

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
JANUARY 10, 2017
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 Jeff Dal Cerro
Commissioner Richard Broadhead

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: November 15, 2016 and December 13, 2016

CONSENT ITEMS:

NONE

NON-PUBLIC HEARING ITEMS

NP1. Election of Chairperson and Vice-Chairperson for 2017

PUBLIC HEARING ITEMS

1. PPL 2016-02 – Riverside Villas Precise Plan

A noticed public hearing to consider a precise plan to allow for a change in home plans approved for construction on the twenty-two (22) undeveloped lots within the 27-lot Riverside Villas subdivision. Five home plans are proposed, ranging in size

from between 1,364 and 1,509 square feet. The subdivision is generally located north of the Fresno River and east of Fresno Street, along both sides of East Riverside Drive in the PD-4500 (Planned Development) and PD-6000 (Planned Development) Zone District with an LD (Low Density) General Plan land use designation. A negative declaration was certified for the project in 2005 in conjunction with a rezoning of the property from R1 (Residential) to PD-4500 (Planned Development). The impacts of the current application are less than those anticipated in 2005.

2. GPA 2016-03, REZ 2016-03, TSM 2016-03 and PPL 2016-01 and Negative Declaration – Riverwalk Subdivision

A noticed public hearing to consider a General Plan Amendment, Rezoning, Tentative Subdivision Map and Precise Plan to allow for the development of the Riverwalk subdivision. The General Plan Amendment will change the General Plan land use designation on the western portion of the project from HD (High Density Residential) to LD (Low Density Residential) land use designation. The Rezone will change the zoning for the project site from the R3 (High Density Residential) to the PD-6000 (Planned Development) Zone District. The Tentative Subdivision Map will provide for the subdivision of the project site to include twelve residential parcels and three separate outlots. The Precise Plan will provide for the development of five new home plans with supporting development standards for the project. The subdivision is generally located south of the Fresno River and north of East Central Avenue, between North A Street and North C Street, which are now connected by Riverwalk Drive. A Negative Declaration will also be considered by the Planning Commission.

3. CUP 2016-34 and SPR 2016-56 – Koinonia Spa and Wellness

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a massage and cosmetic body art business located within an existing 1,550 square foot suite on North Gateway Drive approximately 250 feet north of its intersection with East Yosemite Avenue (118 North Gateway Drive), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-093-002). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

4. CUP 2016-38 and SPR 2016-58 – Long John Silvers

A noticed public hearing to consider a conditional use permit and site plan review to re-establish the allowance for the drive-thru restaurant and reopen the Long John Silver's restaurant located on the southwest corner of Country Club Drive and Sharon Boulevard (1110 Country Club Drive), in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-194-012). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

5. VAR 2016-02 – Taco Bell Signage

A noticed public hearing to consider a sign variance to allow for additional signage in conjunction with the development of a new Taco Bell restaurant to be located southwest of the intersection of East Yosemite and Tozer Street (1420 East Yosemite Avenue), in the C1 (Light Commercial) Zone district with a C (Commercial) General Plan land use designation (APN: 008-142-071). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15311 (Accessory Structures).

6. VAR 2016-03 – KFC Parking Variance

A noticed public hearing to consider a parking variance as part of the remodeling of a KFC drive-thru restaurant located on the west side of Country Club Drive, approximately 200 feet north of its intersection with Sharon Boulevard (1144 Country Club Drive), in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-194-002). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

NON-PUBLIC HEARING ITEMS

NONE

ADMINISTRATIVE REPORTS

1. Planning Commissioner's Academy, March 1-3

COMMISSIONER REPORTS

ADJOURNMENT: The next regular meeting will be held on February 14, 2017.

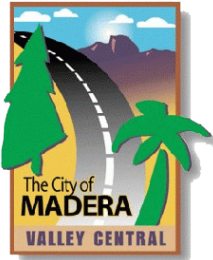
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Riverside Villas
Precise Plan 2016-02 & Environmental Determination
Item #1 – January 10, 2017**

PROPOSAL: An application to consider a precise plan to allow for a change in the home plans approved for construction on the twenty-two (22) undeveloped lots within the 27-lot Riverside Villas subdivision, and to amend certain development standards applicable to the subdivision.

APPLICANT:	City of Madera	OWNER:	City of Madera
ADDRESS:	Multiple	APN:	Multiple
APPLICATIONS:	PPL 2016-02	CEQA:	Previously Certified Negative Declaration

LOCATION: The project site is located in the proximity of the intersection of Riverside Drive and Merced Street.

STREET ACCESS: The site is accessed from Riverside Drive and Merced Street.

PARCEL SIZE: A total twenty-two (22) parcels encompassing approximately three (3) acres.

GENERAL PLAN DESIGNATION: LD (Low Density)

ZONING DISTRICT: PD-4500 (Planned Development) and PD-6000 (Planned Development)

SITE CHARACTERISTICS: The project site is the unbuilt lots within the Riverside Villas single family residential subdivision located immediately north of the Fresno River channel. Single family residential development surrounds the project area.

ENVIRONMENTAL REVIEW: A negative declaration was certified for the project in 2005 in conjunction with a rezoning of the property from R1 (Residential) to PD-4500 (Planned Development). The impacts of the current application are less than those anticipated in 2005.

SUMMARY & RECOMMENDATION: The proposed Precise Plan 2016-02, as conditioned, provides compatibility between existing land uses, the Zoning Ordinance and the Madera General Plan. Five home plans are proposed, ranging in size from between 1,364 to 1,509 square feet. Development standards are reflective of the varying lot sizes within the dual-zoned subdivision.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101, P-D Zones

PRIOR ACTION

In 2005, Marathon Properties requested a rezoning of the property to the R2 (Medium Density) Zone District. After neighboring property owners objected to the proposed R2 zone, the Planning Commission and City Council ultimately approved a rezoning to PD-4500 (Planned Development) Zone District. In April 2006, the Planning Commission approved Tentative Subdivision Map (TSM) 2006-01, dividing approximately 7.7 acres into 28 residential lots cumulatively known as Riverside Villas and approved Precise Plan (PPL) 2006-03, which guided the development of the project. The Riverside Villas subdivision was ultimately recorded as Subdivision Map No. 06-S-04.

In July of 2015, the Planning Commission approved the rezone of a 2.03 acre portion of the Riverside Villas subdivision from the PD-4500 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District to allow for amendment of a portion of the previously recorded Subdivision Map No. 06-S-04 in order to provide for larger lots. A future application for precise plan was noted at that time.

ANALYSIS

Precise Plan

Precise Plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, architecture, landscaping and open space. More often than not, precise plans accompany the approval of a tentative subdivision map to the Planning Commission, guiding the physical development on the lots that will be created with the subdivision map. In this case, a precise plan was not required at the time that the original map was amended because proposed development plans had not been finalized. PPL 2016-02 is now ready to proceed. If approved, the precise plan will replace PPL 2006-03 in its entirety.

The primary element of the precise plan request is the approval of five home plans for construction in the subdivision. The homes range in size from between 1,364 to 1,509 square feet and include three different elevations (see attachments). The proposed new models are as follows:

• Avon	1,364 sq. ft.	3 bedroom, 2 bathroom – Garage subordinate	73%*
• Triveni	1,450 sq. ft.	4 bedroom, 2 bathroom – Garage subordinate	73%
• Delta	1,452 sq. ft.	4 bedroom, 2 bathroom – Garage neutral	23%
• Delaney	1,493 sq. ft.	4 bedroom, 2 bathroom – Garage subordinate	68%
• Jordana	1,509 sq. ft.	4 bedroom, 2 bathroom – Garage subordinate	91%

* The percentiles listed on the right column of the table are the percentage of lots that each of the proposed models can be built upon.

Garage Subordinate Design

General Plan policy CD-32 states that “Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the

orientation of garage doors at 90 degrees to the street.” All of the five proposed homes generally satisfy CD-32.

As noted above, the percentiles shown on the far right of the table indicate the percentage of lots each model will fit on. Note that no model will fit on all of the lots. Viewed from a different perspective, only five of the lots can accommodate all of the models. This is a product of the mixed zoning within the precise plan project area, with nine of the lots being in the PD-4500 Zone District and thirteen of the lots being in the PD-6000 Zone District. The ability to fit all models on all lots is further exacerbated by the two cul-de-sacs with the subdivision design. Nonetheless, the five different models, with four of those models available for construction on the majority of lots, helps satisfy policies that encourage “visual interest to the streetscape.” The policy is further supported by each model having three different elevations.

General Plan Conformance

In order to make an overall finding of General Plan conformity, staff proposes conditions of approval which reinforce conformity with all General Plan policies which require garages “subordinate in visual importance to the house itself” (CD 32), “the exterior of residential buildings [to] be varied and articulated to provide visual interest to the streetscape (CD-33) and “reflect attention to detail as necessary to produce high architectural design and construction quality” (CD-34). The precise plan requirements for varied setbacks, enhanced elevations, and varying model distribution reinforce consistency with the goals and policies of the General Plan.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATIONS

The information presented in this report supports approval of the precise plan. It is recommended that the Commission consider this information, together with testimony provided at the public hearing and make a determination regarding the project.

PLANNING COMMISSION ACTION

The Commission will be acting on Precise Plan 2016-02, determining to either;

- Approve the precise plan,
- continue the public hearing, or
- deny the precise plan request.

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

Motion 1: Move to approve Precise Plan 2016-02, subject to the findings and conditions of approval as listed.

Findings

- A negative declaration was certified for the project in 2005 in conjunction with a rezoning of the property from R-1 (Residential) to PD 4500 (Planned Development). The impacts of the current application are less than those anticipated in 2005, which included a rezoning, subdivision map and precise plan for the development of twenty-eight (28) residential lots.
- The development anticipated within the precise plan is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the city.
- As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies.
- As conditioned, development of the site is consistent with the Zoning Ordinance.

CONDITIONS OF APPROVAL

General Conditions

1. The conditions of approval for Subdivision Map No. 06-S-04 shall remain effective and are not revised in any way, except as modified herein.
2. The conditions of approval for Precise Plan 2006-03 shall be replaced and superseded in their entirety by the following conditions of approval for Precise Plan 2016-02.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
4. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
5. Any substantial future modifications proposed to the site involving, but not limited to, building exteriors, model floor plans, development standards or infrastructural improvements shall require an amendment to the Precise Plan.
6. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
7. The project shall be developed in accordance with the site plans, floor plans and elevation drawings as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.

Planning Department Conditions

8. Five (5) models are approved as part of Precise Plan 2016-02. They are allowed to be constructed upon the 22 undeveloped lots within the Riverside Villas subdivision. They are as follows:

- Avon 1,364 sq. ft. 3 bedroom, 2 bathroom – Garage subordinate
- Triveni 1,450 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
- Delta 1,452 sq. ft. 4 bedroom, 2 bathroom – Garage neutral
- Delaney 1,493 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
- Jordana 1,509 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate

9. Each proposed model shall include the following features as standard elements of construction:
 - three-color exterior painting
 - quality three-dimensional composition roofing
 - architectural treatments, including wall sconces, window shutters, gable decorations, decorative moldings, wood corbels and hatched window treatments consistent with the elevation submittals for each model
 - front and street side yard landscaping and irrigation

10. Except when included as a standard feature, each proposed model shall offer the following features as optional elements of construction:
 - stone, rock, and brick elevation treatments
 - tile roofing
 - upgraded garage doors
 - front-yard courtyards.

11. For corner and reverse corner lots, where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation.

12. All standards for location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R (Residential) zoning standards.

13. Rear yard wood fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be split block masonry. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.

14. Street side yard setbacks on all corner lots shall be ten (10') feet from property line for both structure and fencing.

15. For lots 20 through 28, within the PD-4500 (Planned Development) Zone District, the rear yard structural setback shall be ten (10') feet.

16. The development of any temporary construction trailer and/or materials storage yard on the project site requires the approval of a Zoning Administrator Permit in advance of installation/placement.

17. The development of any model home sales center on the project site requires the approval of a Zoning Administrator Permit.

18. Front yard and street side yard landscaping and irrigation shall be installed in conjunction with construction of all single family homes. At least one City approved street tree shall be planted in each front yard. Landscape and irrigation plans prepared by a licensed landscape architect consistent with the State of California Model Water

Efficient Landscape Ordinance shall be submitted as a component of submittal for standard plan check.

19. Front and street side yard landscaping and irrigation systems shall be installed in accordance with the landscaping and irrigation plans approved as a component of submittal for standard plan check before the final building inspection of any residential units. All maintenance shall be by the individual homeowner.
20. 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.
21. 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.
22. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.
23. All driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
24. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property. All units shall have a minimum of a two-car garage.
25. The following criteria shall be applied to the location of homes on individual lots:
 - The appearance of a home is affected by at least three (3) primary features, including:
 - ✓ home plan
 - ✓ alternative elevations for each plan
 - ✓ color
 - Homes built on side-by-side lots shall not repeat more than one of these primary home features. The model floor plans shall not be repeated on more than two consecutive lots.
26. The minimum front setback for all lots shall be:
 - 20 feet minimum depth to garage
 - 15 feet minimum to living space
 - 12 feet minimum to porch
27. For lots 6 through 18, within the PD-6000 (Planned Development) Zone District, the front structural setback shall vary from the minimum of 15 feet to a maximum of 20 feet, with at least a two foot variation amongst any two adjacent lots.

Fire Department

28. 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.
29. Construction plans shall be submitted and approved, and permits issued, prior to commencement of construction.

Motion 2: Move to continue the public hearing on Precise Plan 2016-02 to the February 14, 2017 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Precise Plan 2016-02, based on the following findings: (specify)

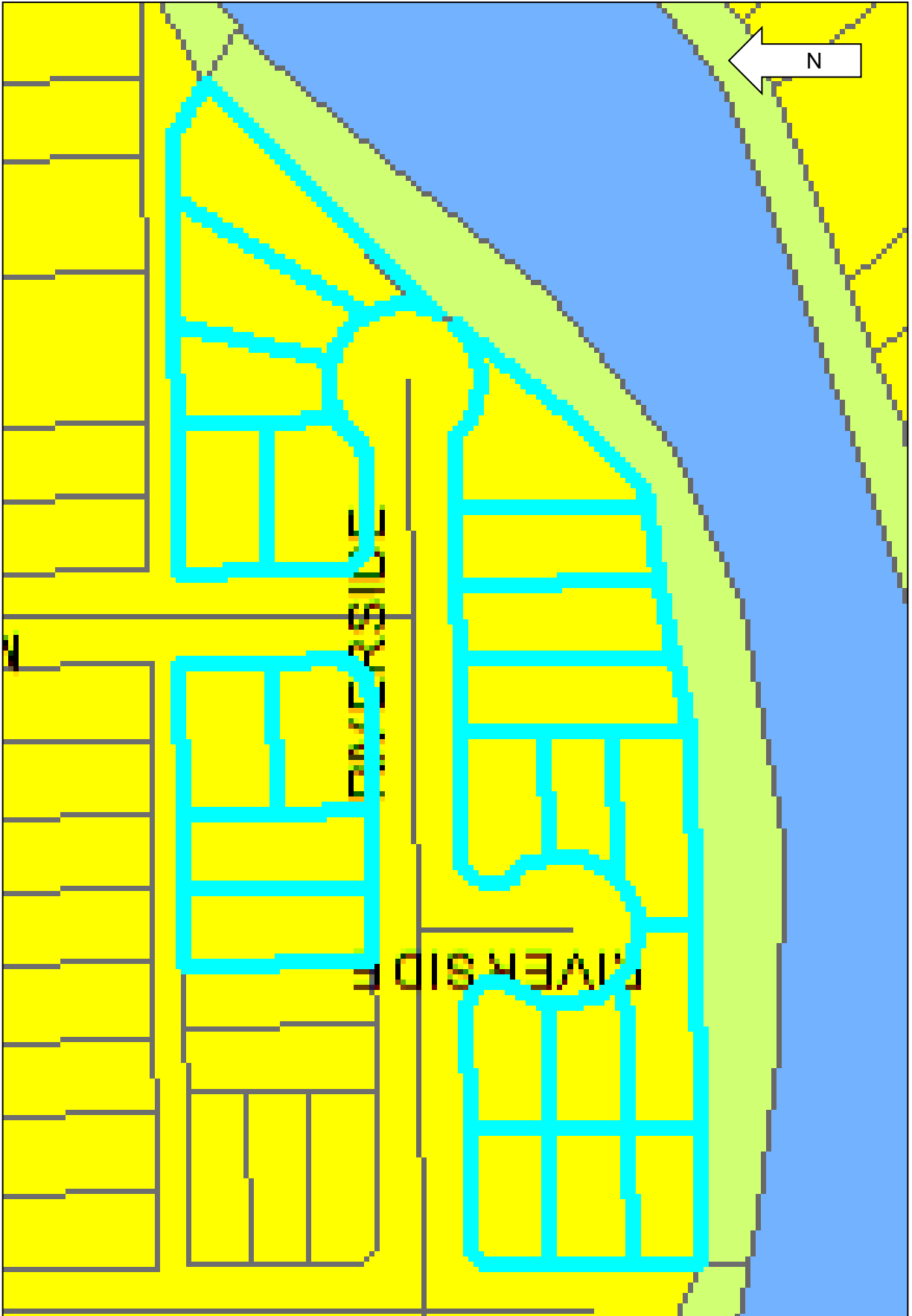
ATTACHMENTS

Aerial Map
General Plan Map
Zoning Map
Subdivision Map
Madera Unified School District Comments

Aerial Photo



General Plan Map



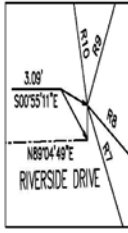
Zoning Map



Subdivision Map

BASIS OF BEARINGS

THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 18 EAST, M.D.B.M., (ALSO THE SOUTH LINE OF LOT 7 OF WILLIAM B. HEKLE TRACT) IS TAKEN TO BE N 89°05'00" E, AS SHOWN ON THE MAP OF WILLIAM B. HEKLE TRACT, RECORDED IN VOLUME 4 OF MAPS AT PAGE 58, MADERA COUNTY RECORDS.



DETAIL "A"

SCALE: 1"=10'

REVISED SUBDIVISION NO.06-S-04 RIVERSIDE VILLAS OF MADERA

(A PLANNED UNIT DEVELOPMENT)

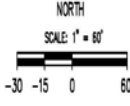
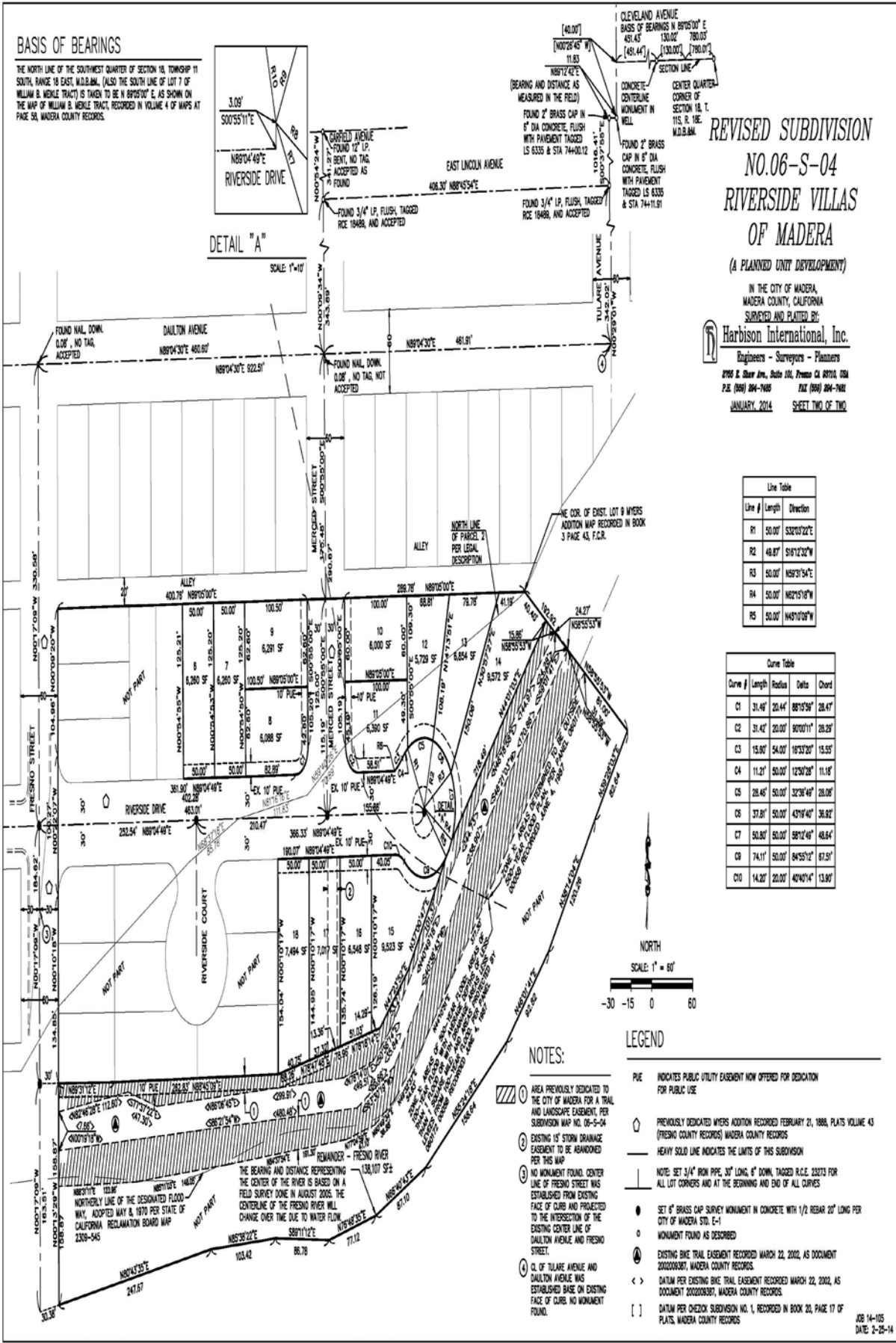
IN THE CITY OF MADERA,
MADERA COUNTY, CALIFORNIA

SUBMITTED AND PLATTED BY:
Harbison International, Inc.

Engineers - Surveyors - Planners
1705 E. Shaw Ave., Suite 100, Fresno CA 93710 USA
P.O. (509) 894-7400 FAX (509) 894-7441
JANUARY 2014 SHEET TWO OF TWO

Line #	Length	Direction
R1	50.00'	S32°03'22"E
R2	48.87'	S16°12'32"W
R3	50.00'	N69°31'54"E
R4	50.00'	N82°15'18"W
R5	50.00'	N49°10'08"W

Curve #	Length	Radius	Delta	Chord
C1	31.46'	20.44'	88°15'30"	28.47'
C2	31.42'	20.00'	90°00'11"	28.25'
C3	15.90'	54.00'	16°33'20"	15.55'
C4	11.20'	50.00'	12°50'28"	11.18'
C5	28.45'	50.00'	32°36'48"	28.08'
C6	37.81'	50.00'	43°18'40"	36.82'
C7	50.80'	50.00'	59°12'46"	46.64'
C8	74.11'	50.00'	84°55'12"	67.57'
C10	14.20'	20.00'	40°40'14"	13.91'



NOTES:

- ① AREA PREVIOUSLY DEDICATED TO THE CITY OF MADERA FOR A TRAIL AND LANDSCAPE EASEMENT, PER SUBDIVISION MAP NO. 06-S-04
 - ② EXISTING 15' STORM DRAINAGE EASEMENT TO BE ABANDONED PER THIS MAP
 - ③ NO MONUMENT FOUND. CENTER LINE OF FRESNO STREET WAS ESTABLISHED FROM EXISTING FACE OF CURB AND PROJECTED TO THE INTERSECTION OF THE EXISTING CENTER LINE OF DAULTON AVENUE AND FRESNO STREET.
 - ④ CL. OF TULARE AVENUE AND DAULTON AVENUE WAS ESTABLISHED BASE ON EXISTING FACE OF CURB. NO MONUMENT FOUND.
- PUE INDICATES PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
 ○ PREVIOUSLY DEDICATED METERS ADDITION RECORDED FEBRUARY 21, 1988, PLATS VOLUME 43 (FRESNO COUNTY RECORDS) MADERA COUNTY RECORDS
 — HEAVY SOLID LINE INDICATES THE LIMITS OF THIS SUBDIVISION
 NOTE: SET 3/4" IRON PIPE, 30" LONG, 6" DOWN, TAGGED R.C.E. 22273 FOR ALL LOT CORNERS AND AT THE BEGINNING AND END OF ALL CURVES
 ● SET 8" BRASS CAP SURVEY MONUMENT IN CONCRETE WITH 1/2" REBAR 20" LONG PER CITY OF MADERA STD. E-1
 ○ MONUMENT FOUND AS DESCRIBED
 ● EXISTING BIKE TRAIL EASEMENT RECORDED MARCH 22, 2002, AS DOCUMENT 200200387, MADERA COUNTY RECORDS
 <> DAULTON PER EXISTING BIKE TRAIL EASEMENT RECORDED MARCH 22, 2002, AS DOCUMENT 200200387, MADERA COUNTY RECORDS
 [] DATUM PER CHECK SUBDIVISION NO. 1, RECORDED IN BOOK 20, PAGE 17 OF PLATS, MADERA COUNTY RECORDS

LEGEND

Madera Unified School District Letter

MADERA UNIFIED SCHOOL DISTRICT
1902 Howard Road, Madera, California 93637
(559) 675-4500

FAX: (559) 675-1186
www.madera.k12.ca.us



Board of Trustees:
Al Galvez, President, Robert E. Garibay, Clerk
Trustees:
Ricardo Arredondo; Brent Fernandes,
Ed McIntyre; Ray G. Seibert
Maria Velarde-Garcia
Superintendent:
Edward C. González

December 7, 2016

Christopher Boyle
Planning Manager
City of Madera
205 West Fourth Street
Madera, CA 93637

SUBJECT: PPL 2016-02 Riverside Villas

Dear Mr. Boyle:

The purpose of this letter is to provide school district information relative to the above-referenced applications and to comply with Business and Professions Code section 11010, subdivision (b)(11)(A) regarding the provision of school-related information to the subdivider/owner and the State Department of Real Estate.

Residential development resulting from the project will affect the District by generating students that will need to be housed in District schools. Using the approximate dwelling units and the District's student generation rates, we have estimated the number of students potentially generated by the proposed plan. Assuming the project is a 22-lot single family residential subdivision, and the project is generally located north of the Fresno River and east of Fresno St, along both sides of East Riverside Drive, the following comments can be made at this time:

1. The number of students generated by the project is estimated as follows:

Grade Group	Rate	Units	Students
K-6	0.353	22	7.77
7-8	0.092	22	2.02
9-12	0.169	22	3.72
	0.614		13.51

2. Elementary School Information:

- a. The subject land is presently within the attendance area of the elementary school (grades K-6) listed below:

School Name: Washinton Elementary School
Address: 509 South St., Madera, CA 93638
Telephone: (559) 674-6705
Capacity: 800
Enrollment: 797
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend an elementary school other than the above school, and (2) students residing in the project area may attend more than one elementary school within the District during their K-6 school years.

MADERA UNIFIED SCHOOL DISTRICT
1902 Howard Road, Madera, California 93637
(559) 675-4500

FAX: (559) 675-1186
www.madera.k12.ca.us



Board of Trustees:
Al Galvez, President, Robert E. Garibay, Clerk

Trustees:
Ricardo Arredondo; Brent Fernandes,
Ed McIntyre; Ray G. Seibert

Superintendent:
Maria Velarde-Garcia
Edward C. González

3. Intermediate School Information:

- a. The project area is currently served by the following middle school (grades 7-8):

School Name: Thomas Jefferson Middle School
Address: 1407 Sunset Ave., Madera CA, 93637
Telephone: (559) 673-9286
Capacity: 1,000
Enrollment: 907
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend a middle school other than the above school, and (2) students residing in the project area may attend more than one middle school within the District during their 7-8 school years.

4. High School Information:

- a. The project area is currently served by the following high school (grades 9-12):

School Name: Madera High School
Address: 200 S L St., Madera CA, 93637
Telephone: (559) 675-4444
Capacity: 2,200
Enrollment: 2,093
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend another high school other than the one above school, and (2) students residing in the project area may attend more than one high school within the District during their 9-12 school years.

5. The Madera Unified School District currently levies a fee of \$4.10 per square foot for residential development. Any new development on the subject property will be subject to the development fee in place at the time fee certificates are obtained.

6. This development is also subject to the Water Utility Development Agreement between the City of Madera and Madera Unified School District Dated July 7, 1986. This agreement requires the City of Madera to collect fees to be reimbursed to the District for installed water lines.

MADERA UNIFIED SCHOOL DISTRICT
1902 Howard Road, Madera, California 93637
(559) 675-4500

FAX: (559) 675-1186
www.madera.k12.ca.us



Board of Trustees:

Al Galvez, President, Robert E. Garibay, Clerk

Trustees:

Ricardo Arredondo; Brent Fernandes,
Ed McIntyre; Ray G. Seibert
Maria Velarde-Garcia

Superintendent:

Edward C. González

The District hereby requests that the information in this letter be provided by the owner/subdivider to all prospective purchasers of property within the project.

Thank you for the opportunity to comment on the project. Please contact my office if you have any questions regarding this letter.

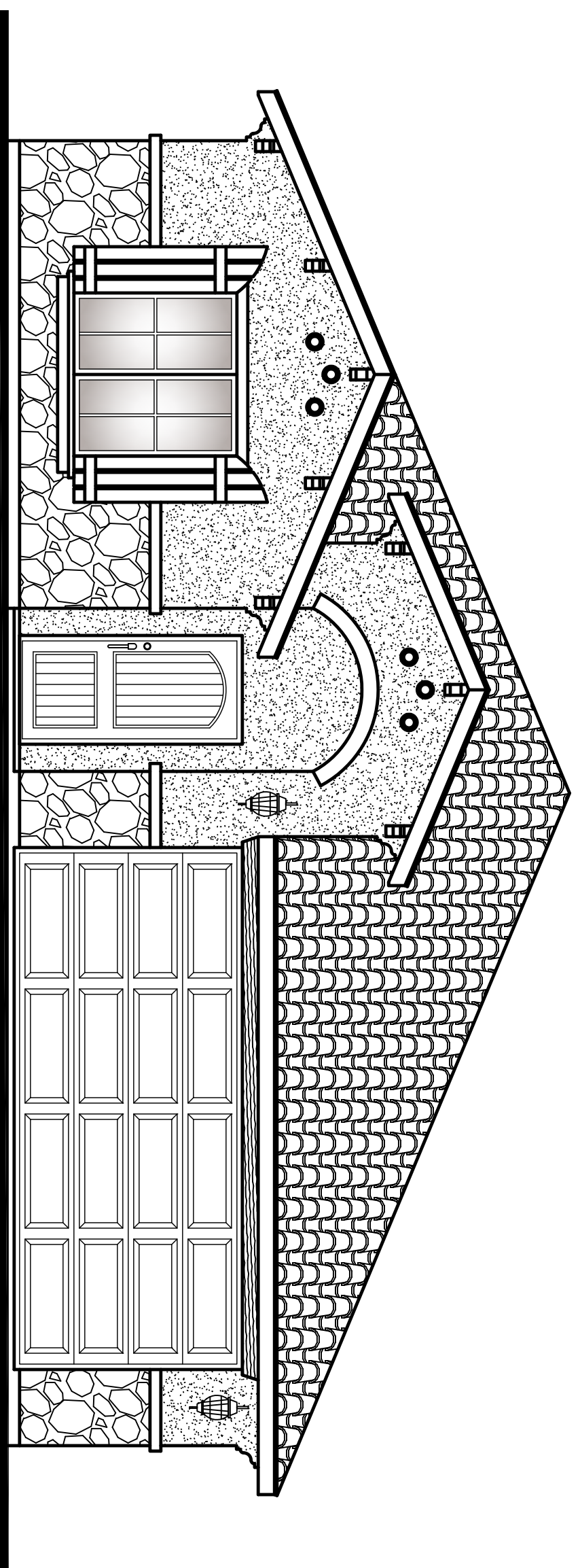
Sincerely,

A handwritten signature in blue ink that reads "Rosalind Cox".

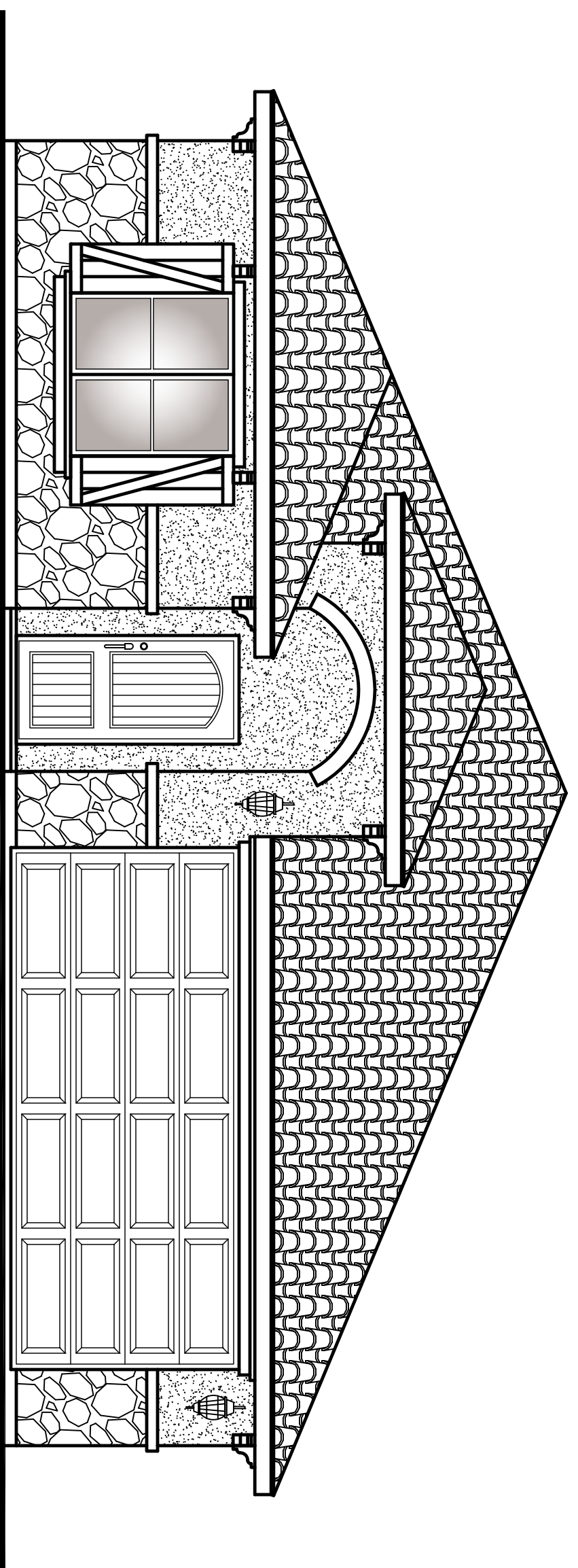
Rosalind Cox
Director of Facilities Planning and
Construction Management

PRECISE PLAN AMENDMENT

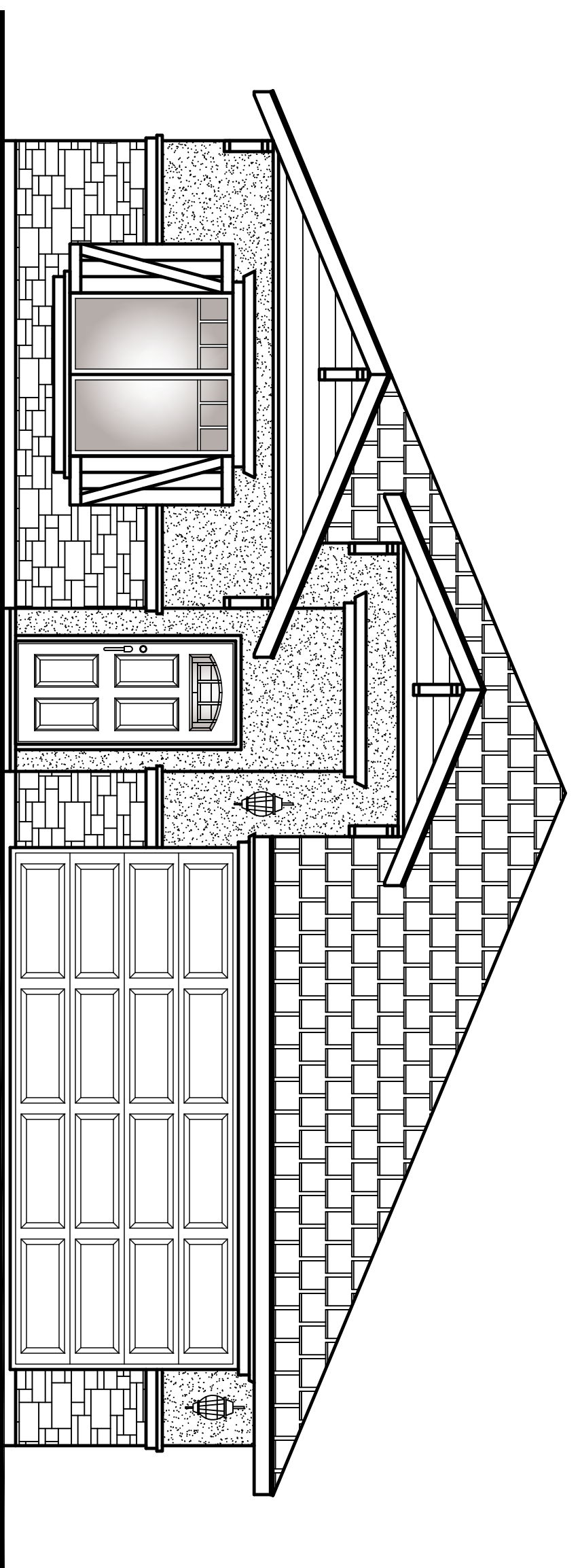
The Avon 1364 Standard Plan



The Avon Elevation 'A'
Upgraded Elevation



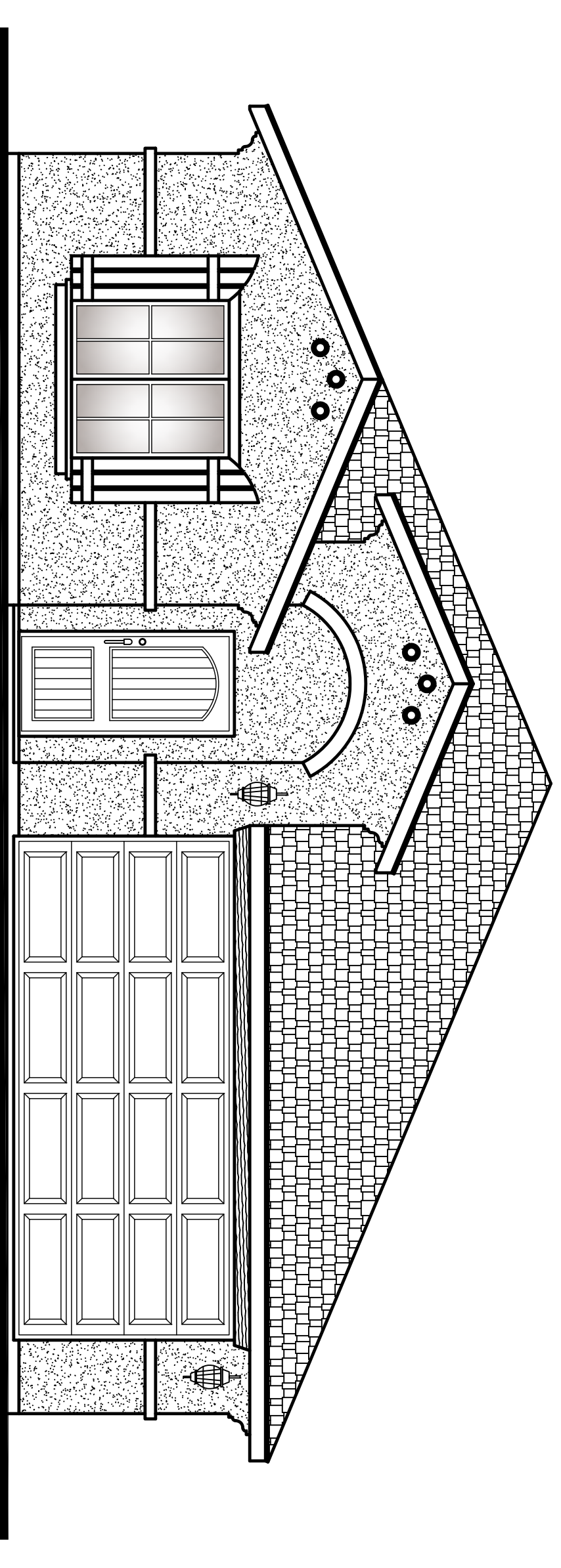
The Avon Elevation 'B'
Upgraded Elevation



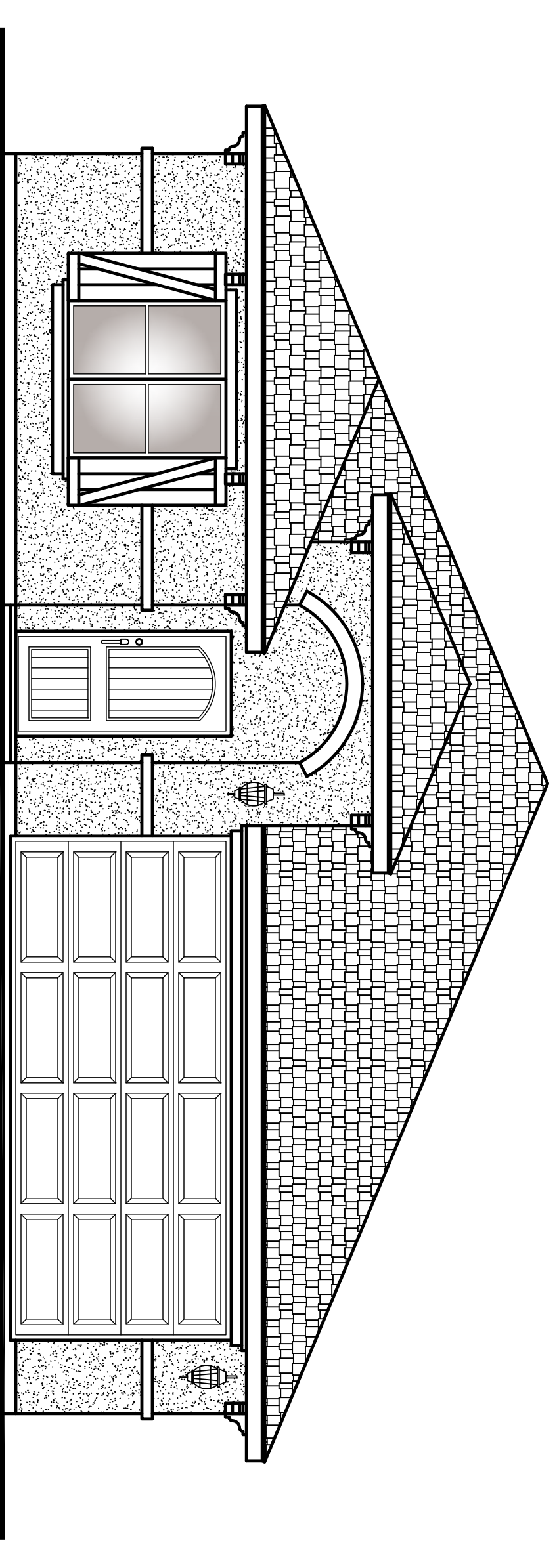
The Avon Elevation 'C'
Upgraded Elevation



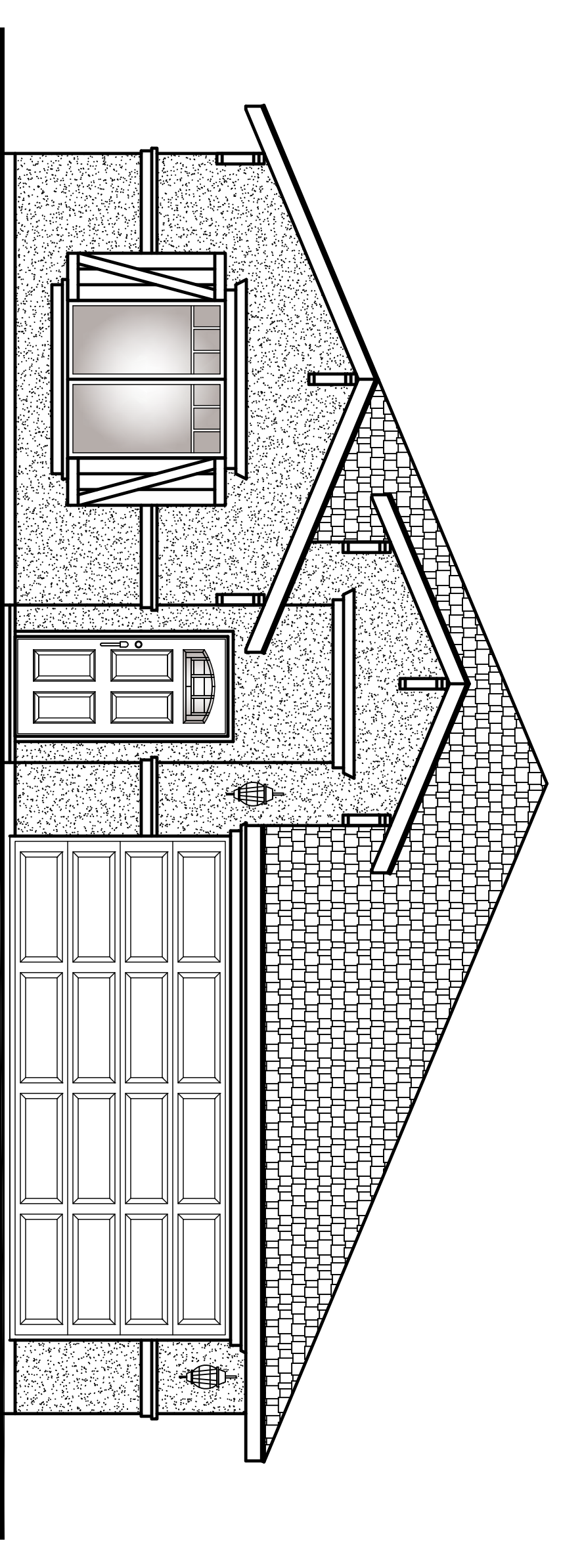
The Avon 1364 Plan



The Avon Elevation 'A'
Standard Elevation



The Avon Elevation 'B'
Standard Elevation



The Avon Elevation 'C'
Standard Elevation

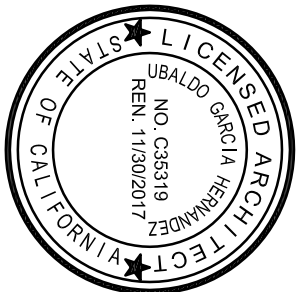
Area:

LIVING SPACE: 1364 sq. ft.
PATIO: 66 sq. ft.
GARAGE: 433 sq. ft.
PORCH: 42 sq. ft.
TOTAL AREA: 1907 sq. ft.

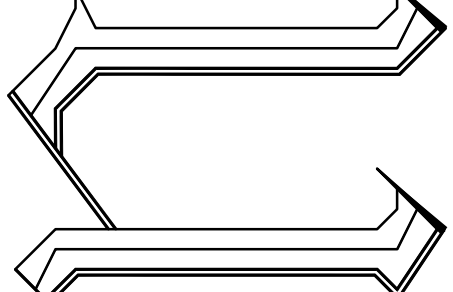
The Avon 1364 Standard Plan

A1

OWNER:
The Successor Housing Agency
to the Former Redevelopment Agency
428 East Yosemite Avenue
Madera, California 93638
Phone: (559) 661-5110
Fax: (559) 674-7018

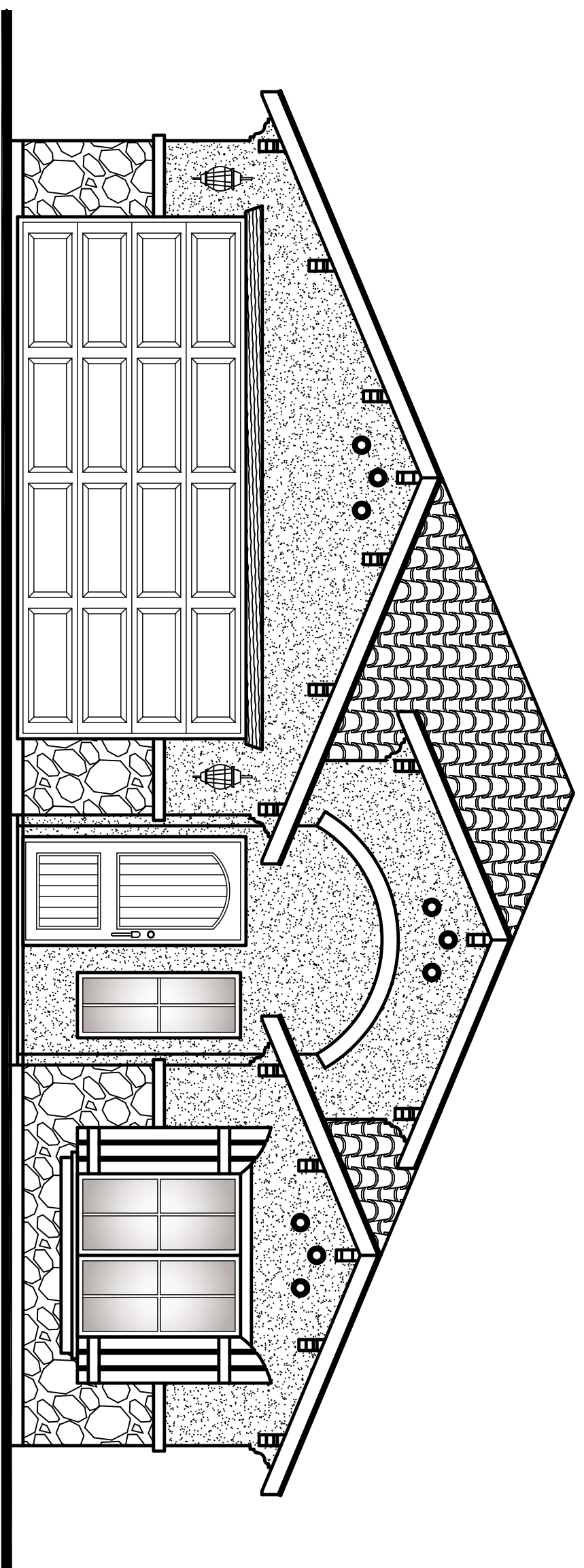


Villa Di Ubaldo
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Ubaldo Garcia Hernandez
PO BOX 925 MADERA, CA 93639 Architect Lic. No. C-35319
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Email: villadiubaldo@hotmail.com

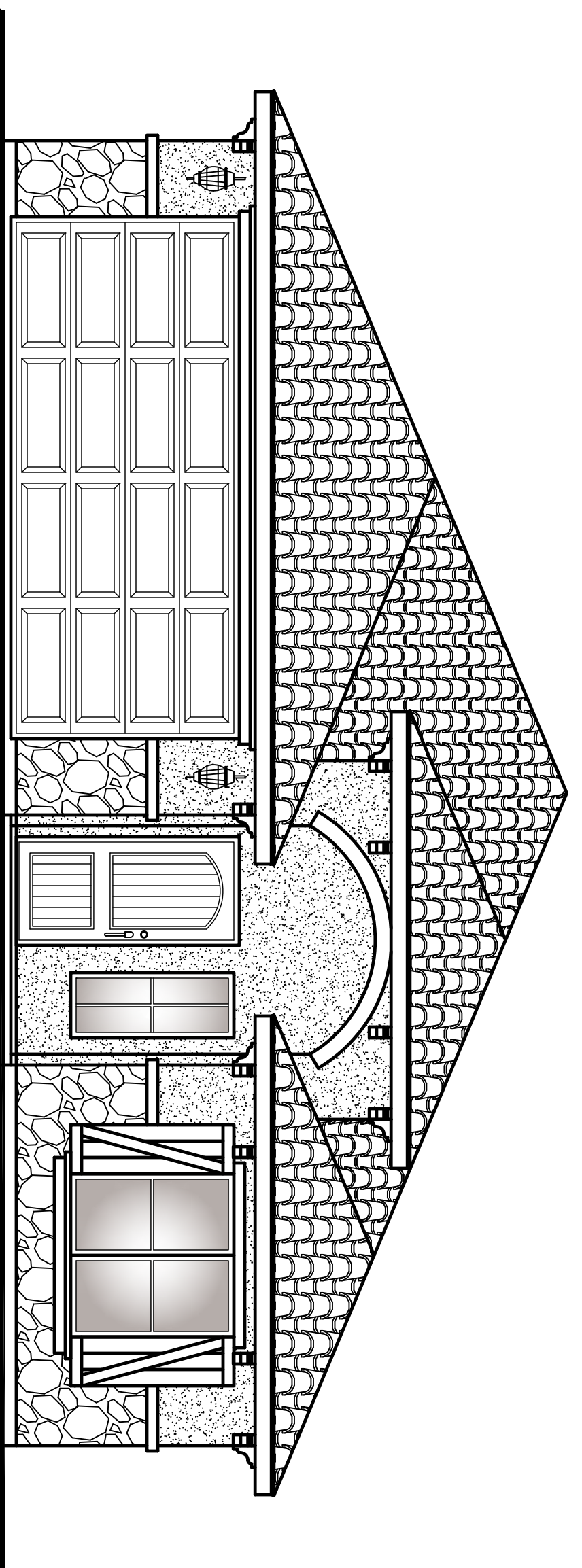


PRECISE PLAN AMENDMENT

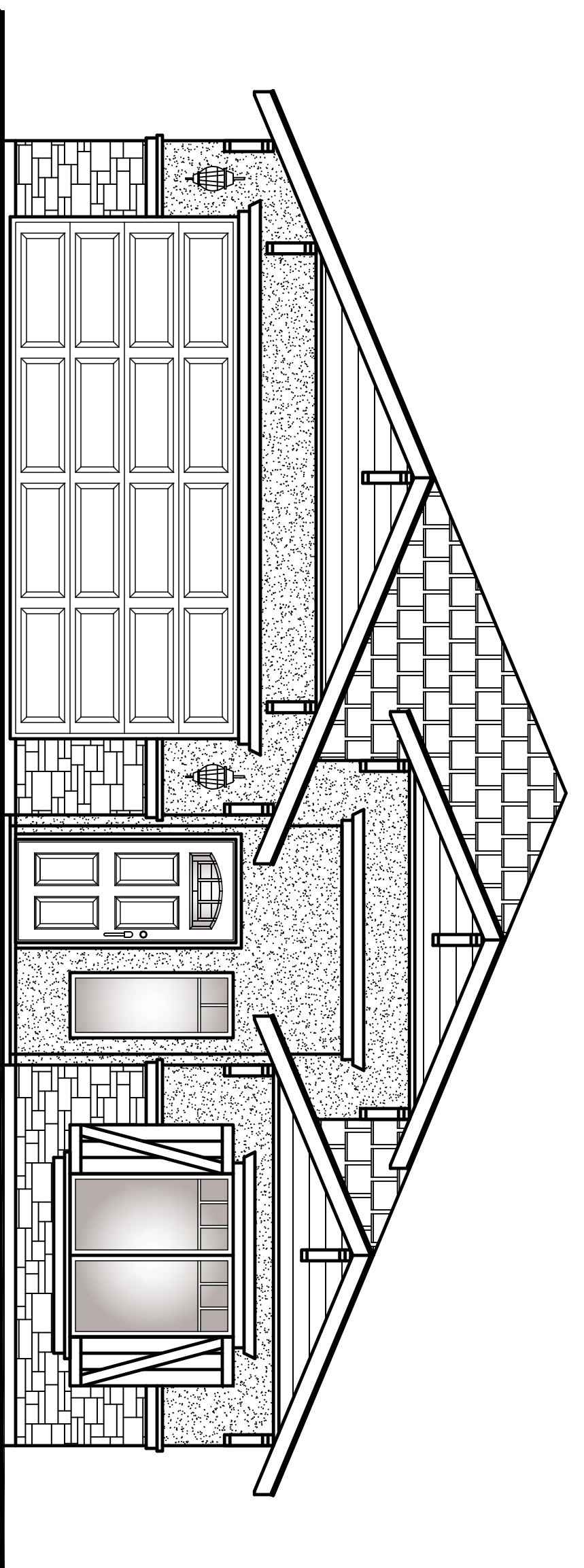
The Triveni 1450 Standard Plan



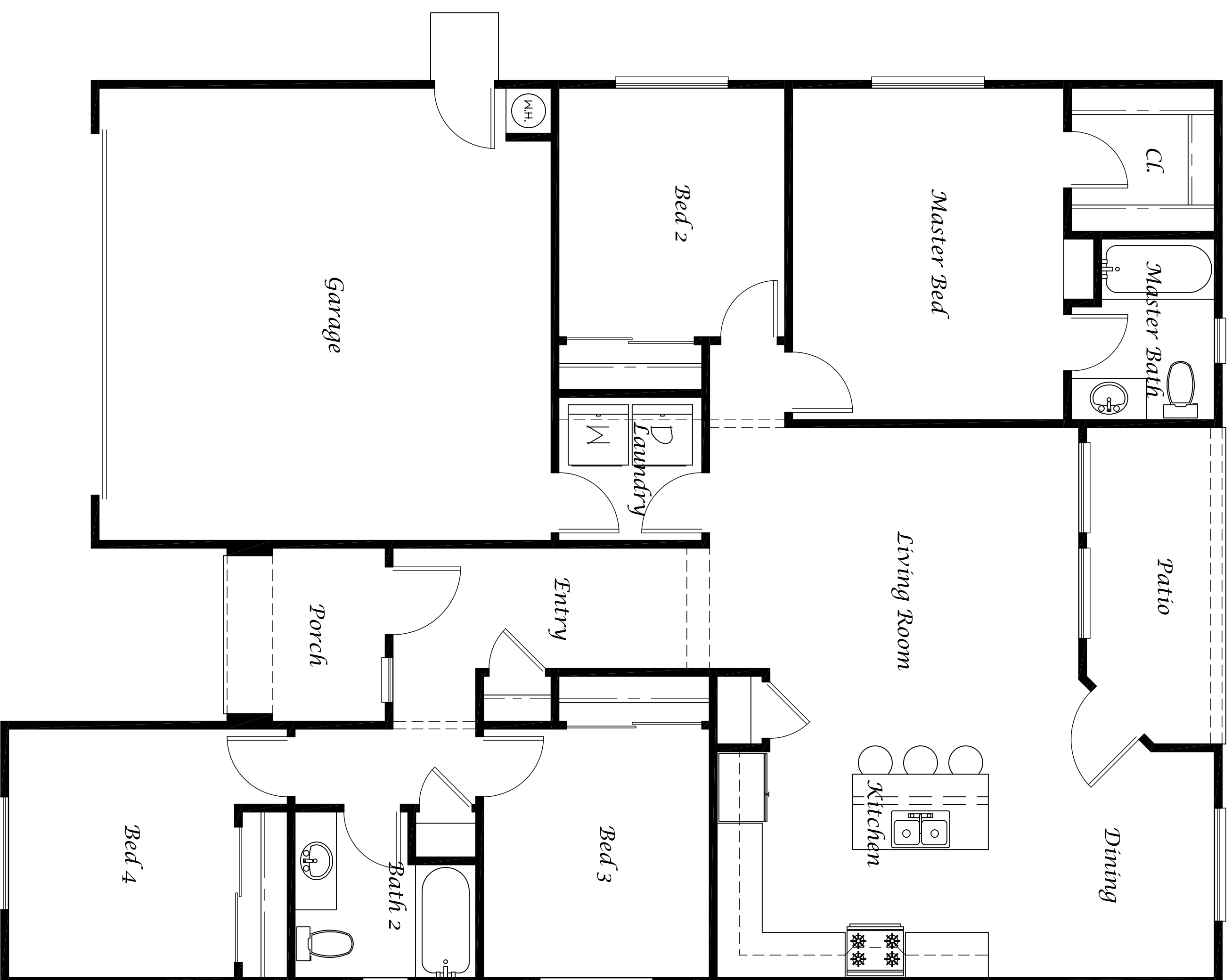
The Triveni Elevation 'A'
Upgraded Elevation



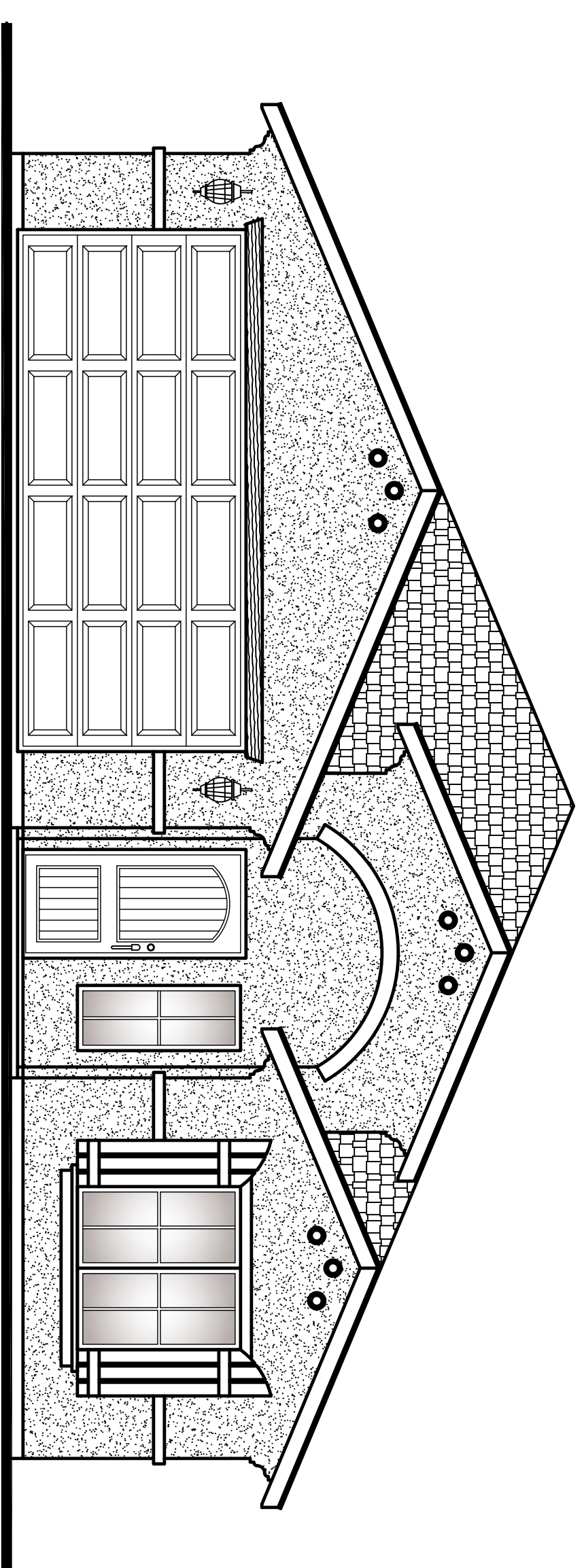
The Triveni Elevation 'B'
Upgraded Elevation



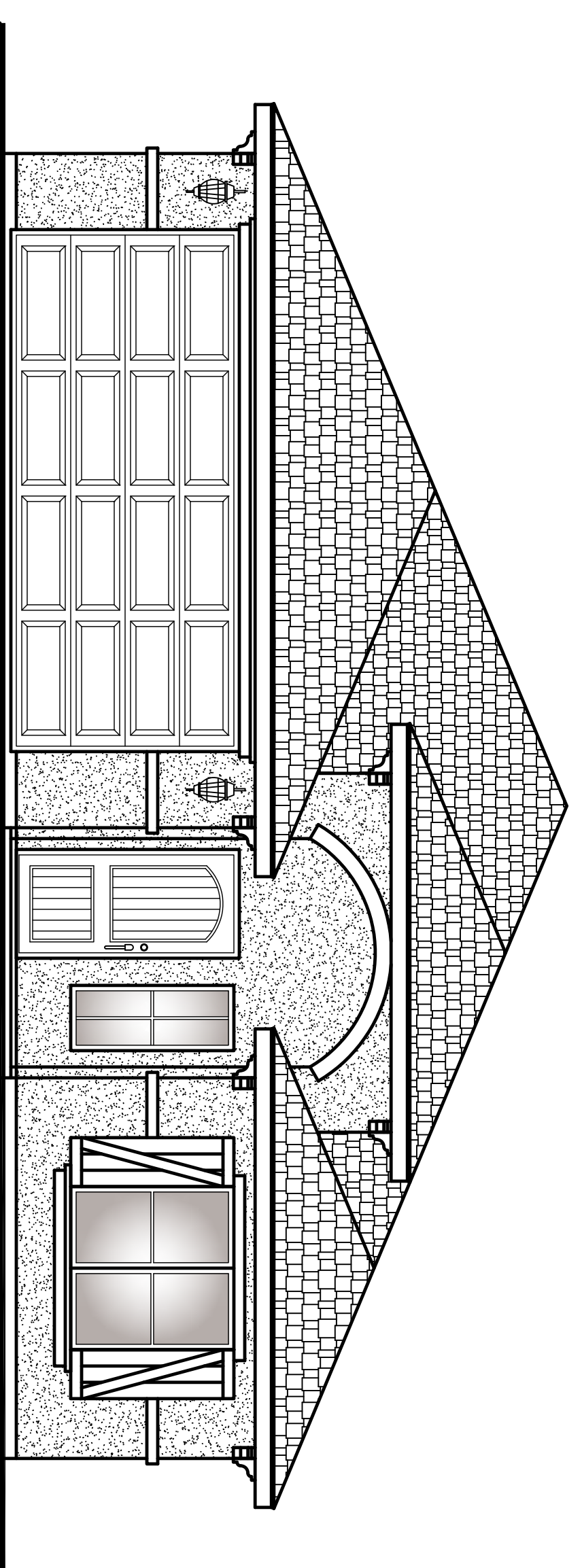
The Triveni Elevation 'C'
Upgraded Elevation



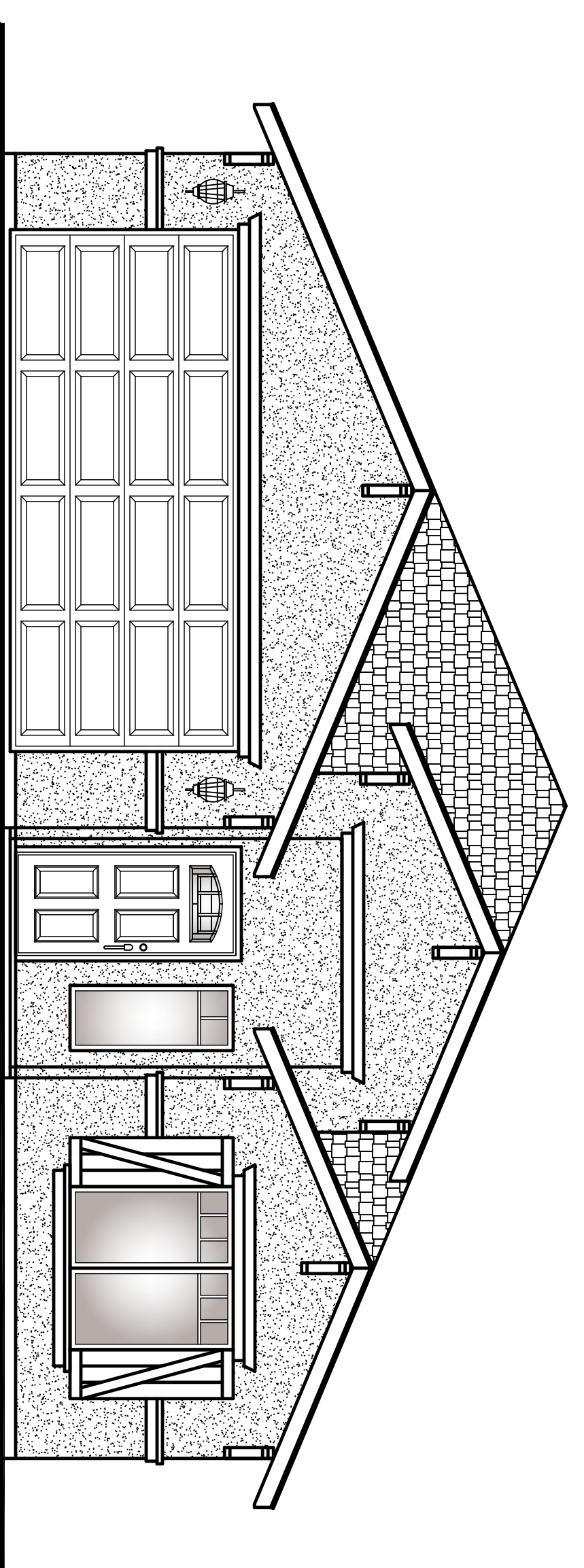
The Triveni 1450 Floor Plan



The Triveni Elevation 'A'
Standard Elevation



The Triveni Elevation 'B'
Standard Elevation



The Triveni Elevation 'C'
Standard Elevation

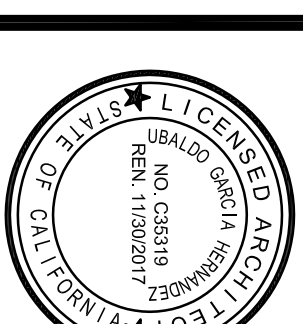
Area:

LIVING SPACE: 1450 sq. ft.
GARAGE: 420 sq. ft.
PORCH: 54 sq. ft.
TOTAL AREA: 2002 sq. ft.

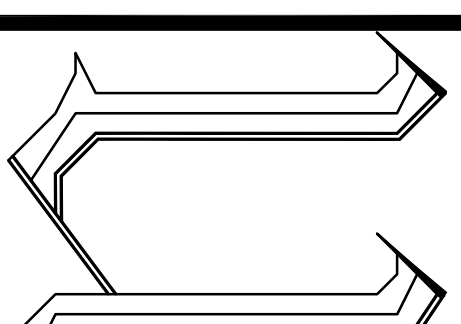
The Triveni 1450 Standard Plan

A1

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The Successor Housing Agency
to the Former Redevelopment Agency
428 East Yosemite Avenue
Madera, California 93638
Phone: (559) 661-5110
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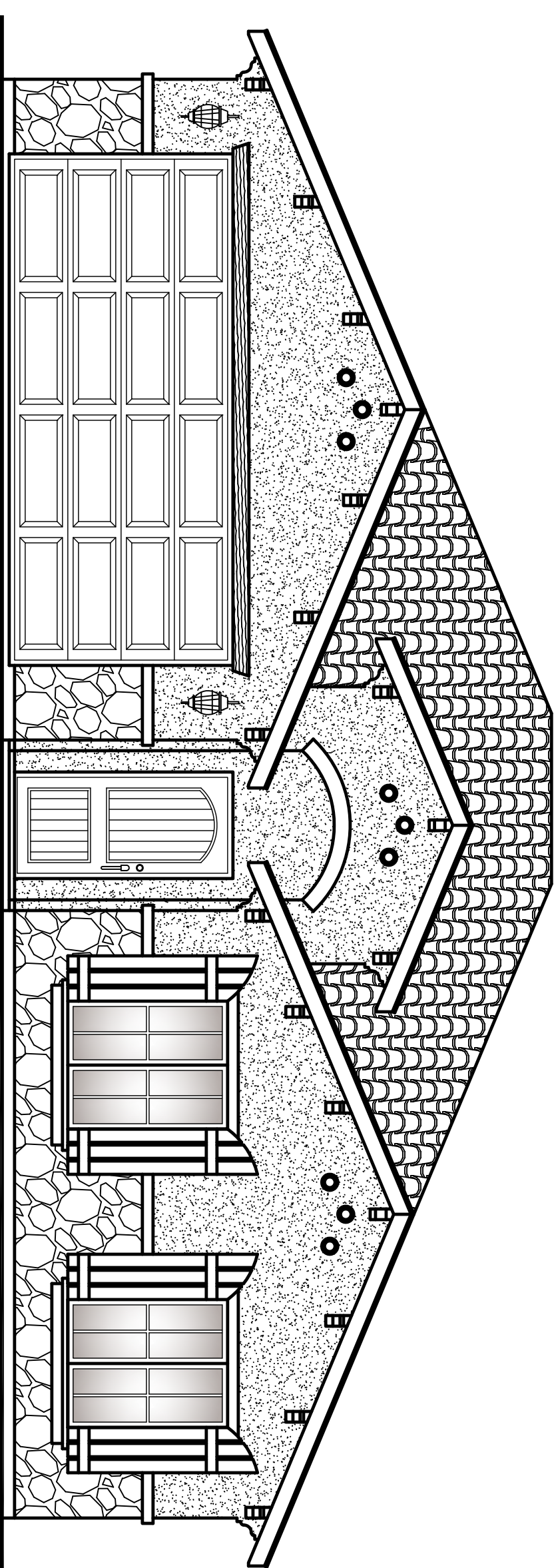


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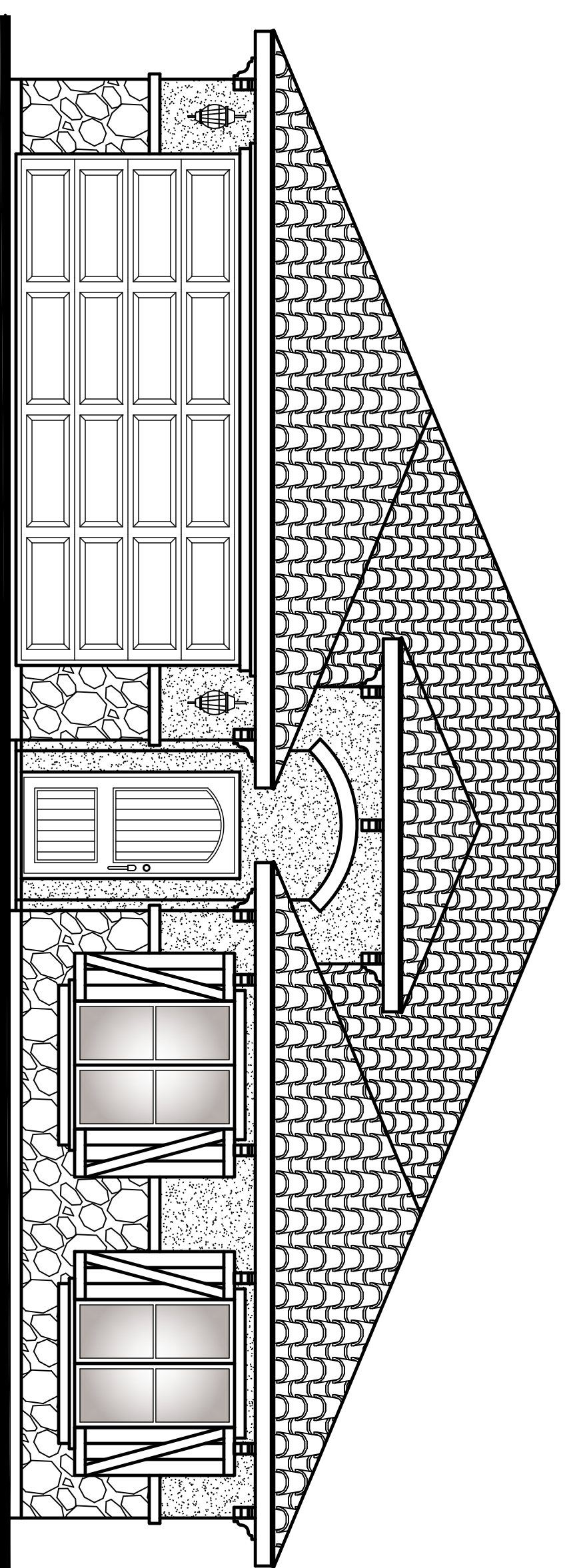


PRECISE PLAN AMENDMENT

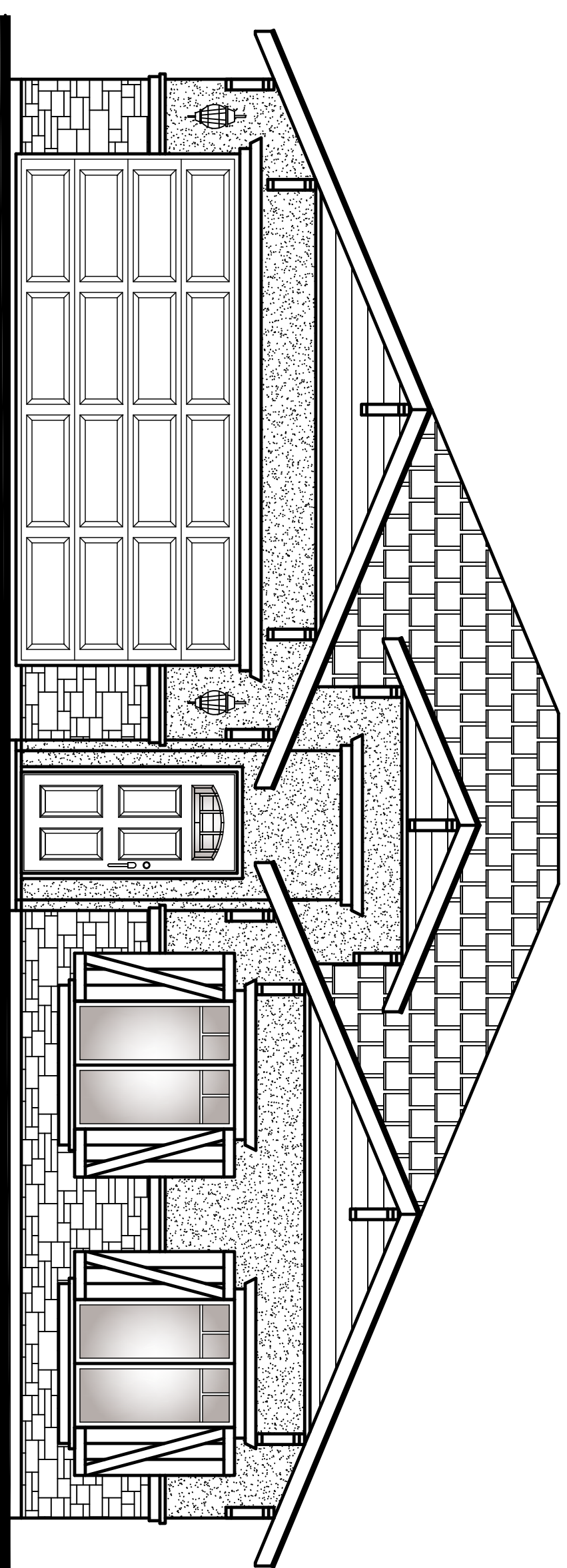
The Delta 1452 Standard Plan



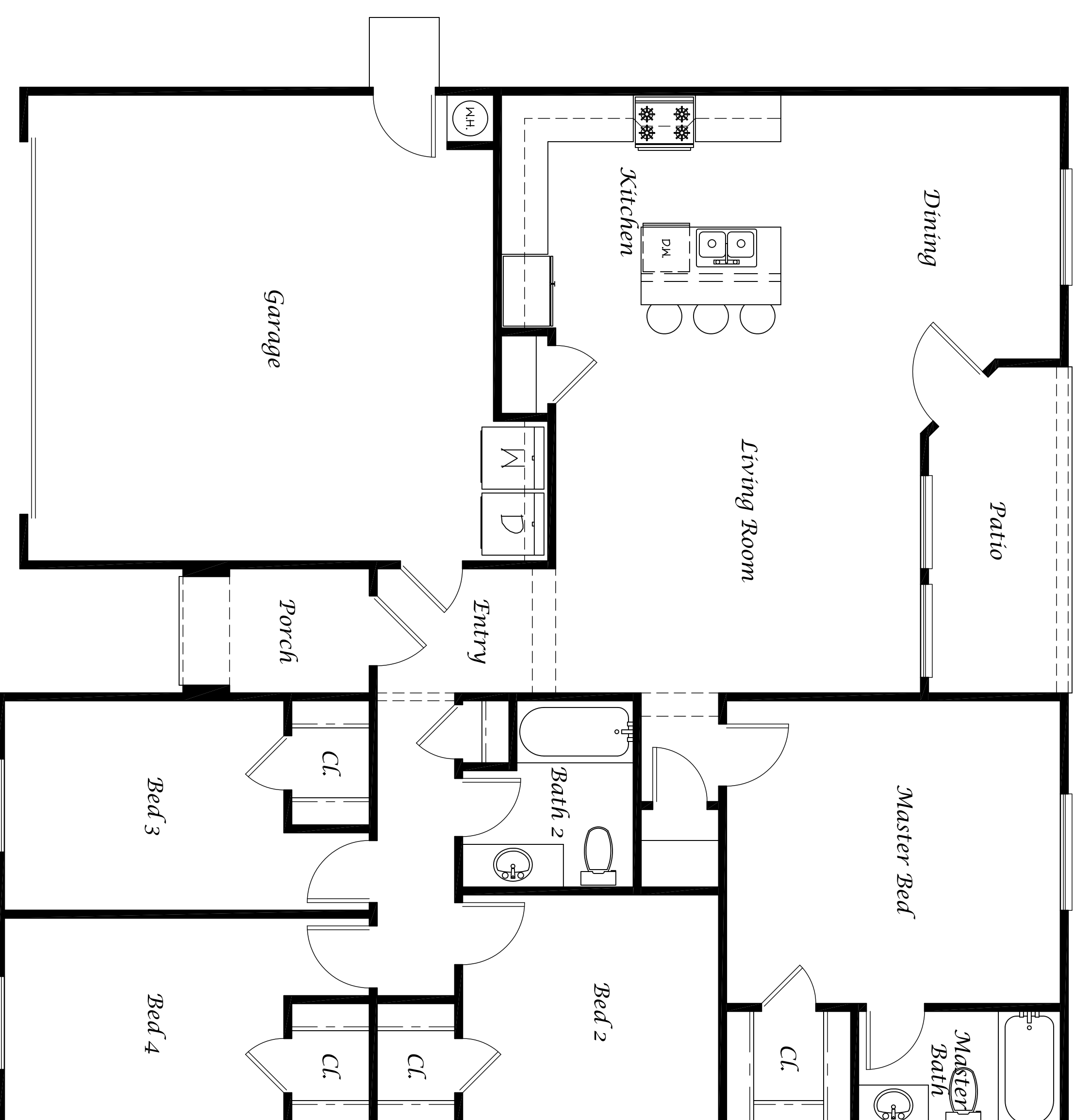
Upgraded Elevation



The Delta Elevation 'B'
Upgraded Elevation



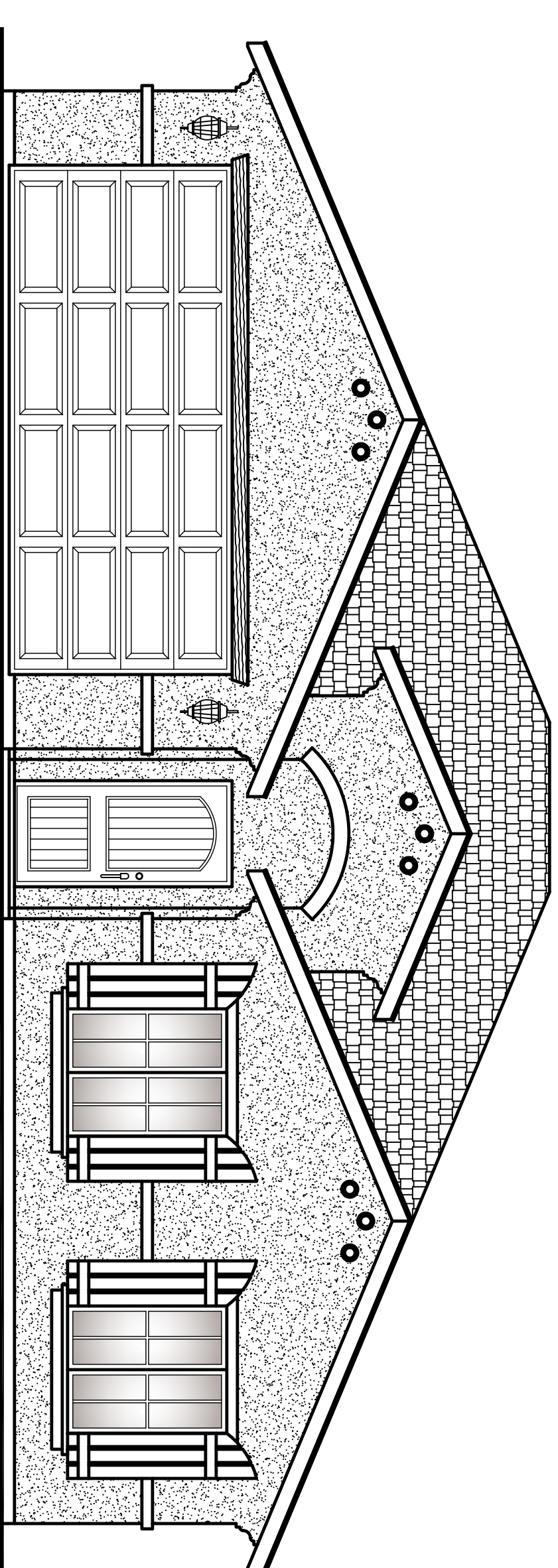
The Delta Elevation 'C'
Upgraded Elevation



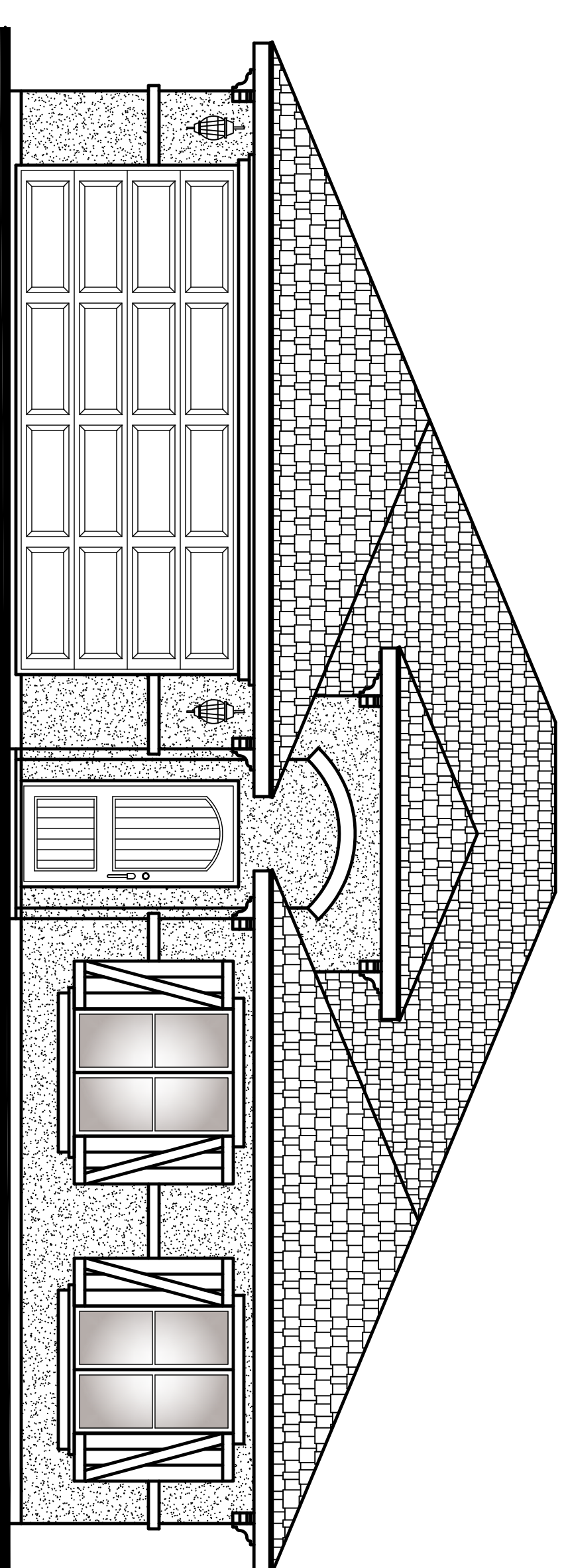
The Delta 1452 floor plan

Area:

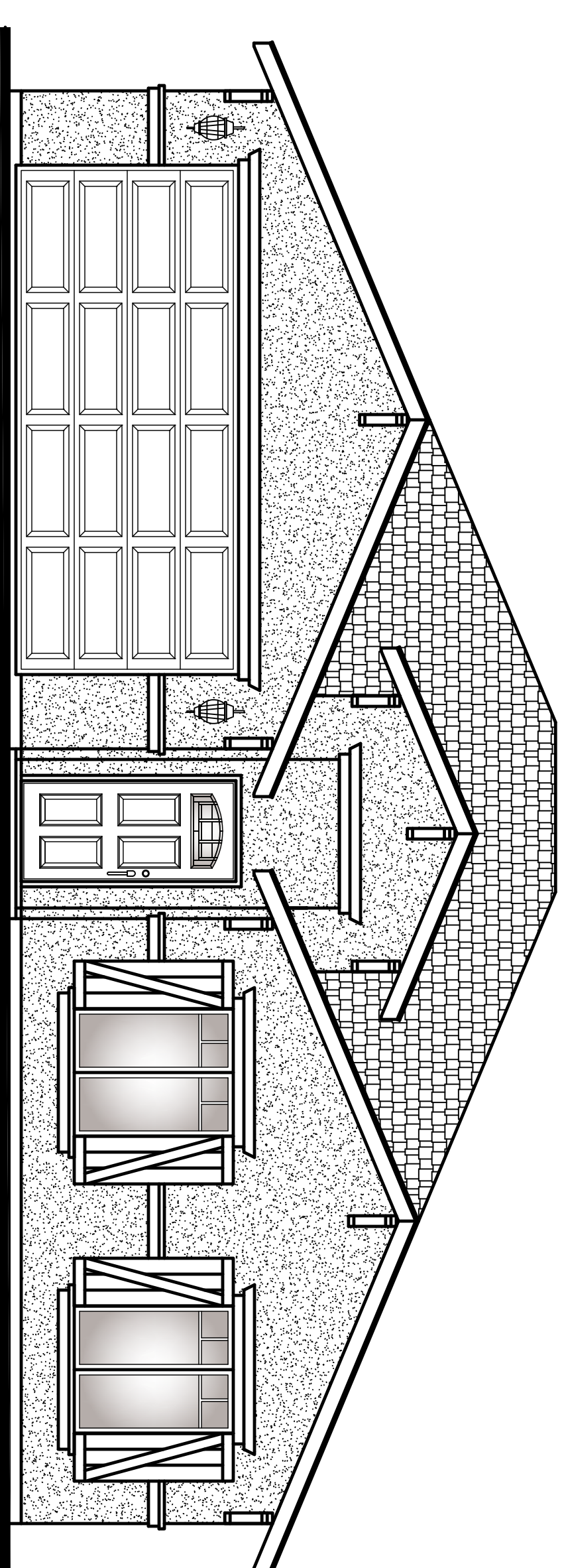
LIVING SPACE: 1452 sq. ft.
 PATIO: 202 sq. ft.
 GARAGE: 432 sq. ft.
 PORCH: 43 sq. ft.
 TOTAL AREA: 2109 sq. ft.



Standard Elevation



The Delta Elevation 'B'
Standard Elevation

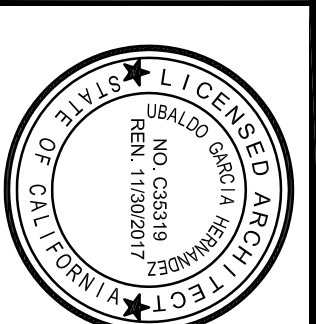


The Delta Elevation 'C'
Standard Elevation

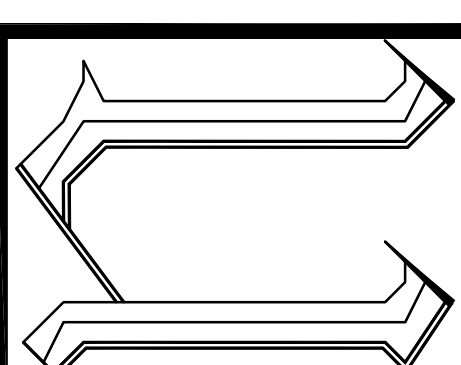
The Delta 1452 Standard Plan

A1

OWNER:
 The Successor Housing Agency
 to the Former Redevelopment Agency
 428 East Yosemite Avenue
 Madera, California 93638
 Phone: (559) 661-5110
 Fax: (559) 674-7018

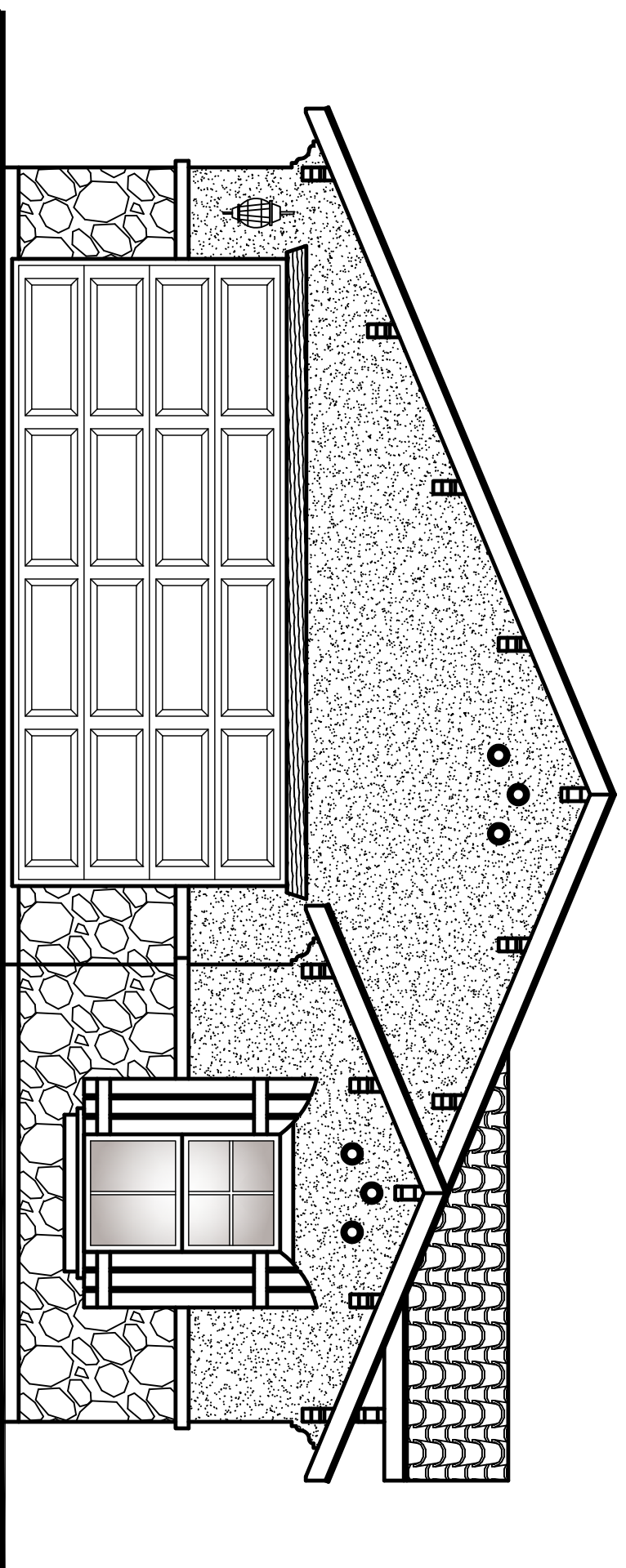


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 MADERA, CA 93639 Architect Lic. No. C-35319 Email: villadiubaldo@hotmail.com

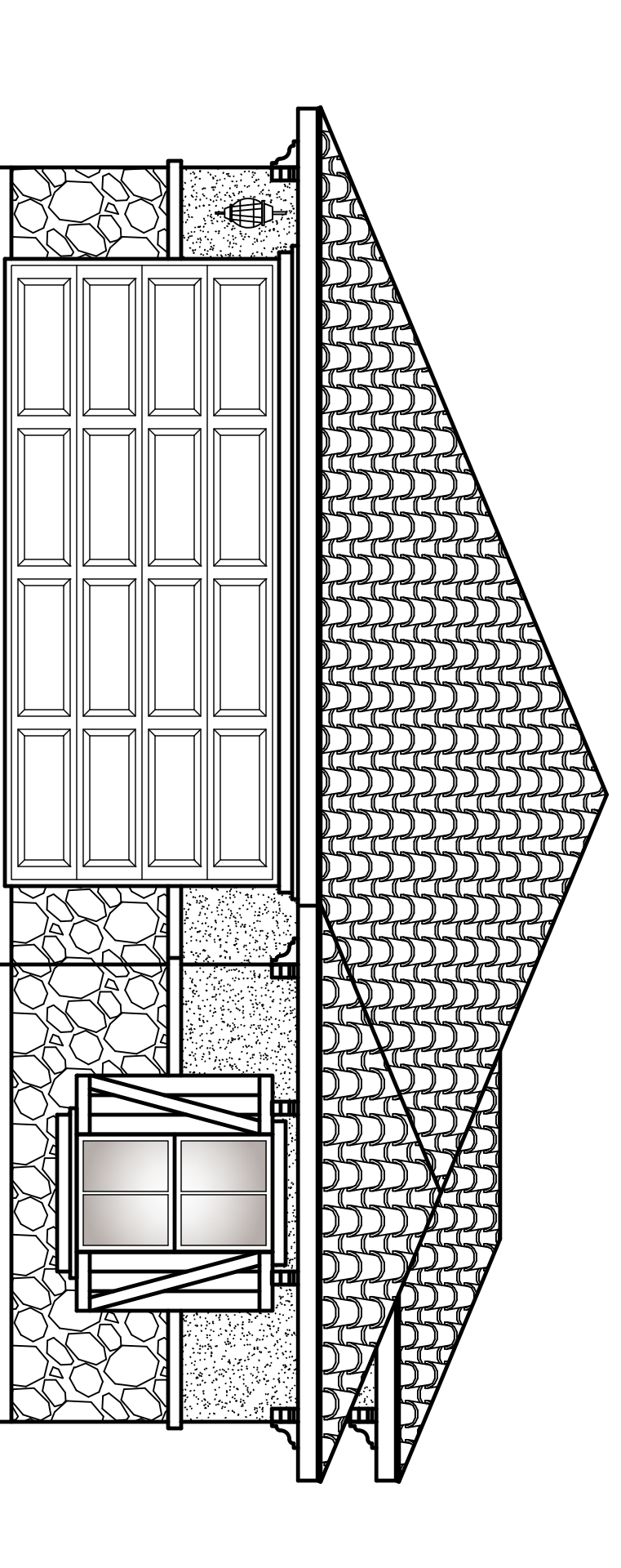


PRECISE PLAN AMENDMENT

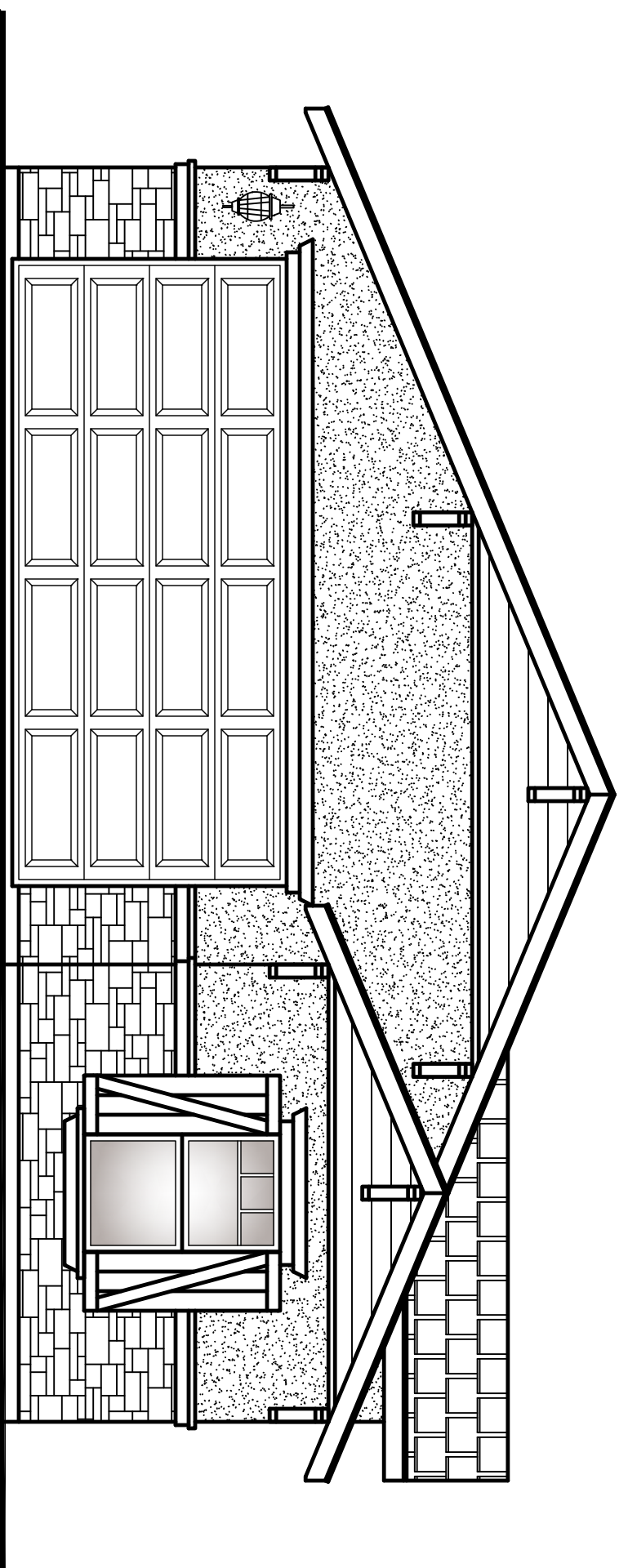
The Delaney 1493 Standard Plan



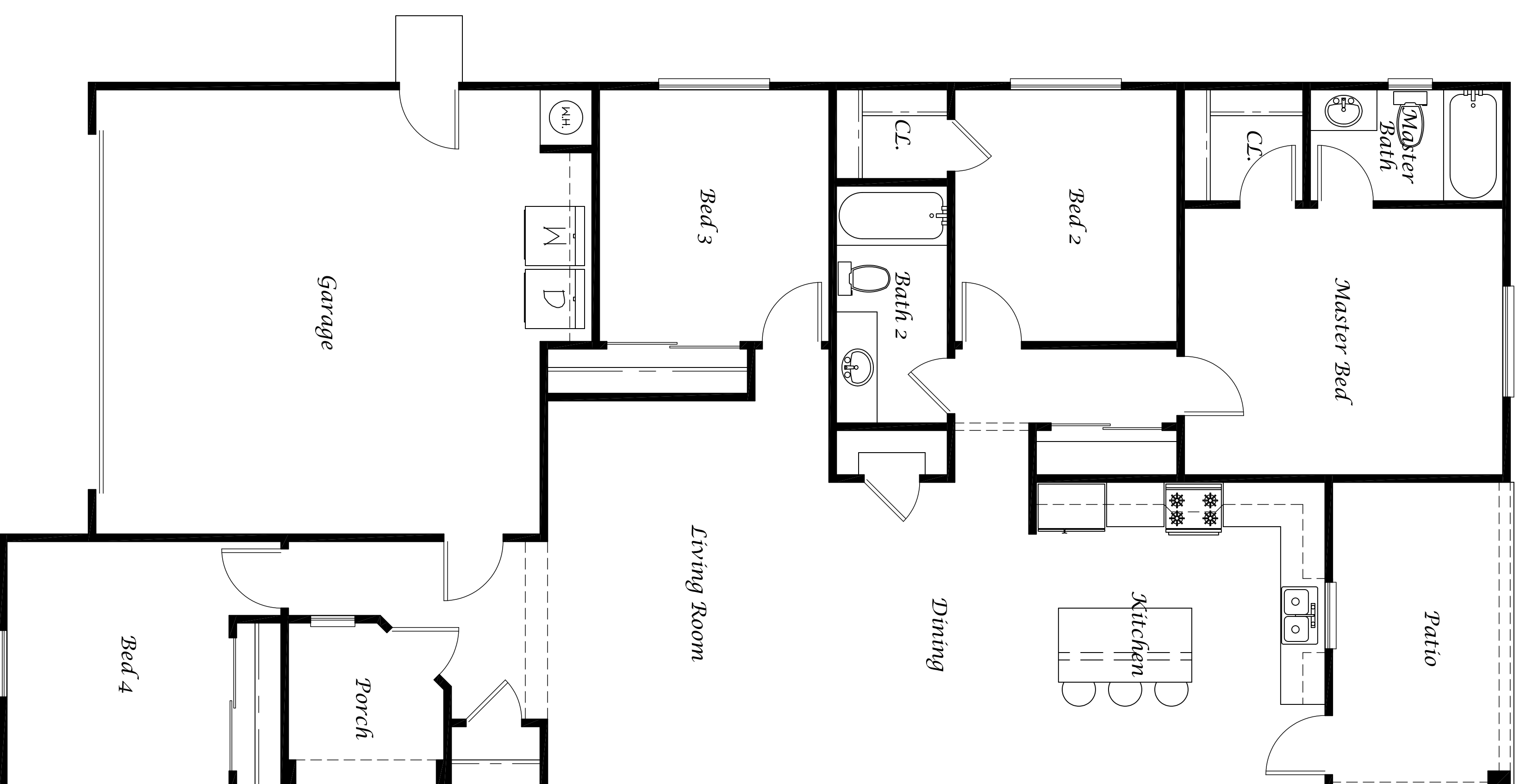
The Delaney Elevation 'A'
Upgraded Elevation



The Delaney Elevation 'B'
Upgraded Elevation



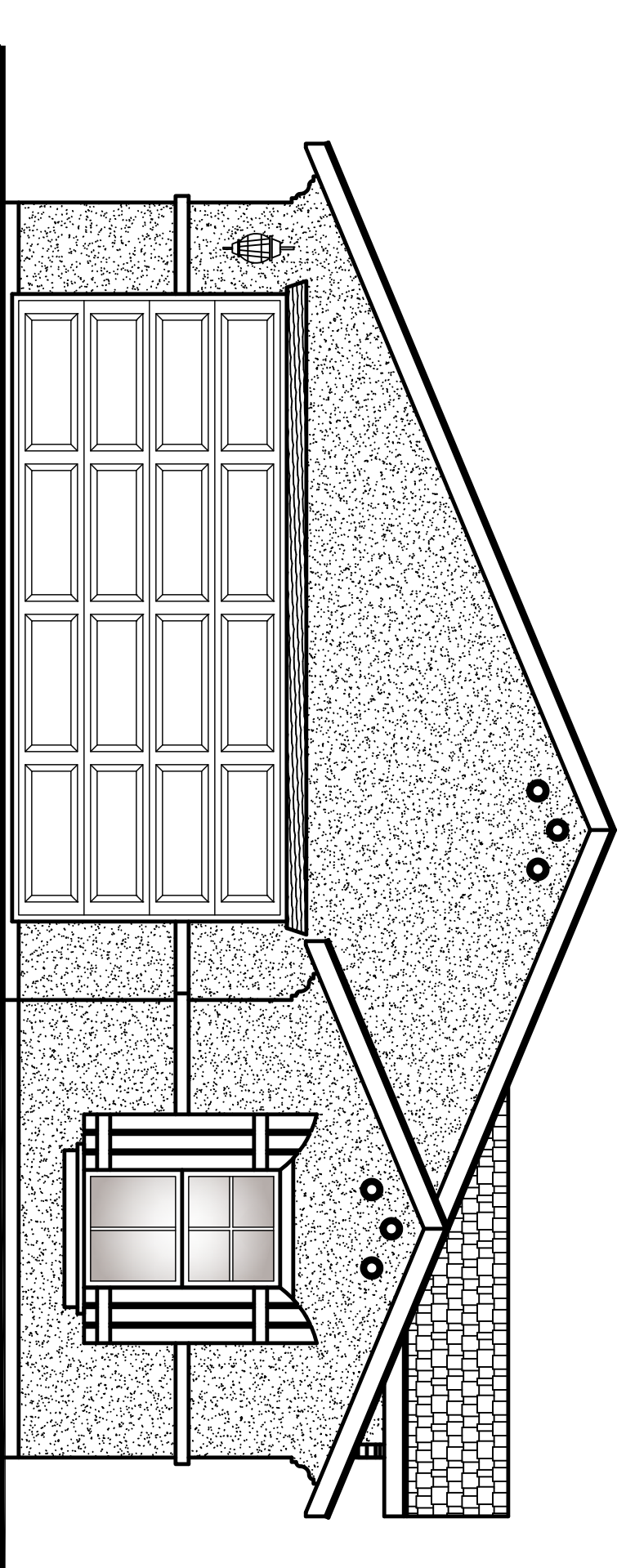
The Delaney Elevation 'C'
Upgraded Elevation



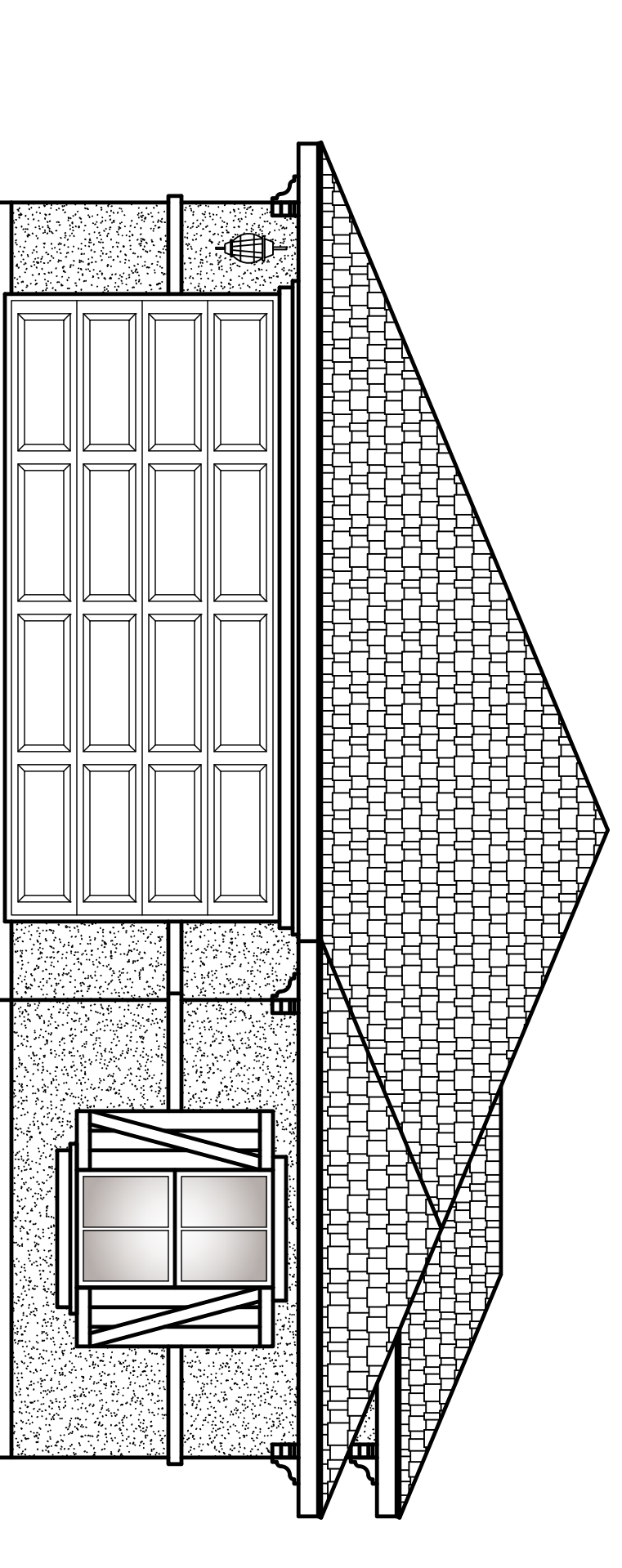
The Delaney 1493 Floor Plan

Area:

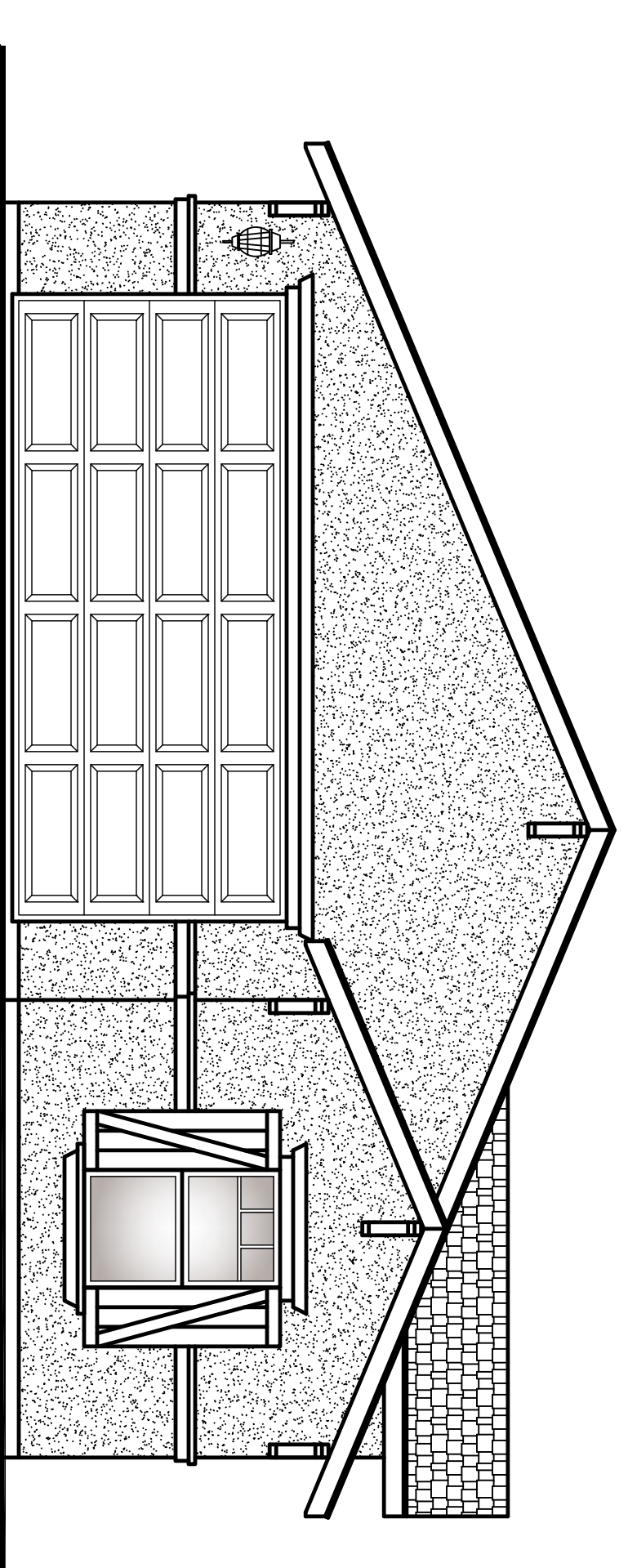
LIVING SPACE: 1493 sq. ft.
 PATIO: 112 sq. ft.
 PORCH: 49 sq. ft.
 TOTAL AREA: 2095 sq. ft.



The Delaney Elevation 'A'
Standard Elevation



The Delaney Elevation 'B'
Standard Elevation

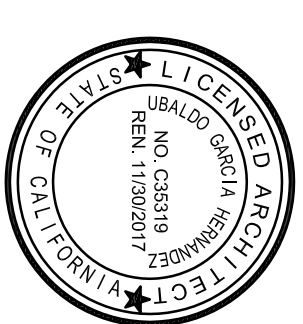


The Delaney Elevation 'C'
Standard Elevation

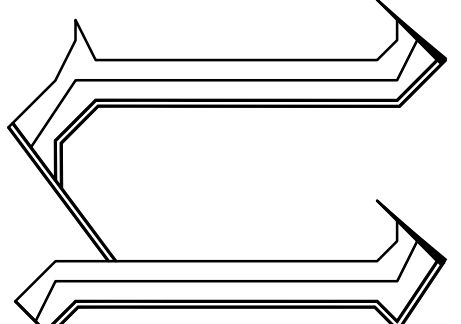
The Delaney 1493 Standard Plan

A1

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 The Successor Housing Agency
 to the Former Redevelopment Agency
 428 East Yosemite Avenue
 Madera, California 93638
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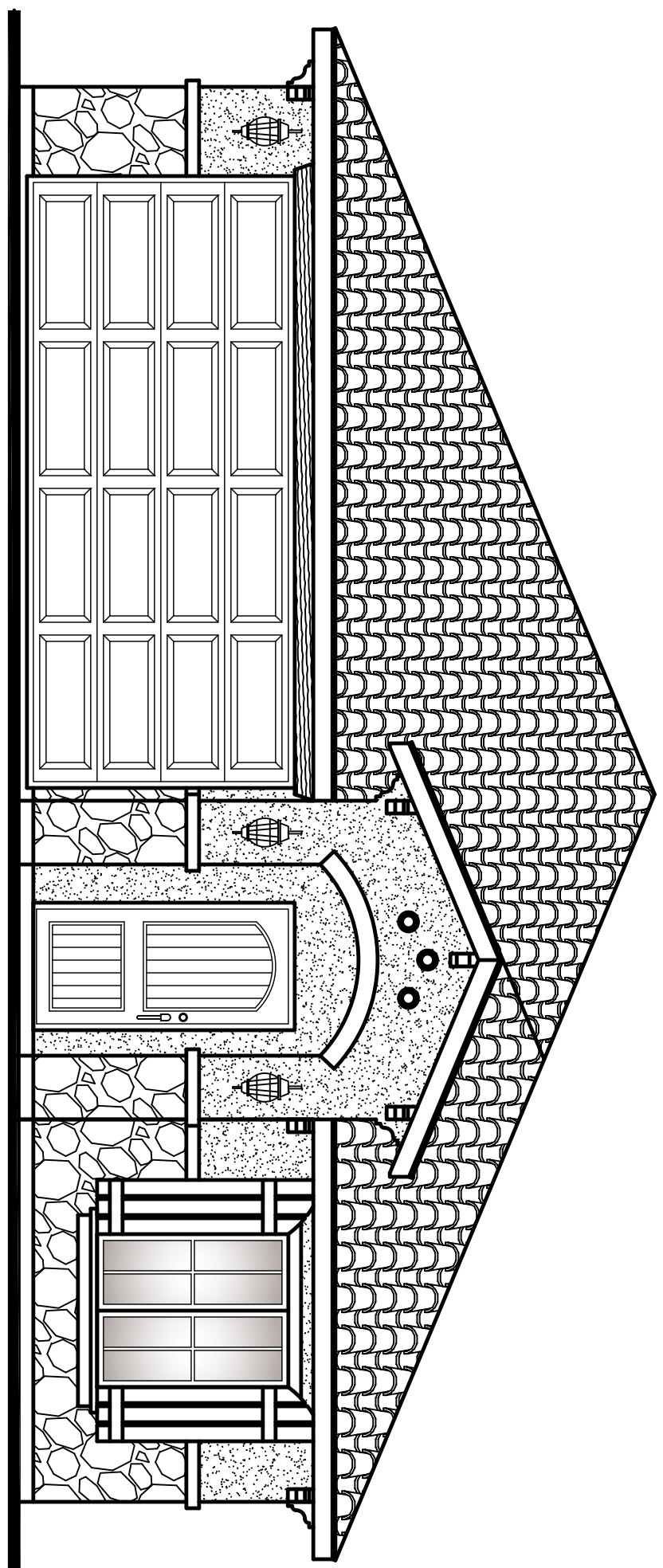


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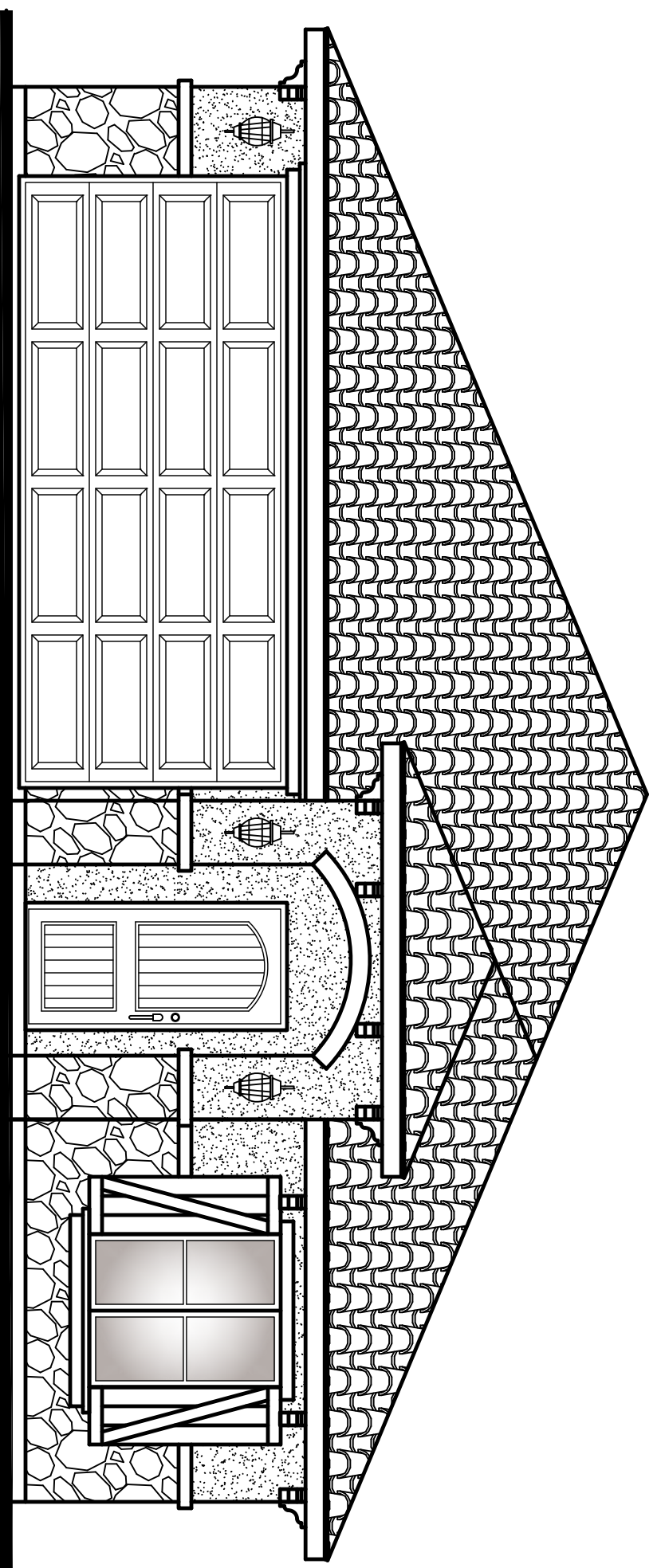


PRECISE PLAN AMENDMENT

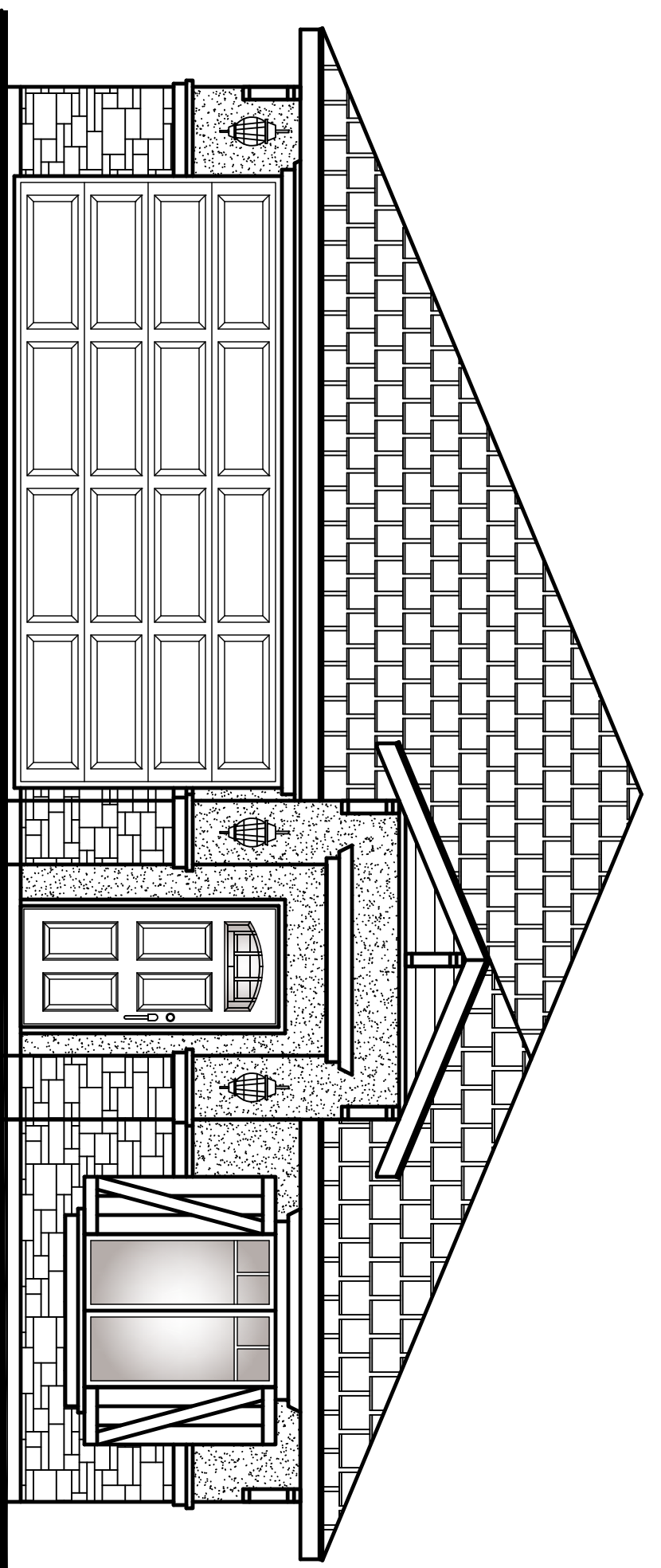
The Jordana 1509 Standard Plan



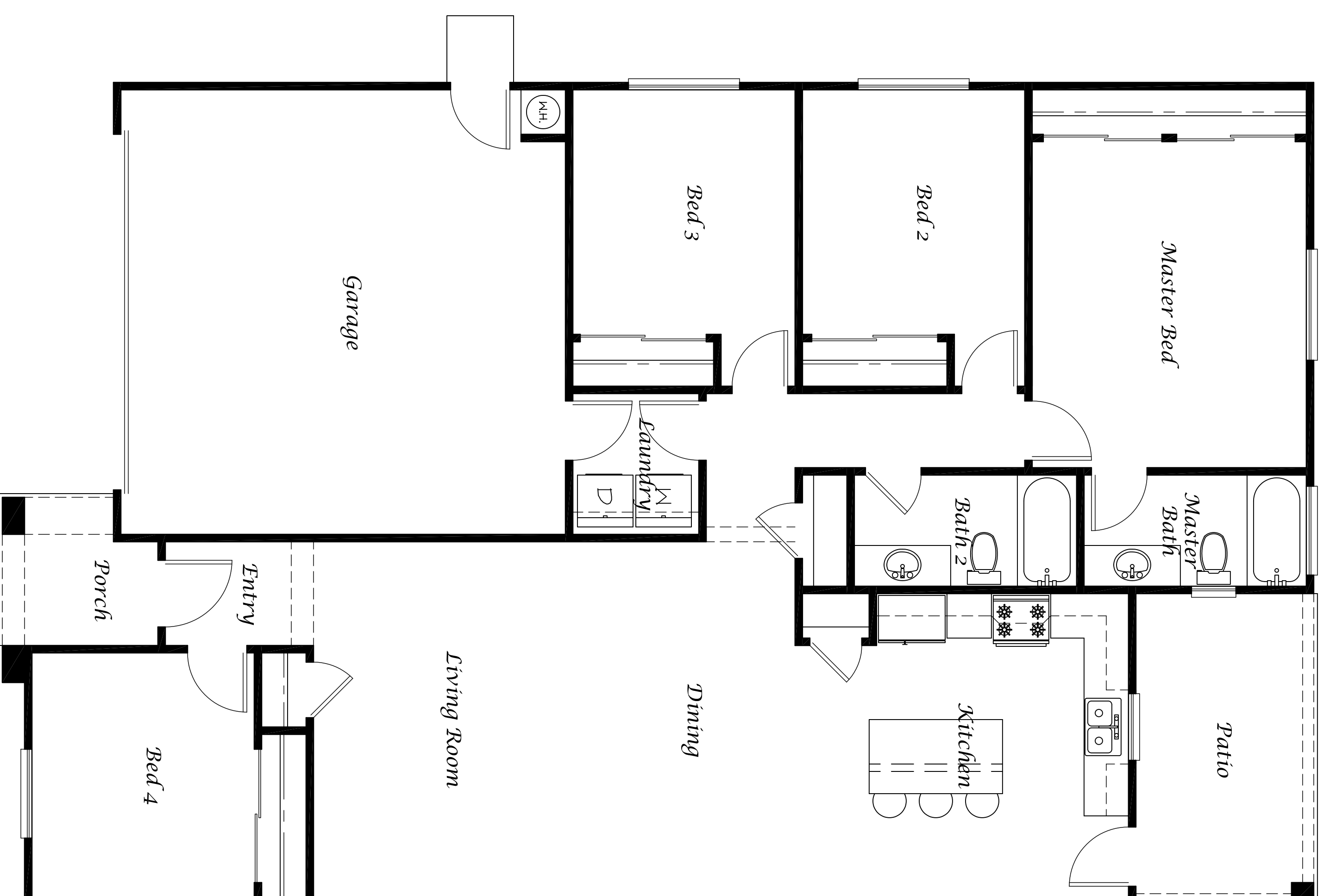
The Jordana Elevation 'A'
Upgraded Elevation



The Jordana Elevation 'B'
Upgraded Elevation

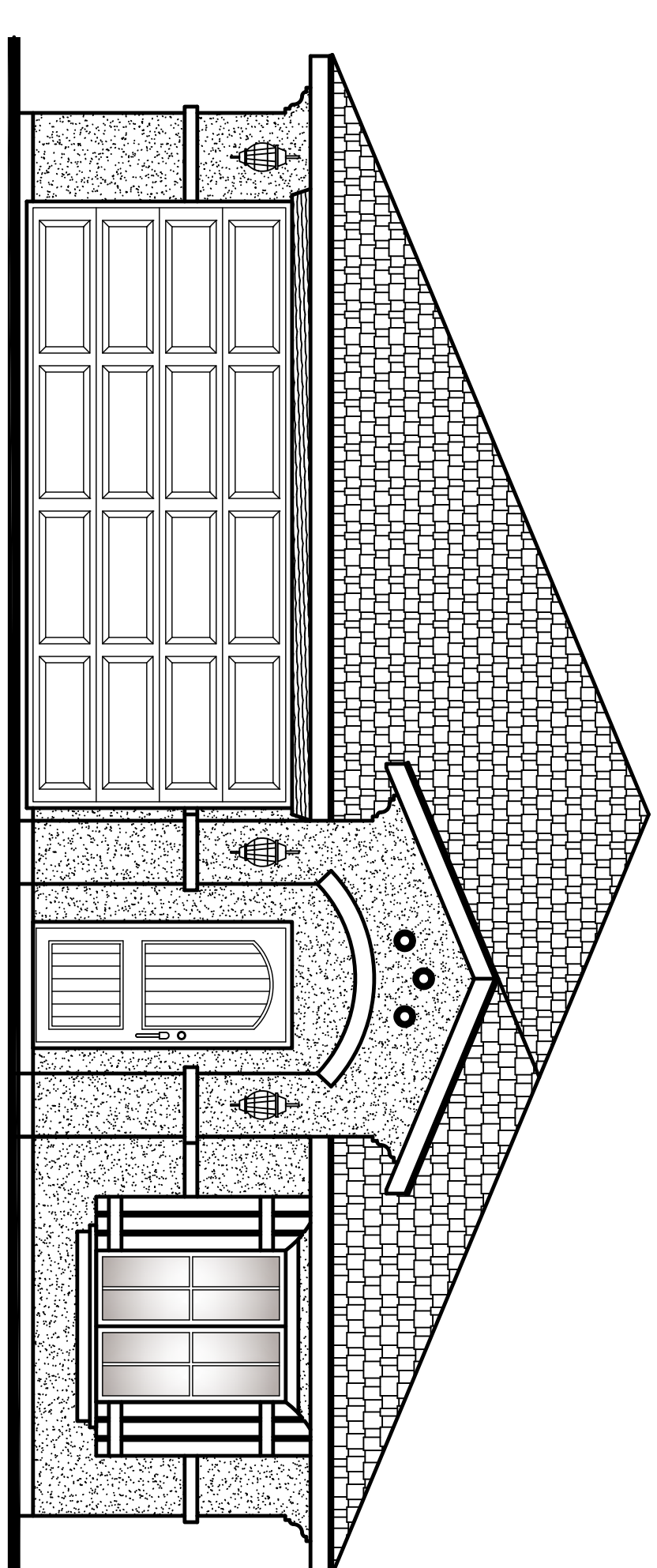


The Jordana Elevation 'C'
Upgraded Elevation

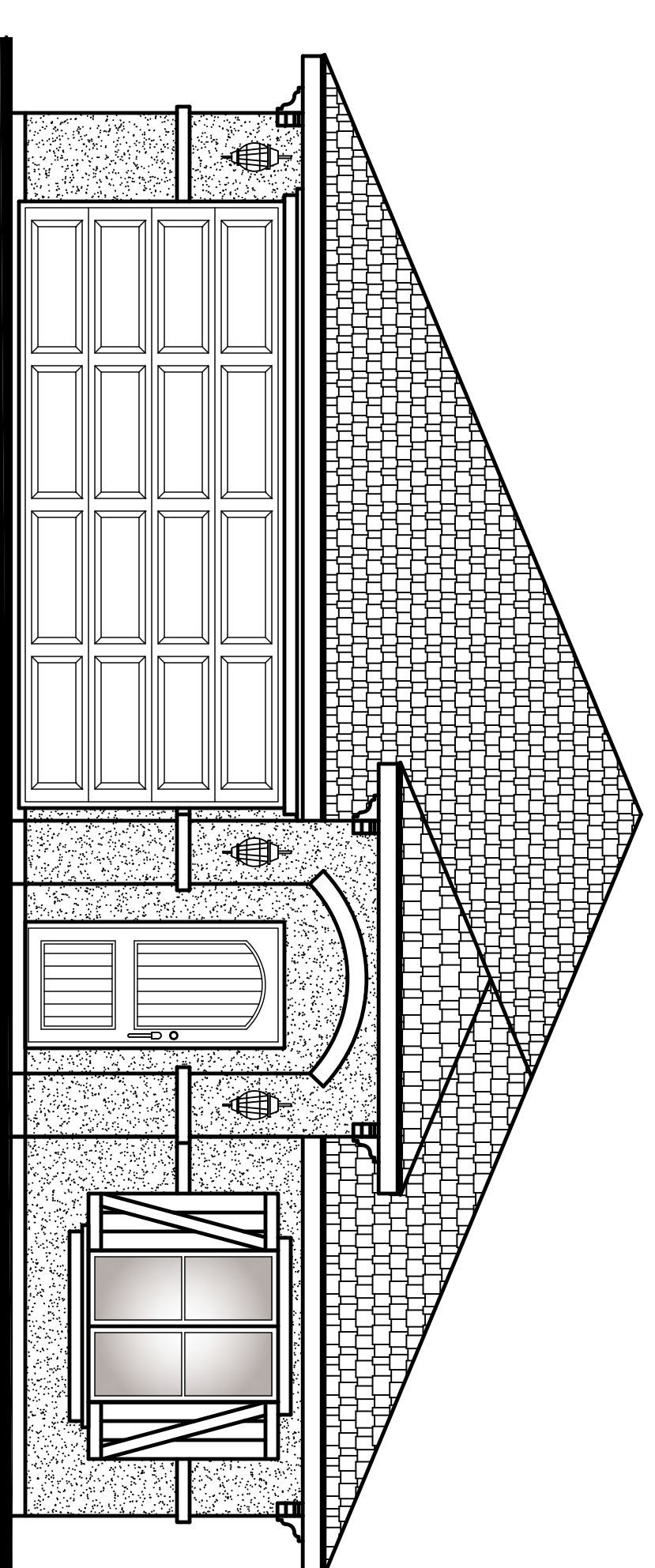


The Jordana 1509 Floor Plan

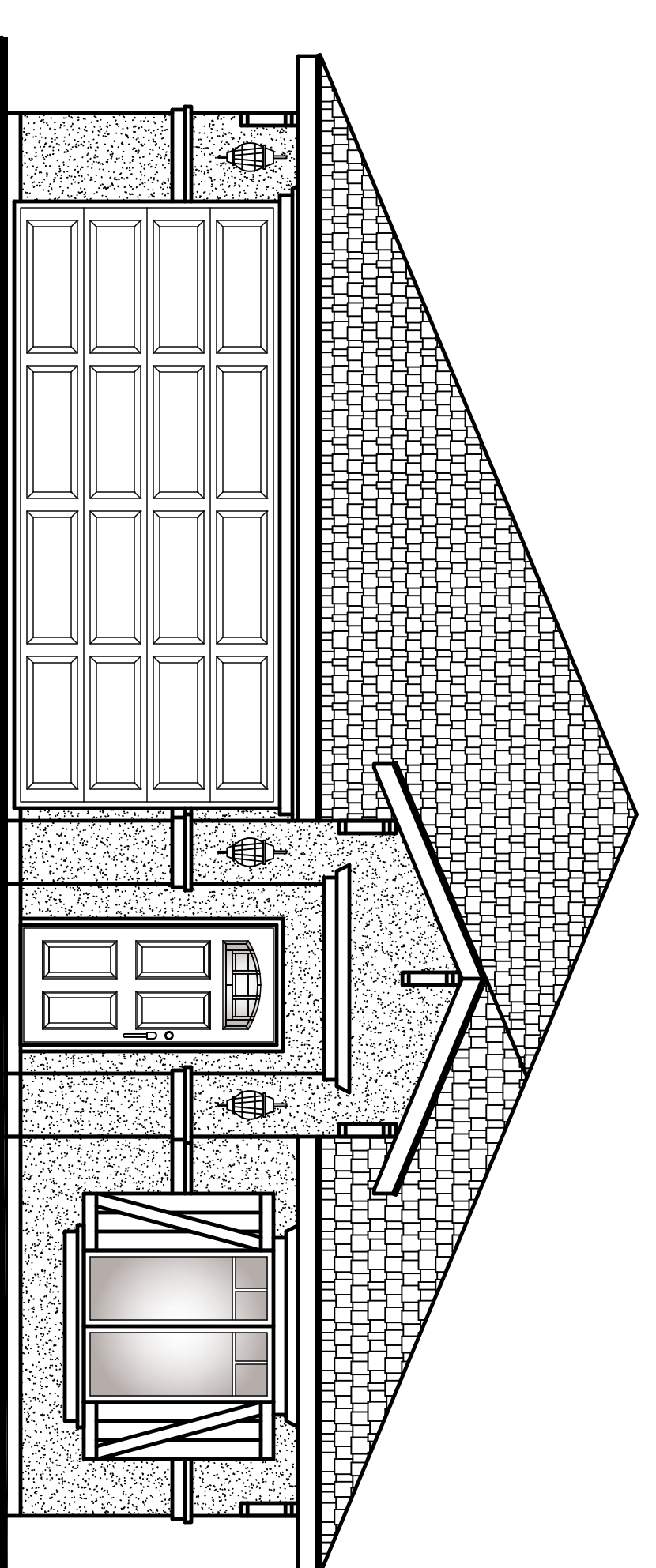
Area:
 LIVING SPACE: 1507 sq. ft.
 GARAGE: 414 sq. ft.
 PORCH: 44 sq. ft.
 TOTAL AREA: 2079 sq. ft.



The Jordana Elevation 'A'
Standard Elevation

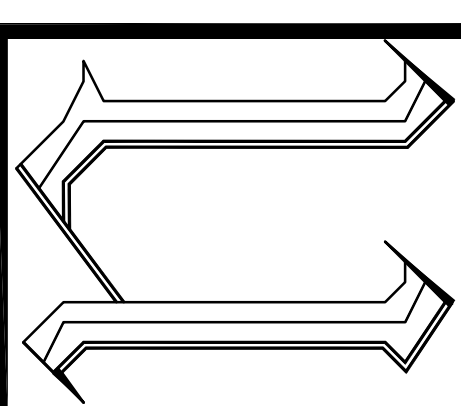


The Jordana Elevation 'B'
Standard Elevation

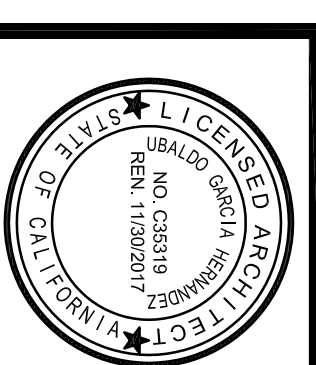


The Jordana Elevation 'C'
Standard Elevation

The Jordana 1509 Standard Plan



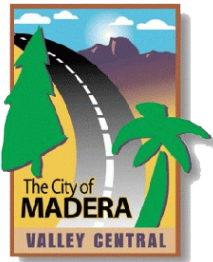
Villa Di Ubaldo
 Architecture, Engineering & Development
 Ubaldo Garcia Hernandez
 Architect Lic. No. C-35319



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 The Successor Housing Agency
 to the Former Redevelopment Agency
 428 East Yosemite Avenue
 Madera, California 93638
 Phone: (559) 661-5110
 Fax: (559) 674-7018

DATE: 8/1/2016
 SCALE: 1/4" = 1'-0"
 SHEET: 1509 PLAN

A1



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Riverwalk
General Plan Amendment 2016-03, Rezone 2016-03, Tentative
Subdivision Map 2016-03, Precise Plan 2016-01 and Negative Declaration
Item #2– January 10, 2017**

PROPOSAL: A General Plan Amendment, Rezoning, Tentative Subdivision Map, and Precise Plan and Negative Declaration to allow for the development of the Riverwalk residential subdivision.

APPLICANT:	City of Madera	OWNER:	City of Madera
ADDRESS:	Multiple	APN:	Multiple
APPLICATIONS:	GPA 2016-03, REZ 2016-03, TSM 2016-03 and PPL 2016-01	CEQA:	Negative Declaration

LOCATION: The project site is generally located south of the Fresno River and north of East Central Avenue, between North A Street and North C Street, which are now connected by Riverwalk Drive.

STREET ACCESS: The site is accessed from North A Street, North B Street, North C Street and Riverwalk Drive.

PARCEL SIZE: The project site is approximately 2.15 acres. Twelve residential parcels and three out-lots will be created by the subdivision of the project site.

GENERAL PLAN DESIGNATION: Current – HD (High Density) and LD (Low Density)
Proposed – LD (Low Density)

ZONING DISTRICT: Current – R3 (High Density Residential)
Proposed – PD-6000 (Planned Development)

SITE CHARACTERISTICS: The project site is vacant. Immediately south of the project site is the Fresno River. The site is surrounded by varying densities of residential development.

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

SUMMARY & RECOMMENDATION: The proposed entitlements cumulatively allow for the redevelopment of a formerly blighted neighborhood. The construction of Riverwalk Drive, which lies along the northern boundary of the development, was completed by the Successor Agency in advance of the proposed development. Approval would allow for the redevelopment of a single family residential neighborhood.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101, Planned Development Zones
MMC §10-3.1501, Amendments
GC § 65358, General Plan Amendments
MMC § 10-2.401 Subdivision Maps (five or more parcels)

PRIOR ACTION

The project site was historically developed as ten residential parcels. Over time, those parcels became distressed and ultimately were purchased by the former Redevelopment Agency of the City of Madera as part of a vision to redevelop the area. In anticipation of the proposed residential project currently under review, the City and the Successor Agency to the Redevelopment Agency recently completed a capital improvement project that constructed Riverwalk Drive and a means to improved circulation into the project area. If approved, the entitlements under review would allow for the completion of that vision.

ANALYSIS

General Plan Amendment

The project site currently is assigned two General Plan land use designations. West of the North B Street alignment, the project's General Plan land use designation is HD (High Density). East of the alignment, the land use designation is LD (Low Density). The HD (High Density) designation allows for residential development at a range of density from between 15.1 units to 50 units per acre. The LD (Low Density) General Plan land use designation allows for residential development at a range of density from between 2.1 units to 7 units per acre. The proposed subdivision provides a density of approximately 5.6 units per acre, far below the allowable range of the HD (High Density) designation. It is recommended that all of the area within the project area be designated as LD (Low Density). This will provide consistency with the 5.6 units per acre density of the project, the proposed zoning for the project parcels, and the General Plan.

Rezone

The project site is currently within the R3 (Residential) Zone District. The R3 Zone District is not consistent with the proposed LD (Low Density) General Plan land use designation. A change to the PD-6000 (Planned Development) Zone District would provide consistency between the General Plan and the Zoning Ordinance. The proposed single family residential project would be constructed at a density that is consistent with the General Plan and proposed zoning for the project site.

The PD-6000 (Planned Development) zoning is also recommended because of the wide variation of lot sizes which compromise the ability to develop residential properties consistent with the development standards of the R (Residential) Zone District. Unique setbacks inconsistent with the requirements of the R Zone District are allowed within the PD Zone District. These setbacks are incorporated into the required precise plan which accompanies the tentative subdivision map and provides attainable development standards reflective of the unique lot sizes proposed within the project.

Tentative Subdivision Map

A tentative subdivision map accompanies the General Plan Amendment and Rezone request. The map proposes to create twelve (12) single family residential parcels ranging in size from between 3,850 to 11,078 square feet. The average lot size is 7,199 square feet, consistent with the requirements of the PD-6000 Zone District.

Three out-lots are also included as components of the design of the subdivision. Two of the three out-lots are linear landscapes areas between the river corridor and Riverwalk Drive that were improved as an element of the Riverwalk Drive construction. The third out-lot is proposed as an open space amenity utilizing a “heritage oak” tree centered within the out-lot as a focal feature.

Public Infrastructure

Public infrastructure and utilities required by Madera Municipal Code and the Madera General Plan are substantially in place. Street improvements are also in place.

Precise Plan

Precise Plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, architecture, landscaping and open space. PPL 2016-01 proposes development standards for the development of parcels within the Riverwalk subdivision.

Because much of the infrastructure is already in place, the primary element of the precise plan request is the approval of five home plans for construction in the subdivision. The proposed models are the same models proposed within the Riverside Villas subdivision. The homes range in size from between 1,364 to 1,509 square feet and include three different elevations (see attachments). The proposed new models are as follows:

• Avon	1,364 sq. ft.	3 bedroom, 2 bathroom – Garage subordinate	83%*
• Triveni	1,450 sq. ft.	4 bedroom, 2 bathroom – Garage subordinate	25%
• Delta	1,452 sq. ft.	4 bedroom, 2 bathroom – Garage neutral	50%
• Delaney	1,493 sq. ft.	4 bedroom, 2 bathroom – Garage subordinate	42%
• Jordana	1,509 sq. ft.	4 bedroom, 2 bathroom – Garage subordinate	50%

* The percentiles listed on the right column of the table are the percentage of lots that each of the proposed models can be built upon.

Garage Subordinate Design

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

As noted above, the percentiles shown on the far right of the table indicate the percentage of lots each model will fit on. Note that no model will fit on all of the lots. Viewed from a different perspective, only one of the lots can accommodate all of the models. This is a product of the wide variation in parcel sizes and shapes. The model with the least ability to be constructed on parcels, the 1450 model, will be constructed on the one lot that can accommodate all so as to assure that the 1450 model will retain the ability to be constructed on 25 percent of the lots in the subdivision. Nonetheless, the five different models, with four of those models available for construction on at least half of the lots, helps satisfy policies that encourage “visual interest to the streetscape.” The policy is further supported by each model having three different elevations.

General Plan Conformance

In order to make an overall finding of General Plan conformity, staff proposes conditions of approval which reinforce conformity with all General Plan policies which require garages

“subordinate in visual importance to the house itself” (CD 32), “the exterior of residential buildings [to] be varied and articulated to provide visual interest to the streetscape (CD-33) and “reflect attention to detail as necessary to produce high architectural design and construction quality” (CD-34). The precise plan requirements for the open space amenity, enhanced structure elevations, and varying model distribution reinforce consistency with the goals and policies of the General Plan.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATIONS

The information presented in this report supports adoption of the Negative Declaration and approval of the General Plan Amendment, Rezone, Tentative Subdivision Map and Precise Plan. It is recommended that the Commission consider this information, together with testimony provided at the public hearing and make a determination regarding the project.

PLANNING COMMISSION ACTION

The Commission will be acting on the Negative Declaration, General Plan Amendment 2016-03, Rezoning 2016-03, Tentative Subdivision Map 2016-03, and Precise Plan 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.

Motion 1b: Move to adopt a Resolution recommending to the City Council the adoption of a Resolution approving General Plan Amendment 2016-03 and recommending adoption of an Ordinance rezoning the subject property consistent with Rezoning 2016-03.

Findings

- The proposed General Plan Amendment will provide consistency with Zoning Ordinance and the adjacent land uses.

- The proposed Rezone will provide the consistency with the General Plan.

Motion 1c: Move to approve Tentative Subdivision Map 2016-03 and Precise Plan 2016-01, subject to the findings and conditions of approval as listed.

Findings

- Tentative Subdivision Map 2016-03 is consistent with the development standards of the PD-6000 (Planned Development) Zone District.
- Precise Plan 2016-01 implements the principles, goals and policies of the General Plan.
- The proposed 12 lot tentative subdivision does not conflict with City standards or other provisions of the code.
- City services are available to serve the site.
- The General Plan Amendment, Rezone, Tentative Subdivision Map and Precise Plan, as conditioned, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

CONDITIONS OF APPROVAL

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. Any substantial future modifications proposed to the site involving, but not limited to, building exteriors, model floor plans, development standards or infrastructural improvements shall require an amendment to the Precise Plan.
4. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
5. The project shall be developed in accordance with the site plans, floor plans and elevation drawings as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.

Engineering Department Conditions

General

6. 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.
7. Prior to the approval of the final map, 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" zone of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement 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.

8. 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.
9. 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.
10. Monuments shall be placed at all parcel corners and shown on the Final map in accordance with the California Subdivision Map Act, the California Land Surveyor's Act and City Standards prior to development of property.
11. A benchmark, if not already established, shall be established per City Standards and related data shall be submitted to the Engineering Division prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
12. 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.
13. 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. Impact fees shall be paid at time of building permit issuance.
14. Improvement plans shall be sealed by an engineer and shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
15. The developer shall pay all required fees for processing subdivision map and completion of 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.
16. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Water

17. 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.
18. New water service connections, or relocations to those already installed, shall be constructed at appropriate locations for each parcel, per current City standards including water meters located within city right-of-way.
19. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards.

Sewer

20. Existing septic tanks, if found, shall be removed, permitted, and inspected by the City of Madera Building Department.
21. New sanitary sewer service connections, or relocations to those already installed, shall be constructed at appropriate locations for each parcel, per current City standards.

Streets

22. The developer shall dedicate the entirety of Riverwalk Drive and the landscape area(s) between it and the Fresno River as an easement for street and utility purposes prior to recordation of the final map.
23. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along all internal publicly dedicated streets.
24. The developer shall be a proponent of annexing into existing Landscape Maintenance District Zone 51 for the purpose of contributing in the cost of maintaining landscape improvements within said zone. Should annexation into Zone 51 be found to be infeasible, developer shall be a proponent of either annexing into another existing zone or formation of a new zone. Completion of this condition shall occur prior to recording of the Final Map.
25. Construction of driveway approaches shall be performed by neatly saw-cutting the existing curb, gutter and sidewalk, and shall be constructed in compliance with current City standards with an acceptable ADA path of travel, and as approved and directed by the City Engineer.
26. Improvement plans, if required, shall be prepared in accordance with City of Madera Civil Improvements Checklist.
27. All missing sections of sidewalk shall be installed as lots are developed. Adjacent sidewalk shall be complete prior to receipt of occupancy.
28. All public utilities shall be underground, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the public utilities Commission Regulations or operating at 70,000 volts or greater.
29. 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.

30. The sub-divider shall enter a subdivision agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.

Subdivision Improvement Inspections

31. 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 time that all other fees are due per the subdivision agreement.
32. 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.
33. 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.

Special engineering conditions

34. Lot fill in excess of twelve (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 twelve (12") inches or more will require construction of a retaining wall.
35. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
36. 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.
37. Prior to recording the subdivision map, any current and/or delinquent MID. assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.
38. Final street names shall be approved by the Building Official prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing county roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts should utilize the name of the nearest subdivision street.
39. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

Fire Department Comments

40. Underground fire mains and fire hydrants are required in accordance with the City of

Madera Standards and the California Fire Code. Plans must be approved prior to approval of the final map.

41. All residential construction requires fire sprinklers.
42. All new construction must be built in compliance with the California Codes.

Planning Department Conditions

Precise Plan

43. Five (5) models are approved as part of Precise Plan 2016-02. They are allowed to be constructed upon the 22 undeveloped lots within the Riverside Villas subdivision. They are as follows:

- Avon 1,364 sq. ft. 3 bedroom, 2 bathroom – Garage subordinate
- Triveni 1,450 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
- Delta 1,452 sq. ft. 4 bedroom, 2 bathroom – Garage neutral
- Delaney 1,493 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
- Jordana 1,509 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate

44. Each proposed model shall include the following features as standard elements of construction:

- three-color exterior painting
- quality three-dimensional composition roofing
- architectural treatments, including wall sconces, window shutters, gable decorations, decorative moldings, wood corbels and hatched window treatments consistent with the elevation submittals for each model
- front and street side yard landscaping and irrigation

45. For corner and reverse corner lots, where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation.

46. Except when included as a standard feature, each proposed model shall offer the following features as optional elements of construction:

- stone, rock, and brick elevation treatments
- tile roofing
- upgraded garage doors
- front-yard courtyards.

47. Each proposed model shall include the following features as standard elements of construction:

- three-color exterior painting
- quality three-dimensional composition roofing
- architectural treatments, including wall sconces, window shutters, gable decorations, decorative moldings, wood corbels and hatched window treatments consistent with the elevation submittals for each model
- front and street side yard landscaping and irrigation

48. Except when included as a standard feature, each proposed model shall offer the following features as optional elements of construction:

- stone, rock, and brick elevation treatments
 - tile roofing
 - upgraded garage doors
 - front-yard courtyards
49. For corner and reverse corner lots, where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation.
 50. All standards for location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R (Residential) zoning standards.
 51. Rear and side yard wood fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be split block masonry. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.
 52. Street side yard setbacks on all corner lots shall be ten (10') feet from property line for both structure and fencing.
 53. For lots 1 through 9, the rear yard structural setback shall be ten (10') feet.
 54. The development of any temporary construction trailer and/or materials storage yard on the project site requires the approval of a Zoning Administrator Permit in advance of installation/placement.
 55. The development of any model home sales center on the project site requires the approval of a Zoning Administrator Permit.
 56. Front yard and street side yard landscaping and irrigation shall be installed in conjunction with construction of all single family homes. At least one City approved street tree shall be planted in each front yard. Landscape and irrigation plans prepared by a licensed landscape architect consistent with the State of California Model Water Efficient Landscape Ordinance shall be submitted as a component of submittal for standard plan check.
 57. Front and street side yard landscaping and irrigation systems shall be installed in accordance with the landscaping and irrigation plans approved as a component of submittal for standard plan check before the final building inspection of any residential units. All maintenance shall be by the individual homeowner.
 58. 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.
 59. 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.
 60. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.

61. Except as noted above, all driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
62. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property. All units shall have a minimum of a two-car garage.
63. The following criteria shall be applied to the location of homes on individual lots:
 - The appearance of a home is affected by at least three (3) primary features, including:
 - ✓ home plan
 - ✓ alternative elevations for each plan
 - ✓ color
64. Homes built on side-by-side lots shall not repeat more than one of these primary home features. The model floor plans shall not be repeated on more than two consecutive lots.
65. The minimum front setback for all lots shall be:
 - 20 feet minimum depth to garage
 - 15 feet minimum to living space
 - 12 feet minimum to porch
66. Outlots “A”, “B”, and “C” shall be improved consistent with the attached improvement plans included as exhibits of the precise plan.
67. Approval of Tentative Subdivision Map 2016-03 and Precise Plan 2016-01 is contingent upon approval of General Plan Amendment 2016-03 and Rezone 2016-03 by the City Council.

Motion 2: Move to continue the public hearing on consideration of adoption of a Negative Declaration, consideration of adoption of a Resolution recommending to the City Council the adoption of a Resolution approving General Plan Amendment 2016-03 and recommending adoption of an Ordinance rezoning the subject property consistent with Rezoning 2016-03, and consideration of approval Tentative Subdivision Map 2016-03 and Precise Plan 2016-01, to the February 14, 2017 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny General Plan Amendment 2016-03, Rezoning 2016-03, Tentative Subdivision Map 2016-03, Precise Plan 2016-01 and the supporting Negative Declaration, based on the following findings: (specify)

ATTACHMENTS

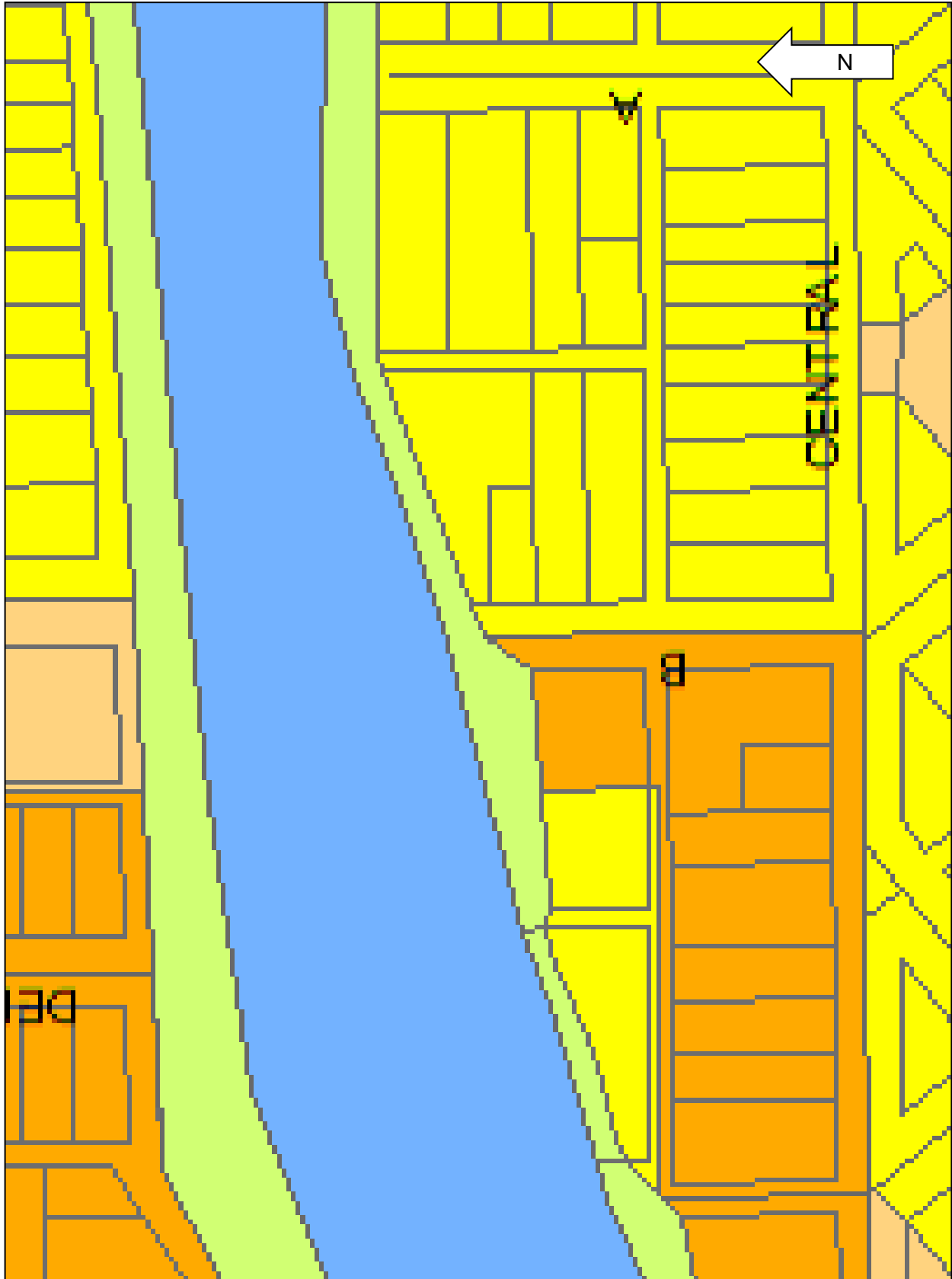
Aerial Map
 General Plan Map
 Zoning Map
 Tentative Subdivision Map 2016-03
 Precise Plan Exhibits

Initial Study and Negative Declaration
Resolution of Recommendation to the City Council
 Exhibit A - General Plan Map Amendment
 Exhibit B - Amended Zoning Map
Draft Ordinance

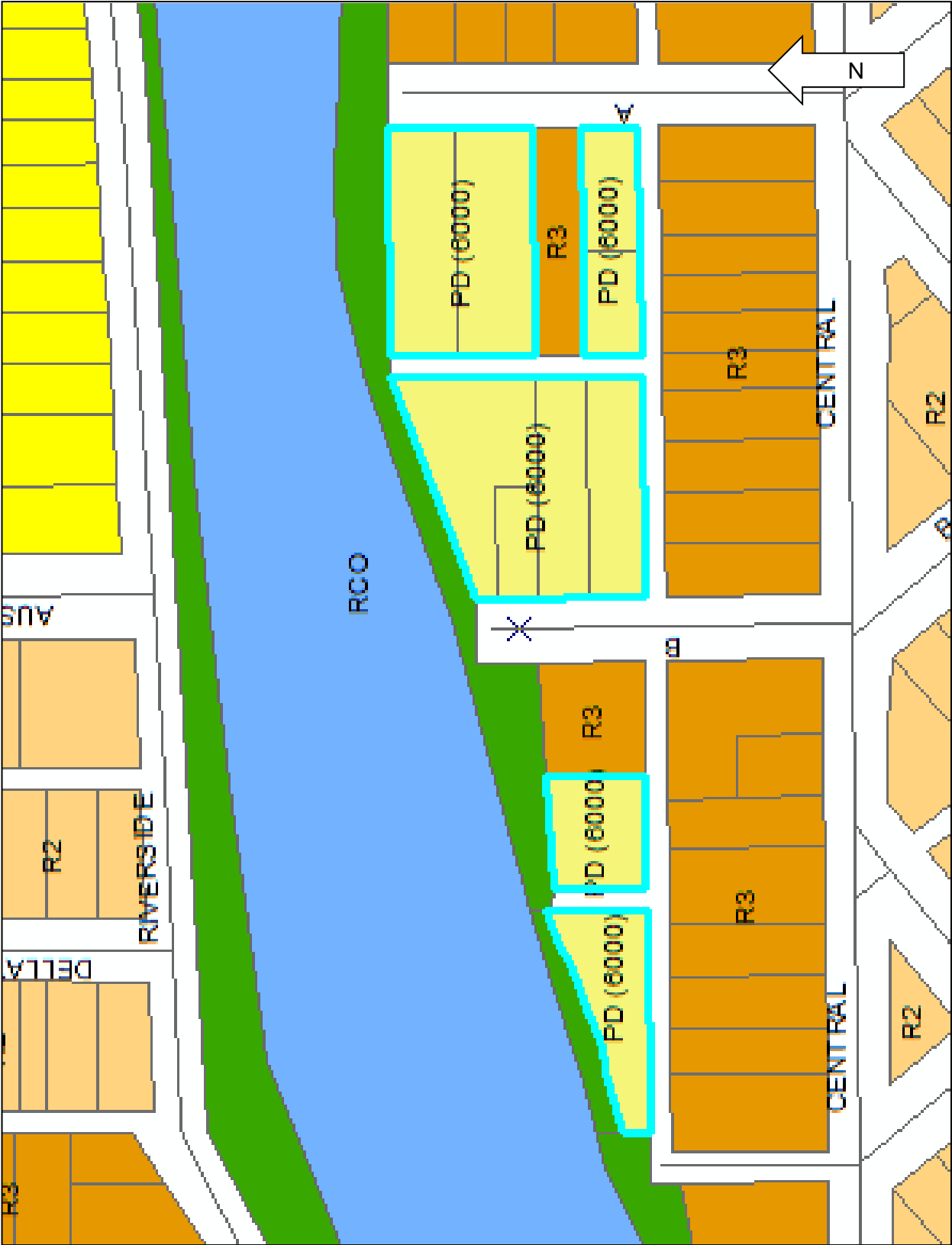
Aerial Photo



General Plan Map



Zoning Map



Subdivision Map

OWNER:
CITY OF MADERA
438 EAST YOSEMITE AVENUE
MADERA, CA 93538

CONTACT:
JAMES E. TALBERT
438 EAST YOSEMITE AVENUE
MADERA, CA 93538
(562) 861-5110

PREPARED BY:
BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS
451 CLOVIS AVENUE, SUITE 200
CLARK, CALIFORNIA 93812
(562) 328-1400

EXISTING ZONING:
RESIDENTIAL DISTRICT R3

PROPOSED ZONING:
RESIDENTIAL PLANNED DEVELOPMENT

EXISTING LAND USE:
RESIDENTIAL

PROPOSED LAND USE:
RESIDENTIAL

SITE AREA:
2.154 ACRES

FLOOD ZONE:
FIRM NUMBER: 06032C1182E
MAP REVISED: 09/28/2008

CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA

TENTATIVE TRACT MAP NO. _____

RIVERWALK SUBDIVISION
PLANNED DEVELOPMENT SUBDIVISION

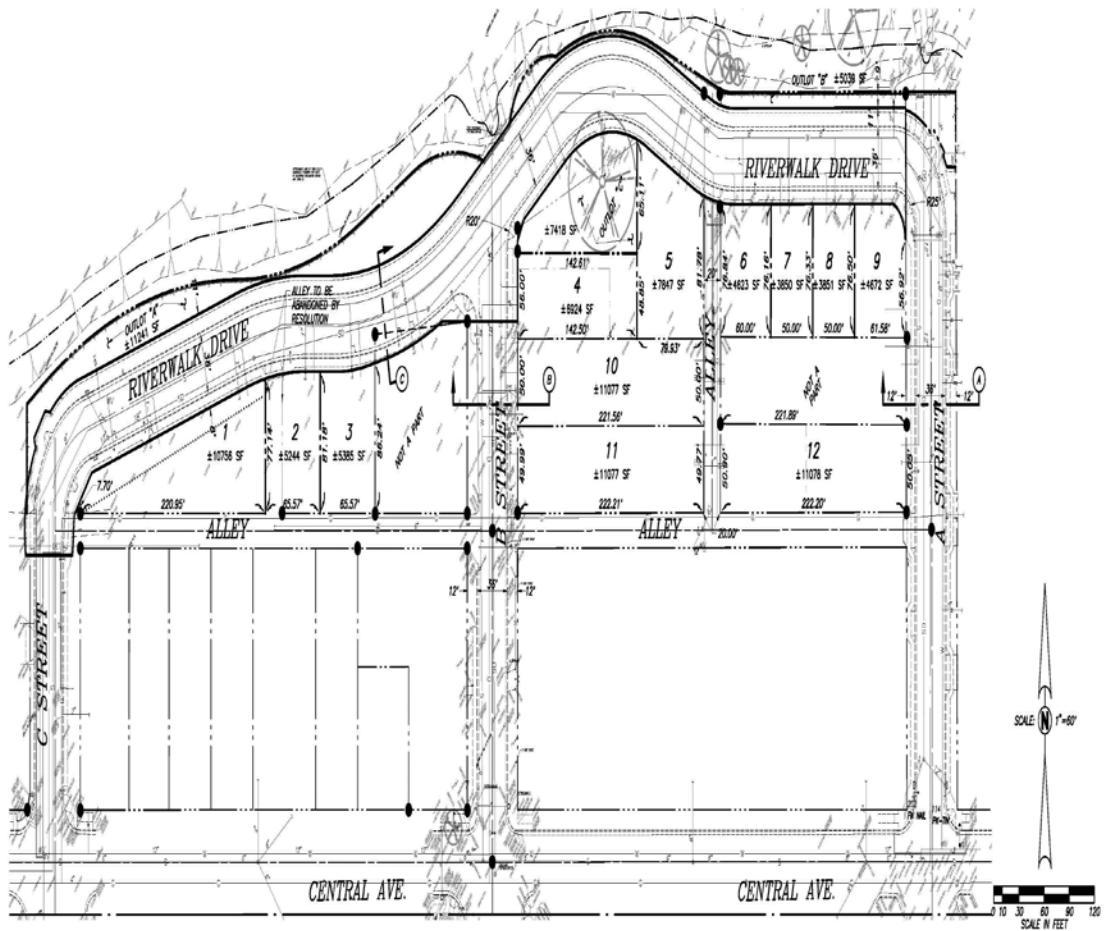
BENCHMARK:
BRASS CAP AT TRESNO RIVER AND GATEWAY
ELEVATION = 272.63 NVD 29 DATUM

SITE BENCHMARK:
CHISELED SQUARE ON TOP OF CURB LOCATED
ON WEST SIDE OF "F" STREET APPROXIMATELY
25' NORTH OF NORTHWEST CURB RETURN AT
CENTRAL AND "F" STREET.
ELEVATION = 273.38 NVD 29 DATUM

APN:
007-022-002-000 007-031-005-000
007-022-014-000 007-031-019-000
007-031-001-000 007-031-017-000
007-031-003-000 007-031-018-000
007-031-004-000 007-031-019-000

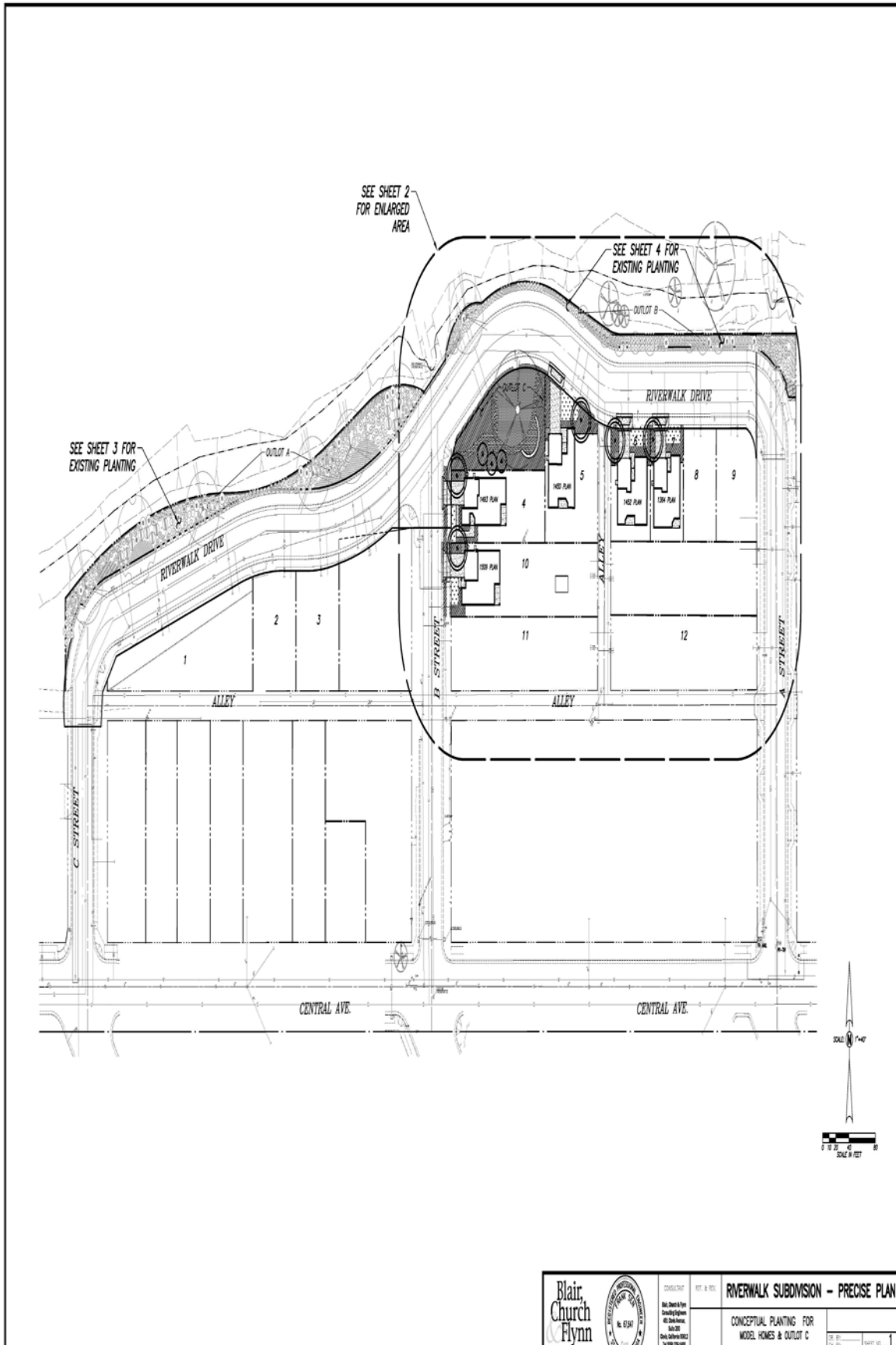


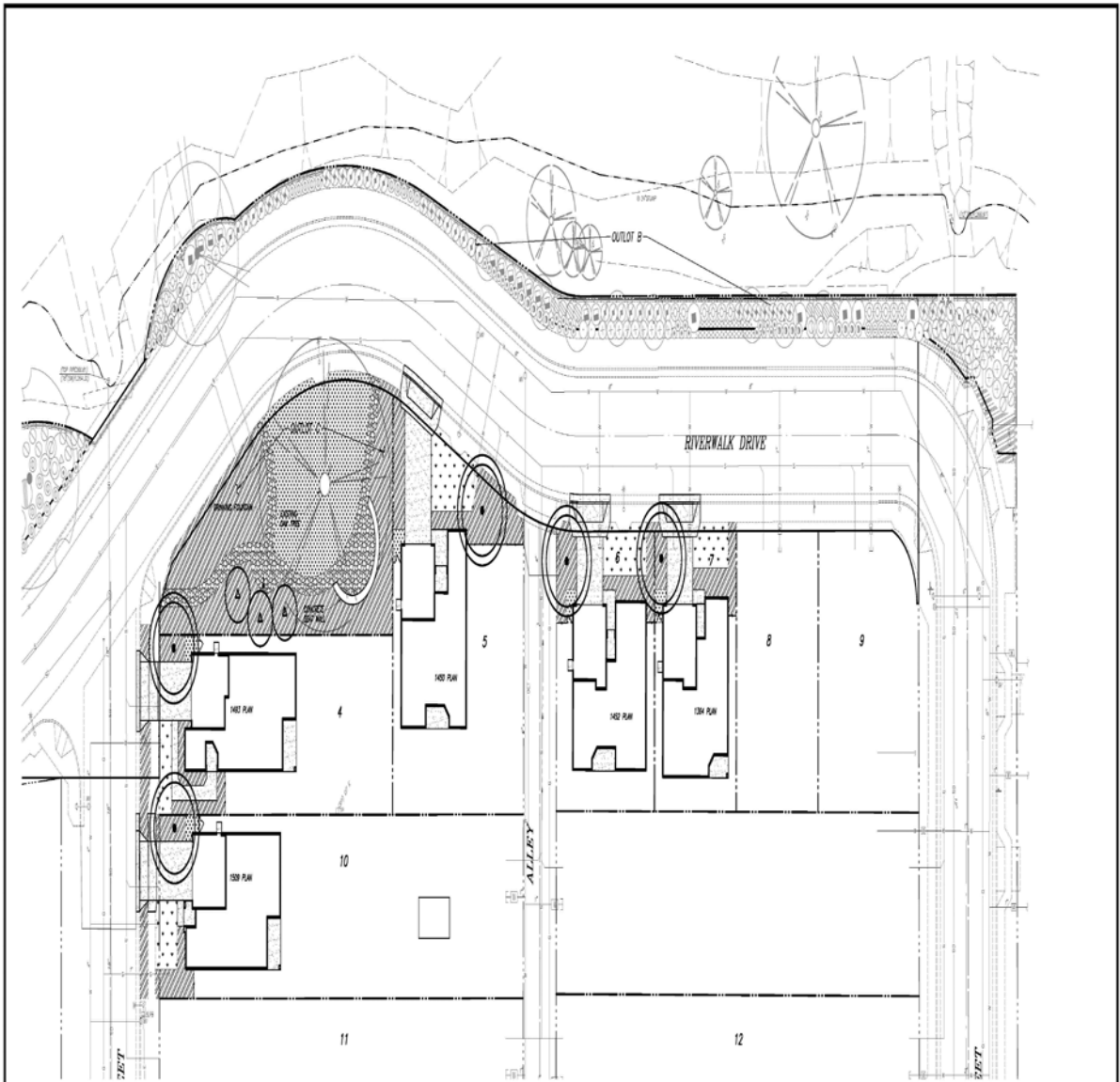
PROJECT LOCATION MAP
NOT TO SCALE



		CONSULTANT	REF. & REC.
	Blair, Church & Flynn Consulting Engineers 451 Clovis Avenue, Suite 200 Clark, California 93812	CITY OF MADERA PLANNED DEVELOPMENT	DATE: _____ SCALE: _____

Precise Plan Exhibits





LEGEND:

- WOOD SHEDS/SPRING COVER PLANTING LOW WETTER USE
- BERMUDA GRASS TURF (MEDIUM HIGH WATER USE)
- WOOD MULCH (MEDIUM 3 INCH DEPTH)
- ENHANCED DECOMPOSED GRANITE MILKWAY



● CHERRY TREE - 15 GALLEN SIZE



○ SMALL WHITE TREE - 15 GALLEN SIZE

IRRIGATION SYSTEM COMPONENTS

1. TURFGRASS AREAS SHALL BE IRRIGATED WITH OVERHEAD SPRAY POP-UP SPRINKLER HEADS.
2. WOOD PLANTING AREAS SHALL BE IRRIGATED WITH LOW VOLUME SLOW BURSTERS OR POP-UP SPRINKLER HEADS.
3. TREES SHALL HAVE ROOT WICKING SYSTEMS INSTALLED FROM THE OTHER SIDE OF THE TRUNK.
4. SOIL LEFT'S IRRIGATION SYSTEM SHALL HAVE A WETTER SCHED CONTROL WITH A WETTER SENSOR THAT AUTOMATICALLY ADJUSTS FOR TRENCH AS WELL AS SOIL AND PRECIPITATION SENSORS.

WETTER CALCULATIONS

LOT #	TURFGRASS WETTER PLANTING WETTER PERCENT	WETTER PERCENT	WETTER PERCENT
EST.	EST.	EST.	EST.
4	214	432	11,340 (14,270)
5	554	888	24,410 (24,230)
6	257	388	10,104 (12,740)
7	257	408	11,840 (14,100)
10	248	352	12,340 (12,620)

WETTER PERCENTS ARE BASED ON WETTER PERCENTS



CONTRACT NO. REF. & REV.

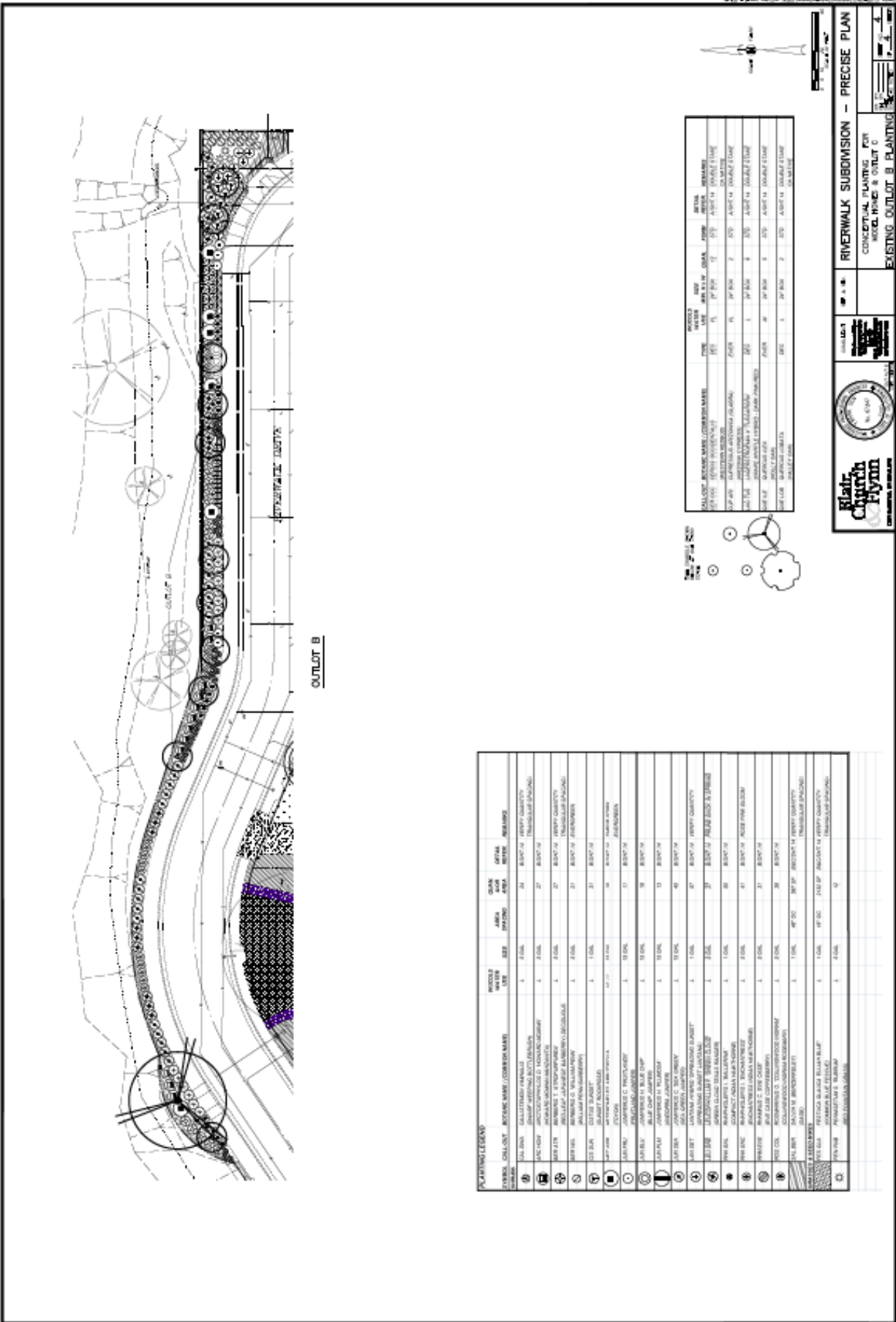
RIVERWALK SUBDIVISION - PRECISE PLAN

CONCEPTUAL PLANTING FOR MODEL HOMES & OUTLOT C

DATE: 01/10/17

SCALE: 1" = 20'

SHEET NO. 2



OUTLET B

PLANTING	QUANTITY	SIZE	PLANTING	QUANTITY	SIZE	PLANTING	QUANTITY	SIZE
...

PLANTING LEGEND

SYMBOL	COLLECTOR	PLANTING NAME (COMMON NAME)	PLANTING SIZE	PLANTING QUANTITY	PLANTING SIZE	PLANTING QUANTITY	PLANTING SIZE	PLANTING QUANTITY
...

INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

Riverwalk

General Plan Amendment (GPA) 2016-03

Rezone (REZ) 2016-03

Tentative Subdivision Map (TSM) 2016-03

Precise Plan (PPL) 2016-01

Project: GPA 2016-03, REZ 2016-03, TSM 2016-03, and PPL 2016-01 – Riverwalk

Applicant: Ubaldo Garcia
P.O. Box 925
Madera, CA 93638

Owner: The Successor Housing Agency
428 East Yosemite Avenue
Madera, CA 93638

Location: The project site is generally located south of the Fresno River and north of East Central Avenue, between North A Street and North C Street, which are now connected by Riverwalk Drive. The project site had been developed as a single family residential neighborhood in the past. Due to the failing standard of the prior housing stock, the City's former Redevelopment Agency had purchased the project site properties with the intent to provide for the redevelopment of the project site. The properties were purchased and homes demolished in order to prepare the project site for redevelopment. The Riverwalk Drive capital improvement project was constructed as a precursor to the project under review. Separate environmental analysis was completed in support of the construction of Riverwalk Drive.

Proposal:

GPA 2016-03: A General Plan Amendment to change the General Plan land use designation of the western component of the project site from the HD (High Density) General Plan land use designation to the LD (Low Density) land use designation, making all areas within the project site a part of the LD (Low Density) General Plan land use designation.

REZ 2016-03

A Rezone to allow for changing the zoning for the project site from the R3 (High Density Residential) to the PD-6000 (Planned Development) Zone District, providing consistency with the LD (Low Density) General Plan land use designation.

TSM 2016-03: A Tentative Subdivision Map to allow for the project site to be subdivided into twelve residential parcels and three separate outlots. The parcels would range in size from between 3,850 and 11,078 square feet with an average lot size of approximately 7,199 square feet. Outlots encompass 11,241 square feet, 5,039 square feet, and 7,418 square feet respectively. The outlot properties would function as open space amenities within the subdivision.

PPL 2016-01: A Precise Plan to allow for the development of homes on the twelve aforementioned undeveloped lots. Five new home plans are proposed. The Precise

Plan will also provide for supporting development standards for the project. The five new proposed home plans range in size from between 1,364 to 1,509 square feet. The Precise Plan would implement the Community Design element of the General Plan.

Zoning: **Current:** R3 (Residential)
Proposed: PD-6000 (Planned Development)

General Plan Land Use Designation: **Current:** LD (Low Density) and
HD (High Density)
Proposed: LD (Low Density)

Surrounding Land Uses and Zoning:

South – Existing mixed density multiple and single family residential development

North – The Fresno River channel

West – The Fresno River channel

East – Existing low density single family residential development

Responsible or Interested Agencies:

San Joaquin Valley Air Pollution Control District

Madera Irrigation District

Madera Unified School District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Mat. | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input 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 of Significance |

DETERMINATION:

On the basis of this initial evaluation:

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

Signature _____

Printed Name: Christopher Boyle,
Planning Manager

Date: _____

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: The project proposes a General Plan Amendment to change the General Plan land use designation of the western component of the project site from the HD (High Density) General Plan land use designation to the LD (Low Density) land use designation, making all areas within the project site a part of the LD (Low Density) General Plan land use designation. A Rezone to allow for changing the zoning for the project site from the R3 (High Density Residential) to the PD-6000 (Planned Development) Zone District is also proposed in order to provide consistency with the LD (Low Density) General Plan land use designation. The project also includes a Tentative Subdivision Map to allow for the project site to be subdivided into twelve residential parcels and three separate outlots. The parcels would range in size from between 3,850 and 11,078 square feet with an average lot size of approximately 7,199 square feet. Outlots encompass 11,241 square feet, 5,039 square feet, and 7,418 square feet respectively. The outlot properties would function as open space amenities within the subdivision. A Precise Plan would allow for the development of homes on the twelve aforementioned undeveloped lots. Five new home plans are proposed. The Precise Plan would also provide for supporting development standards for the project. The five new proposed home plans range in size from between 1,364 to 1,509 square feet. The Precise Plan would implement the Community Design element of the General Plan.

The project site had been developed as a single family residential neighborhood in the past. Due to the failing standard of the prior housing stock, the City's former Redevelopment Agency had purchased the project site properties with the intent to provide for the redevelopment of the project site. The properties were purchased and homes demolished in order to prepare the project site for redevelopment. The Riverwalk Drive capital

improvement project was constructed as a precursor to the project under review. Separate environmental analysis was completed in support of the construction of Riverwalk Drive.

The project would allow for the completion of redevelopment of the project site, with new single family residential homes being constructed on newly created residential lots. The site is in generally in poor 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 the anticipated residential development will add additional sources of light.

The proposed subdivision, and the expected development of the subject properties, will not create impacts beyond those analyzed and addressed through the General Plan Update 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. In that the sight had been developed with single family residential homes in the past, the overall addition of light and glare will be minimal.

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 prepare pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 as Vacant or Disturbed 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 Urban and Built-Up Land on the 2014 Madera County Important Farmland 2014 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 urbanized and currently in residential use. The subdivision of the property and the construction of homes won't contribute towards the desire of nearby property owners to convert to non-agricultural uses. The project site is centrally located in the center of Madera and nearby properties are already developed.

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.

Similarly, future projects will be evaluated to determine required 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 General Plan Update 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 City of Madera General Plan, no threatened or endangered species were identified in the project area. The project area has been subjected to intense residential urbanization in the past, resulting in a highly maintained and disturbed habitat. More recent land disturbance on the site included significant grading and excavation in conjunction with the removal of substandard housing and the construction of Riverwalk Drive. There is no record of special-status species in this project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

The approximately 2.5-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.

aii) **No Impacts.** Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise, and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.

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

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

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

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

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

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

VII. GREENHOUSE GAS EMISSIONS. Would the project:

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

Discussion: 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 an 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 accompanying 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).
- 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

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

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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The proposed project will not induce additional substantial growth in this area. The property involved does 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) **No Impacts.** The proposed project will eventually provide employment opportunities which may induce a minimal growth in population by individuals and/or families who move to Madera in response to opportunities for employment. Sufficient capacity exists in the City's residential inventory to accommodate that growth.
- 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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- a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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. Initially, the project will rely upon temporary on-site storm drain retention strategies. The project area will be required to provide additional facilities within the development, and comply with the City's Master Plan, Ordinances, and standard practices. The 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 generate a significant impact to the park facilities in Madera.

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

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 type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

b) **No Impacts.** The project 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: This 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. East Central Avenue, which is located south of the project site, and Riverside Drive (to the north) are identified as collector streets per the General Plan. North D Street (to the west) and North Lake Street (to the east) are designated as arterial streets. All right-of-way necessary for subdivision of land and the residential development of the created lots is already in place.

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.

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) **Less-Than-Significant 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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, Public Services, 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.

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF A NEGATIVE DECLARATION, APPROVAL OF AN AMENDMENT OF THE GENERAL PLAN FROM THE HD (HIGH DENSITY) TO THE LD (LOW DENSITY) GENERAL PLAN LAND USE DESIGNATION, AND ADOPTION OF AN ORDINANCE REZONING PROPERTIES FROM THE R3 (RESIDENTIAL) TO THE PD-6000 (PLANNED DEVELOPMENT) ZONE DISTRICT, FOR THE RIVERWALK DEVELOPMENT LOCATED ON THE SOUTH SIDE OF THE FRESNO RIVER CHANNEL, BETWEEN THE NORTH A STEEET AND NORTH C STREET ALIGNMENTS.

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

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

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

WHEREAS, a proposal has been made to adopt a negative declaration in conjunction with the Riverwalk development project, a General Plan Amendment, Rezone, Tentative Subdivision Map and Precise Plan which cumulatively allow for the development of a single family residential neighborhood on twelve residential parcels and three out-lots, and

WHEREAS, a proposal has been made to amend the General Plan land use designations for the approximately 28,500 square feet of project area located on the west side of the North "B" Street alignment, directly south of the Fresno River channel, resulting in a change from the HD (High Density) to the LD (Low Density) to General Plan land use designation as shown in the attached Exhibit A; and

WHEREAS, a proposal has been made to rezone the approximately the approximately 2.15 acre project area, generally located immediately south of the Fresno River and north of East Central Avenue between North A Street and North C Street, connected by Riverwalk Drive, resulting in a change from the R3 (Residential) Zone District to the PD-6000 (Planned Development – one unit for each 6,000 square feet) Zone District, as shown in the attached Exhibit B; and

WHEREAS, the proposed General Plan Amendment will provide consistency between the General Plan and proposed land uses; and

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

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

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

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

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

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

1. The above recitals are true and correct.
2. Based upon the testimony and information presented at the hearing, including the initial study and negative declaration and all evidence in the whole record pertaining to this matter, the Commission finds that the negative declaration has been prepared pursuant to the California Environmental Quality Act, that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the City of Madera, and is hereby adopted in accordance with the California Environmental Quality Act.
3. The Planning Commission hereby recommends that the General Plan land use map be amended as specified in attached Exhibit A, assigning the appropriate land use designations to the approximately 28,500 square feet of project area located on the west side of the North "B" Street alignment, directly south of the Fresno River channel.
4. The proposed amendment to the Land Use Map is hereby found consistent with all elements of the Madera General Plan, as amended.

5. The proposed rezoning, as shown in Exhibit B, is consistent with the General Plan as amended and is compatible with adjacent zoning and uses.

6. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit B.

7. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 10th day of January, 2017, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

Chairperson
City Planning Commission

Attest:

Christopher Boyle
Planning Manager

PLANNING COMMISSION RESOLUTION NO. ____

EXHIBIT 'A'

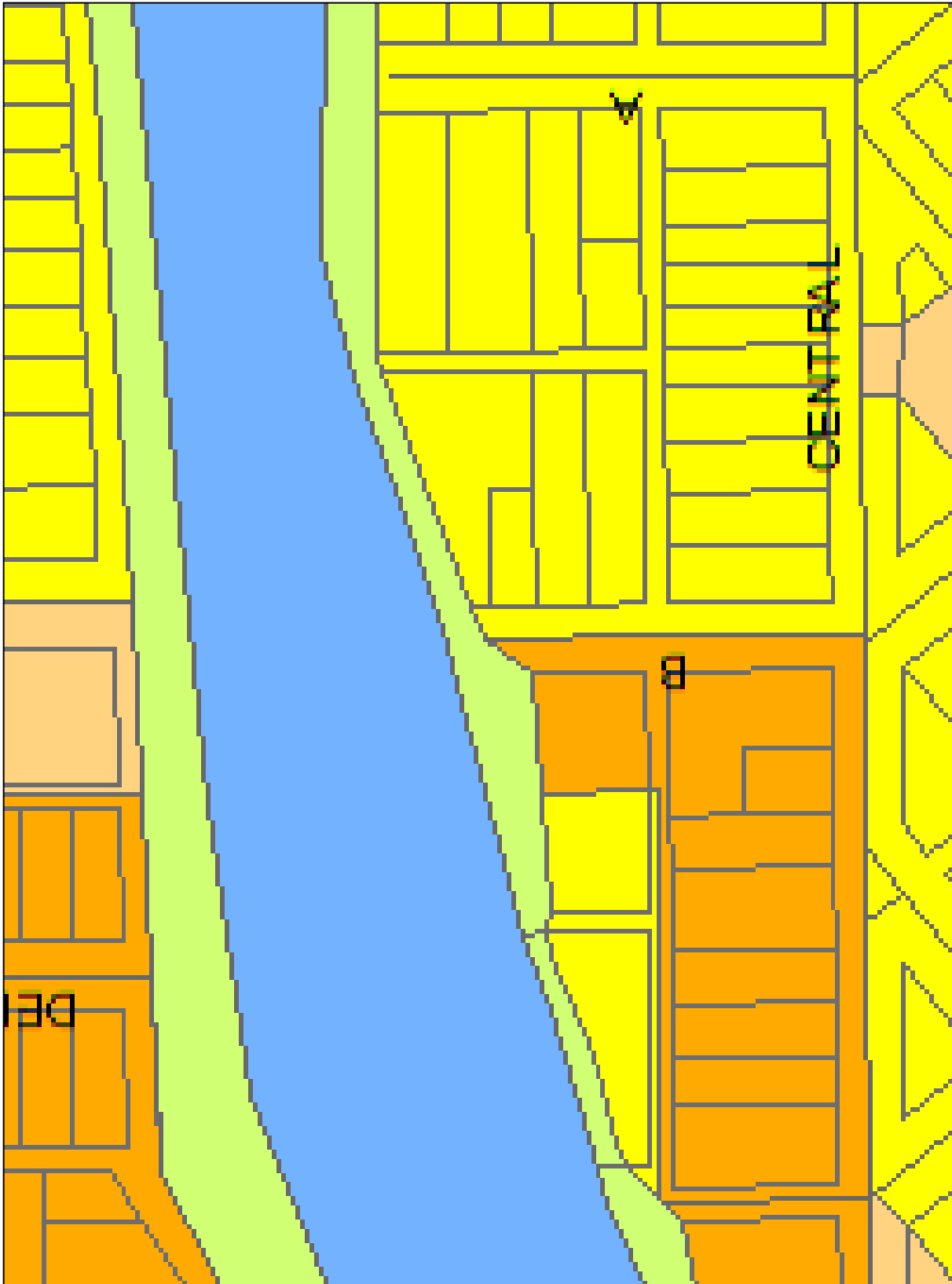


EXHIBIT 'B'



DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 2.15 ACRES LOCATED ON THE SOUTH SIDE OF THE FRESNO RIVER CHANNEL BETWEEN THE NORTH A STEEET AND NORTH C STREET ALIGNMENTS FROM THE R3 (RESIDENTIAL) TO THE PD-6000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

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

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

SECTION 2. Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as set forth on the map attached hereto labeled Exhibit "A", and more specifically described on attached Exhibit "B."

SECTION 3. The City of Madera Zoning Map is hereby amended to reflect the zoning as set forth on the map attached hereto labeled Exhibit "A", and incorporated herein by reference consistent with the requirements and provisions set forth in Section 10-3.302(B) of the Madera Municipal Code.

SECTION 4. A Negative Declaration has been adopted by the City Council in conjunction with the project, based on a finding that based on the entire record before the Council, that there are no significant environmental effects, which have not been successfully mitigated and that this decision reflects the independent judgment of the City.

SECTION 5. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings, and conditions:

FINDINGS:

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

SECTION 6. This Ordinance shall be effective and of full force and effect at 12:01 on the thirty-first day after its passage.

EXHIBIT "A"
ZONING MAP FOR SUBJECT PROPERTY

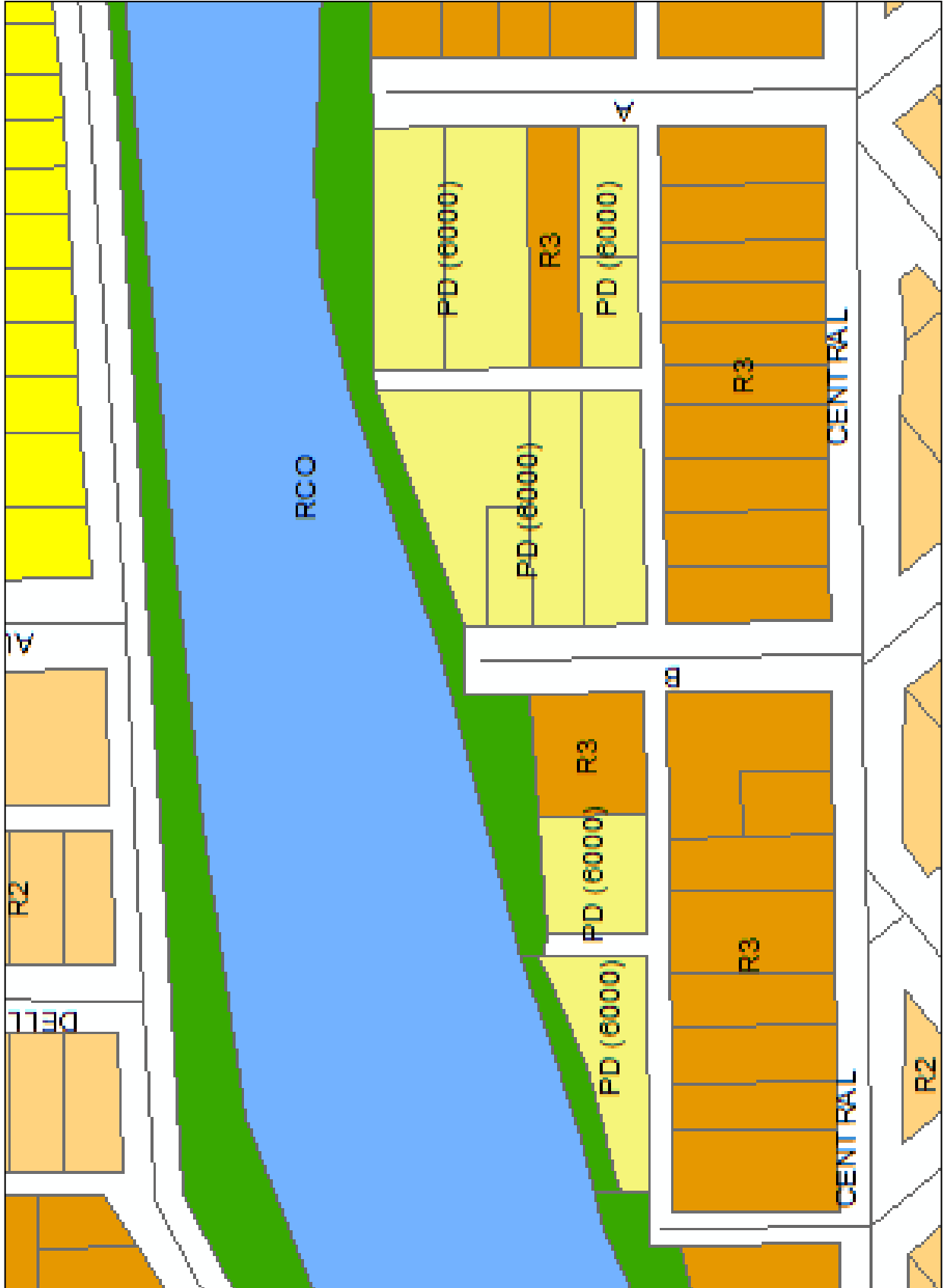


EXHIBIT "B"
LEGAL DESCRIPTION OF SUBJECT PROPERTY

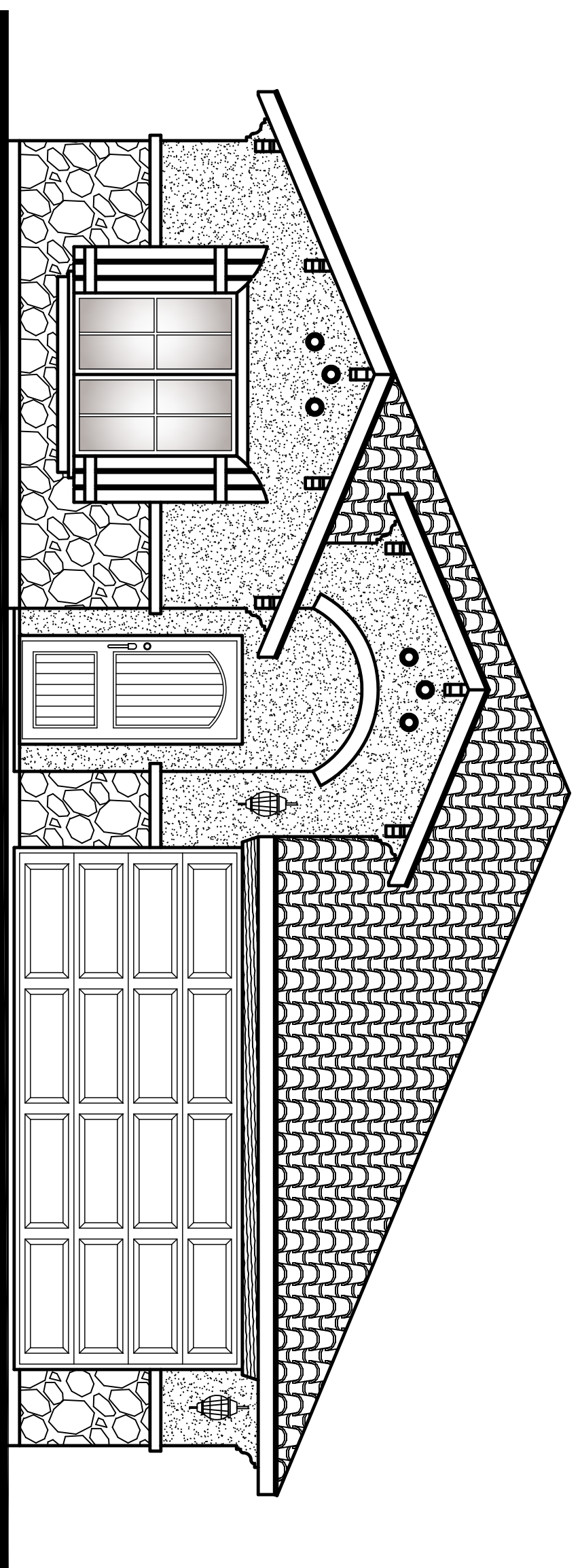
Those parcels identified by the County of Madera Assessors Office, Assessor's Map No. 07-02, Madera Unified School District, City of Madera, County of Madera, California 1956, "Johnson's Addn." with the following Assessor Parcel Numbers: 007-022-002 and 007-022-014.

and

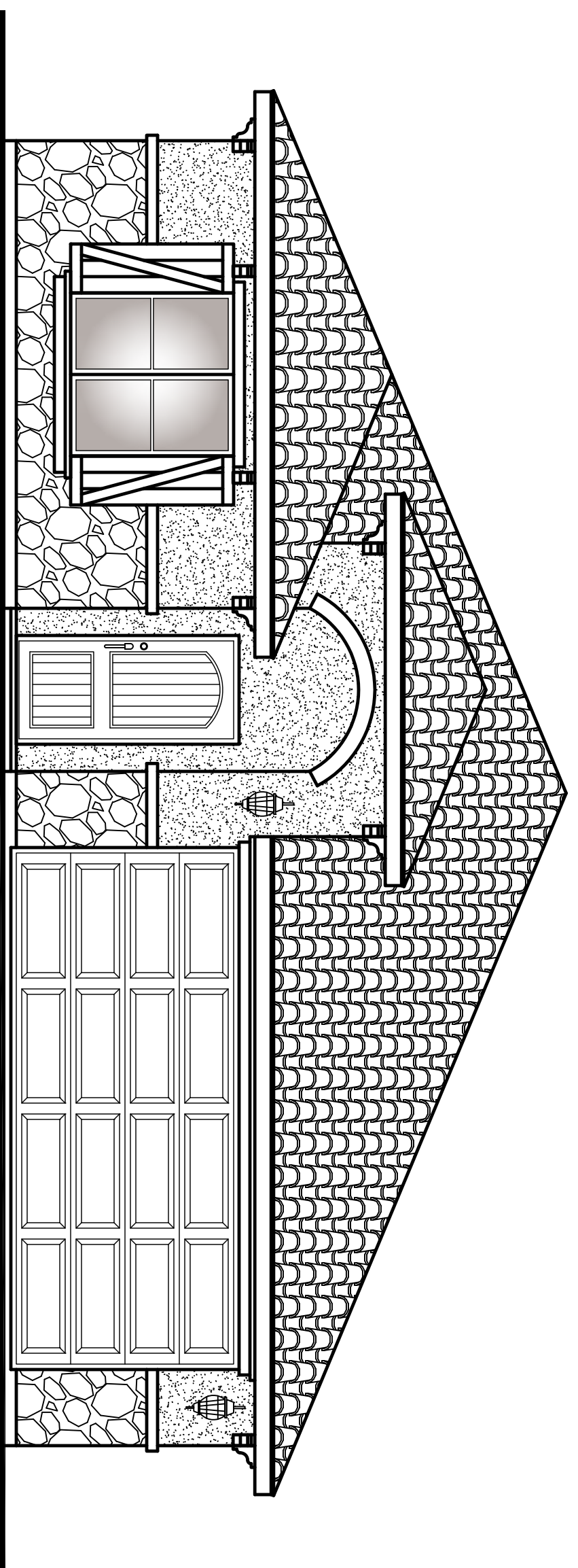
Those parcels identified by the County of Madera Assessors Office, Assessor's Map No. 07-03, Madera Unified, City of Madera, County of Madera, California 1956, "Sec. 13 T.11S. R.17E. Johnson's Addition" with the following Assessor Parcel Numbers: 007-031-001, 007-031-002, 007-031-004, 007-031-005, 007-031-016, 007-031-017, 007-031-018, and 007-031-019.

PRECISE PLAN AMENDMENT

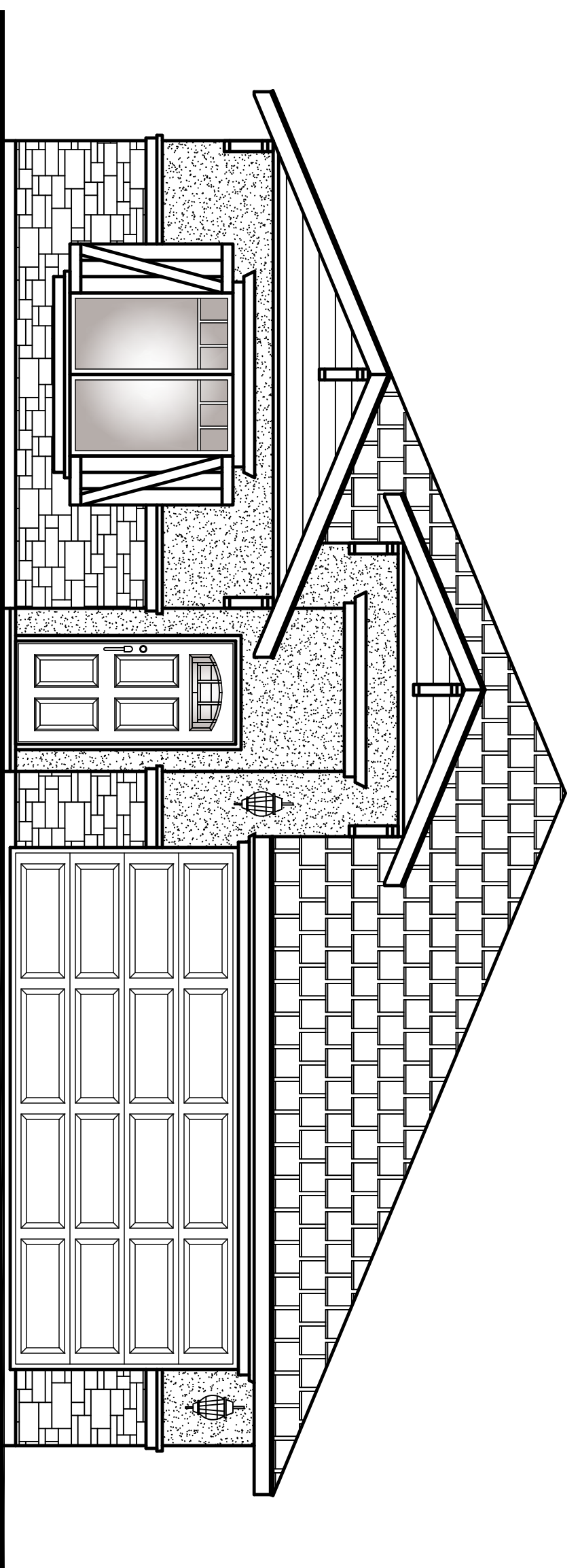
The Avon 1364 Standard Plan



The Avon Elevation 'A'
Upgraded Elevation



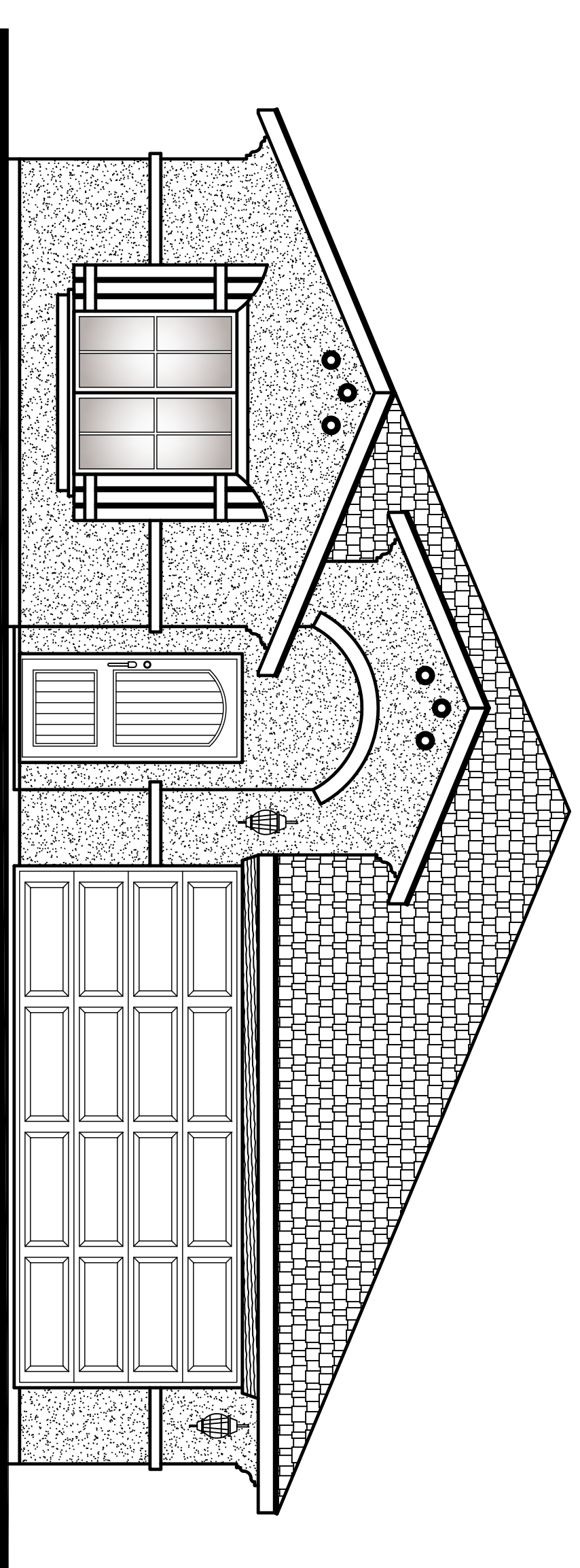
The Avon Elevation 'B'
Upgraded Elevation



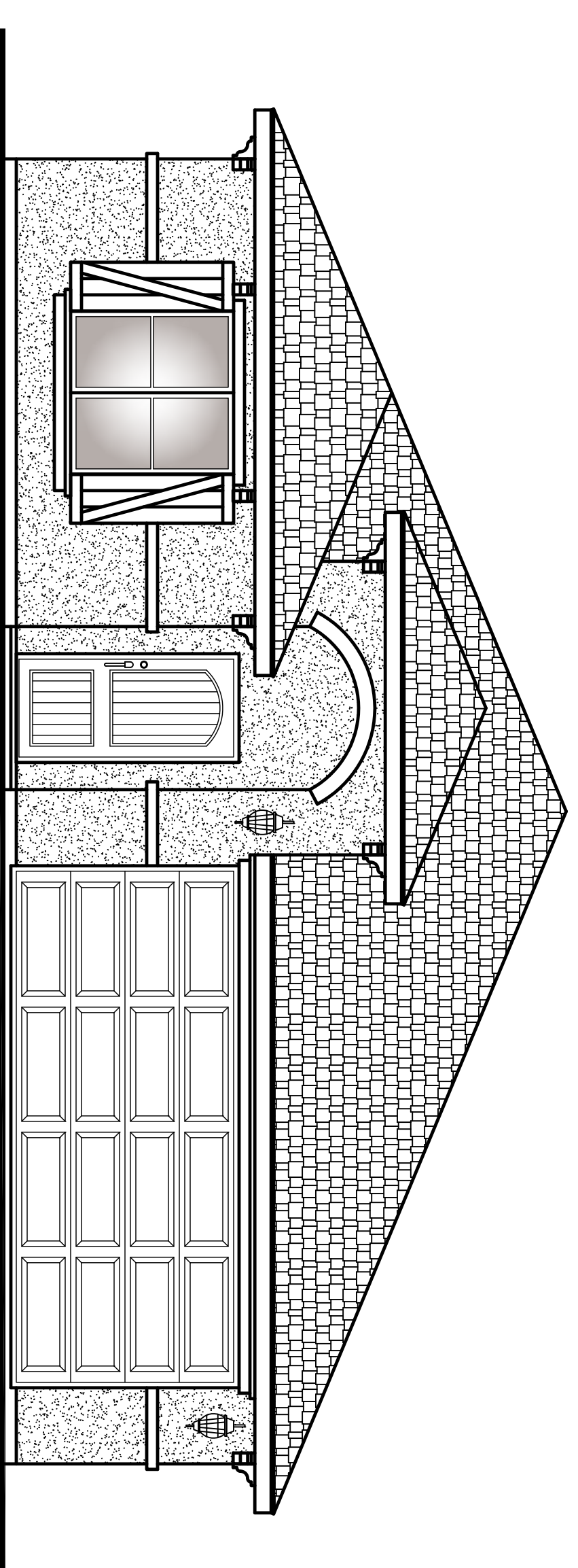
The Avon Elevation 'C'
Upgraded Elevation



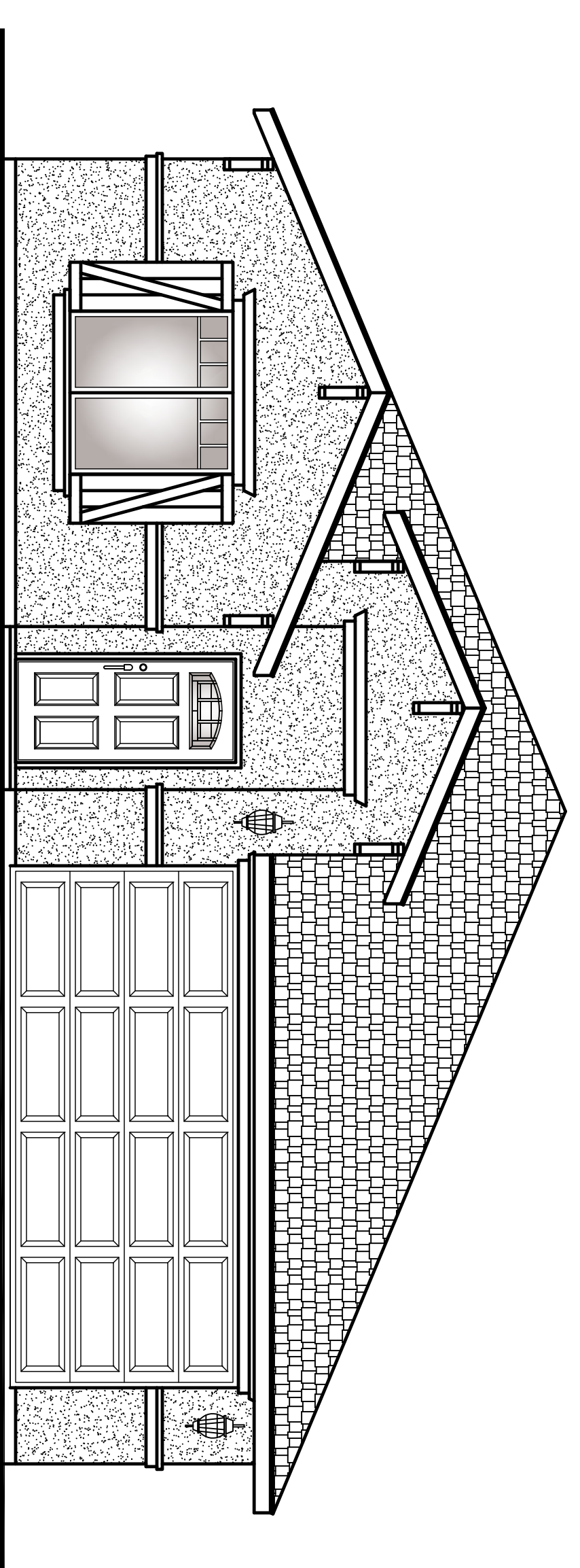
The Avon 1364 Plan



The Avon Elevation 'A'
Standard Elevation



The Avon Elevation 'B'
Standard Elevation



The Avon Elevation 'C'
Standard Elevation

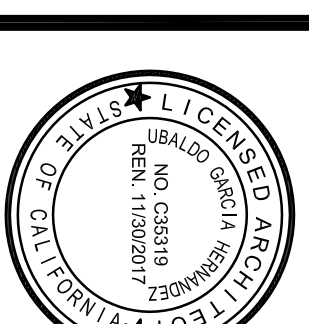
Area:

LIVING SPACE: 1364 sq. ft.
PATIO: 66 sq. ft.
GARAGE: 433 sq. ft.
PORCH: 42 sq. ft.
TOTAL AREA: 1907 sq. ft.

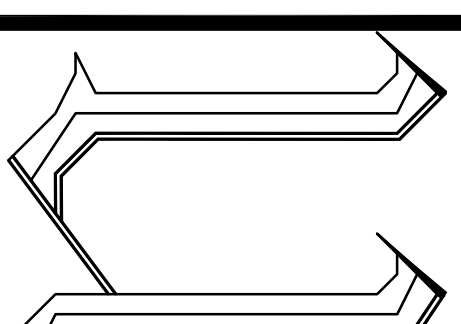
The Avon 1364 Standard Plan

A1

OWNER:
The Successor Housing Agency
to the Former Redevelopment Agency
428 East Yosemite Avenue
Madera, California 93638
Phone: (559) 661-5110
Fax: (559) 674-7018

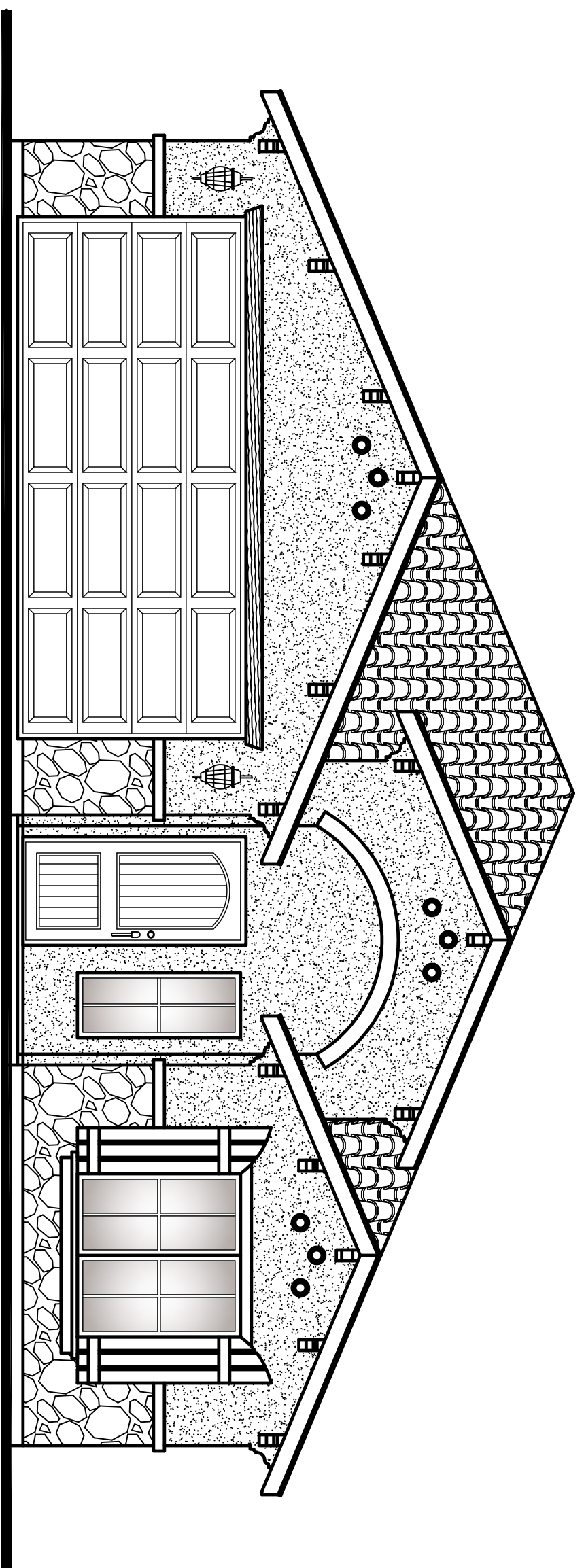


Villa Di Ubaldo
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Ubaldo Garcia Hernandez
PO BOX 925 MADERA, CA 93639 Architect Lic. No. C-35319
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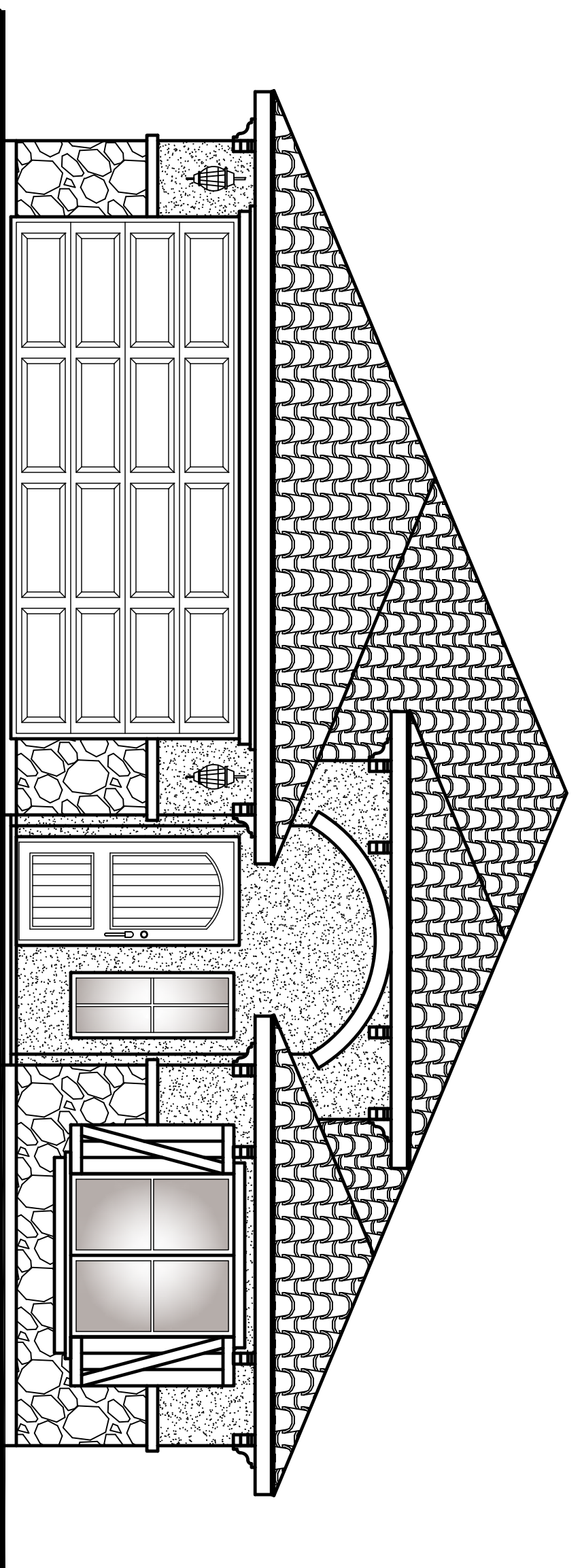


PRECISE PLAN AMENDMENT

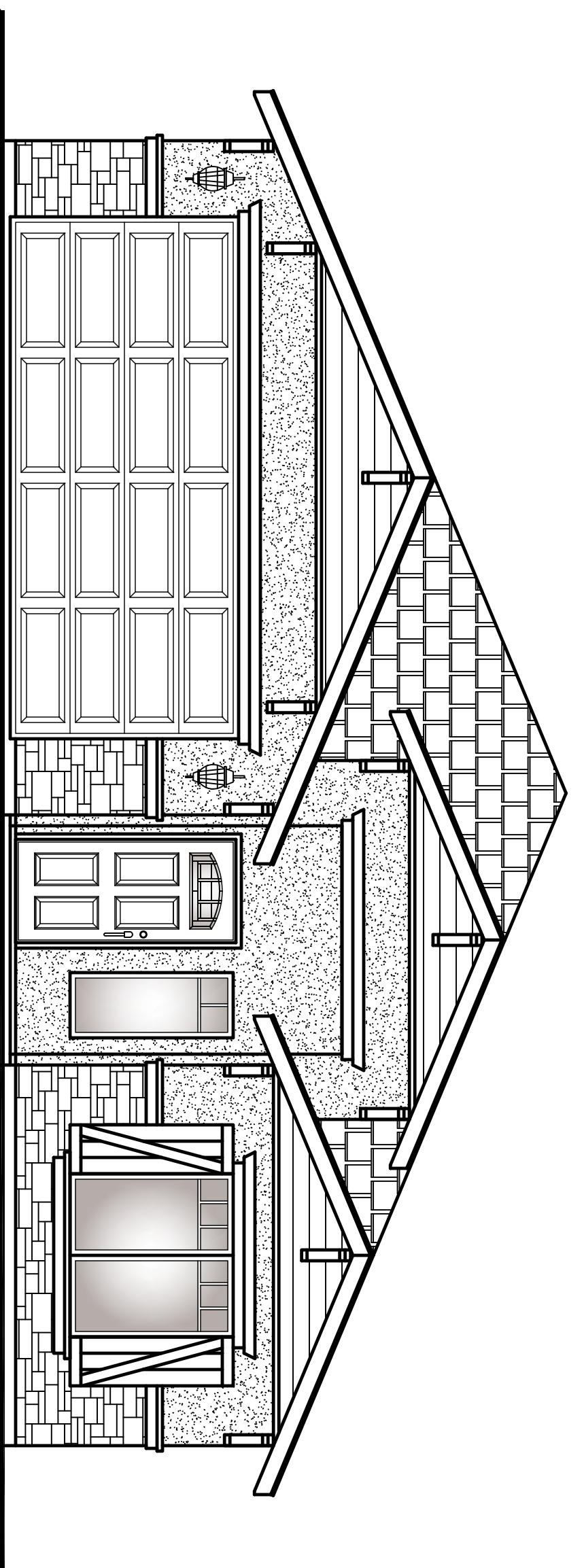
The Triveni 1450 Standard Plan



The Triveni Elevation 'A'
Upgraded Elevation



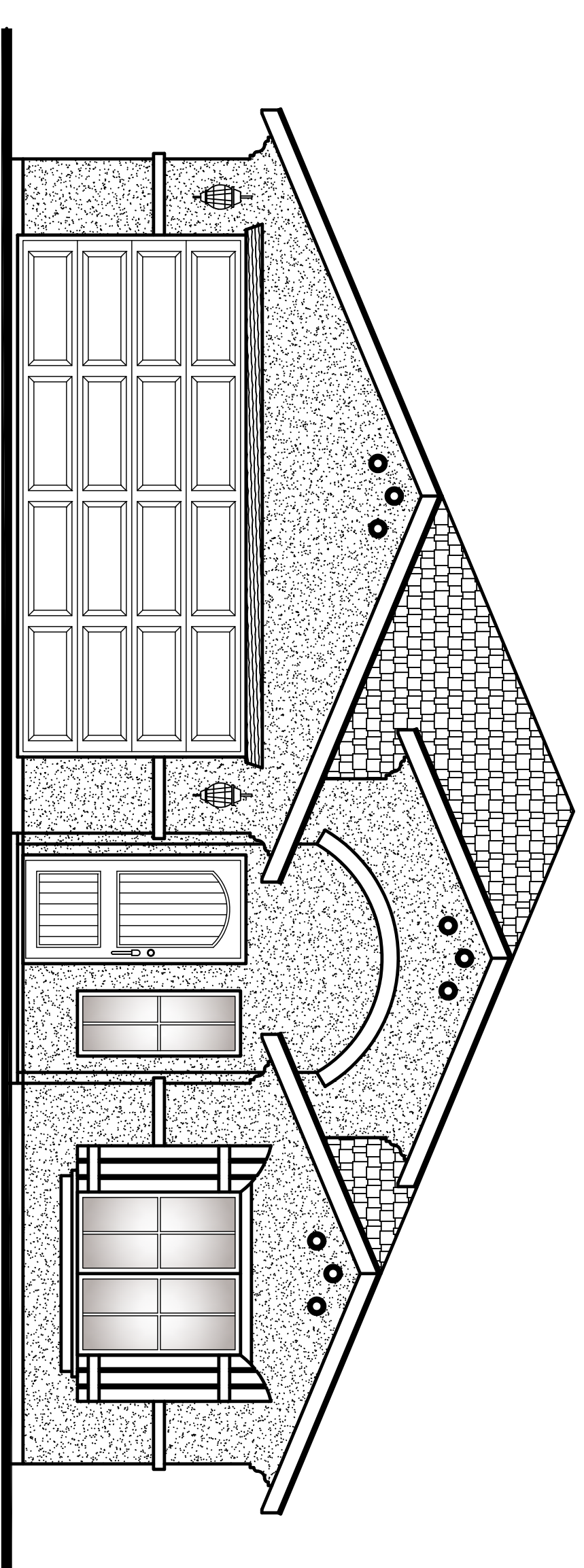
The Triveni Elevation 'B'
Upgraded Elevation



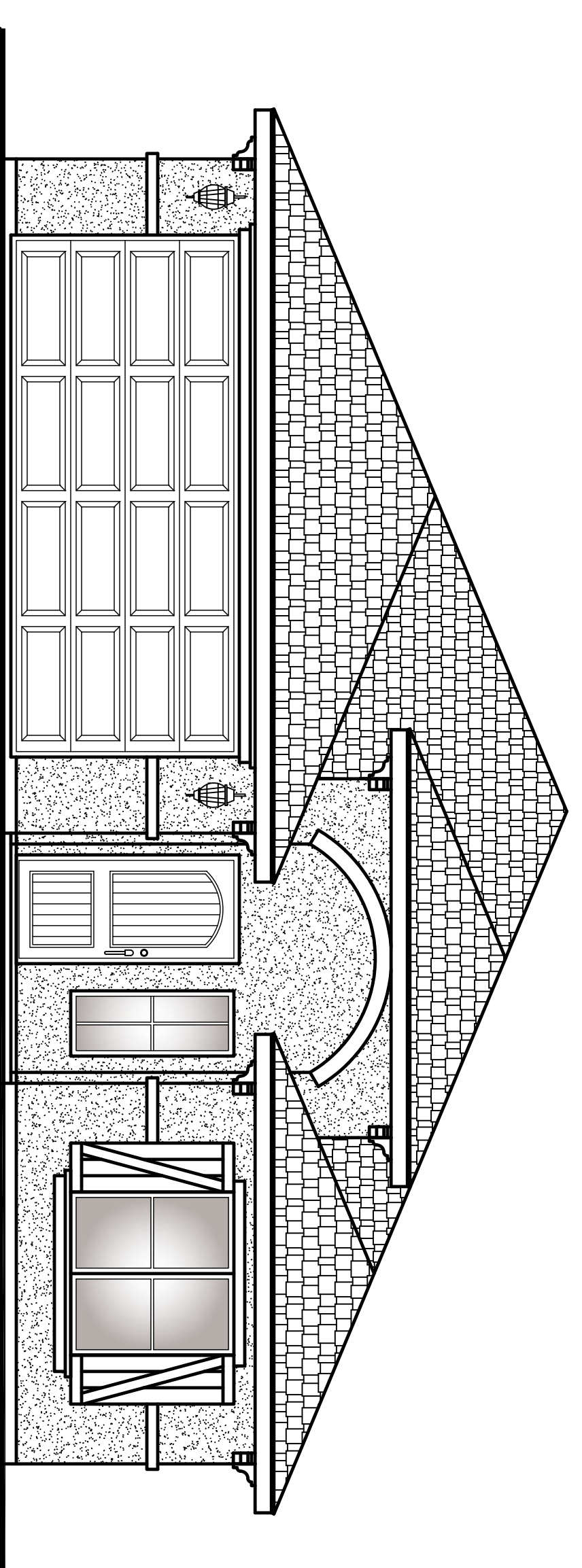
The Triveni Elevation 'C'
Upgraded Elevation



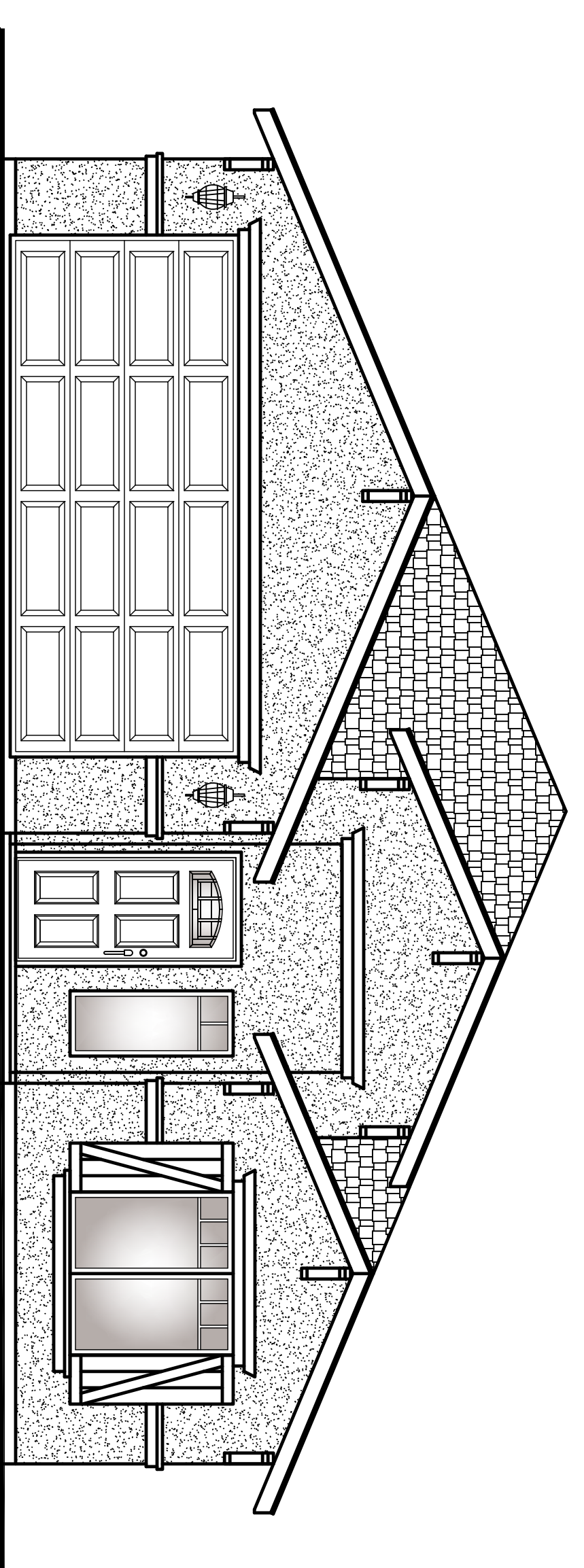
The Triveni 1450 Floor Plan



The Triveni Elevation 'A'
Standard Elevation



The Triveni Elevation 'B'
Standard Elevation



The Triveni Elevation 'C'
Standard Elevation

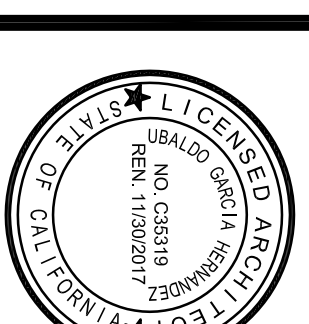
Area:

LIVING SPACE: 1450 sq. ft.
GARAGE: 420 sq. ft.
PORCH: 54 sq. ft.
TOTAL AREA: 2002 sq. ft.

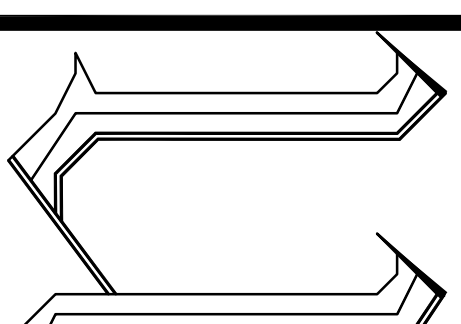
The Triveni 1450 Standard Plan

A1

OWNER:
The Successor Housing Agency
to the Former Redevelopment Agency
428 East Yosemite Avenue
Madera, California 93638
Phone: (559) 661-5110
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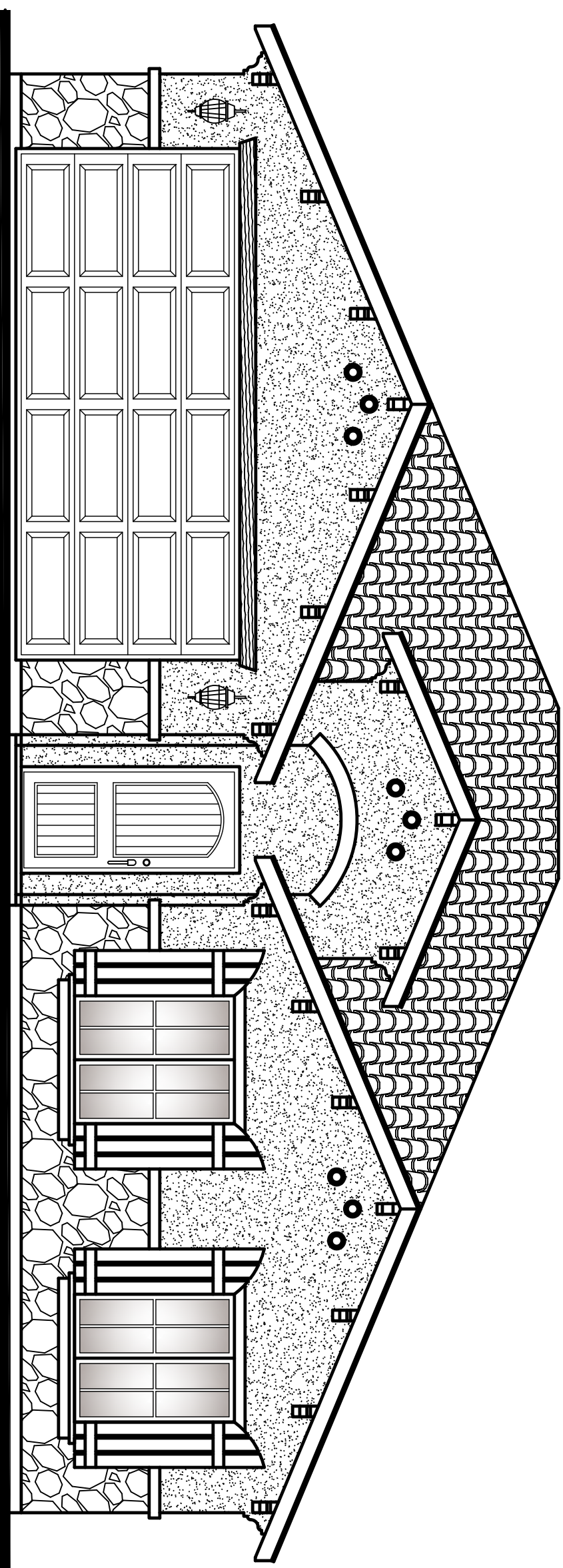


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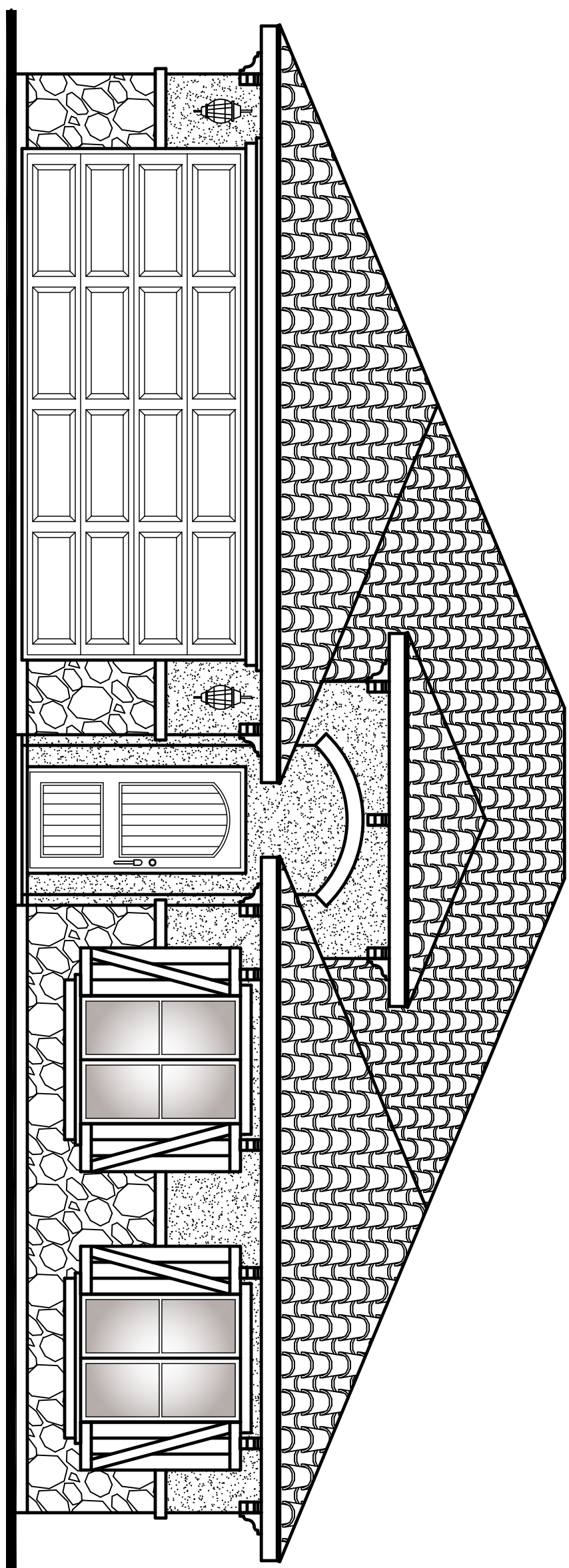


PRECISE PLAN AMENDMENT

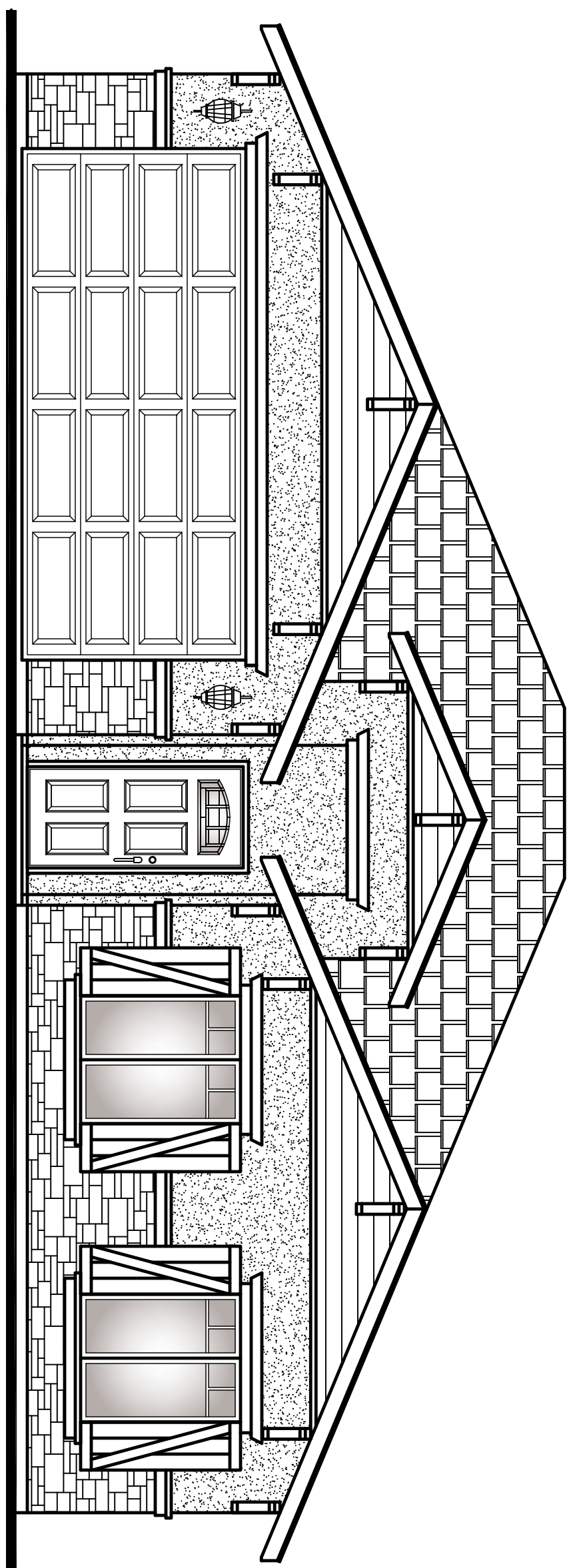
The Delta 1452 Standard Plan



Upgraded Elevation



The Delta Elevation 'B'
Upgraded Elevation



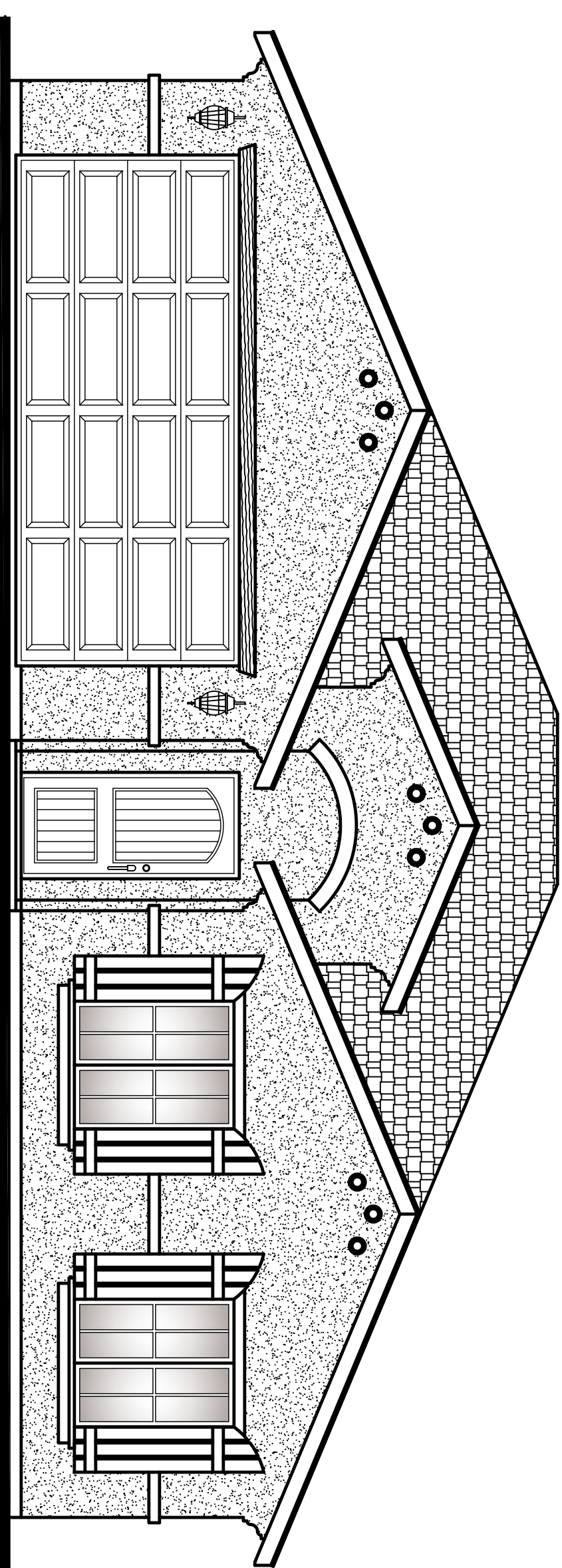
The Delta Elevation 'C'
Upgraded Elevation



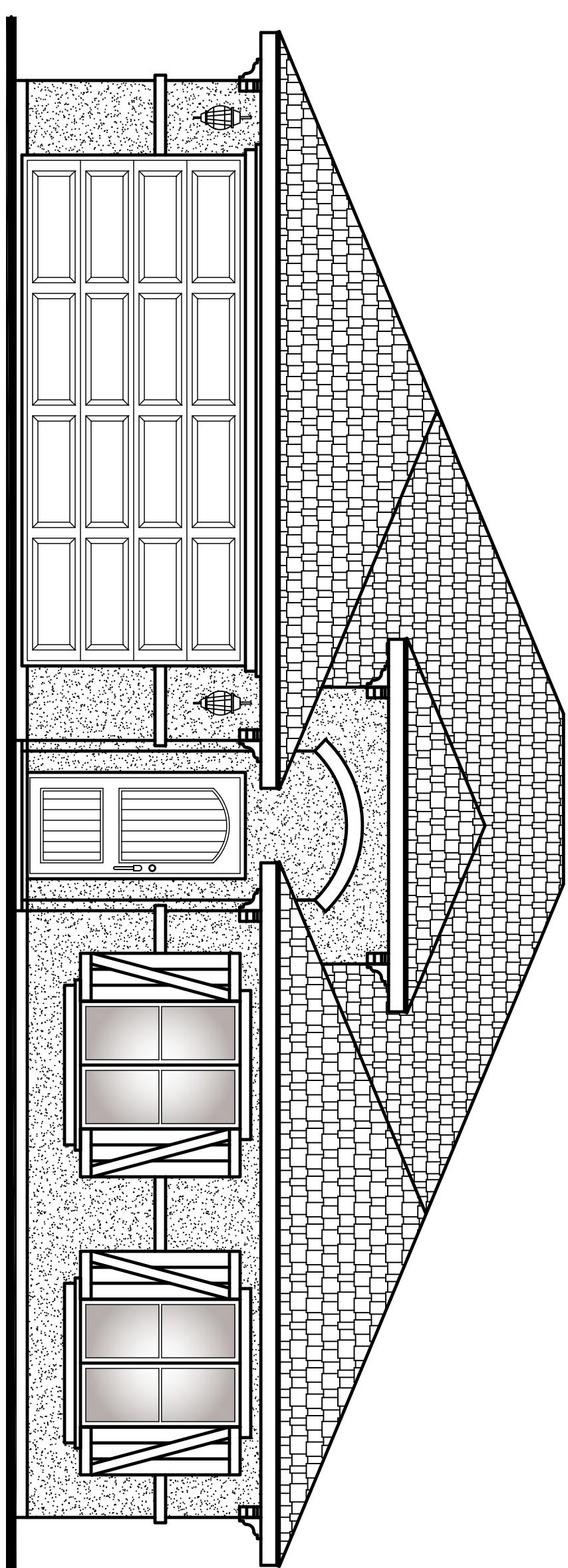
The Delta 1452 floor plan

Area:

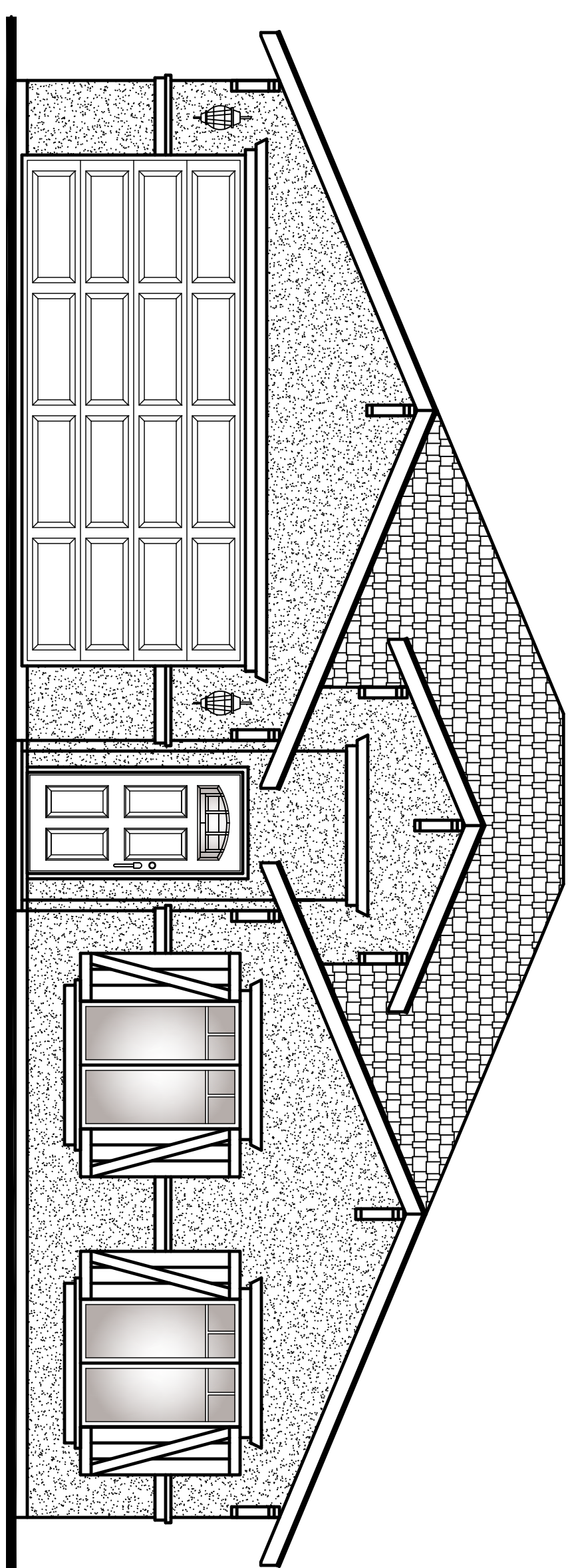
LIVING SPACE: 1452 sq. ft.
 PATIO: 202 sq. ft.
 GARAGE: 432 sq. ft.
 PORCH: 43 sq. ft.
 TOTAL AREA: 2109 sq. ft.



Standard Elevation



The Delta Elevation 'B'
Standard Elevation



The Delta Elevation 'C'
Standard Elevation

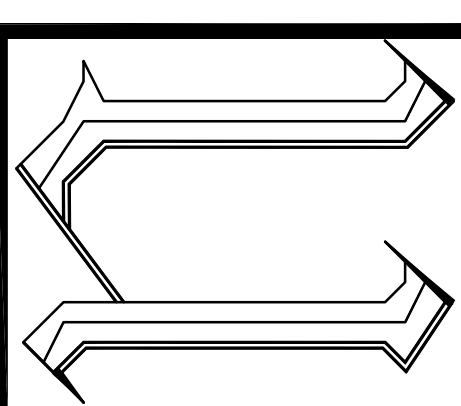
The Delta 1452 Standard Plan

A1

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 The Successor Housing Agency
 to the Former Redevelopment Agency
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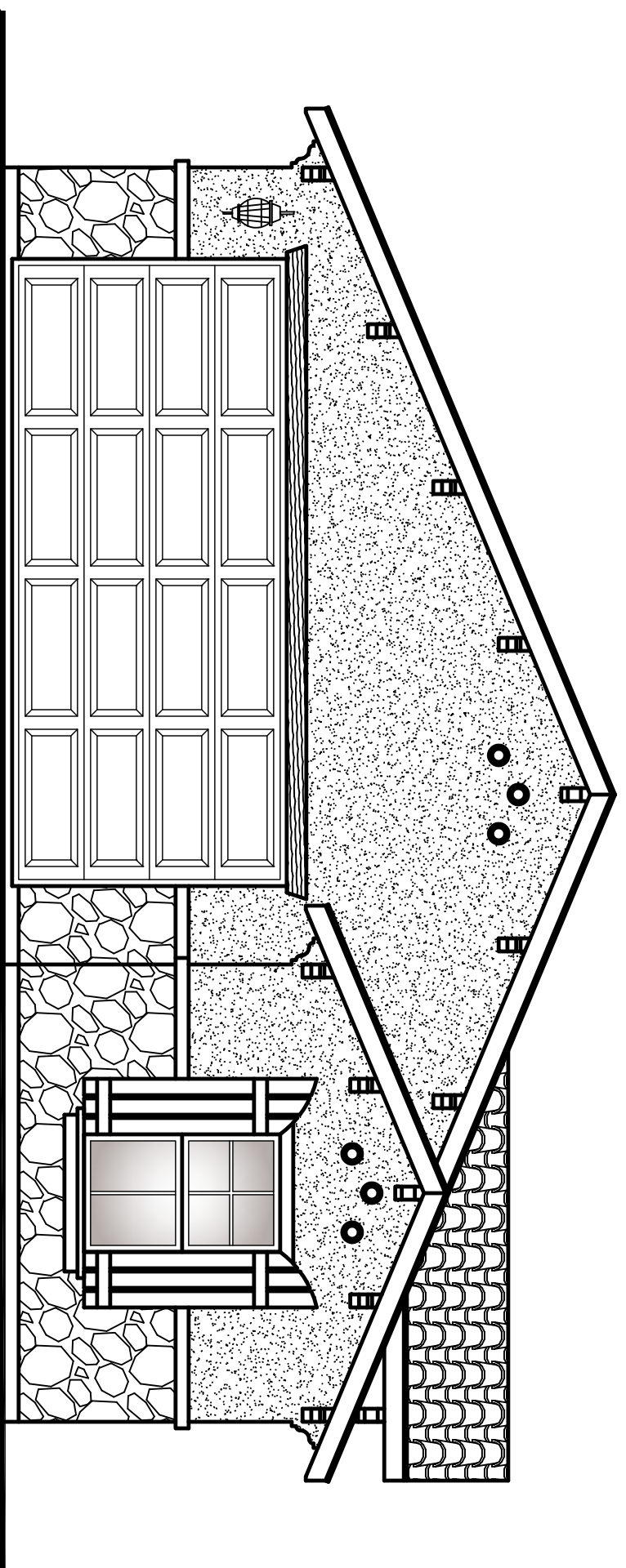


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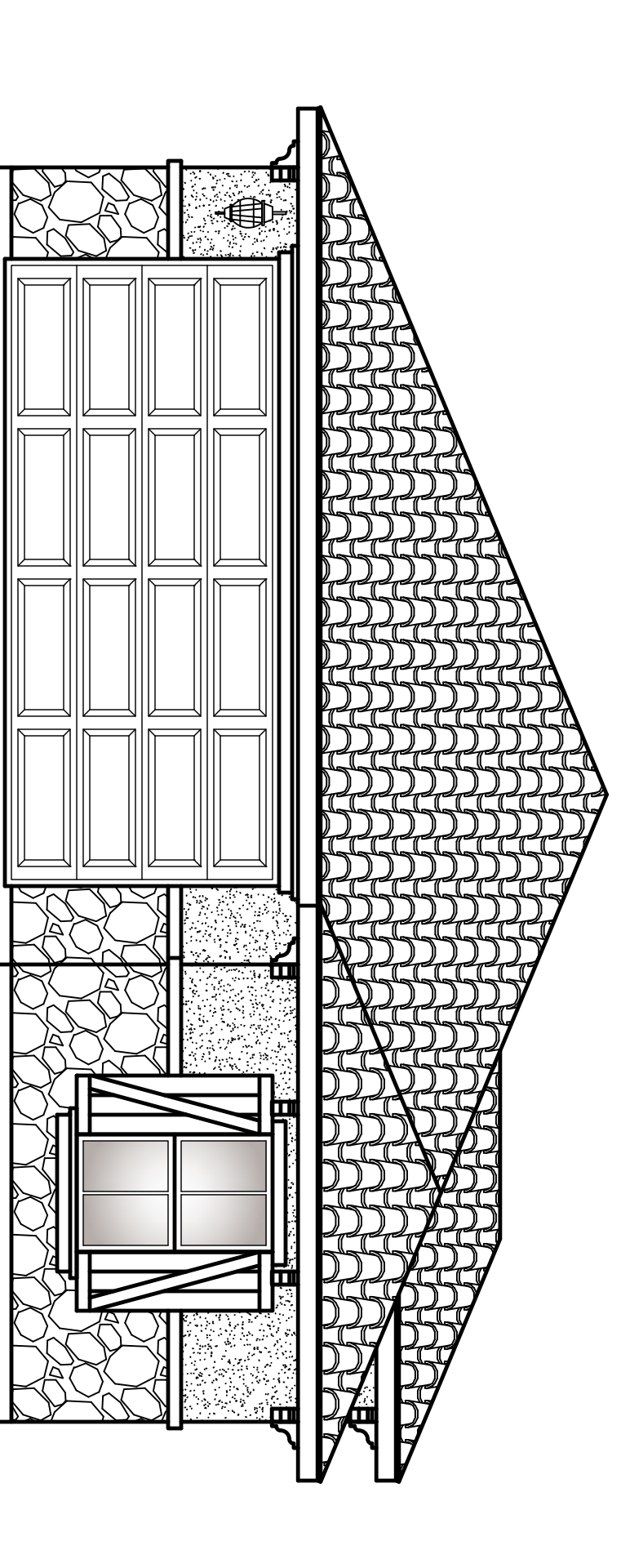


PRECISE PLAN AMENDMENT

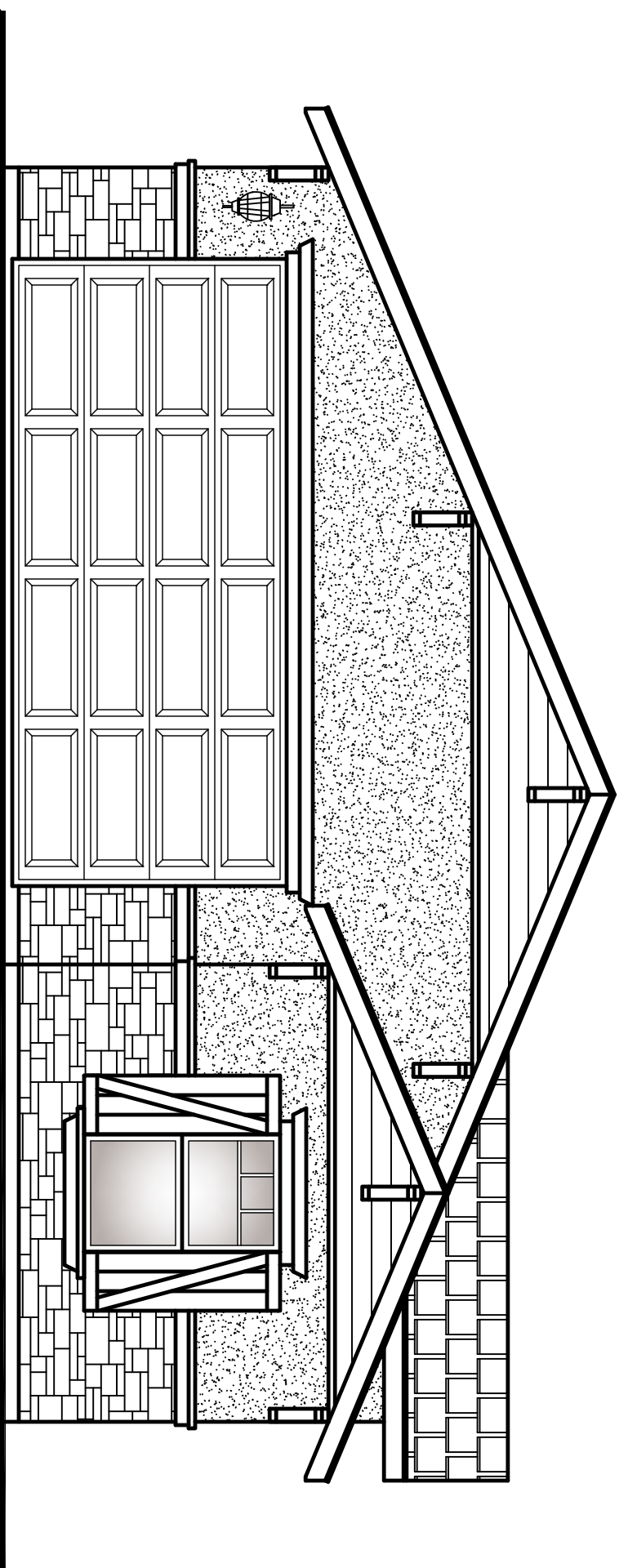
The Delaney 1493 Standard Plan



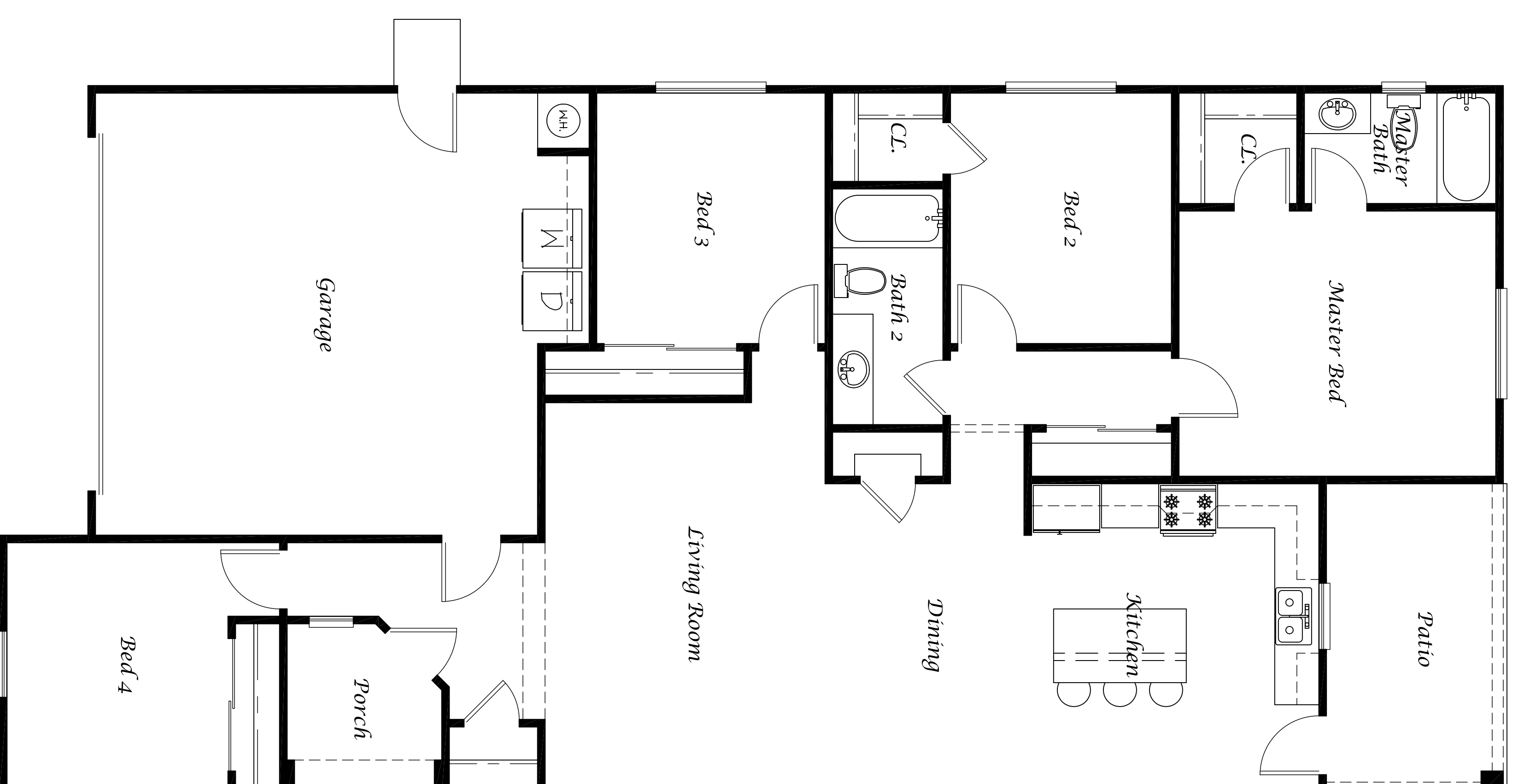
The Delaney Elevation 'A'
Upgraded Elevation



The Delaney Elevation 'B'
Upgraded Elevation



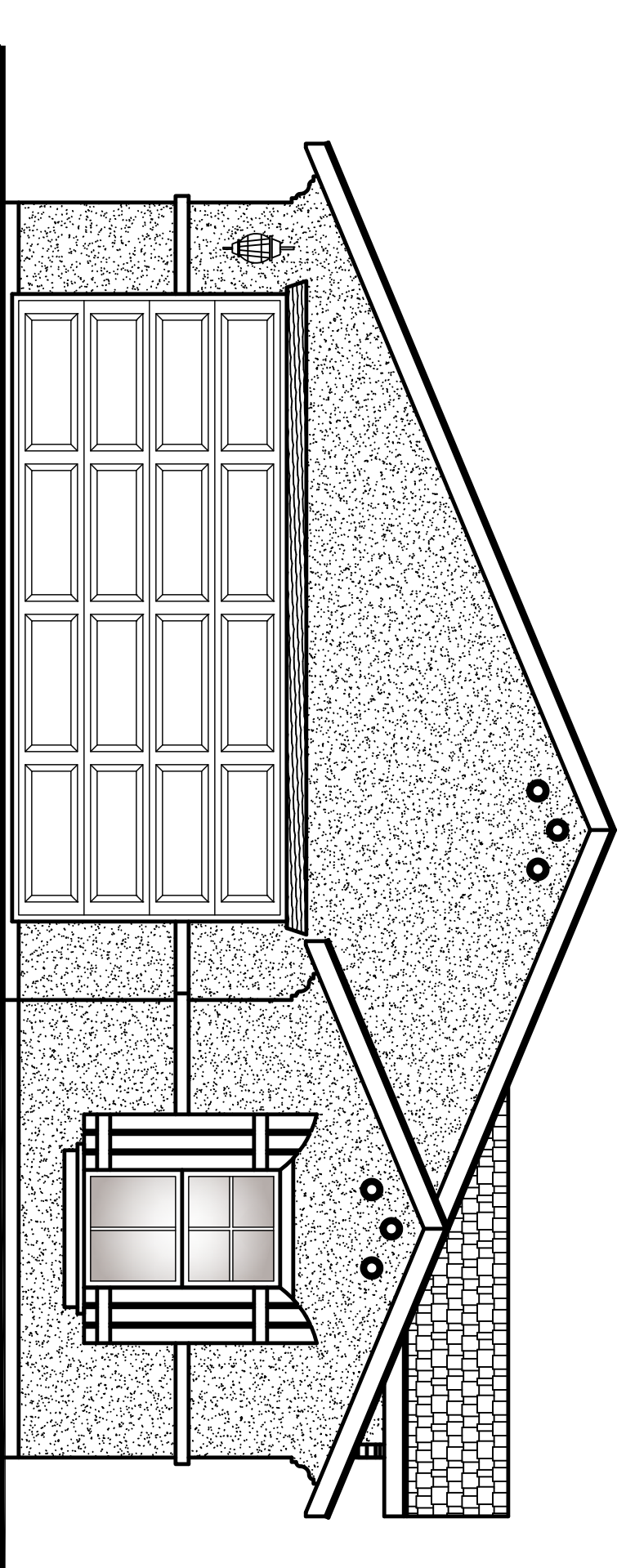
The Delaney Elevation 'C'
Upgraded Elevation



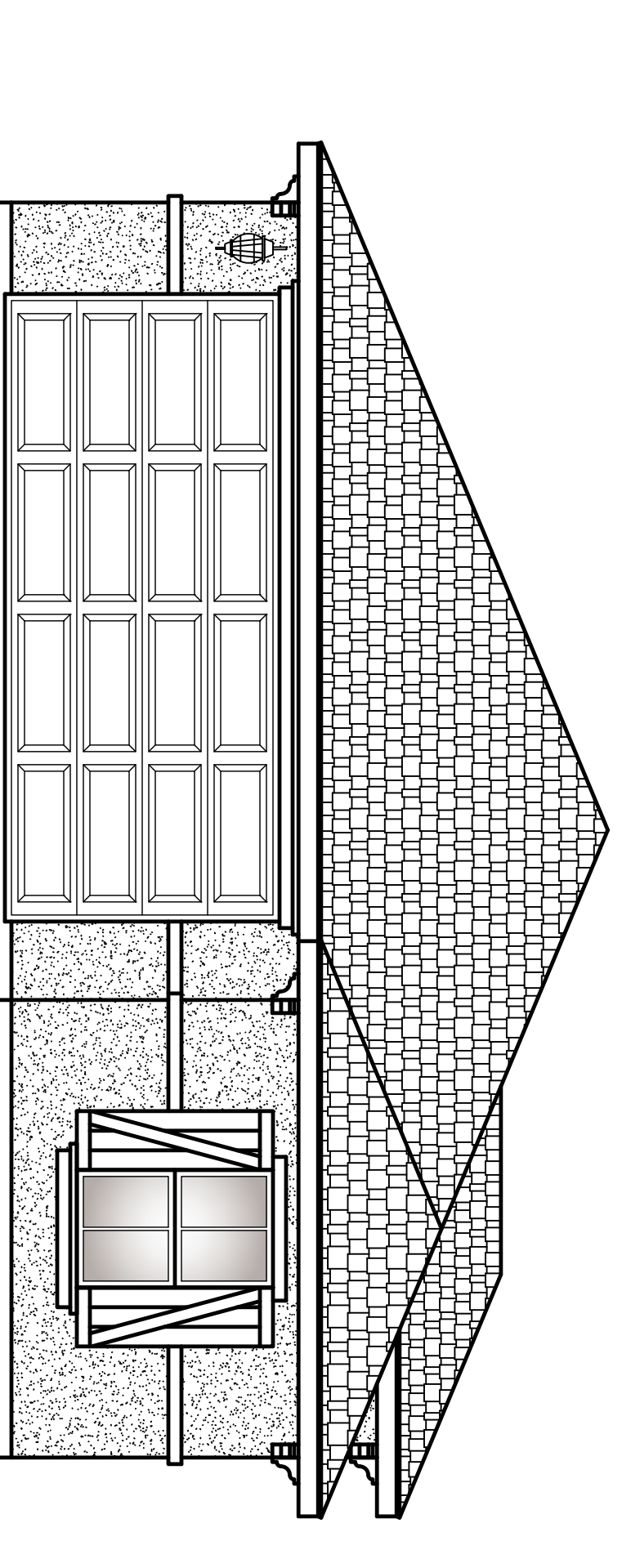
The Delaney 1493 floor Plan

Area:

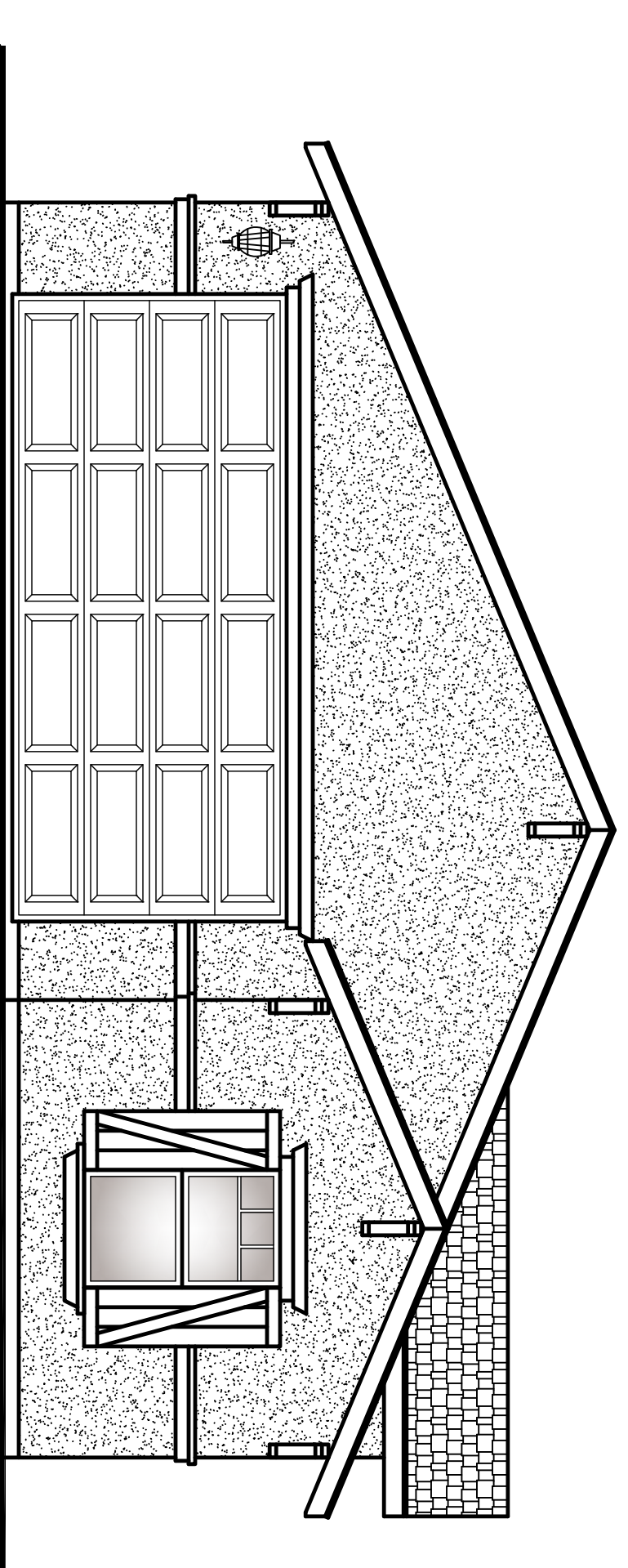
LIVING SPACE: 1493 sq. ft.
 PATIO: 112 sq. ft.
 PORCH: 49 sq. ft.
 TOTAL AREA: 2054 sq. ft.



The Delaney Elevation 'A'
Standard Elevation



The Delaney Elevation 'B'
Standard Elevation

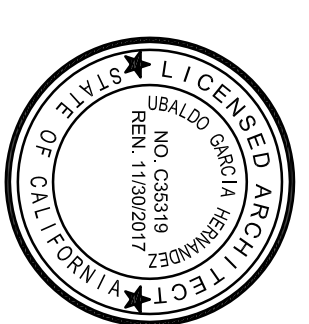


The Delaney Elevation 'C'
Standard Elevation

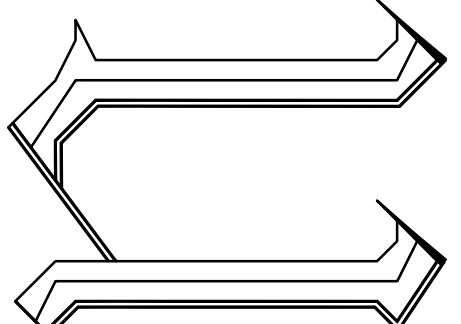
The Delaney 1493 Standard Plan

A1

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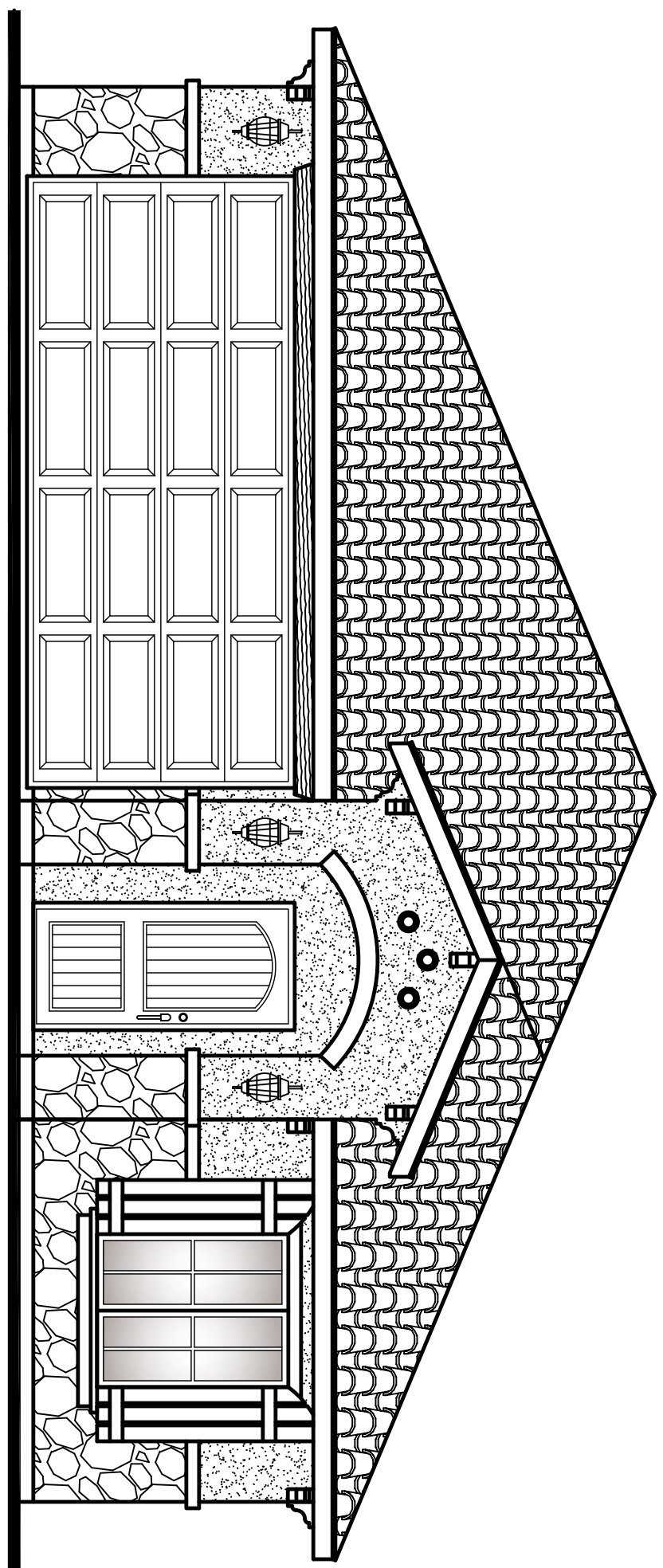


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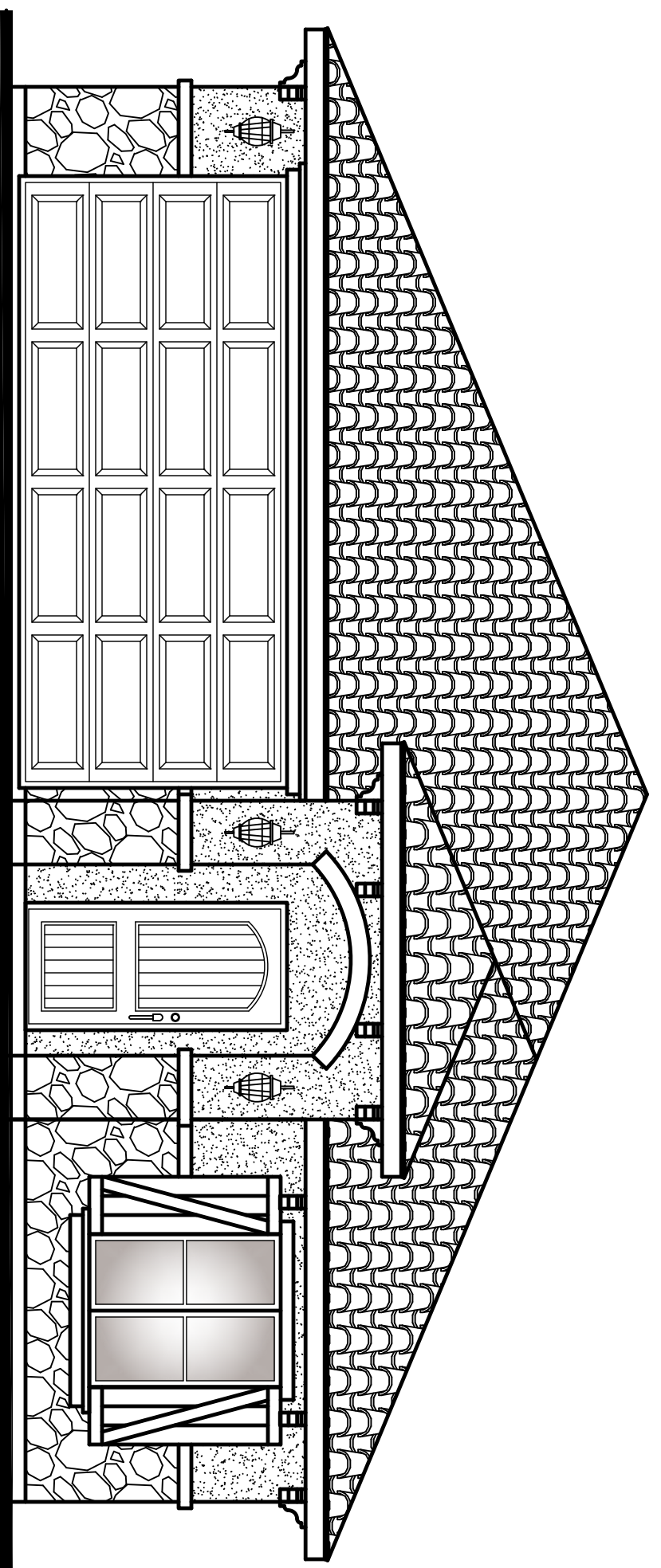
PRECISE PLAN AMENDMENT

The Jordana 1509 Standard Plan



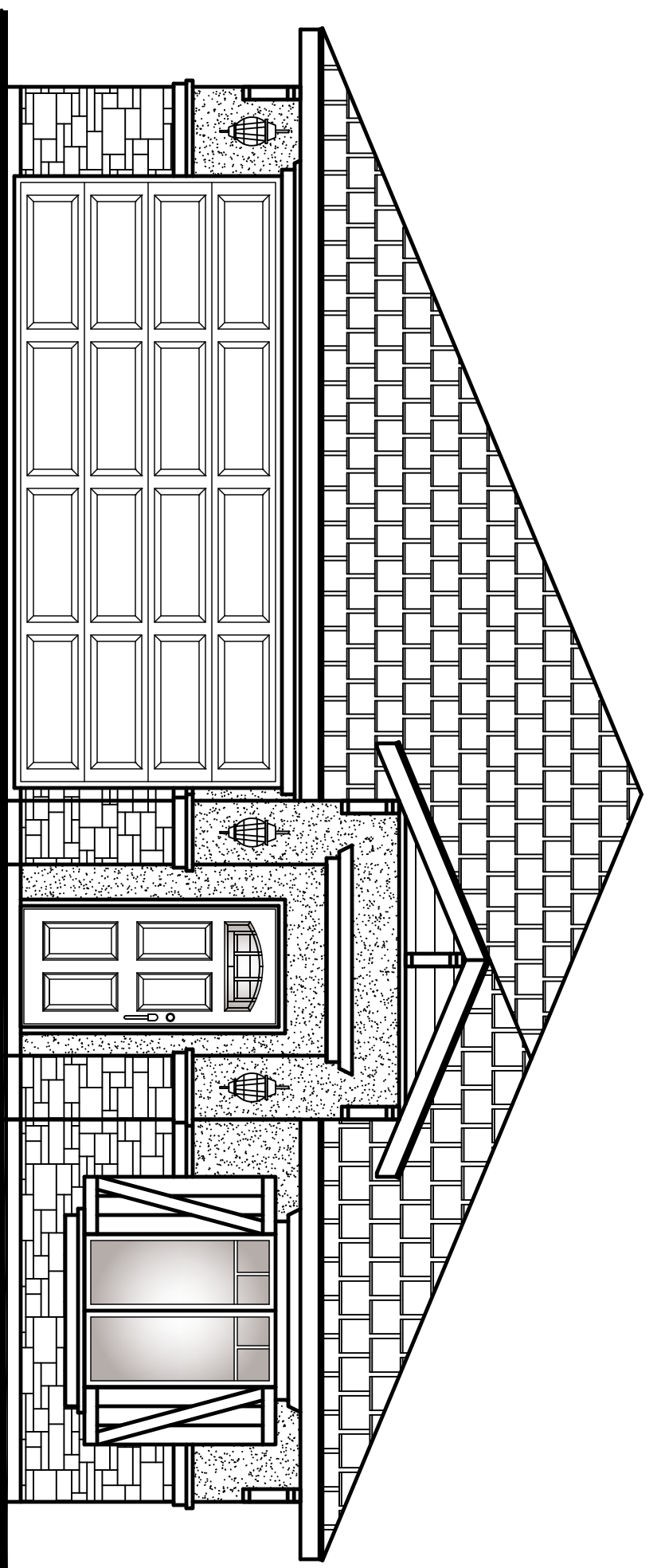
The Jordana Elevation 'A'

Upgraded Elevation



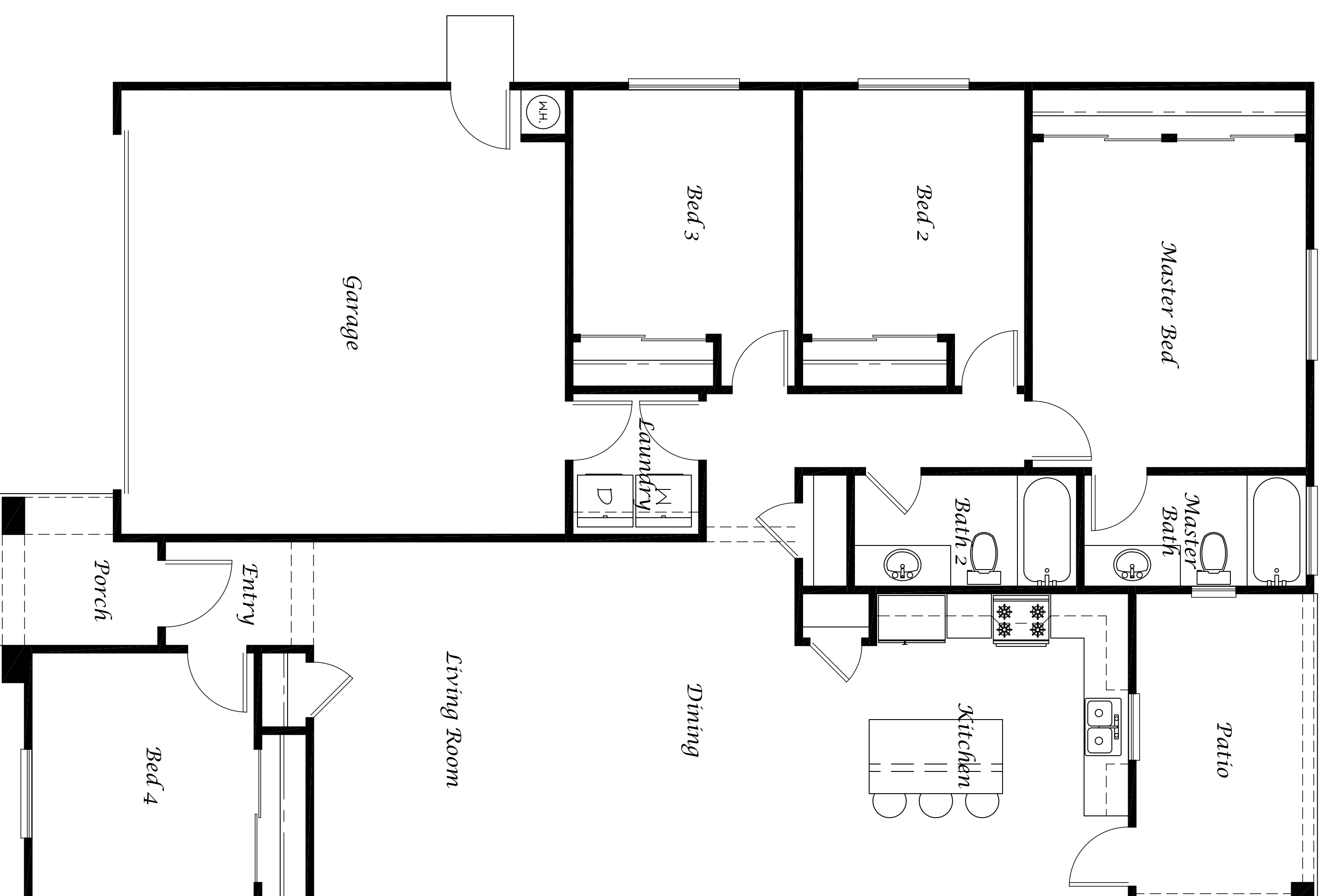
The Jordana Elevation 'B'

Upgraded Elevation



The Jordana Elevation 'C'

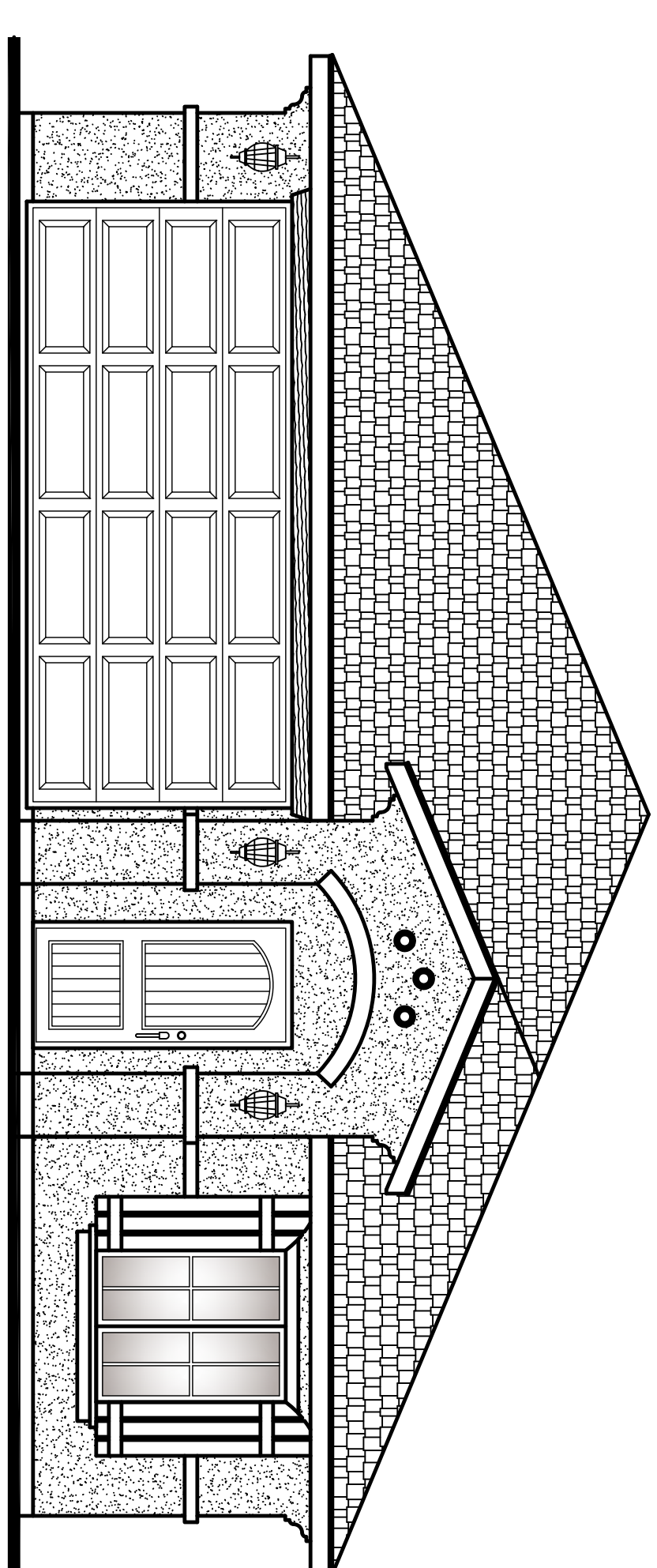
Upgraded Elevation



The Jordana 1509 Floor Plan

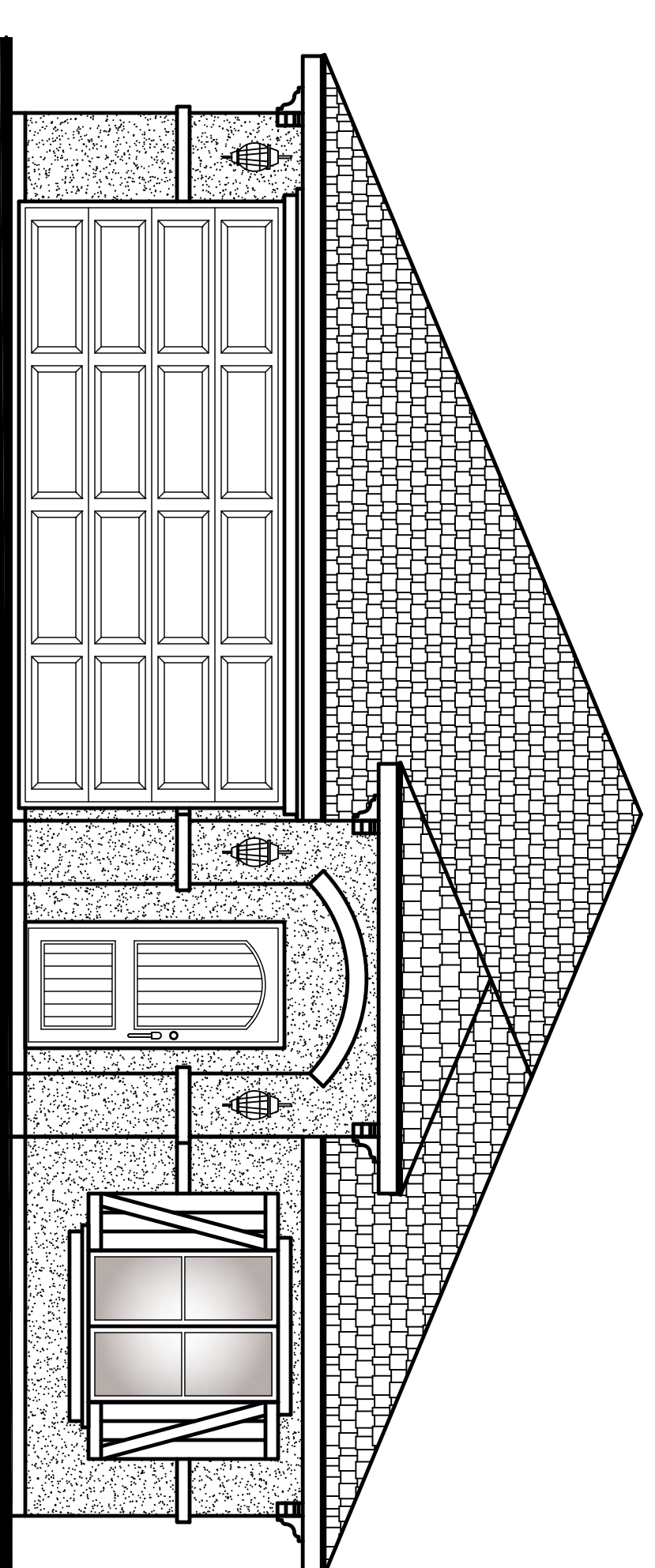
Area:

LIVING SPACE: 1507 sq. ft.
 GARAGE: 414 sq. ft.
 PORCH: 44 sq. ft.
 TOTAL AREA: 2071 sq. ft.



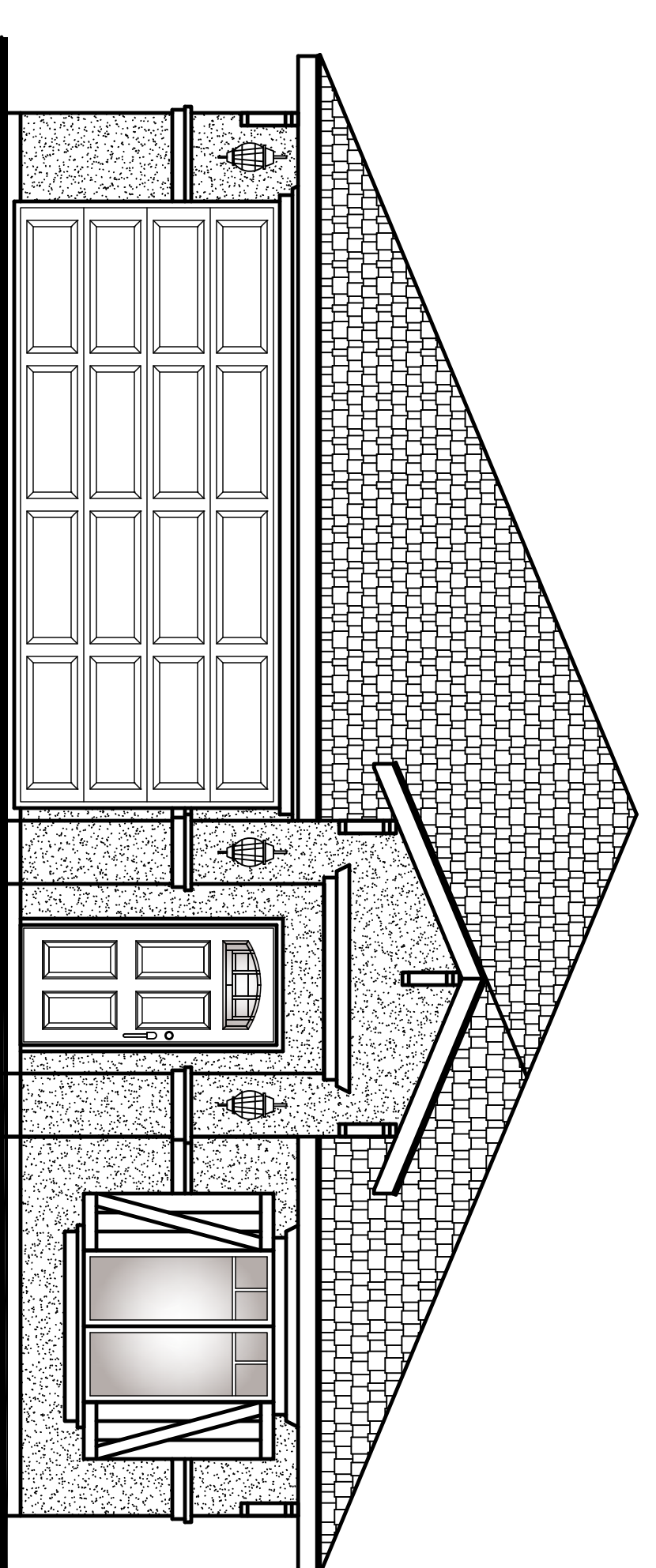
The Jordana Elevation 'A'

Standard Elevation



The Jordana Elevation 'B'

Standard Elevation



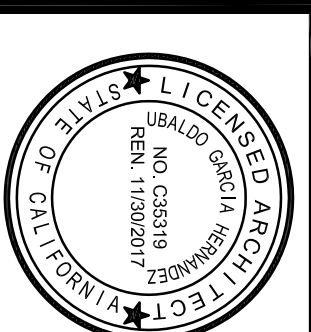
The Jordana Elevation 'C'

Standard Elevation

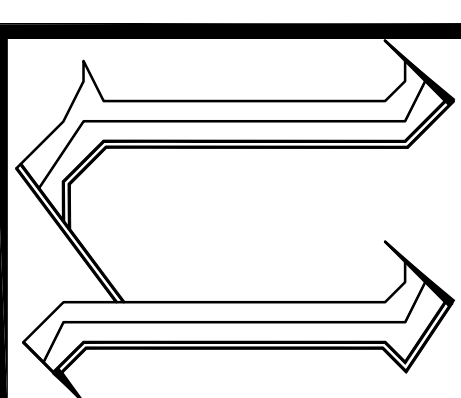
The Jordana 1509 Standard Plan

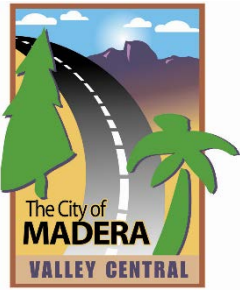
A1

OWNER:
 The Successor Housing Agency
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CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Koinonia Spa & Wellness Boutique
CUP 2016-34, SPR 2016-56 & Environmental Determination
Item #3 - January 10, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the establishment of a massage and cosmetic body art business in an existing 1,533 square foot tenant suite on a C1 (Light Commercial) Zone District property.

APPLICANT:	Monica Morgan	OWNER:	Pascual & Eufrocina Rivera
ADDRESS:	118 North Gateway Drive	APN:	010-093-002
APPLICATION:	CUP 2016-34, SPR 2016-56	CEQA:	Categorical Exemption

LOCATION: The property is located west on North Gateway Drive, approximately 250 feet north of its intersection with East Yosemite Avenue (118 North Gateway Drive).

STREET ACCESS: The site has access to North Gateway Drive and East Yosemite Avenue.

PARCEL SIZE: Approximately 0.35 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The project site is west on North Gateway Drive within an existing commercial tenant suite. Businesses within close proximity of the site include Maria's Burger Bar, Yum Yum Donuts, Valley Feed and Buggy Car Wash. The Madera County Library is directly southwest of the project site, separated by the alleyway.

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

SUMMARY: Koinonia Spa & Wellness Boutique is proposing to establish their massage and cosmetic body art business within the Gateway Drive commercial corridor. The cosmetic body art business component includes a process called micro-blading, or semi-permanent eyebrow tattooing. A massage and cosmetic body art business is not specifically addressed within the Zoning Ordinance for a C1 (Light Commercial) Zone District and requires approval of a conditional use permit by the Planning Commission. Parking standards are exempt due to the building being constructed prior to August 1, 1974, per MMC § 10-3.1205. Conditions of approval ensure that site improvements are consistent with current City standards.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.801 Light Commercial Uses

MMC § 10-3.1301 Use Permits

MMC § 10-3.4.0102 Site Plan Review Applicability

MMC § 10-3.1205 Exemptions from Parking Space Requirements

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 permit 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

The two-story, multi-tenant building has been utilized by a varying number of uses over time. Conditional Use Permit 1992-38 allowed for the establishment of a retail, antique, collectible and used furniture business. Most recently, CUP 2013-31 allowed for the establishment of a billiard parlor and video arcade business.

ANALYSIS

Operations

Koinonia Spa and Wellness Boutique proposes to establish a massage and cosmetic body art business in addition to other services which include facials, make-up and eyelash extensions. The cosmetic body art business component can be specified as semi-permanent eyebrow tattooing, also known as "micro-blading." Unlike permanent eyebrow tattooing, micro-blading lasts between eighteen (18) months and three (3) years. The micro-blade used during the process is disposable after one session. The massage and micro-blading uses would occur in a separate room located at the back of the suite with the other services occurring at the front of the suite. The business would also sell boutique products, such as creams, purses, jewelry, clothing and other similar products. The hours of operation would be from as early as 8:00 a.m. until as late as 9:00 p.m., seven (7) days a week.

Use Permit Applicability

A massage and cosmetic body art business or use is not specifically addressed in the C1 (Light Commercial) Zone District. No one use or combination of uses closely resembles a massage and cosmetic body art business within the use table. "Clinics" (medical and dental) is the closest use to the proposed massage and cosmetic body art business request. Within the C1 (Light Commercial) Zoning Ordinance, other uses require approval of a conditional use permit by the Planning Commission based on the following parameters:

- The use is "similar in character" to the surrounding commercial services.
- The use is "not more detrimental to the welfare of the neighborhood" in which it is located.

If the use satisfies these parameters, then the use may be a permitted use in the proposed location, subject to the approval of a use permit by the Planning Commission.

Parking

Since the building on the project site was built prior to August 1, 1974, the building is exempt from the City's off-street parking requirements per MMC § 10-3.1205. Although the parking standards are not applicable, there is a parking lot with twenty-seven (27) parking stalls located at the rear of the building which takes access from the alleyway. Two (2) of the twenty-seven (27) parking stalls are handicap accessible.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a massage 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 shopping center can accommodate the establishment of a massage and cosmetic body art business. Staff recommends conditional approval of Conditional Use Permit 2016-34 and Site Plan Review 2016-56.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2016-34 and Site Plan Review 2016-56, determining to either:

- approve the applications
- continue the hearing, or
- deny the applications

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

Motion 1: Move to approve the request for Conditional Use Permit 2016-34 and Site Plan Review 2016-56 based on and subject to the findings and conditions of approval as listed:

Findings

- This project is categorically exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.
- The operation of a massage and cosmetic body art business is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development 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 Conditional Use Permit 2016-34 within one year following the date of this approval shall render the conditional use permit null and void unless a written request for an extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-34 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 2016-34 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
5. Site Plan Review 2016-56 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-56.
7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

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

Engineering Department

General

10. Nuisance on-site lighting shall be redirected as requested by the City Engineer, within 48 hours of notification.
11. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to the following: encroachment permit processing and improvement inspection fees.
12. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Sewer

13. Existing sewer service connection shall be upgraded to include sewer cleanout per City standards, if not already in place.

Water

14. The existing water service connection shall be upgraded to include a backflow prevention device per City standards.

Fire Department

15. Portable fire extinguishers shall be required. A minimum of one 2A10BC-rated fire extinguisher for each 3,000 square feet, or fraction thereof, within a maximum travel distance of 75 feet.
16. Building permits shall be required for any alterations made to the structure.
17. A new key is required for the existing key box if the locks are re-keyed.

Planning Department

General

18. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
19. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
20. The property owner, manager and the applicant shall keep the property clear of all trash, rubbish and debris at all times; dumping of refuse shall be restricted to the dumpster/refuse containers belonging to the subject property.
21. 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.

Massage and Cosmetic Body Art Business

22. Conditional Use Permit 2016-34 allows for the establishment of a massage and cosmetic body art business within an existing 1,533 square foot tenant suite at 118 North Gateway Drive (APN: 010-093-002).

23. The massage and cosmetic body art business shall operate consistent with the approved floor plan and operational statement. Alterations to the approved floor plan and/or the approved operational statement shall require amendment of Conditional Use Permit 2016-34 and/or Site Plan Review 2016-56.
24. The hours of operation shall occur as early as 8:00 a.m. until as late as 10:00 p.m., seven (7) days a week.

Landscaping

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

Signage

26. 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.

Walls and Fences

27. The property owner shall construct a new masonry block trash enclosure with a finish and color similar to the primary structure, built to City standards, to hold two bins prior to occupancy and issuance of a business license for the massage and cosmetic body art business (Koinonia Spa & Wellness Boutique). The location of the trash enclosure shall be approved by the Planning Manager.

(OR)

Motion 2: Move to continue the request for Conditional Use Permit 2016-34 and Site Plan Review 2016-56 to the February 14, 2017 Planning Commission meeting: (specify)

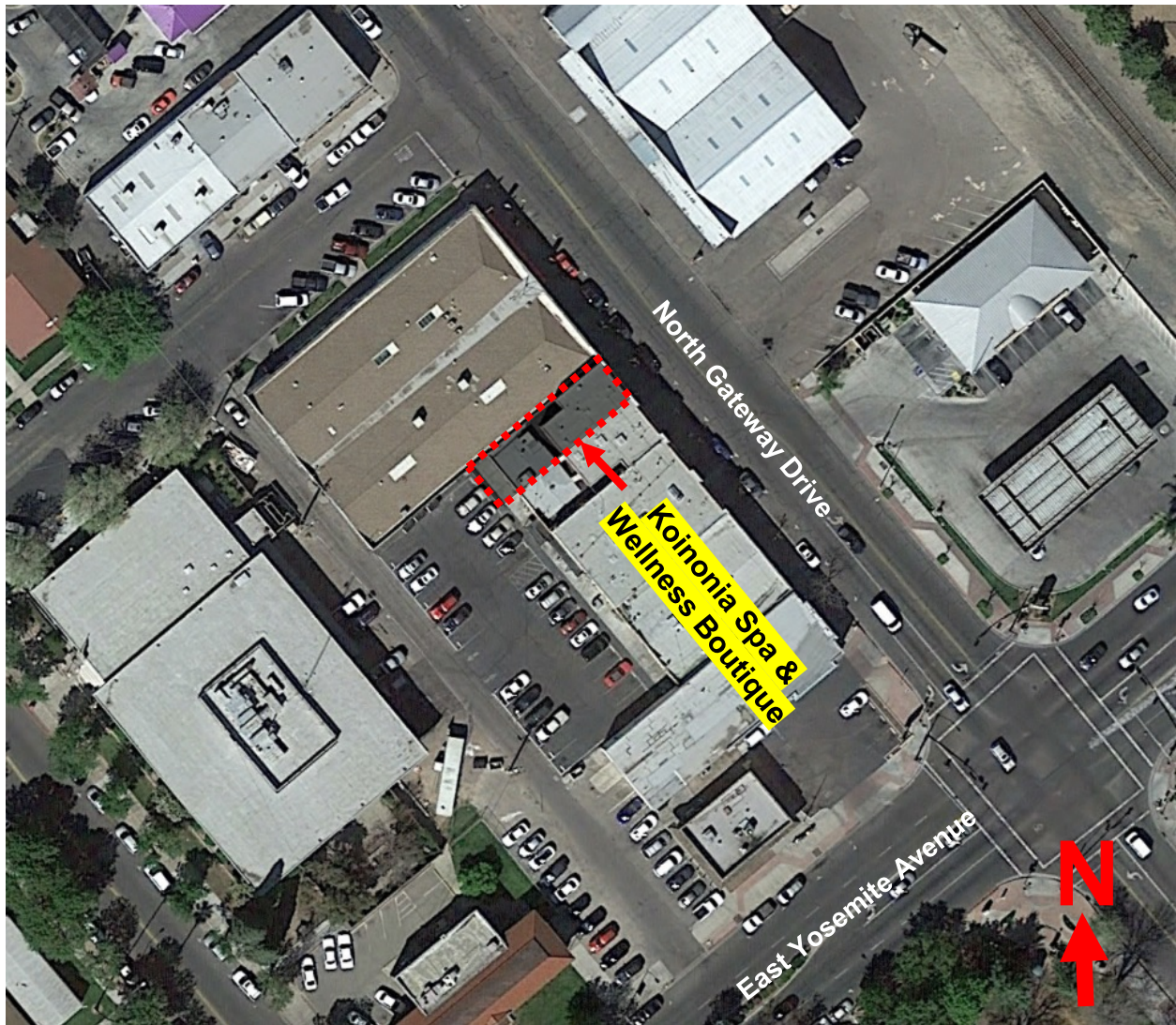
(OR)

Motion 3: Move to deny the request for Conditional Use Permit 2016-34 and Site Plan Review 2016-56 based on the following findings: (specify)

ATTACHMENTS

Aerial Photo
Site Plan

Aerial Photo

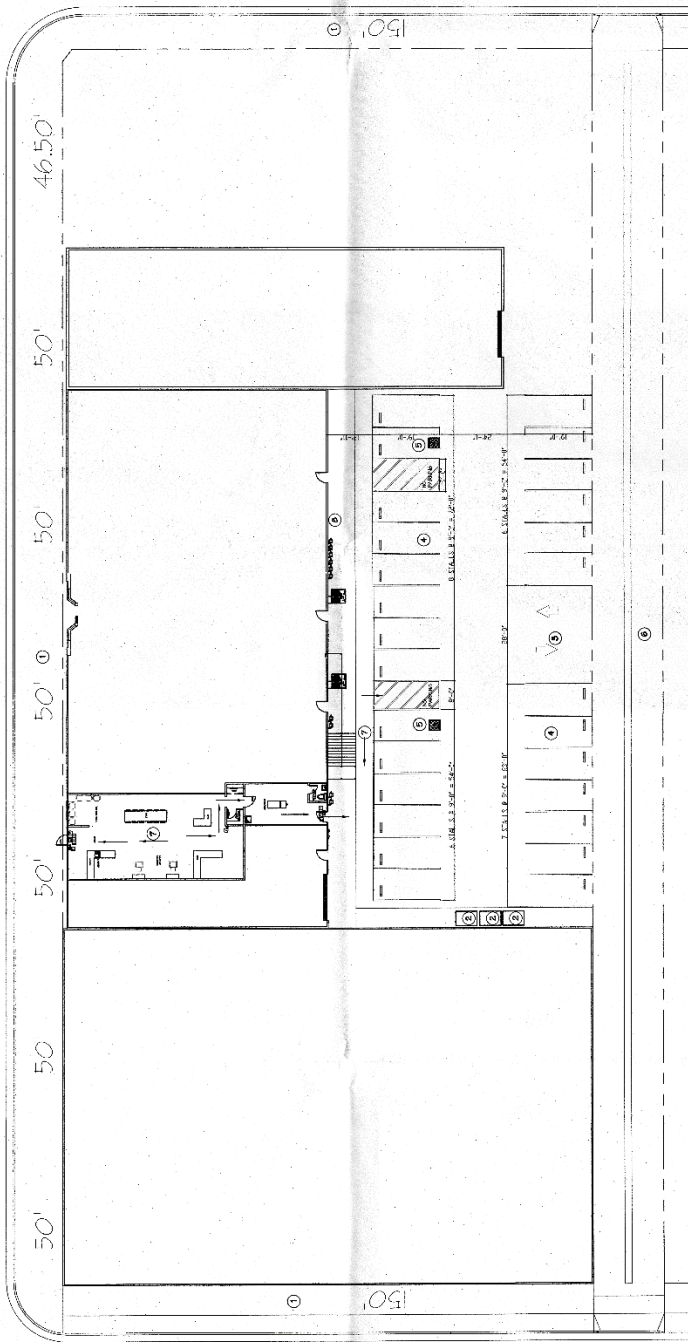


Site Plan

Site General Notes

1. EXISTING SIDEWALK WITH CURB AND GUTTER.
2. EXISTING TRUNK DRAINAGE.
3. MARKED SIDEWALK, ASPHALT.
4. MARKED SIDEWALK, STRIPED FOR CALTRANS STOPS.
5. MARKED PARKING.
6. EXISTING SIDEWALK.
7. PART OF TRAIL.
8. PROVIDE A 10' WIDE SIDEWALK FOR THE 200' BY 150' SWK.

118 NORTH GATEWAY DR.



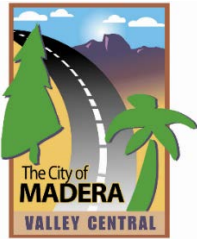
YOSEMITE AVE

WEST 5th. ST.

Approving Authority

Existing Site Plan

SCALE: 1/8" = 1'-0"



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Long John Silver's Drive Thru
CUP 2016-38, SPR 2016-58 & Environmental Determination
Item #4 – January 10, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to re-establish a drive-thru use in conjunction with the existing Long John Silver's fast food restaurant.

APPLICANT:	Pinnacle Hospitality dba Long John Silver's	OWNER:	Lojon Property LLC
ADDRESS:	1110 Country Club Drive	APN:	003-194-012
APPLICATION:	CUP 2016-38 and SPR 2016-58	CEQA:	Categorical Exemption

LOCATION: The property is located at the southwest corner of Sharon Boulevard and Country Club Drive.

STREET ACCESS: The site has access to Sharon Boulevard and Country Club Drive.

PARCEL SIZE: Approximately 0.50 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is surrounded by various commercial retail uses north, east and west of the project site. Surrounding business include a Shell gas station to the north, Country Club Village Shopping Center to the east and the Union Pacific Railroad to the west. Beyond the Union Pacific Railroad lies the Movies Madera Theater and Frosty Queen restaurant.

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

SUMMARY: The Long John Silver's has been vacant for the past fourteen (14) months. The prior use permits allowing for the drive-thru use and sale of beer and wine for on-site consumption in conjunction with the restaurant have been expired because the uses were discontinued in excess of a consecutive twelve (12) month period of time. New management proposes to re-open the restaurant with the drive-thru component, requiring approval of a new use permit by the Planning Commission. The re-establishment proposal includes a repainting of the structure, new installation of landscaping consistent with the State of California's Model Water Efficient Landscape Ordinance (MWELO), and on-site improvements which would collectively bring the site to a current City standard.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.901 Heavy Commercial Zones
MMC § 10-3.405 Uses
MMC § 10-3.1301 Use Permits
MMC § 10-3.1311 Termination and Revocation
MMC § 10-3.4.0102 Site Plan Review Applicability

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

The existing parcel and street configuration was established through the approval of Tentative Parcel Map 1981-02. Conditional Use Permit (CUP) 1981-08 was approved to allow for the construction of a Long John Silver's fast food restaurant with a drive-thru component. Long John Silver's expanded their business model with Conditional Use Permit 1982-12 which allowed for the on-site consumption of beer and wine.

ANALYSIS

Background

Section 10-3.1311 of the Madera Municipal Code states the following regarding the expiration of conditional use permits: "Use permits utilized but later abandoned for a period of 12 consecutive months shall automatically terminate unless a written request for extension is submitted and approved as described in this section." Long John Silver's closed their business fourteen (14) months ago in November of 2015, terminating all previously approved use permits (CUP 1981-08 and CUP 1982-12) as of November of 2016. Long John Silver's would like to re-establish their restaurant and drive-thru use. The business owner does not propose the sale of beer and wine for on-site consumption as a component of the restaurant's regular business operations.

Architecture

The business owner proposes to apply a new coat of paint to the structure to give it a "like-new" refresh. The paint color scheme would mirror the structure's current color scheme. The business owner does not propose any other exterior alterations or enhancements to the structure. Staff recommends the structure be repainted consistent with the approved colors and materials board.

Landscaping

Since the site has been vacant for over a one (1) year time period, the health of the existing landscaping has faded. The current landscaping on the project site is primarily turf, which is inconsistent with the State of California's Model Water Efficient Landscape Ordinance (MWELO). The recommended conditions of approval require refreshed landscaping to be installed consistent with the State of California's MWELO.

Parking

The City's parking standards for a restaurant require one space for each three (3) seats of a fixed nature, plus one space for each fifty (50) square feet of net floor area available for non-fixed seating. The restaurant proposes the utilization of fifty-six (56) seats and no proposed area for non-fixed seating. This would equate to a parking requirement of nineteen (19) total parking stalls, including two (2) handicap accessible parking stalls for the Long John Silver's restaurant. With thirty-four (34) total parking stalls, there is adequate parking to serve the restaurant. Staff recommends the parking lot be refreshed with a slurry seal and restripe of the parking stalls and drive aisle directional.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATION

The information presented in this report supports conditional approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2016-38 and Site Plan Review 2016-58 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the request for Conditional Use Permit 2016-38 and Site Plan Review 2016-58, determining to either:

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

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

Motion 1: Move to approve Conditional Use Permit 2016-38 and Site Plan Review 2016-58, based on and subject to the findings and conditions of approval:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- The establishment of a drive-thru use in conjunction with a restaurant is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with surrounding properties.

- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city. The use is deemed to be a compatible use that is consistent with the zoning for the site.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for these use permits.
2. The applicant's failure to utilize any of the use permits within one year following the date of this approval shall render the conditional use permits null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-38 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permits and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2016-38 and Site Plan Review 2016-58 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.
5. Site Plan Review 2016-58 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-58.
7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

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

Engineering Department

General

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

Streets

15. The developer shall reconstruct/upgrade the existing handicap access ramp located at the southwest corner of Country Club Drive and Sharon Boulevard to current ADA standards. If the applicant believes that a hardship waiver is applicable based on the cost of these improvements in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.
16. The two (2) driveways on Country Club Drive shall be re-constructed to the extent necessary to provide ADA accessibility along the entire site frontage.

Fire Department

17. All fire lane postings shall be updated to comply with current standards.
18. A fire inspection of the site and structure shall be required prior to occupancy and issuance of a business license.
19. The servicing of all fire extinguisher and fixed fire extinguishing systems shall be required prior to on-site inspection.

Planning Department

General

20. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
21. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
22. 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.
23. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of these permits.

Operations

24. No outdoor display of merchandise shall be allowed.
25. There shall be no special events that would cause overflow parking conditions to occur.
26. All on- and off-site improvements shall be completed prior to occupancy and issuance of a business license.

Site Data

- Long John Silver's Structure 2,000 square feet
- Long John Silver's Proposed Number of Seats 56 seats for dining
- Parking Stalls Required 19 parking stalls
- Parking Stalls Provided 34 parking stalls
- ADA Parking Stalls Required 2 ADA parking stalls
- ADA Parking Stalls Provided 2 ADA parking stalls
- Loading Spaces Required 0 loading spaces

Drive-Thru Use

27. Conditional Use Permit 2016-38 allows for the re-establishment of a drive-thru use in conjunction with the re-establishment of the Long John Silver's fast food restaurant.

Building Colors and Materials

28. The repainting of the structure approved as part of Site Plan Review 2016-58 shall be consistent with the approved colors and materials board and representative color section rendering of the proposed building as reviewed and approved by the Planning Commission approval. Any alteration shall require approval by the Planning Manager.

Landscaping

29. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted as part of the submittals for a building permit plan check. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plan shall include:
 - Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance.
 - Landscaped areas shall be developed along all street frontages and within the parking field.
 - Shade trees shall be planted throughout the parking lot, with a minimum of one tree per five parking spaces.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - Landscaped areas shall be protected by raised six-inch (6") concrete curbing.
 - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
30. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to; ensuring irrigation equipment is properly operating at all times, trimming and pruning trees and shrubs and replacing dead or unhealthy vegetation with drought tolerant plantings.

Parking

31. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses may require the provision of

additional parking spaces in compliance with City standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits.

32. The parking lot shall be refreshed with a slurry seal and restripe of all parking stalls and drive aisle directionals by May 1, 2017.

Signage

33. All signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Chapter 10-6.

Walls and Fences

34. The developer shall construct a new trash enclosure painted to match the existing structure. The location of the trash enclosure shall be approved by the Planning Manager.

(OR)

Motion 2: Move to continue the application for Conditional Use Permits 2016-38 and Site Plan Review 2016-58 to the February 14, 2017 Planning Commission hearing, based on and subject to the following (specify):

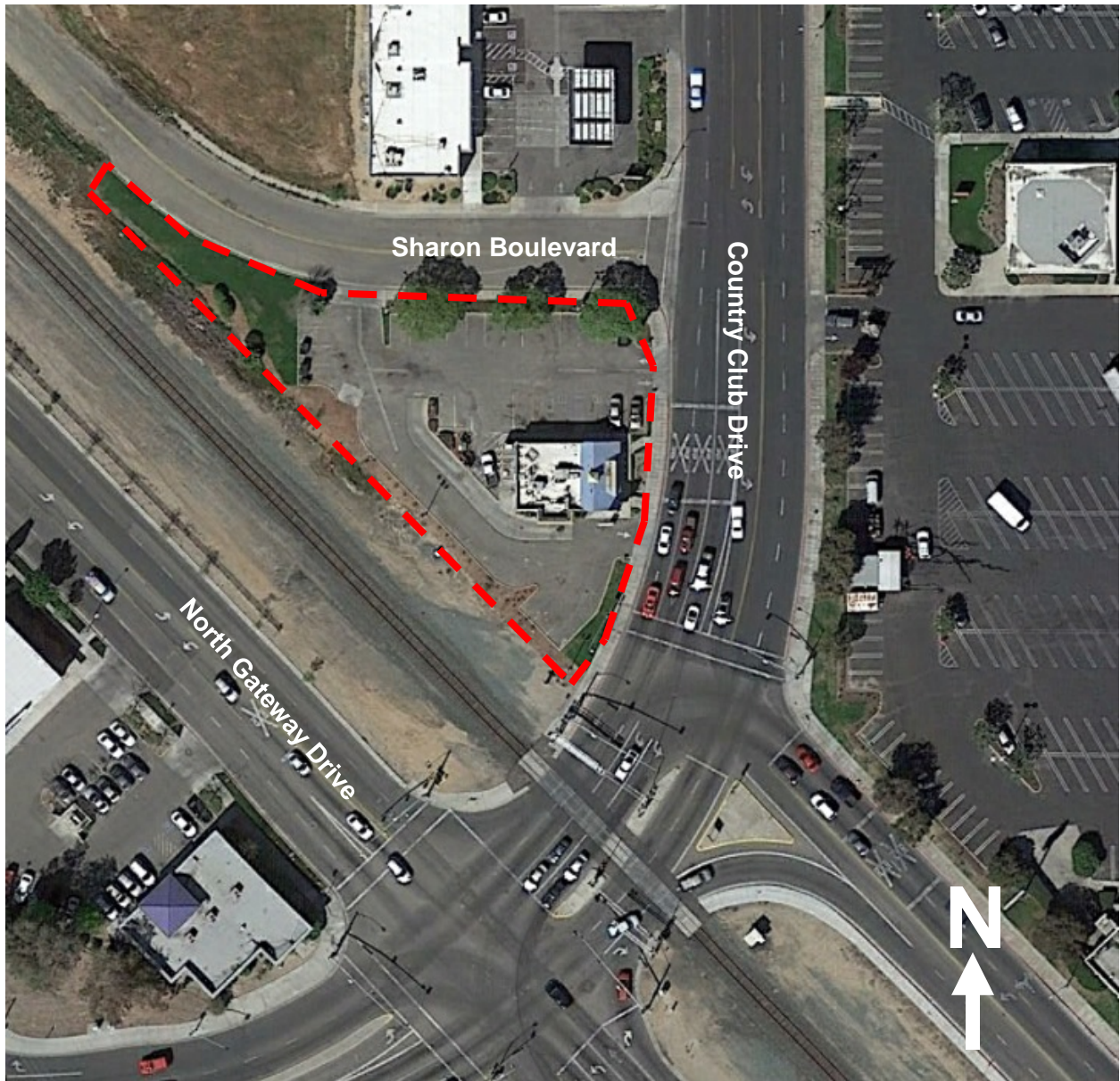
(OR)

Motion 3: Move to deny the application for Conditional Use Permits 2016-38 and Site Plan Review 2016-58 based on and subject to the following findings (specify)

ATTACHMENTS

Aerial Photo
Site Plan
Elevations & Color Board

Aerial Photo



Site Plan

SITE PLAN

SCALE 1" = 20'



6" HIGH MASONRY FENCE W/ GATE
 1/2" CONC DUMPTER PAD W/ 1/2" CONC APRON
 NEW 4" CONC CURB
 4" CONC SLAB W/ 2" CONC #10 @ 10' ON CENTER W/ DRIVE-THRU LANE (SHADED)
 EXIST UNDERGROUND GAS LINE MARKER TO BE RELOCATED
 NEW 4" CONC CURB
 8" W/ UP FOR NEW BOARD
 PAINT APPROXIMATE GUTTOBROW (TYP)
 EXIST TELEPHONE POLE
 PAINT STRIPE
 5" P.A.R. RIGHT OF WAY LINE
 NEW 4" CONC CURB

4" Ø STEEL POST 5' LONG 3" IN
 GROUND 1" IN CONC
 PAINT GASTHRO
 NEW 4" CONC CURB
 PAINT STRIPE TYP
 NEW 4" CONC CURB
 NEW 4" CONC CURB
 PAINT STRIPE
 1/2" W/ 1/2" CONC W/ DECOR
 POSTS & ROPE
 POINT OF BEGINNING (P.O.B.)
 EXIST STOP SIGN T.O.P.
 EXIST UNDERGROUND
 CABLE MARKER
 NEW 4" CONC CURB
 EXIST TELEPHONE POLE
 DRIVE MONUMENT IN WELL

NEW 4" CONC CURB
 NEW CURB CUT FOR LOCAL CODES
 TO THE NEW SHAWON ROAD
 NEW PAINTED ARROWS
 LOT LIGHT W/ LT
 NEW 4" CONC CURB
 NEW PAINTED ARROWS & DRIVE-THRU
 2" Ø STRIPES
 2" W/ UP FOR DRIVE-THRU SIGN
 TRANSFORMER PAD
 8" CONC BUMPER BLOCKS
 4" Ø CONC 4" W/ 2" STEEL TUBES
 FILLED WITH CONC. 5' OF EXPOSED &
 PAINTED TELEPHONE POLE 1/2" CONC. CURB
 PAINT STRIPE
 LOT LIGHT W/ LT
 3" CONC SIDEWALK
 1/2" W/ 1/2" CONC W/ DECOR POSTS & ROPE
 1/2" W/ 1/2" CONC W/ DECOR POSTS & ROPE
 TO BE BROUGHT TO PROPERTY LINE BY OTHERS
 CURB RAMP (SEE SHEET)
 PAINT STRIPE

3" WOOD DECK W/ DECOR POSTS & ROPE
 2" WOOD DECK W/ DECOR POSTS & ROPE
 CATED AS ROAD
 EXIST 4" HIGH PRESSURE (HP) GAS MAIN
 NEW 4" CONC CURB
 EXIST TELEPHONE POLE
 NEW CURB CUT FOR LOCAL CODES
 ACCESS PARKING SPACES 32
 HANDICAP PARKING SPACES 2
 TOTAL 34



ACCESS	32
HANDICAP PARKING SPACES	2
TOTAL	34

Elevations & Color Board

“Refresh” Exterior Paint Scheme



General Note: Surfaces are to be painted with Sherwin Williams SuperPaint® Exterior Acrylic Latex Paint unless specified otherwise

Siding-Below Chair Rail

- SW 7045 Intellectual Grey (Satin Finish)

Siding- Above Chair Rail

- SW 6119- Antique White (Satin Finish)

Accent Stripe/ Chair Rail

- SW 6682 June Day (Satin Finish)

Trim (Window & Door Frames)

- SW 7005 Pure White (Semi-Gloss Finish)

Bay Window Trim

- SW 7005 Pure White (Semi-Gloss Finish)

Front Doors (Where doors are finished aluminum, leave unpainted)

- SW 6479 Drizzle *

Back Door (Solid)

- SW 7047 Porpoise *

Decorative Yard Posts (if applicable) & Hand Rails

- SW 7047 Porpoise

Parking Lot Poles

- SW 6258 Tricorn Black (Gloss)

Metal Roof, Sign Pole(s), and Sign Cabinets (@ roof and pole signs)

- SW 6509 Georgian Bay (Semi-Gloss Finish) **

*SW Pro Industrial™ Multi-Surface Acrylic Coating Semi-Gloss Finish

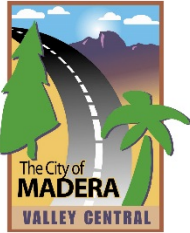
** Surface to be primed with Sherwin Williams Pro Industrial™ Pro-Cryl® Universal Acrylic Primer BEFORE painting. Paint to be Sherwin Williams Pro Industrial DTM Acrylic Coating



10/28/2016

Long John Silvers 2016 - REFRESH Exterior Scope

1



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Taco Bell Sign Variance
VAR 2016-02 and Environmental Determination
Item #5 - January 10, 2017**

PROPOSAL: An application for a variance from the commercial sign standards of the Madera Municipal Code to allow for 714 square feet of on-building signage where only 234 square feet of on-building signage is allowed.

APPLICANT:	OCAT Inc.	OWNER:	Q/S Tozer Avenue LLC
ADDRESS:	1420 East Yosemite Avenue	APN:	008-142-072
APPLICATIONS:	VAR 2016-02	CEQA:	Categorically Exempt

LOCATION: The property is within the Crossroads Shopping Center, located at the southwest corner of the intersection of East Yosemite Avenue and Tozer Street.

STREET ACCESS: The site has access to East Yosemite Avenue, Elm Street and Tozer Street.

PARCEL SIZE: Approximately 0.63 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The site is located directly east of McDonalds within the Crossroads Shopping Center. Vacant multi-family residential land and developed single-family residential homes lie directly south of the shopping center. East of the shopping center is other commercial development, including a Valero and Union 76 gas station, and a Jack in the Box restaurant. West of the site is a strip of commercially-zoned residences and approximately four (4) acres of vacant commercial land. North of the shopping center are a mix of commercial, residential and industrial uses on commercially-zoned land abutting the Fresno River.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15311 (Accessory Structures).

SUMMARY: Taco Bell proposes an illuminated-back lit slatted wall, which is defined as a sign per the Sign Ordinance of the Madera Municipal Code. The illuminated back-lit slatted wall increases the total on-building signage area beyond the maximum allowable on-building signage area, requiring approval of a variance from the Sign Regulations of the Madera Municipal Code by the Planning Commission.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1401 Variances

MMC § 10-6.01 Sign Regulations – Purpose and Intent

MMC § 10-6.19 Minor Adjustments and Variances

The sign ordinance can have an obvious impact on the character, quality, and economic health of the City of Madera. As a prominent part of the scenery, signs may attract the viewing public, help set the visual tone of the community, and affect the safety of vehicular and pedestrian traffic. Application of the sign ordinance prevents the degradation of the visual quality of the City which can result from the proliferation of excessive amounts of signage, poorly designed signage, inappropriately located signage, and/or signage maintained in a hazardous or unsightly fashion.

A sign variance may be granted by the Planning Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict and literal application of any of the provisions of the ordinance. If the Commission cannot make the appropriate findings, the variance request should be denied. Conditions may be attached to the approval of the variance 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.

PRIOR ACTION

In 2004, the Planning Commission and City Council approved Rezone (REZ) 2004-07 and General Plan Amendment (GPA) 2004-03, which cumulatively prepared the project site for the development of a commercial shopping center. Various use permits have been approved in support of the shopping center tenants, including use permits for drive-thru components, outdoor sales activities and alcohol sales for on-site dining. Most recently, Conditional Use Permit 2016-28 was approved to allow for a drive-thru lane in conjunction with the construction of a 2,165 square foot Taco Bell fast food restaurant.

ANALYSIS

Justification Letter

The applicant's justification letter entails that the illuminated back-lit slatted wall should not be considered a sign per the sign definition of the Sign Ordinance. The applicant believes the illuminated back-lit slatted wall achieves the effect of an architectural element, such as stone treatments or wall sconces, and adds a three-dimensional effect to the structure.

Sign Ordinance

The sign ordinance defines a sign as, "Any figure, character, outline, delineation, announcement, declaration, demonstration, illustration, emblem, words, numerals, or letters of an attention-attracting display or device painted, illuminated, posted, or affixed on any surface or in a manner used to attract attention to the premises or to advertise or promote the interest of any person, activity, business, or enterprise when the same is placed so that it is clearly visible to the general public from an out-of-doors position." The proposed illuminated back-lit slatted wall is a figure or demonstration of lighting that is illuminated reflecting off of a surface that would be used to attract attention to the business. Staff's interpretation of the definition of a sign would include the illuminated back-lit slatted wall as a sign.

The Crossroads Shopping Center has an approved Master Sign Program (SGN 2007-03), which allows for specific types and sizes of signage per each tenant within the shopping center. Taco Bell is located on "Pad B" on the approved site plan in the Master Sign Program. Pad B signage requirements are based on the directional building frontages. The northwest and southeast building frontages allow for a maximum total on-building signage of eighty-one (81) square feet. The southwest and northeast building

frontages allow for a maximum total on-building signage of 153 square feet. This equates to a maximum total on-building signage of 234 square feet.

Proposed On-Building Signage

The applicant proposes to erect two (2) Taco Bell logo signs and three (3) Taco Bell letter signs that equate to a total of 86 square feet. The illuminated back-lit walls will be located on the west and north elevations of the building and equates to a total of 628 square feet. All proposed signage, including the illuminated back-lit slatted wall, equates to a total of 714 square feet.

Below is an example of a Taco Bell in Redwood City, California that closely represents how the Taco Bell in the Crossroads Shopping Center will look if the variance is approved.



Variance Applicability

MMC § 10-6.19 allows for minor adjustments to signage, which allows up to a twenty-five (25%) percent increase to the maximum allowable signage for a business. The maximum allowable on-building signage area for this business is 234 square feet. With a minor adjustment, the maximum allowable on-building signage area would increase to 293 square feet. All proposed on-building signage equates to a total of 714 square feet. Since the proposed on-building signage area exceeds the maximum allowable on-building signage area with a minor adjustment, the approval of a variance from the Zoning Ordinance by the Planning Commission would be required.

Variance Necessity

There are two (2) findings that need to be made in order to be able to grant a variance. The ordinance states those findings as follows:

1. Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted as provided in this subchapter.
2. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Justification for Variance

Various obstacles make the future Taco Bell difficult to visualize from the street. The location of the approved Taco Bell within the Crossroads Shopping Center is located between the McDonalds restaurant to the east and a structure with various retail and office suites to the west. The buildable pad that Taco Bell plans to build on only allows a structure of 2,165 square feet, which is smaller than other similar uses surrounding it, such as the 4,000 square foot McDonalds to the west. The structures both east and west of the project site provide narrow sightlines for drivers to view the Taco Bell location. Shade trees screen the entire shopping center frontage, making it difficult to view the Taco Bell site. The site constraints are further exacerbated by the forty (40 mph) mile per hour speed limit along the project's frontage on East Yosemite Avenue.

Cumulatively, these obstacles provide a practical difficulty due to the location and surroundings of the Taco Bell structure. Allowing this additional illuminated back-lit slatted wall would provide necessary attention to the structure. Staff supports approval of the variance based on the aforementioned difficulties of the site.

The necessity for a variance is also a product of the Sign Regulations not adequately addressing this new signage technique. The lack of clear direction from the code creates a unique difficulty in considering an allowance for the illuminated back-lit slatted wall. Staff will bring an ordinance amendment to the Planning Commission in the future so as to better define this new signage technique and provide an alternative path for review and potential approval of the signage on a case-by-case basis.

RECOMMENDATION

The information presented in this report supports approval of the variance. It is recommended that the Planning Commission consider the information in this report, together with testimony provided during the public hearing, and approve Variance 2016-02 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION:

The Planning Commission will be acting on the request for Variance 2016-02, determining to either:

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

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

Motion 1: Move to approve the application for Variance 2016-02 based on and subject to the findings and conditions of approval as listed.

Findings:

- This project is categorically exempt under Section 15311 (Accessory Structures) of the California Environmental Quality Act (CEQA) which specifically exempts on-premises signs.
- As conditioned, an illuminated back-lit slatted wall will be compatible with the surrounding properties because its operation will not negatively impact adjoining commercial uses.
- Because of the special circumstances of the site, practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted to allow for additional signage.
- As conditioned, the establishment, maintenance or operation of the illuminated back-lit slatted wall 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

Planning Department

General

1. All approved conditions previously set for Conditional Use Permit 2016-28 and Site Plan Review 2016-44 are still in effect and shall be met.

On-Building Signage

2. Signage shall be consistent with the elevations included as part of the application for a variance.

(OR)

Motion 2: Move to continue the public hearing for Variance 2016-02 to the February 14, 2017 Planning Commission hearing, to allow the following information to be provided or for the following reason(s): (specify)

(OR)

Motion 3: Move to deny the application for Variance 2016-02 based on the following findings: (specify)

ATTACHMENTS

Aerial Photo
Applicant Justification Letter
Elevations with Signage

Aerial Photo



Applicant Justification Letter

December 12, 2016

City of Madera
Planning Department
204 W 4th Street
Madera, CA 93637

Variance Request for Taco Bell back lit slat wall,
1420 E. Yosemite Road

Dear Planning Commission,

We would like to request a minor variance to the sign ordinance Title 10 Chapter 6 Sign Regulations "Definitions".

We would like to request that the City Planning Commission allow the back lighting of the slat walls as being exempt from the Municipal Code for the reasons listed below.

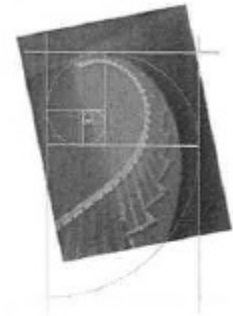
The back lit slat walls are meant to achieve the effect of an architectural element and not as a sign. The back lit slats add a three dimensional interest to the façade and has nothing to do with signage nor does it represent a corporate image. The back lit slats are an architectural element to add interest to the exterior of the building.

I hope the Planning Commission will allow the back lit slats under Title10-Section 10-6-19-E-1 (b).

Thank you for this consideration.

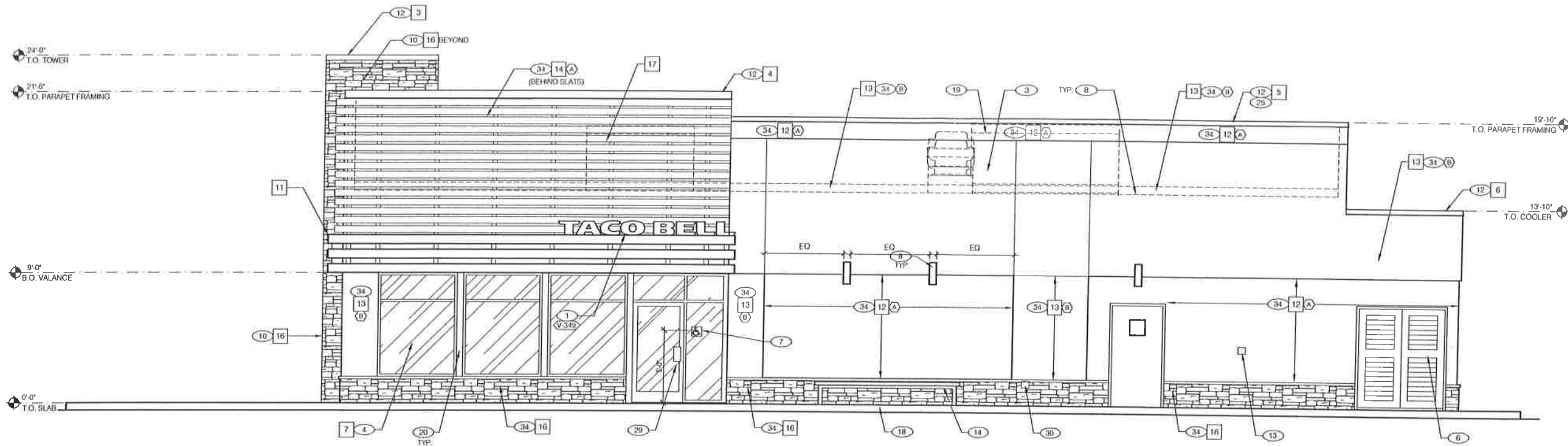
Phillip Moss

Senior Architect
VMI architecture

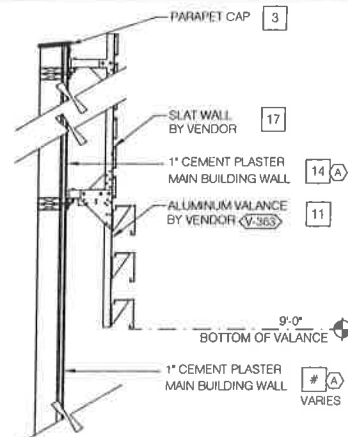


VMI architecture

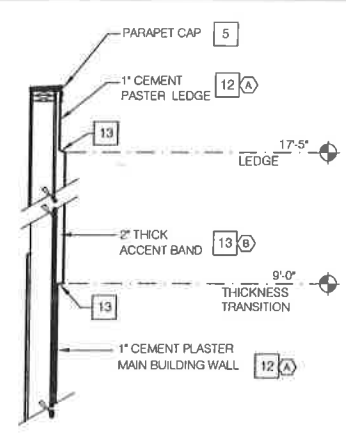
Design - Planning - Interiors



RIGHT SIDE ELEVATION 1/4" = 1'-0" **A**



SLAT WALL COLOR TRANSITION N.T.S. **I**



EIFS THICKNESS COLOR TRANSITION N.T.S. **G**

MISCELLANEOUS
 A. SEE SHT AT.1 "WINDOW TYPES" FOR WINDOW ELEVATIONS.

SEALERS (REFER TO SPECS):
 A. SEALANT AT ALL WALL AND ROOF PENETRATIONS.
 B. SEALANT AT ALL WINDOW AND DOOR FRAMES AT HEAD AND JAMB. DO NOT SEAL SILL @ WINDOWS.
 C. APPLY NEOPRENE GASKET (CONT.) BETWEEN BUILDING & CANOPY.

***CRITICAL* DIMENSIONS:**
 A. REQUIRED CLEAR OPENING WIDTH TO ENSURE COORDINATION WITH STANDARD SIGNAGE/BUILDING ELEMENTS DIMENSIONS.

NOTE: NO EXTERIOR SIGNS ARE WITHIN THE SCOPE OF WORK COVERED BY THE BUILDING PERMIT APPLICATION. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE INSTALLATION OF ALL EXTERIOR SIGNS AND INSTALLATION OF REQUIRED BLOCKING AND ELECTRICAL CONNECTIONS FOR FINAL APPROVED SIGNS.

GENERAL NOTES **F**

- (A) BASE THICKNESS - 1" THICK CEMENT PLASTER.
- (B) BASE THICKNESS - 2" THICK CEMENT PLASTER.

CEMENT PLASTER THICKNESS		N.T.S.	B
DO SUBMITTAL			
BLOG SUBMITTAL			
BID SET			
CONTRACT SET			

NOTE: SIGNAGE UNDER SEPARATE PERMIT

QTY	ITEM DESCRIPTION	ELEC
V-322 2	TACO BELL 'BELL' SIGN 4'-10 1/2" W x 4'-2" H	X
V-349 3	TACO BELL LETTERS 12" HIGH, WHITE, FLAT FACED	X

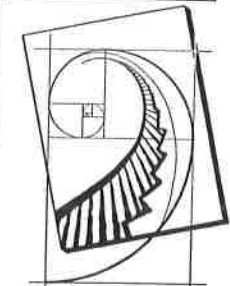
SIGN SCHEDULE N.T.S. **C**

NOT USED N.T.S. **E**

- (1) BUILDING SIGN, BY VENDOR. REQUIRES ELECTRICAL, SEE ELECTRICAL PLANS.
- (2) DRIVE THRU WINDOW.
- (3) DASHED LINE INDICATES ROOF BEYOND.
- (4) STOREFRONT, TYPICAL.
- (5) TUBE STEEL POST.
- (6) LOWERED PAIR OF DOORS TO SWITCH GEAR CLOSET. PAINT TO MATCH WALL.
- (7) N) ADA SIGNAGE. SEE 4/ADA 2.
- (8) LIGHT SCONCE. ALIGN BOTTOM OF FIXTURE'S MOUNTING BRACKET WITH CEMENT PLASTER REVEAL / CHANGE IN CEMENT PLASTER THICKNESS.
- (9) ASSUME D/T LANE SURFACE IS 6" BELOW THE FINISH FLOOR. REFER TO GRADING & SITE PLAN.
- (10) STONE TOWER.
- (11) TOWER WITH METAL PANEL FINISH.
- (12) PARAPET COPING. IF DURO-LAST EDGE TRIM IS USED, USE THE DURO-LAST PRE-FINISHED EDGE TRIM.
- (13) CO2 FILLER VALVE & COVER
- (14) BENCH
- (15) GAS SERVICE.
- (16) WALL SHALL BE FINISHED PRIOR TO INSTALLATION OF SWITCHGEAR.

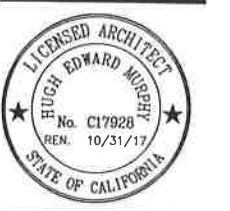
- (17) NOT USED.
- (18) CONCRETE CURB.
- (19) RTU BEYOND. PAINT TO MATCH MAIN BUILDING COLOR.
- (20) BREAK METAL COVER OVER WOOD STUDS TO MATCH STOREFRONT.
- (21) OVERFLOW OR OVERFLOW SCUPPER. SEE ROOF PLAN.
- (22) WOOD RAFTERS. SEE STRUCTURAL DWGS.
- (23) BOLLARD
- (24) DUROLAST SINGLE MEMBRANE ROOFING OR EQUAL.
- (25) IF THE DURO LAST PARAPET CAP TRIM IS USED IT SHALL NOT BE PAINTED.
- (26) WOOD HEADER BEAM. SEE STRUCTURAL DWGS.
- (27) NOT USED.
- (28) CONTINUOUS LIGHT FIXTURE RUNNER ON PATIO WALL, BY OTHERS.
- (29) STOREFRONT DOOR. REFER TO DOOR SCHEDULE.
- (30) HOSE BIBB LOCATION.
- (31) GUTTER AND DOWNSPOUT. PAINT TO MATCH COLUMN
- (32) METAL AWNING - BY OTHERS
- (33) STONE WAINSCOT.
- (34) CEMENT PLASTER.

SYMBOL	AREA	MANUFACTURER	COLOR	ALTERNATE MFR.	ALTERNATE COLOR	CONTACT INFORMATION
1	CANOPY RAFTER/ BEAM PAINT	SHERWIN WILLIAMS	SW3022 "WOODSCAPES BLACK ALDEP"			SHERWIN WILLIAMS: BRAD HARRINGTON, 216-228-54988 (PHONE), BRAD.E.HARRINGTON@SHERWIN.COM (EMAIL)
2	CANOPY COLUMN PAINT	SHERWIN WILLIAMS	SW 7062 ROCK BOTTOM			
3	PARAPET CAP (TOWER)	DUROLAST (25)	MEDIUM BRONZE (FACTORY FINISH)	SHERWIN WILLIAMS	SW 7069 "IRON ORE"	DURO-LAST: LEE COBB, 800-434-3876 (PHONE)
4	PARAPET CAP (FRONT)	DUROLAST	SHERWIN WILLIAMS SW6832 "IMPULSE PURPLE" EGGSHELL (P-4)			
5	PARAPET CAP COLOR	DUROLAST (25)	GALVALUME PLUS (FACTORY FINISH)			
6	PARAPET CAP (COOLER)	DUROLAST (25)	GALVALUME PLUS (FACTORY FINISH)			
7	STOREFRONT WINDOWS	TBD	CLEAR ANODIZED			
8	PIPE BOLLARDS	STREET SMART	YELLOW - 1/4" THICK PLASTIC COVER (US POSTMAN.COM) OR EQUAL			
9	PARAPET BACK ROOFING	DUROLAST	THE COLOR SHALL BE FACTORY COLORED "TAN" EQUAL ALTERNATE ALLOWED.			DURO-LAST: LEE COBB, 800-434-3876 (PHONE)
10	AWNINGS, PATIO ROOF, COOLER WALL	BERRIDGE	S-DECK PREWEATHERED GALVALUME			
11	VALANCE COLOR	SIGN VENDOR	SW 7034 "STATUS BRONZE" (EQUAL)			
12	MAIN BUILDING COLOR	SHERWIN WILLIAMS	SW 7067 "CITYSCAPE"	LOTUSAN	NA08-0011	SHERWIN WILLIAMS: BRAD HARRINGTON, 216-341-5558 X115 (PHONE), BRAD.E.HARRINGTON@SHERWIN.COM
13	ACCENT COLOR	SHERWIN WILLIAMS	SW 6096 "PACER WHITE"	LOTUSAN	NA08-0010	EIFS CONTACT: CHUCK DUFFIN, 940-894-2092 (PHONE), 940-894-2095 (FAX), CDUFFIN@STOCORP.COM
14	WALL COLOR BEHIND SCREEN WALL	SHERWIN WILLIAMS	SW 6831 "CLEMATIS"			
16	STONE WALL	BORAL - VERSETTA STONE	TIGHT CUT - "PLUM CREEK"			IDAHO DRY STACK, CARMEL MOUNTAIN CULTURED STONE VENEER
17	SLAT WALL	SIGN VENDOR	WOOD LIKE FINISH TBD BY VENDOR			



VMI architecture
 Design - Planning - Interiors
 637 5th Avenue San Rafael, CA 94901
 415-451-2500 415-451-2595 fax
 www.vmarch.com

VMI JOB NUMBER
1529



RECORD DATES
 DO SUBMITTAL 9/16/16
 BLOG SUBMITTAL
 BID SET
 CONTRACT SET

REVISIONS

NO.	DESCRIPTION

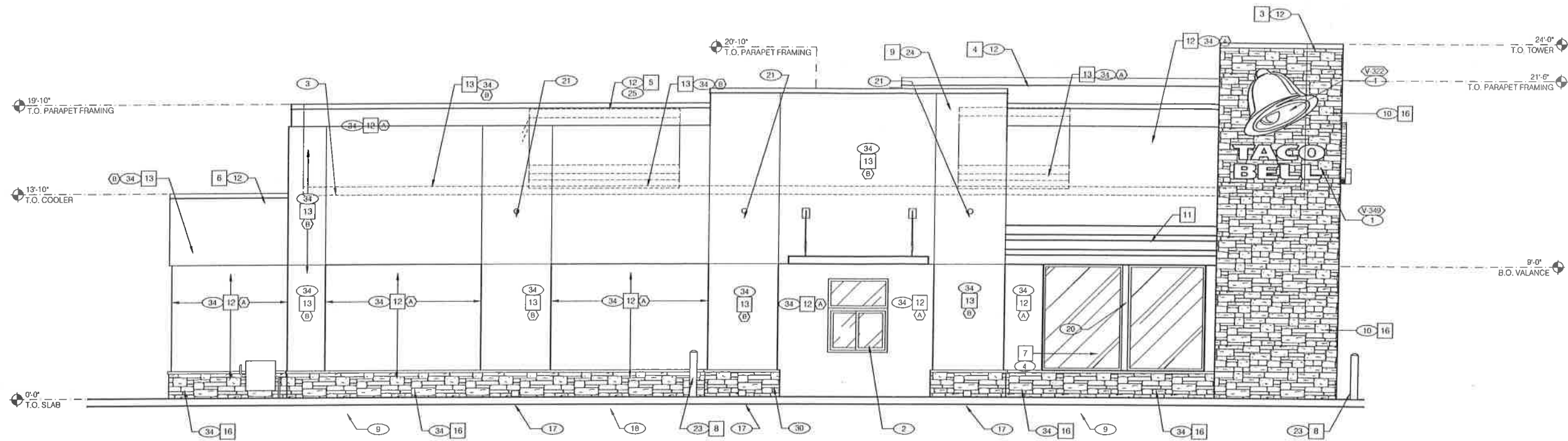
CLIENT
OCAT INC
 4306 SISK ROAD
 MADERA, CA 95350
 Site # 022218

PROJECT
TACO BELL
 1420 E. Yosemite Ave
 Madera, CA 95350
 APN# 008-142-070

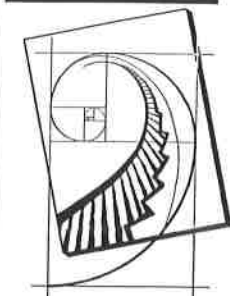
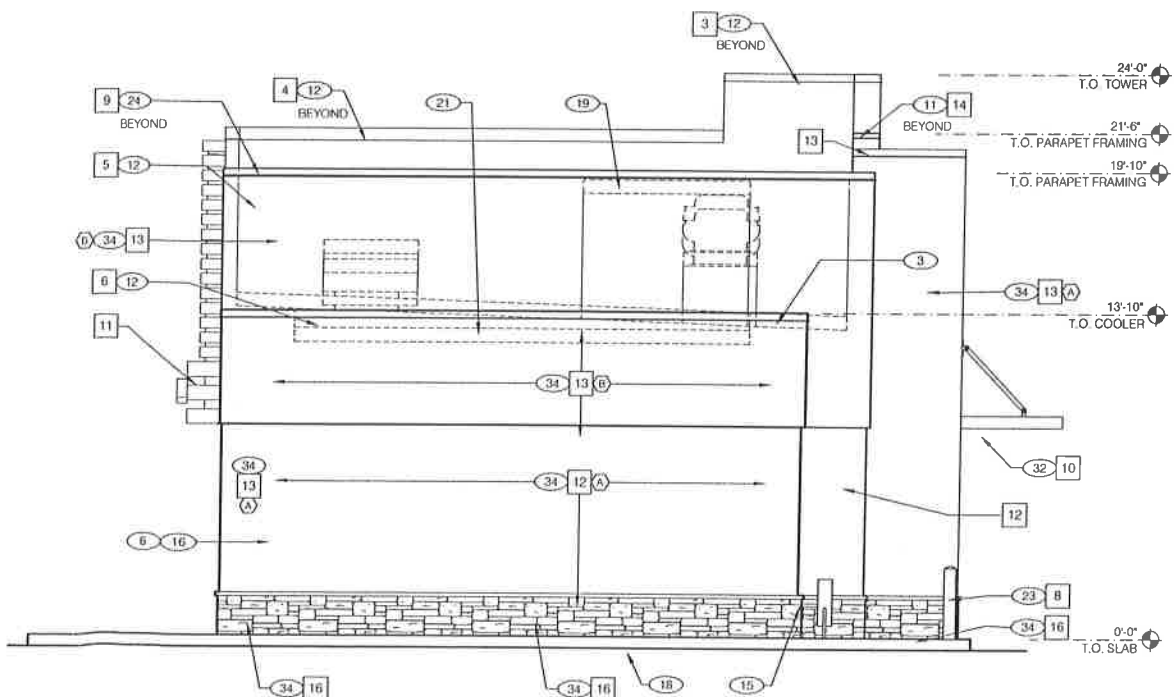
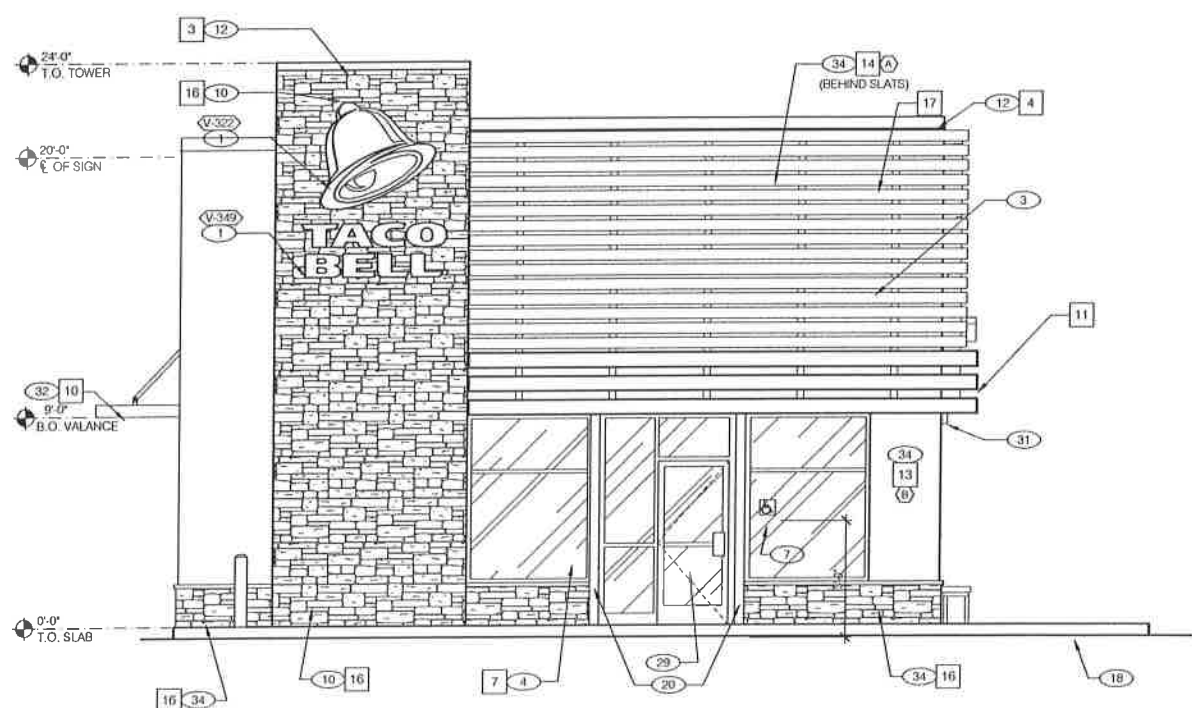


Explorer Lite
EXTERIOR ELEVATIONS

D4.0

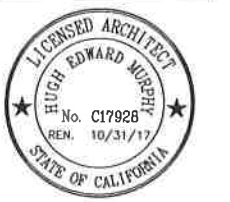


LEFT SIDE ELEVATION 1/4" = 1'-0" A



VMI architecture
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 637 5th Avenue San Rafael, CA 94901
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 www.vmarsh.com

VMI JOB NUMBER
 1529



RECORD DATES

DD SUBMITTAL	9/16/16
BLDG SUBMITTAL	
BID SET	
CONTRACT SET	

REVISIONS

CLIENT
 OCAT INC
 4306 SISK ROAD
 MODESTO, CA 95356
 Site # 022218

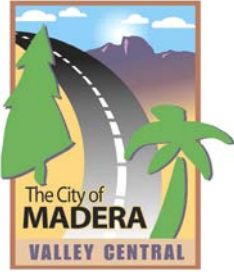
PROJECT
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 1420 E. Yosemite Ave
 Madera, CA 95350
 APN# 008-142-070



Explorer Lite

EXTERIOR ELEVATIONS

A4.1



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: KFC Parking Variance
VAR 2016-03 and Environmental Determination
Item #6 - January 10, 2017**

PROPOSAL: An application for a variance from the parking standards of the Madera Municipal Code to allow for eleven (11) parking stalls where a minimum of sixteen (16) parking stalls are required.

APPLICANT:	Lilellen Buckner	OWNER:	Vituma Prop LLC/Bus. JHF Corp.
ADDRESS:	1110 Country Club Drive	APN:	003-194-012
APPLICATIONS:	VAR 2016-03	CEQA:	Categorically Exempt

LOCATION: The property is located west on Country Club Drive, approximately 200 feet south of its intersection with Sherwood Way.

STREET ACCESS: The site has access to Country Club Drive.

PARCEL SIZE: Approximately 0.57 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The Chevrolet/Toyota dealerships are located north of the project site, the Country Club Village Shopping Center is located east of the project site, and the Shell gas station and Long John Silvers are south of the project site. Vacant commercial land that abuts the Union Pacific Railroad right-of-way is located west of the project site.

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

SUMMARY: Recently, the City approved Site Plan Review 2016-50 and Site Plan Review 2016-50 MOD for the interior/exterior remodel of the Kentucky Fried Chicken (KFC). As part of the remodel, KFC proposed forty-eight (48) seats requiring a minimum of sixteen (16) parking stalls. The project site currently has eleven (11) parking stalls. Approval of a variance from the City's parking standards by the Planning Commission is required.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1202 Parking Spaces Required
MMC § 10-3.1401 Variances

A variance may be granted by the Planning Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict and literal application of any of the provisions of the ordinance. If the Commission cannot make the appropriate findings, the variance request should be denied. Conditions may be attached to the approval of the variance 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.

PRIOR ACTION

In 1983, KFC established a restaurant at 1144 Country Club Drive with a drive-thru window and stacking lane entitled as part of Conditional Use Permit 1983-17. After construction, they received an approved sign variance to allow for a fifty (50') foot tall freestanding sign on the project site. The sign was never constructed and the variance ultimately expired. KFC proposed a small expansion of their structure to add a cooler enclosure and an interior/exterior remodel of their structure which would alter the interior floorplan and the exterior façade as part of two (2) approved site plan reviews (SPR 2016-50 and SPR 2016-50 MOD) which cumulatively allow for the rehabilitation of the KFC property.

ANALYSIS

KFC Remodel

The recently approved site plan review includes a complete interior/exterior remodel of the KFC. The remodel also includes on-site improvements, which include refreshed landscaping and the rehabilitation of the parking lot, which cumulatively bring the restaurant into conformance with the General Plan. The interior remodel includes a total of forty-eight (48) dining chairs. The City's parking requirements for a restaurant are one (1) parking stall for each three (3) seats, and one (1) parking stall for each fifty (50) square feet of non-fixed seating area. This would equate to a parking requirement of at least sixteen (16) parking stalls. The site currently has eleven (11) parking stalls, requiring approval of a variance from the City's parking standards by the Planning Commission.

Parking Conditions

When the site was originally developed, there was a requirement for fifteen (15) parking stalls for the KFC property. At that time, a covenant requiring four parking stalls be provided on adjacent property was proposed as a method to resolve the shortage of on-site parking. Although proposed, no record of a covenant being recorded has been found by staff. Moreover, in analyzing the parking conditions of the adjacent properties both north and south of the KFC property, it was found that the tenant suites were built with the minimum required parking standard for general retail and office uses (one stall for every 300 square feet of gross floor area), without any provision of additional parking. Since then, uses outside of that parking standard, such as the Teriyaki House restaurant, the gas station/mini mart and Camarena Health Center have maximized all available parking on both parcels. Even if a covenant was in place, there would be no additional parking available for dedicated use by the KFC. A variance is the only alternative that would technically resolve the issue of on-site parking.

Staff has conditioned the site plan review in such a way as to create two (2) additional parking stalls on the KFC property. An access point from the project site that currently allows vehicular access onto the vacant undeveloped parcel west of the project site (developed with anticipation of the westerly-adjacent parcel being developed) is being closed off and striped as parking. This two-stall addition will most likely only be in place until development of the vacant property is proposed. For this reason, the applicant has

retained the request for a five-stall parking variance, not acknowledging the two stalls created with the conversion of the drive aisle to parking.

Justification for Variance

There are two (2) findings that need to be made in order to be able to grant a variance. The ordinance states those findings as follows:

1. Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted as provided in this subchapter.
2. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

As noted above, the KFC property was not in compliance with the City's parking regulations in advance of submittal for site plan review. Noncompliance occurred as a result of the original approvals for development of the site, and the failure to follow through with a required covenant. Although staff advised the applicant of the potential to remove seats as a method of coming into compliance with the City's parking requirements, the result of that option would have been a reduction in the number of seats from the number which were already approved and in place. The applicant informed staff that, in light of the hardship that would occur if seating was reduced, KFC would opt to take corrective steps through a request for variance.

The fact that the site is already a fully developed restaurant presents practical difficulties when attempting create additional parking on the site. Although staff was able to create two additional stalls on-site, to add sufficient parking to satisfy the requirements of the restaurant is simply not possible without redeveloping the entire property.

To redevelop the site, or alternatively reduce previously approved parking, amounts to an unnecessary hardship as well. Where KFC desires to update and refresh the property to a like-new condition, any requirement to now reduce parking would create a hardship, essentially reducing the seating capacity of a structure as a result of making physical improvements.

Whereas the covenant was first proposed as a solution for resolving the parking shortage, that document was never recorded in benefit of the project site. In reality, a variance should have accompanied the covenant because that proposal required the approval of off-site parking being counted toward satisfying on-site parking requirements. The current maximization of the parking stalls for both properties north and south of the KFC property subsequently disallows utilizing any covenant to provide additional parking.

Cumulatively, the KFC site suffers from special circumstances that other properties do not suffer from. Staff is in support of the variance to allow for a five (5) parking stall reduction from the Madera Municipal Code and a method to cure the deficiencies of the KFC site and make the property whole.

RECOMMENDATION

The information presented in this report supports approval of the variance. It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing, and make a decision regarding the project.

PLANNING COMMISSION ACTION:

The Planning Commission will be acting on the request for Variance 2016-03, determining to either:

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

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

Motion 1: Move to approve the application for Variance 2016-03 based on and subject to the findings and conditions of approval as listed.

Findings:

- This project is categorically exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) since there will be no negligible expansion of the existing use of the structure.
- Because of special circumstances of the site, practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter, a variance may be granted to allow for a five (5) parking stall reduction from the Madera Municipal Code.
- 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

1. All approved conditions previously set for Site Plan Review 2016-50 and Site Plan Review 2016-50 MOD are still in effect and shall be met.
2. Variance 2016-03 provides for up to a five (5) parking stall reduction from the requirements of the Madera Municipal Code.
3. The applicant/property owner shall be a party to and shall not contest the recordation of cross access and parking easements with the property to the west at such time as development of the western property (APN: 003-194-010) occurs. Conversion of the two new parking stalls back into a drive aisle for access to the western property shall occur only after recordation of the aforementioned easements.

(OR)

Motion 2: Move to continue the public hearing for Variance 2016-03 to February 14, 2017, to allow the following information to be provided or for the following reason(s): (specify)

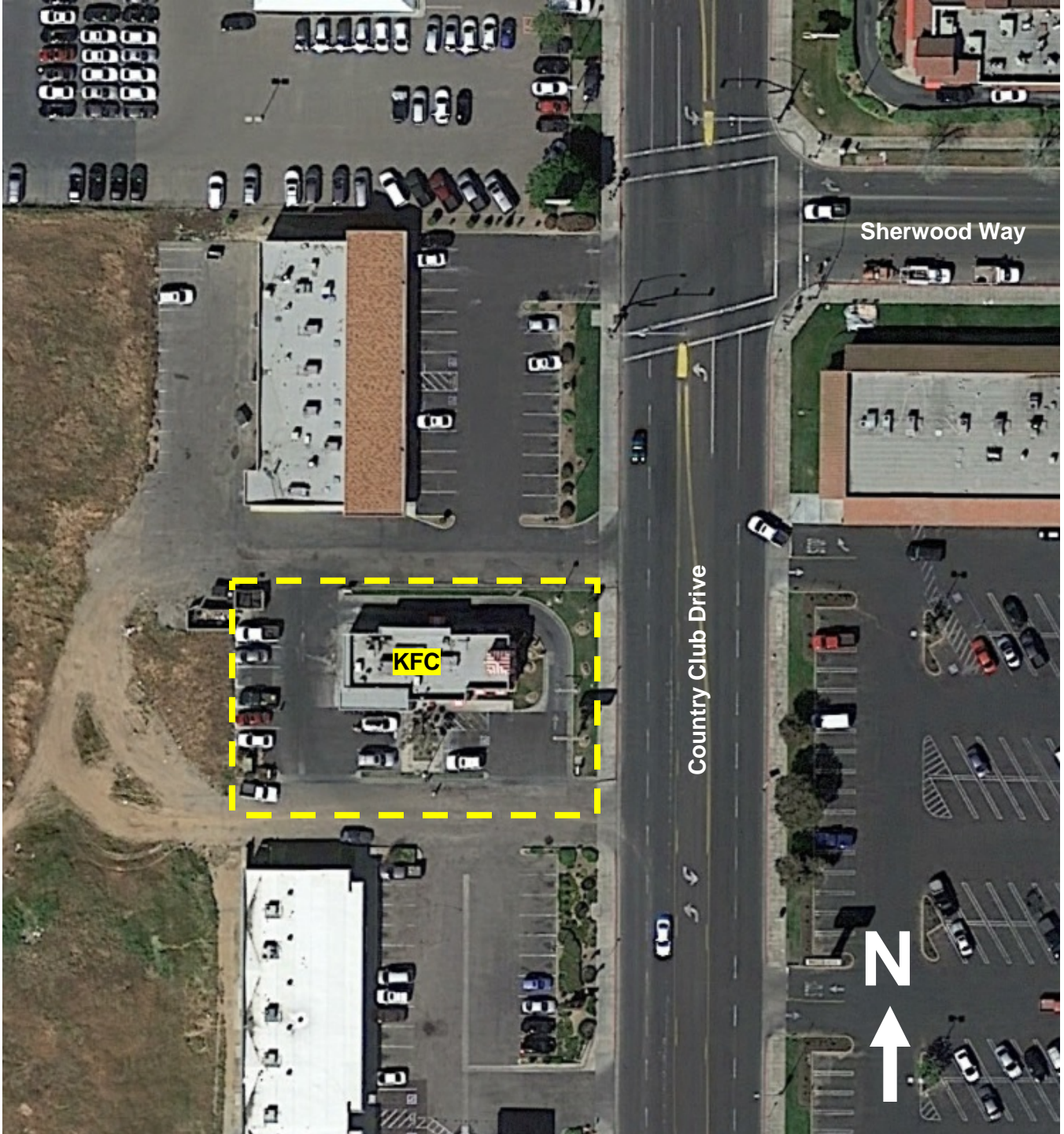
(OR)

Motion 3: Move to deny the application for Variance 2016-03 based on the following findings: (specify)

ATTACHMENTS

Aerial Photo
Applicant Justification Letter
Site Plan Review 2016-50 MOD Conditions

Aerial Photo



Applicant Justification Letter



December 7, 2016

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

RE: APN 003-194-002-000 Seating Variance Permit

To: Whom it may concern

We respectfully request that you reconsider the seating occupancy allowed at our KFC restaurant located at 1144 Country Club Drive, Madera, CA. We feel that 3 people per car space is inconsistent with our brand of food establishment, as we normally see families of four or more eating inside our restaurant. In addition, lowering the occupancy, we believe, will greatly diminish sales and profits for this location. This will also affect revenues to the City of Madera. We are requesting the seating permitted to be 48. Changing the count to 34 seats will dramatically hinder the success of this establishment.

Can you please reconsider and grant to us a variance for 48 seats at this location.

Thank you,

A handwritten signature in cursive script that reads "Lil Buckner".

Lil Buckner, owner
Vituma Properties
Joint Heirs Food Corporation

SPR 2016-50 MOD Conditions of Approval

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature thereon within thirty days of the date of site plan approval. Please note this site plan review approval (SPR 2016-50 MOD) will expire one year from date of issuance, unless you take positive action on the project as provided in the Municipal Code, or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
3. The applicant's failure to utilize this site plan review within one year following the date of this approval shall render the site plan review null and void unless a written request for an extension has been submitted to and approved by the Planning Manager.
4. The site and/or building plans submitted for any/all 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.
5. Any proposed future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.
6. 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.
7. The project shall be developed in accordance with the site plan, floor plan and elevations as reviewed and approved with the site plan review. Minor modifications to the Site Plan necessary to meet regulatory or engineering constraints may be made with approval from the Planning Manager.

Building Department

8. Site development shall be consistent with the approved site plan, floor plan and elevations. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits. If no plans are to be submitted, uses shall be as stated on plans submitted for site plan approval.
9. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.
10. Additional items identified as not complying with current codes and ordinances, which require correction or attention, may be identified. Any item not in conformance with current codes and ordinances must be corrected.

Engineering Department

General

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

Streets

14. The driveway along Country Club Drive shall be re-constructed to the extent necessary to provide ADA accessibility along the entire site frontage.
15. The sidewalk under-drain channel shall be adjusted to be flush with the flowline to prevent ponding and flush with the sidewalk to prevent a tripping hazard.

Fire Department

16. Panic hardware shall be required at all exits.
17. 2A10BC-rated fire extinguishers shall be required and shall be placed within 75 feet of travel distance of all portions of the restaurant.
18. Interior finishes must comply with California Code of Regulations Title 19 and Chapter 8 of the California Building Code.
19. Occupant load signage shall be provided.
20. A key box shall be required.

Cold Box Requirements

21. A building permit is required for all proposed improvements associated with the installation of a new walk-in cold box.
22. Door hardware is required and shall comply with Chapter 10 of the California Building Code and California Fire Code.

Planning Department

General

23. Site Plan Review (SPR) 2016-50 allows for a 28 square foot expansion of an existing Kentucky Fried Chicken fast food restaurant in order to allow for the replacement and expansion of an existing refrigerated walk-in cold box, consistent with the conditions of approval.
24. Site Plan Review 2016-50 MOD allows for the exterior and interior remodel of the Kentucky Fried Chicken fast food restaurant located at 1144 Country Club Drive, in the C1 (Light Commercial) Zoning District, consistent with the conditions of approval.

25. Final approval of either SPR 2016-50 or SPR 2016-50 MOD is contingent upon the completion of all conditions of approval listed herein.
26. The applicant shall submit a revised site plan consistent with and reflective of the requirements listed herein as a component of any submittal for building permit plan check.
27. All requirements listed herein shall be completed in advance of any request for building permit final inspection and/or any occupancy of the structure.

Operations

28. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
29. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects adjacent properties.
30. The property owner, operator, manager shall keep the property clear of all trash, rubbish and debris at all times. Dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.
31. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of these permits.
32. The existing trash enclosure shall be repainted to complement the revised building colors, and shall be repaired as needed to a like new condition.

Building Colors, Materials and Lighting Considerations

33. The applicant shall submit a colors and materials board and representative color section rendering of the proposed building for review and approval by the Planning Manager. The exterior remodel of buildings approved as part of Site Plan Review 2016-50 MOD shall be consistent with the approved colors and materials board and representative color section rendering of the proposed building as reviewed and approved by the Planning Manager.

Landscaping

34. Existing landscaping shall be upgraded sufficiently to demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance and the City of Madera's Design and Development Guidelines. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted as part of the submittals for a building permit plan check. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plan shall include:
 - Landscaped areas shall be provided along drive-thru lanes no less than five feet (5') in width (where possible) to help define drive-thru lanes and shield stacking lanes from view.
 - Provide a no-less-than three foot (3') tall landscape feature (such as a hedge wall) between the stacking lane and the property to the east, as well as the public right-of-way, in order to reduce headlight glare.
 - Landscaped areas shall be developed along all street frontages and within the parking field.
 - On-site landscaping shall meet the minimum standards of five percent (5%) of the parking lot in permanent landscaping.
 - Shade trees shall be planted throughout the parking lot, with a minimum of one (1) tree per five (5) parking spaces.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.

- Landscaped areas shall be protected by raised six-inch (6") concrete curbing, except where a reduced standard is allowed by the Planning Manager.
 - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
35. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring property operating equipment at all times, the trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation.

Parking

36. The preliminary site plan identifies a total of eleven (11) available parking stalls. The applicant shall perform one of the following actions, prior to issuance of building permits, in order to come into compliance with the City's parking requirements:
- Change the number of proposed dining seats to a maximum of 34 dining seats;
 - OR provide additional parking sufficient to satisfy the Parking Regulation of the Madera Municipal Code (Sec. 10-3.1202);
 - OR apply for a Variance from the Parking Regulations of the City of Madera, to be reviewed and approved by the Planning Commission.
37. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or the addition of accessory uses will require the provision of additional parking spaces in compliance with City standards prior to the establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits.
38. All paved areas of the site shall be bounded by a raised six (6") inch concrete curb border so as to restrict vehicular traffic from accessing non-paved areas. A raised six (6') inch concrete curb shall be installed wherever necessary to restrict access to the unimproved parcel to the west. The location of raised curb shall be per the approval of the Planning Manager.
39. The asphalt portions of the parking field and drive aisles shall be rehabilitated with the application of a crack seal, slurry seal and restriping sufficient to bring the parking field to a cosmetic like-new condition. These required improvements shall be noted on the revised site plan submittal and shall be completed prior to request for final inspection.
40. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking shall measure a minimum of nine feet (9') wide by nineteen feet (19') deep (17' deep with 2' bumper overhang).

Signage

41. All on-building signage shall be of pan channel letter quality or better and in compliance with the Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Chapter 10-6.
42. Painted template and vinyl logo/graphic elements of signage depicted on the proposed elevations exceed allowable signage for the structure and shall require a separate application for Sign Variance to be reviewed and approved by the Planning Commission. The applicant shall provide revised elevations that omit painted template and vinyl logo/graphic elements of signage until such time as an application Sign Variance has been approved.

43. The Planning Department shall specifically authorize the size and location of directional, preview and menu signs related to the drive-thru use. Directional signs shall be textual in nature with no branding and/or logos incorporated into the sign design so as to direct (as opposed to distract) the motoring public.
44. The drive-thru shall be allowed one preview board and one menu board. The preview board and menu board shall be separated by no less than twenty-five feet (25'). The preview board and menu board shall be consistent with the Sign Ordinance except that, if additional freestanding signage is available, that signage may be transferrable to the preview and/or menu board as allowed by the Planning Manager.
45. All proposed construction announcement signage shall conform to the Municipal Sign Ordinance.