the wildlife biologist, at (530)934-9309. The USFWS shall be contacted at the numbers below.</p> <p>14. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hofmann at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.</p> <p>15. All sightings of the San Joaquin kit fox shall be reported to the CCNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.</p> <p>Any Project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the USFWS at:          Endangered Species Division          2800 Cottage Way, Suite W2605          Sacramento, California 95825-1846          (916) 414-6620 or (916) 414-6600</p>			
<p><b>Impact #3.4.2</b> – Impacts of the project (including wastewater treatment plant and disposal) to riparian habitat or other sensitive natural communities</p>	<p>No mitigation measures are required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p><b>Impact #3.4.3</b> – Impact of the Project (including wastewater treatment plant and disposal) to federally protected wetlands and other waters</p>	<p>No mitigation measures are required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
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<b>Impact #3.4.4</b> – Impacts of the project to fish or wildlife movement corridors and nursery sites	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.4.5</b> – Consistency of the Project with local policies or ordinances protecting biological resources	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.4.6</b> – Consistency of the project with adopted habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plan	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.4.7</b> – Reduce the habitat of a fish or wildlife species	No mitigation measures are required	N/A	N/A	N/A
<b>Impact #3.4.8</b> – Cause fish or wildlife population to drop or threaten to eliminate a plant or animal community	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact 3.4.9</b> – Substantially reduce the number or restrict range of a special status species	No mitigation measures are required	N/A	N/A	N/A

**TABLE 1 (Continued)**  
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Cultural Resources				
<p><b>Impact #3.5.1</b> – Cause a substantial adverse change in the significance of a historical resource as defined in <i>CEQA Guidelines</i> Section 15064.4</p>	<p><b>Mitigation Measure #3.5-1:</b> In the event that resources potentially qualifying as historical resources or unique archaeological resources per CEQA Guidelines Section 15064.5 and Public Resources Code section 21083.2 are inadvertently discovered during ground-disturbing activities, all work within 50 feet of the find shall halt until a qualified archaeologist who meets the Secretary of the Interior’s professional qualifications standards in prehistoric or historical archaeology, as appropriate, shall evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents either an historical resource or a unique archaeological resource, the archaeologist shall recommend to the City’s Community Development Director potential means of addressing impacts to such resources. Such additional measures may include avoidance, testing, and evaluation or data recovery excavation. The Community Development Director shall then determine whether any such recommended measures are feasible in light of project design, economics, logistics, and other factors. If avoidance is infeasible based on these factors, then testing or data recovery shall be the preferred method of dealing with the affected resources. Once the measure(s) chosen by the Community Development Director have been identified and implemented, construction work in the area within 50 feet of the find shall be resumed.</p>	<p>Project Applicant and/or their designees</p>	<p>City of Madera, Community Development and/or its designee</p>	<p>During construction activities</p>
<p><b>Impact #3.5.2</b> - Cause a substantial adverse change in the significance of an archaeological resource as defined in <i>CEQA Guidelines</i> Section 15064.4</p>	<p><b>Mitigation Measures:</b> Implement Mitigation Measure #3.5-1.</p>	<p>Project Applicant and/or their designees</p>	<p>City of Madera, Community Development and/or its designee</p>	<p>During construction activities</p>

**TABLE 1 (Continued)**  
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<p><b>Impact #3.5.3</b> Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>	<p><b>Mitigation Measure #3.5-3:</b> To mitigate potential adverse effects a monitoring program shall be developed in consultation with a professional paleontologist, which would provide intermittent inspection of excavations at the Project site by a professional paleontologist during site grading and excavation activities. Should the construction crew or paleontologist uncover any bones or teeth, all construction-related activities in the immediate vicinity would be stopped until the paleontologist has assessed the find and, if deemed significant, salvaged it for deposition in a repository such as University of California Museum of Paleontology where it would be properly curated and preserved for scientific study. Any period in which construction is halted shall be kept to the minimum amount of time feasible under the circumstances. To avoid any unnecessary loss of time during construction, the City shall require the paleontologist to assess the significance of the affected resources as soon as is feasible under the circumstances.</p> <p>Following the completion of the above tasks, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to the Madera Community Development Department and to the Natural History Museum of Los Angeles County.</p>	<p>Project Applicant and/or their designees</p>	<p>City of Madera, Community Development and/or its designee</p>	<p>Plan developed prior to issuance of a grading permit</p>
<p><b>Impact #3.5.4</b> – Disturb human remains, including those interred outside of formal cemeteries</p>	<p><b>Mitigation Measure #3.5-4:</b> If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the Fresno County coroner. All reports, correspondence, and determinations regarding the discovery of human remains on the project site shall be submitted to the Fresno County Planning Department.</p> <p>According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052).</p>	<p>Project proponents and/or their designees</p>	<p>City of Madera, Community Development and/or its designee</p>	<p>During construction</p>

**TABLE 1 (Continued)**  
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Geology, Soils, and Mineral Resources				
<b>Impact #3.6.1</b> - Seismic and related hazards	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.6.2</b> – Soil erosion and loss of topsoil	<p><b>Mitigation Measure #3.6-2:</b> Prior to issuance of grading permits, an erosion control plan shall be submitted and approved by the City of Madera that reduces erosion and water quality degradation. The erosion control plan shall indicate the proper control of erosion, sedimentation, siltation and other pollutants that will be implemented to meet NPDES permit requirements and City standards (see Section 3.9 of this EIR). The plan shall address storm drainage during construction and set forth BMPs that shall be carried out during construction to minimize erosion, sedimentation and water quality degradation. BMPs selected shall be in accordance with the California Stormwater Quality Association Stormwater Best Management Practices Handbook, and will include: vegetated swales; bioretention areas; and a flow-based, storm water treatment device.</p> <p>The plan shall require that all drainage facilities shall be constructed to the City of Madera specifications. The plan shall indicate whether grading will occur in the winter months.</p> <p>The plan shall also require that:</p> <ul style="list-style-type: none"> <li>• Drainage facilities shall be protected as necessary to prevent erosion of onsite soils immediately following grading activities;</li> <li>• Cut slopes and drainage ways within native material shall be protected from direct exposure to water runoff immediately following grading activities;</li> <li>• The design for collected run-off shall dissipate immediately following grading activities;</li> <li>• Cut and fill embankment slopes shall be protected from sheet, rill, and gully erosion; and</li> <li>• Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures shall be applied as specified in the improvement plans/grading plans.</li> </ul>	Project Applicants and/or their designees	City of Madera, Community Development	Prior to issuance of grading permits
<b>Impact #3.6.3</b> – Soil instability	No mitigation measures are required.	N/A	N/A	N/A

**TABLE 1 (Continued)**  
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<b>Impact #3.6.4:</b> Loss of mineral resources or resource recovery site	No mitigation measures are required.	N/A	N/A	N/A
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**TABLE 1 (Continued)**  
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Greenhouse Gas Emissions				
<b>Impact #3.7.1</b> – Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment	With the inclusion of the reductions described in Section 3.7 of the DEIR, no feasible mitigation measures are available.	N/A	N/A	N/A
<b>Impact #3.7.2</b> - Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs	No mitigation measures are required.	N/A	N/A	N/A

**TABLE 1 (Continued)**  
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Hazards and Hazardous Materials				
<b>Impact #3.8.1 –</b> Hazardous materials transportation, use and disposal	<b>Mitigation Measure #3.8-1a:</b> The Project proponent shall prepare a Hazardous Materials Business Plan and submit it to the Madera Certified Unified Program Agency (CUPA) for review and approval. The Hazardous Materials Business Plan shall include, at a minimum, floor plans of the facility and business conducted at the site; an inventory of hazardous materials that are handled or stored on site; an emergency response plan; and a safety and emergency response training program for new employees with annual refresher courses. A copy of the approved plan shall be provided to the City of Madera Planning Department prior to the issuance of certificate of occupancy.	Project Applicants and/or their designees	City of Madera Community Development, Planning Department and County of Madera Certified Unified Program Agency	Prior to issuance of certificate of occupancy permits
	<b>Mitigation Measure #3.8-1b:</b> The Project proponent shall obtain the appropriate underground storage tank permit, as required under the State Health and Safety Code, as previously referenced, from the Madera County Environmental Health Department for the installation of such tanks as a result of the Project. A copy of the approved underground storage tank permit shall be provided to the City of Madera Planning Department prior to the issuance of grading permits.	Project Applicants and/or their designees	Madera County Environmental Health Department	Prior to issuance of grading permits
<b>Impact #3.8.2 –</b> Hazardous materials accidents	<b>Mitigation Measure #3.8-2:</b> The Project proponent shall have a qualified professional prepare a Phase II Environmental Site Assessment for the Project site that includes soil sampling. Based on the conclusions of the Phase II Environmental Site Assessment, the Project proponent shall prepare a work plan and submit it to the Madera County Environmental Health Department for review and approval. A copy of the approved work plan shall be provided to the City of Madera Planning Department prior to the issuance of grading permits.  As determined by the results of the Phase II Environmental Site Assessment, at a minimum, the work plan shall include, but not be limited to: <ol style="list-style-type: none"> <li>1. Delineating the vertical and horizontal extent of the any soil contamination;</li> <li>2. Providing workers with notices and information regarding the presence of any surface and subsurface contamination;</li> <li>3. Educating workers regarding the appropriate measures for protecting themselves from surface and subsurface contamination through a training program;</li> </ol>	Project Applicant and/or their designees	Madera County Environmental Health Department	Prior to issuance of grading permits

**TABLE 1 (Continued)**  
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Hazards and Hazardous Materials (cont.)				
	<p>4. Preparing a remediation plan for affected soils that outlines proposed remediation methods, including capping, excavation and offsite disposal, stockpiling, and/or onsite treatment in accordance with applicable laws, including California Code of Regulations, Title 22, Section 66261.20-24;</p> <p>5. Identifying the party responsible for funding and conducting site cleanup;</p> <p>6. Removing and disposing of air-conditioning unit; three aboveground storage tanks; numerous drums, barrels, and/or containers; stained asphalt pavements; trash, debris, and/or waste materials; materials associated with the dumping and construction/demolition debris areas; and three fill soil piles in accordance with applicable laws;</p> <p>7. Removing or abandoning onsite septic system in accordance with applicable laws;</p> <p>8. Taking other actions as required by the conclusions in the Phase II Environmental Site Assessment; and</p> <p>9. Taking other actions as required by the Madera County Environmental Health Department.</p>			
<b>Impact #3.8.3</b> – Hazardous materials around existing or proposed schools	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.8.4</b> – Hazardous materials site	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.8.5</b> – Private or public airport	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.8.6</b> – Emergency preparedness	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.8.7</b> – Wildland fires	No mitigation measures are required.	N/A	N/A	N/A

**TABLE 1 (Continued)**  
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Hydrology and Water Quality				
<p><b>Impact #3.9.1</b> –Water quality standards or waste discharge requirements and substantial water quality degradation</p>	<p><b>Mitigation Measure #3.9-1a:</b> Prior to issuance of grading permits, the Project proponent shall submit a Notice of Intent (NOI) and SWPPP to the RWQCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ &amp; 2012-0006-DWQ). The SWPPP shall specify and require the implementation of Best Management Practices (BMPs), with the intent of keeping all products of erosion from moving off site and into receiving waters during construction. The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended BMPs for the construction phase shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Stockpiling and disposing of demolition debris, concrete, and soil properly;</li> <li>• Protecting existing storm drain inlets and stabilizing disturbed areas;</li> <li>• Implementing erosion controls;</li> <li>• Properly managing construction materials; and</li> <li>• Managing waste, aggressively controlling litter, and implementing sediment controls.</li> </ul> <p>The City of Madera Community Development Department shall confirm that the RWQCB has approved the SWPPP prior to issuance of grading permits.</p>	<p>Project Applicant and/or their designees</p>	<p>RWQCB</p>	<p>Prior to issuance of grading permits</p>
	<p><b>Mitigation Measure #3.9-1b:</b> Prior to issuance of grading permits, the Project proponent shall prepare a drainage plan for the Project for approval by the City of Madera City Engineer that identifies post-construction treatment, control, and design measures that minimize surface water runoff, erosion, siltation, and pollution. The drainage plan shall be prepared in accordance with the City's <i>Storm Water Quality Management Program</i> and CASQA's <i>Storm Water Best Management Practices Handbook</i> as well as the City Engineer's Standard Specifications and Standard Drawings. During final design of the Project, the Project proponent shall implement a suite of post-construction stormwater treatment and control Best Management Practices designed to address the most likely sources of stormwater pollutants resulting from operation and maintenance of the Project. These measures shall take into account the proposed 1.52-acre fenced retention basin, low-lying landscaped areas to be used as vegetated swales, shall be designed to methods described in Section E.12.e.ii.c of the SWRCB Phase II Small MS4, General Permit (Order No. 2013-0001-DWQ) and shall include the following Project-proponent proposed water quality best management practices:</p>	<p>Project Applicant and/or their designees</p>	<p>City of Madera, City Engineer and/or his designee</p>	<p>Prior to issuance of grading permits</p>

**TABLE 1 (Continued)**  
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	<ul style="list-style-type: none"> <li>Gasoline and diesel fueling areas shall be covered by canopies and shall be surfaced with Portland cement concrete. Diesel fueling areas shall be covered by canopies and shall have catch basins piped to an oil-water separator at each fueling bay to effectively preclude these areas from degrading storm water runoff. Storm water shall be precluded from entering catch basins due to covered canopies and grading design;</li> <li>Fuel delivery areas shall have catch basins to capture any incidental spillage and shall be piped to an oil-water separator, and discharged to the sanitary sewer system. Catch basins shall not receive storm water runoff due to grading design;</li> <li>Above ground diesel tanks shall have a containment curb around them; and</li> <li>Maintenance bays in the tire shop shall be fully covered to preclude degradation of storm water runoff as a result of maintenance operations.</li> </ul>			
<b>Impact #3.9.2</b> – Depletion of groundwater or interference with groundwater recharge	Implementation of Mitigation Measures #3.12-3.	Project Applicant and/or their designees	City of Madera Community Development, Planning Department	Prior to issuance of grading permits
<b>Impact #3.9.3</b> – Alteration of the existing drainage pattern and stormwater drainage capacity	Mitigation Measures: Implement Mitigation Measures #3.9-1a and #3.9-1b.	Project Applicant and/or their designees	RWQCB and City of Madera, City Engineer and/or his designee, respectively	Prior to issuance of grading permits
<b>Impact #3.9.4</b> – Alteration of the existing drainage pattern and flooding	Mitigation Measures: Implement Mitigation Measures #3.9-1a and #3.9-1b.	Project Applicant and/or their designees	RWQCB and City of Madera, City Engineer and/or his designee, respectively	Prior to issuance of grading permits
<b>Impact #3.9.5</b> – Runoff exceeding stormwater drainage	Mitigation Measures: Implement Mitigation Measures #3.9-1a and #3.9-1b.	Project Applicant and/or their designees	RWQCB and City of Madera, City Engineer and/or his designee, respectively	Prior to issuance of grading permits
<b>Impact #3.9.6</b> – Otherwise degrade water quality	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.9.7</b> – Place housing in flood hazard area	No mitigation measures are required.	N/A	N/A	N/A

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

<b>Impact #3.9.8</b> – Place structures in area that would impede or redirect flood flows	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.9.9</b> – Seiche, tsunami, mudflow, or flooding as a result of dam failure	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.9.10</b> – Failure of levee or dam	No mitigation measures are required.	N/A	N/A	N/A

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

Land Use and Planning				
<b>Impact #3.10.1</b> – Physically divide an established community	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.10.2</b> – Potential conflicts between the project and applicable land use plans, policies and regulations	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.10.3</b> – Potential conflicts with a habitat conservation plan or natural community conservation plan	No mitigation measures are required.	N/A	N/A	N/A

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

Noise				
<b>Impact #3.11.1 –</b> Exposure to excessive noise levels	<b>Mitigation Measure #3.11-1a:</b> The following shall be implemented by the Project proponent for the duration of Project construction:  <p>The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site;</p> <p>The construction contractor shall locate the pile driver such that the rear of the vibratory pile driver faces toward the noise sensitive receptors when the machine is being utilized;</p> <p>The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise sensitive receptors nearest the Project site during all Project construction;</p> <p>The construction contractor shall ensure that all construction equipment is equipped with manufacturer-approved mufflers and baffles; and</p> <p>Project construction hours shall comply with the Chapter 11, Noise Control, §3-11.02 of the City Code of Ordinances.</p>	Project Applicants and/or their designees	City of Madera Community Development and/or their designee	During construction activities
	<b>Mitigation Measure #3.11-1b:</b> Prior to issuance of building permits for the Project’s proposed Hotel on Parcel 2, the Project proponent shall prepare a project-specific noise model which demonstrates to the satisfaction of the City of Madera Community Development Department that the Project will either: (1) cause an interior noise level of no greater than 45 dB Ldn, or (2) include windows in sleeping areas of the hotel with an STC rating that reduces interior noise levels to 45 dB Ldn or lower.	Project Applicants and/or their designees	City of Madera Community Development and/or their designee	Prior to issuance of building permits
<b>Impact #3.11-2 -</b> Exposure to excessive groundborne noise levels or vibration	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.11.3 –</b> permanent increase in ambient noise levels	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.11.4 –</b> temporary increase in noise levels	No mitigation measures are required.	N/A	N/A	N/A



**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

<b>Impact #3.11.5</b> – Excessive noise from a public airport or private airstrip within 2 miles	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.11.6</b> – Excessive noise from a public airport or private airstrip	No mitigation measures are required.	N/A	N/A	N/A

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

Public Services and Utilities				
<b>Impact #3.12.1</b> – Increased demand for fire protection services and personnel	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.12.2</b> – Increased demand for law enforcement services	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.12.3</b> – increased demand for water supply and water supply infrastructure	<b>Mitigation Measure #3.12-1:</b> As part of the Site Plan Review process, the applicant shall submit a water conservation plan to the City of Madera Planning Department for review and approval which demonstrates the landscaping and buildings will include available water conservation measures for both interior and exterior water usage that, after compliance with all existing federal, state and local regulations, will result in a reduction of an additional 10 percent over anticipated water demand for the Project.	Project Applicant and/or their designee	City of Madera Community Development, Planning Department	Prior to approval of final landscaping plans and/or issuance of building permits (whichever occurs first)
<b>Impact #3.12.4</b> – Increased demand for wastewater service	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.12.5</b> – Increased demand on stormwater drainage facilities	No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.12.6</b> – Increased demand for solid waste services	No mitigation measures are required.	N/A	N/A	N/A

**TABLE 1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM  
MADERA TRAVEL CENTER**

Traffic and Transportation				
<p><b>Impact #3.13.1 – Conflict with applicable plan, ordinance, or policy</b></p>	<p><b>Mitigation Measure #3.13-1a:</b> Prior to the occupancy, the Project applicant shall provide evidence to the Madera Community Development Department that the following road improvements have been completed to address Project-related traffic impacts during Existing Plus Project and Near-Term (Year 2016) Plus Project scenarios as follows:</p> <p>Avenue 17 at Sharon Boulevard: Near-Term (Year 2016) Plus Project scenario: Install Traffic Signal</p> <p>SR 99 NB Off-Ramp: Near-Term (Year 2016) Plus Project scenario: Install Separate Right-turn Lane</p>	Project Applicant and/or their designee	City of Madera Community Development Department	Prior to occupancy
	<p><b>Mitigation Measure #3.13-1b:</b> Prior to the issuance of certificate of occupancy for each structure the Project applicant shall provide the proposed Project’s pro rata funding toward the affected roadways and intersections as required by the City of Madera, the County of Madera, and Caltrans. The proposed Project’s proportionate share responsibility for the cost of the installation of all required road improvements in the year 2036 is calculated as follows:</p> <p align="center">Equitable Share = (Project Trips)/(Cumulative Year 2036 Plus Project Traffic – Existing Traffic)</p> <p>Pro rata funding shall be paid to the City of Madera Engineering Department for implementation in the City Development Impact Fees Program of the County, as appropriate. A copy of the payment receipts shall be provided to the City of Madera Community Development Department.</p> <p>Table 3.13-15 shows the equitable share responsibility for improvements to City of Madera and Caltrans facilities as described above. The equitable share responsibility shown in Table 3.13-15 is the result of LOS enhancements related to capacity. Avenue 17 at Sharon Boulevard is the only study intersection that is included within the City of Madera’s fee program.</p> <p>Traffic signals and other related improvements identified for the Avenue 17 at Project Driveway #1 and Sharon Boulevard at Project Driveway #3 intersections are only necessary to accommodate Project site access to the adjacent roadway network. There is planned future development on the other side of Avenue 17 and Sharon Boulevard that will also be served by the improvements identified at Project Driveway #1 and #3.</p>	Project Applicant and/or their designee	City of Madera Engineering Department	Prior to issuance of certificate of occupancy for each structure

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

<p>City of Madera staff has indicated that the traffic signals and other related improvements at Project Driveway #1 and #3 shall be the sole responsibility of the proposed Project and the planned future development on the other side of each street. As a result, Table 3.13-16 has been prepared for the purpose of identifying the proposed Project's fair-share of improvements identified at Project Driveway #1 and #3.</p>			
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**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

**Table 3.13-15**  
**Equitable Fair-Share Responsibility**

INTERSECTION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2036 PLUS PROJECT	FAIR SHARE PERCENTAGE
Avenue 17 / SR 99 SB Off Ramp	AM	484	175	1,583	15.9%
	PM	598	198	2,523	10.3%
Avenue 17 / SR 99 NB Ramps	AM	1,050	545	3,393	23.3%
	PM	1,044	644	5,125	15.8%
Avenue 17 / Walden Drive	AM	943	30	2,009	2.8%
	PM	937	36	2,811	1.9%
Avenue 17 / Sharon Boulevard	AM	933	252	3,021	12.1%
	PM	933	369	4,561	10.2%
Avenue 17 / Yeager Drive	AM	156	31	1,265	2.8%
	PM	156	36	1,858	2.1%
<b>ROADWAY SEGMENTS</b>					
<b>Avenue 17</b>					
Sharon Boulevard to Walden Drive	AM	692	16	1,372	2.4%
	PM	358	18	1,126	2.3%
<b>SR 99 FREEWAY AND RAMPS</b>					
<b>Avenue 17</b>					
SR 99 SB Loop On-Ramp	AM	498	128	1,153	19.5%
	PM	190	160	1,153	16.6%
SR 99 NB Off-Ramp	AM	230	128	1,001	16.6%
	PM	440	144	1,892	9.9%
SR 99 NB On-Ramp	AM	116	114	310	58.8%
	PM	85	142	430	41.2%
SR 99 SB Off-Ramp	AM	101	144	325	64.3%
	PM	172	162	536	44.5%
SR 99 SB On-Ramp	AM	95	0	249	0.0%
	PM	120	0	390	0.0%

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

**Table 3.13-16**  
**Equitable Fair-Share Responsibility at Project Driveways**

INTERSECTION	PEAK HOUR	PROJECT TRIPS	TRIPS FROM FUTURE DEVELOPMENT THAT SHARE THE DRIVEWAY	TOTAL OF DEVELOPMENT TRIPS
Avenue 17 / Project Driveway #1	AM	580	356	936
	PM	677	1,559	2,236
Sharon Boulevard / Project Driveway #3	AM	221	89	310
	PM	346	345	691

**Impact 3.13.2 –** Conflict with applicable congestion management program, LOS standards, and travel demand measures

**Mitigation Measure #3.13-2:** Prior to the issuance of grading permits, the Project applicant shall:  
 Prepare and submit a Construction Traffic Control Plan to City of Madera Community Development Department and the California Department of Transportation offices for District 6, as appropriate for any traffic control in Caltrans right-of-way, for review and approval. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues:

- Timing of deliveries of heavy equipment and building materials;
- Directing construction traffic with a flag person;
- Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
- Ensuring access for emergency vehicles to the Project site;
- Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
- Maintaining access to adjacent property; and
- Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the

Project Applicant and/or their designee

City of Madera Community Development Department and Caltrans

Prior to issuance of grading permits

**TABLE 1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**MADERA TRAVEL CENTER**

	<p>Project site, and avoiding residential neighborhoods to the maximum extent feasible.</p> <p>Obtain all necessary permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize City-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the issued permits shall be submitted to the City of Madera Community Development Department.</p>			
<b>Impact #3.13.3</b> – Result in a change in air traffic patterns	<b>Mitigation Measures:</b> No mitigation measures are required.	N/A	N/A	N/A
<b>Impact #3.13.4</b> – Substantially increase hazards due to a design feature	<b>Mitigation Measures:</b> Implement Mitigation Measure #3.13-2; no additional mitigation is required.	N/A	N/A	N/A

## Madera Travel Center Land Use Project Findings

### A. Tentative Parcel Map Findings

- The tentative map is consistent with the Madera City General Plan land use designation of C (Commercial). The C (Commercial) designation provides for a broad range of commercial issues from regional shopping centers to neighborhood stores. A maximum floor area ratio of .30 is specified. The tentative map itself would not establish uses or identify buildings, though the travel center planned for the site in conjunction with the tentative map would fall within “broad range” of commercial uses envisioned with the C designation. The development of the travel center would not exceed the .30 maximum floor area ratio. The site is physically suited for the type and density of the proposed development. As such, the tentative map is consistent with the General Plan land use designation.
- The tentative map is consistent with the applicable goals and policies of the general plan, including but not limited to those related to where various land uses are allowed, when and how circulation facilities and public infrastructure are provided, and where pedestrian facilities and amenities should be available. The project site is located within growth boundary and all necessary circulation features and public facilities will be installed per the General Plan. Right of way to accommodate ultimate street cross-sections will be dedicated in conjunction with the map and streets and sidewalks required to provide access to the new parcels will be designed to accommodate bicyclists and pedestrians. A comprehensive evaluation of applicable general plan policies and their relation to the project was completed and presented to the Planning Commission as Attachment 5 to the August 16, 2016 Planning Commission Staff Report. No inconsistencies with General Plan Goals and Policies were noted.
- The tentative parcel map is consistent with zoning classification of the property of C2 (Heavy Commercial). The C2 zone establishes a minimum lot area of 2000 square feet each main building. The tentative map creates no parcel smaller than 2000 square feet. There are no yard or setback requirements for the C2 zone that apply to the project. The C2 zone allows a broad range of commercial uses either permitted by right of allowed with the approval of a use permit (MMC 10-3.902). The tentative map itself would not establish uses, though the future travel center planned for the site would fall within uses allowed within C2 zone, including those allowed through the conditional use permit process. As such, the tentative map is consistent with the C2 zoning classification.
- An environmental impact report has been prepared for the project, including the tentative map. The analysis in the EIR supports the conclusion that, with the mitigation measures identified, the design of the subdivision or the proposed improvement is not likely to cause public health problems or substantially and avoidably injure fish or wildlife or their habitat.

The EIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project will contribute to or cause. Most of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Other effects, however, cannot be avoided by the adoption of feasible mitigation measures or alternatives and thus will be significant and unavoidable. Environmental impacts determined to significant and unavoidable include those related to Greenhouse Gas



Emissions, Hydrology and Water Quality, Public Services (water) and Traffic. These impacts are discussed in detail in the EIR and are summarized in the August 16, 2016 Planning Commission Staff Report and Attachment 4A to the Staff Report (CEQA Findings of Fact).

For reasons set forth in the Planning Commission Staff Report and Attachment 4A-CEQA Findings of Fact, however, the Planning Commission may determine that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the Project. If the Planning Commission intends to approve the project, including the map, it must make adopt the Statement of Overriding Considerations in accordance with CEQA Guidelines section 15093.

- 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 because no such easements are in place.
- The map is consistent with the subdivision ordinance and the subdivision map act which provide for the proposed division of commercial land. The proposed tentative map was processed in accordance with the requirements of Madera Municipal Code and the State Subdivision Map Act. Conditions of approval ensure consistency with all requirements in conjunction with the preparation of the Final Map. None of the conditions specified in Section 66474 of the Government Code or 10-2.402.6.3 of the Madera Municipal Code, each requiring denial of the tentative map, were determined to be true.
- Basis and Support for Findings: The findings in support of the approval of the tentative map are based on the materials provided to the Planning Commission in conjunction with the August 16, 2016 public, as further described in Section E of this Land Use Finding document.

#### B. Site Plan Review Findings

- The development of the site is consistent with the Madera General Plan's principles, goals and policies for commercial development which encourage attractive, aesthetically pleasing, high quality commercial development. The site plan includes landscaping, articulated buildings with contemporary designs architectural treatments, pedestrian paths, and a historic pedestrian plaza. All public facilities required to serve the project will be provided, including but not limited to streets and all street appurtenances, sewer, water, and storm drainage facilities. A comprehensive evaluation of applicable general plan policies and their relation to the project was completed and presented to the Planning Commission as Attachment 5 to the August 16, 2016 Planning Commission Staff Report. No inconsistencies with General Plan Goals and Policies were noted.
- Facilities and improvements, vehicular and pedestrian ingress, egress, and internal circulation, location of structures, services, walls, landscaping, and drainage of the site have been arranged that traffic congestion is avoided, that pedestrian and vehicular safety and welfare are protected, that there will not be adverse effects on surrounding property, that proposed lighting is so arranged as to deflect the light away from adjoining properties or public streets and that adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels. The project is the subject of an environmental impact report, which among other topics, evaluates traffic congestion and safety, hazards, lighting impacts, and impacts to nearby properties.

Where potential impacts were identified in any resource area, mitigation measures have been identified and will be implemented when the project is developed.

- The project is consistent with established codes, standards and policies relating to traffic safety, street improvements, architectural quality, and overall standard of development quality. Conditions of approval ensure that the site plan will be developed in accordance with all applicable requirements, standards and policies.
- Basis and Support for Findings: The findings in support of the approval of the site plan review are based on the materials provided to the Planning Commission in conjunction with the August 16, 2016 public, as further described in Section E of this Land Use Finding document.

### C. Conditional Use Permit Findings

- The sale of alcoholic beverages is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use subject to the issuance of a conditional use permit. The sale of alcohol is proposed as part of the retail/convenience store component of the project and in conjunction with a restaurant. The sale of alcohol in conjunction with these uses occurs on a routine basis and does not adversely impact the operations prevalent to the site. Conditions of approval ensure compatibility with surrounding uses.
- The operation of a drive-thru restaurant is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use subject to the issuance of a conditional use permit. Site design provides compatibility with other uses on the site. As noted in the Section C of these findings addressing, site and building design is consistent with general plan standards and zoning ordinance requirements for the C2 zone. A comprehensive evaluation of project consistency with applicable General Plan policies is included as Exhibit 5.0 to the Planning Commission Staff Report.
- The operation of a truck stop is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit. As conditioned, the truck stop will be compatible with surrounding uses. As noted in the Section C of these findings addressing site plan review, site and building design is consistent with general plan standards and zoning ordinance requirements for the C2 zone. A comprehensive evaluation of project consistency with applicable General Plan policies is included as Exhibit 5.0 to the Planning Commission Staff Report.
- The operation of a hotel is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit. As conditioned, the hotel will be compatible with surrounding uses. As noted in the Section C of these findings addressing site plan review, site and building design is consistent with general plan standards and zoning ordinance requirements for the C2 zone. A comprehensive evaluation of project consistency with applicable General Plan policies is included as Exhibit 5.0 to the Planning Commission Staff Report.

- The operation of a truck tire shop is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit. As conditioned, a truck tire shop will be compatible with surrounding uses. As noted in the Section C of these findings addressing site plan review, site and building design is consistent with general plan standards and zoning ordinance requirements for the C2 zone. A comprehensive evaluation of project consistency with applicable General Plan policies is included as Exhibit 5.0 to the Planning Commission Staff Report.
- The installation of a changeable copy element on the freeway sign is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit. The changeable copy sign is a supporting element to ensuring the success of other uses which will occur as part of the travel center. As noted in the Section C of these findings addressing site plan review, site and building design is consistent with general plan standards and zoning ordinance requirements for the C2 zone. A comprehensive evaluation of project consistency with applicable General Plan policies is included as Exhibit 5.0 to the Planning Commission Staff Report.
- The operation of a recreation vehicle and boat storage facility is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit because, as conditioned, the recreation vehicle and boat storage facility will be compatible with surrounding uses. As noted in the Section C of these findings addressing site plan review, site and building design is consistent with general plan standards and zoning ordinance requirements for the C2 zone. A comprehensive evaluation of project consistency with applicable General Plan policies is included as Exhibit 5.0 to the Planning Commission Staff Report.
- There is adequate parking and site features to allow for the proposed uses, cumulatively, because the zoning ordinance requires 166 parking spaces while the site plan provides for 309 total spaces. Conditions of approval require that a reciprocal easement be provided to allow parking between individual uses, with the exception of designated "big-rig" parking.
- As conditioned, the development will be compatible with surrounding properties because conditions of approval have been applied to the project to ensure compatibility between the project site, the commercial property which surrounds the project site and the various land uses beyond. The development site is surrounded to the west by Freeway 99, and to the north, south, and east by undeveloped privately owned property which is designated for commercial development in the General Plan. The nearest residential property is located on both sides of Walden Street to east of the site, with the closest residence located more than 600' east of the nearest point of the development site.
- As conditioned, the establishment, maintenance or operation of the proposed uses will not under the circumstances of this 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 because conditions of approval have been applied to the project to ensure compatibility between the project site, the surrounding environs and the City overall. The Project EIR included an analysis

of potential impacts that might be generated from the project, including but not limited to those related to potential hazards, land use conflicts, noise, traffic, and aesthetics (See Draft and Final EIR). Where potential impacts were identified, feasible mitigation measures have been identified and will be applied to the project.

Though not directly related to the determination as to whether the project will be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, it is accurate note that the EIR does not determine that all potential impacts can be mitigated to a less-than-significant level. The EIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project will contribute to or cause. Most of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Other effects, however, cannot be avoided by the adoption of feasible mitigation measures or alternatives and thus will be significant and unavoidable. Environmental impacts determined to significant and unavoidable include those related to Greenhouse Gas Emissions, Hydrology and Water Quality, Public Services (water) and Traffic. These impacts are discussed in detail in the EIR and are summarized in the August 16, 2016 Planning Commission Staff Report and Attachment 4A to the Staff Report (CEQA Findings of Fact).

For reasons set forth in the Planning Commission Staff Report and Attachment 4A-CEQA Findings of Fact, however, the Planning Commission may determine that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the Project. If the Planning Commission intends to approve the project, including the map, it must make adopt the Statement of Overriding Considerations in accordance with CEQA Guidelines section 15093.

- Basis and Support for Findings: The findings in support of the approval of each conditional use permit, individually and cumulatively, are based on the materials provided to the Planning Commission in conjunction with the August 16, 2016 public hearing, as further described in Section E of this Land Use Finding document.

#### D. Variance Findings

- The construction of a freeway sign is consistent with the principles, goals and policies of the Madera General Plan which provide for the development of commercial uses on the commercially designated property. The freeway sign will support the success of the commercial development. A variance from the sign regulations of the Zoning Ordinance will allow for the construction of a freeway sign taller than forty feet. The variance is consistent with General Plan Goal LU-3 which anticipates development resulting in a high quality of life and attracts visitors with quality buildings, attractive streetscapes and public spaces. The variance is also consistent with Community Design Element policies encouraging entry way features.
- The variance will allow the construction of a 125 foot tall multi-tenant freeway sign consistent with the Freeway Sign Criteria of the City. The sign exhibits high quality design that enhances the design of the commercial development and provides an entryway feature on the City's primary transportation corridor. The City's Freeway Sign Criteria call for a uniform design, and a City of Madera identifying logo, with the intent that a limited number of large signs will serve properties along the transportation corridor.

- The construction of a freeway sign is consistent with the purpose and intent of the City Freeway Sign Criteria and the Madera Sign Regulations which encourages the advancement of the economic vitality of the city and promotion of the visibility of businesses through signage.
- The construction of the freeway sign resolves practical difficulties, unnecessary hardships, and results that are inconsistent with the general purposes of Chapter 10-6 of the Municipal Code. Signs developed in strict conformance with the requirements of 10-6 would not be sufficient in size or height to provide adequate visibility at freeway speeds for the uses that are proposing to locate at or near the freeway interchange. The strict application of the requirements of Chapter 10-6 would similarly not allow for the implementation of the Freeway Sign Criteria adopted by the City, which intend to reduce the need for individual parcel/use based signage by consolidating signage on a limited number of well-designed structures near the freeway corridor.
- As conditioned, construction of a freeway sign will be compatible with surrounding properties, because its operation will positively impact existing and future commercial development in proximity to the sign while not negatively impacting other uses in the neighborhood of the sign. The proposed sign is very similar to the existing freeway sign on the northwest quadrant of the Avenue 17/Freeway 99 interchange, which was approved subject to the Freeway Sign Criteria.
- As conditioned, the establishment, maintenance or operation of a freeway sign will not under the circumstances of this 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 because its close proximity and alignment to the freeway corridor provides substantial separation from residential neighborhoods, the closest of which is more than 1000' feet from the sign location.
- Basis and Support for Findings: The findings in support of the approval of the variance are based on the materials provided to the Planning Commission in conjunction with the August 16, 2016 public, as further described in Section E of this Land Use Finding document.

#### E. Basis and Support for Findings.

The above findings are supported by information presented to the Planning Commission at its August 16, 2016 Public Hearing. This information includes the following materials, in addition to verbal testimony and any other information presented at the public hearing:

- August 16, 2016 Planning Commission Staff Report: The staff report was prepared by the Community Development Director and Planning Manager, who are each charged with interpreting and implementing the General Plan, Zoning Ordinance, Subdivision Ordinance, and other codes, ordinances and policies addressing land use and related matters on behalf of the City. The report summarizes key elements of each land use decision and describes consistency with applicable requirements.

- Staff Report Attachments 1A Through 1H. Attachments 1A-1H provide illustrations of the existing property configuration, project site plan and layout, and building and sign elevations. These drawings demonstrate the quality design of the project and the site plan's adherence to applicable standards and requirements.
- Staff Report Attachment 2. Attachment 2 provides a letter and technical analysis of project benefits. This information describes the project objectives and the benefits that the project will generate.
- Staff Report Attachment 3.0. Attachment 3.0 is the EIR Certification Resolution, which confirms the circumstances and findings under which the EIR has been certified.
- Staff Report Attachment 4.0. Attachment 4.0 is the Project Approval Resolution, which confirms the circumstances and findings under which the project may be approved.
- Staff Report Attachment 4A. Attachment 4A is the CEQA Findings of Fact and Statement of Overriding Considerations, which outlines a factual basis for adopting the Mitigation Monitoring and Report Program and Statement of Overriding Considerations and approving the project.
- Staff Report Attachment 4B. Attachment 4B is the Mitigation Monitoring and Reporting Program, containing the final list of mitigation measures that will be applied to the project and describing when and how they will be implemented and monitored.
- Staff Report Attachment 4D. Attachment 4D is the list of project conditions of approval, which requires and confirms that the project will be developed in conformance with all applicable requirements of the General Plan, zoning ordinance, commercial design guidelines, and project mitigation measures.
- Staff Report Attachment 5.0. Attachment 5.0 is the General Plan Consistency Matrix, which includes a comprehensive review of all General Plan goals and policies that are applicable to the project and provides an evaluation of the project's consistency with each item.
- Environmental Impact Report (Draft and Final). The environmental impact report provides an analysis of project impacts for each of 13 resource categories, plus additional mandatory analysis, in compliance with the California Environmental Quality Act.

## **CONDITIONS OF APPROVAL**

### **Section 1. – General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize Conditional Use Permits 2015-09 through 2015-17 within one year following the date of this approval shall render the affected conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission. (Municipal Code Section 10-3.1311, Termination and Revocation)
3. Conditional Use Permits 2015-09 through 2015-17 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permits 2015-09 through 2015-17 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission. (Municipal Code Section 10-3.1311, Termination and Revocation)
5. Variance 2015-02 shall become null and void and of no effect if the use authorized by the variance is unused, abandoned, or discontinued for a period of six months, or if the conditions of the variance have not been complied with. (Municipal Code Section 10-3.1411, Termination)
6. Site Plan Review 2015-18 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
7. Conditional Use Permits 2015-09 through 2015-17 and Site Plan Review 2015-18 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit. In advance of Planning Commission review, the applicant shall be provided the opportunity to cure violations prior to any revocation proceedings.
8. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
9. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2015-18.

10. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
11. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use could be cause for revocation of Conditional Use Permit(s).
12. In compliance with Public Resources Code Section 21081.6, subdivision (b), the California Environmental Quality Act (CEQA) mitigation measures identified within the Mitigation Monitoring and Reporting Program (MMRP) of the Project Environmental Impact Report (EIR) are incorporated by reference into these Project conditions of approval.

## **Section 2. – Site Plan Review**

### **2.1 – Building Department**

13. Site development shall be consistent with the approved site plan and floor plans. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits. If no plans are to be submitted, uses shall be as stated on plans submitted for site plan approval.
14. For each building to be constructed, provide a minimum of three (3) sets of the following plans to the Building Division for the initial plan check. The size of plans shall be at least 36" x 24". A complete set of plans shall be prepared by and bearing the stamp and signature of an individual licensed to practice architecture, including the following required drawings drawn to an appropriate scale:
  - a. Site plan bearing City approval or a plan incorporating all site related conditions
  - b. Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
  - c. Floor Plan
  - d. Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, back flow prevention devices, roof drains, etc., and the connections to off-site utilities
  - e. All exterior elevations
  - f. Engineering plans and calculations
  - g. Foundation plan
  - h. Ceiling framing plan
  - i. Roof framing plan
  - j. Electrical plan
  - k. Plumbing Plan
  - l. Mechanical plan
  - m. Sections and details
  - n. Disabled access compliance drawings
  - o. Energy compliance drawings and documentation
  - p. Landscape plan
  - q. Landscape irrigation plan
15. The site plan submitted with the each building permit application shall include all modifications and clarifications required by these conditions of approval, as applicable to the building proposed for construction. Information required on the plan shall include, but not be limited to: water and sewer service, water meter and sewer cleanout,



backflow preventer location and type, existing fire hydrants within (100) feet and street lights within (100) feet, traffic striping and signing, and any other existing or proposed improvements.

16. The plans submitted for building permits shall show compliance with the herein listed conditions of approval and shall comply with the uniform building codes, along with federal and state laws, local resolutions and ordinances. Site development shall be consistent with the approved site plan, floor plan and elevations. Any deviations shall require prior written request and approval from the Community Development Director. The site plan and all plans submitted for building permit purposes shall be at a scale large enough to allow all dimensions and distances to be legible.
17. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

## **Engineering Department**

### **2.2 – General**

18. Impact fees shall be paid at time of building permit issuance.
19. The developer shall pay all required fees for completion of project. Fees due include but shall not be limited to the following: plan review, formation or annexation into Landscape maintenance District, encroachment permit processing and improvement inspection fees.
20. Improvement plans sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
21. The improvement plans for the project shall include the most recent version of the City's General Notes.
22. Improvements within the City right-of-way require Encroachment Permit from the Engineering Division.
23. Improvements within the State of California right-of-way requires encroachment permit from Caltrans.
24. 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.

### **2.3 – Water**

25. Water service connections shall be constructed to current City standards including Automatic Meter Reading (AMR) water meter located within City right-of-way and backflow prevention device located within private property.
26. A separate water meter and backflow prevention device will be required for landscape areas.

27. A final water system analysis shall be submitted to the City Engineer supporting the design and connection to the City's system, including the improvements outlined in the conditions below.
28. Based on a preliminary analysis of water demand, a new water well will be necessary to serve the project. Unless determined to be unnecessary in a final water system analysis, the project shall construct a master plan water well at a location determined by the City in the general vicinity of the project site. If the City is unable to secure an adequate well site in this area, the developer shall provide or dedicate a well site acceptable to the City.
29. The full costs for the installation of a master planned municipal water well are eligible for reimbursement. Reimbursement is dependent of availability of funds in the water well impact fee account.
30. The developer shall construct a 24-inch water main beginning at its current terminus, north of Avenue 17 and east of SR 99, extending south to Avenue 17 prior to occupancy and/or acceptance of the public improvements by the City.
31. The developer shall construct a 24-inch water main in Avenue 17 adjacent to the project site, ending at the future Sharon Blvd. intersection prior to occupancy and/or acceptance of the public improvements by the City.
32. The developer shall construct a 24-inch water main in Sharon Boulevard along the entire project frontage prior to occupancy and/or acceptance of the public improvements by the City.
33. Should City and developer be unable to secure an easement allowing for the construction of the water line north of Avenue 17, developer shall construct alternative water system improvements as specified by the City Engineer as necessary to install a water main to and along the Sharon Boulevard frontage from its current terminus southwest of the project site.
34. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
35. The difference in cost between an 8-inch and 24-inch water main is eligible for reimbursement through the impact fee program regardless of location, adjacent to or beyond project site limits. Reimbursement is dependent of availability of funds in the water pipes impact fee account.

#### **2.4 – Sewer**

36. Sewer service connection(s) shall be constructed to current City standards including cleanouts.
37. Prior to occupancy and/or acceptance of the public improvements, the developer shall construct a 24-inch sewer main in the existing Sharon Blvd. alignment and corresponding utility easement from its current termination point north of Ellis Street for approximately 319 lineal feet.

38. Prior to occupancy and/or acceptance of the public improvements, the developer shall construct a 15-inch sewer main beginning in the existing Sharon Boulevard alignment from termination point of the 24-inch sewer main and extending to the intersection of Avenue 17 and Sharon Boulevard. The sewer line shall be installed within the existing sewer main easement, except as this easement may be modified by the City prior to the developer's commencement of design.
39. The difference in cost between an 8-inch & 24-inch and an 8-inch & 15-inch sewer mains are eligible for reimbursement through the impact fee program regardless of location, adjacent to or beyond project site limits. Reimbursement is dependent of availability of funds in the sewer pipe impact fee account.
40. Sewer main connections six (6") inches and larger diameter shall require manhole installation.
41. Existing on-site septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

## **2.5 – Storm Drain**

42. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer.
43. Storm runoff from this project site is planned to go to a future Basin located to the south of the proposed project, approximately at the southeast corner of Ellis Street and Krohn Street. Developer shall design and construct drainage improvements for off-site, on-site and adjacent to site storm runoff to ultimately drain to future master planned basin regardless of pending approval to construct private on-site storm basins.
44. Storm runoff from Avenue 17 is designated to drain to a future Basin located approximately 1,300 lineal feet north of Avenue 17 along the Schmidt Creek alignment as part of the Madera Town Center project. Developer shall design and construct drainage system to adequately convey storm runoff from Avenue 17 to future master planned basin located south of the proposed project.
45. In lieu of constructing the master planned drainage basins described in the conditions above, a temporary storm drainage basin may be utilized. Use of a temporary basin does not remove the requirement to design on and off-site drainage systems to direct storm water to permanent facilities. The temporary basin shall be sized in accordance with City of Madera standards for temporary basins and be capable of accommodating storm water runoff from Avenue 17. Developer may remove temporary storm drainage improvements following the completion of the permanent master-planned drainage basin, and the site of the temporary drainage basin may be re-utilized by the developer or property for other purposes, upon City approval. Any party proposing to re-utilize the site shall be responsible for verifying the connection to the permanent facilities has been made, and for completing the connection if not already in place.
46. The developer shall record a Drainage Basin Covenant for the proposed temporary drainage basin acceptable to the City of Madera. The covenant shall provide sufficient provisions to ensure that the basin is abandoned and removed by the Developer or the owner of the property on which it resides. Abandonment will occur at such time as the permanent master-planned drainage basin and permanent storm drain conveyance facilities are available and the City Engineer directs that temporary basin be abandoned.

Except to the extent the developer is the party proposing the re-utilization of the former temporary basin site as contemplated by Condition 45, the developer shall not be responsible to make the connections to the permanent basin when the temporary facilities are abandoned.

## **2.6 – Streets**

47. Developer shall construct a minimum 5-foot non-contiguous concrete sidewalk, curb & gutter in its ultimate location along the entire parcel frontage along Avenue 17 and Sharon Boulevard in accordance with draft design plans previously prepared for the proposed Madera Town Center, per City standards. An unimpeded ADA path of travel shall be maintained at all times.
48. Developer shall construct Avenue 17 in accordance with those shown on the Exhibit 1 to these conditions of approval, including number and width of travel lanes, median, left and right turn lanes, etc. The improvements shall also:
  - a. Fully construct curb at the southern boundary of the median to delineate the median island and westbound left turn pockets at both the Sharon and Driveway #1 intersections.
  - b. Provide or construct an 8-foot shoulder, as required on the westbound lanes for the purposes of satisfying Air District standards.
  - c. Adequate transitions to match into grade and alignment of existing roadway improvements shall also be constructed.
  - d. Dedicate easement where necessary to accommodate future public improvements such as traffic signal poles, etc outside the standard road right-of-way. The City shall be responsible for obtaining easements for traffic poles on properties that are not controlled by the Developer.
  - e. At a minimum, two eastbound travel lanes shall be striped along the Avenue 17 project frontage.
49. Two travel lanes and shoulder shall be provided between Sharon Boulevard and Walden Drive in the eastbound direction to match into existing lanes east of Walden Drive. If additional right-of-way is necessary to accommodate said improvements, the City will acquire the necessary right-of-way with cooperation of the Developer.
50. The developer shall construct Sharon Boulevard to an arterial roadway standard including a 16-foot wide median, 2-12 foot southbound lanes, a 25-foot wide park strip with sidewalk, a 12-foot northbound lane and an 8-foot wide paved shoulder in accordance with the Plan Line.
51. A traffic signal pole shall be installed on the southwest corner of Avenue 17 and Sharon Blvd. in preparation for future traffic signal. Signal poles shall be sized to receive mast arm at a later date for the proposed road width. LED street light shall be installed on pole per City Standards. In addition, conduits and associated pull boxes for traffic signal shall be installed crossing Sharon Blvd and Avenue 17.

52. Proposed driveways shall adhere to the City's driveway design standards. Driveways shall be constructed a minimum of 305 feet from the intersection of Avenue 17 and Sharon Blvd. Driveway spacing shall be a minimum of 420 feet from edge to edge of driveways. An ADA path of travel shall be maintained at all times.
53. All driveway approaches on Avenue 17 and Sharon Blvd. shall be street type openings with a minimum face of curb radius of 15-feet or as is necessary to accommodate heavy truck turning movements.
54. "No Parking" signs shall be installed along Avenue 17 and Sharon Blvd. frontages per City standards.
55. ADA Access ramps shall be installed at all curb returns per City Standards.
56. The developer shall be required to install street lights along Avenue 17 and Sharon Blvd. frontages in accordance with current City spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
57. All public utilities adjacent to or within site shall be undergrounded, except transformers, which may be mounted on pads.
58. Developer shall construct a signalized driveway on Avenue 17 directly in line with previously approved driveway for the Madera Town Center pursuant to and consistent with the approved site plan.
59. Throat lengths for driveways shall be sufficient in length as to eliminate the possibility of vehicles queuing into the City right-of-way. For the gated entry from Sharon Boulevard, the throat shall be of sufficient length to accommodate the largest expected vehicle without said vehicle overhanging into the travel-way of Sharon Boulevard.
60. Developer shall construct a turnaround point at the end of Sharon Boulevard sufficient to accommodate vehicles and trucks turning movements or provide whatever provisions necessary to avoid a turnaround in compliance with the City Fire Marshall.
61. All off-site improvements shall be designed and constructed to accommodate truck traffic. Specific requirements include:
  - a. An east to south right turn lane sufficient in length to mitigate truck turning impacts on Avenue 17 shall be constructed at Sharon Boulevard and Avenue 17.
  - b. Any location where trucks turn from the main street into the site shall have a right turn lane sufficient in length to mitigate truck turning impacts on the main street. Per the current site plan layout, a right turn lane would be constructed on Sharon Boulevard.
62. Any modifications to site plan or other elements to the project which effect on or off-site circulation, including but not limited to modifying driveway locations or reducing throat lengths, shall require the approval of the City Engineer.

## **2.7 – Fire Department**

63. On site fire hydrants are required. A comprehensive fire protection plan for the development of the site is required during the building permit phase. Construction permits will not be approved until the comprehensive plan is approved. Fire lanes must be posted in accordance with the California Fire Code and California Vehicle Code.

- 64. A key box will be required for each building for emergency access.
- 65. Fire sprinklers may be required in the structures based upon the requirements of the California Fire Code (CFC) and California Building Code (CBC). A final determination will be made by the City at building permit submittal based on the requirements of the CFC and CBC.
- 66. Fire alarm systems will be required in the structures based upon the requirements of the CFC and CBC.
- 67. The RV storage shall provide fire access roads that are a minimum of 20 feet in width and are provided with sufficient space to accommodate apparatus turning movements in accordance with the CFC appendix D.
- 68. Two points of egress shall be provided for access by emergency services. A key box or Knox over-ride key switch shall be provided at both required Fire Department access points.
- 69. Gates providing access shall not be less than twelve (12') feet of clear open width, but may require additional width based upon the analysis of turning movements.
- 70. Portable fire extinguishers are required in accordance with the California Fire Code for all components of the travel center project.

**Planning Department**

**2.8 – Parking**

- 71. Parking shall be provide as follows:

<b>Project Component</b>	<b>Structural Sq. Footage &amp; Parking Standards</b>	<b>Required Parking</b>	<b>Provided Parking</b>
Freestanding Restaurant	4,400 sf – seating for 140	47	66
81-Room Hotel	1 space for every 3 beds	40	79
Travel Stop Fast Food	4,016 sf – seating for 70	24	24
Travel Stop Store	7,965 sf – 1 stall / 250 sf	32	32
Truck Tire Care & Parking	8,073 sf – 1 stall / 400 sf	20	98
RV and Boat Storage	600 sf – 1 stall /300 sf	3	10
<b>TOTAL</b>	plus 1 stall / 2 employees	<b>166</b>	<b>309</b>

- 72. All parking and loading areas shall be marked and striped to City Standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by 19' deep (17' deep with 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet for primary drive aisles. Dimensional standards for truck parking and maneuvering space shall be per the approved site plan.
- 73. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses may require the provision of additional parking spaces in compliance with City Standards prior to establishment of

the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.

74. The final parking layout shall accommodate preferred parking for alternative fueled vehicles within each defined parking field for private automobiles, as directed by the Planning Manager.
75. No wheel stops shall be incorporated into the parking field/parking stall layout, except as required within Americans with Disabilities Act (ADA) compliant parking stalls.
76. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

## **2.9 – HVAC and PG&E Utility Placement Considerations/Screening Requirements**

77. Prior to the issuance of building permits, applicant to identify on the site plan the following information for Planning Department review and approval:
  - The location of all natural gas and electrical utility meter locations
  - The location of all HVAC (heating, ventilation or air conditioning) equipment
  - The location of all compressor equipment, and mechanical and electrical equipment
78. Where feasible, electrical/mechanical equipment shall be located in the interior of the proposed new structures within electrical/mechanical service rooms. Utilities (switch boxes, electrical panels and other utility appendages) proposed at the exterior shall be unseen from the public right-of-way.
79. When HVAC equipment is roof-mounted, all equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground mounted, all HVAC equipment shall be completely screened by a six foot enclosure constructed so as to match the primary color and material of the structure. In all cases, roofed-mounted placement is preferred.
80. Natural gas meter placement shall be screened from public view per Planning Department approval.
81. The applicant shall coordinate the installation of utilities consistent with these conditions of approval with Pacific Gas and Electric Company. The applicant may contact David Vandergriff of PG&E at 2871 Airport Drive, Madera, CA 93637 or via telephone at (559) 675-2234.
82. Roof access ladders shall be located within the interior of the building(s).
83. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
84. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements preferred at rear sides of roof ridges. All roof-

mounted ducts and vents to be painted matt black or with a color better suited to minimize their appearance.

85. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.

#### **2.10 – Building Colors, Materials and Lighting Considerations**

86. The construction of buildings approved as part of site plan review shall be consistent with approved color and materials board(s) and representative color section rendering(s) of the proposed building(s) to be reviewed and approved by the Planning Manager. Any substantial alteration shall require Planning Commission approval.
87. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
88. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
89. All parking lot lights/lighting shall be incorporated into landscaped areas.

#### **2.11 – Signage**

90. An application for a master sign program shall be submitted by the applicant and reviewed and approved by the Planning Department prior to issuance of sign review approval and issuance of building permits.
91. The proposed 125-foot tall freeway sign shall not be a component of the master sign program. The freeway sign shall be reviewed via a separate sign review application. Compliance with the Freeway Sign Criteria will be confirmed as a component of the processing of the sign review application.
92. Signage shall be in accordance with City Standards, and all signage shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.
93. All proposed construction announcement sign uses shall conform to the Municipal Sign Ordinance.

#### **2.12 – Landscaping**

94. Onsite and offsite landscaping and irrigation shall be installed consistent with plans submitted at time of building permit plan check and approved by the Planning Manager and Parks Department prior to issuance of building permits. The landscape and irrigation plan shall be prepared by a licensed landscape architect and shall be consistent with the State of California Model Water Efficiency Landscape Ordinance. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense. The plan shall include:



- Landscaped areas shall be developed along all street frontages and in association with parking fields.
  - Shade trees shall be planted throughout the parking lot, with a minimum of one tree per three parking spaces. Travel stop parking stalls designed for big rig tractor-trailer parking shall be exempt from this requirement.
  - Landscaped areas are to be provided with permanent automatic irrigation systems.
  - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved plan.
95. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

### **2.13 – Walls and Fences**

96. Trash enclosures shall be constructed of masonry block consistent with City standards with a stucco finish and color to match the primary structure that the trash enclosure is designed to serve. Rock veneers matching the elevation of the primary structure are also allowed per the approval of the Planning Department.
97. The RV and Boat Storage facility shall have a dedicated trash enclosure. The design and location of the enclosure shall be per the approval of the Planning Department.
98. The freestanding restaurant shall have a dedicated trash enclosure. The design and location of the enclosure shall be per the approval of the Planning Department.
99. In conjunction with the RV and Boat Storage Facility, an eight (8') foot tall wrought iron fence with stone pilasters shall be constructed along the internal property line between the RV and Boat Storage Facility and the Tire Shop and Truck Stop area and along the project frontage to Sharon Boulevard. Pilasters shall be separated by no greater than forty (40') feet. Landscaping shall be installed as an aesthetic visual screen along all sections of wrought iron fence with stone pilasters. The two gated entries associated with the wrought iron fence shall closely match and complement the fence.
100. In conjunction with the RV and Boat Storage Facility, an eight (8') foot tall chain link fence shall be constructed along the property line with the Union Pacific Railroad right-of-way and the project's southern property line. No slats shall be utilized with the chain link fencing. Barbed wire shall be permitted. Landscaping shall be installed as an aesthetic visual screen along all sections of chain link fencing associated with the RV and Boat Storage Facility.

### **2.14 – Historical Plaza**

101. A historical plaza shall be developed at the southwest corner of the intersection of Avenue 17 and Sharon Boulevard consistent with the plaza illustrated in the drawings contained in Attachment 1 to the Planning Commission Staff Report.

### **Section 3. – Tentative Parcel Map**

102. The Parcel Map shall comply with the state Subdivision Map Act and Madera Municipal Code §10-2.502.

103. Monuments shall be placed at all parcel corners and shown on the parcel map in accordance with the California Subdivision Map Act, the California Land Surveyor's Act and City Standards prior to development of property.
104. Parcel map preliminary submittal shall include three sets of prints; and two sets of the following: title report, soils report, traverse data, signed tentative parcel map conditions and all referenced deeds, maps and documents; and final parcel map processing fee.
105. Any and all public or private easements on the property identified on the required Title Report must be shown on the parcel map with recording data.
106. Parcel map recording shall require all City fees, taxes and assessments for the current year and the estimated for the next year to be paid.
107. A right-of-way encroachment permit shall be required prior to any work being carried out within the public right-of-way in accordance with Title VII of the Madera Municipal Code.
108. Development of any parcel of parcel map shall meet fire, building, and municipal code requirements for the zone or approved use.
109. Structures or any facility encroaching onto an adjacent new parcel shall be removed prior to recording of final map. Structure modifications shall comply with building codes and setbacks.
110. The title report must not be later than 30 days of recording date at time of recording.
111. The map shall demonstrate consistency all conditions of approval and mitigation measures adopted for this project and the improvements shown on the plans.
112. The developer shall dedicate a 33 foot wide easement for street and utility purposes along the Avenue 17 project frontage for a total 73-foot half street width.
113. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along Avenue 17 adjacent to entire project site in addition to that dedicated for street and utility purposes.
114. The developer shall dedicate 120 foot wide easement for street and utility purposes for the proposed Sharon Blvd. extension in accordance with the "Sharon Boulevard Plan Line Alternatives for Water, Sewer, and Storm Drain Facilities Planning" (Plan Line) dated October 2011. Easement shall widen on the approach to Avenue 17 to accommodate additional turn lanes.
115. The developer shall take all steps necessary to form Landscape and Lighting Maintenance District for the Avenue 17 and Sharon Boulevard median landscaping, or the developer shall take all steps necessary to be annexed into existing Zone 51.
116. The developer shall dedicate a temporary easement to encompass the proposed turn around at the southern end of the proposed Sharon Boulevard.
117. The developer shall record reciprocal ingress/egress and, utility, parking easements acceptable to the City of Madera across the entire center and applicable to all parcels. The easements shall provide the mutual right of access for all future uses and future created parcels in the commercial complex. Those areas where truck parking and

circulation occur or where storage facilities must be secured shall be excluded so long as they operate in the manner in which they are currently proposed.

#### **Section 4. – Freeway Sign**

118. Variance 2015-02 allows for the construction of an approximately one-hundred twenty-five foot (125') tall freeway sign to serve the various components of the Madera Travel Center. The freeway sign may accommodate up to twelve-hundred (1200) square feet of signage. The total square footage of signage shall only include actually pan-channeled signage, and shall exclude the area of planks, and shall also exclude the required City of Madera logo signage.
119. The sign shall also provide a minimum of two planks for lease on a contract basis for future uses located adjacent to or in proximity to the travel center properties. This condition may be satisfied either by reducing the size of proposed planks to accommodate additional plank(s), or by repositioning on-site tenant signage proposed for the freeway sign.
120. Conditional Use Permit 2015-09 allows for the changeable copy gasoline price sign display, to be a component of the freeway sign.
121. The freeway sign shall comply with the Freeway Sign Criteria. The freeway sign shall be constructed consistent with the drawings contained in Attachment 1 to the Planning Commission staff report and the conditions of approval herein.
122. No additional freeway sign shall be allowed for the travel center project. Any possible "by-right" freeway signage shall be forfeited in favor of locating on the proposed freeway sign.
123. Ten feet of separation must be maintained at all times from any electrical overhead distribution lines.
124. The applicant shall contact Underground Service Alert (USA) at 811 prior to the start of any construction activities.

#### **Section 5. Alcohol Sales**

##### **5.1 – Travel Stop**

125. Conditional Use Permit 2015-10 allows for the sale of beer and wine for off-site consumption in association with the operation of a travel stop.
126. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
127. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
128. All indoor display(s) of alcoholic beverages shall be located five feet or more away from the store entrance.

129. The applicant shall regularly monitor the area under its control to prevent the loitering of persons about the premises.
130. The applicant shall post signs in the area under its control prohibiting open containers and loitering at the location, and stating that no loitering will be tolerated.
131. Digital security cameras shall be installed to monitor the interior and exterior of the premises. Footage shall be maintained in a digital format of not less than thirty (30) days. Footage will be shared with law enforcement upon request.
132. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.
133. No display of alcohol shall be made from an ice tub, barrel or similar container.
134. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.

## **5.2 – Freestanding Restaurant**

135. Conditional Use Permit 2015-14 allows for the sale of beer and wine for on-site consumption in association with the operation of a freestanding restaurant.
136. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
137. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
138. The sale of alcoholic beverages shall be restricted to on-site consumption only. No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the freestanding restaurant.

## **Section 6. – Drive-thru Uses**

### **6.1 – Travel Stop**

139. The Planning Department shall specifically authorize the size and location of directional, preview and menu signs related to the drive-thru use. Directional signage shall conform to the standards of the Sign Regulations.
140. The drive-thru shall be allowed one preview board and menu board. The preview board and menu board shall be separated by no less than 25 feet. The preview board and menu board shall be consistent with the sign ordinance except that, if additional freestanding signage is available, that signage may be transferrable to the preview and/or menu board as allowed by the Planning Manager.
141. The drive-thru shall be designed to queue no less than three (3) vehicles.

**6.2 – Freestanding Restaurant**

- 142. The Planning Department shall specifically authorize the size and location of directional, preview and menu signs related to the drive-thru use. Directional signage shall conform to the standards of the Sign Regulations.
- 143. The drive-thru shall be allowed one preview board and menu board per drive-thru drive aisle. The preview board and menu board shall be separated by no less than 25 feet. The preview board and menu board shall be consistent with the sign ordinance except that, if additional freestanding signage is available, that signage may be transferrable to the preview and/or menu board as allowed by the Planning Manager.
- 144. The drive-thru shall be designed to queue no less than ten (10) vehicles.

**Section 7. – Automotive Repair/Tire Shop**

- 145. All automotive repair and/or tire repair/replacement work shall occur inside of the structure.

**Section 8. – Hotel in C2 Zone District**

- 146. The maximum stay for any guest shall not exceed thirty (30) consecutive days. Upon any guest reaching the thirty (30) day limitation, the guest shall check out of the hotel for a period of at least three (3) days before returning as a guest.

**Section 9. – RV and Boat Storage in C2 Zone District**

- 147. Final design and elevations for the proposed canopy structures shall be approved by the Planning Manager prior to submittal for building permit.
- 148. The RV and Boat Storage on-site office shall not function as a caretakers unit. The provision of a caretaker’s unit shall require amendment to the use permit.
- 149. The on-site vehicle wash station shall be developed with drainage approved by the City Engineer. In no case shall drainage be directed to the City storm drain system. The wash station shall utilize water conserving fixtures to include water saving automatic shut-off nozzles.

**Section 10. – Operational Concerns**

- 150. Conditions of approval listed herein cumulatively allow for and are applicable to the entitlements listed below. All conditions of approval for Site Plan Review 2015-18 are made a part of and applicable to each of the individual entitlements.
  - CUP 2015-09 allows for changeable copy (gasoline prices) in association with a freeway sign.
  - CUP 2015-10 allows for the sale of beer and wine as a component of the operations of the travel stop component of the travel center project.
  - CUP 2015-11 allows for the establishment of a drive-thru restaurant as a component of the travel stop component of the project.
  - CUP 2015-12 allows for a truck stop in the C2 (Heavy Commercial) Zone District.
  - CUP 2015-13 allows for automotive repair in the C2 (Heavy Commercial) Zone District.
  - CUP 2015-14 allows for the sale of beer and wine as a component of the operation of the freestanding restaurant.

CUP 2015-15 allows for the establishment of a drive-thru component as part of a proposed freestanding restaurant.

CUP 2015-16 allows for a hotel in the C2 (Heavy Commercial) Zone District.

CUP 2015-17 allows for a RV and boat storage facility in the C2 (Heavy Commercial) Zone District.

VAR 2015-02 allows for the construction of a freeway sign taller than forty feet.

151. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
152. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster(s) owned by the property owner, constructed to serve the project site.
153. The Madera Travel Center, including all elements of the travel center site, may operate twenty-four (24) hours per day, seven (7) days a week.
154. Outdoor dining is permitted as a component of the restaurant uses permitted on the travel center site.
155. Outdoor storage of goods/materials and/or display of merchandise as a component of any approved use of the site shall require the approval of a conditional use permit.
156. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.

## MADERA TRAVEL CENTER – GENERAL PLAN CONSISTENCY EVALUATION

Number	Text of Goal or Policy	Consistency Determination
Goal CD-1	High quality urban design throughout Madera.	<b>Consistent:</b> The proposed Project consists of the development of a travel center at the southeast quadrant of the Freeway 99 Avenue 17 interchange. Buildings will employ contemporary architectural elements and a master sign program. The site layout includes freestanding buildings, landscaping, and pedestrian facilities along Avenue 17 and Sharon Boulevard frontages to minimize views of parking areas. These characteristics are consistent with promoting high-quality urban design throughout Madera.
Goal CD-2	Retain the sense of community in Madera and enhance Madera’s small city character	<b>Consistent:</b> The proposed Project will facilitate the development of a travel center at the southeast quadrant of the Freeway 99 Avenue 17 interchange within the City limits. While the facility is primarily oriented to highway travelers and takes advantage of its freeway proximity, a historic pedestrian plaza entry feature to the site is included to tie to community’s history. The Project will incorporate features to enhance its compatibility with surrounding land uses, such landscaping, noise attenuation measures, and traffic improvements. A freeway sign that meets the City’s adopted sign criteria, including the incorporation of a City of Madera logo, will help establish an identify for Madera along the Freeway 99 corridor. Collectively, these characteristics are consistent with the goal of retaining and strengthening the community character of Madera.
Goal CD-3	Public art and entryway treatments.	<b>Consistent:</b> The proposed Project will provide landscaping, monument signage, and the historic pedestrian plaza as an entry feature. This is consistent with the goal of providing entryway treatments.
Goal CD-4	Attractive streetscapes in all areas of Madera.	<b>Consistent:</b> The proposed Project will provide landscaping and pedestrian facilities along its frontage with Avenue 17 and Sharon Boulevard, which will enhance the visual appearance and utility of the streetscape.
Goal CD-5	Walkable community.	<b>Consistent:</b> The proposed Project will provide an internal pedestrian network within the Project site that will be linked to pedestrian facilities along the Avenue 17 and Sharon Boulevard frontages. These characteristics are consistent with the goal of promoting a walkable community.
Goal CD-7	Preserve and enhance the character of existing residential neighborhoods.	<b>Consistent:</b> The proposed Project maximizes it setback from the existing residential neighborhood located to the east on Walden, by locating only on the west side of the new Sharon Boulevard alignment. The Project incorporates features to reduce potential impacts including landscaping, noise attenuation measures, and traffic improvements. These characteristics are consistent with preserving and enhancing the character of existing residential neighborhoods.
Goal CD-11	Design commercial development to enhance the pedestrian environment.	<b>Consistent:</b> The proposed Project will provide an internal pedestrian network within the Project site that will be linked to pedestrian facilities along the Avenue 17 and Sharon Boulevard frontage. These facilities will enhance the future pedestrian facilities that will be added as surrounding property develops along the both sides of Avenue 17 and south along Sharon Boulevard. These characteristics are consistent with the goal of designing commercial development to enhance the pedestrian environment.

Number	Text of Goal or Policy	Consistency Determination
Goal CD-12	Aesthetically pleasing commercial development.	<b>Consistent:</b> The proposed Project consists of the development of a travel center at the southeast quadrant of the Freeway 99 Avenue 17 interchange. Buildings will employ contemporary architectural elements and a master sign program. The site layout includes freestanding buildings, landscaping, and pedestrian facilities along the Avenue 17 and Sharon Boulevard frontage to minimize views of parking areas. These characteristics are consistent with the goal of aesthetically pleasing commercial development.
Policy CD-1	The City of Madera will require that all new development is well-planned and of the highest possible quality. The City will seek to build an image of Madera as a contemporary small city with vibrant, livable neighborhoods and walkable pedestrian- and bicycle-oriented development.	<b>Consistent:</b> The proposed Project consists of the development of a travel center at the southeast quadrant of the Freeway 99 Avenue 17 interchange. Buildings will employ contemporary architectural elements and a master sign program. The site layout includes freestanding buildings, a historic pedestrian plaza, landscaping, and pedestrian facilities along the Avenue 17 and Sharon Boulevard frontage to minimize views of parking areas. The Project will include an internal pedestrian network and bicycle storage facilities to provide safe and convenient access for these modes of transportation. Collectively, these characteristics are consistent with the policy of promoting well-planned, high-quality development that is readily accessible to neighborhoods, bicycles, and pedestrians.
Policy CD-2	All new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, gathering points and landmarks.	<b>Consistent:</b> The proposed Project is consistent with the basic principles outlined in this policy, including the use of a site layout that includes attractive buildings, landscaping, and pedestrian facilities along the Avenue 17 and Sharon Boulevard frontage and the incorporation of an internal pedestrian network. Additionally, a pedestrian plaza will “hold the corner” at the Avenue 17 and Sharon Boulevard intersection and provide an entryway to the site. These characteristics are consistent with promoting interconnectivity of street layout.
Policy CD-3	Madera will strive to continuously improve the architectural quality of public and private projects. Developers proposing to rely on the use of “standard designs” or “corporate architecture” will be required to improve their designs as necessary to meet the City’s overall standards for quality.	<b>Consistent:</b> Project buildings as demonstrated through site plan and building evaluation drawings will employ contemporary, attractive architectural elements specifically selected for the proposed Project.
Policy CD-4	Site layout and building design shall take into consideration Madera’s warm, dry climate, by including trees, landscaping and architectural elements to provide shade.	<b>Consistent:</b> The proposed Project’s landscaping employs tree species that are conducive to the warm dry climate and cable of thriving during the drought conditions facing the region. Shade elements as part of building construction will also be included.
Policy CD-5	New development shall be approved only if it meets the design principles set forth in this Community Character Element and to any local, projects specific, or citywide design guidelines.	<b>Consistent:</b> The proposed Project is consistent with all applicable Community Character Element goals and policies, as well as applicable provisions from the Design and Development Guidelines.
Policy CD-9	Maintain Madera’s identity and sense of community by keeping lands surrounding the Growth Boundary in agricultural use.	<b>Consistent:</b> The proposed Project is located at the southeast quadrant of the Freeway 99 Avenue 17 interchange within the city limits and is designated for commercial use by the General Plan. As such, it is contemplated to support urban development and, furthermore, will avoid the conversion of agricultural lands outside the Growth Boundary to non-agricultural use.
Policy CD-12	Public art (statues, sculpture, fountains, and monuments) and other design features should be used to enliven the public realm.	<b>Consistent:</b> Elements of the historic pedestrian plaza may be considered public art and additional pieces of public art will be considered for inclusion within the Project during final design.



Number	Text of Goal or Policy	Consistency Determination
Policy CD-13	Public art shall be a required component of all significant public projects, and in private development projects where public funding is applied, including in the Downtown District.	<b>Consistent:</b> Elements of the historic pedestrian plaza may be considered public art and additional pieces of public art will be considered for inclusion within the Project during final design. Note that the proposed Project will not be publicly funded.
Policy CD-15	Except where site conditions make it infeasible, new commercial development shall be designed to front or have a presence along all street frontages. The intent of this policy is to enhance the pedestrian scale of new development, and minimize the presence of parking, circulation, and loading areas as the primary visual features of development.	<b>Consistent:</b> The proposed Project's site layout includes pedestrian facilities along the Avenue 17 and Sharon Boulevard frontages and a pedestrian plaza at the corner of Avenue 17 and Sharon Boulevard to draw pedestrians into the site as the surrounding area develops and additionally pedestrian traffic is generated. In addition, the Project will include an internal pedestrian network, which will enhance the pedestrian scale of the proposed Project.
Policy CD-16	Sound walls or fences along streets other than arterials and expressways and adjacent to rail lines should be used only if no other design solutions exist for reducing the impact of roadway noise on residential areas, consistent with this General Plan's policy regarding noise mitigation preferences.	<b>Consistent:</b> No sound walls or fences are proposed along Avenue 17 and Sharon Boulevard.
Policy CD-17	Where the use of security fencing, window barriers, or similar features are necessary to secure a building or site, these measures shall be incorporated into the visual/architectural design of the project and shall be complementary to surrounding uses. This policy is not intended to apply to security features which are not visible from public rights of way or adjacent properties.	<b>Consistent:</b> No security fencing, window barriers, or other visible security features are proposed in areas that will be visible from Avenue 17 and Sharon Boulevard.
Policy CD-18	Where soundwalls are used, they shall be set back from the street, include design features that enhance visual interest, and be landscaped in order to mitigate their impact on urban character and the pedestrian environment.	<b>Consistent:</b> No soundwalls are proposed along Avenue 17 and Sharon Boulevard.
Policy CD-19	Create streetscape designs with themes that are oriented toward and inviting to pedestrians and cyclists and that are unique in character to a district, corridor, or area within the City.	<b>Consistent:</b> The proposed Project will provide landscaping and pedestrian facilities along its frontage with Avenue 17 and Sharon Boulevard. Although there are no existing bicycle facilities on Avenue 17 and Sharon Boulevard, such facilities will be added with the Project to make the area safe bicycle travel. Furthermore, the proposed Project will provide an internal pedestrian network to facilitate convenient travel by these modes of transportation.
Policy CD-21	Create safe, inviting, and functional pedestrian and cyclist environments in commercial, office, and mixed-use projects through a variety of techniques, including: <ul style="list-style-type: none"> <li>• Planting trees to provide shade on pedestrian paths, sidewalks, and walkways;</li> <li>• Safe, separated pedestrian walkways;</li> <li>• Safe, visible bicycle parking;</li> <li>• Shaded walkways;</li> <li>• Wide sidewalks.</li> </ul>	<b>Consistent:</b> The proposed Project will provide landscaping and pedestrian facilities along its frontage with Avenue 17 and Sharon Boulevard. Furthermore, the proposed Project will provide an internal pedestrian network that, in many instances, will be shaded by trees that are conducive to the local conditions.
Policy CD-22	Commercial developments should have public open space areas such as plazas, courtyards, expanded walkways, or other areas	<b>Consistent:</b> The Project will include open space in the form of the historic pedestrian plaza and the outdoor seating areas provide in conjunction with the restaurants.

Number	Text of Goal or Policy	Consistency Determination
	suitable for small gatherings. The facilities should be sized proportionate to the scale of the development.	
Policy CD-25	Sidewalks shall be provided on both sides of the street in commercial and residential areas, and where appropriate in industrial areas.	<b>Consistent:</b> The proposed Project will install a sidewalk along its frontages with Avenue 17 and Sharon Boulevard, which will enhance the existing, limited pedestrian facilities in this area.
Policy CD-43	<p>The following policies shall apply to all commercial development, and particularly in the Downtown:</p> <ul style="list-style-type: none"> <li>• Include human-scale details in the design of buildings such as windows on the street, awnings, and architectural features that create a visually interesting pedestrian environment.</li> <li>• Include areas designed to create spaces where people can interact and socialize, such as parks, plazas or open air seating in cafes and restaurants, as well as pedestrian amenities such as awnings, pedestrian-scaled lighting, benches and trash cans.</li> <li>• Street trees shall be incorporated into all development and street improvement projects.</li> <li>• Loading facilities shall be screened from public view and located away from residential uses.</li> <li>• Locate parking lots behind or on the side of buildings where possible to reduce their visual impact.</li> <li>• Use shared parking where applicable to reduce the total number of parking spaces.</li> </ul>	<p><b>Consistent:</b> The proposed Project is primarily oriented to highway travelers and the design reflects that orientation. However, the Project will include features are consistent with the intent of Policy CD-43, such as landscaping (including street trees) and pedestrian facilities along its frontages with Avenue 17 and Sharon Boulevard and a historic pedestrian plaza at the corner of the two arterial streets. Outdoor seating is also permitted in conjunction with the restaurant components of the Project.</p> <p>Due to the large parking area required to accommodate the “big rig” trucks using the facility, some parking area will be visible. Parking areas will be substantially separated from residential areas, and buffered from the public right way through placement of landscaping and bio-swale areas.</p>
Policy CD-47	Commercial projects shall be designed to minimize the intrusion of parked vehicles on the streetscape. Parking areas, driveways, and drive-through lanes should not be located between buildings and the sidewalk.	<b>Consistent:</b> Due to the particular characteristics of the Project, including the need to separate traditional passenger vehicles from big rig trucks and the need to provide a large parking to accommodate “big rig” trucks using the facility, some parking areas will be visible. However, parking areas setback from the sidewalks through the placement of landscape strips and bio-swales along the majority of the Project frontages. Where possible, areas designated for parking areas are placed behind buildings or active use areas, such as the fuel island station canopies.
Policy CD-48	Buildings and building entrances shall be oriented to the pedestrian environment.	<b>Consistent:</b> The internal pedestrian circulation system will provide connections between buildings and the sidewalk along Avenue 17 and Sharon Boulevard. This is consistent with the policy orienting building entrances to the pedestrian environment.
Policy CD-49	Buildings shall include human-scale details such as windows facing the street, awnings, and architectural features that create a visually interesting pedestrian environment.	<b>Consistent:</b> The proposed Project’s site layout includes freestanding buildings facing the Avenue 17 and Sharon Boulevard frontage and a pedestrian plaza at the corner of the two arterial streets. These buildings will have windows facing the street and architectural designs intended to make visitors and customers comfortable with entering.
Policy CD-50	Parking lots shall be landscaped, including shade trees, to create an attractive pedestrian environment and reduce the impact of heat islands.	<b>Consistent:</b> Landscaping will be provided within the most of the parking area (with the exception that trees will not be placed within the interior of the big truck parking area) and along street frontages and property boundaries.
Policy CD-51	Safe and well-defined pedestrian connections from buildings to parking areas, from buildings to the adjoining street(s), and	<b>Consistent:</b> The internal pedestrian circulation system will provide direct connections between buildings, parking areas, and the sidewalks along Avenue 17 and Sharon Boulevard.

Number	Text of Goal or Policy	Consistency Determination
	among buildings on the same site shall be provided. Pedestrian connections between commercial development and surrounding residential neighborhoods shall also be provided. Enhanced paving materials or other techniques shall be used to identify pedestrian connections.	
Policy CD-52	When more than one structure is on a site, they should be linked visually through architectural style, colors and materials, signage, landscaping, design details such as light fixtures, and the use of arcades, trellises, or other open structures.	<b>Consistent:</b> The proposed Project will employ a consistent architectural design theme among all buildings. Furthermore, all buildings will be designed in accordance with the applicable provisions of the City of Madera Design and Development Guidelines, which promote design techniques similar to those identified in this policy.
Policy CD-53	Unarticulated, boxy structures shall be broken up by creating horizontal emphasis through the use of trim, varying surfaces, awnings, eaves, or other ornamentation, and by using a combination of complementary colors.	<b>Consistent:</b> As appropriate, Project buildings will employ trim, varying surfaces, awnings, eaves, or other ornamentation, and combinations of complementary colors to create visual interest. Furthermore, all buildings will be designed in accordance with the applicable provisions of the City of Madera Design and Development Guidelines, which promote design techniques similar to those identified in this policy.
Policy CD-54	Buildings should feature outdoor use areas such as plazas and open air seating in cafes and restaurants wherever possible.	<b>Consistent:</b> Outdoor use areas will be provided in the pedestrian plaza and restaurant outdoor seating areas.
Policy CD-55	Loading facilities for uses requiring delivery from large trucks shall be screened from public view and located away from residential uses.	<b>Consistent:</b> The nearest residential uses to the Project site are more than 600 feet away, with potential loading areas even further away. Loading areas will generally be placed in areas less visible from the public rights of way.
Policy CD-56	Building signs shall be integrated into the design of buildings and should complement the architecture. All signs should be compatible with the building and site design relative to colors, materials, and placement, and should respect established architectural and/or historical character.	<b>Consistent:</b> The proposed wall signage will be proportionate to each building's size and frontage, and each sign will share contemporary in accordance with a master sign program which is required for the Project. As such, the proposed wall signage will be compatible with the proposed Project and surrounding land uses.
Policy CD-57	Where possible, parking lots shall be located behind or on the side of buildings to reduce their visual impact.	<b>Consistent:</b> Due to the particular characteristics of the Project, including the need to separate traditional passenger vehicles from big rig trucks and the need to provide a large parking to accommodate "big rig" trucks using the facility, some parking areas will be visible. However, parking areas setback from the sidewalks through the placement of landscape strips and bio-swales along the majority of the Project frontages. Where possible, areas designated for parking areas are placed behind buildings or active use areas, such as the fuel island station canopies.
Policy CD-58	Parking lots shall be screened and separated into smaller units with landscaping or low walls.	<b>Consistent:</b> Parking areas are spread throughout the site in a manner consistent with the distribution of separate buildings and uses, such as the hotel, restaurant, country store, etc. Parking areas are primarily defined by drive isles and landscaping.
Policy CD-59	Parking for alternative modes of transportation, such as preferential parking for carpool/vanpool, motorcycles or alternative fuel vehicles and bicycles, should be incorporated into parking plans for all significant commercial development projects. Transit plazas may be required to be incorporated into significant projects.	<b>Consistent.</b> The parking layout will accommodate preferred parking for alternative vehicles and bicycle parking will be provided.

Number	Text of Goal or Policy	Consistency Determination
Policy CD-61	All outdoor storage areas shall be visually screened with ornamental fencing or walls, and landscaping.	<b>Consistent:</b> Outdoor storage is not proposed as part of the Project. Incidental areas used for outdoor storage, as may be permitted by the Planning Department, will be screened appropriately.
Goal CI-1	Quality infrastructure that meets the needs of the community at the time it is needed.	<b>Consistent:</b> Recommended mitigation measures and conditions of approval establish requirements for the Project to install quality infrastructure in accordance with the City of Madera’s master utility plans.
Goal CI-2	Sufficient long-term solid waste disposal capacity for the City.	<b>Consistent:</b> The proposed Project will implement construction and operational recycling and waste diversion practices, which will reduce waste generation and further the goal of ensuring sufficient long-term solid waste disposal capacity for the City.
Goal CI-3	A roadway system that accommodates land uses at the City’s desired level of service, provides multiple options for travel routes, protects residential areas from excessive traffic, coexists with other travel modes, and contributes to the quality of the City’s residential, commercial, office, and industrial areas.	<b>Consistent:</b> The Project included an evaluation of the adequacy of roadways that will serve the Project. Feasible mitigation measures were identified where necessary to ensure that adequate levels of service can be provided. Conditions of approval are also recommended that will ensure that street frontage improvements are made to City standards as the site is developed.
Goal CI-4	An extensive, complete, smooth, interconnected, and continuous pedestrian and bicycle network that is a safe and attractive option for local or regional trips or recreation and that connects to the City’s neighborhoods, parks and schools, employment areas, and retail centers.	<b>Consistent:</b> The proposed Project will install pedestrian facilities along its frontage with Avenue 17 and Sharon Boulevard, which will improve the existing, limited pedestrian facilities within this area. Although there are no existing bicycle facilities on Avenue 17 and Sharon Boulevard, these facilities will be constructed along the Project frontages to allow connectivity as the surrounding area develops. These characteristics are consistent with the goal of providing an extensive, complete, smooth, interconnected, and continuous pedestrian and bicycle network.
Goal CI-6	A transportation system that assists in the City’s goals for reducing air pollution and the generation of greenhouse gases.	<b>Consistent:</b> The proposed Project will construct street and sidewalk improvements that will contribute to pedestrian and bicycling connectivity as surrounding areas develop. The Project will also be accessible to bicycles and pedestrians. Therefore, the Project will further the goal of providing a transportation system that promotes reductions in air pollution and the generation of greenhouse gases.
Policy CI-1	Figure CI-1 shows the Circulation Master Plan of the City of Madera. The City will implement this Master Plan through the policies contained in this and other Elements of the Madera General Plan.	<b>Consistent:</b> Figure CI-1 designates Avenue 17 and Sharon Boulevard as “Arterial” roadways. The proposed Project will dedicate right of way and construct improvements consistent with the arterial street standards.
Policy CI-5	<p>The City shall require the dedication or irrevocable offer of dedication of right of way for all arterials and collectors at the earliest opportunity in the development process in order to implement the Roadway Master Plan. Generally, the earliest opportunity to implement this policy will be the first of the following discretionary approvals which is available:</p> <ul style="list-style-type: none"> <li>• Change of Zoning or General Plan Land Use Designation;</li> <li>• Approval of a Comprehensive Plan, Specific Plan, or other master plan;</li> <li>• Any subdivision map (such as a parcel map or tentative tract map);</li> <li>• Conditional Use Permit;</li> </ul>	<b>Consistent:</b> The Project will dedicate right of way to accommodate the ultimate cross-section for both Avenue 17 and Sharon Boulevard.

Number	Text of Goal or Policy	Consistency Determination
	<ul style="list-style-type: none"> <li>• Site plan or design approval.</li> </ul> <p>If any of these discretionary approvals is not being sought, right of way dedication may be required as a condition of building permit approval.</p>	
Policy CI-7	<p>In order to ensure adequate circulation capacity of collectors, arterials and larger streets, turning movements and driveway approaches to adjoining properties and onto local streets shall be limited so through traffic speeds are not reduced by more than 10 (ten) miles per hour based on the street design speed. This policy will not be applied where the City determines that existing land use patterns and unique site constraints make it impossible. Direct access to sites along arterial and larger streets should typically be provided from adjacent local streets or signalized shared access points. This should be implemented as early as possible in development when zoning and parcels are established.</p>	<p><b>Consistent:</b> Project circulation features were designed in consultation with the City Engineer in conformance with Policy CI-7. The proposed Project will take access from a limited number of driveways. Avenue 17 will include a new signalized entrance with full turning movement and one right-in-right-out driveway to minimize disruption to traffic flow and capacity. Access from Sharon will include one full movement driveway and one right-in-right out driveway. Driveway locations have been placed to consolidate access points to the extent possible and to accommodate access needs of future development.</p>
Policy CI-9	<p>The City will work cooperatively with Caltrans to implement improvements to the state highway system in Madera.</p>	<p><b>Consistent:</b> The Project EIR's transportation analysis was conducted in consultation with Caltrans and that agency's comments have been incorporated. The transportation analysis evaluated potential impacts on facilities under the jurisdiction of Caltrans including the SR-99/Avenue 17 interchange. The Project will make improvements to the interchange and make fair share contributions towards future improvements. As such, the City has and will work cooperatively with Caltrans to implement improvements to the state highway system in Madera.</p>
Policy CI-11	<p>Development projects shall be required to provide funding or to construct roadway/intersection improvements to implement the City's Circulation Master Plan. The payment of established traffic impact or similar fees shall be considered to provide compliance with the requirements of this policy with regard to those facilities included in the fee program, provided that the City finds that the fee adequately funds all required roadway and intersection improvements. If payment of established fees is used to provide compliance with this policy, the City may also require the payment of additional fees if necessary to cover the fair share cost of facilities not included in the fee program.</p>	<p><b>Consistent:</b> The Project applicant will construct all necessary roadway improvements needed to allow access to the proposed Project and will make improvements consistent with the City's Circulation Master Plan. The applicant will also provide its equitable fair share for offsite roadway improvements that were identified in the transportation analysis.</p>
Policy CI-12	<p>New development shall provide funding acceptable to the City for the construction and permanent maintenance of all roadway facilities. Potential funding mechanisms may include assessment districts, community facility districts, or other methods.</p>	<p><b>Consistent:</b> The Project applicant will construct all necessary roadway improvements needed to allow access to the proposed Project. The applicant will provide its equitable fair share for offsite roadway improvements. The Project will generate sales tax that will enhance revenues in the existing Madera County Measure T Program, which provides funding for street maintenance.</p>
Policy CI-16	<p>Proposals to allow left turn lanes from collector and arterial streets shall be evaluated on a case-by-case basis, and allowed</p>	<p><b>Consistent:</b> The proposed Project's circulation plan has been designed in consultation with the City Engineer and is the subject of a traffic analysis which has ensured that operations will be acceptable.</p>

Number	Text of Goal or Policy	Consistency Determination
	only where an engineering analysis confirms that traffic operations and safety conditions are not negatively impacted.	
Policy CI-17	Shared driveways, driveway consolidation, reciprocal access easements, and cross access easements to commercial centers shall be required along arterials and collector roads in new development projects and in the redevelopment or redesign of existing development to minimize traffic hazards associated with driveways and curb cuts.	<b>Consistent:</b> The proposed Project will take full access to Avenue 17 and Sharon Boulevard at the driveway locations that will accommodate properties on the opposite side of each street. Reciprocal access within and across the parcels being created by the development will also be ensured. These characteristics are consistent with the objective of minimizing traffic hazards associated with driveways and curb cuts.
Policy CI-21	The City shall seek to maintain Level of Service (LOS) C at all times on all roadways and intersections in Madera, with the following exceptions: a) On arterial roadways or roadways with at-grade railroad crossings that were experiencing congestion exceeding LOS C during peak hour travel times as of the date this General Plan Update is adopted the City shall seek to maintain LOS D or better. b) This policy does not extend to freeways (where Caltrans policies apply) or to private roadways. c) In the Downtown District (as defined in the Land Use Element of this General Plan), the City shall seek to maintain LOS D.	<b>Consistent:</b> The LOS standards specified in this policy were used in the traffic analysis. Refer to Section 3.13, Transportation for further discussion.
Policy CI-22	Projects contributing traffic to roadways exceeding the desired level of service per Policy CI-22 may be required to fund system wide traffic improvements, including cumulative traffic mitigation at off-site locations (as applicable), and to assist in promoting non-vehicular transportation as a condition of project approval.	<b>Consistent:</b> The applicant will provide an equitable fair share for offsite roadway improvements and also pay traffic mitigation fees in accordance with the City's standard fee schedule. The Project will accommodate pedestrian and bicycle access through street improvements on Avenue 17 and Sharon, the installation of a pedestrian plaza, and internal pedestrian circulation within the Project.
Policy CI-25	Parking for all uses shall be provided on-site and shall not require the use of parking spaces in the right of way of a public or private street to provide required parking. The following are exceptions to this policy: • In the Downtown District, where limited space is available for off-street parking, a portion of required parking may be provided on-street or in parking lots or garages that may be established in the future. • Parking for non-standard uses (that is, those requiring either more or less parking than typical uses) may be determined and imposed on a case-by-case basis.	<b>Consistent:</b> The proposed Project will provide parking which meets the requirements of the zoning ordinance. On-street parking will be prohibited on Avenue 17 and Sharon Boulevard.
Policy CI-26	Projects providing significantly more than the required amount of parking shall be allowed only when the City determines that there is a demonstrated need for additional parking.	<b>Consistent:</b> The travel center project proposes 309 parking stalls for the entire site. Although the total available parking stalls will exceed the required parking stalls, the Planning Department has determined there is a need for parking spaces above the minimum based on two factors. First, the Project provides 98 parking stalls for tractor trailer "big rig" parking as a logical component of the Project site. Those stalls are included within the Truck Tire Care & Parking

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		component of the site, which is calculated solely by the square footage of the tire care structure. Second, the hotel parking standard is based on beds rather than rooms, requiring only one parking stall per three beds. The hotel has 121 beds and therefore requires only forty (40) parking stalls serving eighty-one (81) rooms. The seventy (70) parking stalls proposed to serve the hotel is more reflective of potential demand for parking based on the number of sleeping rooms in the hotel.
Policy CI-27	The City shall encourage pedestrian circulation and access around the City and at the neighborhood level through the design of roadways and pedestrian facilities.	<b>Consistent:</b> The proposed Project will install pedestrian facilities along its frontage with Avenue 17 and Sharon Boulevard. The proposed Project will provide an internal pedestrian network and onsite bicycle storage facilities to facilitate convenient travel by these modes of transportation. These characteristics are consistent with the policy of encouraging pedestrian circulation and access around the City and at the neighborhood level.
Policy CI-28	New development areas shall include pedestrian and bicycle facilities and connections to public transit systems, commercial centers, schools, employment centers, community centers, parks, senior centers, and high-density residential areas.	<b>Consistent:</b> The proposed Project will install pedestrian facilities, including sidewalks and elements of the street cross-sections, along its frontage with Avenue 17 and Sharon Boulevard in conformance with the City's standards. Furthermore, the Project includes a pedestrian plaza at the corner of the two arterial streets that will be inviting to pedestrians accessing the site as the surrounding area develops and generates more pedestrian traffic. These characteristics are consistent with the policy of providing pedestrian and bicycle facilities that are linked to various destinations within the City.
Policy CI-29	The City shall create a connected system of on- and off-street trails and paths for pedestrians and bicycles throughout Madera in both existing and new development areas, with a focus on on-street bike trails on collector roads, and off-street trails in parkways and along the Fresno River and other waterways.	<b>Consistent:</b> The proposed Project will install pedestrian facilities, including sidewalks and elements of the street cross-sections, along its frontage with Avenue 17 and Sharon Boulevard in conformance with the City's standards. Furthermore, the Project includes a pedestrian plaza at the corner of the two arterial streets that will be inviting to pedestrians accessing the site as the surrounding area develops and generates more pedestrian traffic. These characteristics are consistent with the policy of creating a connected system of on- and off-street trails and paths for pedestrians and bicycles throughout Madera.
Policy CI-31	The City's roadway cross-sections shall incorporate "complete streets" concepts and be designed to safely accommodate vehicles, cyclists, pedestrians, diverse and disabled users, and transit. "Complete streets" are defined as streets that are designed for a variety of users rather than having a focus on the automobile.	<b>Consistent:</b> The City has not formally adopted a "complete street" standard. However, the proposed Project will install pedestrian facilities along its frontage with Avenue 17 and Sharon Boulevard. Signalized access points will accommodate all users in all modes at Driveway #1 and Sharon Boulevard. Traffic lights will include video detection to better serve non-motorized transportation. These characteristics are consistent with the "complete streets" concept.
Policy CI-32	To maintain walkability and pedestrian safety, the City shall consider roadway width and roadway design features such as islands, pedestrian refuges, count down timers, and other such mechanisms. This policy applies to new roadway construction and existing roadways where pedestrian hazards may occur due to roadway design or width.	<b>Consistent:</b> The new signalized intersections will be designed to include pedestrian crosswalks on all four legs, with countdown heads. In addition, concrete median islands will be located on Avenue 17 and Sharon Boulevard at this intersection. These features will help function as pedestrian refuges in the event that the City's formal standard does not incorporate distinct refuge elements.
Policy CI-33	The needs of pedestrians and bicyclists shall be routinely considered and, where practical, accommodated in all roadway construction and renovation projects.	<b>Consistent:</b> The proposed Project will install pedestrian facilities along its frontage with Avenue 17 and Sharon Boulevard. Furthermore, the proposed Project will provide an internal pedestrian network and onsite bicycle storage facilities to facilitate convenient travel by these

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		modes of transportation. These characteristics are consistent with the policy of considering the needs of pedestrians and bicyclists as part of major projects.
Policy CI-34	Where sufficient right-of-way is available, bicycle lanes should be added to City roadways when repaving or upgrading of the roadway occurs, provided that the bicycle facility will implement the City's Bicycle Master Plan. The City shall encourage Caltrans to follow these same guidelines on state highways in Madera.	<b>Consistent:</b> Street improvements on Sharon and Avenue 17 will include bicycle lanes.
Policy CI-36	The City shall encourage an increase in bicycle ridership and pedestrian trips over automobile traffic, as a way to improve traffic safety, air quality and the health of Madera residents.	<b>Consistent:</b> The proposed Project will install pedestrian facilities along its frontage with Avenue 17 and Sharon Boulevard and a pedestrian plaza at the corner of the two streets. Street improvements will accommodate bicycle lanes. The proposed Project will also provide an internal pedestrian network and onsite bicycle storage facilities to facilitate convenient travel by these modes of transportation. These characteristics are consistent with the policy of encouraging bicycle and pedestrian modes of transportation.
Policy CI-37	The City encourages the use of ridesharing and other Transportation Demand Management (TDM) tactics for reducing area traffic congestion and improving air quality.	<b>Consistent:</b> Project employers will have the option to establish employee carpool/vanpool programs based on interest from employees.
Policy CI-40	The City supports Madera Airport in its role as an important part of the local commercial economy.	<b>Consistent:</b> The proposed Project is consistent with all applicable policies of the Madera County Airports Land Use Compatibility Plan and, therefore, is compatible with the continued operations of Madera Municipal Airport.
Policy CI-44	Public facilities should be phased in a logical manner which avoids "leapfrog" development and encourages the orderly development of roadways, water and sewer, and other public facilities. The City shall not provide public financing or assistance for projects that do not comply with City master plans.	<b>Consistent:</b> The proposed Project is located within the urban growth boundary of the general plan, and within the service area for City utilities as outlined in the City's sewer, water, and storm drainage master plans. Improvements necessary to serve the Project will be consistent with the adopted Master Plans.
Policy CI-45	The City will assist developers who construct facilities consistent with this General Plan and with the City's Master Plans and policies with seeking a fair share reimbursement from later developments when they connect to, and/or benefit from, those facilities.	<b>Consistent:</b> Conditions of approval for the Project will provide the opportunity for reimbursement of improvements which are eligible for reimbursement of master planned facilities. The developer may also request that the City enter into a development agreement, which could also identify reimbursement mechanisms for master planned facilities constructed as part of the Project.
Policy CI-46	Interim infrastructure facilities may be used only if specifically approved by the City. No City funds will be used to construct interim facilities, nor will such facilities be eligible for reimbursement by the City.	<b>Consistent:</b> An interim/temporary storm drainage basin is proposed to serve the Project because the master planned basin that will serve this area has not been constructed nor has the land been acquired. The storm drainage pipe required to convey storm water has similarly not been constructed. An interim basin will accommodate run-off from the Project and from street improvements constructed as part of the Project. Storm drainage system design for the Project will ensure that storm run-off can be conveyed to the master planned basin when it is available.
Policy CI-47	All major development projects shall identify the size and cost of all infrastructure and public facilities and identify how the installation and long-term maintenance of infrastructure will be financed consistent with the policies in this General Plan.	<b>Consistent:</b> Chapter 2 of the environmental impact report for the Project describes public improvements required for the Project, while Chapter 3.12 evaluates impacts on public services, utilities and service systems. Chapter 3.13 evaluates circulation system impacts. The Project, through EIR mitigation measures and conditions of approval, is required to construct master planned infrastructure and other public and private improvements required to serve the Project. The Project will also pay its fair-share cost of improvements that are required in the future.



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		Long-term maintenance of privately owned infrastructure will be the responsibility of the applicable property owner. Long-term maintenance of the publicly owned infrastructure will be the responsibility of the applicable public agency, subject to any agreements with private parties. No unusual maintenance burden for any public facility will be created.
Policy CI-48	To improve the appearance of the City’s commercial and residential neighborhoods, the City will require that all utility lines be placed underground in conjunction with new development projects, unless determined by the City to be infeasible. Additionally, the City will seek to place existing aboveground utility lines underground in the parts of the City which have been largely built-out.	<b>Consistent:</b> Any electrical lines required to accommodate the Project or installed in conjunction with the Project will be installed underground.
Policy CI-49	<p>The City shall require secure financing for all components of the transportation system through the use of special taxes, assessment districts, developer dedications, or other appropriate mechanisms in order to provide for the completion of required major public facilities at their full planned widths or capacities in one phase. For the purposes of this policy, “major” facilities shall include the following:</p> <ul style="list-style-type: none"> <li>• Any roadway of a collector size or above, including any roadway shown on the Circulation Plan in this General Plan;</li> <li>• Wells, water transmission lines, treatment facilities, and storage tanks;</li> <li>• All sewer trunk and interceptor lines and treatment plants or treatment plant capacity;</li> <li>• Reclaimed water distribution lines;</li> <li>• Ongoing maintenance.</li> </ul> <p>The City shall use its financial capacity to facilitate implementation of this policy if necessary, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Issuing bonds or other forms of municipal financing as it deems appropriate;</li> <li>• Using City funds directly, with repayment from future development fees;</li> <li>• Creating special assessment districts, Mello-Roos Community Facility Districts, etc.;</li> <li>• Fee programs;</li> <li>• Developer financing.</li> </ul>	<b>Consistent:</b> The applicant will construct and/or contribute an equitable fair share for offsite roadway improvements and also pay traffic mitigation fees as required by the City. In addition, the applicant will provide the full cost of the water, sewer, and storm drainage improvements necessary to serve the Project, as well other utility fees in accordance with the City’s standard fee schedule. Reimbursement to the developer of “over-sized” improvements may occur per a conventional reimbursement agreement where development impact fees and property connection fees provide the source of reimbursement. Alternatively, the developer may propose that the City enter into a development agreement that includes an alternative reimbursement mechanism.
Policy CI-50	The City shall establish a transit and/or multimodal impact fee to be applied to new development to fund public transportation infrastructure and other multimodal accommodations.	<b>Consistent:</b> The Project applicant will pay this fee, provided that it is adopted at the time building permits are sought.

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Policy CI-51	Except when prohibited by state law, the City shall require that sufficient capacity in all public services and facilities will be available on time to maintain desired service levels and avoid capacity shortages, traffic congestion, or other negative effects on safety and quality of life.	<b>Consistent:</b> All improvements that are necessary to serve the Project with adequate levels of service will be required to be in place by opening day, unless compelling circumstances dictate that they be delayed.
Policy CI-53	Water supply and delivery systems shall be available in time to meet the demand created by new development, or shall be assured through the use of bonds or other sureties to the City's satisfaction.	<b>Consistent:</b> The City has confirmed that adequate water supplies and infrastructure exist to serve the proposed Project.
Policy CI-54	The City supports the use of reclaimed water for irrigation wherever feasible.	<b>Consistent:</b> The City has not adopted a standard or program for use of reclaimed water. An investigation regarding the feasibility of a recycled water system completed as part of the utility master planning process indicated that such a system would likely be cost prohibitive and not applicable at the individual parcel level. Though the City continues to support the concept, the City has not required that improvements to provide for the use of reclaimed or recycled water be constructed at the project level.
Policy CI-55	The City shall seek to protect the quality and quantity of groundwater resources, including those which serve households and businesses which rely on private wells.	<b>Consistent:</b> The proposed Project will implement various indoor and outdoor water conservation measures, which will serve to reduce demand on groundwater resources.  All improvements made in conjunction with the Project, including fueling facilities and storage tanks, will comply with federal and state requirements. The Project is required to submit drainage plans, storm water pollution prevention plans, and related documents to the City and the State to ensure that potential impacts to pollution-related runoff are avoided.
Policy CI-56	The City shall require that water flow and pressure be provided at sufficient levels to meet domestic, commercial, industrial, and firefighting needs.	<b>Consistent:</b> The proposed Project will be required to demonstrate that it provides minimum pressure for domestic and firefighting needs.
Policy CI-57	Development projects shall be served by a looped water system, whereby no less than two separate water mains (or ideally two water sources) are connected, thereby enabling adequate fire flow to be maintained should one water main be removed from service. The City may allow development to proceed without connection to a looped water system when it determines that such connection is infeasible based on the specific circumstances associated with the project, and where a water system analysis shows sufficient fire flow is available.	<b>Consistent:</b> The Project will install water system improvements required to provide adequate service in conformance with Policy CI-57. Final system improvements will be subject to approval by the Project engineer, the City Engineer and the Fire Marshall.
Policy CI-58	Sewage conveyance and treatment capacity shall be available in time to meet the demand created by new development, or shall be assured through the use of bonds or other sureties to the City's satisfaction.	<b>Consistent:</b> The City has confirmed that adequate conveyance and treatment capacity exists to serve the proposed Project, based on the improvements outlined in the EIR and the conditions of approval.
Policy CI-60	The City shall strongly discourage the extension of sewer service into any area outside the Growth Boundary shown on the Land Use Policy Map. This policy shall not be construed to limit the	<b>Consistent:</b> The Project site is located within the Growth Boundary.

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	ability of any agency to construct sewer lines whose only purpose is to carry sewage from other areas and which cannot be connected to the area outside the Growth Boundary.	
Policy CI-62	The City will promote solid waste source reduction, reuse, recycling, composting and environmentally safe transformation of waste. The City will seek to comply with the requirements of AB 939 with regard to meeting state-mandated targets for reductions in the amount of solid waste generated in Madera.	<b>Consistent:</b> The proposed Project will implement construction and operational recycling and waste reduction measures in order to reduce waste generation in accordance with State mandates.
Policy CI-65	The City will promote waste diversion and material recycling in private development, business and operations, and will encourage businesses or nonprofit entities to provide source reduction services.	<b>Consistent:</b> The proposed Project will implement construction and operational recycling and waste reduction measures in order to reduce waste generation.
Goal CON-1	Manage water supplies as limited, valuable, and shared natural resources to meet the demands of all Maderans and ensure the ecological health of watersheds and natural systems.	<b>Consistent:</b> Indoor and outdoor water conservation measures are proposed that are consistent with the goal of managing and conserving local water supplies.
Goal CON-2	Sustainable water supplies that meet future demands through innovative reclamation, conservation, and education programs.	<b>Consistent:</b> Indoor and outdoor water conservation measures are proposed that are consistent with the goal of achieving sustainable water supplies.
Goal CON-3	Water use that corresponds to the scarcity of the resource and its value for the City.	<b>Consistent:</b> Indoor and outdoor water conservation measures are proposed that are consistent with the goal of managing use of scarce water resources.
Goal CON-4	Water quality that is maintained and improved for the health of all City residents and visitors and for natural communities.	<b>Consistent:</b> The proposed Project will implement construction and operational stormwater quality control measures to prevent water pollution. This is consistent with the goal of maintaining healthful levels of water quality.
Goal CON-5	Conservation and preservation of agricultural lands in the Planning Area.	<b>Consistent:</b> The proposed Project is located with the Growth Boundary and designated for commercial development by the General Plan. The site is not under active or passive agricultural use and is not considered agricultural land under the general plan.
Goal CON-7	Protection of special-status plant and animal species, including their habitats, in compliance with all applicable state, federal, and other laws and regulations.	<b>Consistent:</b> The Project EIR evaluates the potential presence of native wildlife and plant habitat within the Project boundaries and identifies mitigation measures where necessary to prevent significant impacts to these features. Refer to EIR Section 3.4, Biological Resources for further discussion.
Goal CON-11	Air quality that meets or exceeds all state and federal standards.	<b>Consistent:</b> The Project EIR evaluates air quality impacts and identifies mitigation measures as necessary. Refer to EIR Section 3.3, Air Quality for further discussion. This is consistent with the goal of achieving ambient air quality that meets or exceeds all state and federal standards.
Goal CON-12	Meet or exceed all current and future state-mandated targets for reducing emissions of greenhouse gases.	<b>Consistent:</b> The Project EIR evaluates greenhouse gas emissions impacts and identifies mitigation measures as necessary. Refer to EIR Section 3.7, Greenhouse Gases for further discussion. This is consistent with the goal of meeting or exceeding current and future state-mandated targets for reducing emissions of greenhouse gases.
Goal CON-13	Safe and reliable energy—including energy from renewable sources—to meet Madera’s needs and enable continued economic growth.	<b>Consistent:</b> The Project EIR evaluates energy usage and conservation measures related to the Project. The evaluation concludes that the Project would not result in a significant impact to energy resources and would avoid wasteful, inefficient, or unnecessary use of energy. Refer to EIR Section 6.5, Energy Conservation for further discussion.

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Policy CON-2	The City supports the consideration and implementation of a broad range of strategies to ensure the long-term sustainability of its water supply, including strategies related to conservation, reclamation, recharge, and diversification of supply.	<b>Consistent:</b> Indoor and outdoor water conservation measures are proposed that are consistent with the goal of managing and conserving local water supplies. In addition, Project runoff will be initially be conveyed to an interim stormwater basin, and ultimately to a permanent City stormwater basin, which is intended to facilitate groundwater recharge.
Policy CON-3	The City supports natural groundwater recharge and new groundwater recharge opportunities through means such as: <ul style="list-style-type: none"> <li>• Developing a comprehensive groundwater recharge program to be applied in conjunction with new development.</li> <li>• Increasing the area on developed sites into which rainwater can percolate.</li> <li>• Providing areas where rainwater and other water can collect and percolate into the ground.</li> <li>• Providing for groundwater recharge in storm drainage facilities.</li> <li>• The use of reclaimed water to recharge the groundwater table.</li> </ul>	<b>Consistent:</b> Project runoff will be conveyed to stormwater basins, which is intended to facilitate groundwater recharge.
Policy CON-5	To reduce the need for groundwater, the City encourages water conservation and the use of reclaimed water.	<p><b>Consistent:</b> The City has not adopted a standard or program for use of reclaimed water. An investigation regarding the feasibility of a recycled water system completed as part of the utility master planning process indicated that such a system would likely be cost prohibitive and not applicable at the individual parcel level. Though the City continues to support the concept, the City has not required that improvements to provide for the use of reclaimed or recycled water be constructed at the project level.</p> <p>Indoor and outdoor water conservation measures are proposed that are consistent with the goal of managing and conserving local water supplies. In addition, project runoff will be initially be conveyed to an interim stormwater basin, and ultimately to a permanent City stormwater basin, which is intended to facilitate groundwater recharge.</p>
Policy CON-6	Where feasible, the installation of pipelines in new development to carry existing or future supplies of reclaimed water for irrigation and other uses shall be required.	<b>Consistent:</b> The City has not adopted a standard or program for use of reclaimed water. An investigation regarding the feasibility of a recycled water system completed as part of the utility master planning process indicated that such a system would likely be cost prohibitive and not applicable at the individual parcel level. Though the City continues to support the concept, the City has not required that improvements to provide for the use of reclaimed or recycled water be constructed at the project level.
Policy CON-8	The City encourages Low Impact Development practices in all residential, commercial, office, and mixed-use discretionary projects and land division projects to reduce, treat, infiltrate, and manage runoff flows caused by storms, urban runoff, and impervious surfaces. Low impact development practices may include:	<b>Consistent:</b> Low Impact Development practices such as bioswales, impervious surfaces, retention ponds, and drought-tolerant landscaping will be employed, where appropriate.

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	<ul style="list-style-type: none"> <li>• Use of small scale stormwater controls such as bioretention, grass swales and channels, vegetated rooftops, rain barrels and cisterns.</li> <li>• Reduction of impervious surfaces through site design and use of pervious paving materials.</li> <li>• Retention of natural features such as trees and ponds on site.</li>   <li>• The use of drought tolerant plant materials and/or water-conserving irrigation systems.</li> </ul>	
Policy CON-11	The City shall protect and maintain water quality for the health of all users, including natural plant and animal communities.	<b>Consistent:</b> The proposed Project will implement construction and operational stormwater quality control measures to prevent water pollution. These measures will protect and maintain water quality for the health of all users, including natural plant and animal communities.
Policy CON-12	<p>The City shall seek to minimize toxic runoff from such sources as homes, golf courses, and roadways. Examples of potential programs include:</p> <ul style="list-style-type: none"> <li>• The use of “bioswales” and similar features (such as infiltration trenches, filter trips, and vegetated buffers) to trap contaminants;</li> <li>• Installation of grease/oil separators to keep these contaminants out of storm runoff;</li> <li>• Regular street sweeping programs to prevent the buildup of oil, grease, and other contaminants and keep them from being swept into creeks and rivers;</li> <li>• Minimizing pesticide use and promoting the use of natural pest controls;</li> <li>• Encouraging the installation of “gray water” systems;</li> <li>• The development of new storm drain runoff retention ponds for sediment and pollutant removal based on the updated storm water master plan.</li> </ul>	<b>Consistent:</b> The proposed Project will implement construction and operational stormwater quality control measures to prevent water pollution. Measures identified in this policy such as bioswales, grease/oil separators, street sweeping, and storm drainage retention facilities may be used, if applicable and appropriate.
Policy CON-13	The City will endeavor to protect groundwater quality from pollution by point and non-point sources.	<b>Consistent:</b> All improvements made in conjunction with the Project, including fueling facilities and storage tanks, will comply with federal and state requirements. The Project is required to submit drainage plans, storm water pollution prevention plans, and related documents to the City and the State to ensure that potential impacts to pollution-related runoff are avoided.
Policy CON-23	The City shall seek to conserve and improve native wildlife and plant habitat in cooperation with governmental agencies, private associations and individuals in Madera.	<b>Consistent:</b> The Project EIR evaluates the potential presence of native wildlife and plant habitat within the Project boundaries and identifies mitigation measures where necessary to prevent significant impacts to these features. Refer to Section 3.4, Biological Resources for further discussion.
Policy CON-24	Residential, commercial, industrial and recreational projects shall avoid impacts to native wildlife and plant habitat to the extent feasible.	<b>Consistent:</b> The Project EIR evaluates the potential presence of native wildlife and plant habitat within the Project boundaries and identifies mitigation measures where necessary to prevent significant impacts to these features. The site presents the potential to function as habitat for special status species. Mitigation Measures require the completion of appropriate pre-

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		construction surveys to determine the presence of these species prior to work commencing. Responses to positive sightings, should they occur, are also outlined in these measures. Refer to Section 3.4, Biological Resources for further discussion.
Policy CON-26	To offset possible additional losses of native wildlife and plant habitat due to development projects, developers shall be responsible for mitigation. Such mitigation measures may include providing and permanently maintaining similar quality and quantity of replacement habitat, enhancing existing habitat areas or paying in-lieu funds to an approved wildlife habitat improvement and acquisition fund. Replacement habitat may occur either on site or at approved offsite locations, but preference shall be given to on-site replacement.	<b>Consistent:</b> The Project EIR evaluates the potential presence of native wildlife and plant habitat within the Project boundaries and identifies mitigation measures where necessary to prevent significant impacts to these features. The site presents the potential to function as habitat for special status species. Mitigation Measures require the completion of appropriate pre-construction surveys to determine the presence of these species prior to work commencing. Responses to positive sightings, should they occur, are also outlined in these measures. Refer to Section 3.4, Biological Resources for further discussion.
Policy CON-29	The City shall require new air pollution point sources (such as, but not limited to, industrial, manufacturing, and processing facilities) to be located an adequate distance from residential areas and other sensitive receptors. "Adequate distance" will be based on site-specific conditions, the type and location of sensitive receptors, on the types and amounts of potential toxic emissions, and other factors.	<b>Consistent:</b> The proposed Project will not be considered a "point source," as it does not involve industrial, manufacturing, and processing facilities.
Policy CON-30	The creation of dust during construction/demolition activities should be reduced to the extent feasible.	<b>Consistent:</b> Dust abatement measures are proposed during construction to limit particulate matter emissions.
Policy CON-31	The City seeks to reduce the urban heat island effect in the City, which causes increased temperatures and increases in ground level ozone formation through methods such as: <ul style="list-style-type: none"> <li>• Increasing the amount of tree coverage in the city.</li> <li>• Green roofs and rooftop gardens.</li> <li>• The use of reflective treatments on roofs (such as those which qualify for the EPA/DOE's Energy Star rating).</li> <li>• The use of cool pavements such as permeable and light colored and reflective pavements.</li> </ul>	<b>Consistent:</b> The proposed Project will involve the planting of shade trees with parking areas and around the perimeter of the Project.
Policy CON-34	The City shall consider air quality when making changes to planned land uses and transportation systems.	<b>Consistent:</b> The Project EIR evaluates air quality impacts associated with the proposed Project and identifies feasible mitigation measures as necessary.
Policy CON-35	The City shall implement and enforce State and Regional regulations pertaining to greenhouse gas emissions and climate change.	<b>Consistent:</b> The Project EIR evaluates greenhouse gas emissions impacts associated with the proposed Project, including Project consistency with applicable state and regional regulations.
Policy CON-40	All public and private development—including homes, commercial, and industrial—should be designed to be energy-efficient.	<b>Consistent:</b> The proposed Project will be designed and constructed in accordance with the latest adopted version of the Title 24 energy efficiency standards, which are widely regarded as the most stringent in the United States.
Policy CON-44	The City supports the use of green building practices in the planning, design, construction, management, renovation,	<b>Consistent:</b> The proposed Project will employ the following green building practices: <ul style="list-style-type: none"> <li>• Shade trees within parking areas and around the perimeter of the Project site.</li> <li>• Indoor and outdoor water conservation.</li> </ul>

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	<p>operations, and demolition of all private buildings and projects, including:</p> <ul style="list-style-type: none"> <li>• Land planning and design techniques that preserve the natural environment and minimize disturbance of the land.</li> <li>• Site development to reduce erosion, minimize paved surfaces and runoff and protect vegetation, especially trees.</li> <li>• Water conservation indoors and outdoors.</li> <li>• Energy efficiency in heating/cooling systems, appliances, lighting and the building envelope.</li> <li>• Selection of materials based on recyclability, durability and the amount of energy used to create the material.</li> <li>• Waste reduction, reuse and recycling during construction and throughout the life of the project.</li> <li>• Other new aspects of green design and construction included in LEED or other certification programs.</li> <li>• Control nighttime lighting to lower energy use, reduce glare, and prevent illumination of the night sky.</li> </ul>	<ul style="list-style-type: none"> <li>• Compliance with the latest adopted version of the Title 24 energy efficiency standards.</li> <li>• Constriction and operational recycling and waste reduction practices.</li> <li>• Use of LED and shielded exterior light fixtures to effectively illuminate desired areas and minimize unnecessary lighting of other areas.</li> </ul>
Goal HS-1	A safe and healthy environment for all Maderans that includes: clean air and water; adequate levels of police and fire protection; safe housing; and safe places to work and play.	<b>Consistent:</b> The Project EIR evaluates impacts associated with air quality, water quality, and public safety and identifies feasible mitigation measures where necessary to alleviate impacts.
Goal HS-3	Working with other agencies to protect residents and businesses from hazards caused by flooding.	<b>Consistent:</b> The Project site is not located within a 100-year flood hazard area. Additionally, the proposed Project will install an onsite storm drainage system that will convey flows to an interim basin, and eventually to a permanent City storm drainage basin. These characteristics are consistent with the goal of protecting residents and businesses from hazards caused by flooding.
Goal HS-4	Working with other agencies to protect and manage natural drainage ways, floodplains and flood retention basins, to maintain flood carrying capacity in harmony with environmental, recreational and open space objectives.	<b>Consistent:</b> The proposed Project will install an onsite storm drainage system that will convey flows to an interim basin, and eventually to a permanent City storm drainage basin. Project runoff will not be discharged to natural drainage ways. These characteristics are consistent with the goal of protecting and managing natural drainage ways, floodplains and flood retention basins, to maintain flood carrying capacity in harmony with environmental, recreational, and open space objectives.
Policy HS-5	The City will continually endeavor to improve access in the community for people with disabilities.	<b>Consistent:</b> The proposed Project will comply with all applicable disabled access requirements of the Americans With Disabilities Act, including the provision of wheelchair-accessible buildings and disabled parking spaces.
Policy HS-8	The City shall seek to ensure that new structures are protected from damage caused by earthquakes, geologic conditions, or soil conditions.	<b>Consistent:</b> The proposed Project will be designed and constructed in accordance with the latest adopted edition of the California Building Standards Code, which is intended to protect structures from damage caused by earthquakes, geologic conditions, or soil conditions.
Policy HS-10	The City will regulate the storage of hazardous and waste materials consistent with state and federal law. The City shall not permit above ground tanks without considering the potential hazards that will result from the release of stored liquids caused	<b>Consistent:</b> Aboveground storage tanks are not proposed for use with the proposed Project.

Number	Text of Goal or Policy	Consistency Determination
	by possible rupture or collapse, and may request applicants to have an emergency response plan.	
Policy HS-19	The City shall not permit new development projects to result in new or increased flooding impacts on adjoining parcels in either upstream or downstream areas.	<b>Consistent:</b> The proposed Project will implement an onsite storm drainage system that will convey runoff to an interim basin, and eventually to a permanent City stormwater basin located south of the project site. As such, neighboring parcels will not experience flooding as a result of the proposed Project.
Policy HS-21	The City shall require any development on land subject to a 100-year flood event, based on Federal Emergency Management Agency (FEMA) or on other updated mapping acceptable to the City, to conform to NFIP standards.	<b>Consistent:</b> The Project site is not located within a 100-year flood hazard area.
Policy HS-26	The City shall require all new urban development projects to incorporate runoff control measures to minimize peak flows of runoff and/or assist in financing or otherwise implementing comprehensive drainage plans. All such control measures will consider potential affects to adjacent property owners.	<b>Consistent:</b> The proposed Project will implement an onsite storm drainage system that will convey runoff to an interim basin, and eventually to a permanent City stormwater basin located south of the Project site. This system will be designed to minimize peak flows of runoff.
Policy HS-29	The City shall initiate, and collaborate in safety and design improvements at existing railroad-at-grade crossings. This may include construction of grade-separated crossings and other appropriate safety features. Priority will be given to crossings at major traffic corridor crossings such as Cleveland Avenue.	<b>Consistent:</b> The Project is not impacted by, nor does it impact any at-grade crossing.
Policy HS-30	The City shall take appropriate measures to ensure that railroad crossings in Madera are safe.	<b>Consistent:</b> The Project site is located at the southeast quadrant of the Avenue 17/SR 99 interchange, adjacent to the UPRR tracks. The existing interchange provides a grade separate crossing of the existing rail corridor. Near term and future improvements to the interchange will not degrade the safety of the existing grade separated crossings.
Policy HS-31	The City shall consider the compatibility criteria in the Airport Land Use Compatibility Plan for the Madera Airport and the Madera Municipal Airport Master Plan in the review of potential land uses or projects. Projects shall be approved only where consistency with the compatibility criteria in the Airport Land Use Compatibility Plan can be demonstrated.	<b>Consistent:</b> The Project site is located outside the Madera County Airports Land Use Compatibility Plan compatibility zones.
Policy HS-32	The City shall ensure that new development near the Madera Airport is designed to protect public safety from airport operations consistent with recommendations and requirements of the Airport Land Use Commission, the Federal Aviation Administration, and other responsible agencies. It shall be the City's intent to comply with all State laws related to airport land use planning.	<b>Consistent:</b> The Project site is located outside the Madera County Airports Land Use Compatibility Plan compatibility zones.
Policy HS-33	The City shall ensure the safety and protection of Madera and its community members by providing adequate first response capabilities to emergencies and by maintaining sufficient resources to expand protection as the community grows.	<b>Consistent:</b> Both the Madera Fire Department and Police Department were consulted with during review and design of the Project and the preparation of the Project EIR. The Project will contribute to the costs of new facilities and equipment required to serve new development through the payment of City Development Impact fees for police and fire facilities.



Number	Text of Goal or Policy	Consistency Determination
Policy HS-35	The City shall ensure the safety and protection of Madera and its community members by providing appropriate first response to emergencies and ensure that sufficient resources are available to expand protection as the community grows.	<b>Consistent:</b> Both the Madera Fire Department and Police Department were consulted with during review and design of the Project and the preparation of the Project EIR. The Project will contribute to the costs of new facilities and equipment required to serve new development through the payment of City Development Impact fees for police and fire facilities.
Policy HS-38	The City encourages the design of neighborhoods and buildings in a manner that discourages crime and provides security and safety for people and property.	<b>Consistent:</b> The proposed Project incorporates crime prevention and deterrent measures such as making activity areas such parking areas and building entrances visible from the street and building interiors, and providing adequate exterior lighting.
Policy HS-39	<p>City encourages the use of Crime Prevention Through Environmental Design (CPTED) principles in the design of private development projects and public facilities. These basic principles include:</p> <ul style="list-style-type: none"> <li>• Natural Surveillance</li> <li>• A design concept directed primarily at keeping intruders easily observable. Promoted by features that maximize visibility of people, parking areas and building entrances: doors and windows that look out on to streets and parking areas; pedestrian-friendly sidewalks and streets; front porches; adequate nighttime lighting.</li> <li>• Territorial Reinforcement</li> <li>• Physical design can create or extend a sphere of influence. Users then develop a sense of territorial control while potential offenders, perceiving this control, are discouraged. This experience is promoted by features that define property lines and distinguish private spaces from public spaces by using landscape plantings, pavement designs, gateway treatments, and “CPTED” fences.</li> <li>• Natural Access Control</li> <li>• A design concept directed primarily at decreasing crime opportunity by denying access to crime targets and creating in offenders a perception of risk. This is gained by designing streets, sidewalks, building entrances and neighborhood gateways to clearly indicate public routes and discouraging general access to private areas through structural and design elements.</li> <li>• Target Hardening</li> <li>• Accomplished by features that prohibit entry or access: window locks, dead bolts for doors, interior door hinges.</li> </ul>	<b>Consistent:</b> The proposed Project incorporates crime prevention and deterrent measures such as making activity areas such parking areas and building entrances visible from the street and building interiors, and providing adequate exterior lighting.

Number	Text of Goal or Policy	Consistency Determination
Goal LU-1	Madera is a well-planned city prepared for growth through comprehensive planning which balances growth demands with resources and infrastructure, to facilitate high quality development.	<b>Consistent:</b> The Project is a travel center located adjacent to a freeway interchange on a 25 acre portion of an undeveloped 50 acre parcel. The City Planning Department has determined that the use is appropriate on the commercially zoned and designated property. The Project has been comprehensively reviewed and is the subject of a detailed environmental impact report (EIR). The EIR evaluates Project impacts on resources and infrastructure, and identifies feasible mitigation measures where necessary to alleviate the impact. These characteristics are consistent with the goal of achieving a well-planned city facilitating high-quality development.
Goal LU-2	In a change from the city’s previous practice of rapid outward expansion, Madera is a more sustainable, compact city that uses more compact land use patterns to encourage walking, bicycling, and transit use; preserve agricultural and other open space uses; and reduce infrastructure costs.	<b>Consistent:</b> The Project site is within the Madera city limits and growth boundary. Master planned utilities will serve the site and surrounding area. The site is not designated for or utilized for agricultural purposes. Though near the City’s existing edge, the requirements for parcel size and freeway proximity make other locations within the City infeasible. The Project will construct and provide facilities which facilitate walking, bicycling.
Goal LU-3	Madera is a vibrant city that provides its residents with a high quality of life and attracts visitors with quality buildings, attractive streetscapes and public spaces, a wide variety of restaurants, entertainment, cultural venues and shops. Downtown Madera supports diverse commercial and business opportunities, and viable commercial spaces are available throughout the community.	<b>Consistent:</b> The proposed Project would establish a well-designed, full service travel center which is inviting to visitors. The Project will include attractive streetscapes, public open spaces, and restaurants. The Project will also provide landscaping, pedestrian facilities, and other amenities. These characteristics are consistent with the goal of maintaining a high quality of life and promoting viable commercial spaces throughout the community.
Policy LU-10	The Growth Boundary is considered by the City to define the physical limits of development in Madera. The City shall direct all future growth in Madera and in the unincorporated area outside the city limits to occur inside the Growth Boundary shown on the Land Use Map in this General Plan. Within the City’s Planning Area, the City encourages the County to assist the City in maintaining an agricultural greenbelt around the Growth Boundary by limiting the use of land designated for Agriculture on the City’s General Plan Land Use map to agriculture. [...]	<b>Consistent:</b> The Project site is within the Madera city limits and growth boundary, and is not used for agricultural use. As such, the proposed Project is appropriately sited and will avoid the conversion of agricultural lands to non-agricultural use.
Policy LU-23	The following are the City’s commercial land use categories: <ul style="list-style-type: none"> <li>• <b>Commercial:</b> This is the City’s retail commercial land use category. A broad range of commercial uses is allowed, including professional offices. Various zoning designations shall be used to determine the specific character of commercial development, from regional shopping centers to neighborhood stores. The maximum floor area ratio (FAR) for the Commercial designation is 0.30. [...]</li> </ul>	<b>Consistent:</b> The proposed Project includes a travel center comprised of a hotel, restaurants, retail convenience store, tire shop, RV storage, and related uses. Collectively, these uses are consistent with the “broad range” of commercial uses envisioned by this policy. The proposed Project will have an FAR of within the FAR limit of 0.30.
Policy LU-32	Zoning shall be consistent with General Plan land use designations. In areas where the zoning and the land use designation are not identical, Table LU-A shall be used to determine consistency for rezoning applications.	<b>Consistent:</b> As shown in General Plan Table LU-A, the General Plan “Commercial” land use designation corresponds to the “Heavy Commercial (C-2)” zoning district.

Number	Text of Goal or Policy	Consistency Determination
Policy LU-36	The City supports walkability as a guiding concept for the design of new residential and commercial projects. Both private sector development projects and City public works projects shall be designed to be pedestrian friendly to help reduce vehicular travel, improve the quality life in Madera, and support the City's efforts to reduce pollution and the generation of greenhouse gases.	<b>Consistent:</b> The proposed Project will support walkability by installing a sidewalk along its frontage with Avenue 17 and Sharon Boulevard. This will improve existing, limited pedestrian facilities in this area. Additionally, an internal pedestrian circulation system will be installed that will be linked to the Avenue 17 and Sharon Boulevard sidewalk.
Policy LU-37	<p>“Walkability” shall include:</p> <ul style="list-style-type: none"> <li>• A safe walking environment that includes safety features, sidewalks, crosswalks, stopping places, shade, grade-separated crossings where necessary, and ample opportunities for pedestrians to see and be seen.</li> <li>• An overall community design in which the places that provide day to-day needs (parks, local schools, daily shopping needs) are within a reasonable walking distance—generally one mile—of all homes.</li> <li>• A citywide system that allows for walking and bicycling throughout the community and that reduces or eliminates conflicts between these users and motor vehicles.</li> </ul>	<b>Consistent:</b> The proposed Project will install pedestrian facilities along its frontage with Avenue 17 and Sharon Boulevard. Furthermore, the proposed Project will provide an internal pedestrian network and onsite bicycle storage facilities to facilitate convenient travel by these modes of transportation. These characteristics are consistent with the policy of promoting “walkability.”
Policy LU-38	The City shall work to create a pedestrian and bicycling system that links residential, retail, commercial and employment centers, schools, open space, and public facilities throughout Madera.	<b>Consistent:</b> The proposed Project will enhance pedestrian mobility by installing a sidewalk along its frontage with Avenue 17 and Sharon Boulevard, which will improve the existing, limited pedestrian facilities in this area. Additionally, an internal pedestrian circulation system will be installed that will be linked to the Avenue 17 and Sharon Boulevard sidewalk. Finally, bicycle storage facilities will be installed onsite to provide accessibility to bicyclists.
Policy LU-39	Pedestrian and bicycle facilities should not be developed solely as a utilitarian conveyance; the aesthetic of the design and adjacent landscaping should provide a positive environment for walking. To the extent possible, pedestrian and bicycle use should occur on facilities separated from automobile traffic access. These may include sidewalks for pedestrians and off-street pathways for pedestrians and bicyclists.	<b>Consistent:</b> The proposed Project will install pedestrian facilities along its frontage with Avenue 17 and Sharon Boulevard. Sidewalks will not be contiguous with the curb and travel way. Additionally, landscaping will be providing along the frontages, which will enhance the pedestrian environment.
Policy LU-42	The City will seek to ensure that sufficient land in all employment generating categories is available at all times to provide jobs that match the needs of workers in Madera.	<b>Consistent:</b> The General Plan designates the Project site for “Commercial” use. The proposed Project is estimated to create as many as 80 new jobs, including entry-level and career positions. As such, the proposed Project is consistent with the intent of creating new jobs that match the needs of workers in Madera.
Policy LU-44	The City supports the creation and retention of jobs that provide sustainable wages and benefits for Madera residents.	<b>Consistent:</b> The proposed Project is estimated to create as many as 80 new jobs. Employment opportunities will include entry-level and career positions.
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	<b>Consistent:</b> The Project EIR contains a comprehensive noise analysis that includes modeling of the proposed Project’s noise levels at nearby receptors, including the residential uses east of the Project on Walden. Feasible mitigation measures are proposed where necessary. This is

Number	Text of Goal or Policy	Consistency Determination
	preventing the encroachment of incompatible land uses near roadways, industries, railroads, and other sources of noise.	consistent with the goal of protecting residents from the harmful effects of exposure to excessive noise. Refer to Section 3.11, Noise for further discussion.
Policy N-1	<p>The City will protect residential areas and other noise-sensitive uses from excessive noise by doing the following:</p> <ol style="list-style-type: none"> <li>1) Requiring that land uses, roadways, and other sources do not create incompatible noise levels on adjacent parcels.</li> <li>2) Allowing homes or noise-sensitive uses to be developed only in places where existing and projected noise levels will meet the exterior noise guidelines and standards shown in Policies N-5 and N-6.</li> <li>3) Requiring that City decisions which will 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.</li> </ol> <p>The analysis may be accomplished by reviewing available noise data, by requiring additional information on potential noise that will be created, or by a noise analysis prepared as part of the project's environmental analysis. Roadway projects which are consistent with the Circulation Map in this General Plan will generally not require the preparation of a noise analysis.</p>	<p><b>Consistent:</b> The Project EIR contains a comprehensive noise analysis that includes modeling of the proposed Project's noise levels at nearby receptors, including the residential uses east of the Project on Walden. Refer to Section 3.11, Noise for further discussion.</p>
Policy N-2	<p>To implement Policy N-1, the following shall apply:</p> <ol style="list-style-type: none"> <li>1) No use regulated by the City shall be permitted to generate noise that will cause the ambient noise on any adjacent parcel to exceed the "completely compatible" 24-hour guidelines shown in Policy N-5 or the 30-minute noise standards in Policy N-6.</li> <li>2) The City shall ensure that noise mitigation to achieve a "completely compatible" 24-hour exterior noise level and conformance with the 30-minute exterior noise standard is provided in conjunction with any decision<sup>2</sup> it makes that will cause a violation of item 1) above.</li> <li>3) Developers of new residential or other noise-sensitive uses which are placed in environments subject to existing or projected noise that exceeds the "completely compatible" guidelines in Policy N-5 shall be responsible for ensuring that acceptable exterior and interior noise levels will be achieved.</li> <li>4) The City shall ensure that transportation projects such as new or widened roadways include mitigation measures to maintain</li> </ol>	<p><b>Consistent:</b> The applicable noise standards set forth in this policy were used in the Project EIR's noise analysis. Refer to Section 3.11, Noise for further discussion.</p>

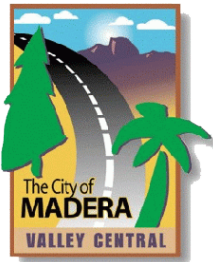
Number	Text of Goal or Policy	Consistency Determination
	<p>at least “tentatively compatible” noise levels as shown in Policy N-5. Mitigation for roadway noise need not be provided where “tentatively compatible” noise guidelines will be exceeded on vacant lands, but shall be installed as part of the transportation project where the noise will affect existing homes. In those instances where noise mitigation is not initially triggered, it shall be the responsibility of the project which places residential units on the vacant lands.</p>	
Policy N-5	<p>The following are the maximum 24-hour exterior noise levels for land designated by this General Plan for residential, commercial/retail, and public parks: [...]</p> <ul style="list-style-type: none"> <li>• All uses on commercial lands, including non-commercial uses, shall be subject to the standards for commercial land.</li> </ul>	<p><b>Consistent:</b> The applicable noise standards set forth in this policy were used in the Project EIR’s noise analysis. Refer to Section 3.11, Noise for further discussion.</p>
Policy N-9	<p>The City’s preferences for providing noise mitigation are, in order (#1 is the most preferred, #5 the least):</p> <ol style="list-style-type: none"> <li>1) Reduce noise at the source.</li> <li>2) If #1 is not practical, seek to designate land uses which are compatible with projected noise levels.</li> <li>3) If #1 or #2 are not practical, use distance from the source to reduce noise to acceptable levels.</li> <li>4) If #1, #2, or #3 are not practical, use buildings, berms, or landscaping or a combination of these to reduce exterior noise to acceptable levels. Use construction techniques (sound-reducing windows, etc.) to reduce interior noise to acceptable levels.</li> <li>5) The last measure which should be considered is the use of a sound wall to reduce noise to acceptable levels.</li> </ol>	<p><b>Consistent:</b> The applicable noise reduction measures identified in this policy were evaluated for use with the proposed Project. Refer to Section 3.11, Noise for further discussion.</p>
Policy N-10	<p>Where they are constructed, sound walls should be:</p> <ol style="list-style-type: none"> <li>1) Considered only if proven effective by accompanying noise studies.</li> <li>2) Be visually attractive, complement the surroundings, and require a minimum of maintenance. (See Community Design Element references to sound wall designs).</li> <li>3) As small/low as possible consistent with the need to reduce noise to acceptable levels.</li> </ol>	<p><b>Consistent:</b> No sound walls are proposed for use with the Project.</p>
Policy N-12	<p>All acoustical analysis prepared pursuant to this Noise Element shall:</p> <ol style="list-style-type: none"> <li>1) Be the financial responsibility of the applicant.</li> <li>2) Be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics.</li> </ol>	<p><b>Consistent:</b> The Project EIR contains a comprehensive noise analysis that meets all applicable requirements set forth in this policy. Refer to Section 3.11, Noise for further discussion.</p>

Number	Text of Goal or Policy	Consistency Determination
	<p>3) Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions and the predominant noise sources.</p> <p>4) Estimate existing and projected cumulative (20 years) noise levels in terms of Ldn or CNEL and/or the standards in this Noise Element, and compare those levels to the policies in this Noise Element.</p> <p>5) Recommend appropriate mitigation to achieve compliance with the adopted policies and standards of this Noise Element, giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings which contain noise-sensitive land uses.</p> <p>6) In cases where a sound wall is proposed, the potential impacts associated with noise reflecting off the wall and toward other properties or sensitive uses shall be evaluated.</p> <p>7) Estimate noise exposure after the prescribed mitigation measures have been implemented.</p> <p>8) Describe a post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigation measures.</p>	
Policy N-13	For the purposes of CEQA analysis, a 5 db increase in CNEL or L <sub>dn</sub> noise levels shall be normally considered to be a significant increase in noise.	<b>Consistent:</b> The Project EIR employs the threshold identified in this policy as the basis for determining the significance of noise impacts. Refer to Section 3.11, Noise for further discussion.
Goal HC-1	Protection and preservation of Madera’s significant historical, archaeological, cultural, and fossil resources.	<b>Consistent:</b> There are no known historic or archaeological resources within the Project site. Standard inadvertent discovery mitigation measures are proposed for archaeological resources, paleontological resources, and burial sites. Based on the potential for the discovery of paleontological resources, a monitoring program will be developed in consultation with a professional paleontologist. This is consistent with the objective protection and preservation of significant cultural resources. Refer to EIR Section 3.5, Cultural Resources for further discussion.
Policy HC-1	The City encourages the preservation and enhancement of existing historical and archaeological resources in the City.	<b>Consistent:</b> There are no known historic or archaeological resources within the Project site. Standard inadvertent discovery mitigation measures are proposed for archaeological resources, paleontological resources, and burial sites. Based on the potential for the discovery of paleontological resources, a monitoring program will be developed in consultation with a professional paleontologist. This is consistent with the objective of preservation and enhancement of significant cultural resources. Refer to EIR Section 3.5, Cultural Resources for further discussion.
Policy HC-9	The City will endeavor to protect and preserve prehistoric and historic archaeological resources, cultural resources (particularly those of importance to existing tribes), and fossils.	<b>Consistent:</b> There are no known historic or archaeological resources within the Project site. Standard inadvertent discovery mitigation measures are proposed for archaeological resources, paleontological resources, and burial sites. Based on the potential for the discovery of paleontological resources, a monitoring program will be developed in consultation with a

Number	Text of Goal or Policy	Consistency Determination
		professional paleontologist. This is consistent with the objective of protection and preservation of significant cultural resources. Refer to EIR Section 3.5, Cultural Resources for further discussion.
Goal SUS-1	Economy: Establish and maintain a diverse and sustainable local economy.	<b>Consistent:</b> The proposed Project will create as many as 80 jobs, increase retail offerings, and generate taxable sales. This is consistent with goal of establishing and maintaining a diverse and sustainable local economy.
Goal SUS-2	Environment: Effectively manage and enhance the natural environment of Madera, protecting natural resources and systems in coordination with growth and development.	<b>Consistent:</b> The Project EIR identifies mitigation measures necessary to protect natural resources from the impacts of development.
Goal SUS-3	Equity: Ensure that all persons in Madera have equal and fair access to governmental services and programs, and equal protection from environmental burdens.	<b>Consistent:</b> The proposed Project will not result in significant environmental impacts that will disproportionately affect disadvantaged persons relative to non-disadvantaged persons.
Policy SUS-5	The City shall review all development proposals to ensure that all services and utilities can be provided in an efficient and effective manner.	<b>Consistent:</b> The Project EIR evaluates project impacts on public services and utilities and identifies feasible mitigation measures to reduce impacts to a level of less than significant.
Policy SUS-6	The City shall not approve developments or programs that will create significant inequities in service provision across economic segments of the community.	<b>Consistent:</b> The proposed Project will not result in significant service inequities that will disproportionately affect disadvantaged persons relative to non-disadvantaged persons.
Policy SUS-9	The City is committed to providing open, inclusive, and participatory planning processes that include full consideration of the values, opinions, and needs of all segments of the community.	<b>Consistent:</b> Members of the public have had the opportunity to review and comment on the Project EIR during the statutory public review period. Additionally, the public will have the opportunity to participate in the public hearing process.
Policy SUS-11	The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.	<b>Consistent:</b> The proposed Project will develop a new travel center that will create as many as 80 jobs, increase visitors and visitor purchases, and generate taxable sales. This is consistent with allowing abundant commercial opportunities and the development of a strong local workforce.
Policy SUS-13	The City shall support the location and continued operation of local businesses that supply goods and services needed in Madera.	<b>Consistent:</b> The primary purpose of the Project is to allow the development of a travel center to be operated by a company which owns and operates travel centers throughout the United States. This is not a service that is provided within Madera currently.  As part of the Project, undeveloped commercial property will also be readied for development on the east side of Sharon Boulevard through the provision of streets and other public infrastructure. Conditions related to the development of a freeway sign require that sign area be made available on a lease/contract basis to off-site tenants. These characteristics are consistent with supporting the location and continued operation of local businesses that supply goods and services in Madera.
Policy SUS-14	The City shall support non-traditional site plan and operational changes that reduce the environmental impacts of businesses,	<b>Consistent:</b> The proposed Project will implement construction and operational recycling and waste reduction measures in order to reduce waste generation.

Number	Text of Goal or Policy	Consistency Determination
	including participation in recycling, waste diversion, green business, and sustainable partner (businesses teaming or sharing to reduce impacts) programs, in balance with other City policies and requirements.	
Policy SUS-15	The City shall seek to promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.	<b>Consistent:</b> The proposed Project will create as many as 80 jobs, including full-time, part-time, and seasonal positions. Given the availability of local labor, it will be expected that most of the positions could be filled by Madera residents.





CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Whole Body Bootcamp Revocation  
CUP 2015-21  
Item #3 – August 16, 2016**

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**PROPOSAL:** **PROPOSAL:** A noticed public hearing to consider revocation of Conditional Use Permit 2015-21 allowing for a training fitness facility.

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<b>APPLICANT:</b>	Debbie Coate	<b>OWNER:</b>	Berry Construction
<b>ADDRESS:</b>	311 South Pine Street	<b>APN:</b>	012-230-021 & 022
<b>APPLICATIONS:</b>	CUP 2015-21 & SPR 2015-25	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The project site is located at the southeast corner of South Pine Street and Maple Street.

**STREET ACCESS:** The site has access to South Pine Street and Maple Street.

**PARCEL SIZE:** 4.2 acres (5,000 sq. ft. of lease space of a 22,500 sq. ft. building)

**GENERAL PLAN DESIGNATION:** I (Industrial)

**ZONING DISTRICT:** I (Industrial)

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**SITE CHARACTERISTICS:** The use is a portion of a building within a small industrial park consisting of six (6) buildings, most being divided into multiple tenant spaces that are used for a variety of uses ranging from classic industrial processing and automotive services to public offices.

**ENVIRONMENTAL REVIEW:** The project is categorically exempt under 15301 (Existing Facilities) of CEQA Guidelines.

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**SUMMARY:** Approved in September of 2015, Conditional Use Permit 2015-21 allowed for the establishment of a fitness training facility. Conditions of approval required on- and off-site improvements be completed, including upgrades to the water meter and sewer connection, construction of new sidewalk, and ADA accessibility. Conditions of approval also prohibited outdoor activities as a component of their business operations. Although multiple efforts have been made since approval of the use permit, staff has yet to receive signed conditions of approval and compliance with the required conditions of approval has not been achieved. The site has demonstrated an inability to accommodate both the Performing Arts Club and Whole Body Boot Camp uses within a single tenant space. There is currently a 62% compliance rate with the conditions of approval.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.405 Uses  
MMC § 10-3.505 R; Conditional Uses; Commission Approval  
MMC §10-3.1002, Industrial Zones, Uses Permitted  
MMC § 10-3.1301 Use Permits  
MMC § 10-3.1311 Termination and Revocation

## **PRIOR ACTION**

The Performing Arts Club (PAC) Studio secured Conditional Use Permit 2009-19 that allowed for the establishment of a performing arts studio within a 5,000 square foot tenant space. Conditional Use Permit 2015-21 and Site Plan Review 2015-25 allowed for the establishment of a fitness training facility (Whole Body Bootcamp) within the existing PAC Studio.

## **ANALYSIS**

Whole Body Bootcamp's use permit allowed for the establishment of a fitness training facility that utilizes half of the PAC Studio's tenant space. Conditions of approval require consistency with the California Fire and Building Code, an ADA path of travel and the training activities to occur within the tenant space at all times. The conditions of approval adopted by the Planning Commission and agreed to by the property owner and applicant were intended to ensure the project site would be improved to reflect the current development standards of the City, providing compatibility with the surrounding uses, compliance with City and ADA standards, and conformance with the General Plan.

### Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2015-21. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Of the thirty-four (34) total conditions of approval, thirteen (13) need attention in order to be in compliance with the conditions of approval. Compliance with twenty-one (21) of the thirty-four conditions of approval equates to a sixty-two (62) percent compliance rate.

Since scheduling the revocation hearing, the applicant has completed some of the Fire Department corrections. Full compliance with Fire Department conditions could have been achieved but required building permits were not secured for certain improvements resulting in continued noncompliance.

Staff was also able to have additional dialogue with the applicant concerning other conditions of approval that remain in noncompliance. The applicant advised staff that budgetary constraints meant that she was not going to be making attempts toward completing conditions of approval. In some cases, the applicant felt that installation of certain improvements was the responsibility of the landlord. Staff dialogue with the landlord was contrary to that understanding. The result is that certain improvements remain in noncompliance with little likelihood of a remedy.

Whereas incomplete physical improvements are one facet of noncompliance, operational issues are equally as problematic. Outdoor activities are a regular component of "boot camp" types of athletic training facilities, but outdoor activities are not permitted as a component of the use permit. Because the varying types of tenants in the Span Industrial Park generate consistent traffic onto the site, utilization of the parking field and drive aisles is simply not safe and subsequently no outdoor activities are allowed. Staff has received complaints concerning workouts occurring in the parking field. In discussing complaints with the applicant, the applicant did not acknowledge that outdoor activities were occurring, but did question whether safety was compromised on the site as a result of using the parking field for alternative

activities. The applicant also did not confirm to staff that outdoor activities would be discontinued.

The Planning Department encourages small business development. To that end, staff recommended approval of the shared use of tenant space between the Performing Arts Club and Whole Body Boot Camp contingent upon compliance with specific conditions of approval. The space has not been able to accommodate the two different activities in an acceptable fashion and has proven a poor fit for a “boot camp” fitness facility. The net sum of eleven months of effort toward achieving compliance with the required conditions of approval is that compliance has not been achievable. Even fundamental conditions such as signatures on the required Acknowledgement and Acceptance of Conditions of Approval regrettably remain unsatisfied, cumulatively leading to this recommendation to revoke the use permit.

## **RECOMMENDATION**

It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing, and make the appropriate findings and decision regarding the revocation of Conditional Use Permit 2015-21.

## **PLANNING COMMISSION ACTION**

The Commission would be taking action regarding Conditional Use Permit 2015-21, determining to either:

- revoke the use permit, or
- find that revocation of the use permit is not warranted at this time.

Any action by the Commission is subject to appeal to the City Council within 15 calendar days of the Commission’s action.

Motion 1: Move to revoke Conditional Use Permit 2015-21 effective immediately, based on and subject to the following findings.

### Findings

- Conditions of approval for Conditional Use Permit 2015-21, Nos. 1, 2, 6, 7, 9, 11, 15, 16, 21, 24, 25, 27 and 30, adopted by the Planning Commission, are not in compliance.
- Based on observations of staff and the evidence from the whole of the record, the use has not operated in compliance with conditions of approval; and
- The continued operation of the use in violation of the conditions of approval may be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City; and
- The above findings are supported by evidence presented at the public hearing, by field observations by multiple City departments, and in staff reports during the processing and review of this entitlement; which is made a part of this record by this reference.

## **(OR)**

Motion 2: Move to find that the revocation of Conditional Use Permit 2015-21 is not warranted at this time for the following reasons (Specify):

## **ATTACHMENTS**

Aerial Map  
Conditions of Approval Compliance Matrix

# Aerial Photo



## Conditions of Approval Compliance Matrix

Condition No.	Condition Statement	Condition Status
1.	Project approval is conditioned upon acceptance of the conditions of approval, as evidenced by receipt in the Planning Department of the application's signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date of approval for this use permit.	Not received
2.	Site Plan Review 2015-25 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).	Not received
3.	The use permit may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.	Procedural
4.	The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.	Procedural
5.	Conditional Use Permit 2015-21 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.	Procedural
6.	This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.	Not in compliance

7.	The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.	Not in compliance
8.	Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to this site plan review.	In compliance
9.	It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency.	Not in compliance
10.	The applicant shall acknowledge that other businesses may located in the immediate vicinity, as allowed in an industrial zone, which may generate significant noise, odor or vibration that would not be considered complimentary to the fitness facility.	Procedural
<b>Building Department</b>		
11.	Site development shall be consistent with the approved site plan and floor plan. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits. Applicant must demonstrate the number of restrooms provided meets code or add additional restrooms as required.	No submission of Building Permit
<b>Engineering Department</b>		
12.	Nuisance on-site lighting shall be redirected as requested by the City Engineer within 48 hours of notification.	In compliance
13.	The improvement plans for the project shall include the most recent version of the City's General Notes.	In compliance
14.	Existing water service connection must be to current City standards including Automatic Meter Read water meter located within City right-of-way and a backflow prevention device, located within private property.	In compliance

15.	Existing sewer connection shall be upgraded to meet current City standards.	Not in compliance
16.	The developer shall construct an ADA path of travel across the existing driveway approach on Pine Street. Path of travel shall meet current City and ADA standards.	Not in compliance
17.	Existing handicap ramp at the corner of Pine Street and Maple Street shall be upgraded to meet current City and ADA standards.	In compliance
18.	The developer shall construct a sidewalk on Maple Street along the entire project frontage per City and ADA standards.	In compliance
<b>Fire Department</b>		
19.	Access between the spaces is mandatory since each must use the adjoining space for its secondary means of egress.	Not in compliance
20.	Panic hardware is required on egress doors.	Not in compliance
21.	Building permits are required for any proposed construction.	No submission of Building Permit
22.	The proposed floor mats must meet the smoke generation and flame spread requirements of the California Building Code and California Fire Code for assembly occupancies.	Not in compliance
23.	The occupant load must be clearly posted and visible from the entry door	Not in compliance
24.	Emergency lighting is required.	Pending approval of Building Permit
<b>Planning Department</b>		
25.	This use permit allows for the establishment of a fitness facility in approximately half of a 5,000 square foot tenant suite. Alteration to the approved site plan may require	Outdoor activities occurring



	amendment of the Conditional Use Permit and/or Site Plan Review.	
26.	Vandalism and graffiti shall be corrected per the Madera Municipal Code.	In compliance
27.	No outdoor activities shall be allowed. Outdoor storage of goods and/or materials shall not be allowed.	Outdoor activities occurring
28.	The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.	In compliance
29.	The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster/refuse containers owned by the property owner.	In compliance
30.	The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.	Business License not approved
31.	The business may be open from as early as 5:00 a.m. in the morning to as late as 8:00 p.m. at night, seven days a week.	Procedural
32.	The hosting of special events and competitions is not allowed for by this use permit. At no time shall the occupancy of the space exceed the occupancy load as determined by the Fire Official.	In compliance
33.	On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan. Any modifications in the approved parking layout shall require approval by the Planning Commission.	In compliance
34.	All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.	Sign Permit Approved