

**REGULAR MEETING AGENDA
CITY OF MADERA
PLANNING COMMISSION
COUNCIL CHAMBERS
CITY HALL
TUESDAY
January 13, 2015
6:00 pm**

CALL TO ORDER

ROLL CALL

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

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.

NON-PUBLIC HEARING ITEMS

NP1. Election of Chairperson and Vice-Chairperson for 2015

MINUTES: December 9, 2014

CONSENT ITEMS

C1. SPR 2009-21 EXT2 & Multiple CUP Extensions – Foxglove Shopping Center

A request for extension of an approved site plan review and various conditional use permits in support of the development of a retail shopping center. The project site is located on the southeast corner of Schnoor Avenue and Foxglove Way in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 013-160-005 & 013-160-16)

PUBLIC HEARING ITEMS

**1. CUP 2014-25 & SPR 2014-38 - Verizon Rooftop Wireless Facility
(Staff Requests that this item be Continued to February 10, 2015)**

A noticed public hearing to consider a request for conditional use permit and site plan review to allow for the installation of a rooftop cellular wireless telecommunications facility to be located on the roof of the existing Quality Inn located at 317 North G Street in the C2 (Heavy Commercial) Zone District, with a C (Commercial) General Plan land use designation (APN: 006-095-010). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

2. PPL 2014-01 MOD – Capistrano 16 Precise Plan Modification

A noticed public hearing to consider a request for modification of Precise Plan 2014-01 allowing for a change in the approved home plans and amendment of certain development standards applicable to the 103-lot Capistrano 16 subdivision generally located north of Almond Avenue and east of Westberry Boulevard in the PD-4500 (Planned Development) Zone District with an LD (Low Density) General Plan land use designation (APN: 009-600-006). The proposed modification is consistent with development anticipated in the Negative Declaration. No additional environmental review is required in conjunction with the modification.

3. PPL 2002-04 MOD3 – Cottonwood 4 & Cottonwood 5 Precise Plan Modification

A noticed public hearing to consider a request for modification of Precise Plan 2002-04 allowing for the addition of two new home plans, 1,700 and 2,023 square foot each, for construction in the Cottonwood II subdivision. Five (5) other models were approved as part of Precise Plan 2002-04 MOD2, ranging in size from 2,199 to 2,849 square feet. The Cottonwood Estates subdivision is located west of North Granada Drive and south of West Cleveland Avenue in the PD-8000 and PD-6000 (Planned Development) Zone District with an LD (Low Density) General Plan land use designation (APN: Multiple). The proposed modification is consistent with development anticipated in the Negative Declaration. No additional environmental review is required in conjunction with the modification.

4. Emily Way Apartments

- **Consideration of Adoption of a Negative Declaration**
- **REZ 2014-01 & PPL 2014-02**

A noticed public hearing to consider a request to rezone 2.39-acres from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District to allow for the development of a fifty-four (54) unit multifamily apartment complex with associated infrastructure. The apartment complex would include 18 one-bedroom, 18 two-bedroom, and 18 three-bedroom units distributed within three structures. All construction would be three stories high. The project site is located in the HD (High Density) General Plan land use designation (APN: 012-253-002)..

5. CUP 2002-07 MOD - Review of Rescue Mission Use Permit

A noticed public hearing for review of the conditional use permit (CUP 2002-07 MOD) allowing for the operation of the Madera Rescue Mission located at the northwest corner of Elm Avenue and Clinton Street in the R2 (Residential) and PD-4500 (Planned Development) Zone District, with a MD (Medium Density) and LD (Low Density) General Plan land use designation. The approximately two acre complex includes a Men's Shelter, a Women's Shelter, several storage and accessory structures, and an office. The review will assess compliance with the conditions of approval governing the use permit (APNs: 008-062-006, 007 & 033). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15303.

ADMINISTRATIVE REPORTS

COMMISSIONER REPORTS

ADJOURNMENT: The next regular meeting will be held on February 10, 2015.

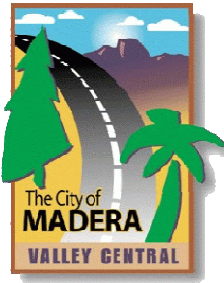
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Foxglove Shopping Center Extension SPR 2009-21 EXT2 and Multiple CUP Extensions Item #C1 – January 13, 2015

PROPOSAL: A request for extension of an approved of a site plan review and various conditional use permits in support of the development of a retail shopping center.

APPLICANT:	Shaw/Feland Partnership	OWNER:	Same
ADDRESS:	None	APN:	013-160-005 & 013-160-016
APPLICATIONS:	SPR 2009-21 & CUP 2013-04, 05, 06 & 07	CEQA:	Environmental Impact Report

LOCATION: The project site is located on the southeast corner of Schnoor Avenue and Foxglove Way.

STREET ACCESS: Foxglove Way and Schnoor Avenue

PARCEL SIZE: 19.51 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Commercial)

SITE CHARACTERISTICS: The subject property is approximately 20 acres in size. The Home Depot Shopping Center and Sonic Drive-thru restaurant are located north of the site. Madera Market Place is located to the south. Schnoor Avenue fronts the property to the west. An MID canal and State Route 99 are located directly east of the site. The project site contains unimproved, disturbed land.

ENVIRONMENTAL REVIEW: An environmental impact report, mitigation monitoring and reporting program, statement of overriding considerations, and related findings for all project components were completed in conjunction with the proposal. The retail shopping center was approved and the environmental impact report was certified by the Planning Commission on February 12, 2013.

SUMMARY & RECOMMENDATION: The shopping center remains compatible with surrounding commercial properties and is designed to be a positive attribute to the area. The information presented in this report supports conditional approval of the requested one-year time extension. No amendments to the original conditions of approval are recommended. It is recommended that a one-year time extension for the site plan review and conditional use permits be approved by the Planning Commission.

APPLICABLE CODES AND PROCEDURES

MMC §10-3.4.0114 Lapse of Site Plan Approval

MMC §10-3.1311 Termination and Revocation

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

The Commission, in considering the time extension request, may approve, deny or conditionally approve a time extension. If the time extension is denied, the applicant may re-file the site plan review and conditional use permit requests for further consideration by the Planning Commission. The applicant has made a written request for a one-year extension to February 12, 2016 consistent with the Planning Commission's prior approval of the project.

PRIOR ACTION

The site plan review and conditional use permit entitlements were approved by the Planning Commission on February 12, 2013. An extension was granted by the Planning Commission on March 11, 2014.

ANALYSIS

The project proposes to develop a retail shopping center with up to 191,500 square feet of tenant space on approximately twenty acres of land. A primary anchor space would contain approximately 84,000 square feet gross floor area. Several smaller anchors, shops and freestanding pads would fill out the total square footage. Site Plan Review 2009-21 establishes site plan, building design, and construction requirements for the proposed shopping center. Multiple conditional use permits memorialize uses such as outdoor seating, a drive thru window, and alcohol sales in conjunction with restaurants and retail stores.

The project site was historically used for agricultural purposes. Recent activity has been limited to annual weed control and the project site remains vacant and unimproved.

The applicant requested an extension to the site plan review and use permits in a written communication dated December 16, 2014. At present, the project is not prepared to move forward since there is not sufficient interest from tenants to justify commencing construction. As there have not been substantive changes in the City's Zoning Ordinance over the past year, a new application for the same project would likely generate similar conditions. Hence, a time extension rather than a re-filing is appropriate.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of an extension to the previously approved site plan review is not specifically addressed in the vision or action plans, the overall project does indirectly support Action 115.1 to "encourage viable economic development".

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports approval of a one-year extension of the site plan review and conditional use permits as conditioned. It is recommended that the Commission consider this information and make a motion to approve the application extension, subject to the recommended conditions.

PLANNING COMMISSION ACTION

The Commission will be taking action regarding the time extension for Site Plan Review 2009-21 and Conditional Use Permits 2013-04, 05, 06 and 07.

Motion 1: Move to approve the requested Time Extension to February 12, 2016, for Site Plan Review 2009-21 and Conditional Use Permits 2013-04, 05, 06 and 07, subject to the original conditions of approval as listed.

Findings

A. Site Plan Review Findings

- The use, as defined by the master site plan, is consistent with the Madera General Plan and the Zoning Ordinance designation on the site, as amended by the proposal.
- The master site plan is consistent with established legislative policies relating to traffic safety, street improvements and environmental quality.
- All buildings and site features proposed are addressed under the environmental impact report (EIR) and mitigation monitoring and reporting program (MMRP) for project adopted on February 12, 2013.

B. Conditional Use Permit Findings

- The proposals to add a drive thru window, outdoor seating, and alcohol sales are ancillary uses to the retail shopping center are consistent with the purposes of the C (Commercial) General Plan designation and the C-2 (Heavy Commercial) Zone District, which provides for these uses subject to the issuance of a conditional use permit.
- There is adequate parking and site area to accommodate the participants of the existing and proposed uses, including stacking distances required for the drive-thru window.
- Because the site has been designed for the development of an integrated shopping center to accommodate a variety of retail and restaurant uses, the conditional uses proposed, as conditioned, will not be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City, and will be compatible with the surrounding area and the City in general.

CONDITIONS OF APPROVAL

A. Site Plan Review Conditions

General Conditions

1. The project approval is conditioned upon acceptance of these conditions contained herein within 30 calendar days, as evidenced by the applicant's signature on a required acknowledgment form.

2. The applicant's or owner's failure to utilize this site plan review within one year following the date of this approval shall render the site plan review null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. The approval of this site plan review authorizes the development of the improvements as specified in the site plan, subject to the revisions and clarifications required in these conditions of approval below. All standard permits and approvals required for the improvements, including, but not limited to building permits, grading permits, and construction permits, shall be obtained prior to commencing construction. Modifications to actual building/unit sizes may be authorized by the Community Development Director prior to the issuance of building permits. Such changes may not substantively change the nature of the site plan or building elevations, and may not increase the overall square footage allowances for the development as specified in the environmental impact report for the project.
4. Any changes to the site plan required after, or because of, the preparation of grading plans, final on and off-site utility plans, or other changes made by the developer will require the approval of the Community Development Director. Substantive changes to the site plan, as determined by the Community Development Director, may require the completion of an amended site plan review process.
5. The development of the shopping center shall be subject to compliance with, and implementation of, the mitigation measures identified in the mitigation monitoring and reporting program approved as part of the Foxglove Shopping Center Final Environmental Impact Report.

Engineering Department

6. Engineering plans for off-site improvements and for on-site public improvements shall comply with Section 27 of the City of Madera Standard Plans and Specifications and approved addenda, and shall be submitted to the City Engineer for review and approval, prior to issuance of building permits. Engineering plans shall be wet stamped by a licensed civil engineer and shall be accompanied by a final site plan showing existing and/or re-established lot corner monuments, including a bearing and distance for each boundary line. Plans shall show dedication of all land by easements or other mechanism which may be acceptable to the City for all public streets, sanitary sewer mains (on and off site), water mains (on and off site), storm drains lines (on and off site) and detention basins.
7. Construction work within the City rights-of-way shall not begin prior to obtaining an encroachment permit from the Engineering division in accordance with Section VI, Madera Municipal Code. All encroachment permits shall be obtained prior to the commencement of construction within the public rights of way.
8. Excavated or graded material shall be sufficiently watered to prevent excessive amounts of air borne dust. Watering should occur at least twice a day with complete coverage, preferably in the late morning and after work as directed by City Engineer.
9. Material transported offsite should be securely covered to prevent excessive amounts of dust.
10. Streets adjacent to the project may be required to be swept and silt removed manually or mechanically at least once a day as required by the City Engineer. Water hosing will not be allowed as a clean up method.

Grading and Drainage

11. Under the direction of a licensed architect or civil engineer, a site grading and drainage plan shall be prepared. No lot fill, rough grading or rough plumbing shall commence until plans are approved. Grading plan should include cut and fill quantities, along with a City Engineer approval signature line. This plan shall demonstrate that storm water drainage will be adequately handled. This plan shall be approved by the City Engineer prior to the issuance of any building permits. Storm drainage runoff engineering calculations shall be submitted for compliance with City standards.
12. As part of a master grading plan, the applicant shall provide detailed drainage calculations to demonstrate to the satisfaction of the City Engineer that existing storm drain basin (Basin 43550) located southwest of the intersection of Foxglove Way and Schnoor Avenue is sufficiently sized to accommodate both the commercial development and the Fairgrounds related storm water runoff. Calculations shall be submitted for basin capacity and sizing of onsite main.
13. The site shall be graded to provide drainage to approved storm drainage facilities. Fill in excess of 8-inches requires compaction tests when supporting structures. Geotechnical and soil testing reports shall be submitted prior to issuance of building permits in compliance with state requirements.
14. Grading certification by developer's soils and civil engineers upon completion of each building pad shall be provided by letter or as built plans prior to temporary or final occupancy.

Streets and Drives

15. The development shall implement any and all traffic mitigation measures specified in the Final Environmental Impact Report and Mitigation Monitoring and Reporting Program prepared for the Foxglove Shopping Center project. All measures requiring physical improvements shall be incorporated into civil improvement plans required pursuant to Condition #6.
16. Proposed entrances on N. Schnoor Avenue shall be a minimum of 24 feet wide, shall be street type entrances with minimum face of curb radius of 15 feet and shall include the construction of standard handicap ramps with ADA accessible path from ramp to ramp. Proposed driveways shall be spaced in accordance with the results of the traffic study prepared for this project.
17. A median island shall be constructed on Foxglove Way that extends from N. Schnoor Avenue to a minimum of 50 feet east of the first driveway on the north side of Foxglove Way.
18. Project driveways on Foxglove Way should be aligned with those on the north side of the street. If this is not feasible due to overall project design constraints, reasonable measures shall be implemented to minimize vehicular conflicts.
19. Free and unimpeded access shall be maintained from this development to the Marketplace shopping center located to the south.
20. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.

21. Prior to the issuance of a grading permit, developer shall dedicate an additional 8 feet to an existing 7 foot Public Utility Easement (PUE) to complete a 15-foot PUE along N. Schnoor Avenue.
22. Prior to the issuance of the grading permit, developer shall record a reciprocal ingress/egress, utility and parking easement acceptable to the City of Madera across the entire center that is applicable to all existing and/or future parcels. The easement shall provide the mutual right to cross access and parking for all future uses. With such easements in place, compliance with City parking standards for each building will be based on total number of spaces available at the Center.
23. Prior to issuance of a grading permit, developer shall cause the existing 60 foot wide easement for access and utilities to be shifted westward to avoid the proposed structures being constructed within the easement.
24. Developer shall reimburse its fair share cost to the City for previously constructed infrastructure in and on Foxglove Way to the extent such infrastructure is utilized by the project. Developer shall not be responsible for reimbursement of cost for those improvements removed due to the project's reconstruction of Foxglove Way or improvements otherwise not incorporated into the project. Determination of fair share costs will be calculated in conjunction with submittal and review of civil plans for off-site improvements.
25. Additional detailed review will be conducted by City when more detailed off-site street plans, and on/off site utility plans are submitted to the City; additional requirements may be specified based on this subsequent review. This will include, but not limited to, further refinement to street plan for Foxglove Way alignment from Schnoor Avenue through transition to private drive alignment on project site.

Sewer

26. Sewer service connection shall be constructed to current city standards.
27. Sewer connections larger than 4 inches shall require construction of a manhole.
28. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.
29. Prior to the issuance of encroachment permits to construct utility connections, developer shall reimburse its fair share cost to the city for previously constructed sewer main in North Schnoor Avenue. Total reimbursement due by Developer to the City is \$12,293.00.

Water

30. Water service connection(s) shall be constructed to current City standards including water meter(s) located within City right-of-way and shall read in cubic feet. A backflow prevention device shall be located within private property.
31. A separate water meter and backflow prevention device will be required for landscape consumption.
32. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with state standards.

33. Prior to the issuance of encroachment permits to construct utility connections, Developer shall reimburse its fair share cost to the City for previously constructed water main in North Schnoor Avenue. Total reimbursement due by Developer to the City is \$7,822.00.
34. Additional detailed review of the water system requirements will be conducted by City when more detailed off-site street plans, and on/off site utility plans are submitted to the City; additional requirements may be specified based on this subsequent review.

Planning Department

Site Plan and Building Design - General

35. This site plan approval authorizes the development of an integrated shopping center with a cohesive parking and circulation system and consistent design criteria. All buildings, regardless of tenant, shall be designed and constructed in a manner consistent with the City's Design and Development Guidelines for Commercial Development and the master design guidelines prepared for the project.
36. Consistent with the above described guidelines, consideration will be given to all tenants to be allowed to retain important elements of their corporate identity and architectural details which support their branding and themed experience. While buildings and related site features shall incorporate a standard color palette, architectural features, roof types, and materials, etc., they may feature such aforementioned corporate elements and architectural details as well as variations to the color palette. Final elevations for all buildings/units are subject to the approval of the Community Development Director prior to the issuance of building permits.
37. The landscape and irrigation plan submitted for the project shall be in compliance with the State Department of Water Resources Model Water Efficient Landscape Ordinance.
38. Prior to the issuance of the first building permit, a final landscaping plan for the shopping center shall be submitted which encompasses the following revisions and clarifications:
 - a. A phasing plan for all site landscaping shall be submitted for approval.
 - b. All Landscaping areas shall have a minimum of 75% vegetative ground cover.
 - c. Indicate species, size and spacing of shrubs where used. Clear distinction between landscaping symbols should be provided.
 - d. Clearly designate what is ground cover and what is turf.
 - e. Landscape islands with shade trees separating facing parking stalls shall be a minimum of 5'x18' (at outside of curb). Where used, tree wells shall be a minimum of 5' in length and minimum of 5' in width (at outside of curb).
 - f. Raised planters, free standing planters (pots, containers), and tree wells in walking surfaces (with grates) shall be incorporated along storefronts which abut parking spaces.
 - g. Root barriers shall be provided for all trees which are planted 5' or less from curb, gutter and walkways.

- h. Along the rear of the site, adjacent to the existing MID canal, it is recommended that efforts be made to create a more functional screen of this area for views from SR99. This can be accomplished in a variety of ways, including through the addition of berms or solid fencing, by planting additional evergreen trees, or combination thereof.
 - i. All landscaping shall be developed with permanent irrigation systems and shall be controlled with an irrigation control system approved by the Parks and Community Services Director. Trees wells should provide for deep watering versus surfacing watering.
 - j. All unpaved areas within public right-of-way along the street frontages shall be landscaped and maintained by the developer/property owner. Landscaping shall be continuous from the curb-face, around the sidewalks, and up to the pavement in the parking area. Detailed landscape and irrigation plans shall be submitted and approved by the Parks and Community Services Director prior to issuance of any building permits. Street trees shall be placed at as specified in the approved landscaping plan. No temporary or permanent occupancy of any buildings shall be approved until the landscaping has been installed as per the landscaping phasing plan, and approved by the Parks and Community Services Director.
 - k. Any fencing, landscaping and irrigation within the public right-of way shall not be installed until the Parks and Community Services Director approves the plans. Any deviation shall require prior written request by the developer and approval by the Parks and Community Services Director. Removal or modification shall be at developer's expense. Landscaping water meter (if applicable) shall be connected after a back flow device.
 - l. The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain the landscaping design approved as part of the project's landscape and irrigation plan(s). This includes, but is not limit to, ensuring properly operating irrigation equipment at all times, trimming and pruning trees and shrubs, mowing lawns consistent with industry standards, replacing dead or unhealthy vegetation, etc.
 - m. Landscaping inspection fees for this project shall be paid in accordance with the fee schedule adopted by the Resolution of the City Council, no later than the issuance of building permits for the first building.
39. The location of all exterior transformers and similar utility/service equipment within the parking and circulation areas, common areas, and landscaped areas shall be shown on building plans; above ground features shall be screened with a combination of landscaping, berms, architecturally treated walls, etc. to the satisfaction of the Community Development Director.
40. All building-related electrical and utility service panels and equipment shall be enclosed in mechanical rooms or screened from public views with architectural features or landscaping.
41. Roof access ladders shall be located inside the buildings, or be located within an enclosure matching the adjacent architectural features.
42. Submit for review and approval a lighting plan and information (tear sheets) on fixtures. This should be accomplished in conjunction the requirements of the mitigation measures required for the project.

43. Outdoor lighting fixtures shall be directed downward and shielded away from adjacent properties, unless accent lighting is specifically authorized by the City. Any nuisance lighting conditions which are found to exist after commencement of operation shall be corrected by the owner to a configuration is acceptable to City at owner's expense, within (30) days of notification by the City.
44. A plan for internal pedestrian crossings shall be submitted for review and administrative approval by the Community Development Director which indicates the type and design of pavement markers (e.g., stamped concrete, pavers) pursuant to the provisions of the Master Design Guidelines. The use of painted lines in lieu of alternative pavement types to delineate pedestrian connections should be used only where alternative pavement is limited by ADA access requirements.
45. To the extent feasible, pedestrian connections/sidewalks shall be meandered with landscape strips to avoid along long, continuous paved edges. Meander may be accomplished with a curvilinear or angular pattern.
46. The placement and design of bollards or planters adjacent to store fronts shall be shown on the building plans for all buildings. Any such features shall be consistent with the overall architectural style for the center. Bollards shall have decorative features rather than simple solid pipes or posts, and may vary by design.
47. Submit for review and administrative approval by the Community Development Director, a plan and detail for refuse storage areas. Where any side is exposed to public view, landscape screening (and berming, where possible) shall be incorporated, or the enclosure shall be surfaced with an architectural treatment compatible with adjacent building.
48. Provide details and locations for cart storage areas in conjunction with each building permit application. Storage areas shall be buffered with landscaping or architectural features. The only signage allowed will be a basic symbol.
49. Vandalism and graffiti shall be corrected at the owner's expense within 72 hours of notification.

Site Plan and Building Design – Specific Modifications

50. Light sconces or other architectural embellishments should be included along building frontages to break up wall mass. Wainscoting and/or banding treatment are recommended at columns and entryways.
51. Major A – The building shall be modified in accordance with the provisions of the City's Design and Development Guidelines. A stucco finish shall be applied to the front exterior elevation, currently presented as a painted CMU block finish. This would bring the lines and exterior finish of the building closer to the conceptual elevations of other buildings in the shopping center.
52. Shops A1 and A2 – The buildings shall be modified in accordance with the provisions of the City's Design and Development Guidelines. Landscape features such as tree wells and/or planter beds shall be included at the rear of buildings where currently none are indicated. The use of awnings or other structures placed over rear service doors should be considered.

53. Buildings B & C – The buildings shall be modified in accordance with the provisions of the City’s Design and Development Guidelines. Along the southeasterly elevation of Building C (side of building) the project shall include planters and/or tree wells along the curb face where parking spaces abut building. Architectural features shall be included to break up the wall massing of this side of the building, such as vertical landscaping, trellis structures, or combination thereof. The use of awnings or other structures placed over rear service doors should be considered.
54. Pads D, E & F – The rear (northwesterly elevation) of the building proposed for Pad F shall be modified consistent with the General Plan and the Design and Development Guidelines to take into consideration public views from Foxglove Way. A “four-sided building” shall be designed for Pad F and the utility equipment shall be screened by landscaping or by incorporating the mechanical areas into the architectural design of the building. Utility equipment for buildings proposed for Pads D & E should be located at the rear of buildings (southerly elevations), out of public views.
55. Pad G – Pharmacy Use - The building shall be modified to incorporate a smooth textured finish to soften the CMU construction, using colors from the center’s primary color palette. Along the northwesterly elevation of Building C (frontage of building facing Foxglove Way) the project shall include planters and/or tree wells along the curb face where parking spaces abut building. The screening enclosure for the trash compactor and trash bins must carry the same architectural treatments as the adjoining walls.
56. A design for the transit site shall be submitted for review and approval of the Community Development Director. The design should:
 - Encourage the use of transit services by providing a positive appealing space.
 - Be located in an area inclusive of the general activities.
 - Be a well landscaped attractive setting.
 - Provide separation from the traffic.
 - Provide a shade and rain shelter that is architecturally consistent with the area,
 - Include provisions for seating, trash receptacles and a screened area for depositing carts.

Master Sign Plan

57. A master sign plan shall be developed to demonstrate unified sign styles within the center and to establish allowances for individual sign permits when they are proposed. The plan shall cover building signage, monument signage, or other freestanding signage including any proposed “directional monument”. The master sign plan shall be submitted by the applicant and reviewed and approved by the Planning Department prior to issuance of building permits.
58. All freestanding directional, monument and/or pylon type signs shall be designed to be consistent with the architecture and color schemes of the commercial center. Presentation of multiple tenant names and or symbols shall be done in a manner that provides a uniform consistent presentation. Consistency may be achieved in several ways including but not limited to uniform background colors, alignment of lettering, consistency in font sizes or types. The intent is not to prevent unique tenant identification, but to present corporate images/logos and signage in a thematically coordinated manner rather than in an uncoordinated, dissimilar fashion.

FIRE REQUIREMENTS

59. Fire Department connections should be located in posted fire lanes 40 feet from the structure protected. Where multiple FDC's are located together, each shall be clearly identified as to the building it serves.
60. Portable fire extinguishers must be provided. A minimum of at least one, 2A10BC-rated portable fire extinguisher is required for each 3,000 square feet of area or fraction thereof. The fire extinguishers must be mounted in visible and accessible locations with 75 feet of travel distance of all portions of each building.
61. Fire sprinklers are required in most buildings. The exact use and occupancy of the smaller structures will determine if fire sprinklers are required.
62. Exit signs and emergency lighting are required in buildings with two or more required exits.
63. Fire lanes need to be provided and clearly identified on the Site Plan including the method of posting. NOTE: The drive access along the north side of the project does not appear to provide proper turning movements for fire apparatus. This may require a slight redesign in building placement or parking layout.
64. The addresses for each building must be visible from the street and the method and placement must be shown on the front elevation of the plans.
65. A fire alarm system for supervision of the fire sprinkler system is required. An evacuation alarm may be required based upon the requirements of CFC Chapter 9 and CBC Chapter 9.
66. When commercial cooking systems are proposed, a fire suppression system will be required.
67. The specific use of the "Patio Areas" will need to be identified during the plan review phase.
68. There does not appear to be an adequate accessible path of travel at the rear of Building B and possibly not at Building A either. This shall be addressed prior to submittal for building permits.
69. The proposal shows interconnectivity with the rear of the Marketplace Shopping Center. The fire access lanes need to be identified for review. Careful attention should be given regarding maintenance of the fire lanes.
70. Note this project will be subject to the City of Madera's new "Shell Building Policy" if such buildings are proposed as is common with this type of development.
71. Cross-access agreements are required for the multiple properties that comprise this site. The access to the existing Home Depot site will be affect and this must be clarified.
72. All onsite underground fire mains and above ground fire protection systems (such as fire hydrants) must be tested and operational prior to the delivery of combustible construction materials to the site.

Building Plans, Permits, Processes

73. Existing property corners shall be found or installed and noted on site plan, along with the distance from the property lines to the face of curb and street centerline. New property corners shall require record of survey prior to any site construction or issuance of building permits.
74. For each building to be constructed, provide a minimum of 2 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
75. 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.
76. 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.
77. Site and buildings must meet federal and state disability access regulations. Each first floor unit must meet accessibility requirements from public spaces and parking lots to each unit. In addition, inside each unit all rooms must meet accessibility and be adaptable for future compliance to disabled access regulations.

San Joaquin Valley Air Pollution Control District

78. The SJVAPCD has commented that the project is subject to District Rule 9510 (Indirect Source Review). District Rule 9510 states that a project proponent shall submit an Air Impact Assessment (AIA) prior to final discretionary approval. It is recommended that the project applicant consult with the SJVAPCD regarding District Rule 9510, as well as any other applicable District Rules and Regulations prior to submittal for building permits.

Caltrans

79. The project applicant shall enter into fair share agreement with Caltrans to address off-site improvements as identified in the Draft EIR and MMRP prepared for the Foxglove Shopping Center.
80. The applicant shall make all required traffic improvements as identified in the Draft EIR and MMRP prepared for the Foxglove Shopping Center.

Madera Irrigation District

81. The applicant shall coordinate with Madera Irrigation District regarding the location and configuration of required fencing along canal alignment.

B. Conditional Use Permit Conditions

General

1. Conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the Applicant's dated signatures on the required acknowledgment.
2. An applicant's failure to utilize any 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 for the specified permit.

Outdoor Seating (CUP 2013-04)

3. The defined outdoor seating areas for the site shall be limited to use in conjunction with food and beverage service, and may be defined and separated from the parking area by a planter or low fence. The seating areas shall not interfere with required path of travel required for the center.

Drive-thru Use (CUP 2013-05)

4. A drive-thru window is proposed for the drug store use. There shall be adequate area to accommodate the drive-thru window and sufficient vehicle stacking area in both drive-thru lanes. The drive-thru window shall be incorporated into the design of the building and not substantively detract from the overall architectural value of the building.

Alcohol Sales for On-Site Consumption (CUP 2013-06...)

5. Alcohol sales for on-site consumption of beer, wine and spirits, within the shopping center project shall be limited to sale and consumption within restaurant/cafe tenants where

alcohol is an accessory component to food service. Alcohol sale for on-site consumption shall be limited to Shops A1 and A2, and also for Pads D, E and F.

6. A separate conditional use permit shall be assigned to each specific location. Each shall operate independent of the others and each shall require individual review for compliance and/or any requested extensions or modifications.
7. Specific locations approved for alcohol sales for on-site consumption shall have the following use permit numbers assigned:
 - Shop A1 - CUP 2013-06A1
 - Shop A2 - CUP 2013-06A2
 - Pad D - CUP 2013-06D
 - Pad E - CUP 2013-06E
 - Pad F - CUP 2013-06F
8. The service and consumption of alcohol in the outdoor seating area for the five identified locations will require that a specific seating area be established, and defined with a fence and gate, and that alcohol not be taken from that area.
9. ~~Hours of operation for the restaurant/café uses shall not be earlier than 8:00 a.m. or later than midnight.~~
9. Sales of alcoholic beverages for on-site consumption shall not occur earlier than 8:00 a.m. or later than midnight.
10. The applicant must, prior to commencing the use contemplated by this permit, provide evidence of a valid ABC license for the sale of alcoholic beverages for consumption on-site of the premises of the restaurant/café use.
11. Music or obnoxious noise from the operation or business shall not be audible to persons in the public rights-of-way or on adjacent or nearby properties.
12. Loitering shall be prohibited in, upon the premises and in adjacent, and nearby areas both public and private.
13. An adult operator or employee 21 years of age or older shall be on site during all hours of operation.
14. The limitation/restriction on the number and locations for alcohol sales for on-site consumption within the center, as part of this approval, shall not be construed as a prohibition from a future conditional use permit application being submitted to the City for consideration.

Alcohol Sales for Off-Site Consumption (CUP 2013-07...)

15. Alcohol sales for off-site consumption within the shopping center project shall be limited to Major A (Grocery Store use) and Pad G (Pharmacy use) locations.
16. A separate conditional use permit shall be assigned to each specific location. Each shall operate independent of each other and require individual review for compliance and/or any requested extensions or modifications.

17. Specific locations approved for alcohol sales for off-site consumption shall have the following use permit numbers assigned:
 - Major A (Grocery Store use) – CUP 2013-07A
 - Pad G (Pharmacy use) – CUP 2013-07G
- ~~18. Sales of alcoholic beverages for off-site consumption shall not occur earlier than 8:00 a.m. or later than midnight.~~
19. The applicant must, prior to commencing the use contemplated by this permit, provide evidence of a valid ABC license for the sale of alcoholic beverages for consumption off the premises of the store.
20. Loitering shall be prohibited in, upon the premises and in adjacent, and nearby areas both public and private.
21. An adult operator or employee 21 years of age or older shall be on site during all hours of operation.
22. The limitation/restriction on the number and locations for alcohol sales for off-site consumption within the center, as part of this approval, shall not be construed as a prohibition from a future conditional use permit application being submitted to the City for consideration.

(OR)

Motion 2: Move to continue the consent item to a date specified, for the following reasons or in order for the following information to be provided: (specify)

(OR)

Motion 3: Move to deny the requested time extension for Site Plan Review 2009-21 and Conditional Use Permits 2013-04, 05, 06 and 07: (specify)

ATTACHMENTS

Extension Request Letter

LAW OFFICES OF
DEWAYNE ZINKIN
5 RIVER PARK PLACE WEST, SUITE 203
FRESNO, CALIFORNIA 93720
Telephone: (559) 224-8100
Facsimile: (559) 224-8111

DEWAYNE ZINKIN
ATTORNEY AT LAW

RICHARD L. FAIRBANK
ASSOCIATE

December 16, 2014

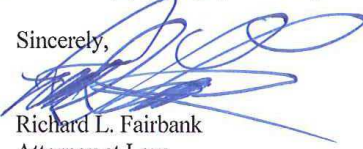
Mr. Dave Merchen
Planning Department
City of Madera
205 West Fourth Street
Madera, CA 93637

Re: Foxglove and Schnoor - Site Plan Review – 2009-21

Dave,

The purpose of this letter is to request a one year extension for the Site Plan Review approval for SPR 2009-21 and all of the various conditional use permits that were granted and approved with it at the Planning Commission meeting on February 12, 2013. The use permits include, without limitation, conditional use permits for outdoor seating, a drive-thru window and alcohol sales. Although we are seeing some signs of recovery in the economy, we have not yet had sufficient interest from tenants to justify the construction of the project at this time. We would like to request another one year extension from the City and I would appreciate it if you would please put that on the calendar of the City for action prior to the date of expiration. Please advise if I need to prepare any formal application or pay any fees or costs and I will comply promptly. Thank you for your help and assistance

Sincerely,

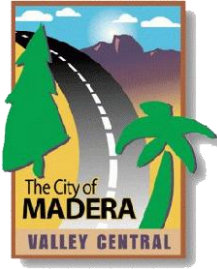


Richard L. Fairbank
Attorney at Law

[Return to Agenda](#)

**CUP 2014-25 & SPR 2014-38
Verizon Rooftop Wireless Facility**

Staff requests that the Planning Commission make a motion to continue this item to the February 10, 2015 regular Planning Commission meeting.



**CITY OF MADERA
PLANNING COMMISSION**

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

**Staff Report: Capistrano XVI Precise Plan Modification
PPL 2014-01 MOD and Environmental Determination
Item #2 – January 13, 2015**

PROPOSAL: An application for modification of the Capistrano XVI subdivision Precise Plan to allow for a change in the home plans approved for construction within the subdivision, and to amend certain development standards applicable to the 103-lot Capistrano 16 subdivision.

APPLICANT:	Mitch Covington	OWNER:	Marcello Monticelli
ADDRESS:	245 South Westberry Boulevard	APN:	009-600-006
APPLICATIONS:	PPL 2014-01 MOD	CEQA:	Negative Declaration

LOCATION: The project site is located approximately 600 feet north of Almond Avenue, on the east side of Westberry Boulevard.

STREET ACCESS: Access is provided from Westberry Boulevard, Timberline Drive, Wolftrap Street and Double Tree Way.

PARCEL SIZE: Approximately 19.79 acres

GENERAL PLAN DESIGNATION: LD (Low Density)

ZONING DISTRICT: PD-4500 (Planned Development)

SITE CHARACTERISTICS: The project site is currently developed with one rural residential single family home. A 103-lot single family residential subdivision is approved for development on the project site. Agricultural land is located to the west of the project site, with single family residential development to the north, south and east.

ENVIRONMENTAL REVIEW: A negative declaration was certified by the Planning Commission for the subdivision on the site on October of 2014. The proposed modification is consistent with development anticipated in the Negative Declaration.

SUMMARY AND RECOMMENDATION: The proposed modification of Precise Plan 2014-01, as conditioned, provides compatibility between existing land uses, the Zoning Ordinance and the Madera General Plan. Staff recommends conditional approval of the modification.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101, Planned Development Zones

MMC §10-3-4.104, Precise Plan

California Public Resources Code §21000, California Environmental Quality Act "CEQA".

Precise plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, appearance, landscaping and open space.

The City's Zoning Ordinance allows for the granting of an amendment to a precise plan by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the development 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 development, 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 development should be denied. Conditions may be attached to the approval of the precise plan 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

The project site was originally proposed for subdivision in 2005, but due to the property being under a Williamson Act contract, no subdivision application could be made. In October of 2014, General Plan Amendment 2014-01, Precise Plan 2014-01, and Tentative Subdivision Map 2014-02 were approved, allowing for the development of a 103-lot single family residential subdivision.

ANALYSIS

Precise Plan

Precise Plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, architecture, landscaping and open space.

For the proposed 103 lot subdivision, the applicant originally proposed six home designs, which were approved as part of the precise plan. Each model was approved with two different elevations. Floor plans range in size from 1,198 to 1,730 square feet. Models range from three to four bedrooms, each with two bathrooms and a two car garage. The six models are:

- 1,198 sq. ft. 3 bedroom, 2 bathroom – Garage dominant
- 1,376 sq. ft. 3 bedroom, 2 bathroom – Garage neutral – with front courtyard
- 1,435 sq. ft. 3 bedroom, 2 bathroom – Garage neutral
- 1,609 sq. ft. 3 bedroom, 2 bathroom – Garage dominant
- 1,665 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
- 1,730 sq. ft. 3 bedroom, 2 bathroom – Garage neutral – with front courtyard

Each approved model includes 30-year composition shingle roof and varying architectural treatments including wall sconces, window shutters, gable decorations and hatched window

treatments as standard features. Where elevations include rock, it is a standard feature. Tile roofing is an optional exterior embellishment. Only parcels fronting onto Westberry Boulevard will accommodate the inclusion of a third-car garage. The models also are generally compatible with the existing completed homes in the surrounding neighborhood, with a comparable range of square footages.

Garage Subordinate Design

A concern expressed at the time of the original approval was the lack of garage subordinate models proposed, making a finding of General Plan conformity problematic. General Plan policy CD-32 states that “Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street.” Only one home fully satisfied the CD-32.

In order to make an overall finding of General Plan conformity, staff added conditions of approval which reinforced conformity with other General Plan policies which require “the exterior of residential buildings [to] be varied and articulated to provide visual interest to the streetscape (CD-33) and “reflect attention to detail as necessary to produce high architectural design and construction quality” (CD-34). Although having six different models and two homes with standard courtyards went far in satisfying policies that encourage “visual interest to the streetscape” to help ensure that the end result cumulatively satisfied the design standards required within the General Plan, a condition was included that no model exceed 25% of the total number of homes built, and every home proposed shall be built on at least ten percent of the total number of lots.

Requested Modification

Within the current request, the applicant has requested five modifications. They are:

- Addition of two new garage-subordinate models into the precise plan
- Removal of a previously approved garage-subordinate model
- Removal of the condition which requires a percentage of each model be constructed
- Addition of one new model, to be constructed only on the two large lots fronting onto Westberry Boulevard
- Allowance for the Planning Manager to have the discretion to allow home models to be added to or subtracted from the precise plan mix

With the request, the approved models would be as follows:

- 1,198 sq. ft. 3 bedroom, 2 bathroom – Garage dominant
- 1,376 sq. ft. 3 bedroom, 2 bathroom – Garage neutral – with front courtyard
- 1,435 sq. ft. 3 bedroom, 2 bathroom – Garage neutral
- 1,550 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
- 1,609 sq. ft. 3 bedroom, 2 bathroom – Garage dominant
- 1,640 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
- 1,730 sq. ft. 3 bedroom, 2 bathroom – Garage neutral – with front courtyard
- 2,212 sq. ft. 4 bedroom, 2 bathroom – Only on the two lots fronting Westberry

Because of the increase in garage-subordinate models, staff is comfortable with recommending the removal of Condition No. 10, which requires specific percentages of models be constructed. The applicant will be allowed to develop all homes as market demands dictate. Although other conditions within the precise plan facilitate varying streetscapes and distribution of model plans,

the applicant will be tasked with ensuring representation of the various models, and distribution of garage-subordinate designs throughout the neighborhood. If the ultimate build out of homes does not provide for General Plan conformity, future precise plan recommendations may require a more strict application of General Plan goals and policies.

The allowance for the Planning Manager to have discretion to allow model plans to be added to or subtracted from the precise plan might allow a measure a convenience for the developer to react to market demands and marginal cost savings in time and money. However, Section 10-3-4.0103 (Planning Commission Approval) requires that all components of the precise plan be approved by the Planning Commission, and only the Planning Commission may amend an approved precise plan. This request cannot be allowed since it would constitute a violation of the Madera Municipal Code.

Other Department and Agency Comments

The project was reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is “a well-planned city”. The Commission, by considering how this development connects to other developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project is specifically consistent with Strategy 131, “Create Well-Planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components”.

SUMMARY AND RECOMMENDATION

The Precise Plan modification allows for the development of a residential neighborhood in general conformity with the General Plan. The information presented in this report supports a recommendation of approval for the Precise Plan modification, subject to the recommended conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the modification to the precise plan.

PLANNING COMMISSION ACTION

The Commission will be acting on Precise Plan 2014-01 MOD.

Motion 1: Move to approve Precise Plan 2014-01 MOD to allow for the modification of the precise plan for Capistrano XVI, based on and subject to the findings and conditions of approval:

Findings

- A negative declaration for the subdivision was certified by the Planning Commission in October of 2014. The proposed modification is consistent with development anticipated in the Negative Declaration.
- The modification of Precise Plan 2014-01 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the code.

- The modification of Precise Plan 2014-01 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- The modification of Precise Plan 2014-01 is consistent with the goals and policies of the General Plan.
- The modification of Precise Plan 2014-01 continues to implement the tentative map and conditions of approval for the Capistrano XVI Subdivision.
- The proposed modification is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the city.

CONDITIONS OF APPROVAL

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. Any substantial future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to the Precise Plan.
4. It shall be the responsibility of the property owner 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.
5. The project shall be developed in accordance with the operational statement, site plan and elevation drawings as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.

Planning Department Conditions

6. Eight (8) models are approved as part of Precise Plan 2014-01. They are allowed to be constructed upon the 103 lots encompassed within the Capistrano XVI subdivision. They are as follows:
 - 1,198 sq. ft. 3 bedroom, 2 bathroom – Garage dominant
 - 1,376 sq. ft. 3 bedroom, 2 bathroom – Garage neutral with standard front courtyard
 - 1,435 sq. ft. 3 bedroom, 2 bathroom – Garage neutral
 - 1,550 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
 - 1,609 sq. ft. 3 bedroom, 2 bathroom – Garage dominant
 - 1,640 sq. ft. 3 bedroom, 2 bathroom – Garage subordinate with 4th bedroom option
 - ~~• 1,665 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate~~
 - 1,730 sq. ft. 3 bedroom, 2 bathroom – Garage neutral with standard front courtyard and 4th bedroom option
 - 2,212 sq. ft. 3 bedroom, 2 bathroom – Garage dominant with 4th bedroom option (only on the two lots fronting Westberry)

7. Each proposed model shall include the following features as standard elements of construction:
 - 30-year composition roofing
 - two-color exterior painting
 - architectural treatments including wall sconces, window shutters, gable decorations and hatched window treatments
 - front yard landscaping and irrigation
 - Interior standard features shall include:
 - two-color painting
 - tile flooring in laundry, kitchen and baths
 - granite counters in kitchen and baths
 - dishwashers and microwaves
8. Except when included as a standard feature, each proposed model shall offer the following features as optional elements of construction:
 - stone, rock, and brick elevation treatments
 - upgraded garage doors
 - third-car garages (where possible)
 - front-yard courtyards.
9. For corner and reverse corner lots, where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation.
- ~~10. No model shall be constructed on more than twenty-five (25%) percent of the total number of lots, and every proposed model shall be constructed on at least ten (10%) percent of the total number of lots.~~
11. All standards for location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R-1 residential zoning standards.
12. Minor adjustments in the width of corner lots may be approved by the Community Development Director in order to comply with these precise plan requirements.
13. A ten percent (10%) minor variation for the interior side yard and rear setbacks and yard requirements may be granted with approval by the Community Development Director when deemed necessary.
14. Rear yard wood fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be split block masonry. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.
15. Lots 36, 63, 64, 77, 84, and 97 are reverse corner lots. Street side yard setbacks on reverse corner lots shall be fifteen (15') feet from property line for both structure and fencing.
16. Street side yard fencing on Lots 47 and 48 shall be constructed of decorative split-faced masonry block of a design approved by the Planning Manager. The fences shall be constructed outside of the ten (10') foot public utility easement.

17. The rear yard structural setback for the lots located north of Gamay Avenue and west of Timberline Drive (Lots 44, 45, 46 and 47) shall be ten (10') feet.
18. The development of any temporary construction trailer and/or materials storage yard on the project site requires the approval of a Zoning Administrator Permit in advance of installation/placement.
19. The development of any model home sales center on the project site requires the approval of a Zoning Administrator Permit.
20. Front yard and street side yard landscaping and irrigation shall be installed in conjunction with construction of all single family homes. At least one City approved street tree shall be planted in each front yard.
21. Street frontage landscaping shall include a minimum of one City approved street tree every fifty (50') feet, along with root guards. Two City approved street trees shall be planted in the street side yards of corner lots. No trees shall be planted within thirty (30') feet of any streetlight or five (5') feet from any fire hydrant. Each street tree shall be planted with a City approved root barrier.
22. Rear yard fencing, front and street side yard landscaping and irrigation systems shall be installed in accordance with the typical landscaping and irrigation plans included with the precise plan before the final building inspection of any residential units. All maintenance shall be by the individual homeowner.
23. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the residences during winter months.
24. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets are recommended in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.
25. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.
26. Except as noted above, all driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
27. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property. All units shall have a minimum of a two-car garage.
28. The following criteria shall be applied to the location of homes on individual lots:
 - The appearance of a home is affected by at least three (3) primary features, including:
 - home plan
 - alternative elevations for each plan
 - color

- Homes built on side-by-side lots shall not repeat more than one of these primary home features. The model floor plans shall not be repeated on more than two consecutive lots.
29. The minimum front setback for all lots shall be:
- 20 feet minimum depth to garage
 - 15 feet minimum to living space
 - 12 feet minimum to porch
30. The front structural setback shall vary from the minimum of 15 feet to a maximum of 24 feet, with at least a one foot variation amongst any two adjacent lots, and a five foot variation over any five consecutive lots, regardless of home model.
31. The existing home located on the proposed Lot 52 shall be reconditioned to appear as a cohesive element of the Capistrano XVI subdivision, or removed in favor of new construction as allowed in Precise Plan 2014-01.

Fire Department

32. All residential properties are required to be equipped with automatic fire sprinkler protection. Permits must be obtained prior to the framing inspection of each dwelling, as said dwelling is constructed.
33. A minimum of two point of access for the Fire Department are required.
34. Fire flow in the roadway shall meet the City of Madera Engineering Standards.
35. Complete improvement plans showing the placement of public fire hydrants are required before final tract map approval.
36. All fire hydrants must be identified in accordance with the CFC and City of Madera Engineering Standards.

Engineering Department

General

37. Prior to recording of the final map, all action necessary for the formation of a community facilities district shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
38. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required Lighting and Landscape Maintenance District (LLMD) zone of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements which are required to be constructed by the developer and included in the City-wide LLMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.

39. A final subdivision map shall be required per Section 10-2.502 of the municipal code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
40. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive phase number shall identify multiple final maps filed in accordance with an approved tentative map.
41. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
42. No temporary turn-arounds are permitted.
43. All construction vehicles shall access the site by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
44. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
45. Impact fees shall be paid at time of building permit issuance.
46. Improvement plans sealed by an engineer shall be submitted to the Engineering Department according to the submittal process.
47. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
48. The improvement plans for the project shall include the most recent version of the City's General Notes.

Water

49. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the fire department, and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code Appendix III-A.
50. Unless the City Engineer or fire flow analysis specifies larger lines, water lines eight (8) inches in diameter shall be installed in all streets as specified by the City Engineer. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval

of any units for final occupancy. Fees shall be based on rates established by the Public Works Department.

51. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be six (6) inches in diameter with a minimum of one 4-inch and two 2½-inch connections as specified by the Fire Department. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
52. Water services shall be placed three (3) feet from either property line, opposite of street light and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approach or sidewalk areas. Water services shall not be located at fire hydrant or street light locations.
53. One water quality sampling station shall be installed within the subdivision and approved by the Water Quality Division of the Public Works Department.
54. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
55. Existing water mains in the interior of the subdivision shall be inspected and approved by the City of Madera Water Quality Division. Existing water mains shall be sterilized in accordance with City of Madera standards and procedures.
56. Water service connections shall be constructed per current city standards including water meters located within city right-of-way.
57. Existing wells, if any, shall be abandoned as directed by the City Engineer and permitted by the City of Madera for compliance with state standards.

Sewer

58. Sewer lines installed to serve this subdivision shall be sized accordingly, and shall be a minimum of eight (8) inches in diameter. Sewer main connections to any existing city main six (6) inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. Tapes shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
59. Sewer services shall be located at the approximate centerline of each lot or as required for construction of commercial or industrial buildings with a clean-out installed per City Standards, and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
60. Existing sewer mains in the interior of the subdivision shall be inspected and approved by the City of Madera Sewer Division. The developer shall video inspect the existing sewer mains.

61. Existing septic tanks, if found, shall be removed by the applicant, with permits and inspections as required by the City of Madera Building Department.

Storm Drain

62. Storm runoff from this project site drains to the existing Prosperi basin located to the south of project site. The developer shall excavate the existing basin to accommodate storm runoff from the project site.
63. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer.
64. Existing storm drain improvements within and adjacent to proposed subdivision shall be inspected and approved by the City of Madera Streets Division. The developer shall video inspect the existing storm drain mains.

Streets

65. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along Westberry Boulevard adjacent to entire project site as well as all internal publicly dedicated streets.
66. The developer shall dedicate a 20 foot wide easement along Westberry Boulevard to accommodate a 50 foot half street width.
67. Westberry Boulevard, along the entire project frontage, shall be improved to a 100 foot arterial roadway standard per City of Madera standards with a five (5) foot sidewalk, parkstrip, curb and gutter, two 12-foot westbound travel lanes, a 16-foot landscaped median island, a 12-foot eastbound travel lane and 8-foot paved shoulder. Adequate transition with the existing improvements relative to grade and alignment shall be provided.
68. Interior streets shall be constructed in accordance with City standards for a 50 foot residential street with a five (5) foot sidewalk, curb and gutter.
69. Gamay Avenue from Westberry Boulevard to Timberline Road shall be constructed in accordance with City standards for a 60 foot residential street with five (5) foot sidewalk, curb and gutter.
70. The developer shall dedicate an additional six (6) feet of right-of-way on Gamay Avenue from the intersection of Westberry Boulevard to the intersection of Timberline Drive to accommodate simultaneous right and left turn movements onto Westberry Boulevard.
71. The developer shall provide a street stub for the property located to the north to allow for access to future development. Street stub shall be aligned with the proposed Timberline Drive. The Street stub shall be constructed in accordance with City standards for a 60 foot residential street with five (5) foot sidewalk, curb and gutter.
72. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map.
73. Developer shall construct a traffic calming device at the intersection of Wolftrap Street and Capistrano Drive or at some midpoint location on Wolftrap Street.

74. Lots fronting Westberry Boulevard shall have circular driveways to facilitate ingress and egress to property.
75. The developer shall be a proponent of expanding existing Landscape Maintenance District Zone 51 to include the median island to be constructed on Westberry Boulevard. If the expansion of the existing Landscape Maintenance District Zone 51 is not attainable, the developer shall cooperate with the City in forming a new Lighting and Landscape Maintenance District zone for Westberry Boulevard median landscaping. The subdivider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.
76. "No Parking" signs shall be installed along Westberry Boulevard frontages per City standards.
77. Access ramps shall be installed at all curb returns per City Standards.
78. The developer shall be required to install street lights along Westberry Boulevard frontages and interior subdivision streets 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.
79. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall, at occupancy, have full ADA access from front door to subdivision boundary. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
80. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all weather access road shall be two inches of type "B" asphalt over six (6) inches of 90% compacted native soil or four (4) inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement shall be recorded prior to recording the final map for any phased development.
81. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, and sewer line lineal feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the city of Madera title block and following:
 - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks
 - b. Street plans and profiles
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 2. Streetlights
 3. Traffic signals

- 4. Construction details including traffic signage and striping plan
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans)
 - d. Grading plan indicating flood insurance rate map community panel number and effective date
 - e. Landscape and irrigation plans for Pecan and Pine Street medians shall be prepared by a landscape architect or engineer.
 - f. Storm water pollution control plan and permit
 - g. Itemized quantities of the off-site improvements to be dedicated to the City
82. Submittals shall include and will not be partially accepted by the Engineering Department unless the following is included:
- a. Four copies of the final map
 - b. Two sets of traverse calculations
 - c. Two preliminary title reports
 - d. Two signed copies of conditions
 - e. Five sets of complete improvements plans
 - f. Three sets of landscaping plans
 - g. Two sets of drainage calculations
 - h. Two copies of the engineers estimates
83. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a three (3) sack sand slurry mix extending one foot past curb and gutter in each direction.
84. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot public utility easement will be required along all interior lot frontages.
85. All public utilities shall be underground, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the public utilities Commission Regulations or operating at 70,000 volts or greater.
86. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
87. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
88. The subdivider shall enter a subdivision agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
89. The subdivider may commence off site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing improvement

plans are approved and submitting 100% performance bond, additional bond (50% labor & material) and insurance certificate, shall be submitted prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council and shall be paid at the time of permit.

90. The developer's engineer, upon completion of subdivision related improvements, shall certify to the City Engineer that the improvements are made in accordance with city requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.

Subdivision Improvement Inspections

91. Engineering Department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans. Inspection fees shall be paid prior to initiating construction.
92. Prior to the installation of any improvements or utilities, the general contractor shall notify the Engineering Department 48 hours prior to construction. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
93. No grading or other construction activities, including preliminary grading on site, shall occur until the City Engineer approves the improvement plans or grading plans. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
94. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five working days.

Special Engineering Conditions

95. Project grading shall not interfere with the natural flow or adjacent lot drainage, and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls, if required, shall be approved as to design and calculations prior to issuance of a grading permit.
96. Lot fill in excess of 12 inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 12 inches or more will require construction of a retaining wall.
97. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
98. Prior to the issuance of any building permits or any construction on the subdivision, a storm water pollution plan shall be prepared and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size.

99. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID facilities, the subdivider must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion, as built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.
100. Prior to recording the subdivision map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.
101. The developer of the property can expect to pay current and future development impact fees, including, but not limited to sewer (special service area), water, streets, bridge, public works, parks, public safety and drainage, that are in place at the time building permits are issued.
102. Final street names shall be approved by the Building Official prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing county roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts should utilize the name of the nearest subdivision street.
103. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

(OR)

Motion 2: Move to continue the public hearing on Precise Plan 2014-01 MOD to allow for the modification of the precise plan for Capistrano XVI, to the February 10, 2015 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Precise Plan 2014-01 MOD to allow for the modification of the precise plan for Capistrano XVI, based on the following findings: (specify)

ATTACHMENTS

Aerial Map
Tentative Subdivision Map 2014-02
Precise Plan Exhibits

Aerial Photo



Precise Plan Exhibits



FRONT ELEVATION A

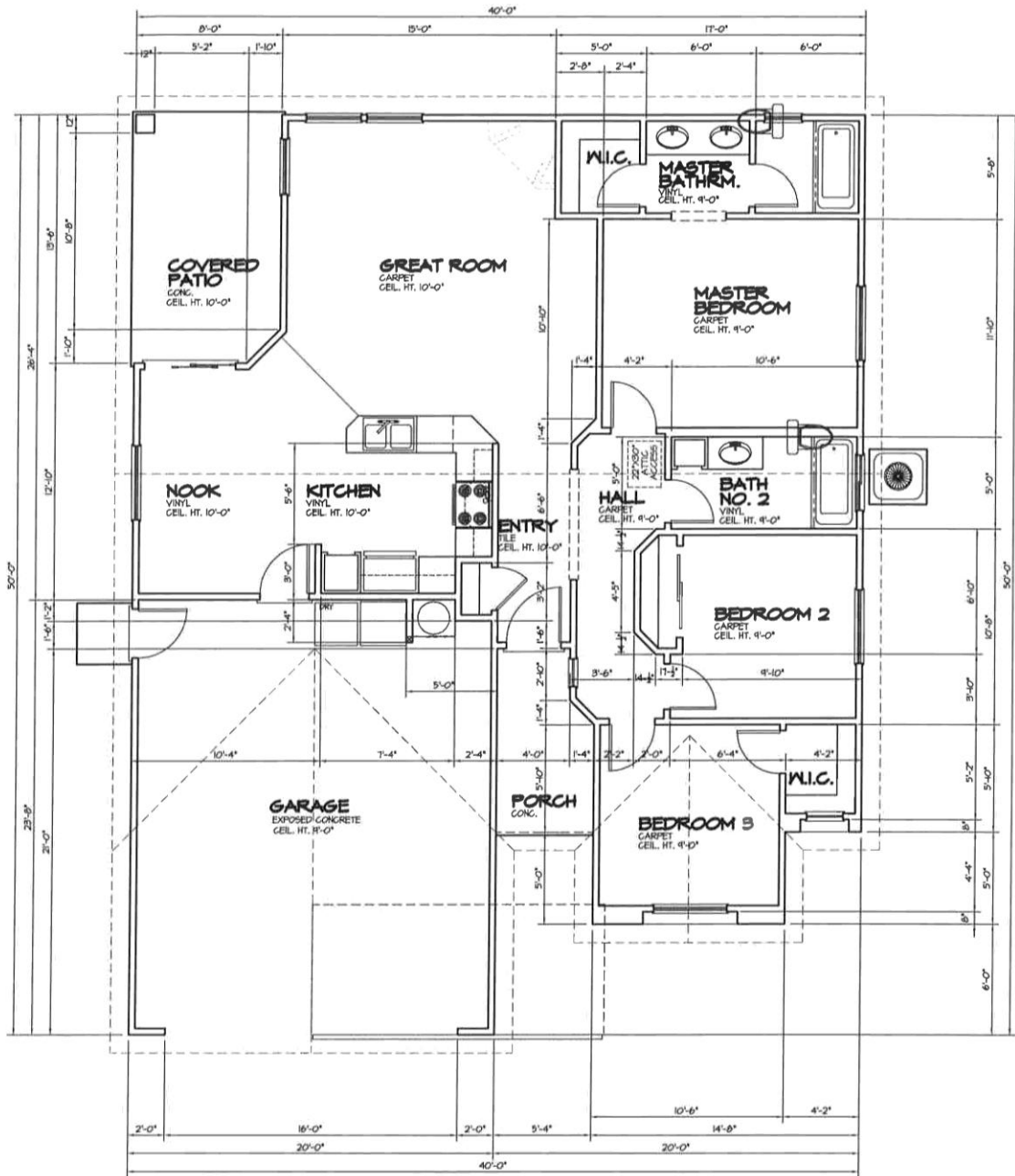
SCALE: 1/4" = 1'-0"



FRONT ELEVATION B

SCALE: 1/4" = 1'-0"

1198 SF



1198 SF



FRONT ELEVATION B

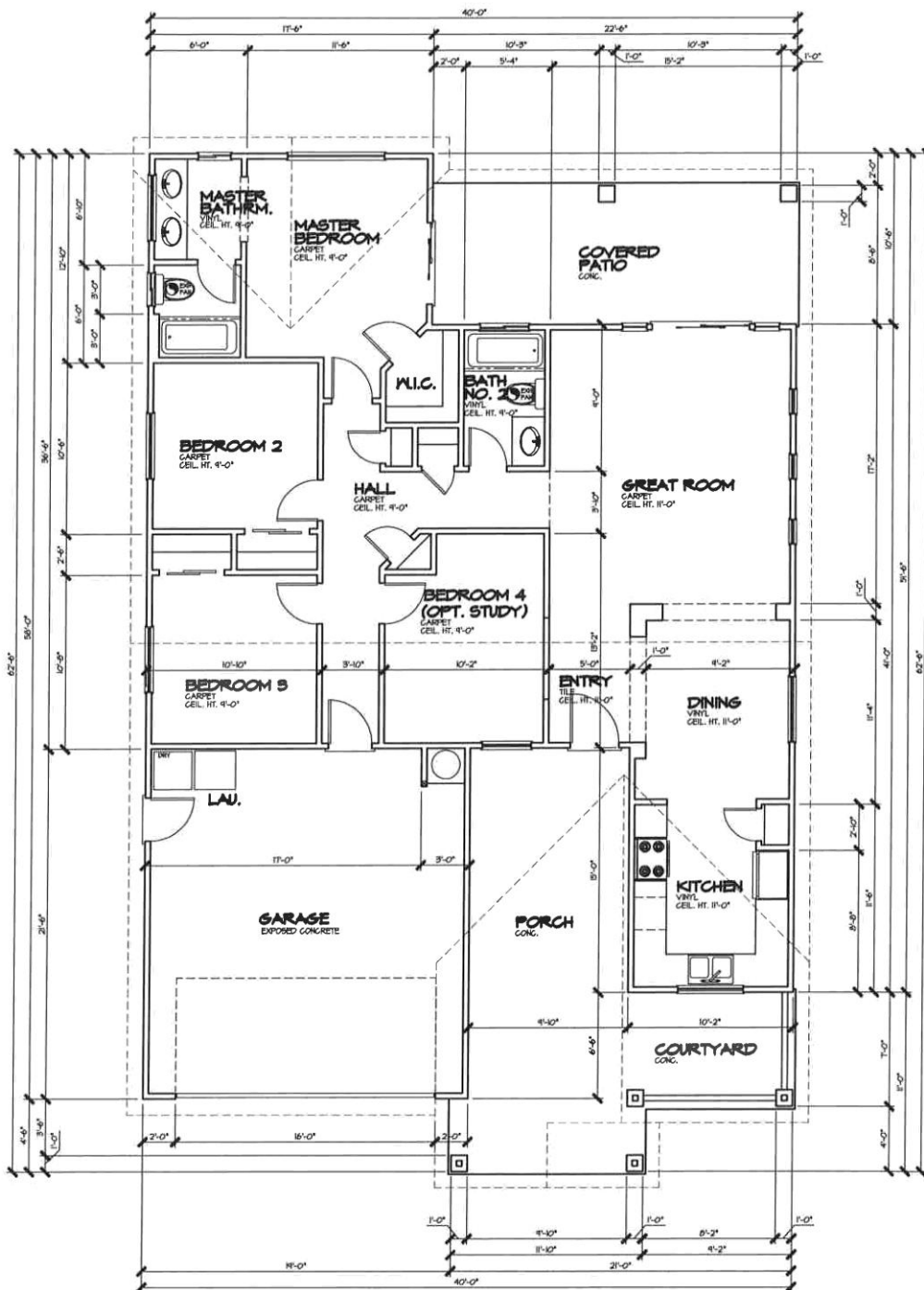
SCALE: 1/4" = 1'-0"



FRONT ELEVATION A

SCALE: 1/4" = 1'-0"

1376 SF



1376 SF



FRONT ELEVATION B

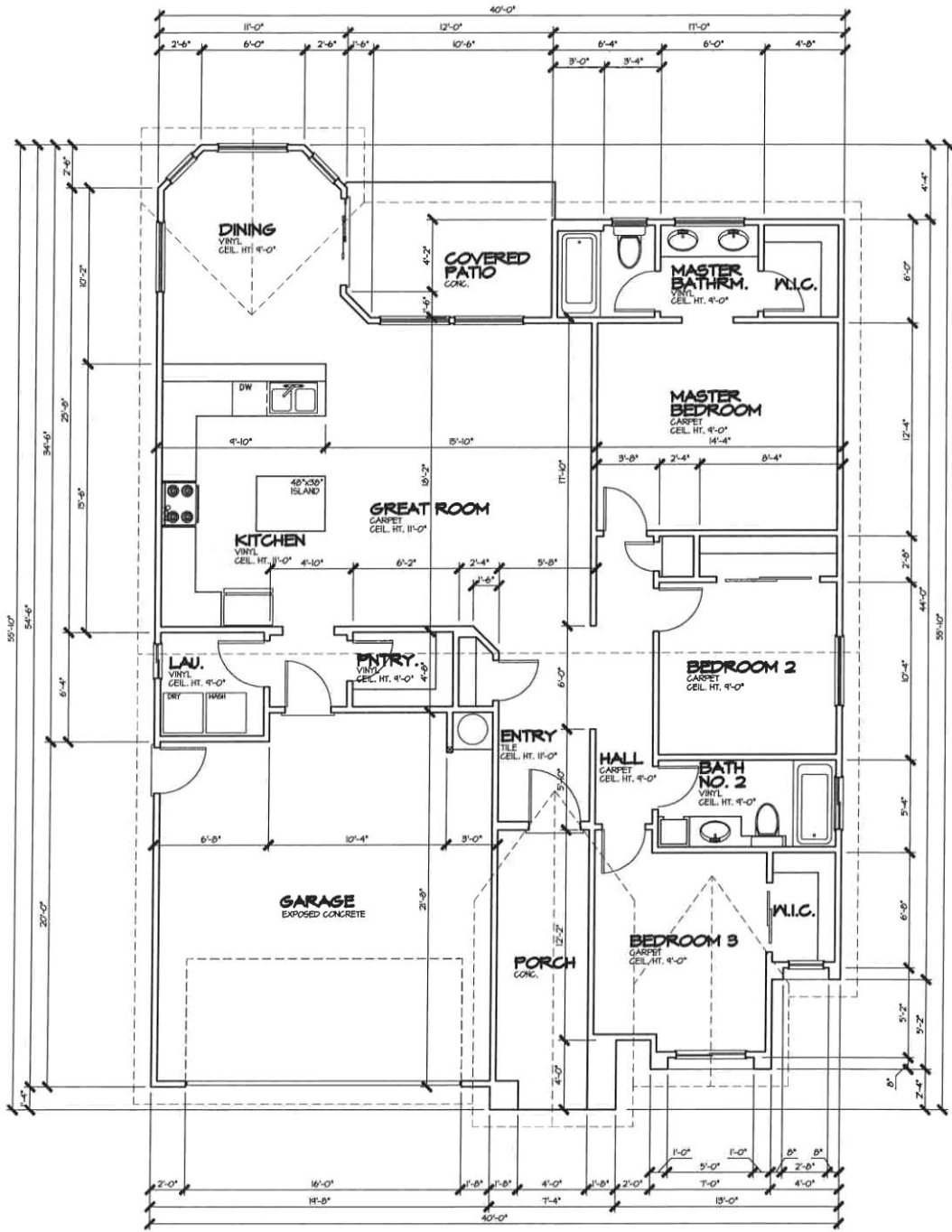
SCALE: 1/4" = 1'-0"



FRONT ELEVATION A

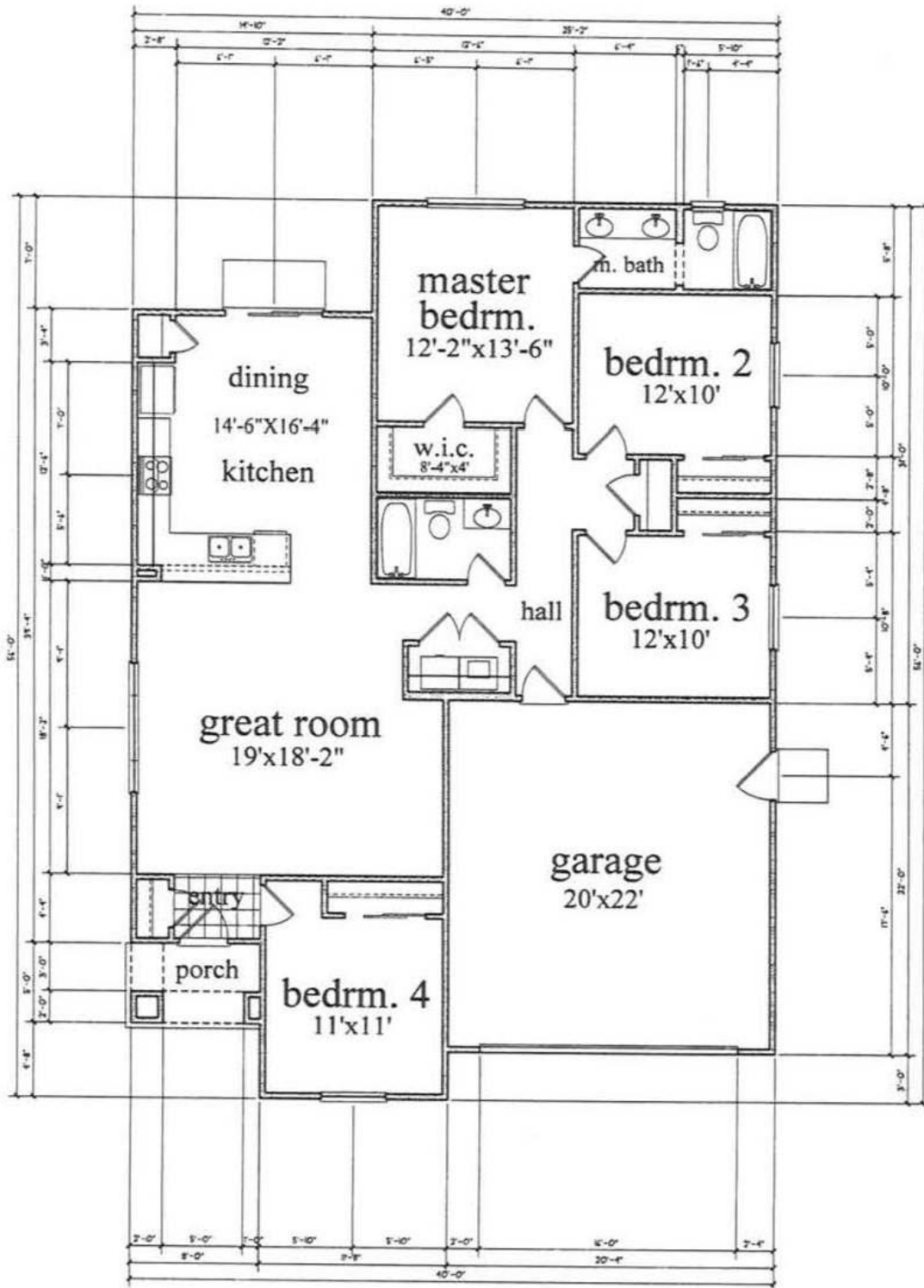
SCALE: 1/4" = 1'-0"

1435 SF



1435 SF

1550 Floor Plan





FRONT ELEVATION A

SCALE: 1/4" = 1'-0"

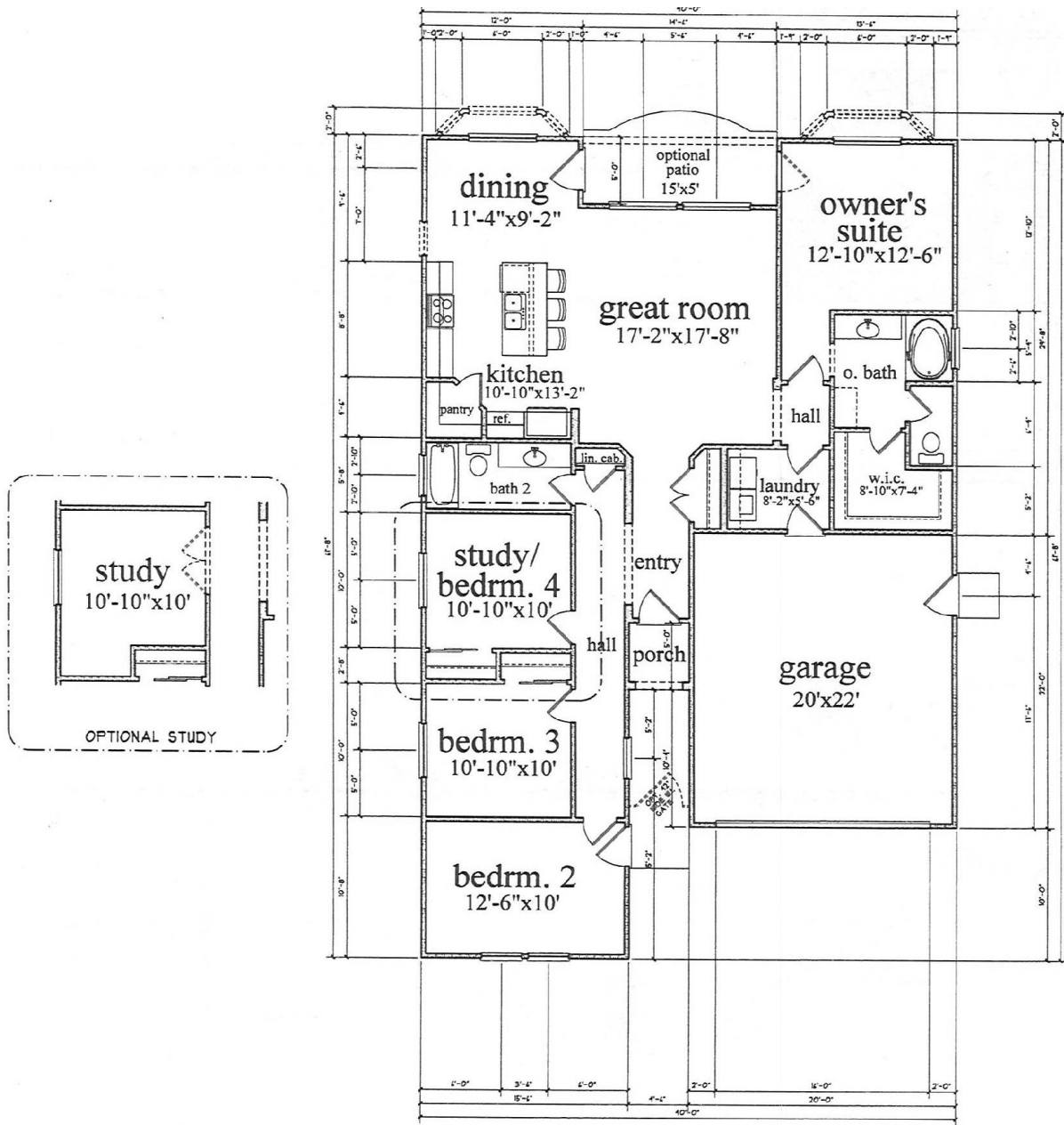


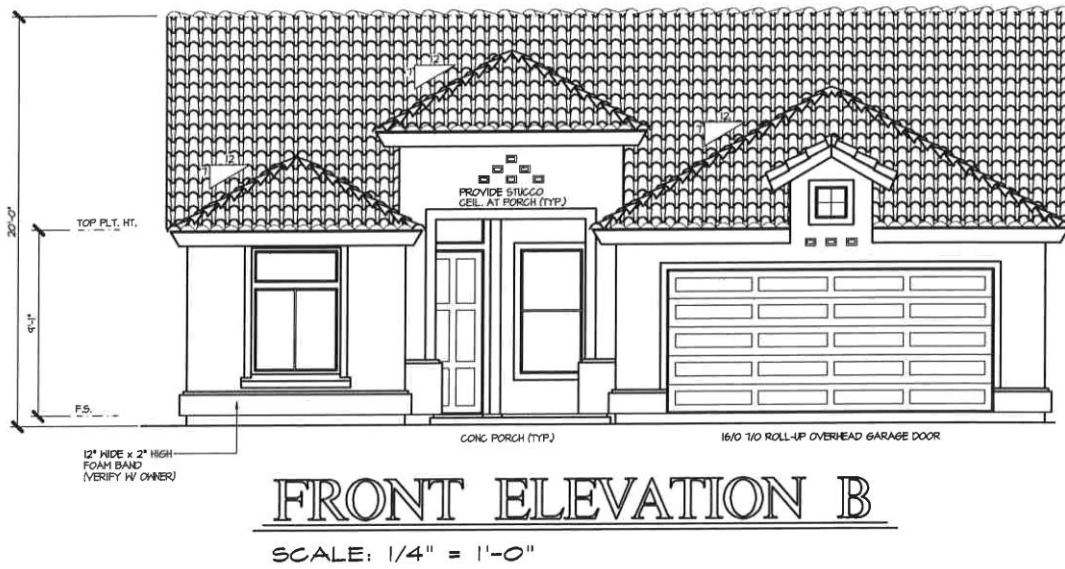
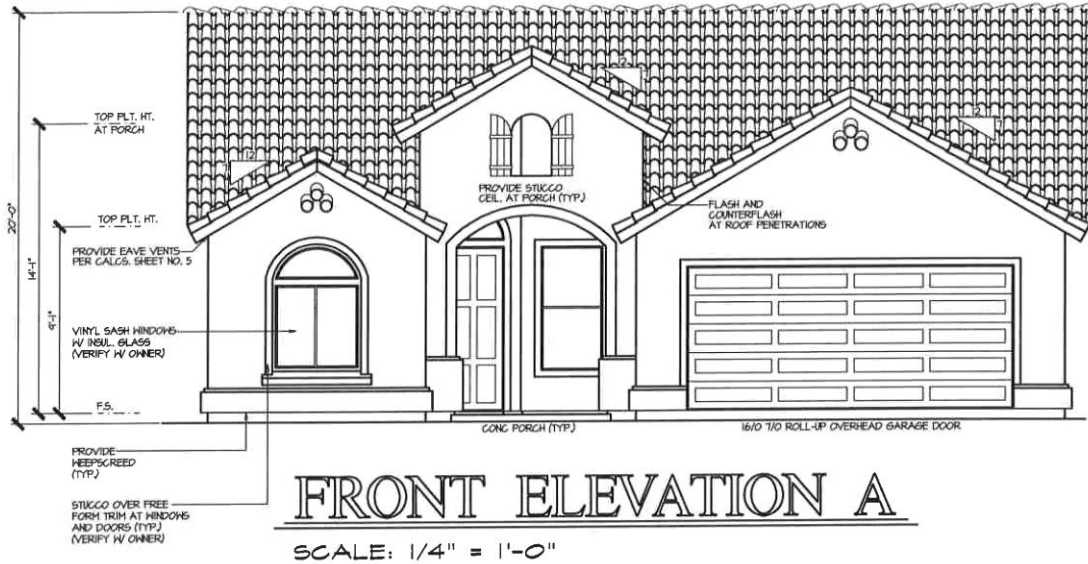
FRONT ELEVATION B

SCALE: 1/4" = 1'-0"

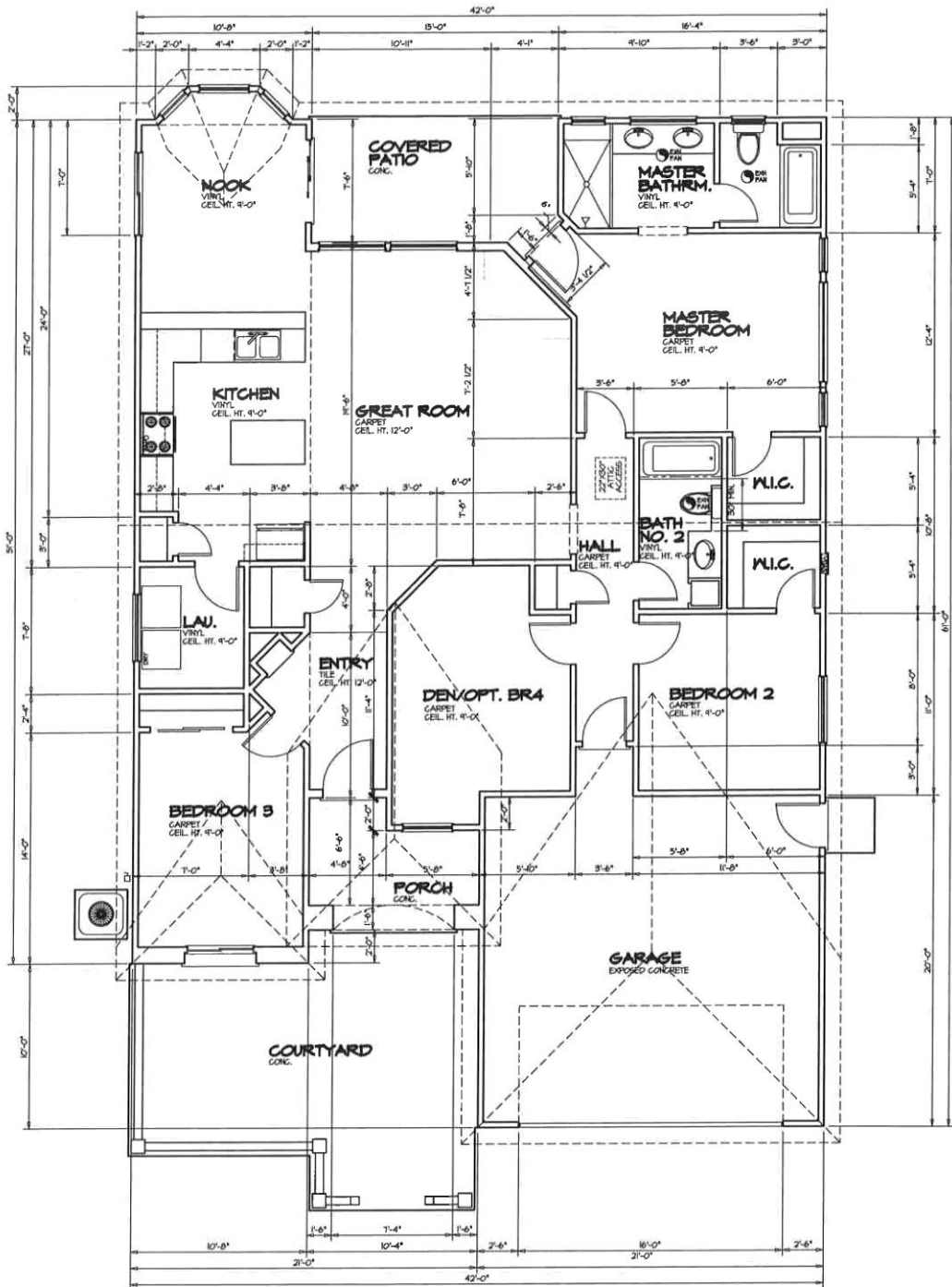
1609 SF

1640 Floor Plan





1730 SF

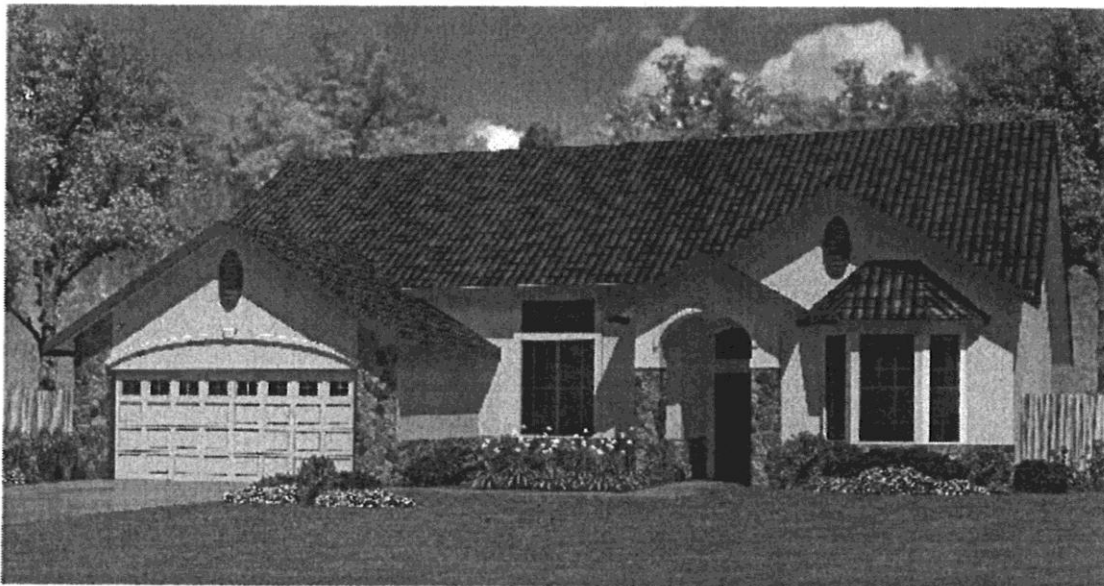


1730 SF

2212 Elevation



PLAN 2212-A

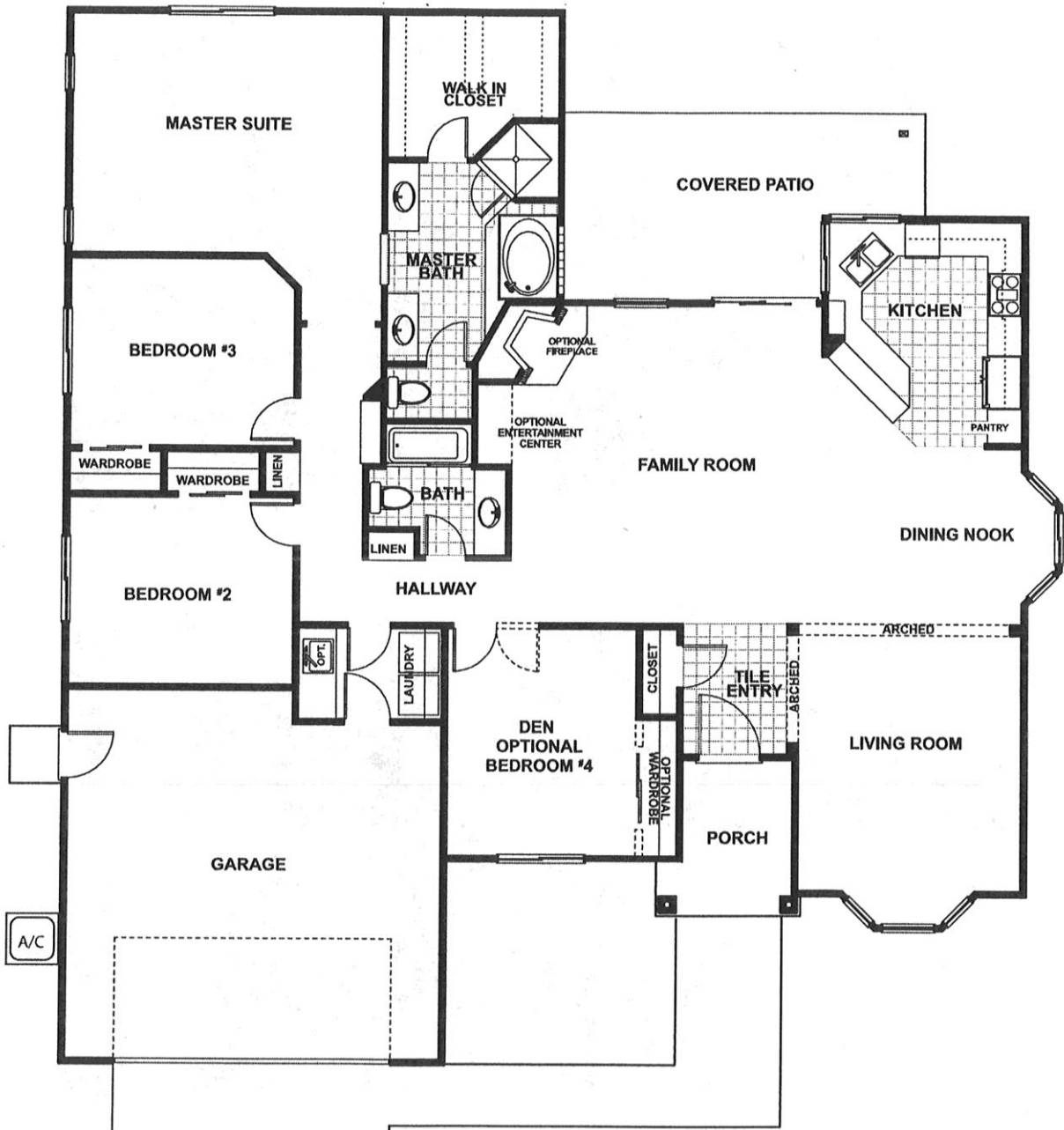


PLAN 2212-B

4 Bedrooms/Optional Den
2 Bathrooms
Dining Nook w/Bay Window
Formal Living Room
Optional Fireplace
Covered Patio
Covered Porch

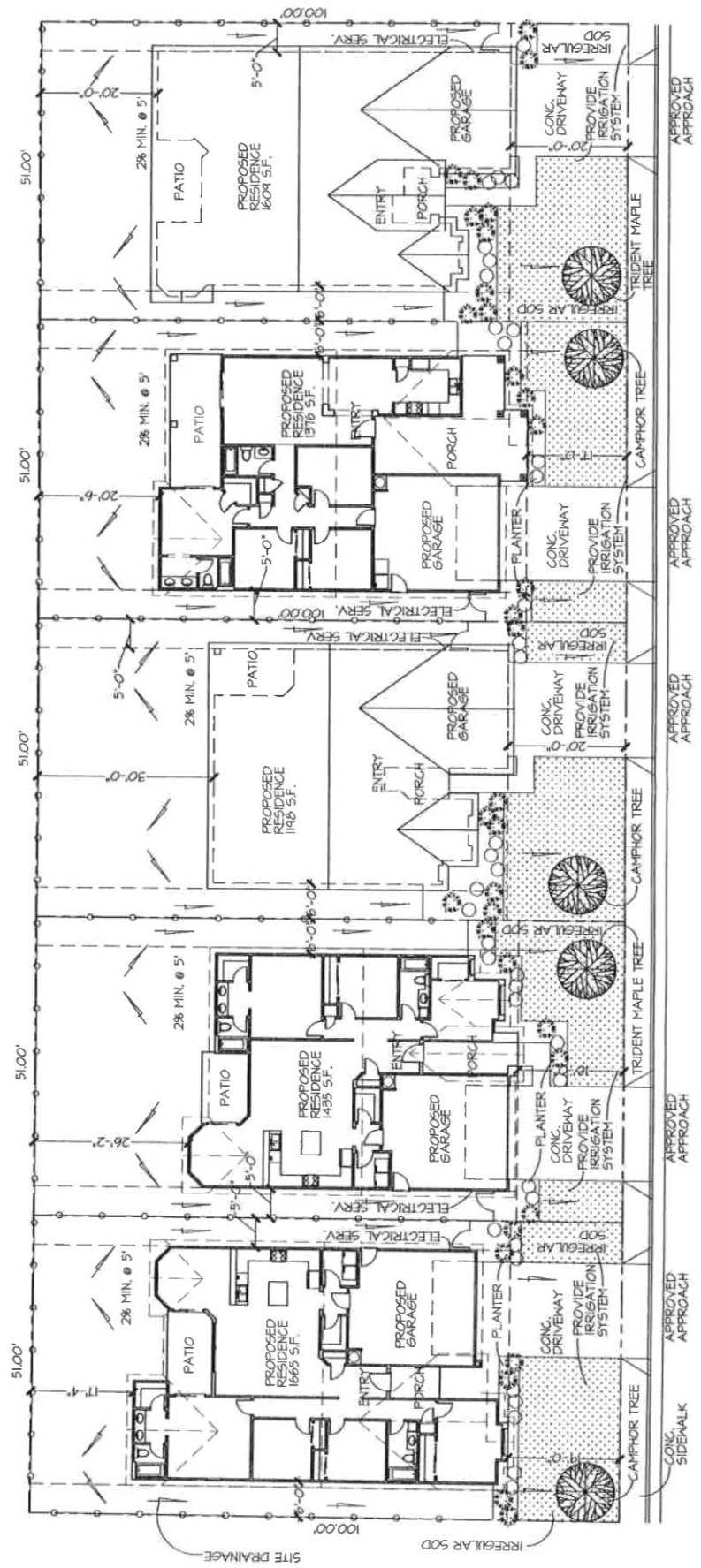
Interior Laundry Room
Optional Entertainment Center
Optional Sink in Laundry Room
Full Size Tub in Master Bath
Separate Tile Shower in Master Bath
3 Car Garage Option

2212 Floor Plan



4 Bedrooms/Optional Den
 2 Bathrooms
 Dining Nook w/Bay Window
 Granite Counters
 Formal Living Room
 Optional Fireplace
 Covered Patio

Covered Porch
 Interior Laundry Room
 Optional Entertainment Center
 Optional Sink in Laundry Room
 Full Size Tub in Master Bath
 Separate Tile Shower in Master Bath
 3 Car Garage Option





Valley Vanguard Properties
REAL ESTATE MARKETING & DEVELOPMENT

August 21, 2014

Planning Department City of Madera

RE: Standard features options for the plans submitted for tentative map approval for Capistrano 16

The following will be standard features on all plans:

1. Interior Two Tone Paint
2. Comp Roof with 30 Year Warranty
3. Tile Flooring in Laundry, Kitchen and Bathrooms
4. 12 x 12 Tile Entry
5. Granite Countertops in Kitchen and Baths
6. 5 ¼ Baseboards
7. Gas Range
8. Central Air and Heating
9. Front Yard Standard Landscape and Irrigation System
10. Dishwasher and Microwave
11. Rough Plumbing for Laundry Room
12. Tile showers in Plan #'s 1609 & 1730

Plan #'s 1376 & 1730 – Standard on these plans will be a front court yard as shown on plan.

Plan # 1435 - Standard feature will be rock elevation as shown on elevation. All other plans & elevations as shown will be standard.

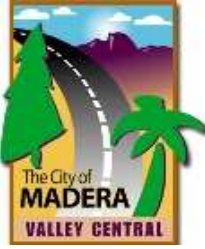
Options available:

Fireplace with Mantle

Tile Roof

Laundry Room Sink and Fixtures

P.O. Box 3376 • Pinedale, California 93650 • (559) 435-5990 • Fax (559) 435-5992



**CITY OF MADERA
PLANNING COMMISSION**

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

**Staff Report: Cottonwood Estates II Precise Plan Modification
PPL 2002-04 MOD3 and Environmental Determination
Item #3 – January 13, 2015**

PROPOSAL: An application for modification of the Cottonwoods Estates II subdivision (Phase IV and V) Precise Plan to allow for the approval of two new floor plans and elevations.

APPLICANT:	Joseph Crown	OWNER:	Joseph Crown
ADDRESS:	Multiple	APN:	Multiple
APPLICATIONS:	PPL 2002-04 MOD3	CEQA:	Negative Declaration

LOCATION: The project site is located north and south of the Pamela Drive/Fairfield Way street alignment, in the Cottonwood Estates II subdivision. The Cottonwood Estates subdivision is generally located south of West Cleveland Avenue and west of North Granada Drive, immediately east of the Home Ranch subdivision.

STREET ACCESS: The subdivision has access from North Granada Drive.

PARCEL SIZE: The typical parcel size is 5,225 square feet.

GENERAL PLAN DESIGNATION: LD (Low Density)

ZONING DISTRICT: PD-6000 (Planned Development)

SITE CHARACTERISTICS: Cottonwood Estates is a single family residential subdivision that is approximately seventy-five (75%) percent built out. Single family residential development is located immediately to the east, west and south, with required airport open-space located immediately to the north.

ENVIRONMENTAL REVIEW: A negative declaration was certified by the Planning Commission for the subdivision on the site in August of 2003. The proposed modification is consistent with development anticipated in the Negative Declaration.

SUMMARY & RECOMMENDATION: The proposed new home floor plans and elevations are comparable to the originally approved models and, as conditioned, are consistent with the goals and policies of the General Plan. Approval of the modification to the precise plan is recommended.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101 Planned Development Zones

MMC §10-3-4.104 Precise Plan Application

California Public Resources Code §21000, California Environmental Quality Act "CEQA".

Precise plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, appearance, landscaping and open space.

The City's Zoning Ordinance allows for the granting of an amendment to a precise plan by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the development 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 development, 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 development should be denied. Conditions may be attached to the approval of the precise plan 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

The Planning Commission approved Tentative Subdivision Map 2002-04 and its accompanying Precise Plan 2002-04 on September 10, 2002. Two modifications to the precise plan have been approved by the Planning Commission. Precise Plan 2002-04 MOD was approved in November of 2013. It allowed for the construction of homes on the last two remaining lots within Phase III of the Cottonwood II subdivision. Precise Plan 2002-04 MOD2 was approved in March of 2014. It allowed for the construction of homes on the seventy-four remaining un-built lots within Phase IV and Phase V of the subdivision. Five floor plans ranged in size from 2,180 to 2,849 square feet. Models ranged from three to five bedrooms and two or three bathrooms. Each model allowed for the option of a third-car garage.

ANALYSIS

Background

The approved tentative map for the Cottonwoods Estates II subdivision created 163 residential lots. Lots ranged in size from between 4,487 and 17,276 square feet. The majority of lots, however, are between 5,500 and 7,500 square feet in size. Eight home plans were originally offered, ranging between 1,530 and 2,336 square feet. All homes included at least a two car garage, tile roofing, stucco exteriors and a variety of elevations and colors. No special design criteria were included in the precise plan, which relied primarily on the development standards of the R1 zone.

Modification Request

The applicant wishes to add two additional floor plans each with three different elevations to the existing precise plan. These new models are 1,702 and 2,023 square feet respectively. Added to the five plans already approved, these new plans would bring the total number of approved

floor plans available for construction on the remaining lots within Phase IV and Phase V to seven.

Each proposed model includes tile roofing, stamped concrete, varying architectural treatments including wall sconces, window shutters, gable decorations and hatched window treatments as standard features. Stone, rock, and brick elevation treatments and upgraded garage doors are proposed optional embellishments to the models.

The proposed models also are generally compatible with the existing completed homes in the subdivision, although within the lower range of square footages. The smallest home permitted over the history of development within the various phases of Cottonwood Estates was 1,504 square feet. Other floor plans of 1,715 and 1,809 square feet have also been constructed. An allowance for the proposed floor plans is in keeping with the range of square footages within the neighborhood. It is recommended that the two new floor plans be approved for construction within Cottonwood Estates, Phase VI and V.



The proposed models are generally consistent with the goals and policies of the General Plan, to include the following policies which state:

CD-32: Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street.

CD-33: The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape.

CD-34: The exterior of residential buildings shall reflect attention to detail as necessary to produce high architectural design and construction quality. Where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation.

Requirements for staggered setbacks, enhanced elevations, garage subordinate design and varying model distribution ensure that the proposed modification to Precise Plan 2002-04 is consistent with the goals and policies of the General Plan.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is “a well-planned city”. The Commission, by considering how this development connects to other developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project is specifically consistent with Strategy 131, “Create Well-Planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components”.

SUMMARY OF RECOMMENDATIONS

The modification to the precise plan allows for the logical completion of a residential neighborhood. The proposed homes provide conformity with the General Plan. The information presented supports approval of the project. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the modification to the precise plan.

PLANNING COMMISSION ACTION:

The Commission will be acting on the precise plan modification.

Motion 1: Move to approve Precise Plan 2002-04 MOD3 to allow for the modification of the precise plan for Cottonwood Estates II to include the addition of two new floor plans and elevations, based on and subject to the findings and conditions of approval:

Findings

- A negative declaration for the subdivision was certified by the Planning Commission in August of 2003. The proposed modification is consistent with development anticipated in the Negative Declaration.
- The modification of Precise Plan 2002-04 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the code.
- The modification of Precise Plan 2002-04 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- The modification of Precise Plan 2002-04 is consistent with the goals and policies of the General Plan.

- The modification of Precise Plan 2002-04 continues to implement the tentative map and conditions of approval for the Cottonwood Estates II Subdivision.
- The proposed modification is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the city.

CONDITIONS OF APPROVAL

1. Except as modified herein, all conditions applicable to approval of Tentative Subdivision Map 2002-04 and Precise Plan 2002-04 shall remain effective and are not revised in any way by this approval.
2. Seven (7) models are approved as part of Precise Plan 2002-04 MOD3. They are allowed to be constructed within Phases IV and V of the Cottonwood II subdivision. They are as follows:

Laurel	1702 sq. ft.	4 bedrooms, 2 bathrooms, 2 car garage
Antonella	2023 sq. ft.	4 bedrooms, 2 bathrooms, 2 car garage
Camilla	2188 sq. ft.,	4 bedrooms, 2 bathrooms, 2 car garage
Avanti	2222 sq. ft.,	4 bedrooms, 3 bathrooms, 2 car garage
Amelia	2318 sq. ft.,	4 bedrooms, 3 bathrooms, 2 car garage
Camilla	2513 sq. ft.,	4 bedrooms, 3 bathrooms, 2 car garage
Camilla	2849 sq. ft.,	5 bedrooms, 3 bathrooms, 2 car garage
3. Each proposed model shall include the following features as standard elements of construction:
 - tile roofing
 - stamped concrete
 - tri-color exterior painting
 - architectural treatments including wall sconces, window shutters, gable decorations and hatched window treatments
4. Each proposed model shall offer the following features as optional elements of construction:
 - stone, rock, and brick elevation treatments
 - upgraded garage doors
 - third-car garages (where possible)
5. All standards for location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R-1 residential zoning standards.
6. Minor adjustments in the width of corner lots may be approved by the Community Development Director in order to comply with these precise plan requirements.
7. A ten-percent (10%) minor variation for the interior side yard and rear setbacks and yard requirements may be granted with approval by the Community Development Director when deemed necessary.

8. Rear yard wood fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be split block masonry. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.
9. Front yard and street side yard landscaping and irrigation shall be installed in conjunction with construction of all single family homes. At least one City approved street tree shall be planted in each front yard.
10. Street frontage landscaping shall include a minimum of one City approved street tree every fifty (50') feet, along with root guards. Two City approved street trees shall be planted in the street side yards of corner lots. No trees shall be planted within thirty (30') feet of any streetlight or five (5') feet from any fire hydrant. Each street tree shall be planted with a City approved root barrier.
11. Rear yard fencing, front and street side yard landscaping and irrigation systems shall be installed in accordance with the typical landscaping and irrigation plans included with the precise plan before the final building inspection of any residential units. All maintenance shall be by the individual homeowner.
12. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the residences during winter months.
13. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets are recommended in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.
14. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.
15. Except as noted above, all driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
16. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property. All units shall have a minimum of a two-car garage.
17. The following criteria shall be applied to the location of homes on individual lots:

The appearance of a home is affected by at least three (3) primary features, including:

- 1) home plan
- 2) alternative elevations for each plan
- 3) color

Homes built on side-by-side lots shall not repeat more than one of these primary home features. The model floor plans shall not be repeated on more than two consecutive lots.

18. The minimum front setback for all lots shall be:
 - 20 feet minimum depth to garage
 - 15 feet minimum to living space
 - 12 feet minimum to porch
19. The front setback shall vary from the minimum of 20 feet to garage, to a maximum of 24 feet to garage, with at least a one foot variation amongst any two adjacent lots, and a four foot variation over any five consecutive lots, regardless of home model.

Fire Department

20. Residential Fire Sprinklers are required.
21. Construction or storage of materials on the lots may not commence until the fire hydrant system in the roadway is operable and accepted by the City of Madera.

Engineering Department

22. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
23. Impact fees shall be paid at time of building permit issuance.
24. Improvement plans for the project shall include the most recent version of the City's General Notes.
25. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
26. Developers shall make all necessary repairs to improvements as detailed in the punch list dated March 26, 2008.
27. Phase V Final Map shall be processed and recorded per conditions of Cottonwood Estates II Tentative Subdivision Map TSM 2002-04.
28. Developer shall satisfy all conditions of Cottonwood Estates II Tentative Subdivision Map TSM 2002-04.
29. Final map fees and plan check and inspection fess shall be paid prior to recording of final map.
30. As-built plans for existing improvements shall be submitted prior to acceptance of the improvements.

Water

31. Water service connections shall be constructed per current city standards with water meter located within city right-of- way.

Sewer

32. Sewer service connection shall be constructed to current City standards.

33. Existing sewer mains within the subdivision shall be air tested, mandreled and camera-ed.
34. Existing sewer service laterals and clean outs shall be flushed out. Damaged laterals and clean outs shall be repaired.

Streets

35. An accessible path of travel shall be constructed across the existing driveway approaches per City and ADA standards.
36. Substandard and damaged curb and gutter, and sidewalk within subdivision shall be removed and replaced per City standards.
37. Street lights shall be upgraded to meet current City standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
38. Damage or cavities created by ground squirrels shall be repaired by a method acceptable to the City Engineer.

(OR)

Motion 2: Move to continue the application for Precise Plan 2002-04 MOD3 to the February 10, 2015 Planning Commission hearing for the following reasons or in order for the following information to be provided: (specify)

(OR)

Motion 3: Move to deny the application for Precise Plan 2002-04 MOD3, based on and subject to the following findings: (specify)

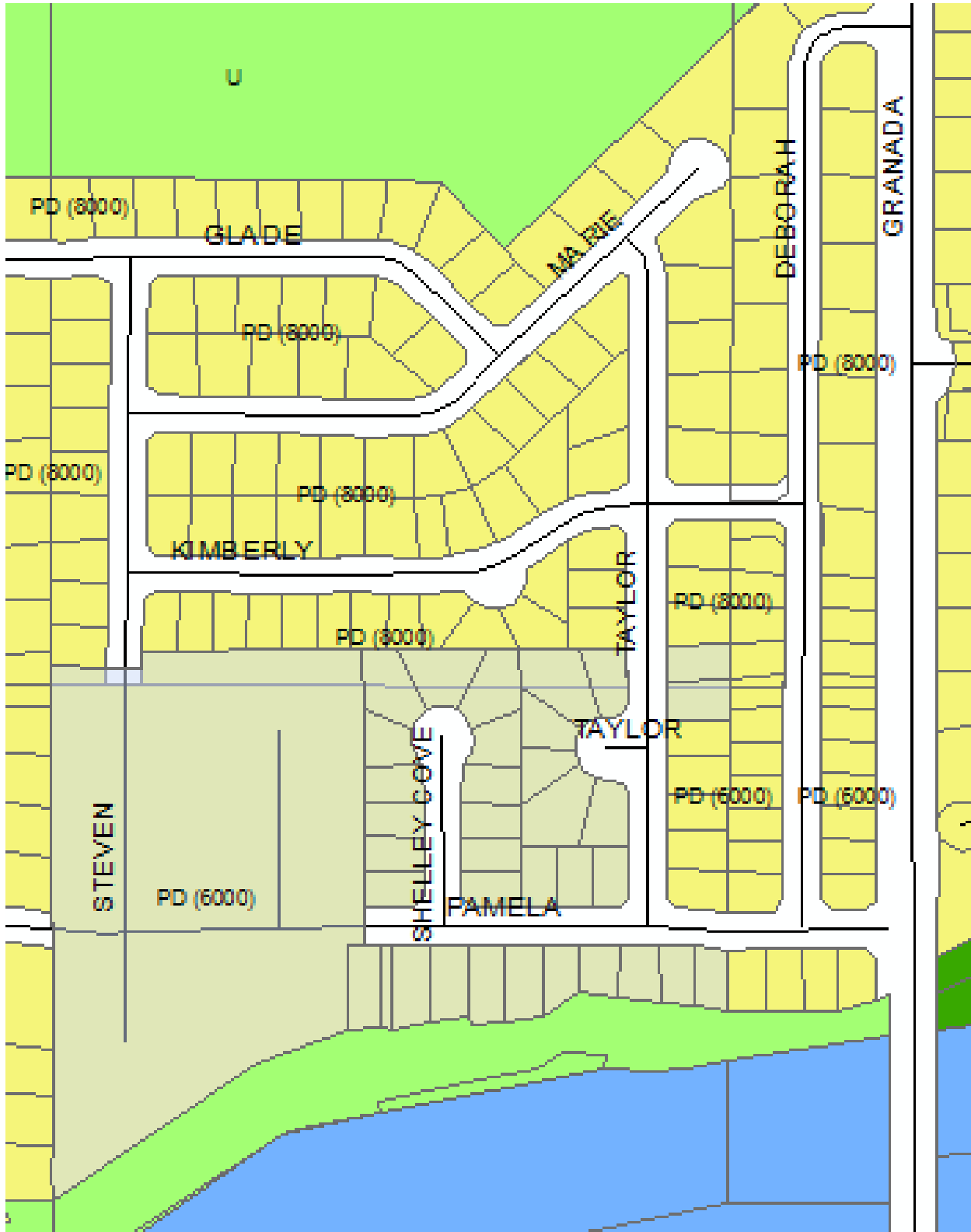
ATTACHMENTS

Aerial Photo
Zoning Map
New Model Details

Aerial Photo

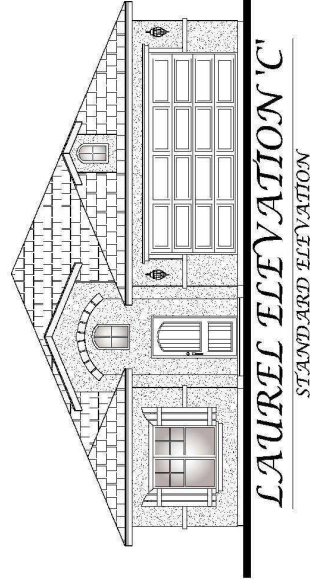
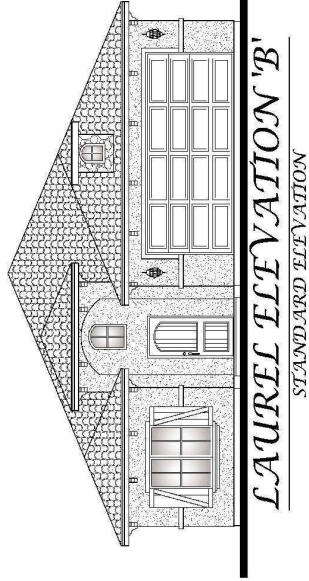
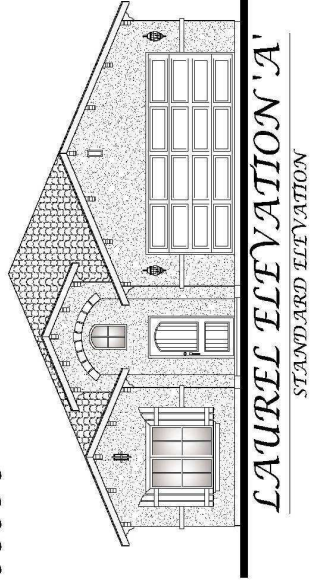
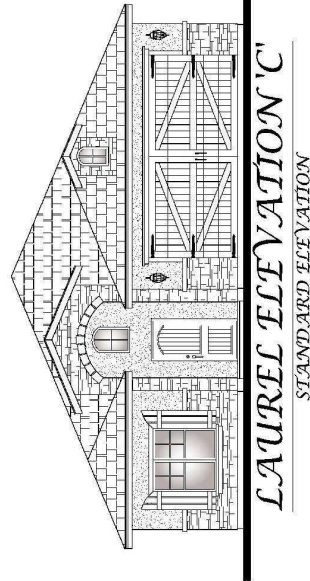
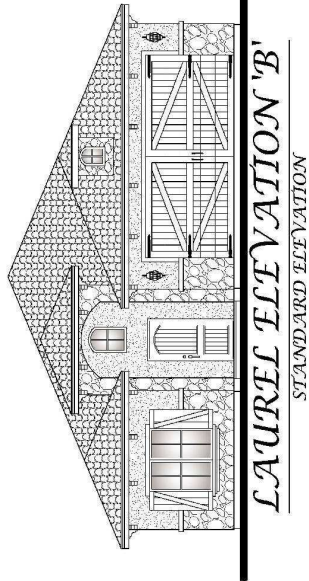
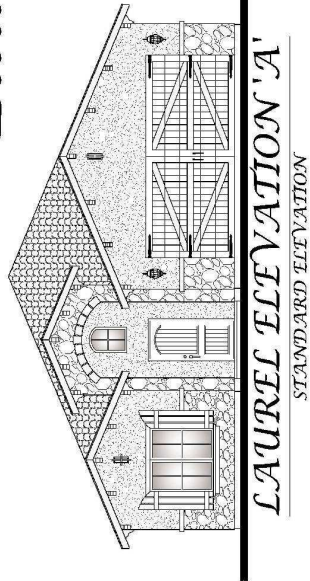


Zoning Map



New Model Details

PRECISE PLAN AMENDMENT
Laurel Plan



Laurel 1700 Standard Plan Floor Plan

PRECISE PLAN AMENDMENT

Laurel Plan



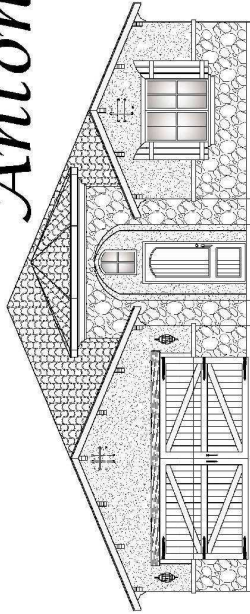
Area:

RESIDENCE	1700 sq. ft.
GARAGE	450 sq. ft.
CL.	100 sq. ft.
TOTAL	2250 sq. ft.

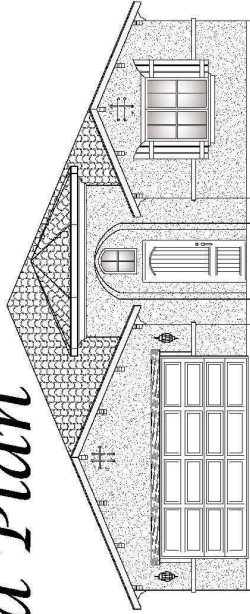
Laurel 1700 Standard Plan

PRECISE PLAN AMENDMENT

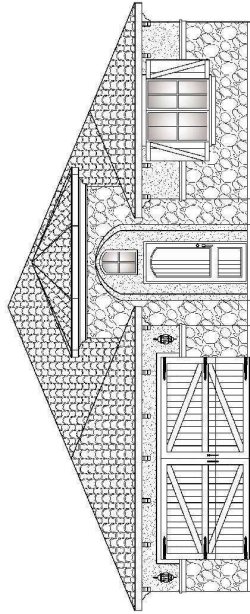
Antonella Plan



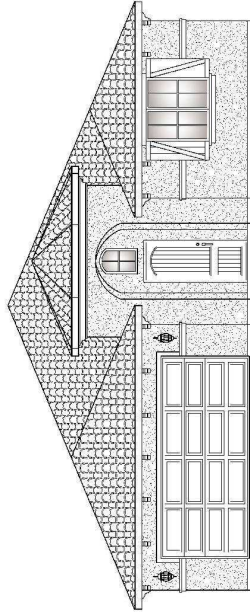
Antonella Elevation 'A'
UPGRADE ELEVATION



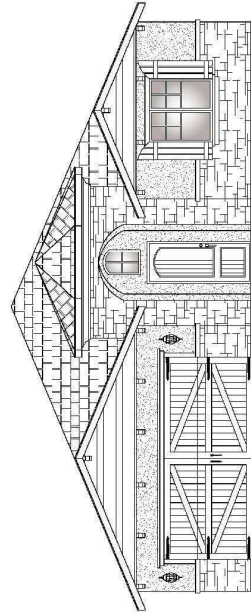
Antonella Elevation 'A'
STANDARD ELEVATION



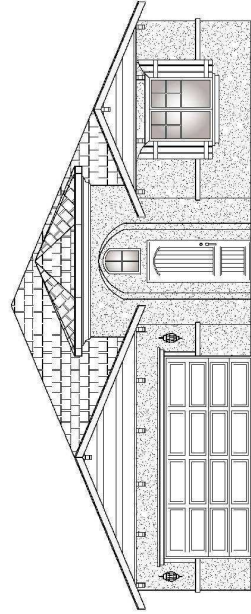
Antonella Elevation 'B'
UPGRADE ELEVATION



Antonella Elevation 'B'
STANDARD ELEVATION



Antonella Elevation 'C'
UPGRADE ELEVATION

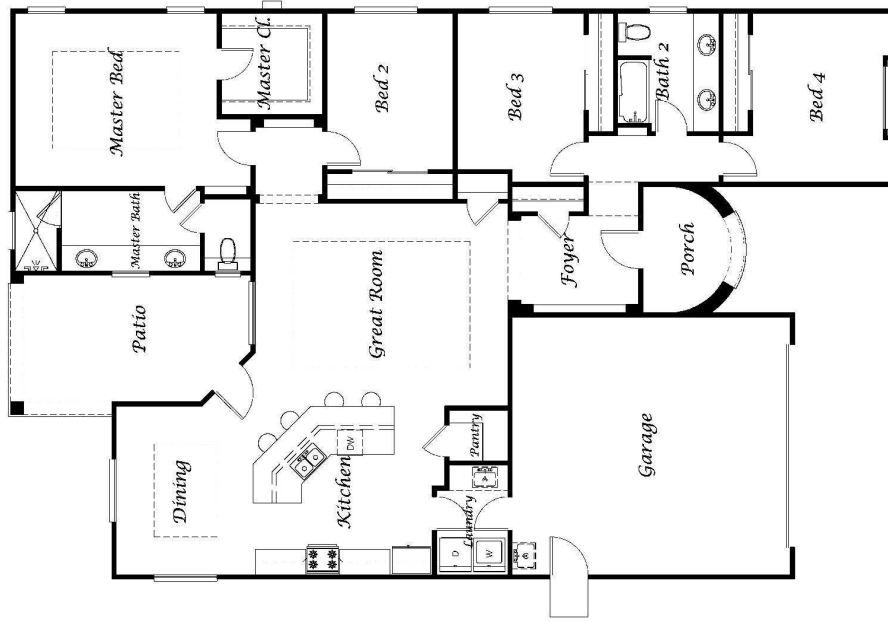


Antonella Elevation 'C'
STANDARD ELEVATION

Antonella 2023 Standard Plan Exterior Elevations

PRECISE PLAN AMENDMENT

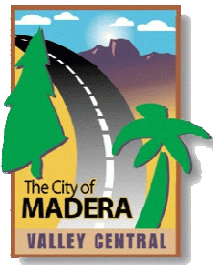
Antonella Plan



Area:

LIVING SPACE:	2,023 sq. ft.
BATHS:	2
PATIO:	180 sq. ft.
POORCH AREA:	172 sq. ft.
TOTAL AREA:	2,355 sq. ft.

Antonella 2023 Standard Plan



**CITY OF MADERA
PLANNING COMMISSION**

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

**Staff Report: Emily Apartment Complex - REZ 2014-01, PPL 2014-02
and Consideration of Adoption of a Negative Declaration
Item #4 – January 13, 2015**

PROPOSAL: An application for a rezone of 2.39-acres from the PD 3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District, and a precise plan to allow for the development of a fifty-four (54) unit, three-story multifamily apartment complex with associated infrastructure.

APPLICANT:	McClure Enterprises Inc.	OWNER:	Louie Fibrez
ADDRESS:	East side of Emily Way at Joya Drive	APN:	012-460-002
APPLICATIONS:	REZ 2014-01 & PPL 2014-02	CEQA:	Negative Declaration

LOCATION: The project site is located on the east side of Emily Way at Joya Drive.

STREET ACCESS: The site is accessed from Emily Way.

PARCEL SIZE: Approximately 2.39 acres

GENERAL PLAN DESIGNATION: HD (High Density Residential)

ZONING DISTRICT: PD-3000 (Planned Development)

SITE CHARACTERISTICS: The project site is vacant land generally located west of the hospital campus and south of Almond Avenue. Around the project site, there is a mix of vacant parcels amidst land developed at an urban density. Vacant land is located immediately south and east of the project site. Multifamily development is located immediately north and single family residential development is located to the west, across Emily Way.

ENVIRONMENTAL REVIEW: An initial study and a negative declaration have been prepared for consideration by the Planning Commission, consistent with CEQA Guidelines.

SUMMARY & RECOMMENDATION: The proposed rezone provides consistency with the General Plan. The precise plan, as conditioned, provides compatibility between existing land uses, Zoning Ordinance and the Madera General Plan. Staff recommends adoption of a Resolution recommending to the City Council adoption of a Negative Declaration, adoption of an ordinance rezoning the property and adoption of a precise plan for the project site.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.104, Precise Plan

MMC §10-3.1202, Parking Spaces Required

MMC §10-3.1501, Amendments

City of Madera General Plan, adopted October 7, 2010

California Public Resources Code §21000, California Environmental Quality Act "CEQA"

PRIOR ACTION

Precise Plan 2006-05 and Tentative Subdivision Map 2006-08 allowed for development of the property. A modification of the precise plan was completed as Precise Plan 2007-17. These approvals represent earlier development concepts for the property which are no longer active.

ANALYSIS

Rezone

The project site is within the HD (High Density) General Plan land use designation, which allows for residential development at a range of densities beginning at 15.1 units per acre, reaching as high as fifty units per acre. The project site is currently within the PD-3000 (Planned Development) Zone District. The PD-3000 (Planned Development) Zone District is not consistent with the HD (High Density) General Plan land use designation. A change to the PD-1500 (Planned Development) Zone District would provide consistency between the General Plan and the Zoning Ordinance. The proposed multifamily apartment complex project would be constructed at a density that is consistent with the General Plan and proposed zoning for the project site.

There are sufficient City services available to serve the project site. Sewer, water and storm drainage facilities would be extended to service the project site. Streets would be improved in conjunction with development. These improvements would be consistent with the City's Master Plans.

Precise Plan

Precise Plans are utilized within Planned Development zones to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, appearance, landscaping and open space. Approval of the Precise Plan would provide for the construction of a three-story multifamily residential apartment complex. The fifty-four (54) unit project would be developed within three three-story residential structures. Eighteen one-bedroom, eighteen two bedroom, and eighteen three bedroom units would be distributed within the three structures.

Site Design

The multifamily complex is designed around a central open space area which includes many of the project amenities. All apartment units will have sightlines onto the open space area, enhancing a sense of space in what is undeniably a high density project. The central open space design approach is consistent with General Plan Policy CD-29 which recommends that "all housing units be oriented to the street, parks, or a shared common area." The parking fields of the complex are positioned around the fringe of the project site to maximize drive aisle utility and protect opportunities for usable open space. Carport structures are designed to be complimentary and compatible to the primary structures. Parking is provided consistent with City standards for multifamily development. The parking layout also satisfies General Plan Policy CD-36, which requires that "where multi-story housing units are proposed adjacent to existing or planned Low Density areas, building elevations and the location of windows,

balconies and air conditioning units above the first story shall be designed to ensure visual compatibility and residential privacy. The parking fields are positioned in such a way as to minimize the intrusion of a three-story structure upon surrounding existing land uses. A fire lane is located on the south boundary of the project. This fire-safety requirement of construction is positioned so as to allow its future utilization as a two-way common drive aisle when development of the adjacent property occurs in the future.

Architecture

General Plan Policies CD-1 and CD-2 direct that new development should be of high quality design and architecture. More specifically, Policy CD-33 states, "The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape." Additionally, Policy CD-34 states that "the exterior of residential buildings shall reflect attention to detail as necessary to produce high architectural design and construction quality. Where side and/or rear exterior elevations of residential building are visible from any street or public right-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation."

Staff has encouraged the applicant to add detail sufficient to demonstrate conformance with the General Plan and the net result is in keeping with the intent of the General Plan. The primarily stucco structures have been enhanced with wrought-iron railings, window accents, and expansive rock treatments. Multiple colors will be employed to accentuate structural articulation while minimizing the mass of these three-story structures. Composition tile roofing is proposed. Applicable utilities will be located within mechanical/electrical service rooms.

Amenities

The project includes both covered and uncovered barbeque picnic areas, a tot lot playground, a swimming pool and spa area, a dog run and a half-court basketball court as open space amenities. Combined, the various amenities included as a part of the project substantially enhance the livability of the multifamily complex.

Open space is provided at a ratio of 712 square feet per unit, slightly less than the required 750 square feet per unit required in the PD (Planned Development) Zone. Because of the density requirements of the HD (High Density) General Plan land use designation, it can be difficult to provide all of the varying development requirements within high density development projects. Open space has been maximized by limiting ground-mounted utilities such as HVAC equipment. Because of the amount of proposed amenities include within the project and the restricted ground placement of utilities, staff can recommend support of the project even with a slight reduction in total open space. Final details of the playground equipment and other open space amenities will need to be completed as a component of building permit plan check.

Landscaping

A landscaping plan has not been included as a part of the initial precise plan submittals. A landscaping and irrigation plan will need to be approved by the Planning Department and Parks Department as a component of building permit plan check process and no building permit issuance will be allowed prior to landscaping and irrigation plan approvals. Any landscaping plan submitted for approval will need to meet the requirements of the State of California Model Water Efficiency Landscape Ordinance. Within that context, the plan will also be required to meet the City's landscaping requirements as recommended in the precise plan conditions of approval. The plan will need to provide significant shading and sufficient turf to enhance livability. A condition of approval has been proposed that allows staff to approve final landscaping and irrigation plans that are consistent with the goals and policies of the General Plan, Zoning Ordinance and State Code.

Consistency with General Plan

The General Plan currently designates this area for HD (High Density Residential) land uses. Staff has worked cooperatively with the applicant in preparing this precise plan for Planning Commission review. The General Plan includes specific goals and accompanying policies which assist in the implementation of those goals. General Plan Goal CD-1 calls for “the City of Madera [to] 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.” Goals CD-2 expands that vision by requiring that “all new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture.” Based on the whole of the project, site design, architecture, and amenities, the proposed multifamily apartment complex is consistent with the goals and policies of the General Plan.

Other Department and Agency Comments

The project was reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is “a well-planned city.” The Commission, by considering how this development connects to other developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project will help “ensure adequate supply of affordable, accessible and barrier-free housing city-wide” and is specifically consistent with Strategy 131, which requires that we “Create Well-Planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components.”

RECOMMENDATIONS

The information presented in this report supports a recommendation of approval for the adoption of the Negative Declaration, rezoning of the subject property and approval of the precise plan, subject to the conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and adopt a Resolution recommending approval to the City Council.

PLANNING COMMISSION ACTION:

The Commission will be acting on the Negative Declaration, Rezone 2014-01 and Precise Plan 2014-02.

Motion 1: Move to adopt a Resolution recommending to the City Council the adoption of a Negative Declaration prepared for the project, and approval of Rezone 2014-01 and Precise Plan 2014-02 for the subject property, with the findings as conditions as stated:

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after

considering all of the information in the entire record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

- The proposed Rezone will provide the required consistency between the General Plan and Zoning.
- The Rezone is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.
- The proposed 54-unit apartment complex is consistent with the development standards of the PD 1500 (Planned Development) Zone District.
- As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies.
- As conditioned, the proposed 54-unit apartment complex does not conflict with City standards or the provisions of the Municipal Code.

Precise Plan 2014-02 Conditions of Approval

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. Any substantial future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to the Precise Plan.
4. It shall be the responsibility of the property owner 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.
5. The project shall be developed in accordance with the operational statement, site plan and elevation drawings as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.
6. Precise Plan 2006-05, Tentative Subdivision Map 2006-08, and Precise Plan 2007-17 shall be rendered null and void with approval of Rezone 2014-01 and Precise Plan 2014-02.
7. All standards for location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R3, residential zoning standards.

Planning Department Conditions

8. Site Data

Precise Plan Area – One (1) parcels, approximately 2.39 acres (APN: 012-253-002)

Building Area – 54 units, as follows:

18 - one-bedroom units @ 880.83 square feet each

18 - two-bedroom units @ 984.64 square feet each

18 - three-bedroom units @ 1136.83 square feet each

Approved Use of Buildings: Residential

Minimum Parking Requirements: 113 stalls

Uncovered – 59

Covered – 54

Accessible – 5

Parking Provided: 114 stalls

Uncovered – 59

Covered – 54

Accessible – 5

Loading Spaces Required: None

9. All parking stalls shall be marked and striped to City standards.
10. 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.
11. 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 will 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.
12. No wheel stops shall be incorporated into the parking field/parking stall layout.
13. Handicap parking shall be consistent with the requirements of the Americans with Disabilities Act.
14. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.
15. Carport structures shall be architecturally integrated with the primary dwelling structures to the satisfaction of the Planning Manager. A plan set of a typical carport structure shall be submitted for review and approved in advance of any submittal for Building Department plan check.
16. The minimum usable open space for each individual unit shall be 712 square feet per unit.

17. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees.
18. Vandalism and graffiti shall be corrected pursuant to the Madera Municipal Code.
19. The property owner, operator, manager shall keep the property clear of all trash, rubbish and debris at all times, and dumping of refuse shall be restricted to the dumpsters owned by the property owner.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

20. As a component of building permit plan check, the applicant shall identify the following information for Planning Department review and approval:
 - Utility meter locations identified on the site plan
 - Roof-mounted HVAC (heating, ventilation or air conditioning) equipment locations
 - All HVAC, compressor, utility meter locations, mechanical and electrical equipment
21. Wherever possible, all electrical equipment shall be installed within electrical/mechanical service rooms, screened from public views to the specifications of the Planning Department. The applicant shall architecturally integrate equipment locations. Any roof-mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening.
22. All HVAC equipment shall be roof mounted or installed within the interior of the structure, screened from public views to the specifications of the Planning Department. All roof-mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening.
23. Future placement of roof-mounted equipment, which is not part of this precise plan approval, shall require amendment to this Precise Plan. Per the Planning Commission's direction, staff may review and authorize the installation of roof-mounted solar panels without Planning Commission approval.
24. 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. Any wall-mounted equipment shall be painted to match the exterior wall.
25. 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.
26. Backflow prevention devices must be screened per the approval of the Planning Manager.
27. Transformers and similar pad-mounted utilities must be screened per the approval of the Planning Manager.

Building Colors, Materials and Lighting Considerations

28. Prior to the submittal of building permits, the applicant shall submit a color and materials presentation board to the Planning Department for review and approval detailing building and carport colors and materials for all surfaces to include walls, roof, trim and fencing.
29. Prior to the submittal of building permits, the applicant shall submit a representative color section rendering of the proposed building(s), using a scale similar to the exterior elevation drawings to the Planning Department for review and approval.
30. The construction of building(s) approved as part of the precise plan shall be consistent with the approved color and materials presentation board and representative color section rendering of the proposed building as reviewed and approved by the Planning Department. Any alteration shall require amendment of the precise plan through Planning Commission approval.
31. Carports shall be constructed in such a way as to architecturally integrate with the primary structures per the approval of the Planning Department.
32. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
33. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
34. 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.

Signage

35. A Sign Review application shall be submitted for all signage associated with the multifamily residential development.
36. The multifamily residential complex entry signs shall be of a monument style no greater than six feet tall and no larger than twenty-four (24) square feet in area. The complex entry signs shall not be internally illuminated.
37. The location, size and design of any directional signs (on-building or freestanding) shall be reviewed and approved by the Planning Department as part of the Sign Review application.
38. All proposed construction announcement sign uses to conform with the Municipal Sign Ordinance.

Landscaping

39. 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.

40. 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.
41. The park strip along the street frontage shall be landscaped and provided with an automatic irrigation system by the applicant. A minimum of one City approved street tree every 30 feet shall be provided, along with root guards. No trees shall be planted within five (5) feet of any fire hydrant. Each street tree shall be planted with a City approved root barrier.
42. A detailed landscaping plan shall be submitted to the Planning Manager and Parks Department for review and approval and shall include:
 - Landscaping materials such as bushes trees, and groundcover shall be used to enhance the aesthetic of the buildings and grounds, by delineating various use spaces such as the tot lot, accentuating the paths of travel, and highlighting entrances.
 - Shade trees shall be planted evenly throughout the parking lot, with a minimum of one tree for each three uncovered parking spaces. Trees shall not be placed behind adjacent walkways, but in tree islands or planting strips adjacent to parking stalls.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - Three-foot-high vertical landscaping screens shall be developed where exposed parking fields are in close proximity to street frontages.
 - A detailed planting list for landscaping, with the number, size, spacing and specie of all plantings.
 - A no less than four (4') foot planting strip shall be developed along the northern and eastern project boundaries.
 - Open areas of turf shall be included within the landscaping plan, functioning as additional open space amenities.
43. The final selection of playground equipment, barbeque features, and outdoor furniture, and supporting apparatus such as trash receptacles and light fixtures shall be approved by the Planning Department as a component of building permit plan check. The scale and quality of the proposed equipment is deemed to be of high importance. The play area shall be clearly delineated with curbing and landscaping from walkways and lawn areas. The surface under the play apparatus shall be a material approved for use by the Parks Department. Minor alterations and amendments may be approved by the Planning Manager. Proposed changes deemed substantial by the Planning Manager shall require an amendment to the precise plan approved by the Planning Commission.
44. The playground equipment all other site amenities shall be maintained in good working order and appearance.

Walls and Fences

45. The perimeter fencing of the project shall as follows:
 - A six (6') foot tall tubular steel/wrought iron design with faux-stone pilasters incorporated at no more than twenty (20) feet on center intervals shall be constructed along the western property line per the satisfaction of the Planning Manager. The wall shall not encroach into the ten-foot public utility easement.

- A six (6') foot tall solid masonry wall shall be constructed along the northern and eastern property lines per the satisfaction of the Planning Manager.
 - A six (6') foot tall wood fence shall be constructed along the southern property line per the satisfaction of the Planning Manager.
46. Trash enclosures shall be constructed of masonry block consistent with City standards with a stucco finish and color to match the primary structure. As an alternative, the applicant may construct the enclosure of masonry block with a stone fascia which matches the primary structure.
47. Trash enclosure gates shall be steel construction painted a color approved by the Planning Manager.

Fire Access Road

48. The fire access road located along the south boundary of the project shall be closed to through traffic at all times. Bollards shall be approved by the Planning Manager.
49. At such time as development occurs on the adjacent southern property, the applicant shall not contest and shall be a party to the recordation of cross access pedestrian and vehicular easements sufficient to allow the expansion of the fire access lane to serve as a twenty-six (26') foot wide two-way drive aisle serving both the project site and the southern parcel.

Engineering Department Conditions

General Conditions

50. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
51. 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 the City Engineer shall be notified so that procedures required by state law can be implemented.
52. Improvement plans for the project shall include the most recent version of the City's General Notes.
53. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
54. The developer shall pay all required fees for completion of project. Fees due include but shall not be limited to the following: plan review, encroachment permit processing and improvement inspection fees.
55. Separate trash and recycle containers are required. The number and size of containers shall be based on the size and use of the facility, as determined by the Public Works Department. The need for additional containers at a later date requires expansion of existing enclosures or construction of new enclosures. Enclosure(s) shall be constructed in accordance with City Standard Drawing E-7.

Streets

56. The developer shall dedicate a ten (10') foot Public Utility Easement (PUE) on Emily Way along the entire project frontage.
57. Emily Way shall be constructed to a sixty (60') foot residential street standard including asphalt pavement, curb and gutter, sidewalk and street lights per current City standards.
58. The proposed street type entrance shall be constructed with a minimum face of curb radius of 20 feet. The proposed median island in driveway approach shall be set back to accommodate pedestrian path of travel.
59. The proposed driveway approach shall be designed and striped to safely guide vehicle traffic.
60. Handicap access ramps shall be constructed at all curb returns per current City and ADA standards. If necessary, additional right-of-way shall be dedicated to accommodate access ramps.
61. Street lights shall be installed along Emily Way per current City spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera Standards.
62. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.

Water

63. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with state standards.
64. Existing water system improvements previously constructed on-site and within the City right-of-way are not to be used by the proposed project, and shall be demolished and removed.
65. Water service connections shall be constructed to current City standards with water meters located within City right-of-way and backflow prevention device within private property.
66. Landscape water service shall have constructed with a separate water meter and backflow prevention device.
67. Water main and fire hydrant mains onsite and offsite installation over 18 feet in length shall comply with City of Madera sterilization procedures.
68. Onsite water mains shall be maintained by the Owners of the proposed project property.
69. Water systems designed to meet the required fire flow for this type of development shall be approved by the Fire Department.

Sewer

70. Existing sewer system improvements previously constructed on-site and within the City right-of-way are not to be used by the proposed project, and shall be demolished and removed.
71. Emily Way sewer main connection, larger than 4-inch diameter shall require manhole installations.
72. Onsite sewer mains and service laterals shall be maintained by Owners of project property at Owners expense.
73. Onsite sewer mains shall be subject to air testing and video inspection.
74. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

75. The project site is to drain storm runoff to existing Gary Lane Basin located to the south of the project site per the current Storm Drain Master Plan.
76. The project site shall connect to the existing storm drain system in Emily Way and construct improvements to drain storm runoff to the Gary Lane Basin. A detailed drainage study shall be submitted to support the design of the storm drain facilities per current Storm Drain Master Plan.
77. The Developer shall adhere to all current State Water Control Board requirements.

Fire Department Conditions

78. All multi-family residential properties shall be equipped with automatic fire sprinkler protection.
79. Ladder Truck access may be required for evacuation of the structure. The plate height of the highest floor must be compared to the height of the closest adjacent vehicle access location.
80. Fire resistive unit separations shall be in accordance with the California Building Code and all penetrations and/or openings must be properly protected.
81. Panic hardware shall be required from the swimming pool enclosure.

San Joaquin Valley Air Pollution Control District Conditions

82. The applicant shall address the rules and regulations of the San Joaquin Valley Air Pollution Control District, including the applicability of District Rule 9510 (Indirect Source Review) to the project. The applicant shall comply with the comments and conditions as noted in the attached San Joaquin Valley Air Pollution Control District letter dated December 15, 2014.

(OR)

Motion 2: Move to continue the application for Rezone 2014-01 and Precise Plan 2014-02 to the February 10, 2015 Planning Commission hearing for the following reasons or in order for the following information to be provided: (specify)

(OR)

Motion 3: Move to deny the application for Rezone 2014-01 and Precise Plan 2014-02, based on the following findings: (specify)

ATTACHMENTS

Aerial Map

General Plan Map

Zoning Map

SJVAPCD Comment Letter

Initial Study and Negative Declaration

Resolution of Recommendation to the City Council

 Exhibit A - Zoning Map

 Exhibit B - Site Plan

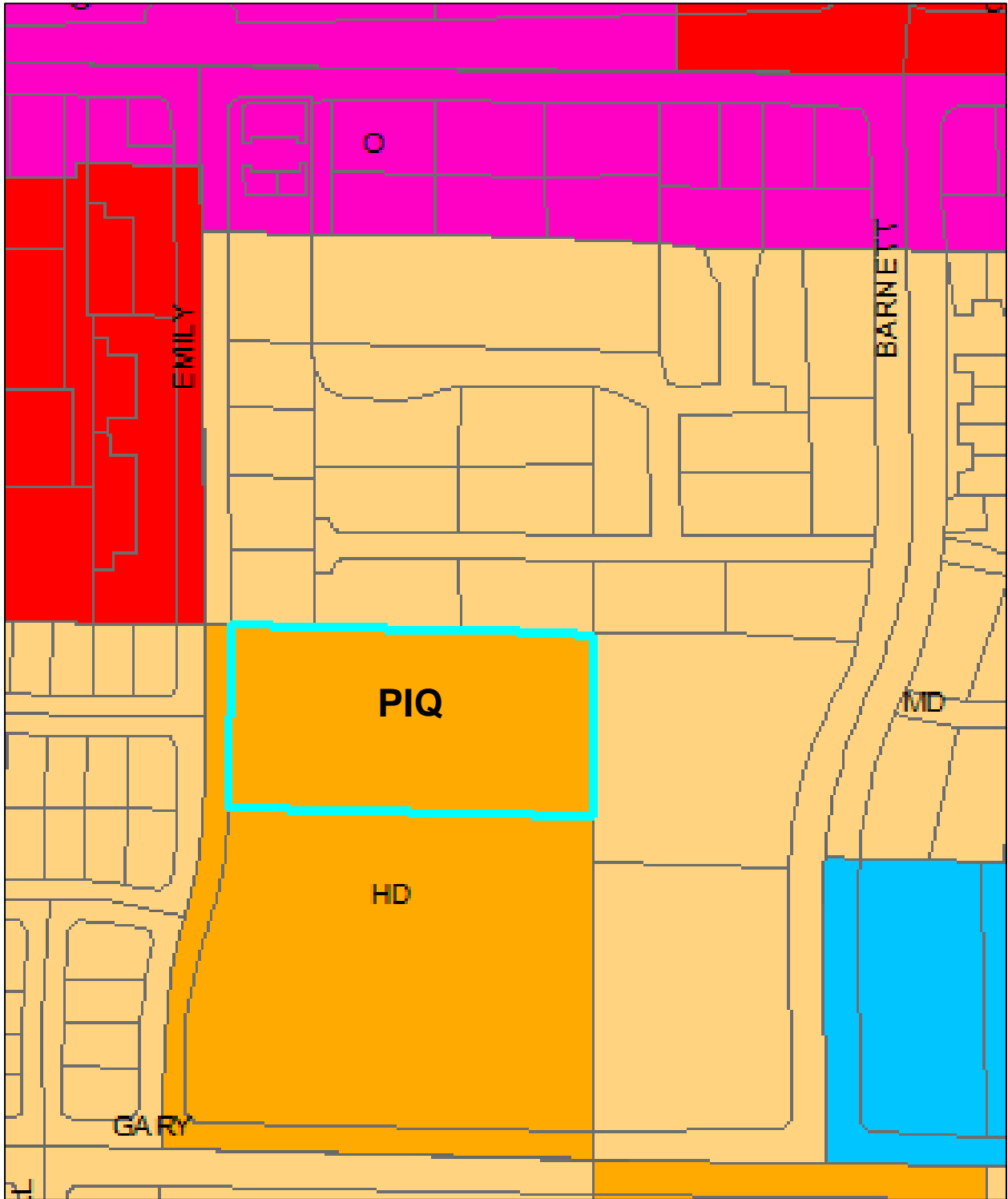
Draft Ordinance

 Exhibit A - Zoning Map

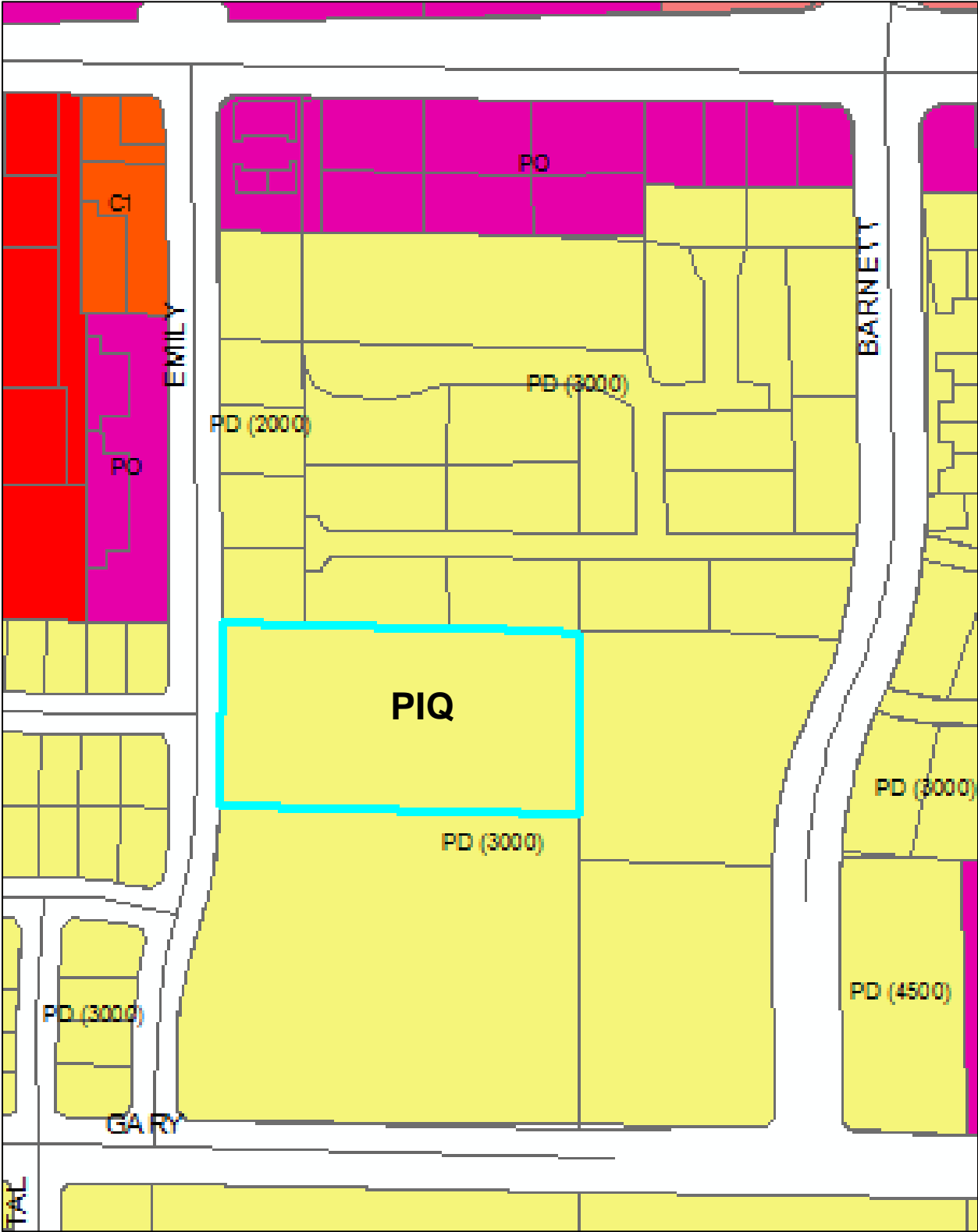
Aerial Photo



General Plan Map



Zoning Map



Comment Letter



December 15, 2014

Christopher Boyle
City of Madera
Planning Division
205 W. Fourth Street
Madera, CA 93637

**Agency Project: REZ 2014-01 and PPL 2014-02 - Emily Way Apartments
For McClure Enterprises, Inc.**

District CEQA Reference No: 20140949

Dear Mr. Boyle:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a rezone of 2.39-acres to allow for the development of a fifty-four (54) unit multifamily apartment complex, located on the east side of the intersection of Emily Way and Joya Drive, in Madera, CA. (APN: 012-253-002) The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, at full build-out the proposed project would be equal to or greater than 50 residential dwelling units. Therefore, the District concludes that the proposed project would be subject to District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to reduce a project's impact on air quality through project design elements or mitigate its impact by payment of applicable off-site mitigation fees.

Pursuant to District Rule 9510 (ISR) section 5.0, an applicant subject to the rule shall submit an Air Impact Assessment Application (AIA) to the District no later than applying for final discretionary approval. Based on a review of District records, we

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

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have not received an AIA application for this project. Therefore, if this approval constitutes the final discretionary approval, the project proponent may be in violation of District Rule 9510 requirements. In addition, please note that starting construction before receiving an approved AIA and paying the required Off-site Mitigation Fees, if any, is a violation of District regulations and is subject to enforcement action.

The District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first grading/building permit, whichever comes first, be made a condition of project approval.

More information regarding District Rule 9510 can be obtained by:

- E-mailing inquiries to: ISR@valleyair.org;
- Visiting the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>; or
- For project specific assistance, the District recommends the applicant contact the District's Indirect Source Review (ISR) staff at (559) 230-6000.

3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive.

More information regarding compliance with District rules and regulation can be obtained by:

- Visiting the District's website at <http://www.valleyair.org/rules/1ruleslist.htm> for a complete listing of all current District rules and regulation, or
 - Visiting the District's website at http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm for information on controlling fugitive dust emissions, or
4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please contact Georgia Stewart by phone at (559) 230-5937.

Sincerely,

Arnaud Marjollet
Director of Permit Services

A handwritten signature in blue ink that reads "Georgia Stewart". The signature is written in a cursive, flowing style.

For: Chay Thao
Program Manager

AM: gs

INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

Emily Way Apartments Rezone 2014-01 Precise Plan 2014-02

This environmental assessment has been prepared to evaluate the impacts of the proposed project as required by the California Environmental Quality Act (CEQA). CEQA requires that public agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects (Public Resources Code [PRC] 21000 et seq.). For this project, the City is the lead agency under CEQA because it has the primary responsibility for approving and implementing the project, and therefore the principal responsibility for ensuring CEQA compliance.

Project: Rezone 2014-01
Precise Plan 2014-02

Applicant: McClure Enterprises Inc.
3317 M Street
Merced, CA 95348

Owner: Louie Fimbrez
501 North E Street
Madera, CA 93638

Location: The 2.39-acre project site is located on the east side of Emily Way at its intersection with Joya Drive (APN: 012-253-002).

Proposal: An application to rezone 2.39 acres from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District to allow for the development of a fifty-four (54) unit multifamily apartment complex with associated improvements and infrastructure. The apartment complex includes 18 one-bedroom, 18 two-bedroom, and 18 three-bedroom units distributed within three structures. Amenities include playground features, barbeque areas, a swimming pool area, and sports court. All construction would be three stories high.

Existing Zone District: PD-3000 (Planned Development)

Existing General Plan Land Use Designation: HD (High Density)

Surrounding Land Uses and Zoning:

- South – Vacant
- North – Multifamily Residential
- West – Single Family Residential
- East – Vacant

Responsible and Interested Agencies:

- San Joaquin Valley Air Pollution Control District
- Madera Unified School District
- Madera Irrigation District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. None of these factors represents a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Mat. | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings
of Significance |

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____
Name : Christopher Boyle, Planning Manager

Date: December 18, 2014 Printed

Explanation of Environmental Checklist

I. AESTHETICS. Would the project:

	No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: An application to rezone 2.39 acres from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District to allow for the development of a fifty-four (54) unit multifamily apartment complex with associated improvements and infrastructure. The apartment complex includes 18 one-bedroom, 18 two-bedroom, and 18 three-bedroom units distributed within three structures. Amenities include playground features, barbeque areas, a swimming pool area, and sports court. All construction would be three stories high.

The project site has been identified for residential development within the 2009 General Plan, high density development as part of the 2010 Housing Element Update and is zoned appropriately for the proposed use. The project will not affect a scenic vista and will not have an overall adverse visual impact on the immediate area. The project will not affect a scenic highway, and will not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light. Existing City Standards will insure that the impact is less than significant and will not substantially degrade the existing visual character or quality of the property and its surroundings.

a) **No Impacts.** The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The project will not have a substantial adverse effect on a scenic vista. The City of Madera is located in a predominantly agricultural area near the base of the Sierra Nevada Mountain Range, which provides for aesthetically pleasing views and open spaces. By developing land within the city's sphere of influence, the proposed project will reduce development pressure on rural lands.

b) **No Impacts.** The project will not damage scenic resources, including, but not limited to, rock outcroppings, and historic buildings within a state scenic highway.

c) **Less Than Significant Impacts.** The project would not degrade the existing visual character or quality of the site and surroundings under examination. The proposed project would not alter the landforms, view sheds, and overall character of the area.

d) **Less Than Significant Impacts.** There will be an increase in light and glare and other aesthetic impacts associated with urban development as a result of the project, although it will be a less than significant impact when required directional shielding is incorporated.

II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepare pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project area is located on land identified as Grazing land within the 2012 California Farmland Mapping and Monitoring Program.

a.) **No Impacts.** The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California resources agency) to non-agricultural use. The project site is identified as Grazing land on the 2012 Important Farmland Map, the project site has been identified for residential uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.

a) **No Impacts.** The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts in the affected territory. The City of Madera General Plan identifies this site for residential uses.

b) **No Impacts.** The development of this property will not influence surrounding properties to convert from farmland to non-agricultural uses since this property is surrounded by property designated for urban development, consistent with the Madera General Plan.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	No	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant
	Impact	Impact	Incorporation	Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project area is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).

Air quality is determined primarily by the type and amount of contaminants emitted into the atmosphere, the size and topography of the Basin, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are “criteria pollutants.” The SJVUAPCD also conducts monitoring for two other state standards: sulfate and visibility.

The State of California has designated the project area as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.

The project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans. The SJVUAPCD has determined that project specific emissions of criteria pollutants are not expected to exceed District significance

thresholds of 10 tons per year NO_x, 10 tons per year ROG, and 15 tons per year PM₁₀. Therefore, the District concludes that project specific criteria pollutant emissions would have a less than significant adverse impact on air quality.

Additionally, because the proposed project includes more than fifty residential units, the project is subject to SJVUAPCD District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, would be made a condition of project approval.

Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and any future development would be subject to Air Pollution Control District review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not produce any climate changes. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors

- a) **Less Than Significant Impacts.** The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
- b) **Less Than Significant Impacts.** The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- c) **Less Than Significant Impacts.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors.
- d) **No Impacts.** The proposed project would not expose sensitive, receptors to substantial pollutant concentrations.
- e) **No Impacts.** The proposed project would not create any new/permanent objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES. Would the project:

	No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. The project area has been subjected to agricultural uses in the past, resulting in a highly maintained and disturbed habitat. There is no record of special-status species in this project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

The approximately 2.39-acre project site is void of any natural features such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. Review of the most recent Department of Fish and Game CNDDDB Occurrences database information indicates that there are no recorded occurrences of any listed species (endangered or threatened) within a one-half-mile radius of the project site. The property surrounding the site is either already developed or approved for urban development. The site is currently being maintained

by an annual regimen of disking for weed abatement and fire prevention purposes. Therefore, no opportunity exists for the site to be utilized as a native resident or migratory wildlife corridor. Development of the site will not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

a) **No Impacts.** The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b) **No Impacts.** The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.

c) **No Impacts.** The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.

d) **No Impacts.** The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) **No Impacts.** The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) **No Impacts.** The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

V. CULTURAL RESOURCES. Would the project:

	No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project will not disturb archaeological resources. The project will not disturb any unique paleontological or geologic resources. The project will not disturb any human remains. In the event any archeological resources are discovered with project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State Law may be applied.

a) **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. There are no known historical resources located in the affected territory.

b) **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines. There are no known archaeological resources located in the project area.

c) **No Impacts.** The proposed project would not directly or indirectly destroy a unique paleontological resources or sites or unique geologic features. There are no known paleontological resources or sites or unique geologic features located in the affected territory.

d) **No Impacts.** The project would not likely disturb any human remains, including those interred outside of formal cemeteries. If development occurs in the future and any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state and federal regulations that regulate archaeological and historical resources would be complied with.

VI. GEOLOGY AND SOILS. Would the project:

	No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in *The Uniform Building Code* that is utilized by the Madera Building Division to monitor safe construction in the City.

ai.) **No Impacts.** No known faults with evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west, and south of the project site. Due to the geology of the project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal.

a ii) **No Impacts.** Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is

attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise, and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.

aiii) **No Impacts.** Liquefaction describes a phenomenon in which a saturated, soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass, combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. There is no evidence of the presence of these requisite conditions.

aiv) **No Impacts.** The project will not result in or expose people to potential impacts from landslides or mudflows.

b) **No Impacts.** Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with City of Madera ordinances and regulations, The California Building Code, and professional engineering designs approved by the Madera Engineering Division will mitigate any potential impacts from future urban development, if any.

c) **No Impacts.** The project site would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) **No Impacts.** The project will not result in or expose people to potential impacts from expansive soils.

e) **No Impacts.** Should urban uses be approved in the project area, the City of Madera would provide necessary sewer and water systems.

VII. GREENHOUSE GAS EMISSIONS. Would the project:

	<i>Potentially Significant Impact</i>	<i>Significant Unless Mitigation Included</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: In the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is currently too speculative to make a significance determination regarding the project’s direct and indirect impact with respect to climate change. The City General Plan includes policies in support of GHG emissions reduction and climate change. The City supports local, regional, and statewide efforts to reduce the emission of greenhouse gases linked to climate change.

The San Joaquin Valley Unified Air Pollution Control District staff has concluded that existing science is inadequate to support quantification of impacts that project specific GHG emissions have on global climatic change. This is readily understood when one considers that global climatic change is the result of the sum total of GHG emissions, both manmade and natural that have occurred in the past; that is occurring now; and may occur in the future. The Air District has advanced a methodology of reducing the (assumed) significance of impacts around performance measures applied to projects or alternatively, by comparing project-level impacts to an identified GHG emissions threshold.

In the absence of further regulatory or scientific information related to GHG emission and CEQA significance, it is currently too speculative to make a significant determination regarding this project’s direct and indirect impact with respect to climate change. The City General Plan includes policies in support of GHG emissions reduction and climate change. The City supports local, regional, and statewide efforts to reduce the emission of greenhouse gases linked to climate change.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

	No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project site is not within one-quarter mile of an existing school, and will not bring about a direct increase in the risk of accidental explosion or release of hazardous substances. The project site has not been identified as a hazardous material site. The project will not result in a substantial air safety hazard for people residing in the area or future residents of the project. The project site is outside of the scope of the Madera County Airport Land Use Compatibility Plan. The project will not result in any hazards to air traffic or be a substantial air safety hazard. The project will not interfere with any emergency response or evacuation plans. Truck traffic generated with construction of the project is expected to be insignificant. Traffic generated with development is not expected to be substantially higher than current volumes. The project will not bring about an increase in fire hazards in areas from flammable brush, grass, or trees.

- a) **No Impacts.** The proposed project would not create any hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b) **No Impacts.** The proposed project would not create any hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- c) **No Impacts.** The project would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d) **No Impacts.** The land within the project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazard waste and substances sites within the City of Madera (www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm).
- e) **No Impacts.** The project site is not located within an airport land use plan or, within two miles of a public airport or public use airport. The proposed project would not bring about a safety hazard related to an airport or aviation activities for people residing or working in the project area.
- f) **No Impacts.** The project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project vicinity related to an airstrip or aviation activities.
- g) **No Impacts.** The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- h) **No Impacts.** The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

IX. HYDROLOGY AND WATER QUALITY. Would the project:

	No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. 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 would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The proposed project would not violate any water quality standards or waste discharge requirements. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. Services will be provided in accordance with the City's Master Plans. The project will not change any drainage patterns or stream courses, or the source or direction of any water movement. During construction, the project site may be exposed to increased soil erosion from wind and water. Dust control will be used during construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions.

The project will not expose people or property to water related hazards. During future construction, the project site may be exposed to increased soil erosion from wind and water. Dust control will be used during any future construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions. Standard construction practices and compliance with City ordinances and regulations, *The Uniform Building Code*, and adherence to professional engineering design approved by the Madera Engineering Department will mitigate any potential impacts from this project. This development will be required to comply with all City ordinances and standard practices which will assure that storm water will be adequately drained into the approved storm water system. The project will not create any impacts on water quality.

Based on a review of the City's FEMA maps, the site is in a Zone X, and the project will not place housing or other land uses in a 100-year flood hazard area. These are areas outside of the 500-year flood area. The project will not expose people or structures to a significant risk because of dam or levee failure. The project will not expose people or structures to a significant risk because of a seiche, mudflow, or tsunami.

a) **No Impacts.** Development of the project site would be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development would also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.

b) **No Impacts.** The proposed project will not 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.

c) **No Impacts.** The proposed project would not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.

d) **No Impacts.** The proposed project would not 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 would result in flooding on or off-site.

e) **No Impacts.** The proposed project would not 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.

f) **No Impacts.** The proposed project would not degrade water quality.

g) **No Impacts.** The project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

h) **No Impacts.** The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows.

i) **No Impacts.** The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

j) **No Impacts.** The project would not have any potential to be inundated by a seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING. Would the project:

	No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Development of the project area is consistent with the urbanization of the project area, as evaluated in the General Plan and its EIR; therefore impacts in this category are avoided.

a) **No Impacts.** The project would not physically divide an established community. Rather, it logically allows development to occur in an orderly manner, adjacent to urban development.

b) **No Impacts.** The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

c) **No Impacts.** The project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES. Would the project:

No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **No Impacts.** The project would not result in the loss or availability of mineral resources.

b) **No Impacts.** The proposed project would not result in the loss of availability of any locally important mineral resource recovery sites.

XII. NOISE. Would the project result in:

Impact	No	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	
		Impact	Incorporation	Impact	Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: These potential impacts were addressed in the General Plan EIR, and goals and mitigation measures were adopted to reduce potential impacts to a less than significant level. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan, and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

- a) **No Impacts.** The proposed project would not result in exposure of persons to or the generation of noise.
- b) **No Impacts.** The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- c) **Less than significant impact.** The proposed project would result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project. These noise levels were anticipated as part of the development of the project site, consistent with the Madera General Plan.
- d) **Less than significant impact.** The proposed project may result in some temporary increase in ambient noise levels in the project vicinity during construction of the site.
- e) **No Impacts.** The proposed project site is not located within an airport land use plan or within two miles of a public airport or public use airport.
- f) **No Impacts.** The project will is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING. Would the project:

Impact	No	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	
		Impact	Incorporation	Impact	Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The proposed project will not induce additional substantial growth in this area. The property involved does not have any existing residential uses and the project would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

- a) **Less than significant impact.** The proposed residential development will provide employment opportunities which may induce a minimal growth in population by individuals and/or families who move to Madera in response to opportunities for employment. Roads and other infrastructure will be improved to handle the proposed development.
- b) **No Impacts.** The proposed project would not displace any existing housing, thereby necessitating the construction of replacement housing elsewhere, since the site is vacant.
- c) **No Impacts.** The proposed project would not displace any people.

XIV. PUBLIC SERVICES.

	No	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
Impact				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Development of this site, under the current or requested land use and zoning, will result in an increased demand for public services. As development occurs, there will be a resultant increase in job opportunities, and a greater demand placed upon services such as fire and police protection, and additional park and school facilities. There will be an increase in street, and water and sewer system maintenance responsibility because of this project. However, based on the density of the proposal, the increase in manpower requirements for the Public Works Department will be minimal.

The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are available to serve the project. Initially, the project will rely upon temporary on-site storm drain retention strategies. The project area will be required to provide additional facilities within the development, and comply with the City’s Master Plan, Ordinances, and standard practices. The County’s current landfill continues to have sufficient capacity. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

- i) Fire protection. **Less than significant impact.** The proposed project would not result in substantial adverse physical impacts to fire protection services.
- ii) Police protection. **Less than significant impact.** The proposed project would not result in substantial adverse physical impacts associated with the provision of police protection.
- iii) Schools. **Less than significant impact.** The Madera Unified School District levies a school facilities fee to help defray the impact of residential development. The proposed project would not generate a significant impact to the schools in Madera.

iv) Parks. **Less than significant impact.** The proposed project would not generate a significant impact to the park facilities in Madera.

v) Other public facilities. **Less than significant impact.** The proposed project would not have any impacts on other public facilities.

XV. RECREATION

Impact	No	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Residential development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.

a) **No Impacts.** The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b) **No Impacts.** The project includes recreational facilities. The proposed facilities will not have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC. Would the project:

No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: This property was included in the General Plan and its EIR and the potential traffic generated from this land use considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development.

a) **Less-Than-Significant Impacts.** The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system that would result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections. Improvements to Emily Way will be made as part of the project.

b) **Less-Than-Significant Impacts.** The project would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

c) **Less-Than-Significant Impacts.** The proposed project would not result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

d) **Less-Than-Significant Impacts.** The proposed project would not increase hazards to transportation systems due to design features such as sharp curves, dangerous intersections, or incompatible uses.

- e) **No Impacts.** The proposed project would not result in inadequate emergency access.
- f) **No Impacts.** The proposed project would not result in inadequate parking capacity.
- g) **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

	No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The City's community sewage disposal system will continue to comply with Discharge Permit requirements. The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are available to serve the project. The project area will be required to comply with the City's Master Plan, Ordinances, and standard practices. The County's current landfill continues to have sufficient capacity. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

a) **No Impacts.** The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

b) **No Impacts.** The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

c) **No Impacts.** The proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

d) **No Impacts.** There will be sufficient water supplies available to serve the project.

e) **No Impacts.** The project would not require a determination by a wastewater treatment provider.

f) **No Impacts.** The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

g) **No Impacts.** Any development project that might be proposed on the project site would be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

No Impact	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Determination:

Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Noise, Population and Housing, Public Services, and Transportation and Traffic.

The potential impacts identified in this Initial Study are considered to be less than significant since they will cease upon completion of construction or do not exceed a threshold of significance. Therefore, a Negative Declaration is the appropriate level of documentation for this project.

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF A NEGATIVE DECLARATION, ADOPTION OF AN ORDINANCE REZONING PROPERTY LOCATED ON THE EAST SIDE OF EMILY WAY AT ITS INTERSECTION WITH JOYS DRIVE AND APPROVAL OF A PRECISE PLAN ALLOWING FOR THE DEVELOPMENT OF THE SITE CONSISTENT WITH THE GENERAL PLAN AND ZONING.

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

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

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

WHEREAS, a proposal has been made to rezone approximately 2.39 acres of property located on the east side of Emily Way at its intersection with Joya Drive, resulting in a change from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District, as shown in the attached Exhibit A; and

WHEREAS, the proposed rezone will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the Rezone is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, a proposal has been made to adopt a precise plan consistent with the PD 1500 (Planned Development) Zone District; and

WHEREAS, the precise plan is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the City of Madera, acting as the Lead Agency, prepared an initial study for the project and negative declaration in compliance with the California Environmental Quality Act; and

WHEREAS, the negative declaration, rezoning, and precise plan were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

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

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

1. The above recitals are true and correct.
2. Based upon the testimony and information presented at the hearing, including the initial study and negative declaration and all evidence in the whole record pertaining to this matter, the Commission finds that the negative declaration has been prepared pursuant to the California Environmental Quality Act, that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the City of Madera, and is hereby recommended for adoption in accordance with the California Environmental Quality Act.
3. The Planning Commission hereby recommends that proposed rezoning, as shown in Exhibit A, is consistent with the General Plan and is compatible with adjacent zoning and uses.
4. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit A.

5. The Planning Commission hereby recommends the City Council approve the proposed precise plan as conditioned for development of the project as shown in Exhibit B.

6. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of January, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

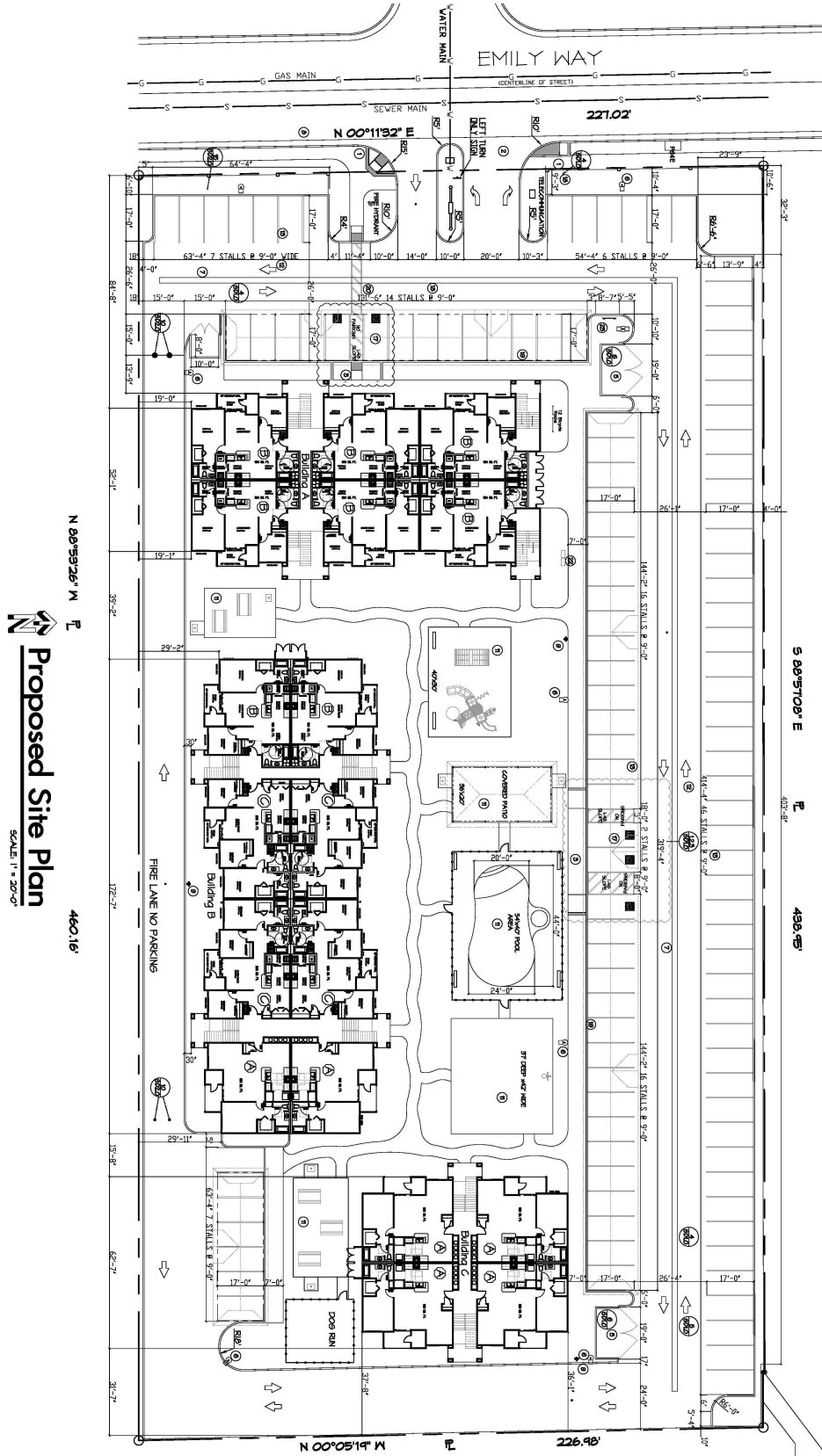
ABSENT:

City Planning Commission

Attest:

Christopher F. Boyle
Planning Manager

PLANNING COMMISSION RESOLUTION NO, _____
 EXHIBIT 'B'



DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 2.39 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF EMILY WAY AT ITS INTERSECTION WITH JOYA DRIVE FROM THE PD-3000 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT .

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

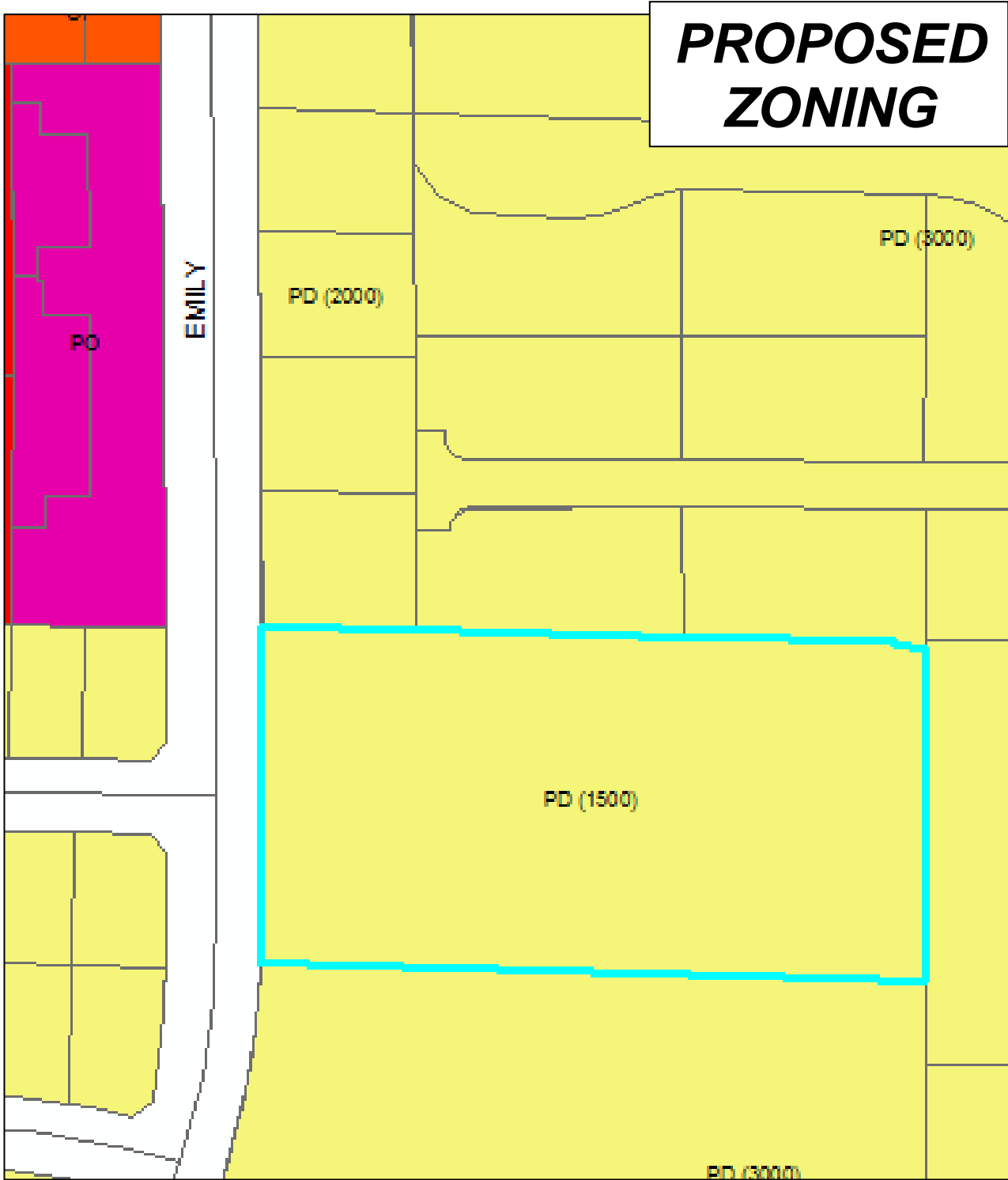
SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

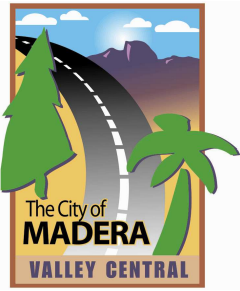
FINDINGS:

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AMENDMENT AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Review of Madera Rescue Mission CUP 2002-07 MOD, SPR 2013-42 and Environmental Determination Item #5 – January 13, 2015

PROPOSAL: A scheduled review of compliance with the conditions of approval providing for and permitting the operation of the Madera Rescue Mission.

APPLICANT:	Madera Rescue Mission	OWNER:	Madera Rescue Mission
ADDRESS:	332 Elm Avenue	APN:	008-062-033, 006 & 007
APPLICATION:	CUP 2002-07 MOD & SPR 2013-42	CEQA:	Categorical Exemption

LOCATION: The property is located at the northwest corner of Elm Avenue and Clinton Street.

STREET ACCESS: The site has access to Elm Avenue and Clinton Street.

PARCEL SIZE: Approximately 2.1-acres total

GENERAL PLAN DESIGNATION: MD (Medium Density)

ZONING DISTRICT: R2 (Medium Density)

SITE CHARACTERISTICS: The project site includes multiple structures that cumulatively form the Madera Rescue Mission. There is predominantly single-family residential development of varying densities surrounding the project site.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303, (New Construction or Conversion of Small Structures).

SUMMARY & RECOMMENDATION: The review is required per the conditions of approval for CUP 2002-07 MOD. The information contained herein demonstrates that the Madera Rescue Mission is operating in non-compliance with the conditions of approval.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.505 R; Conditional Uses; Commission Approval

MMC § 10-3.1301 Use Permits

MMC § 10-3.1311 Use Permits, Termination and Revocation

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. In addition, a use permit may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

The existing Rescue Mission facilities have been approved by the Planning Commission via Conditional Use Permits 1988-01, 1990-20, 1991-11, 1999-22, 2002-07, 2004-24, 2005-17, 2005-28 and Conditional Use Permit 2007-15. These entitlements have allowed for several expansions of the Madera Rescue Mission. Conditional Use Permit 2002-07 approved the conversion of a 995 square foot single story residence to an office, placement of a 600 square foot storage container, and the construction of a 4,000 square foot steel warehouse. Conditional Use Permit 2004-24 approved a 3,960 square foot addition to the existing Madera Rescue Mission, including expansion of both the kitchen and dormitory facilities. Conditional Use Permit 2005-17 allowed for the development of four short-term family units with garages, and Conditional Use Permits 2005-28 and 2007-15 allowed for the construction of the women's emergency shelter. Precise Plan 2005-14 was approved in support of Conditional Use Permit 2005-17. CUP 2002-07 MOD and SPR 2013-42 allowed for the construction of a freestanding open-sided shade structure for outdoor weight training. An annual review of the use was required as a condition of approval for CUP 2002-07 MOD.

ANALYSIS

Background

The City's General Plan indicates that land designated as MD (Medium Density) is appropriate for residential development. The City's Zoning Ordinance also allows for a variety of residential uses in the R2 (Medium Density) Zone District, including rehabilitation facilities subject to the approval of a conditional use permit by the Planning Commission. The Rescue Mission has been in operation for a number of years, and is considered an established use in the neighborhood. This required annual review is designed to inform the Planning Commission of the status of compliance with required conditions of approval.

This one-year review of the Rescue Mission's conditional use permit was made a condition of approval for CUP 2002-07 MOD, which was a request to construct a covered patio for outdoor weight training by residents of the Rescue Mission facility. This entitlement was approved at the January 12, 2014 Planning Commission.

Findings of Review

Attached please find a matrix of the conditions of approval for CUP 2002-07 MOD. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Issues associated with painting, landscaping, parking, signage, special events and water metering are currently in non-compliance. Of the thirty-two conditions of approval, fifteen need attention in order to be in compliance with the conditions of approval.

Staff met with the Rescue Mission director, Mr. Mike Unger, and discussed the results of the review. Mr. Unger was apologetic, and expressed a sincere desire to resolve the shortcomings identified within the review. Mr. Unger requested ninety days to address the areas which were out of compliance. Staff believes it is possible for the Rescue Mission to achieve full compliance with the conditions of approval for CUP 2002-07 MOD within the next ninety days.

Staff has received periodic communications from a neighbor of the Rescue Mission which have expressed continued frustration with the Rescue Mission's lack of compliance with conditions of approval and the resulting impacts to the neighborhood. The concerns of the citizen have been confirmed by staff's review and are reflected within the review matrix. A written correspondence is attached to this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Strategy 136 encourages the City to "Promote transitional housing to ensure the homeless have safe shelter." To that end, **Action 136.1** states "Expand and enhance the Rescue Mission programs."

SUMMARY OF RECOMMENDATIONS

Staff recommends that the applicant be granted ninety (90) days to achieve full compliance with the conditions of approval for CUP 2002-07 MOD, which allows for the operation of the Rescue Mission.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the review of Conditional Use Permit 2002-07 MOD.

Motion 1: Move to review Conditional Use Permit 2002-07 MOD at the April 14, 2015 Planning Commission hearing, allowing a ninety (90) day period for corrective steps to be taken by the Rescue Mission sufficient to achieve full conformance with Conditional Use Permit 2002-07 MOD.

(OR)

Motion 2: Move to continue the review of Conditional Use Permit 2002-07 MOD to the (insert date) Planning Commission hearing for the following reasons or in order for the following information to be provided: (specify)

(OR)

Motion 3: Move to schedule a public hearing for revocation of Conditional Use Permit 2002-07 MOD based on the following findings: (specify)

(OR)

Motion 4: Find Conditional Use Permit 2002-07 MOD to be in conformance with the conditions of approval.

ATTACHMENTS

Conformance Matrix

Aerial Photo

Written Correspondence

Conformance Matrix

Shaded cells indicate non-compliance with the Conditions of Approval for CUP 2002-07 MOD.

<u>CONDITIONS OF APPROVAL</u>		
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.	In compliance.
2.	Site Plan Review 2013-42 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)	In compliance. Patio cover for weight training has not been finalized.
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.	In compliance.
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.	In compliance.
5.	Conditional Use Permit 2002-07 MOD and associated permits which cumulatively allow for the Madera Rescue Mission facility 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.	In compliance.
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.	Procedural condition. CUP is currently in non-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 Director.	A wrought iron fence was constructed along the Clinton Street frontage of the site without the required review.
8.	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 this site plan review.	A wrought iron fence was constructed along the frontage of the site without amendment to the site plan. The fence has created a safety concern.

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 prior to establishment of the use.	In compliance, except as noted within.
10.	Special outdoor events hosted by the Rescue Mission shall secure a temporary use permit at least seven days prior to the event. The temporary use permit shall apply conditions of approval sufficient to ensure compatibility with surrounding properties. Examples of outdoor special events include Christmas toy giveaways and fundraising events.	No temporary use permit has been requested for any events. Multiple events have been held.
11.	The conditional use permit(s) providing for and permitting the operation of the Madera Rescue Mission shall be scheduled for an annual review, to be completed at the January 13, 2015 meeting of the Planning Commission.	Complete.
Fire Department		
12.	Additional information may be required for the proposed "weight lifting shed". Such information will be required in advance of issuance of a building permit and might alter the design and construction of the proposed structure.	In compliance.
13.	A portable 2A10BC rated fire extinguisher must be provided.	No fire extinguisher was observed in the new patio area.
14.	A building permit is required for the construction of the structure.	In compliance.
Planning Department		
15.	Vandalism and graffiti shall be corrected per the Madera Municipal Code.	In compliance.
16.	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.	The landscaping on the site is incomplete, as landscaping in conjunction with the new wall and previously required landscaping has not been installed.
17.	A solid, six-foot-tall concrete masonry unit block wall with stucco coating shall be constructed along the Elm Avenue frontage prior to July 14, 2014. The wall shall provide screening as well as a more attractive interface with the surrounding neighborhood. Final wall design shall be approved by the Planning Department in advance of an application for building permit. A faux wrought iron gate shall also be constructed to allow access to the required on-site parking accessed from Elm Avenue.	The block wall with a wrought iron gate was constructed. Additional wrought iron fencing was constructed without City review. This fencing has created a safety concern, impeding visibility at the intersection of Elm and Clinton.
18.	The two primary parking fields, with entries from Elm Avenue and Clinton Street respectively, shall be clear of obstructions and available to serve visitors to the site during all peak periods. The two primary parking lots shall have be open during all peak visitation periods, such as during evening meal periods.	Elm Avenue parking field remains closed at all times, including during peak periods and special events.

19.	A "tough shed" structure shall be removed from the required Elm Avenue parking field and relocated to an alternative location per the approval of the Planning Manager.	Shed was relocated, but without Planning Manager authorization.
20.	No parking shall be allowed in red-curbed areas along Elm Avenue at any time. Red curbing shall be repainted per the direction of the City Engineer.	Not completed.
21.	Replacement parking stalls, sufficient to provide the minimum required parking for the project site, shall be provided as a component of any future requests for intensification on the site. Locations on the shelter campus that could be developed to provide replacement parking shall not be utilized for alternative development proposals.	In compliance.
22.	The previously required painting shall be completed prior to July 14, 2014. The color scheme shall match the recently completed women's bed structure facing Clinton Street. As reroofing of structures occurs, replacement roofing shingles shall also match to the women's bed shelter roof materials.	Not entirely completed. The cold box unit has not been painted to match the primary structures.
23.	The freezer units, warehouse, and storage container shall all be screened from the public-right-way via the planting of landscaping sufficient to screen these structures from view. A landscaping and irrigation plan shall be submitted to and approved by the Planning Department. Installation of approved landscaping and irrigation shall be completed within 90 days after Planning Commission approval.	Not completed.
24.	Prior to July 14, 2014, the freezer units, warehouse, and storage container structures shall be painted to match the overall color scheme for the Rescue Mission property.	Not completed.
25.	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.	In compliance.
26.	The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.	Complaints from surrounding properties.
27.	The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for the City to pursue revocation of this permit.	In compliance.
28.	All signage shall be in compliance with the Madera Municipal Code at all times. There is signage on the site that has not been issued either a sign review permit or building permit prior to its installation. The Rescue Mission shall resolve non-permitted signage issues as part of the review and approval of a master sign review permit application to be completed no later the prior to April 14, 2014.	No master sign review has been completed. Permitting has not been resolved.
29.	All conditions applicable to approval of Conditional Use Permit 1988-01, Conditional Use Permit 1990-20, Conditional Use Permit 1991-11, Conditional Use Permit 1999-22, Conditional Use Permit 2002-07, Conditional Use Permit 2004-24, Conditional Use Permit 2005-17, Conditional Use Permit 2005-28, Conditional Use Permit 2007-15, Precise Plan 2005-14 and subsequent modifications shall remain	Conditions within these entitlements have not been completed and/or are in non-compliance.

	effective and are not revised in any way by this approval except as modified herein.	
Engineering Department		
30.	Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.	In compliance.
31.	Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.	In compliance. No permit has been requested. No work has been completed.
32.	Existing water service connections shall be upgraded to current City standards including water meters located within city right-of-way and backflow prevention device located within private property.	Not completed.

Aerial Photo

The aerial imagery shows the entire Madera Rescue Mission Campus.



Written Correspondence

January 7, 2015

City of Madera
Planning Commission
205 W. 4th Street
Madera, CA 93637

Re: CUP 2002-07 MOD & SPR 2013-42 – Madera Rescue Mission Review

As a resident in the vicinity of the Madera Rescue Mission, I would like to express my concerns regarding the site and its adherence to their conditions of approval which were agreed upon by Madera Rescue Mission personnel and/or representative in January 2014.

Planning Staff was notified and pictures provided (in most cases) as concerns were happening which provided backup for the following:

Condition #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.

- The rod iron fence as it was in the process of being installed. That fence is now a traffic safety hazard as it turns “solid” and vehicles have to move into the street to see past it.
- Several outdoor events as they were being conducted without the required Temporary Use Permit.
 - Loud noises included a live band and in two different instances - church personnel/representatives yelling, “car wash” to garner attention.
 - Car wash sign on the pole located on the corner of Clinton Street/Elm Avenue.
- The gate on Elm Avenue closed during events as they were happening and the ensuing parking off-site.
 - This caused safety traffic hazards for vehicles attempting to see around them in order to turn onto Clinton Street.
 - This caused vehicles attempting to get into the Clinton Street parking area to wait in the middle of the street until someone left that parking area.
 - Vehicles parked on the Elm Avenue red curb area to await people attending these events which caused vehicles to have to go around all those illegally parked vehicles and into the opposite traffic lane.

Condition #8: 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 this site plan review.

- Rod Iron Fence was installed
- Parking Area on Elm Avenue not Used; Entrance gate kept closed/locked

Condition #10: Special outdoor events hosted by the Rescue Mission shall secure a temporary use permit at least seven days prior to the event. The temporary use permit shall apply conditions of approval sufficient to ensure compatibility with surrounding properties. Examples of outdoor special events include Christmas toy giveaways and fundraising events.

- See Condition #6 above.
 - I saw and heard:
 - Two (2) car washes
 - One live band with many motorcycles in attendance. The event was covered by the Madera Tribune.
 - Christmas event that ran several days.
- Port-a-Potties were located next to the sidewalk in front of the Mission during the Christmas events which lasted 3-4 days. If you were walking on the sidewalk, you could have easily touched/leaned on the port-a-potties.

Condition #17: “A solid, six-foot concrete masonry unit block wall with stucco coating shall be constructed along the Elm Avenue frontage..... A faux wrought iron gate shall be.....from Elm Avenue.”

- Faux wrought iron gate.....not fence.....not on Clinton Street

Condition #18: The two primary parking fields, with entries from Elm Avenue and Clinton Street respectively, shall be clear of obstructions and available to serve visitors to the site during all peak periods. The two primary parking lots shall be open during all peak visitation periods, such as during evening meal periods.

- Elm Avenue parking area remains closed, even during their events.
- Clinton Street parking area not used by clients staying overnight as they park on Clinton Street directly across from that mostly empty parking area.
- Are visitors, clients, etc. advised that parking is available for their use?

Condition #20: No parking shall be allowed in red-curbed areas along Elm Avenue at any time. Red curbing shall be repainted per the direction of the City Engineer.

- Still occurs – contractor’s who worked on the site, customer drop off, special event customers waiting to pick up their children, etc.

Condition #26: The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.

- See Condition #6 and Condition #10 remarks as noted above.
- I recorded the car wash people yelling and played it for the Planning Manager. I was inside my house with the central air on and I could still hear it.
- I also heard singing or loud congregation in early December (from inside my house).

I know the Rescue Mission provides a valuable service to this community, but it, like all other sites which function under a Conditional Use Permit they need to abide by their conditions of approval and not impact the residential neighborhood negatively, especially by causing safety hazards/concerns.

Last year, the contractor and the director of the Mission stated that they had read and were in agreement with the conditions of approval. It isn’t like they don’t know about these things.

I was at that same meeting and I voiced my concerns then. I brought many of these things to your attention and the only thing that I see is that there are now more issues.

The issues that brought this site to my attention and that I feel more strongly about are those that cause safety hazards:

- Open the Elm Avenue gate, so their clients, visitors, etc have access to the parking field during all operational hours.
- Open the Elm Avenue man-gate into the newly enclosed area in plenty of time to be used by clients, etc. The gate is still closed at 5:15 pm and their clients are now closer to the street than before, in the street, or sitting on the sidewalk in front of that area.
- Special Events: Even with both parking fields open (which they don't do), there would still be heavy traffic and parking on Clinton Street which creates traffic hazards.
- Most importantly, in regards to the fence at the corner of Elm Avenue & Clinton Street: Remove it, move it back, or make it three (3) feet tall like they used to have it. Make them do whatever it takes, so that safety hazard is eliminated.

Although, the Rescue Mission has been at this site for many years, it has expanded; maybe too much. It may be time for them to relocate to a bigger area where these issues don't present operational concerns; a site where their fundraising/special events don't negatively impact the neighborhood so strongly. These events might be better held off-site where there is sufficient parking and amenities.

I don't see how, with all these safety hazard causing items in non-compliance, a finding can be made that:

As conditioned, the establishment, maintenance or operation of the use **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.

Thank you for the opportunity to voice my concerns.

Mariselda Leon

Attachments



Gate on Elm Avenue not open for client use



Gate on Elm Avenue not open for client use.
Clients standing in street and along Elm Avenue.



Gate to Elm Avenue parking area closed; client parked in driveway approach. Contractor parked in front of red curb. Traffic having to move across double lines.



Client drop off and visiting while awaiting opening of new area gate on Elm Avenue. Person sitting on sidewalk (between red truck and hydrant). Traffic moving over.



Gate to Elm Avenue parking area closed. Contractor parked in front of red curb. Contractor parked in public right-of-way. Traffic moving across double lines.



Gate to Elm Avenue parking area closed. Contractor parked in front of red curb. Traffic moving across double lines.



Contractor parked in red curb zone on Elm Avenue. Red car unable to stay in proper lane. Other vehicle already moving over double lines in anticipation of limited space.



Out of town church vehicle parked in front of Elm Avenue driveway approach in red curb zone.



Front View of Truck: Mission employees/volunteers(?) while installing faux rod iron fence. Vehicle on Elm Avenue in front of red curb, facing the wrong way, on public right-of-way.



Elm Avenue - Truck and trailer separated.



Special Event with live band – Both parking areas were opened for this event.



First car wash



Second Car Wash - Sign



Visibility from the corner before the faux rod iron fence.

My views now as I try to cross the road from that corner.



At the stop sign.

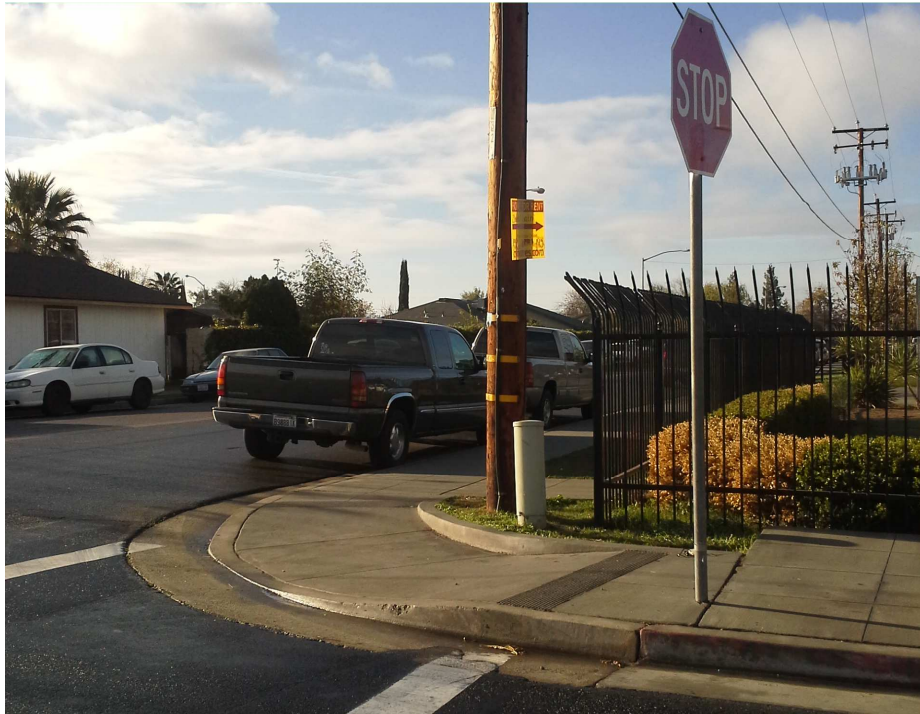


Past the stop sign and in the crosswalk.



Past the stop sign and completely blocking the crosswalk. People who came to the corner as I awaited traffic from other side, didn't wait, they just walked out into the street and in front of me to go across. The fence becomes "solid" and I have to move further into the street as the fence and the pole become blind spots.

December 2014 – (3-4 Day Special Event)



Corner of Elm Avenue and Clinton Street
In left turn lane; can't see if traffic is clear on the right.



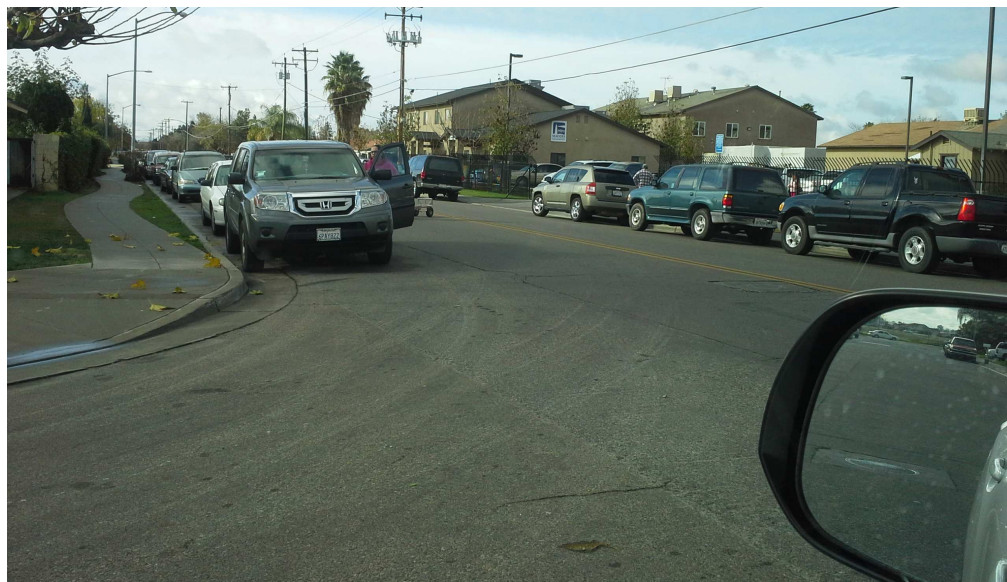
Corner of Elm Avenue and Clinton Street
In left turn lane; can't see if traffic is clear on the right.
Notice my passenger side mirror and its position in relation to the crosswalk.



Going east on Clinton Street – about to pass Elm Avenue



Going north on Elm Avenue – trying to turn left



Notice my mirror in relation to the street corner. I'm in the street trying to go left.



Different day – Same issue



Zero visibility



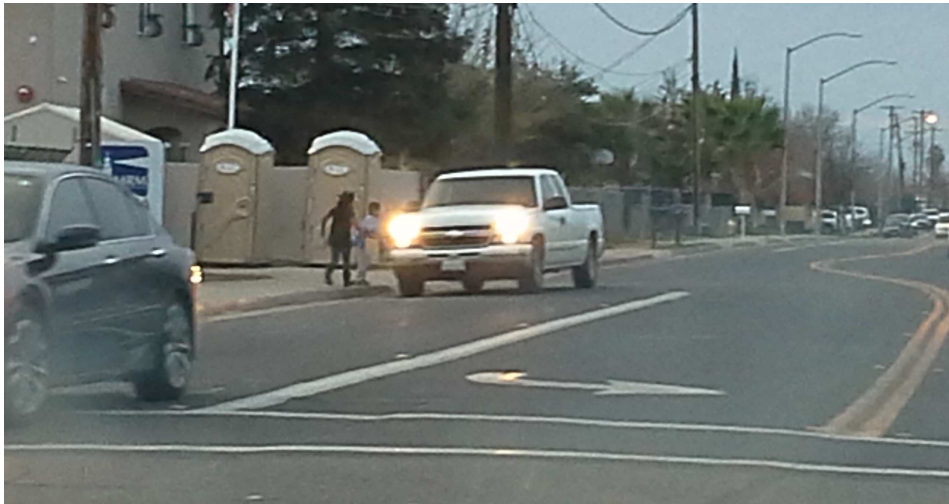
Clinton Street parking area



Going east on Clinton Street – Black truck on my left is waiting to see if anyone will come out of the full parking area on my right; starting to hold up traffic behind him.



Clinton Street parking area - Full



Children walking to waiting truck after getting gifts.
Port-a-potties up against sidewalk.
Car attempting to go to its left; notice how he's in the crosswalk as there is zero visibility.



Man came out of the Mission's Elm Avenue parking area and starting visiting with the person in the truck who parked in red curb zone in the wrong direction.
See the van in the back? That situation is me almost every day

Elm Avenue parking area while all these traffic issues were taking place.

