

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

**COUNCIL CHAMBERS - CITY HALL  
TUESDAY  
October 11, 2016  
6:00 pm**

**CALL TO ORDER**

**ROLL CALL**

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

**INTRODUCTION OF STAFF**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

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

**MINUTES:**

August 16, 2016

**CONSENT ITEMS:**

NONE

**PUBLIC HEARING ITEMS**

**1. TSM 2016-01 - Varbella / DMP Development**

A noticed public hearing, continued from the September 13, 2016 regular meeting, to consider a tentative subdivision map to subdivide two parcels (APN: 012-460-001 and 006) encompassing a total of 27.94 acres into a 120-lot single family residential subdivision. The two parcels are located at the southwest corner of Monterey Street and Gary Lane in the R1 (Low Density Residential) Zone District

with an LD (Low Density Residential) General Plan land use designation. A Negative Declaration will also be considered by the Planning Commission.

**2. CUP 2015-31 - Los Girasoles Restaurant Revocation**

A noticed public hearing to consider revocation of Conditional Use Permit 2015-31 Which allows for the sale of beer and wine for on-site consumption and outdoor dining as components of the operation of a restaurant located on the east side of North Gateway Drive at its intersection with Roberts Avenue (703 North Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-041-009).

**3. CUP 2016 - 24, 25, 26 & SPR 2016-40 – Chevron Remodel**

A noticed public hearing to consider three conditional use permits and a site plan review to allow for the memorialization of the sale of alcohol and tobacco for off-site consumption, and for an outdoor dining area in conjunction with the remodel of a gasoline station and convenience store located on the northwest corner of the intersection of West Cleveland Avenue and State Route 99 (1801 West Cleveland Avenue) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-110-010).

**4. CUP 2016 - 27 & SPR 2016-43 – Z Boys Auto Detailing**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of an auto detailing business to be located on the west side of Noble Street, approximately 600 feet north of its intersection with Gill Avenue (518 Noble Street) in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 012-402-009).

**NON-PUBLIC HEARING ITEMS**

**ADMINISTRATIVE REPORTS**

**COMMISSIONER REPORTS**

**ADJOURNMENT:** The next regular meeting will be held on November 8, 2016.

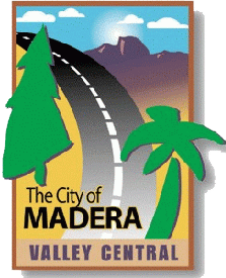
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation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

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

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

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

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



CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: DMP Varbella  
TSM 2016-01 and Negative Declaration  
Item #1 – October 11, 2016**

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**PROPOSAL:** An application for a tentative subdivision map proposing to subdivide two parcels encompassing 27.94 acres into a 120-lot single family residential subdivision.

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|                      |                         |               |  |
|----------------------|-------------------------|---------------|--|
| <b>APPLICANT:</b>    | DMP Development Corp.   | <b>OWNER:</b> | DMP Development Corp.<br>Valley Land Development |
| <b>ADDRESS:</b>      | 26645 West Pecan Avenue | <b>APN:</b>   | APN 012-460-001<br>APN 012-460-006               |
| <b>APPLICATIONS:</b> | TSM 2016-01             | <b>CEQA:</b>  | Negative Declaration                             |

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**LOCATION:** The project site is located at the southwest corner of Monterey Street and Gary Lane.

**STREET ACCESS:** Access to project is proposed from Stadium Road, Gary Lane, Monterey Street, and Milano Lane.

**PARCEL SIZE:** Approximately 27.94 acres total

**GENERAL PLAN DESIGNATION:** LD (Low Density)

**ZONING DISTRICT:** R1 (Residential)

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**SITE CHARACTERISTICS:** With the exception of one rural residential dwelling, the project site is currently vacant land. Varying densities of residential development are located to the south of the project site, with single and multifamily residential development to the north, east and west. The Madera South High School campus is also immediately west of the project site.

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

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**SUMMARY:** As conditioned, the proposed 120-lot tentative subdivision map is generally consistent with the LD (Low Density Residential) land use designation and the goals and policies of the Community Design element of the General Plan. Although the 4.96 units per acre density is slightly below the “target density” set within the General Plan Land Use element, when including the adjoining area the overall density more than satisfies density requirements.

## APPLICABLE CODES AND PROCEDURES

MMC § 10-2.401 et. seq., Subdivisions  
City of Madera General Plan, adopted October 7, 2009  
California Public Resources Code §21000, California Environmental Quality Act “CEQA”

## PRIOR ACTION

The project site was originally approved for subdivision in 2005, but maps were never recorded and portions of the land were subdivided as a component of the construction of high density multifamily residential development on a portion of the original property. The northern portion of the project site was included in General Plan Amendment 2014-02 which changed the land use designation from the MD (Medium Density) to the LD (Low Density) General Plan land use designation.

This application was continued to the October 11<sup>th</sup> meeting at the Planning Commission’s regular meeting on September 13, 2016.

## ANALYSIS

### Tentative Subdivision Map

The map proposes to create 120 single family residential parcels ranging in size from 6,208 to 11,967 square feet. The proposed average lot size is 7,401 square feet. Milano Lane, which traverses east to west across the proposed subdivision, is designed as a sixty (60’) foot wide street. It provides primary access to the remaining system of fifty (50’) foot wide interior streets.

The proposed density of the subdivision is 4.96 units per acre. This density is slightly lower than the 5.25 units per acre General Plan “target density” for the LD (Low Density Residential) land use designation. The intent of the “target density” General Plan policy (LU-7) is not to exclude residential development at lower densities within the various land use designations, but to instead promote an overall higher density within residential neighborhoods and villages envisioned by the General Plan’s Building Blocks concept.

In February of 2015, the Planning Commission examined the target density provisions of the General Plan and directed staff to evaluate projects individually. The General Plan identifies a six (6) units per acre target for the overall development of the City. When considering the project site in conjunction with the adjoining 8.36 acres of HD (High Density Residential) located immediately southwest of the project site, the average density does easily fall into conformance with the General Plan guidelines, as follows:

$$\begin{aligned} 8.36 \text{ acres} \times 22.5 \text{ units per acre} &= 188 \\ \underline{24.17 \text{ acres} \times 4.96 \text{ units per acre}} &= 120 \end{aligned}$$

Total Density 32.53 acres / 308 units = 9.46 average units per acre

When considered with the surrounding residential land use densities, the density proposed within the subdivision is consistent with the “target density” provisions of the General Plan.

### General Plan Conformity

The proposed lotting pattern and density within the proposed subdivision demonstrates general consistency with the applicable goals and policies of the General Plan. The General Plan also provides direction for the development of homes within the subdivision. The development of homes on the individual lots is guided by Action Item CD33.1 which states that final home designs shall be approved prior to recordation of the final subdivision maps. For PD (Planned Development) zoned property, a precise plan is processed in conjunction with the subdivision

map. For R (Residential) zoned property, a minor site plan review is required to be completed in advance of the recordation of the map.

The minor site plan review should demonstrate compliance with the following General Plan policies:

CD-29: All housing units shall be oriented to the street, parks, or a shared-common area.

CD-30: Lot size and building placement on lots shall be designed to reduce the appearance of large homes close together on small lots. Potential techniques include:

- Attention to detail in architectural design, materials, etc.
- Varying lot widths to accommodate building footprints.
- Variety in residential designs within individual projects.

CD-31: Residential building setbacks from the street should be varied when possible in all areas of Madera except the Downtown District, where uniform setbacks may be considered.

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.

CD-35: The City encourages a variety of features such as front porches and verandas in all new residential development.

### Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan will be constructed in support of the tentative subdivision map. Required infrastructure includes sewer, water, and storm drainage infrastructure consistent with the City's master plans. Street improvements include the widening of West Pecan Avenue to complete the City's half-street cross section for an arterial street, widening of Stadium Road and Gary Lane to complete the City's half-street cross section for a collector street, and widening of Monterey Street to complete the City's half-street cross section for a local street.

The project perimeter along arterial and collector streets (Pecan Avenue, Gary Lane and Stadium Road) will be developed with a decorative split-faced masonry wall and pedestrian paths which will be maintained by a lighting and landscape district. The proposed lots will be included in the City's community facility district to collect assessments for increased demand on fire, police and storm water drainage.

Street Names: The processing for naming streets calls for the applicant to propose names on the face of the tentative map which are reviewed and approved as part of the overall project. With exception to the existing perimeter streets, the proposed street names are largely exclusive to the proposed subdivision.

The internal streets in the subdivision are as follows:

- |               |                  |                  |
|---------------|------------------|------------------|
| ◆ Chatom Way  | ◆ Napoli Street  | ◆ Treviso Avenue |
| ◆ Lucca Court | ◆ Roma Court     | ◆ Roma Street    |
| ◆ Milano Lane | ◆ Palermo Street | ◆ Pompeii Street |

Other Agency Comments:

The Madera Irrigation District provided standard comments with regard to drainage and assessment of development fees. The San Joaquin Valley Unified Air Pollution Control District has commented that air quality mitigation measures be implemented during construction of this project and in conjunction with the design of the single-family homes. The Madera Unified School District has indicated that the project is expected to generate approximately 72 students in various grade categories. New homes will be required to pay school impact fees in accordance with state law. 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”.

**RECOMMENDATION**

The information presented in this report supports a recommendation of approval for the adoption of the Negative Declaration and approval of the proposed Tentative Subdivision Map, 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 adopt a Resolution recommending approval to the City Council.

**PLANNING COMMISSION ACTION**

The Commission will be acting on adoption of the proposed Negative Declaration and approval of Tentative Subdivision Map 2016-01.

Motion 1a: Move to adopt a negative declaration, consistent with Section 15070(a) of the California Environmental Quality Act; and

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 record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

**(AND)**

Motion 1b: Move to approve Tentative Subdivision Map 2016-01 based on and subject to the findings and conditions of approval as listed below.

## 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 record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- The proposed Tentative Subdivision Map, as conditioned, is consistent with the purpose and intent of the LD (Low Density Residential) General Plan land use designation and the R1 (Residential) Zone District.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- The proposed Tentative Subdivision Map, as conditioned, is not likely to be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City.
- City services are available to serve the site.

## **Conditions of Approval**

### General Conditions:

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein within 30 days, as evidenced by the applicant's signature on the required acknowledgment and acceptance of conditions of approval form.

## **Engineering Department**

### General

2. Prior to recording of the final map, the applicant at their sole expense shall cause the subdivision property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees. All property included in said subdivision shall be made a part of such district and subject to its taxes.
3. 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 zone" LLMD" 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, existing and new 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.
4. 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.



5. 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.
6. 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.
7. No temporary turn-arounds are permitted.
8. 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.
9. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
10. Impact fees shall be paid at time of building permit issuance.
11. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
12. The developer shall pay all required fees for processing the subdivision map and completion of the project. Fees due include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, and improvement inspection fees.
13. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.

#### Water

15. 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.
16. Unless the City Engineer or fire flow analysis specifies larger lines, water lines at a minimum of 8 inches in diameter shall be installed in all streets; interior and those abutting the project. The 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 the existing City main. If the subdivision is constructed in phases, blow-offs will be required at each termination point.

All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works.

17. The developer shall construct a 12-inch water main in Pecan Avenue from its current termination point approximately 640 feet east of Stadium Road to the intersection of Pecan Avenue and Monterey Street. The developer shall connect to the existing water main located at the intersection of Pecan Avenue and Monterey Street and install a Tee if not previously installed. The water main shall be constructed to current City standards. The cost difference between an 8-inch and a 12-inch water main is considered reimbursable under the City's Development Impact Fee Program.
18. The developer shall extend existing 8 inch water main in Milano Street from its current termination point to Monterey Street where it shall be connected to existing 8 inch water main with a Tee.
19. 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 constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
20. 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 approaches or sidewalk areas. Water services shall not be located at fire hydrant or street light locations.
21. One water quality sampling station shall be installed within the subdivision and approved by the water quality division of the Public Works Department.
22. 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.
23. Water service connections shall be constructed per current City standards including water meters located within City right-of- way.
24. Existing wells if any shall be abandoned as directed and permitted by the City of Madera for compliance with state standards.

### Sewer

25. The existing sewer system that serves this section of the City is approaching or at capacity due to a constricted section of the sewer system on Pecan Avenue. The developer shall construct the following master plan improvements to accommodate sewer loads for this development if the development directs sewer effluent toward the intersection of Monterey Street and Pecan Avenue:
  - a. A parallel 18 inch sewer main on Pecan Avenue from Monterey Street to Stadium Road.If the development does not direct flow to the parallel sewer main, the developer shall design the parallel line between Stadium Road and Monterey Street. The developer shall then coordinate with the City to allow construction of the parallel line in Pecan

Avenue prior to the developer constructing offsite improvements on Pecan Avenue. This parallel line is 100% reimbursable from Development Impact Fees.

26. Sewer lines installed to serve the subdivision, including sewer lines installed in abutting streets, shall be sized accordingly, and shall be a minimum of 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. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
27. 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 the property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of the 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.
28. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

#### Storm Drain

29. Storm runoff from this project site is planned to go to the existing Agajanian basin located to the south of the proposed project site. The developer shall construct improvements to convey storm runoff to existing storm drain facilities.
30. The developer shall excavate the existing basin to accommodate runoff from the proposed project site.
31. Subdivision improvements shall be constructed in accordance with the Hydrologic and Hydraulic Design Criteria contained in the Storm Drainage System Master Plan.
32. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer.

#### Streets

33. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along Pecan Avenue, Gary Lane and Monterey Street adjacent to entire project site as well as all internal publicly dedicated streets.
34. A Public Utility and Pedestrian Easement (PUPE) 10 feet wide shall be dedicated along Stadium Road adjacent to entire project site.
35. The developer shall dedicate a 10 foot wide easement for street and utility purposes along Stadium Road to accommodate a 40 foot half street width.
36. The developer shall dedicate a 20 foot wide easement for street and utility purposes along Monterey Street to accommodate a 30 foot half street width.
37. The developer shall dedicate a 28.02 foot wide easement for street and utility purposes along Gary Lane to accommodate a 40 foot half street width.

38. The east side of Stadium Road along the entire project frontage shall be improved to an 80 foot collector roadway per City of Madera standards. Adequate transition with the existing improvements relative to grade and alignment shall be provided.
39. The west side of Monterey Street along the entire project shall be improved to a 60 foot residential roadway per City of Madera standards and as directed by the City Engineer. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
40. The south side of Gary Lane along the entire project shall be improved to an 80 foot collector roadway per City of Madera standards. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
41. A Class 1 combined bike path and pedestrian walkway shall be developed along the east side of Stadium Road along the entire project frontage utilizing street and PUPE easements.
42. The north side of Pecan Avenue along the entire project frontage shall be improved to a 100 foot arterial street per City of Madera standards. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
43. Components of street construction are only eligible for reimbursement from the collector, arterial and arterial median island Development Impact Fee Program fees. Reimbursements shall be repaid to the developer based on invoices for the actual and reasonable cost of construction and as may be identified within the Subdivision Agreement (See Condition No. 64). The following street improvements are reimbursable:
  - For Arterial Streets, construction of median Islands (16-foot wide) are reimbursable under the median island Development Impact Fee Program fee. Construction of two travel lanes, 12-foot wide and both immediately adjacent to the median island are reimbursable under the street and arterial Development Impact Fee Program fee.
  - For Collector Streets, construction of the center turn lane (12-foot wide), and two travel lanes, 12-foot wide and both immediately adjacent to the turn lane are reimbursable under the street and arterial Development Impact Fee Program fee.No other street improvements are subject to reimbursement.
44. Interior streets shall be constructed in accordance with City standards for a 60 foot residential street with a 5 foot sidewalk, curb and gutter.
45. The developer shall dedicate an additional six (6) feet minimum of right-of-way on Monterey Street from the intersection of Pecan Avenue to approximately 150 feet to the north to accommodate simultaneous right and left turn movements onto Pecan Avenue. The Developer shall design Monterey Street at Pecan Avenue to accommodate street parking, separate left and right turns and swept path of garbage trucks from Pecan onto Monterey. As an alternative, the applicant may, at their discretion, paint the equivalent length of curb on the west side of Monterey Street red to delineate the area as a "No Parking" zone.
46. The developer shall dedicate an additional six (6) feet of right-of-way on Milano Lane from the intersection of Stadium Road to approximately 150 feet to the east to accommodate simultaneous right and left turn movements onto Stadium Road. The Developer shall design Milano Lane at Stadium Road to accommodate street parking,

separate left and right turns and swept path of garbage trucks. As an alternative, the applicant may, at their discretion, paint the equivalent length of curb on the west side of Monterey Street red to delineate the area as a no parking zone.

47. The proposed access street to Gary Lane shall be aligned with the centerline of Chatom Way.
48. The developer shall construct a traffic circle or other forms of traffic calming improvements at the intersection of Milano Lane and Roma Street/Court.
49. Private access from individual lots or parcels shall not be allowed to Pecan Avenue, Gary Lane, Stadium Road, Chatom Way and Milano Lane (adjacent to Lots 1, 30, 31, 112 and 113). This shall be noted as a restriction on the Final Map(s).
50. 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 the final map. The developer is responsible for all fees associated with the approval of all documents.
51. Prior to the recording of the final map, the developer at their sole expense shall cause the subdivision property to be annexed into the existing Landscape Maintenance District Zone 39 to include the median island and landscape improvements to be constructed on Pecan Avenue and perimeter landscape around the entire subdivision. If the expansion of the existing Landscape Maintenance District Zone 39 is not attainable, the developer shall at their sole expense form a Lighting and Landscape Maintenance District Zone for Pecan Avenue median landscaping and landscaping adjacent to the subdivision along the perimeter of the subdivision. The subdivider shall sign and submit a landscape district formation and inclusion form as well as an engineer's report and map prior to the recording of any final map.
52. "No Parking" signs shall be installed along Pecan Avenue, Stadium Road and Gary Lane frontages per City standards.
53. Access ramps shall be installed at all curb returns per City Standards.
54. The developer shall be required to install street lights along Pecan Avenue, Monterey Street, Gary Lane, and Stadium Road 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.
55. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
56. 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 along with associated fees shall be recorded prior to recording the final map for any phased development.

57. 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 the City of Madera logo at the bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, 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 are available on the City of Madera website. The plans are to include the City of Madera title block and the following:
- a. 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. A grading plan indicating flood insurance rate map community panel number and effective date;
  - e. Landscape and irrigation plans for Pecan Avenue 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.
58. Submittals shall include:
- a. An Engineering Plan Review Submittal Sheet
  - b. A Civil Plan Submittal Checklist – all required items shall be included on the drawings
  - c. Four (4) copies of the final map
  - d. Two (2) sets of traverse calculations
  - e. Two(2) preliminary title reports
  - f. Two (2) signed copies of conditions
  - g. Six (6) sets of complete improvements plans
  - h. Three (3) sets of landscaping plans
  - i. Two (2) sets of drainage calculations
  - j. Two (2) copies of the engineers estimates
- Partial submittals will not be accepted by the Engineering Department.
59. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to the curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curbs and gutters are installed prior to utility installation, then all trenches shall be back-filled with a three (3) sack sand slurry mix extending one foot past curbs and gutters in each direction.
60. The applicant shall coordinate with the pertinent utility companies as required regarding the establishment of appropriate easements and under-grounding of service lines. A ten (10) foot public utility easement will be required along all interior lot frontages.

61. 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 street right-of-ways. 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.
62. 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.
63. 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.
64. The subdivider shall enter into a subdivision agreement in accordance with the Municipal Code prior to recording of the final map. The subdivision agreement shall include, but is not limited to, requirements for insurance, deposit with the City of a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, and provisions that address reimbursement of those items that may be eligible from the Development Impact Fee Program. The subdivision agreement shall be approved prior to acceptance of the final map.
65. The sub-divider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 MMC. Provided that improvement plans are approved and a 100% performance bond is submitted along with an additional bond (50% labor & material) and insurance certificate, an encroachment permit shall be issued prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be paid at the time of permit per City of Madera Development Application Fees as approved by City Council.
66. 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.
67. Based on the results of the traffic study completed on June 16, 2016 by Peters Engineering Group on behalf of this project, the developer shall provide a fair share contribution of \$3,440.00 (4.3% of \$80,000) for the cost of installing a Pedestrian Hybrid Beacon (HAWK) as mitigation for increased vehicular and pedestrian volumes at the intersection of Stadium Road and Gary Lane.
68. Based on the results of the traffic study completed on June 16, 2016 by Peters Engineering Group on behalf of this project, Caltrans may after review determine that mitigation at the intersection of Gary Lane and Madera Avenue is required. If mitigation does not qualify for Development Impact Fee funding, the developer shall provide a fair share contribution for the cost of said mitigation measure consistent with the recommendations of the study. See the attached Caltrans comment letter.

Subdivision improvement inspections:

69. An 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 due at the time that all other fees are due per the subdivision agreement.
70. 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.
71. 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.
72. No occupancy of any buildings within the subdivision shall be granted until the subdivision improvements are completed to the satisfaction of the City Engineer. After a request for final improvement inspection, the generation of a written punch list will require a minimum of five (5) working days.

Special engineering conditions:

73. 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 per design and calculations prior to issuance of a grading permit therefore.
74. 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 the construction of a retaining wall.
75. 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 a grading plan approval.
76. 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.
77. Any construction work on Madera Irrigation District (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 sub-divider 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.
78. 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.

79. 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.
80. 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 (5) feet.

### **Fire Department**

81. 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.
82. A minimum of two (2) points of access for the Fire Department is required.
83. Fire flow in the roadway shall meet the City of Madera Engineering Standards.
84. Complete improvement plans showing the placement of public fire hydrants are required before final tract map approval.
85. All fire hydrants must be identified in accordance with the California Fire Code and City of Madera Engineering Standards.

### **Planning Department**

86. Conformance with the goals and policies of the General Plan shall be facilitated through the site plan review process. Prior to recordation of the tentative subdivision map, the applicant shall submit an application for minor site plan review with submittals sufficient to make findings of General Plan conformance. The applicant shall submit proposed model floor plans and elevations as a component of the application.
87. Rear and side yard fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be concrete masonry block. 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.
88. Lots 78 and 90 are reverse corner lots. Street side yard setbacks on reverse corner lots shall be no less than ten (10') feet from the property line for both structure and fencing.
89. Along all project frontages to Stadium Road, Gary Lane and Pecan Avenue, a six (6') foot tall decorative split-faced masonry block wall shall be constructed. The wall design shall be approved by the Planning Manager prior to construction.
90. The street side yard fencing on Lots 1, 13 and 14 shall be constructed of decorative split-faced masonry block consistent with the required perimeter wall constructed along arterial and collector streets. The wall shall be constructed outside of the ten (10') foot public utility easement and shall terminate at a point matching the forward-most location of the residential structure on the affected lot.

91. The internal street names in the subdivision shall be as follows:
- |               |                  |                  |
|---------------|------------------|------------------|
| ◆ Chatom Way  | ◆ Napoli Street  | ◆ Treviso Avenue |
| ◆ Lucca Court | ◆ Roma Court     | ◆ Roma Street    |
| ◆ Milano Lane | ◆ Palermo Street | ◆ Pompeii Street |
92. The development of any temporary construction trailer and/or material storage yard on the project site requires the approval of a Zoning Administrator Permit in advance of the installation/placement.
93. The development of any model home sales center on the project site requires the approval of a Zoning Administrator Permit.
94. Front yard and street side yard landscaping and irrigation shall be installed in conjunction with the construction of all single family homes. At least one City approved street tree shall be planted in each front yard. Landscape and irrigation plans consistent with the State of California Model Water Efficient Landscape Ordinance shall be submitted at the time of application for a building permit.
95. Street frontage landscaping shall include a minimum of one City approved street tree every fifty (50') feet, along with root guards. Two (2) 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.
96. 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.
97. 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.
98. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.

**(OR)**

Motion 2: Move to continue the public hearing on Tentative Subdivision Map 2016-01 to the November 8, 2016 Planning Commission hearing, for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny the application for Tentative Subdivision Map 2016-01, based on the following findings: (specify)

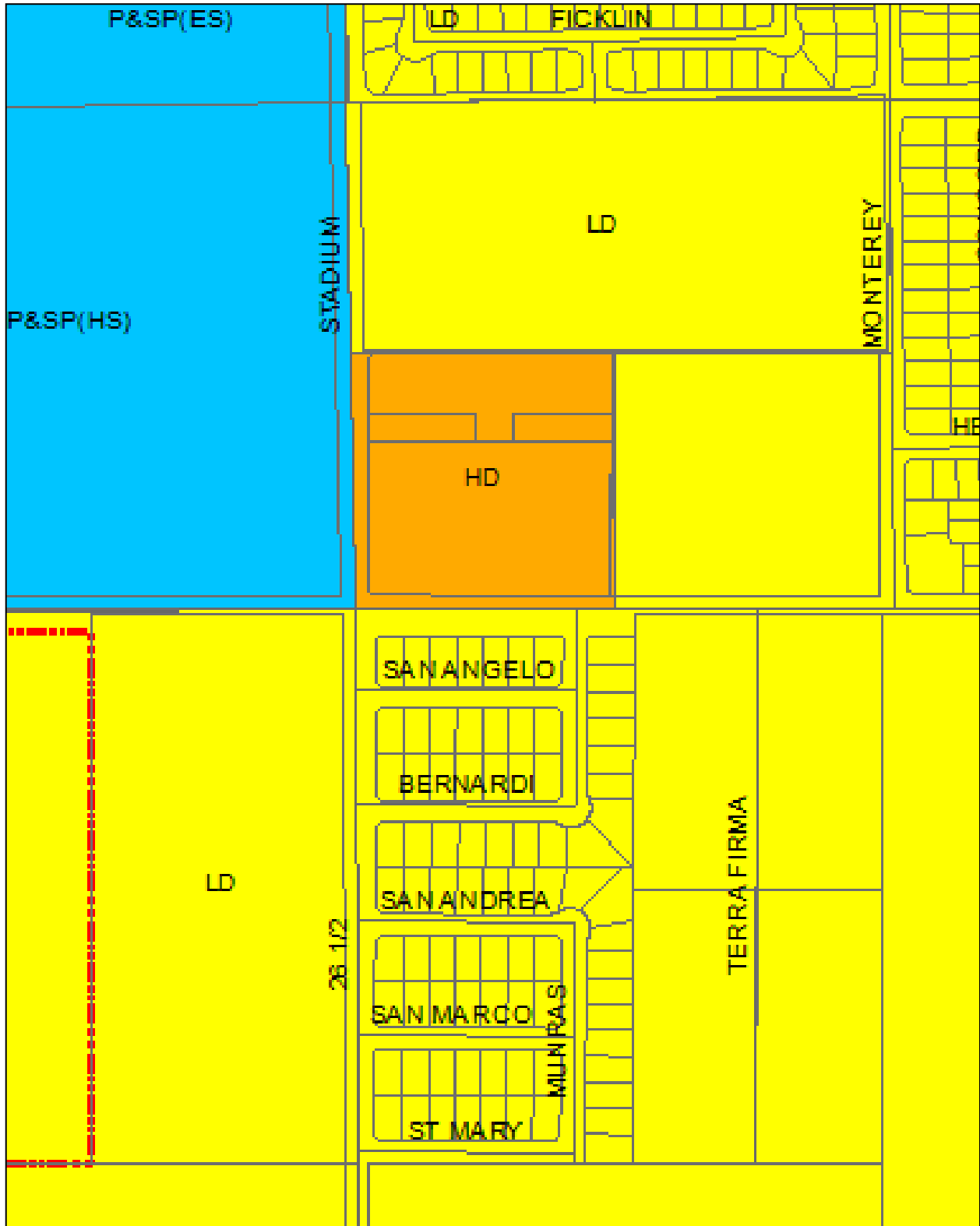
## **ATTACHMENTS**

Aerial Map  
General Plan Map  
Zoning Map  
Negative Declaration  
Caltrans Comment Letter  
Tentative Subdivision Map

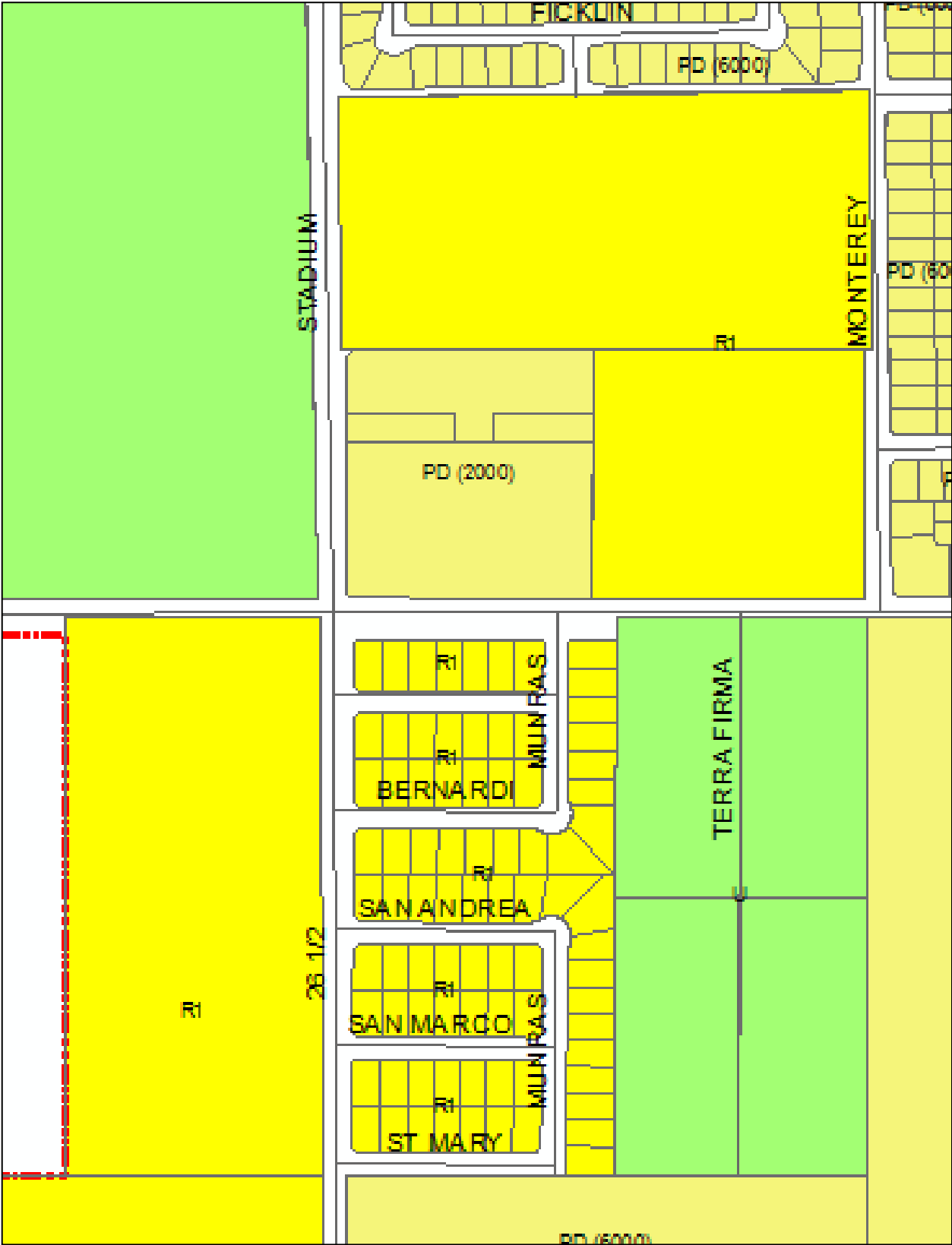
# Aerial Photo



# General Plan Map



# Zoning Map



## INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

# Varbella / DMP Development Tentative Subdivision Map (TSM) 2016-01

**Project:** TSM 2016-01, Varbella Subdivision – DMP Development Corp.

**Applicant / Owner:** DMP Development Corp.  
2001 Howard Road, Suite 211  
Madera, CA 93637

Valley Land Development  
2001 Howard Road, Suite 211  
Madera, CA 93637

**Location:** South side of Gary Lane, west of its intersection with Monterey Street, Madera.

**Proposal:** DMP Development Corporation proposes to subdivide two parcels encompassing 27.94 acres of land into a 120-lot single family residential subdivision. Parcels range in size from approximately 6,200 to 12,000 square feet, with an average lot size being approximately 7,000 square feet. The average density of lots within the subdivision is 4.66 units per acre. Public infrastructure and utilities required by Madera Municipal Code and the Madera General Plan will be constructed as part of the project. Required infrastructure includes undergrounding of existing overhead utilities and widening of Pecan Avenue, Stadium Road, Gary Lane and Monterey Street to the City's half-street cross sections. Public streets and public utilities and infrastructure will also be developed within the boundaries of the subdivision to provide access and services to the parcels created by the map.

**Zoning:** R1 (Low Density Residential)

**General Plan Land Use Designation:** LD (Low Density Residential)

### **Surrounding Land Uses and Zoning:**

South Residential development; with U (Unclassified) and R1 (Low Density Residential) zoning

North Residential development; with PD (Planned Development) zoning

West Madera South High School and Alpha Elementary School; with U (Unclassified) zoning

East Residential development; with PD (Planned Development) zoning

### **Responsible or 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings<br>of Significance |



## *Explanation of Environmental Checklist*

**I. AESTHETICS.** Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No 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 type="checkbox"/>            | <input checked="" 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:** DMP Development Corporation proposes to subdivide two parcels encompassing 27.94 acres of land into a 120-lot single family residential subdivision. Parcels range in size from approximately 6,200 to 12,000 square feet, with an average lot size being approximately 7,000 square feet. The average density of lots within the subdivision is 4.66 units per acre. Public infrastructure and utilities required by Madera Municipal Code and the Madera General Plan will be constructed as part of the project. Required infrastructure includes undergrounding of existing overhead utilities and widening of Pecan Avenue, Stadium Road, Gary Lane and Monterey Street to the City's half-street cross sections. Public streets and public utilities and infrastructure will also be developed within the boundaries of the subdivision to provide access and services to the parcels created by the map.

The project site has been identified for residential development within the General Plan and is zoned appropriately to allow the proposed land division and the eventual development of the property. The site is in an unimproved condition and generally lacking visual character. The proposal will not affect a scenic vista or 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, including the addition of new street lights, and future residential development will add additional sources of light.

The proposed subdivision, and the eventual development of the subject properties, will not create impacts beyond those analyzed and addressed within the General Plan and the

accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. No additional analysis is required.

- 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.
- 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) **No 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 City standards are implemented.

**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:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. | <input type="checkbox"/>       | <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 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 type="checkbox"/>     | <input checked="" type="checkbox"/> |

**Discussion:** The project area is located on land identified Grazing Land within the 2014 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 2014 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.

b.) **No Impacts.** The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property. The City of Madera General Plan identifies this site for residential use.

c.) **No Impacts.** Nearby properties are currently in primarily residential use. A school complex is adjacent to the project site. The subdivision of the property, the construction of streets and public infrastructure, and the eventual development of this property though won't contribute towards the desire of nearby property owners to convert to non-agricultural uses since the areas surrounding the property is already substantially developed with residential uses.

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:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No 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 current land division project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans. Project specific emissions of criteria pollutants

from future development will be dependent on the nature and intensity of the uses which are ultimately proposed.

Moreover, the San Joaquin Valley Air Pollution Control District has evaluated the project and determined the project is subject to compliance with District Rule 9510, which 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 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

The proposed subdivision, and the eventual development of the subject properties, will not create impacts beyond those analyzed and addressed through the 2009 General Plan and the accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. All phases of development will similarly conform with and implement regional air quality requirements. No additional analysis is required. Any unique features or project impacts which are identified as specific projects are proposed within the project area will be evaluated and addressed on a project-by-project basis.

- 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:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No 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 2009 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 28-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. 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 proposed 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:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No 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 any 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:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No 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.

a iii) **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.

a iv) **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<br/>Significant<br/>Impact</i> | <i>Significant<br/>Unless<br/>Mitigation<br/>Included</i> | <i>Less Than<br/>Significant<br/>Impact</i> | <i>No<br/>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:** 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 man made and natural that occurred in the past; that is occurring now; and will 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 a identified GHG emissions threshold.

The Air District's recommended methodology is difficult, if not impossible, to apply to the project currently proposed, which does specify the nature or intensity of uses which may be developed in the future. 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 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:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No 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 subdivision of the property will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be delineated with the required Precise Plan.

- 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 site is located within one-quarter mile of an existing school but the subdivision and development of the property would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste.
- 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](http://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:**

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No 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 storm water 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.



**IX. LAND USE AND PLANNING.** Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No 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 checked="" type="checkbox"/> | <input 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) **Less than Significant Impact.** The proposed project is in 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.

**X. MINERAL RESOURCES.** Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No 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 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 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.

**XI. NOISE.** Would the project result in:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant 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 ground borne vibration or ground borne 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.

**XII. POPULATION AND HOUSING.** Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No 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 directly induce additional population growth in this area. That growth does not exceed that anticipated in the General Plan. The property involved does have one existing residential use but 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 project will induce additional population growth. That growth does not exceed that anticipated in the General Plan. Road and utility construction will occur only in relationship to the development of the project itself. Further extension of roads and utility is not proposed as a component of this project.
- 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.

**XIII. PUBLIC SERVICES.**

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:

|                          | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                |
|--------------------------|--------------------------------|---|-------------------------------------|--------------------------|
| Fire protection?         | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Police protection?       | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Schools?                 | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Parks?                   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion:** The subdivision of the existing residential property will not result in substantial adverse physical impacts from new or altered public facilities. 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. This additional demand is consistent with the demand anticipated in the General Plan and evaluated it's the General Plan EIR.

The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies beyond the levels anticipated in the General Plan and the Water Master Plan. 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 planned to serve the project area. 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 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 commercial/industrial 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 have any impacts on other public facilities.

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

#### XIV. RECREATION

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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) **Less Than Significant Impact.** 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) **Less Than Significant Impact.** The project does not include recreational facilities or facilities which might have an adverse physical effect on the environment.

**XV. TRANSPORTATION/TRAFFIC.** Would the project:

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No 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"/> | <input 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"/> | <input 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"/> | <input 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"/> | <input type="checkbox"/>            |
| e. Result in inadequate emergency access?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. Result in inadequate parking capacity?   | <input type="checkbox"/>       | <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 type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion:** The residential development of this property was included in the General Plan and its accompanying EIR and the potential traffic generated from the eventual development of this land is considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development. Pecan Avenue, which abuts the southern frontage of the project site, is identified as an Arterial per the General Plan. Gary lane (to the north) and Stadium Road (to the east) are designated as a collector streets. In conjunction with the planned reconfiguration and subdivision of the property, right of ways will be obtained and improved in accordance with City standards. A traffic study has been prepared in support of the project. Its recommendations have been incorporated into the project's conditions of approval.

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 all roads fronting the project site 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.



**XVI. UTILITIES AND SERVICE SYSTEMS.** Would the project:

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No 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 checked="" type="checkbox"/> | <input 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 planned to serve the project. The project area will be required to comply with the City's Master Plan, Ordinances, and standard practices. 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.** The project will be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No 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 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"/> | <input 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 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, Population and Housing, Utilities, 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.

**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

Printed Name: Christopher Boyle,  
Planning Manager

Date:

6/29/16

**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5868  
FAX (559) 445-5875  
TTY 711  
www.dot.ca.gov



*Serious drought.  
Help save water!*

August 31, 2016

06-MAD-145-08.321  
Proposed Tentative Tract Map  
Traffic Impact Study

Mr. Chris Boyle, City Planner  
City of Madera  
205 W. Fourth Street  
Madera, California 93637

Dear Mr. Boyle:

We have completed our review of the traffic impact study (TIS) prepared by Peters Engineering Group dated June 16, 2016. The TIS is for a proposed Tentative Tract Map project which includes 120 single-family residential lots on approximately 25.76 acres located northeast of the intersection of Stadium Road (Road 26½) and Pecan Avenue (Avenue 13) in Madera, California. During the scoping process for the TIS, Caltrans recommended the analysis of State Route (SR) 145 and Gary Lane. Caltrans has the following comments:

Caltrans concurs with the results of the analyses indicating that the Project is expected to contribute to a cumulative significant impact by exacerbating the existing delays at SR 145 at Gary Lane for both the A.M. and P.M. peak hour at the intersection of SR 145 at Gary Lane. However, traffic signal warrants are not met for the existing-plus-project scenario.

The TIS indicated that warrants for traffic signals are expected to be satisfied by the year 2036 at the intersection of SR 145 at Gary Lane. The study concluded that installation of traffic signals is expected to mitigate the cumulative impacts. However, due to adjacent intersection proximity, traffic signals should not be considered at this location.

Caltrans concurs that a roundabout at the intersection of SR 145 and Gary Lane has already been constructed to a configuration that supports signalization. In addition, a roundabout has not been fully vetted to determine whether it is a viable alternative.

The installation of a median worm island to prevent left turn out movements from Gary Lane to SR 145 is a viable option. This would also require improvements needed to accommodate U-turns to the adjacent intersections on Madera Avenue at Pecan Avenue and at Almond Avenue.

Therefore, to mitigate its share of the cumulative impact, the traffic study recommends that the Project contribute a fair share of the future intersection control based on Table 10- *Equitable Share Responsibility Calculations – Weekday A.M. Peak Hour*. **Therefore, the Project should be required to contribute its fair share of the cost of the future road improvements in the form of City of Madera development impact fees.**

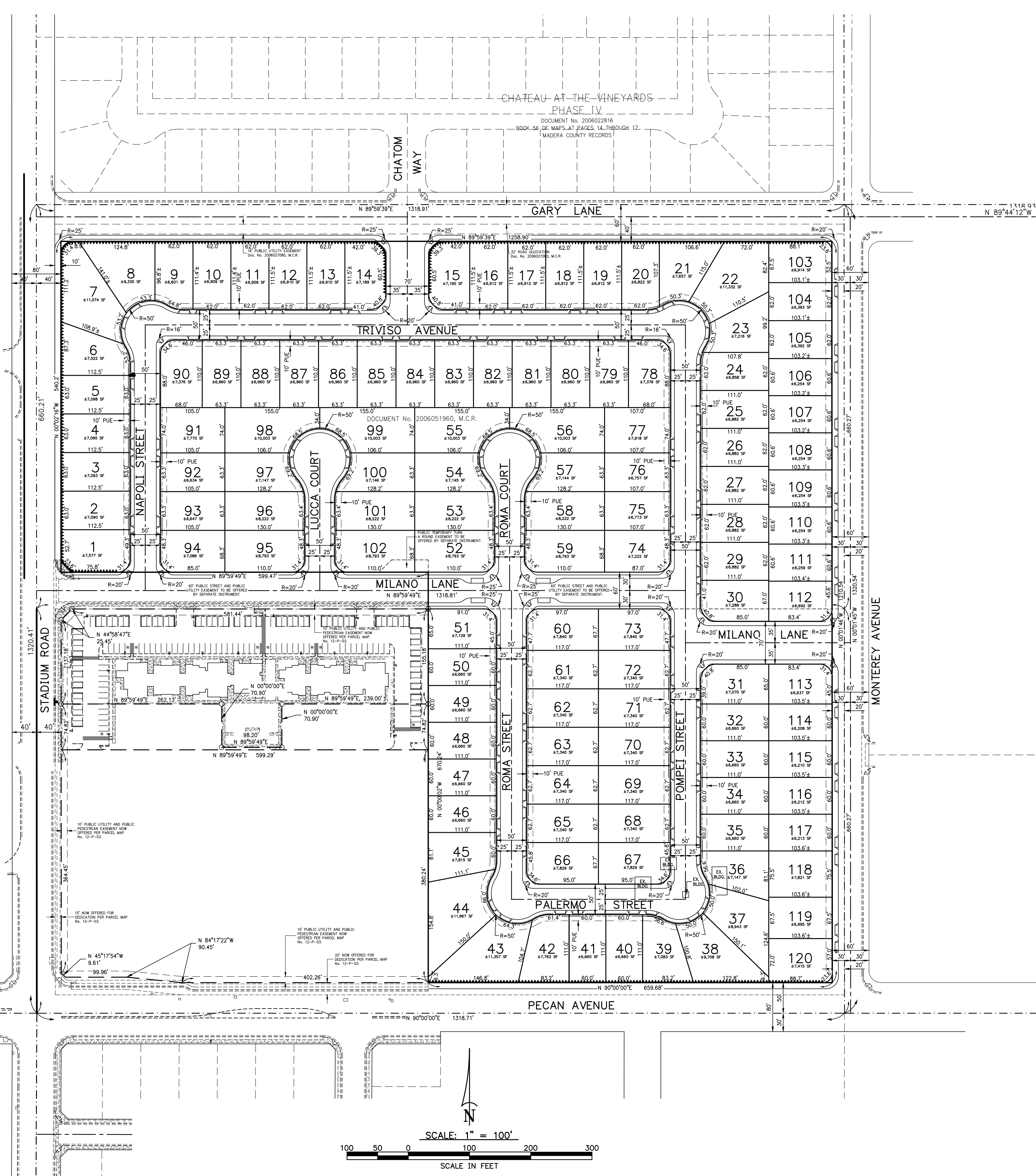
Mr. Chris Boyle  
August 31, 2016  
Page 2

If you have any further questions, please contact David Padilla, Associate Transportation Planner, Transportation Planning-North Branch, at (559) 444-2493.

Sincerely,



MICHAEL NAVARRO, Chief  
Planning North Branch



**BASIS OF ELEVATIONS**

CHISEL SQUARE AT THE NORTH CURB RETURN AT THE NORTHWEST CORNER OF STADIUM ROAD AND PECAN AVENUE  
ELEV=259.07

**BASIS OF BEARINGS**

THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, WAS TAKEN TO BEAR EAST, AS SHOWN ON PARCEL MAP No. 521, RECORDED IN BOOK 17 OF MAPS AT PAGE 111, MADERA COUNTY RECORDS

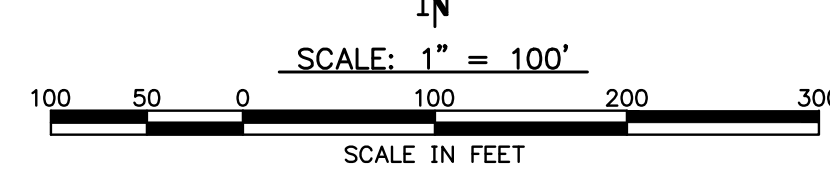
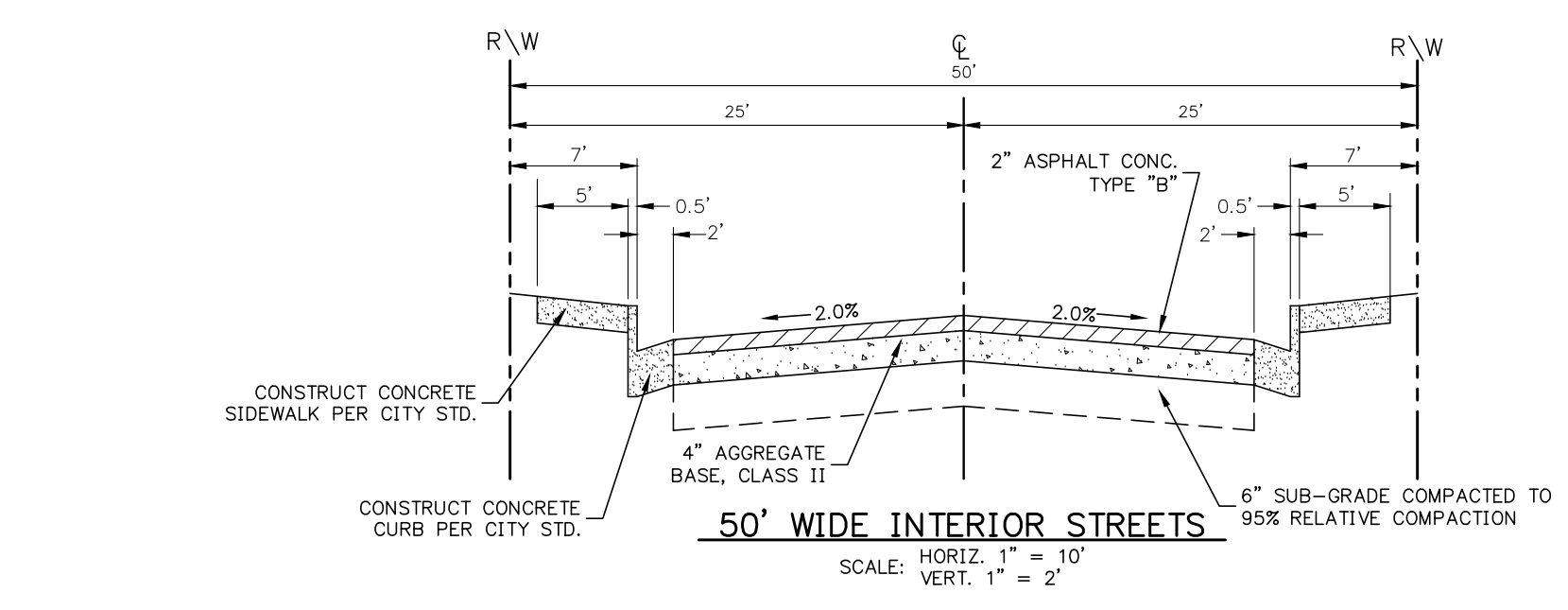
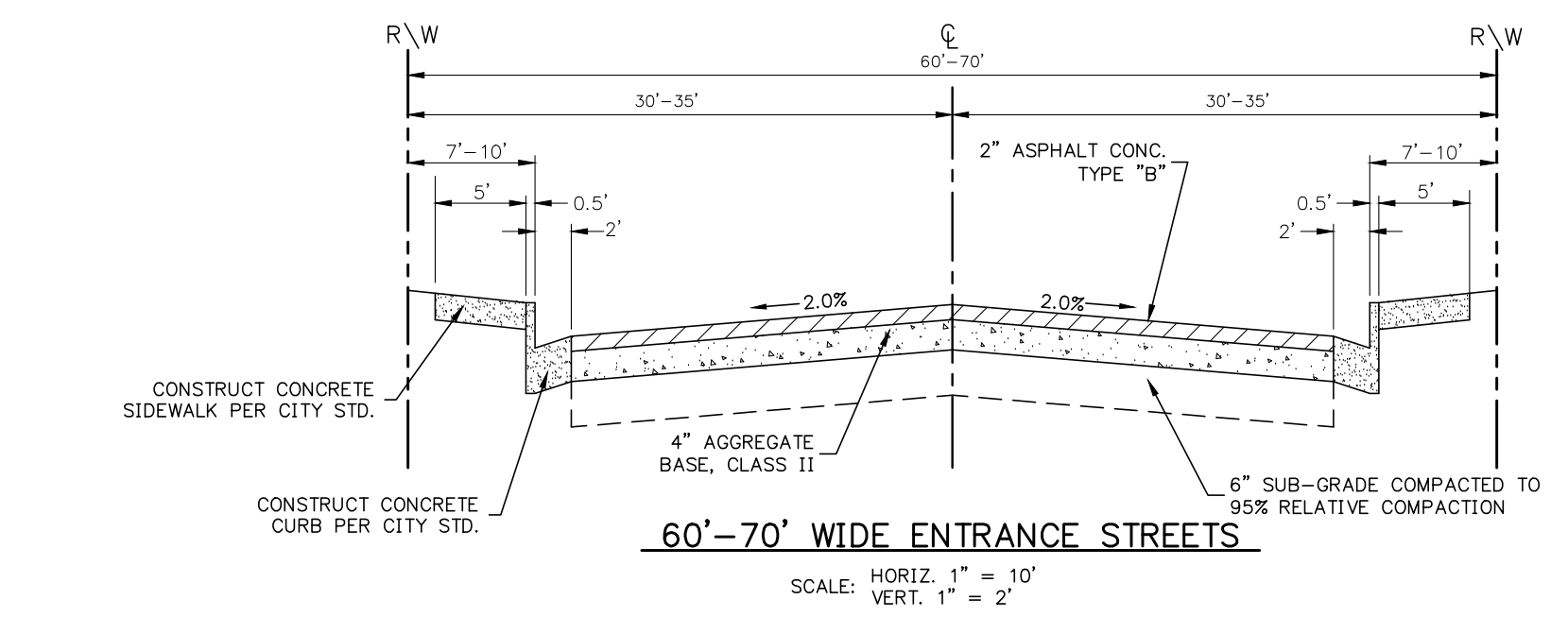
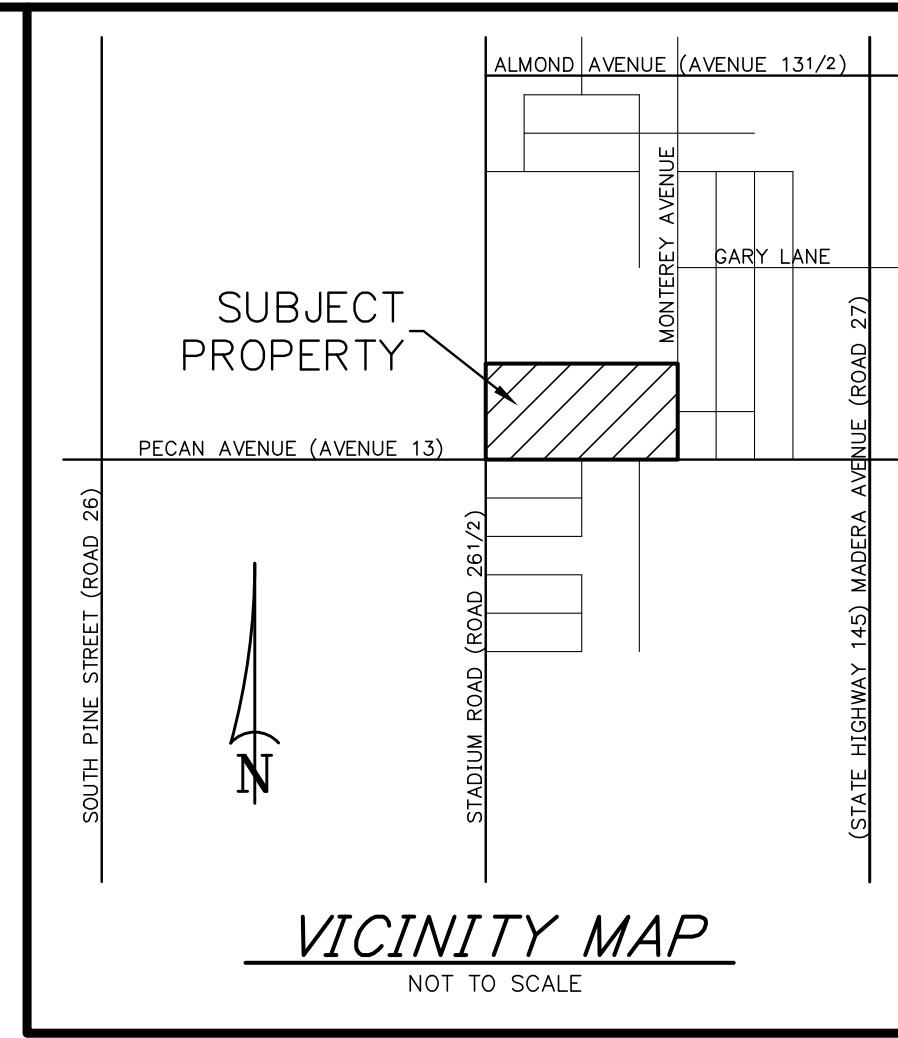
**OWNERS:**

DMP DEVELOPMENT  
2001 HOWARD ROAD, No. 211  
MADERA, CA 93637  
PH. (559) 673-7002

VALLEY LAND DEVELOPMENT, LLC  
2001 HOWARD ROAD, No. 211  
MADERA, CA 93637  
PH. (559) 673-7002

**CONTRACT VENUEE**

DMP BY MICHAEL PISTORESI



**TENTATIVE TRACT MAP No.**

IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA

PREPARED FOR  
**DMP DEVELOPMENT**

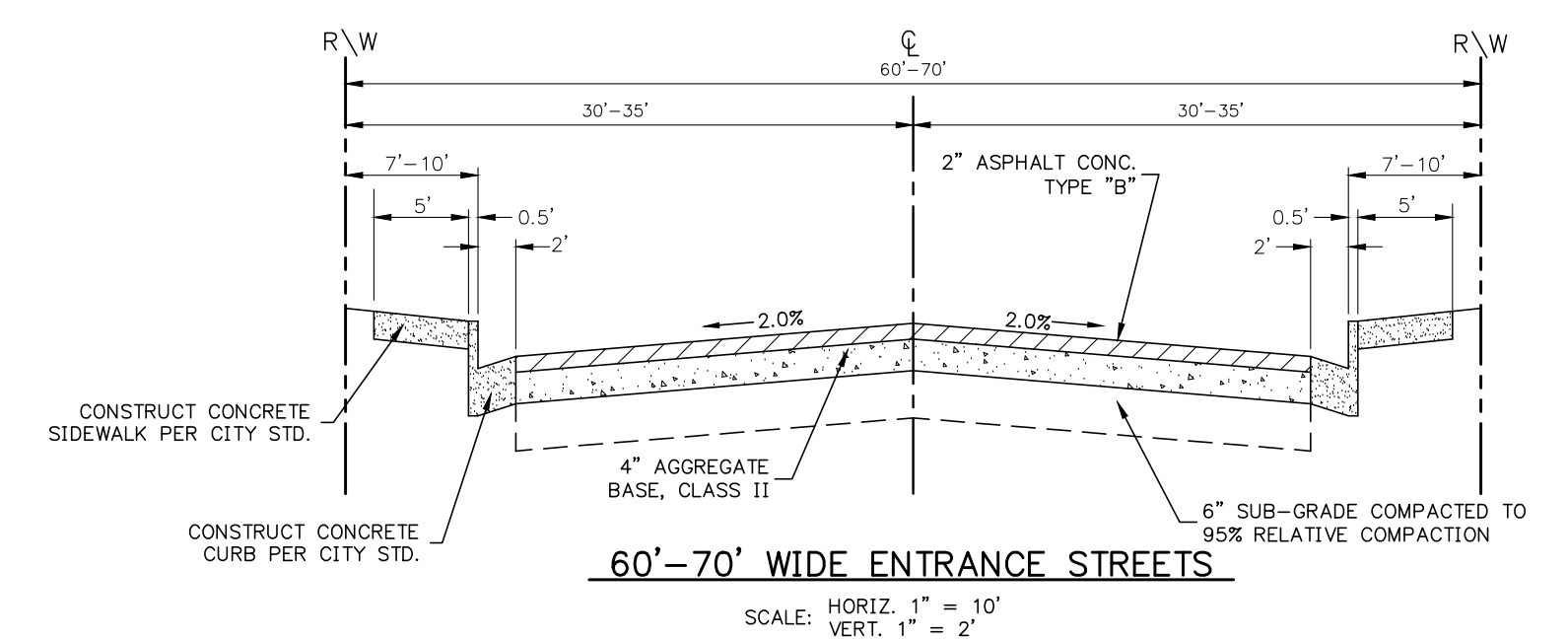
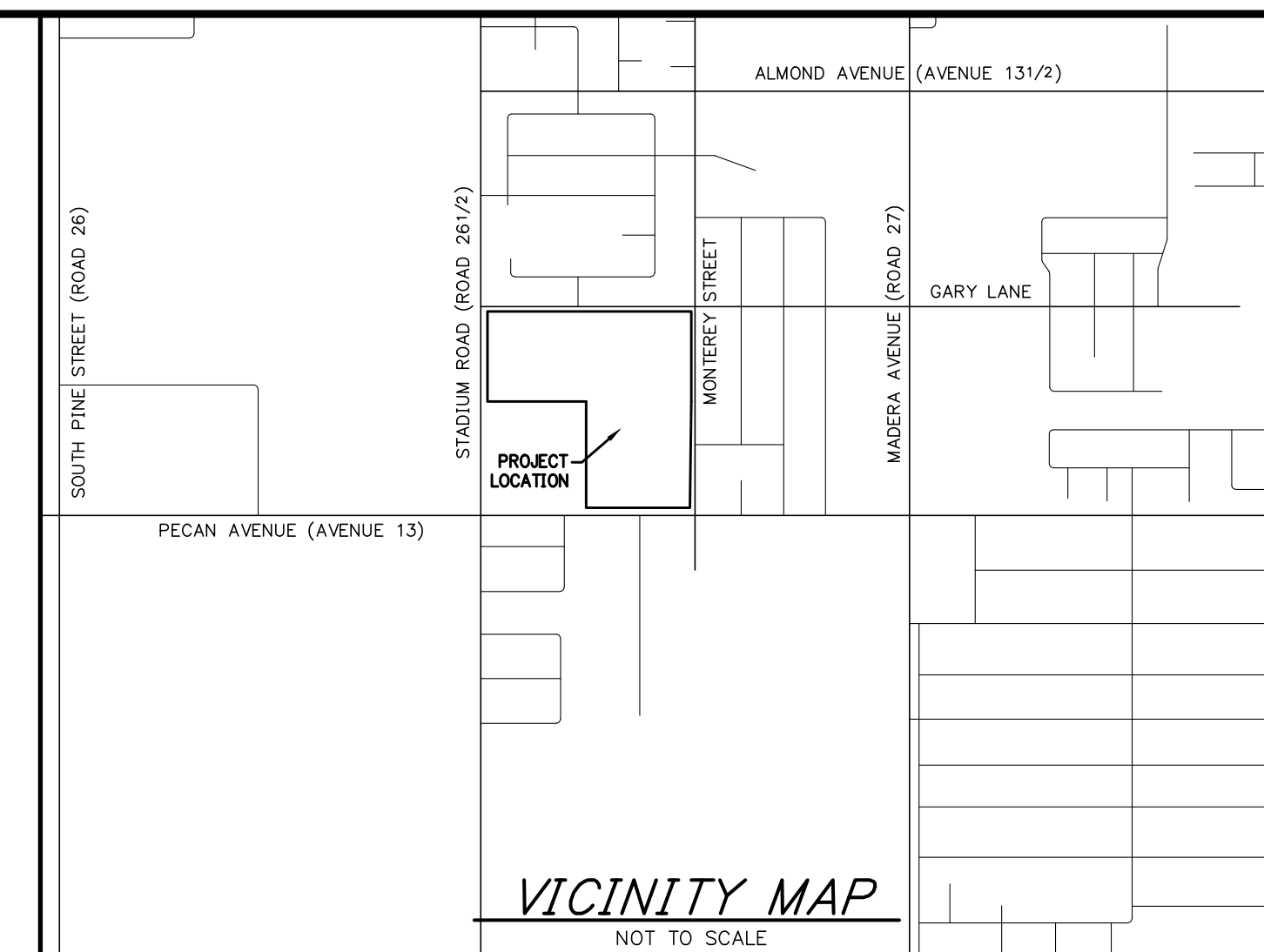
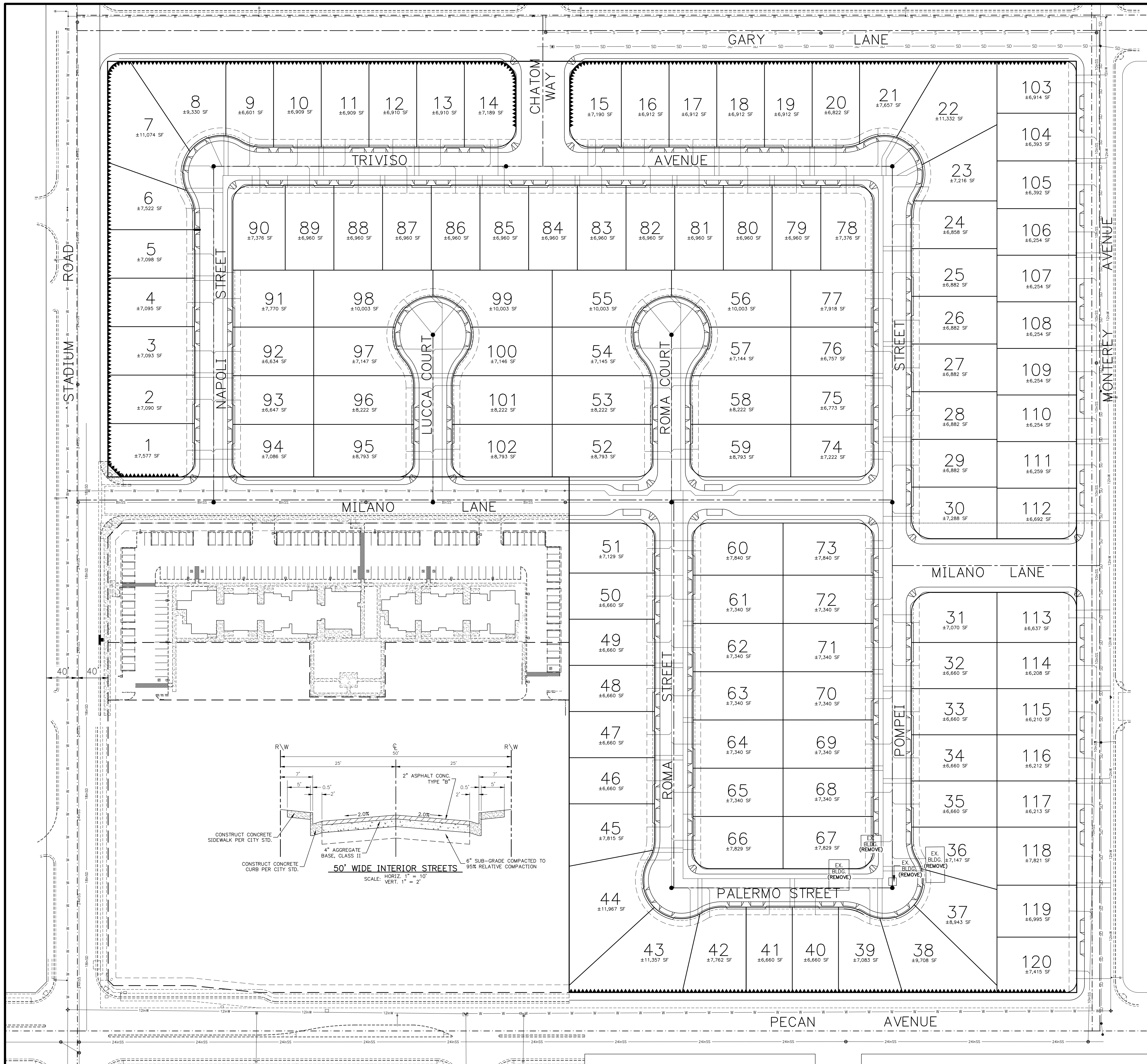
R. W. Greenwood Associates, Inc.  
CIVIL ENGINEERING — LAND SURVEYING

2558 E. Olive Ave. Fresno, California 93701 Tel. (559) 268-7831

|             |                   |        |   |
|-------------|-------------------|--------|---|
| Date        | SEPTEMBER 5, 2014 | SHEET  | 1 |
| Job No.     | D-140B3           | OF     | 2 |
| Drawn By    | HILARY WHELAN     | SHEETS |   |
| Drawing No. | -E                |        |   |

REV. 07/26/16 MGO  
Fb. 246,759 8&5-77 MC/rgp  
PLOT VIEW: PLOT.TOM  
AUTOCAD ID: 140B3.DWG  
REF: 11058, 5110-01, 07125, 5116-01





**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:  
 PARCEL 1: APN 012-460-001  
 THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF MADERA, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.  
 EXCEPTING THEREFROM THAT PORTION GRANTED TO THE COUNTY OF MADERA BY DEED RECORDED JUNE 20, 2006, AS DOCUMENT No. 2006027080, MADERA COUNTY OFFICIAL RECORDS.

**BASIS OF ELEVATIONS**

CHISELED SQUARE AT THE NORTH CURB RETURN AT THE NORTHWEST CORNER OF STADIUM ROAD AND PECAN AVENUE  
 ELEV=259.07

**BASIS OF BEARINGS**

THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, WAS TAKEN TO BEAR EAST, AS SHOWN ON PARCEL MAP No. 521, RECORDED IN BOOK 17 OF MAPS AT PAGE 111, MADERA COUNTY RECORDS

**EXISTING USE:**

URBAN AREAS (U)

**PROPOSED USE:**

URBAN AREAS (U)

**EXISTING ZONING:**

RESIDENTIAL DISTRICT (R1)

**PROPOSED ZONING:**

RESIDENTIAL DISTRICT (R1)

**OWNER:**

DMP DEVELOPMENT  
 2001 HOWARD ROAD, No. 211  
 MADERA, CA 93637  
 PH. (559) 673-7002

**OWNER:**

VALLEY LAND DEVELOPMENT, LLC  
 2001 HOWARD ROAD, No. 211  
 MADERA, CA 93637  
 PH. (559) 673-7002

**PREPARED BY**

R. W. GREENWOOD ASSOCIATES, INC.  
 2558 EAST OLIVE AVENUE  
 FRESNO, CALIFORNIA 93701  
 Ph. (559) 268-7831

**SITE ADDRESS:**

26645 W. PECAN AVENUE  
 MADERA, CA 93637

**APN:**

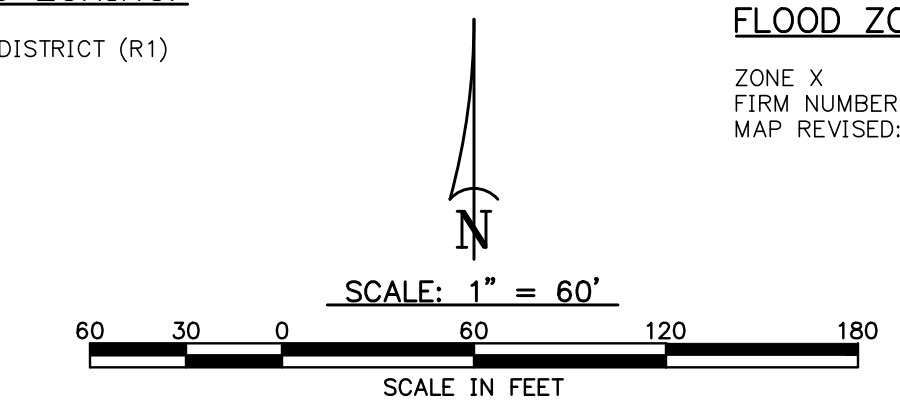
012-460-001 & 006

**SITE AREA:**

±25.76 ACRES

**FLOOD ZONE:**

ZONE X  
 FIRM NUMBER: 06019C1585H  
 MAP REVISED: FEBRUARY 18, 2009



**TENTATIVE TRACT MAP No.**

IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA

PREPARED FOR

**DMP DEVELOPMENT**

R. W. Greenwood Associates, Inc.  
 CIVIL ENGINEERING — LAND SURVEYING

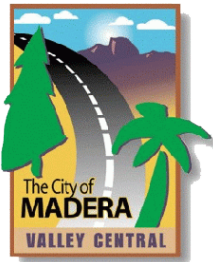
2558 E. Olive Ave. Fresno, California 93701 Tel. (559) 268-7831

Date: NOVEMBER 18, 2015  
 Job No.: D-14083  
 Drawn By: HILARY WHELAN  
 Drawing No.: 5343-E

REV. 07/26/16 MGO  
 Fb. 246/759 865-77 MC/rgf  
 PLOT VIEW: PLOT.TOM  
 AUTOCAD ID: 14083.DWG  
 REF: 11058, 5110-0, 07125, 5116-0

SHEET 2 OF 2 SHEETS





CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Los Girasoles Restaurant Revocation  
CUP 2015-31  
Item #2 – October 11, 2016**

---

**PROPOSAL:** A noticed public hearing to consider revocation of Conditional Use Permit 2015-31 allowing for the sale of beer and wine and outdoor dining in conjunction with the operation of a restaurant.

---

|                      |                           |               |                       |
|----------------------|---------------------------|---------------|-----------------------|
| <b>APPLICANT:</b>    | Jazmin Rueda              | <b>OWNER:</b> | Leovigido Rueda       |
| <b>ADDRESS:</b>      | 703 North Gateway Drive   | <b>APN:</b>   | 007-041-009           |
| <b>APPLICATIONS:</b> | CUP 2015-31 & SPR 2015-34 | <b>CEQA:</b>  | Categorical Exemption |

---

**LOCATION:** The project site is located on the east side of North Gateway Drive, at its intersection with Roberts Avenue.

**STREET ACCESS:** The site has access to North Gateway Drive.

**PARCEL SIZE:** Approximately 0.40 acres

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

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

---

**SITE CHARACTERISTICS:** The property is a fully improved commercial site. The Union Pacific Rail Road right-of-way is located immediately east of the project site. A multifamily apartment complex is immediately west of the project site across North Gateway Drive. Commercial development is located in all other directions along the Gateway Drive business corridor.

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

---

**SUMMARY:** Approved in December of 2015, Conditional Use Permit 2015-31 allows for the sale of alcoholic beverages for on-site consumption and outdoor dining in conjunction with the operation of a restaurant. Conditions of approval require completion of on- and off-site improvements, which upgrade the site to a current City standard. The applicant has not fulfilled the requirement for the approval of a detailed landscaping plan within 90 days of approval of the use permit.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.405 Uses  
MMC § 10-3.802 Light Commercial Zones, Uses Permitted  
MMC § 10-3.1301 Use Permits  
MMC § 10-3.1311 Termination and Revocation

## **PRIOR ACTION**

The site was originally developed under Conditional Use Permit 1986-10 as Taqueria Villa Del Mar restaurant, which included an outdoor patio and an allowance to sell alcoholic beverages. Taqueria Villa Del Mar closed sometime in 2011.

In July of 2013, approval of Conditional Use Permit 2013-15 and Site Plan Review 2013-17 allowed for the renovation of the site as a component of a new Squeeze Inn restaurant. The restaurant closed in October of 2015. The original allowance for the sale of alcoholic beverages from Conditional Use Permit 1986-10 was not utilized by the Squeeze Inn restaurant, rendering the use null and void.

In December of 2015, approval of Conditional Use Permit 2015-31 and Site Plan Review 2015-34 allowed for the sale of alcoholic beverages for on-site consumption in conjunction with Los Girasoles restaurant. The restaurant also continued the use of the outdoor dining component of the business.

On September 13, 2016, the Planning Commission reviewed Conditional Use Permit 2015-31 and moved to schedule a public hearing to consider revocation of the use permit.

## **ANALYSIS**

Shortly after the closure of the Squeeze Inn, a new owner proposed the establishment of Los Girasoles restaurant. Staff advised the applicant that existing conditions of approval required the approval of the Planning Commission whenever meaningful changes to the site were desired. The applicant was directed to make no improvements in advance of a public hearing before the Planning Commission. At that time, any desired alterations to the property could be presented to the Commission for approval.

Nonetheless, prior to their December 8, 2015 Planning Commission meeting, the applicant removed all of the existing drought tolerant landscaping and replaced it with primarily sod, and also repainted the structure in vibrant hues of blue, green and yellow. Subsequently, conditions of approval for Conditional Use Permit 2015-31 and Site Plan Review 2015-34 required approval of a detailed landscape and irrigation plan consistent with the State's Model Water Efficient Landscape Ordinance (MWELo) within 30 days of approval of the use permit with subsequent installation of the landscaping in 90 days. Per state law, sod is not an accepted landscape option and resulted in the requirement to remove and replace non-permitted landscaping.

Staff has made multiple efforts with the applicant to receive a detailed landscaping plan throughout the previous nine (9) months. Over that time, the applicant has made numerous assertions to staff that a landscaping plan was in progress but no plan has ever been presented for review. Ten (10) months have now passed and the sod remains in place. Significant progress has not been made towards meeting the conditions aimed at resolving this issue.

After the review of Conditional Use Permit 2015-31 on September 13, 2016, the applicant provided an executed proposal (attached as Exhibit A) to provide the required landscape and irrigation plan. No additional information as to the status of that contract has been provided to staff. Installation of landscaping cannot occur until the approval of a landscaping and irrigation

plan. Consequently, the site remains in noncompliance with four conditions of approval (See attached Compliance Matrix). Those conditions are specific to the non-permitted landscaping and the applicant's failure to complete required steps designed to provide MWELO compliance.

If the Commission chooses to revoke Conditional Use Permit 2015-31, the revocation would not close the restaurant. A restaurant is a permitted use in the C1 (Light Commercial) Zone District. The use permit allows for the sale of alcoholic beverages for on-site consumption and the continued use of outdoor dining. The revocation would only extinguish the aforementioned activities approved as components of the restaurant's operations.

## **RECOMMENDATION**

It is recommended that the Planning Commission consider the information, together with testimony provided during the public hearing, and make the appropriate findings and a decision regarding the revocation of Conditional Use Permit 2015-31.

## **PLANNING COMMISSION ACTION**

The Commission would be taking action regarding Conditional Use Permit 2015-31, determining to either:

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

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

Motion 1: Move to revoke Conditional Use Permit 2015-31 effective immediately, based on and subject to the following findings:

### Findings

- Conditions of approval for Conditional Use Permit 2015-31, Nos. 7, 28, 34 and 35 adopted by the Planning Commission, are not in compliance.
- Based on observations of staff and the evidence from the whole of the record, the use has not operated in compliance with conditions of approval; and
- The continued operation of the use in violation of the conditions of approval may be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City; and
- The above findings are supported by evidence presented at the public hearing, by field observations by multiple City departments, and in staff reports during the processing and review of this entitlement; which is made a part of this record by this reference.

**(OR)**

Motion 2: Move to continue the public hearing to a specific date, in order to allow the applicant additional time to complete the required improvements and demonstrate compliance with the conditions of approval for Conditional Use Permit 2015-31: (specify date)

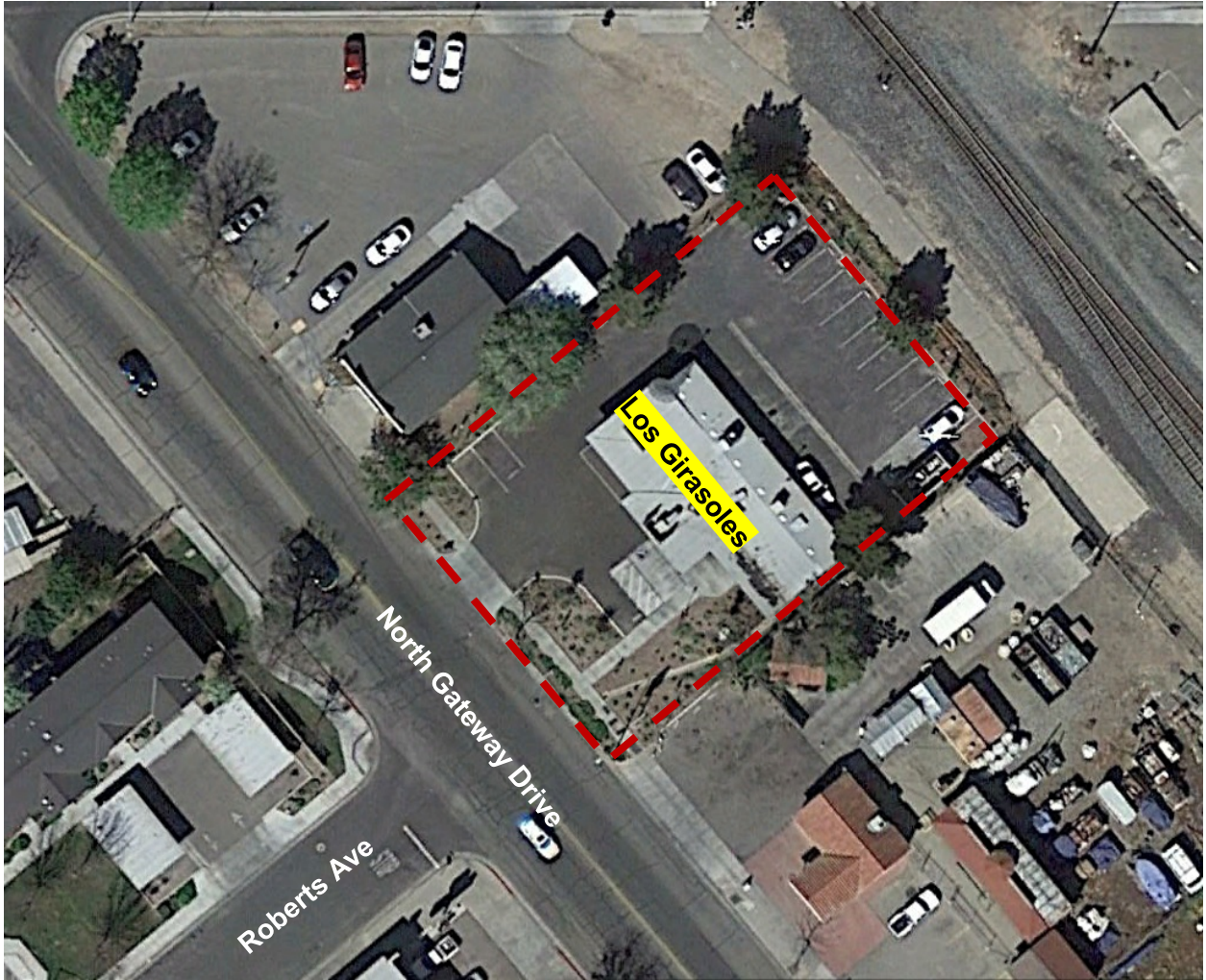
**(OR)**

Motion 3: Move to find that the revocation of Conditional Use Permit 2015-31 is not warranted at this time for the following reasons: (specify)

**ATTACHMENTS**

Aerial Photo  
Conditions of Approval Compliance Matrix  
Exhibit A – Contract with Dave Bigler Associates

# Aerial Photo



## Conditions of Approval Compliance Matrix

| Condition No. | Condition Statement  | Condition Status                      |
|---------------|--|---------------------------------------|
| 1.            | Project approval is conditioned upon acceptance of the conditions of approval, as evidenced by receipt in the Planning Department of the application's signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date of approval for this use permit.         | Received                              |
| 2.            | Conditional Use Permit 2015-31 allows for the sale of beer and wine as a component of the operation of a restaurant, consistent with the stated conditions of approval.  | In compliance                         |
| 3.            | The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.                                 | Procedural                            |
| 4.            | The use permit may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.             | Procedural                            |
| 5.            | This conditional use permit will expire if the use is discontinued for a twelve-month period.  | Procedural                            |
| 6.            | Site Plan Review 2015-34 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval). | Received                              |
| 7.            | Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to this site plan review.   | Landscaping modification not approved |

|                            |   |                          |
|----------------------------|---|--------------------------|
| 8.                         | This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit. | Not in compliance        |
| <b>Building Department</b> |   |                          |
| 9.                         | Detailed plans shall be provided to the Building Department for formal plan check review and subsequent issuance of the required building permit for the enclosure of the patio and construction of the block wall. All permits shall be obtained prior to any construction occurring on the project site.  | Building permit approved |
| 10.                        | Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection and shall apply to proposed and future development.  | In compliance            |
| <b>Fire Department</b>     |   |                          |
| 11.                        | Portable fire extinguishers are required. One 2A10BC-rated fire extinguisher for every 3,000 square feet or fraction thereof.   | In compliance            |
| 12.                        | A key box is required, if not already existing.   | In compliance            |
| 13.                        | A building permit is required for all improvements  | In compliance            |
| 14.                        | A complete egress analysis is required for the secondary means of egress from the patio to be enclosed. This includes the accessible means of egress.   | In compliance            |
| 15.                        | The kitchen hood and duct suppression system must be properly serviced and in good working order.   | In compliance            |

|                            |  |  |
|----------------------------|--|--|
| 16.                        | The southern wall of the patio to be enclosed may require fire resistive construction. This will be determined during plan review.   | No enclosure completed.                                    |
| 17.                        | The patio conversion to conditioned space will affect building design for Energy Code compliance, as well as plumbing fixtures.  | No enclosure completed.                                    |
| <b>Planning Department</b> |  |  |
| 18.                        | <p style="text-align: center;"><u>Site Data</u></p> <ul style="list-style-type: none"> <li>• Building Area: 1960 square feet</li> <li>• Restaurant w/ Alcohol Sales: Allowed with approval of CUP</li> <li>• Fixed seating provided: 52 seats maximum</li> <li>• Minimum Parking Requirements: 17 spaces</li> <li>• Parking Provided: 17 spaces</li> </ul> | Informational  |
| 19.                        | This conditional use permit allows for the sale of beer and wine for on-site consumption in conjunction with the operation of a restaurant/food service operation. This use permit does not allow for the sale of beer and wine as a component of a bar only, cocktail lounge, or nightclub operation at this location.                                    | In compliance  |
| 20.                        | No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the use.   | In compliance  |
| 21.                        | No outdoor consumption of alcoholic beverages shall be allowed.  | Signage allowing for outdoor consumption has been removed. |
| 22.                        | The consumption of alcoholic beverages, including beer and wine, shall not occur in conjunction with the operation of the food truck.  | In compliance  |
| 23.                        | Vandalism and graffiti shall be corrected within 24 hours of notification.   | In compliance  |
| 24.                        | The owner may operate their food truck on site until such time that the restaurant is operational, but not to exceed 90 days from date of approval.  | In compliance  |



|     |  |  |
|-----|--|--|
| 25. | The food truck may operate between the hours of 6:00 am and 9:00 pm until such time that the restaurant is operational.  | Completed  |
| 27. | The applicant shall operate in a manner that does not generate noise, odor or vibration that adversely affects any adjacent properties.  | In compliance  |
| 28. | The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.   | Not in compliance. State law does not allow the sod landscaping. |
| 29. | The use is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control.   | In compliance  |
| 30. | The sale of alcoholic beverages shall be restricted to on-site consumption only. No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the use.  | In compliance  |
| 31. | 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. A new parking layout shall be submitted to the Planning Manager for approval within 30 days of approval of the conditional use permit. | In compliance  |
| 32. | On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Commission.   | In compliance  |
| 33. | A colors and materials board shall be submitted with the building permit application for approval by the Planning Department.  | In compliance  |

|     |  |   |
|-----|--|---|
| 34. | <p>A detailed landscaping plan shall be submitted to the Planning Department for review and approval. The applicant shall demonstrate compliance with the State's Model Water Efficient Landscape Ordinance. Any deviation from the plan shall require prior written request and approval. Removal or modification shall be at the developer's expense. Shade trees are required at one per three parking stalls provided. The plan shall be submitted to the Planning Department within thirty (30) days of this approval. All landscaping shall be installed within ninety (90) days after Planning Department approval.</p> | No submission of a landscaping plan                                       |
| 35. | <p>The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought tolerant plantings.</p>  | Sod is stressed. Sod has been removed in locations and areas left barren. |
| 36. | <p>All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.</p>  | In compliance   |

Exhibit A

September 12, 2016



**David Bigler Associates**  
Landscape Architect #3887 & Irrigation Consultant  
516 W. Shaw Avenue, Suite 101  
Fresno, California 93704  
E Mail: DaveBigler@aol.com  
Tel: (559) 276-9495  
Fax: (559) 276-9497

Los Girasoles Restaurant  
Attn: Jazmin Rueda  
703 N. Gateway Blvd.  
Madera, CA 93637

Re: Proposal to provide Landscape Architectural Services for the Los Girasoles Restaurant Project located in Madera, California.

Dear Jazmin,

The following is a proposal to provide Landscape Architectural services including landscape and irrigation design, technical specifications and installation details as required to obtain City of Madera approval. In addition, California Water Efficient Landscape requirements and calculations will be prepared as required by the City of Madera.

- |    |                                    |             |
|----|------------------------------------|-------------|
| 1. | Field Work .....                   | \$ 300.00   |
| 2. | Landscape & Irrigation Plans ..... | \$ 1,200.00 |
|    |                                    | -----       |
| 3. | Landscape Architect's Fee .....    | \$ 1,500.00 |

Fees are to be paid monthly based on the work completed on the project. Site plan changes or other revisions after the start of construction documents may require an additional fee to be negotiated at the time of the change. Base maps are to be provided in AutoCAD format by the Owner at an appropriate scale. All drawings shall not be used on any other project, except by written agreement of the Landscape Architect. Proposal includes landscape and irrigation design only, no other professional consulting disciplines are included in the proposal. Client is to provide person knowledgeable with existing irrigation system to assist Landscape Architect with field work at no cost to the Landscape Architect.

City of Madera may require soil testing and a minimum of one site visit by the Landscape Architect to certify that the project was installed in accordance with the approved plans, therefore any changes to the plans must be approved prior to installation in the field, or work in the field will have to be redone to comply with the approved plans. Soil testing is to be done by the Owner. Post construction site visit is not included in the fee but can be provided for an additional fee of \$300.00. City of Madera may also require a post construction irrigation audit and audit report which may be provided for an additional fee of \$300.00. Bid document and submittal printing is not included in this proposal and is to be done by others. If you have any questions, or comments, please contact our office at your convenience.

Sincerely,

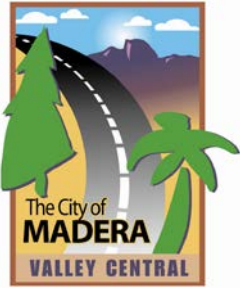
David Bigler  
Landscape Architect  
RLA #3887

Proposal Accepted By:

Name: Jazmin C. Rueda  
Date: 9/14/16

**Chevron Remodel  
CUP 2016-24 to 2016-26, SPR 2016-40  
& Environmental Determination  
Item #3**

Staff has requested that this item be continued to the November 8<sup>th</sup>, 2016 Planning Commission Regular Meeting.



CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Z Boys Auto Detailing  
CUP 2016-27, SPR 2016-43 & Categorical Exemption  
Item #4 - October 11, 2016**

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**PROPOSAL:** An application for a conditional use permit and site plan review to allow for an automotive detailing business in an I (Industrial) Zone District.

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|                     |                           |               |                       |
|---------------------|---------------------------|---------------|-----------------------|
| <b>APPLICANT:</b>   | Luis Zaragoza             | <b>OWNER:</b> | Berry Construction    |
| <b>ADDRESS:</b>     | 518 Noble Street          | <b>APN:</b>   | 012-402-009           |
| <b>APPLICATION:</b> | CUP 2016-27 & SPR 2016-43 | <b>CEQA:</b>  | Categorical Exemption |

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**LOCATION:** The project site is located on the west side of Noble Street, approximately 600 feet north of its intersection with Gill Avenue.

**STREET ACCESS:** The site has access to Noble Street.

**PARCEL SIZE:** One parcel encompassing approximately 1.39 acres

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

**ZONING DISTRICT:** I (Industrial)

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**SITE CHARACTERISTICS:** The project site is a component of the Span Industrial Park, which includes a wide array of tenants in multiple structures. The industrial park is bounded by Maple Street to the north, Gill Avenue to the south, Noble Street to the east and Pine Street to the west. The nearest residential property is approximately 750 feet north of the proposed auto detailing use. The project site was formerly used as Ron's Automotive.

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

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**SUMMARY:** Z Boys Auto Detailing proposes to locate in a 5,000 square foot section of the Span Industrial Park. The business would be required to utilize water-conserving fixtures while draining water only into the City's sewer system. Although a use permit is required for auto detailing uses in the I (Industrial) Zone District, the use could be made compatible with the surrounding mix of uses and would be consistent with the purpose and intent of the Zoning Ordinance.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.1001 Industrial Zones

MMC § 10-3.1207(D)(2) Parking, General Regulations and Conditions

MMC § 10-3.4.0102 Site Plan Review Applicability

MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

## **PRIOR ACTION**

None.

## **ANALYSIS**

### Background

The City's General Plan indicates that land designated as I (Industrial) is appropriate for development of light and heavy industrial activities. The City's Zoning Ordinance also allows for a variety of industrial activities in the I (Industrial) Zone District, but also provides for other uses, including automotive detailing, subject to the approval of a conditional use permit by the Planning Commission.

### Operations

The applicant wishes to establish a hand car wash and auto detailing business within a 5,000 square foot suite in the Span Industrial Park. The business would include the detailing of both the interior and exterior of automobiles. Additional services would include paint scratch removal, and waxing and polishing of car exteriors. Hours of operation would be from as early as 8:00 a.m. until as late as 5:00 p.m., seven days per week. The applicant anticipates detailing an average of twenty cars per day, with as many as five employees.

### Parking

The project site is developed with seventy six (76) parking stalls including three (3) Americans with Disabilities Act (ADA) accessible spaces. Parking standards for the site as proposed call out the following parking ratios:

| Business              | Size (sf) | Ratio         | Parking Req. |
|-----------------------|-----------|---------------|--------------|
| New Harvest Church    | 12,500    | 1:4 sanctuary | 58 stalls    |
| Advanced Engines      | 2,500     | Auto shop     | 7 stalls     |
| Z-Boys Auto Detailing | 5,000     | Auto shop     | 15 stalls    |
| Vacant                | 5,000     | vacant        | 12 stalls    |
| Vacant                | 2,500     | vacant        | 6 stalls     |
| Total                 | 27,500 sf |               | 98           |

As noted in the parking table above, fifty-eight (58) of the available seventy-six (76) parking stalls are utilized by the New Harvest Church. Subsequently, a perceived shortage of stalls are provided on site. The City’s parking regulations though provide that “up to 100% of the parking facilities required . . . for a church . . . may be supplied by parking facilities of a use considered to be primarily a daytime use.” Forty (40) of the parking stalls on the site are dedicated to primarily daytime uses; less than the allowed for 100 percent. Therefore, there is sufficient parking to serve Z Boys Auto Detailing and the remainder of the site.

Site Improvements

Whereas establishing an automatic car wash would require the installation of a water recovery and reuse system, auto detailers are typically only required to incorporate water saving, high pressure, automatic shut-off nozzles as components of their operations. Water is required to drain only to the City sewer system. Surface flow to storm drain facilities is prohibited. The project site includes a car washing well within the interior of the structure. Water is retained within the “well” and is directed into the City’s sewer.

Engineering Department conditions of approval require the installation of an Automatic Meter Read (AMR) water meter. Additionally, consistent with other already approved use permits in proximity to the project site, sidewalk must be installed along the project frontage with Noble Street. All conditions of approval must be satisfied in advance of building occupancy and issuance of a business license.

The proposed conditional use permits and site plan review were 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**

Though approval of an allowance for an auto detailing business is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*”

**RECOMMENDATION**

The information presented in this report supports approval of the conditional use permit and site plan review request, subject to the recommended conditions of approval. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2016-27 and Site Plan Review 2016-43 subject to the findings and conditions of approval.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the use permit and site plan review request.

Motion 1: Move to approve Conditional Use Permit 2016-27 and Site Plan Review 2016-43, based on and subject to the following findings and conditions of approval:

### Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
- Automotive detailing is consistent with the purposes of the I (Industrial) General Plan land use designation and the I (Industrial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As proposed, there is adequate parking and site features to allow for the hand car wash and automotive detailing business.
- As conditioned, the hand car wash and automotive detailing business will be compatible with surrounding properties.
- 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.

## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-27 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2016-27 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.
5. Site Plan Review 2016-43 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to



extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)

6. Conditional Use Permit 2016-27 and Site Plan Review 2016-43 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.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
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 Site Plan Review 2016-43.
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.

### **Building Department**

10. Building permits are required for any tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
11. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

### **Engineering Department**

#### General

12. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
13. The developer shall pay all the required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.
15. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.

#### Streets

16. The property owner shall construct ADA accessible concrete sidewalk along the entire project parcel frontage (driveway to driveway) on Noble Street per City standards. This condition of approval, previously incorporated into Conditional Use Permit 2014-12 and

Site Plan Review 2014-19, must be completed prior to occupancy of the building by Z Boys Auto Detailing and the subsequent issuance of a business license.

### Water

17. The existing water service connection shall be upgraded to current City standards including an Automatic Meter Reading (AMR) water meter located within City right-of-way and a backflow prevention device located within private property.

### **Planning Department**

18. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
19. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
20. 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.
21. Hours of operation shall be from as early as 8:00 a.m. until as late as 6:00 p.m. Employees may be present from as early as 6:00 a.m. until as late as 8:00 p.m.
22. Except as noted herein, all on- and off-site improvements shall be made prior to the occupancy of the structure and issuance of a business license.

### Landscaping

23. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.

### Signage

24. All signage shall be in compliance with the Madera Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

### Car Wash and Auto Detailing

25. Conditional Use Permit 2016-27 allows for the following automotive services:
  - Hand car wash and auto detailing
26. No other automotive services, repairs, and/or installations are allowed on the project site without the approval of a separate conditional use permit.
27. All automotive services shall occur inside of the structure.
28. Outdoor storage of goods and/or materials shall not be allowed.
29. Overnight parking of vehicles shall only occur within the interior of the building.

30. The parking requirements of the use shall be provided at the following ratio(s): one (1) stall per each 400 square feet of gross floor space, plus one (1) stall per each two (2) employees. The business suite encompasses approximately 5,000 square feet of gross square footage. A minimum of fifteen (15) parking stalls are required. Some of the required parking may be located within the structure with the approval of the Planning Manager.
31. All parking and loading areas to be located outside of the structure shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of 9' wide by 19' deep (including up to a 2' maximum bumper overhang into landscaped area). Minimum backing/ maneuvering/drive aisle space is twenty-six (26') feet. 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.
32. The business shall incorporate water conservation measures as part of the washing of all vehicles. At a minimum, all hoses shall be fitted with water-saving automatic shut-off nozzles and/or high pressure wands.
33. All waste water from the business shall drain into floor drains that flow into the City's sewer system. No waste water shall be allowed to have access to any storm drain facilities.

**(OR)**

Motion 2: Move to continue the application for Conditional Use Permit 2016-27 and Site Plan Review 2016-43 to the November 8, 2016 Planning Commission hearing for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny the application for Conditional Use Permit 2016-27 and Site Plan Review 2016-43, based on and subject to the following findings: (specify)

## **ATTACHMENTS**

Aerial Photo

Aerial Photo

