

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
MARCH 14, 2017
6:00 pm**

CALL TO ORDER

ROLL CALL

Commissioner Kenneth Hutchings (Chairperson)
Commissioner Robert Gran, Jr. (Vice Chairperson)
Commissioner Jim DaSilva
Commissioner Bruce Norton
Commissioner Pamela Tyler
Commissioner Israel Cortes
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: February 13, 2017

CONSENT ITEMS:

NON-PUBLIC HEARING ITEMS

NONE

PUBLIC HEARING ITEMS

1. TSM 2016-02 – Sunrise Estates

A continued public hearing to consider a tentative subdivision map proposing to subdivide four parcels (008-180-001, 002, 003 and 004) encompassing 22.52 acres into a 112-lot single family residential subdivision. The project site is located at the northwest corner of Sunrise Avenue and Tozer Street in the R1 (Low Density Residential) Zone District, with an LD (Low Density Residential) General

Plan land use designation. A Negative Declaration will also be considered by the Planning Commission.

2. CUP 2007-24MOD and SPR 2016-60 – Head Start Expansion

A noticed public hearing to consider a modification to a conditional use permit and site plan review to allow for a 960 square foot modular classroom expansion for the Head Start program at the Valley West Christian Center located on the north side of West Adell Street at its intersection with Sonora Street (101 West Adell Street), in the R1 (Low-Density Residential) Zone District with an MD (Medium-Density Residential) General Plan land use designation. (APN 003-200-004)

3. CUP 2017-04 and SPR 2017-05 – Paletalandia Beer and Wine Sales

A noticed public hearing to consider a conditional use permit and site plan review to allow for the on-site consumption of beer and wine in conjunction with an existing restaurant located in the Madera Marketplace shopping center at the northeast corner of North Schnoor Avenue and West Cleveland Avenue (2295 West Cleveland Avenue), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 013-160-020)

4. CUP 2017-05 and SPR 2017-02 – La Quinta Inn & Suites

A noticed public hearing to consider a conditional use permit and site plan review to allow for the renovation of the existing hotel located at the northeast corner of West 4th Street and North G Street (317 North G Street), in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 006-095-010)

5. CUP 2017-07 and SPR 2017-08 – 365 Autos Temporary Outdoor Sales

A noticed public hearing to consider a modification to a conditional use permit and site plan review to allow for three outdoor sales events to be held by 365 Auto in the Walmart parking lot located on the northeast corner of the intersection of North Schnoor Avenue and West Cleveland Avenue (1977 West Cleveland Avenue) in the C1 (Light Commercial) Zone District, with a C (Commercial) General Plan land use designation. (APN: 013-160-014)

NON-PUBLIC HEARING ITEMS

1. CUP 2016-20 and SPR 2016-36 – Teran Residence (Performance Review)

A review of the performance of Conditional Use Permit 2016-20 and Site Plan Review 2016-36 allowing for a residential use on a commercially zoned property, to determine whether it is appropriate to schedule a hearing on revocation.

ADMINISTRATIVE REPORTS

COMMISSIONER REPORTS

ADJOURNMENT: The next regular meeting will be held on April 11, 2017.

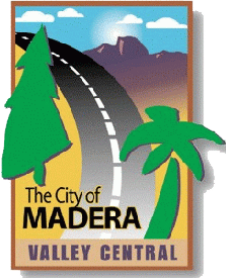
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Magnolia Place – TSM 2016-02
and Consideration of Adoption of a Negative Declaration
Item #1 – March 14, 2017**

PROPOSAL: An application for a tentative subdivision map proposing to subdivide four parcels encompassing 22.52 acres into a 112-lot single family residential subdivision.

APPLICANT:	Richard Scagliotti	OWNER:	Wyatt and Lacey Bourdet
ADDRESS:	Northwest corner of Tozer Street and Sunrise Avenue	APN:	008-180-001, 002, 003, and 004
APPLICATIONS:	TSM 2016-02	CEQA:	Negative Declaration

LOCATION: The project site is located at the northwest corner of Tozer Street and Sunrise Avenue.

STREET ACCESS: Access to project is proposed from Tozer Street and Sunrise Avenue.

PARCEL SIZE: Approximately 22.52 acres total.

GENERAL PLAN DESIGNATION: LD (Low Density)

ZONING DISTRICT: R1 (Residential)

SITE CHARACTERISTICS: The project site is currently vacant land. Varying densities of residential development are located to the south and west of the project site. Martin Luther King Jr. Middle School is immediately west and an elementary school is being constructed immediately south of the project site. Vacant land is located to the north of the project site. Rural residential development is located east of the project site, outside of the city limits.

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

SUMMARY: As conditioned, the proposed 112-lot tentative subdivision map is generally consistent with the LD (Low Density Residential) land use designation and the goals and policies of the Community Design element of the General Plan. The 5.28 units per acre density is slightly above the “target density” set within the General Plan Land Use element. A .85 acre expandable park feature is included within the subdivision design. Average lot size is 7,137 square feet.

APPLICABLE CODES AND PROCEDURES

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

PRIOR ACTION

This application was continued to the March 14th meeting at the Planning Commission’s regular meeting on February 13, 2017.

ANALYSIS

Tentative Subdivision Map

The map proposes to create 112 single family residential parcels ranging in size from 6,000 to 22,655 square feet. The proposed average lot size is 7,137 square feet. Fig Street, which traverses east to west across the proposed subdivision and is ultimately expected to connect to other sections of Fig Street to the west is designed as a sixty (60’) foot wide street. The remaining system of interior streets are proposed at fifty (50’) feet wide.

The proposed density of the subdivision is 5.28 units per acre. This density is just above the 5.25 units per acre General Plan “target density” for the LD (Low Density Residential) land use designation. The intent of the “target density” General Plan policy (LU-7) is not to necessarily exclude residential development at lower densities within the various land use designations, but to instead promote an overall higher density within residential neighborhoods and villages envisioned by the General Plan’s Building Blocks concept. The proposed map does exactly that, providing an ample average lot size within a higher density of development than typical of the past.

General Plan Conformity

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

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

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

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

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

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

CD-32: Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved

in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street.

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

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

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

Park Space

Proposed as an element of the subdivision is an approximately .85 acre recreational open space feature. When combined with future development of adjacent lands, this neighborhood feature should encompass approximately 1.75 acres. The inclusion of this open space goes far in satisfying multiple goals and policies within the Parks and Recreation element of the General Plan, including Policy PR-8 which states that the City will endeavor to acquire new parklands or otherwise make available local parklands, and PR-10 which requires new residential development projects to dedicate lands for park purposes.

Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan will be constructed in support of the tentative subdivision map. Required infrastructure includes sewer, water, and storm drainage infrastructure consistent with the City's master plans.

Wastewater generated by the project will be directed to a sewer trunk line in Pecan Avenue where capacity is currently constrained. Construction of approximately one-half mile of parallel sewer line in Pecan Avenue is a condition of approval for the map. In light of the financial burden of this off-site improvement, necessary to provide sewer capacity for the subdivision, staff has proposed a fee credit strategy that will offset some of the up-front sewer infrastructure costs necessary to serve the homes of the subdivision. The developer is also required to purchase sufficient land and construct a master planned storm drain basin to be located to the east of the subdivision property. Here too, a per-lot impact fee credit is proposed to offset the initial costs of construction, with 100 percent of the remainder being fully reimbursable. All credits and reimbursements must be approved by the City Council through a reimbursement agreement. Street improvements include the widening of Tozer Street to complete the City's half-street cross section for an arterial street.

The proposed lots will be included in the City's community facility district to collect assessments for increased demand on fire, police, parks and storm water drainage.

Street Names:

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

The internal streets in the subdivision are as follows:

- ◆ Fig Street
- ◆ Nevada Drive
- ◆ Wasatch Drive
- ◆ Fig Court
- ◆ Nevada Court
- ◆ Wasatch Court
- ◆ Summit Court
- ◆ Shasta Street
- ◆ Gunnison Drive
- ◆ Pinnacles Drive

The subdivision itself has also been renamed to Magnolia Place.

Other Agency Comments:

The San Joaquin Valley Unified Air Pollution Control District has commented that air quality mitigation measures be implemented during construction of this project and in conjunction with the design of the single-family homes. The Madera Unified School District has indicated that the project is expected to generate approximately 69 students in various grade categories. New homes will be required to pay school impact fees in accordance with state law. There are no Madera Irrigation District facilities impacted by the proposed subdivision. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATION

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

PLANNING COMMISSION ACTION

The Commission will be acting on adoption of the proposed Negative Declaration and approval of Tentative Subdivision Map 2016-02.

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

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

(AND)

Motion 1b: Move to approve Tentative Subdivision Map 2016-02 based on and subject to the findings and conditions of approval as listed below.

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- The proposed Tentative Subdivision Map, as conditioned, is consistent with the purpose and intent of the LD (Low Density Residential) General Plan land use designation and the R1 (Residential) Zone District.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- The proposed Tentative Subdivision Map, as conditioned, is not likely to be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City.
- City services will be made available to serve the site.

Conditions of Approval

General Conditions:

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

Engineering Department

General

2. Prior to recording of the final map, the applicant at their sole expense shall cause the subdivision property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees. All property included in said subdivision shall be made a part of such district and subject to its taxes.
3. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required Lighting and Landscape Maintenance District zone "LLMD" 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, which are required to be constructed by the developer and included in the City-wide LLMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.

4. The developer shall be a proponent of annexing into existing Landscape Maintenance District Zone 24 to include the median island and landscape improvements to be constructed on Tozer Street. If the expansion of the existing Landscape Maintenance District Zone 24 is not attainable, the developer shall at their sole expense form a Lighting and Landscape Maintenance District zone for Tozer Street median landscaping, park strip landscaping adjacent to subdivision, and within the .85-acre recreational feature. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.
5. 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.
6. 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.
7. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
8. No temporary turn-arounds are permitted.
9. 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.
10. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
11. Impact fees shall be paid at time of building permit issuance.
12. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
13. 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.
14. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
15. The improvement plans for the project shall include the most recent version of the City's General Notes.

Water

16. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the Fire Department, and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code appendix III-A.
17. Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installation of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to the existing City main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works.
18. The developer shall construct a 12-inch water main along Tozer from its current termination point at the intersection of Tozer Street and Sunrise Avenue to the northern property line of the proposed project site. The water main shall be constructed to current City standards.
19. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
20. Water services shall be placed 3 feet from either property line, opposite of street light and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or street light locations.
21. One water quality sampling station shall be installed within the subdivision and approved by the water quality division of the Public Works Department.
22. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
23. Water service connections shall be constructed per current City standards including water meters located within the City right-of- way.
24. Existing wells if any shall be abandoned as directed and permitted by the City of Madera for compliance with state standards.

Sewer

25. The existing sewer system that serves this section of the City is approaching or at capacity due to a constricted section of the sewer system on Pecan Avenue. The developer shall construct the following master plan improvements to accommodate sewer loads for this development:
 - a. A parallel 15 inch sewer main on Pecan Avenue from SR99 to 400 feet west of Golden State Boulevard. Total length – 1,025 feet.

- b. A parallel 18 inch sewer main on Pecan Avenue from 400 feet west of Golden State to 1,280 feet east of Garnet Avenue. Total length – 775 feet.
- c. A parallel 18 inch sewer main on Pecan Avenue from Raymond Thomas Street to Watt. Total length – 920 feet.

The construction of these lines are considered 100% reimbursable, subject to availability of funds, under the City's Development Impact Fee Program. As part of the required reimbursement agreement, the developer may request impact fee credits for use on these specific improvements due to identified deficiencies in the overall system capacity that will be improved at completion of said improvements. Any reimbursement agreement requires the approval of the City Council.

- 26. Sewer lines installed to serve this subdivision shall be sized accordingly, and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing City main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider.
- 27. Sewer services shall be located at the approximate centerline of each lot or as required for construction of commercial or industrial buildings with a clean-out installed per City Standards, and identified on the curb face. Termination of service shall be 10 feet past the property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
- 28. Existing septic tanks, if found, shall be removed, permitted, and inspected by the City of Madera Building Department.

Storm Drain

- 29. Storm runoff from this project site is planned to go to a future basin to be located to the northeast of the proposed project site per the Storm Drain Master Plan. The developer shall be required to purchase sufficient land to accommodate the master planned basin, construct the basin and any master planned storm drain pipe to convey storm water runoff from the site to basin or as directed by City Engineer. The size, location and design of the basin property and improvements shall be established in consultation with the City Engineer prior to the approval of a subdivision agreement and/or reimbursement agreement. Said agreement(s) shall specify the terms of the City's acquisition and reimbursement of costs to the developer.
- 30. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer. The developer shall excavate the basin referenced in the above condition to accommodate runoff from the proposed project site.
- 31. The developer shall construct a 54 inch storm drain main on Tozer Street along the project site per the Storm Drain Master Plan. The storm main shall be installed at the depth and slope necessary to serve the areas as delineated within the Storm Drainage System Master Plan.
- 32. Storm Drain improvements listed above are considered 100% reimbursable, subject to availability of funds, under the City's Development Impact Fee Program. As part of the required reimbursement agreement, the developer may request impact fee credits for use on these specific improvements due to identified deficiencies in the overall system

capacity that will be improved at completion of said improvements. Any reimbursement agreement requires the approval of the City Council.

Streets

33. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along Tozer Street adjacent to entire project site as well as all internal publicly dedicated streets.
34. The developer shall dedicate a 10 foot wide easement along Tozer Street and Sunrise Avenue to accommodate a 50 foot half street width.
35. Tozer Street along the entire project frontage shall be improved to a 100 foot arterial roadway standard per the City of Madera standards with a 5 foot sidewalk, parkstrip, curb and gutter, two 12-foot westbound travel lanes, a 16-foot landscaped median island, a 12-foot eastbound travel lane and 8-foot paved shoulder. Adequate transition with the existing improvements relative to grade and alignment shall be provided.
36. Recent analysis has indicated a traffic signal is warranted at the intersection of Tozer Street and Sunrise Avenue. The developer shall construct a traffic signal at this location with all appurtenances installed in their ultimate location. A traffic study analysis of the intersection will be required to determine ultimate lane requirements. The traffic signal improvements are eligible for reimbursement, subject to the approval of a reimbursement agreement by the City Council.
37. Interior streets shall be constructed in accordance with City standards for a 60 foot residential street with a 5 foot sidewalk, curb and gutter.
38. The developer shall provide street stub(s) for the property located to the northwest to allow for access to future development.
39. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents.
40. "No Parking" signs shall be installed along Tozer Street frontages per City standards.
41. Access ramps shall be installed at all curb returns per City Standards.
42. The developer shall be required to install street lights along Tozer Street frontage and interior subdivision streets in accordance with current City spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
43. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
44. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape

which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "B" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.

45. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with city of Madera logo on bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, and sewer line lineal feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the city of Madera title block and following:
 - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
 - b. Street plans and profiles;
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 2. Streetlights
 3. Traffic signals
 4. Construction details including traffic signage and striping plan.
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
 - d. Grading plan indicating flood insurance rate map community panel number and effective date;
 - e. Landscape and irrigation plans for Pecan and Pine Street medians shall be prepared by a landscape architect or engineer.
 - f. Storm water pollution control plan and permit.
 - g. Itemized quantities of the off-site improvements to be dedicated to the City.
46. Submittals shall include:
 - a. Engineering Plan Review Submittal Sheet
 - b. Civil Plan Submittal Checklist – all required items shall be included on the drawings
 - c. Four copies of the final map
 - d. Two sets of traverse calculations
 - e. Two preliminary title reports
 - f. Two signed copies of conditions
 - g. Six sets of complete improvements plans
 - h. Three sets of landscaping plans
 - i. Two sets of drainage calculations
 - j. Two copies of the engineers estimatesPartial submittals will not be accepted by the engineering department.
47. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a 3 sack sand slurry mix extending one foot past curb and gutter in each direction.
48. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages.

49. 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.
50. 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.
51. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
52. 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.
53. Sub-divider may commence off site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing improvement plans are approved and submitting 100% performance bond, additional bond (50% labor & material) and insurance certificate, shall be submitted prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council and shall be paid at the time of permit.
54. The developer's engineer, upon completion of subdivision related improvements, shall certify to the City Engineer that the improvements are made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.

Subdivision improvement inspections:

55. The 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.
56. 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.
57. 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.
58. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for a

final improvement inspection, the generation of a written punch list will require a minimum of five working days.

Special engineering conditions:

59. Project grading shall not interfere with the natural flow or adjacent lot drainage, and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls if required shall be approved as to design and calculations prior to issuance of a grading permit therefore.
60. Lot fill in excess of 12 inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 12 inches or more will require construction of a retaining wall.
61. 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.
62. 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.
63. Any construction work on Madera Irrigation District (MID) facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID facilities, the sub-divider must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion as built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.
64. 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.
65. 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

66. 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.
67. A minimum of two points of access for the Fire Department is required.
68. Fire flow in the roadway shall meet the City of Madera Engineering Standards.
69. Complete improvement plans showing the placement of public fire hydrants are required before final tract map approval.

70. All fire hydrants must be identified in accordance with the California Fire Code and City of Madera Engineering Standards.
71. Fig Street has a dead end without a turn-around. A temporary turn-around must be provided as a condition of this phase. The turn-around must be maintained until it is properly connected to an approved fire access route.

Planning Department

72. Conformance with the goals and policies of the General Plan shall be facilitated through the site plan review process. Prior to recordation of the tentative subdivision map, the applicant shall submit an application for site plan review with submittals sufficient to make findings of General Plan conformance. The applicant shall submit proposed model floor plans and elevations as a component of the application.
73. Rear and side yard fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be concrete masonry block. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.
74. Lots 11, 36, 55, 57, 78, 90 and 109 are reverse corner lots. Street side yard setbacks on reverse corner lots shall be no less than ten (10') feet from the property line for both structure and fencing.
75. Along all project frontages to Tozer Street and Sunrise Avenue, a six (6') foot tall decorative split-faced masonry block wall shall be constructed. The wall design shall be approved by the Planning Manager prior to construction. No direct access from the lots of the subdivision onto Tozer Street and/or Sunrise Avenue shall be allowed.
76. The street side yard fencing on Lots 1, 54, 41 and 42 shall be constructed of decorative split-faced masonry block consistent with the required perimeter wall constructed along the Tozer Street frontage. The wall shall be constructed outside of the ten (10') foot public utility easement and shall terminate at a point matching the forward-most location of the residential structure on the affected lot.
77. The side yard fencing on Lot 33, abutting to the park space, shall be constructed of decorative split-faced masonry block consistent with the required perimeter wall constructed along the Tozer Street/Sunrise Avenue frontages.
78. The internal street names in the subdivision shall be as follows:
 - ◆ Fig Street ◆ Nevada Drive ◆ Wasatch Drive
 - ◆ Fig Court ◆ Nevada Court ◆ Wasatch Court
 - ◆ Summit Court ◆ Shasta Street ◆ Gunnison Drive
 - ◆ Pinnacles Drive
79. The development of any temporary construction trailer and/or material storage yard on the project site requires the approval of a Zoning Administrator Permit in advance of the installation/placement.
80. The development of any model home sales center on the project site requires the approval of a Zoning Administrator Permit.
81. The .85-acre neighborhood park feature as shown on the tentative map shall be dedicated to the City in conjunction with the recordation of the final map. Terms of the

City's compensation for acquisition of the park space, and improvement of the property, if any, shall be specified in any subdivision and/or reimbursement agreement approved for the project. The park space and all improvements thereon shall be maintained as part of the required Lighting and Landscape Maintenance District zone.

82. 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 consistent with the State of California Model Water Efficient Landscape Ordinance shall be submitted at the time of application for a building permit.
83. Street frontage landscaping shall include a minimum of one City approved street tree every fifty (50') feet, along with root guards. Two (2) City approved street trees shall be planted in the street side yards of corner lots. No trees shall be planted within thirty (30') feet of any streetlight or five (5') feet from any fire hydrant. Each street tree shall be planted with a City approved root barrier.
84. 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.
85. 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.
86. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.

(OR)

Motion 2: Move to continue the public hearing on Tentative Subdivision Map 2016-02 to the April 11, 2017 Planning Commission hearing, for the following reasons: (specify)

(OR)

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

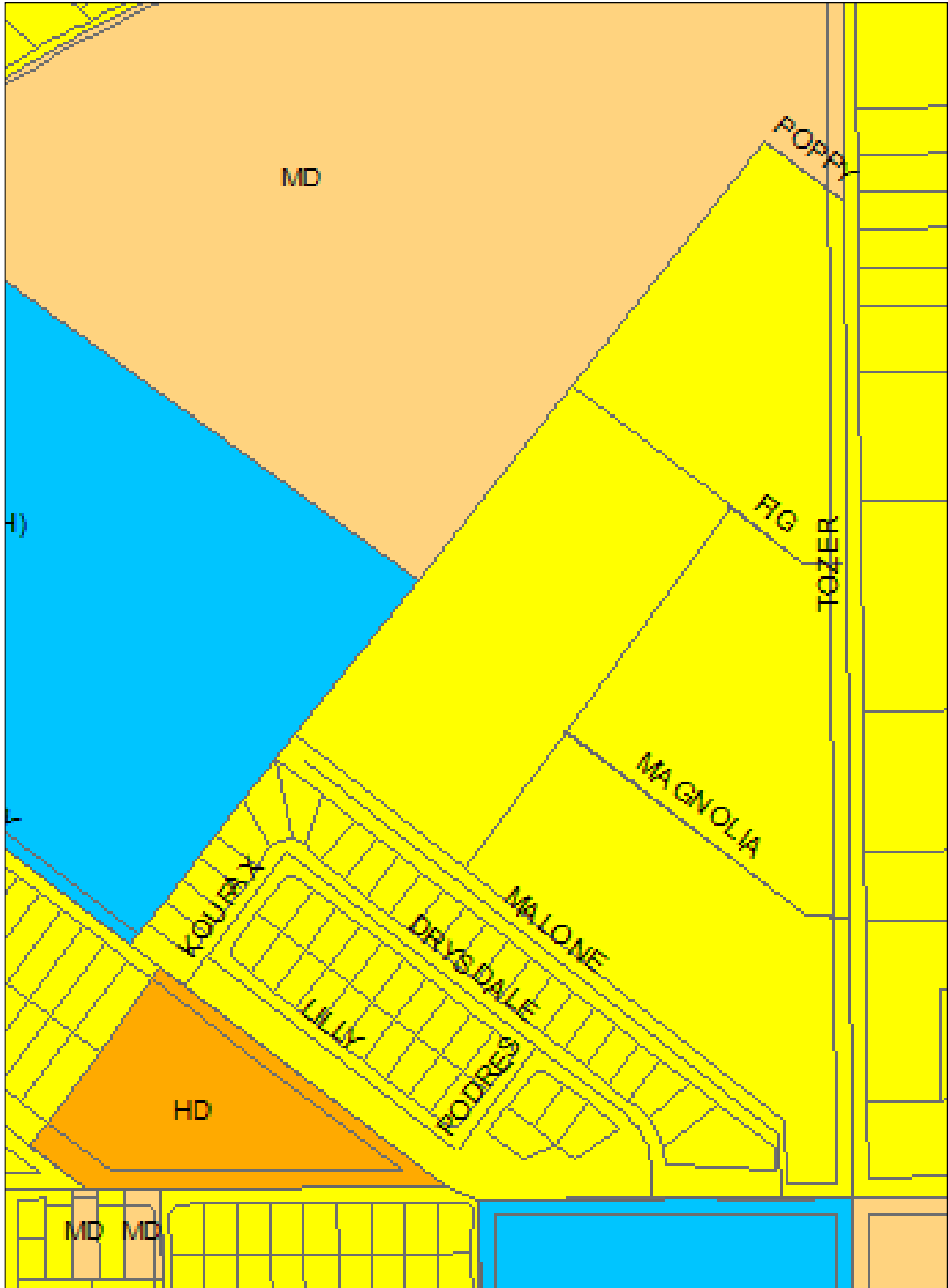
ATTACHMENTS

Aerial Map
General Plan Map
Zoning Map
Comment Letters
Negative Declaration
Tentative Subdivision Map

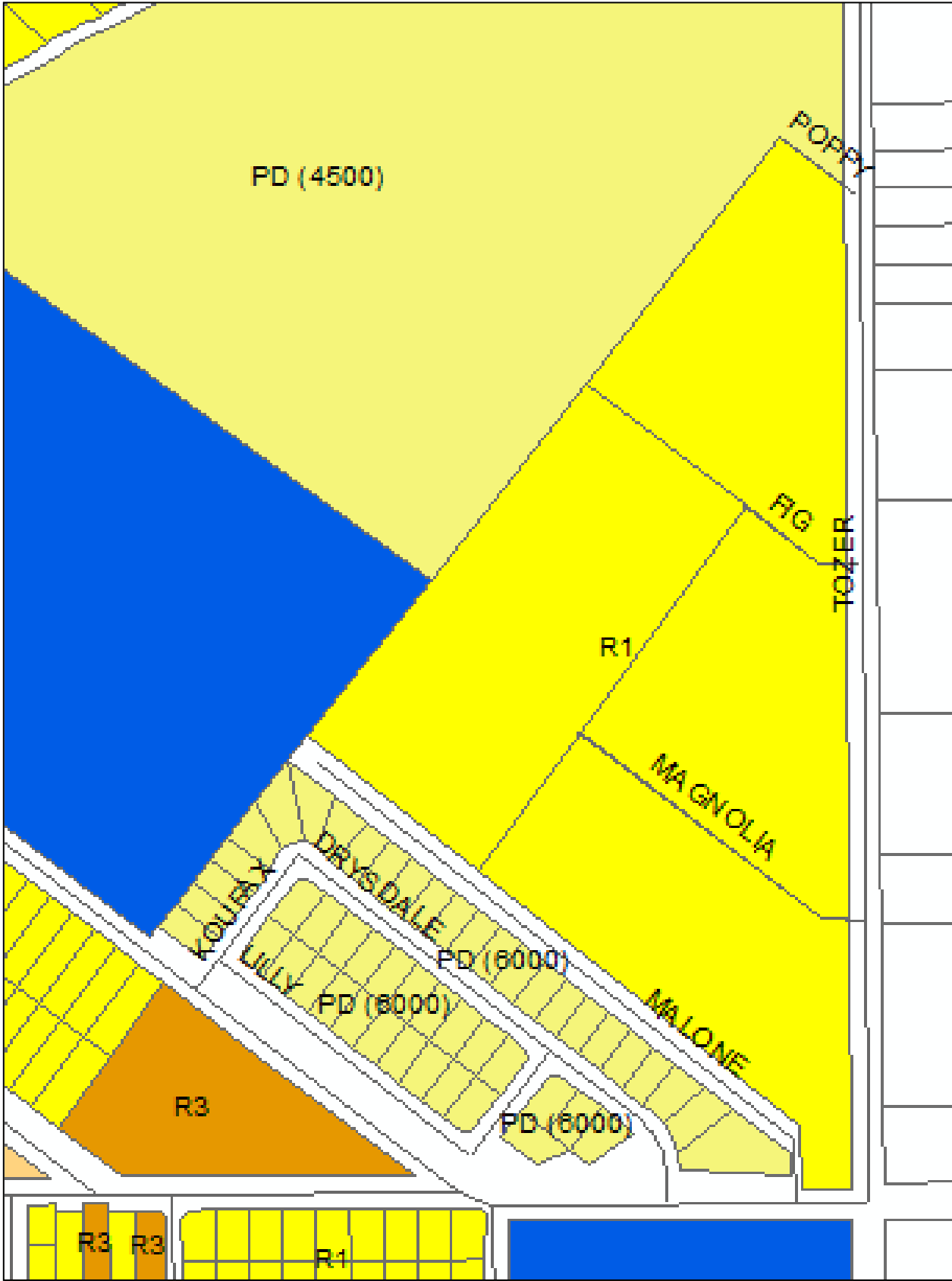
Aerial Photo



General Plan Map



Zoning Map



Comment Letters

MADERA UNIFIED SCHOOL DISTRICT
1902 Howard Road, Madera, California 93637
(559) 675-4500
FAX: (559) 675-1186
www.madera.k12.ca.us



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Al Galvez, Trustee
Ed McIntyre, Trustee
Ray G. Seibert, Trustee
Superintendent:
Edward C. González

November 17, 2016

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

SUBJECT: TSM 2016-02 Sunrise Estates

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 112-lot single family residential subdivision, and the project location is the NW corner of Sunrise Avenue and Tozer Street, 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	112	39.54
7-8	0.092	112	10.30
9-12	0.169	112	18.93
	0.614		68.77

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: Millview Elementary School
Address: 1609 Clinton Street, Madera CA, 93638
Telephone: (559) 674-8509
Capacity: 900
Enrollment: 868
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.



3. Intermediate School Information:

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

School Name: Martin Luther King Middle School
Address: 601 Lilly Street Madera, CA, 93638
Telephone: (559) 674-4681
Capacity: 1,000
Enrollment: 911
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 South High School
Address: 705 W. Pecan Ave. Madera CA 93637
Telephone: (559) 675-4450
Capacity: 3,230
Enrollment: 3,007
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 either the north or south campus of Madera High, 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
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Al Galvez, Trustee
Ed McIntyre, Trustee
Ray G. Seibert, Trustee
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 cursive script that reads "Rosalind Cox".

Rosalind Cox
Director of Facilities Planning and
Construction Management



November 16, 2016

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

Agency Project: TSM 2016-02 – Sunrise Estates

District CEQA Reference No: 20160770

Dear Mr. Boyle:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. Per the Project Referral, the project consists of a proposal to subdivide four parcels (APNs 008-180-001, -002, -003, and -004) into a 112-lot single family residential subdivision. The 22.52 acre project site is located at the northwest corner of Sunrise Avenue and Tozer Street, in Madera, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, at full build-out the proposed project would be equal to or greater than 50 residential dwelling units. Therefore, the District concludes that the proposed project would be subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to 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

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

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Assessment (AIA) application to the District no later than applying for final discretionary approval. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510 be made a condition of project approval.

More information regarding District Rule 9510 can be obtained by:

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

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

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

- Visiting the District's website at <http://www.valleyair.org/rules/1ruleslist.htm> for a complete listing of all current District rules and regulation, or
- Visiting the District's website at http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm for information on controlling fugitive dust emissions.

4. The District recommends that a copy of the District's comments be provided to the project proponent.

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

Sincerely,

Arnaud Marjollet
Director of Permit Services

A handwritten signature in cursive script that reads "Georgia Stewart".

For: Brian Clements
Program Manager

INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT
Sun Rise Estates
Tentative Subdivision Map (TSM) 2016-02

Project: TSM 2016-02, Sun Rise Estates Subdivision

Applicant Richard Scagliotti
P.O. Box 1954
Hollister, CA 95025

Owner: Wyatt and Lacey Bourdet
8401 Fairview Road
Hollister, CA 95023

Location: Northwest corner of Sunrise Avenue and Tozer Street, City of Madera, County of Madera.

Proposal: TSM 2016-02 – Sunrise Estates (Magnolia Place)

An application for tentative subdivision map to subdivide four parcels (008-180-001, 002, 003 and 004) encompassing 22.52 acres into a 112-lot single family residential subdivision. Parcels range in size from 6,000 to 22,655 square feet, with an average lot size being approximately 7,137 square feet. The average density of lots within the subdivision is 5.28 units per acre. Public infrastructure and utilities required by Madera Municipal Code and the Madera General Plan will be constructed as part of the project. Required infrastructure includes undergrounding of existing overhead utilities and widening of Tozer Street to the City's half-street arterial cross section. Public streets and public utilities and infrastructure will also be developed within the boundaries of the subdivision to provide access and services to the parcels created by the map. The applicant proposes to develop a temporary retention basin and dedicated park space within the project area.

Zoning: R1 (Low Density Residential)

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

Surrounding Land Uses and Zoning:

South Residential development with PD (Planned Development) zoning, and an elementary school campus with PF (Public Facilities) zoning
North Residential development with PD (Planned Development) zoning
West Martin Luther King Middle School with PF (Public Facilities) zoning, and Residential development with PD (Planned Development) zoning
East the City Limits with rural residential development beyond

Responsible or Interested Agencies:

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project.

None of these factors represents a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Mat. | <input type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings
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 applicant proposes a tentative subdivision map that subdivides four parcels (008-180-001, 002, 003 and 004) encompassing 22.52 acres into a 112-lot single family residential subdivision. Parcels range in size from 6,000 to 22,655 square feet, with an average lot size being approximately 7,137 square feet. The average density of lots within the subdivision is 5.28 units per acre. Public infrastructure and utilities required by Madera Municipal Code and the Madera General Plan will be constructed as part of the project. Required infrastructure includes undergrounding of existing overhead utilities and widening of Tozer Street to the City's half-street arterial cross section. Public streets and public utilities and infrastructure will also be developed within the boundaries of the subdivision to provide access and services to the parcels created by the map. The applicant proposes to develop a temporary retention basin and dedicated park space within the project area.

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

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

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

a) **No Impacts.** The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The project will not have a substantial adverse effect on a scenic vista.

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

c) **No Impacts.** The project would not degrade the existing visual character or quality of the site and surroundings under examination. The proposed project would not alter the landforms, view sheds, and overall character of the area.

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

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The project area is located on land identified 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 Vacant or Disturbed Land on the 2014 Important Farmland Map, the project site has been identified for residential uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.

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

c.) **Less Than Significant Impacts.** Nearby properties are currently in primarily residential use. A school complex is adjacent to the project site. The subdivision of the property, the construction of streets and public infrastructure, and the eventual development of this property though won't contribute towards the desire of nearby property owners to convert to non-agricultural uses since the areas surrounding the property is already substantially developed with residential uses.

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

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

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

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

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

The current land division project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans. Project specific emissions of criteria pollutants

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

Moreover, the San Joaquin Valley Air Pollution Control District has evaluated the project and determined the project is subject to compliance with District Rule 9510, which is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, would be made a condition of project approval.

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

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

a) **Less Than Significant Impacts.** The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.

b) **Less Than Significant Impacts.** The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

c) **Less Than Significant Impacts.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors.

d) **No Impacts.** The proposed project would not expose sensitive receptors to substantial pollutant concentrations.

e) **No Impacts.** The proposed project would not create any new/permanent objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES. Would the project:

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

Discussion: With the preparation of the 2009 General Plan, no threatened or endangered species were identified in the project area. The project area has been subjected to agricultural uses in the past, resulting in a highly maintained and disturbed habitat. There is no record of special-status species in this project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

The approximately 22.52-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 a identified GHG emissions threshold.

The Air District’s recommended methodology is difficult, if not impossible, to apply to the project currently proposed, which does specify the nature or intensity of uses which may be developed in the future. In the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is currently too speculative to make a significance determination regarding this project’s direct and indirect impact with respect to climate change. The City General Plan includes policies in support of GHG emissions reduction and climate change. The City supports local, regional, and statewide efforts to reduce the emission of greenhouse gases linked to climate change.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

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

Discussion: The subdivision of the property will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be confirmed with the required Site Plan Review.

- 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 checked="" type="checkbox"/>	<input 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) **Less Than Significant 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 is not in conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

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

X. MINERAL RESOURCES. Would the project:

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

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

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

XI. NOISE. Would the project result in:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **No Impacts.** The proposed project would not result in exposure of persons to or the generation of noise.
- b) **No Impacts.** The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- c) **Less than significant impact.** The proposed project would result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project. These noise levels were anticipated as part of the development of the project site, consistent with the Madera General Plan.

- d) **Less than significant impact.** The proposed project may result in some temporary increase in ambient noise levels in the project vicinity during construction of the site.
- e) **No Impacts.** The proposed project site is not located within an airport land use plan or within two miles of a public airport or public use airport.
- f) **No Impacts.** The project will is not located within the vicinity of a private airstrip.

XII. POPULATION AND HOUSING. Would the project:

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

Discussion: The proposed project will directly induce additional population growth in this area. That growth does not exceed that anticipated in the General Plan. The property involved does not have any residential use and the project would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

- a) **Less than significant impact.** The proposed project will induce additional population growth. That growth does not exceed that anticipated in the General Plan. Road and utility construction will occur only in relationship to the development of the project itself. Further extension of roads and utility is not proposed as a component of this project.
- b) **No Impacts.** The proposed project would not displace any existing housing, thereby necessitating the construction of replacement housing elsewhere, since the site is vacant.
- c) **No Impacts.** The proposed project would not displace any people.

XIII. PUBLIC SERVICES.

	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. The project area will be required to provide additional facilities within the development, and comply with the City's Master Plan, Ordinances, and standard practices. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

- i) Fire protection. **Less than significant impact.** The proposed project would not result in substantial adverse physical impacts to fire protection services.
- ii) Police protection. **Less than significant impact.** The proposed project would not result in substantial adverse physical impacts associated with the provision of police protection.

iii) Schools. **Less than significant impact.** The Madera Unified School District levies a school facilities fee to help defray the impact of commercial/industrial development. The proposed project would not generate a significant impact to the schools in Madera.

iv) Parks. **Less than significant impact.** The proposed project would not have any impacts on other public facilities. A pocket park is proposed as an amenity to the subdivision.

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: The residential development of this property was included in the General Plan and its accompanying EIR and the potential traffic generated from the eventual development of this land is considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development. Tozer Street, which abuts the eastern frontage of the project site, is identified as an Arterial per the General Plan. In conjunction with the planned reconfiguration and subdivision of the property, right of ways will be obtained and improved in accordance with City standards. A traffic study will be prepared in support of the project. Its recommendations will be incorporated into the project's conditions of approval.

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

- b) **Less-Than-Significant Impacts.** The project would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.
- c) **Less-Than-Significant Impacts.** The proposed project would not result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- d) **Less-Than-Significant Impacts.** The proposed project would not increase hazards to transportation systems due to design features such as sharp curves, dangerous intersections, or incompatible uses.
- e) **No Impacts.** The proposed project would not result in inadequate emergency access.
- f) **No Impacts.** The proposed project would not result in inadequate parking capacity.
- g) **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

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

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

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

- b) **No Impacts.** The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c) **No Impacts.** The proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- d) **No Impacts.** There will be sufficient water supplies available to serve the project.
- e) **No Impacts.** The project would not require a determination by a wastewater treatment provider.
- f) **No Impacts.** The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g) **No Impacts.** The project will be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

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

Determination:

Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Agriculture, Air Quality, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Population and Housing, 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.

DETERMINATION:

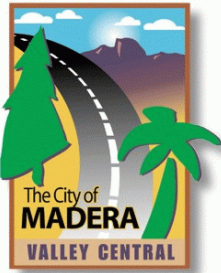
On the basis of this initial evaluation:

- 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 _____

Date: _____

Printed Name: Christopher Boyle,
Planning Manager



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: CUP 2007-24 MOD & SPR 2016-60
Head Start Expansion
Item #2 - March 14, 2017**

PROPOSAL: An application for modification of an existing conditional use permit and site plan review to allow for a 960 square foot modular classroom expansion and supporting site improvements for the Head Start program at the Valley West Christian Center.

APPLICANT:	Stanislaus County of Education	OWNER:	Valley West Christian Center
ADDRESS:	101 W. Adell Street	APN:	003-130-004
APPLICATION:	CUP 2007-24 MOD SPR 2016-60	CEQA:	Categorical Exemption

LOCATION: This site is located on the north side of West Adell Street at its intersection with Sonora Street.

STREET ACCESS: Access to the parcel is from existing driveways off of W. Adell Street.

PARCEL SIZE: Approximately 16.5 acres

GENERAL PLAN DESIGNATION: LD (Low Density)

ZONING DISTRICT: R-1 (Residential)

SITE CHARACTERISTICS: The project site has been previously developed with a church facility that includes a 10,000 square foot sanctuary, a 4,800 square foot multi-purpose/office building, an 8,400 square foot youth activity center and two classrooms, each 2,880 square feet in size. The property immediately east side of the site has been developed with a senior housing development. Properties to the south, across Adell Street, have been developed with multi-family residential uses. Rural residential uses have been established to the west and north.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under §15303 of the CEQA Guidelines as “New Construction or Conversion of Small Structures.” Class 3 categorical exemptions include, “...the construction and location of new, small facilities or structures....not exceeding 10,000 square feet in floor area”.

SUMMARY: The proposal would allow for the installation of a 960 square foot classroom expansion at the existing Head Start preschool and daycare program located on the Valley West Christian Center campus. The expansion includes parking lot improvements consistent with the General Plan and the City’s Design and Development Guidelines. The Head Start facility has been compatible with the surrounding uses.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.505, Residential Zone
MMC § 10-3.4.0102, Site Plan Review Applicability
MMC § 10-3.1202, Parking Regulations
MMC § 10-3.1301, Use Permit Procedures

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. With the requirement for a conditional use permit, a site plan review application must also be processed.

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.

The City's General Plan indicates that land designated as LD (Low Density Residential) is appropriate for development of churches, schools, daycare facilities compatible with single family residential neighborhoods. The City's Zoning Ordinance also allows for schools and daycare facilities in the R1 (Low Density Residential) Zone District, subject to the approval of a conditional use permit by the Planning Commission.

PRIOR ACTION

Since its approval in 1989, the Valley West Christian Center campus, through a series of conditional use permits and site plan reviews, has grown to include the main church sanctuary structure, a chapel, administrative offices, youth activity center, classrooms and a recently approved multipurpose room (CUP 2016-30).

In 2007, the Planning Commission also approved Conditional Use Permit 2007-24, which allowed for the establishment of a Head Start daycare/preschool program in the northeast corner of the church campus. Conditional Use Permit 2007-24 allowed for the construction of a 3,360 square foot multipurpose building, development of a fifteen stall parking field, and supporting infrastructure cumulatively intended to serve approximately fifty (50) children.

ANALYSIS

Background

The proposed project represents a unique set of circumstances for both the City and applicant/operator. The applicant is the Stanislaus County Office of Education, which is the entity that handles construction funding and proposes to develop the physical facilities. The property is currently, and will remain, privately owned church property. The Community Action Partnership of Madera County will utilize the facilities as part of the Head Start program, which receives federal funding. Head Start facilities are commonly developed on public school property, which removes the local agency from the permitting process. While all parties probably prefer that model, those circumstances do not apply to the current proposal. The property is privately owned and the State has declined to accept permitting authority. For these reasons, the City could find no solution other than to treat the Head Start expansion as a

traditional development project in the same manner that the recent multipurpose building addition on the church campus was treated.

Confusion regarding the permitting authority for Head Start facilities occurred with the original development in 2007, when construction commenced without permits. Eventually, this problem was rectified and both land use and building permits were issued. The current expansion project experienced similar difficulties, wherein the modular building in question was installed without any approvals by the City. The City discovered improvements being made while processing a recent request from the Valley West Christian Center for approval of its 5,250 square foot multipurpose structure. After extended discussion between the City and the Stanislaus County Office of Education, the City's land use authority was recognized and the subject entitlements were scheduled for consideration by the Planning Commission. The Stanislaus County Office of Education continues to disagree that the City also has the responsibility to implement its building permit and inspection processes; that element of the project remains unresolved.

Expansion Proposal

The project proposes the addition of a 20' x 48' modular classroom structure. The classroom would be utilized exclusively by the Head Start daycare and preschool program, providing for additional enrollment capacity in the program. Although the hours of operation have remained constant, from 5:30 a.m. until 3:30 p.m., since the original approval in 2007, the program now operates nearly year-round, with a short closure during the months of March and April. Students have also grown from an average of 15 to 18 students served in 2007 to nearly triple that amount today. Approximately 42 to 45 students attend the program today with a maximum capacity of 48 students anticipated with the completion of the new classroom structure. Employees have grown commensurately, from six to eight employees in 2007, to sixteen employees today.

Parking

In 2007, based on the number of employees at that time, the City parking ordinance required a minimum of eight parking spaces for the daycare/preschool use. The project developed nine fully improved parking spaces with additional unmarked paved areas to queue vehicles.

With the proposed expansion, the applicant proposes to complete the parking field to provide a total of twenty-nine parking stalls. The parking field will be improved consistent with the goals and policies of the General Plan and in conformance with the City's Design and Development Guidelines. Landscape areas will provide required shade to the parking stalls, separated by six-inch raised concrete curb so as to clearly define circulation within the parking lot. The parking lot design also better protects the required twenty-foot fire access lane meant to serve the adjacent Valle de Las Brisas senior living complex. The proposed parking lot improvements fully satisfy the revised required minimum of sixteen parking stalls.

Building Design

The proposed structure is currently installed on the property. The elevations of the classroom structure are not in keeping with General Plan standards, with an exterior finish of pressboard wood siding for the classroom. Utilities are also mounted directly to the sides of the building, unscreened in any way. In review of the structure, it was determined by staff that exterior pressboard siding would not be consistent with the exterior finish of the existing structures on site, nor consistent with the goals and policies of the General Plan, and should instead be stucco finish with colors similar to existing structures. The applicant has agreed to revise the exterior finish to be of stucco, similar to the other classroom structures on site. Additional landscaping is also proposed adjacent to the structure in conjunction with the new parking areas.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is “a well-planned City”. The Commission, by considering how this development connects to other developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project is specifically consistent with Strategy 338 under “Healthy Community” of the Vision Madera 2025 Plan, “ensure[ing] safe and affordable childcare is available to all Maderan families”.

RECOMMENDATION:

The information presented in this report supports the approval of the use permit modification as conditioned to allow for the expansion of the Head Start daycare/preschool program at Valley West Christian Center. 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 amendment of the conditional use permit and site plan review.

Motion 1: Move to approve Conditional Use Permit 2007-24 MOD and Site Plan Review 2016-60, based on the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA), which provides for the construction and location of new, small facilities or structures....not exceeding 10,000 square feet in floor area.
- The use is consistent with the purposes of the LD (Low Density Residential) General Plan land use designation and the R1 (Low Density Residential) Zone District which provides for schools and daycare facilities subject to the issuance of a conditional use permit.
- There is adequate parking and site features to accommodate the participants of the existing and proposed uses.
- Because the existing daycare/preschool facility has been established for many years without any record of problems or conflicts with the surrounding neighborhood, the use as conditioned, is not likely to be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City and will likely continue to be compatible with other allowable uses.

CONDITIONS OF APPROVAL

General Conditions

1. Conditional Use Permit 2007-24 MOD and Site Plan Review 2016-60 allow for the expansion of the existing Head Start daycare/preschool facility. The expansion includes, but is not limited to the following:
 - Installation of a 960 square foot modular classroom.
 - Construction of a parking field, including supporting landscaping.
 - Site improvements consistent with the conditions of approval.
2. 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.
3. 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 Planning Commission approval. Please note this site plan review approval (SPR 2016-60) will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code, or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
4. The applicant's failure to utilize this use permit and site plan review within one year following the date of this approval shall render the entitlements null and void unless a written request for an extension has been submitted to and approved by the Planning Manager.
5. 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.
6. 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, at a minimum, application for site plan review.
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 commencement of work on the project site.
8. Except where noted herein, all on-site and off-site improvements shall be completed as a component of and prior to issuance of final occupancy of the proposed structure.

Building Department

9. Site development shall be consistent with the site plan as approved by the Planning Commission and confirmed by the Planning Manager. The uses of all activity areas shall be identified on plans submitted for issuance of building permits.
10. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

11. Additional items identified as not complying with current codes and ordinances may be identified as part of building permit plan check. Any item found not in conformance with current codes and ordinances must be corrected.

Engineering Department

General

12. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
13. Impact fees shall be paid at time of building permit issuance.
14. 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, easement acceptance, Encroachment Permit processing and improvement inspection fees.
15. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
16. The improvement plans for the project shall include the most recent version of the City's General Notes.
17. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
18. Improvements within the City right-of-way require Encroachment Permit from the Engineering Division.

Water

19. Any new water service connection to the City water system shall be constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.

Sewer

20. Any new sewer service connection to the City sewer system shall be constructed to current City standards.

Streets

21. The developer shall construct a minimum 5 foot concrete sidewalk in its ultimate location along the entire parcel frontage of Adell Street per City standards. An unimpeded ADA path of travel shall be maintained at all times.
22. The developer shall construct a handicap access ramp at the north end of the existing cross walk along Adell Street, near Sonora Street, to current City and ADA standards.

Fire Department

23. A building permit is required for all required/proposed improvements.
24. Portable fire extinguishers are 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.

25. A fire alarm system is required for all educational uses. This alarm should be an expansion of the existing system provided for the private school campus.
26. All exits must be equipped with panic hardware.
27. A key box is required. Knox pad locks are required at the gated access points.
28. The on-site fire mains must be extended to provide adequate protection for this structure. An additional fire hydrant is required which must be able to produce the required fire flow of 1750 GPM at 20 PSI.

Planning Department

General

29. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
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.

Classroom Structure

31. The 960 square foot classroom structure shall be modified. A stucco surface shall be installed on all elevations of the structure so as to closely match the preexisting Head Start classroom structure in both color and materials.
32. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department as a component of building permit issuance. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.

Utility Placement Considerations/Screening Requirements

33. Prior to the issuance of building permits, the applicant shall identify the following information on the site plan for Planning Department review and approval:
 - The location of all natural gas and electrical utility meter locations.
 - The location of all HVAC (heating, ventilation or air conditioning) equipment.
 - The location of all compressor equipment, and mechanical and electrical equipment.
34. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department.
35. Placement of electrical/mechanical equipment shall be screened and painted to match the structure per the approval of the Planning Department.
36. When HVAC equipment is roof-mounted, all equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground mounted, all HVAC equipment shall be completely screened by a six (6') foot enclosure constructed so as to match the primary color and material of the structure.
37. Natural gas meter placement shall be screened from public view per Planning Department approval.

Landscaping

38. A detailed landscaping and irrigation plan shall be 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 plans shall include:
- Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance.
 - Landscaped areas shall be developed within the parking field as per approved plans.
 - Shade trees shall be planted throughout the parking lot, with a minimum of one tree per five parking spaces.
 - Landscaped areas shall be provided with permanent automatic irrigation systems.
 - Landscaped areas shall be protected by raised six (6") inch concrete curbing.
 - All landscape areas shall have a minimum width of four feet (4').
 - 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.
39. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating equipment at all times, the trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation.

Parking

40. All parking and loading areas shall be marked and striped to City Standards: Perpendicular (90 degree) parking spaces shall measure a minimum of 9' wide by 19' deep (17' deep with 2' bumper overhang). No compact parking stalls shall be developed on the site. No wheel stops shall be incorporated into the parking field/parking stall layout except where specifically allowed per the site plan. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet.

(OR)

Motion 2: Move to continue the public hearing for Conditional Use Permit 2007-24 MOD and Site Plan Review 2016-60 to the April 11, 2017 Planning Commission meeting:

(OR)


Motion 3: Move to deny the application for Conditional Use Permit 2007-24 MOD and Site Plan Review 2016-60 based on and subject to the following findings: (specify)

ATTACHMENTS

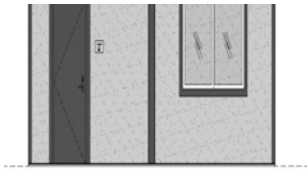
Aerial Photo
Site Plan
Elevations
Site Photos

Aerial Photo

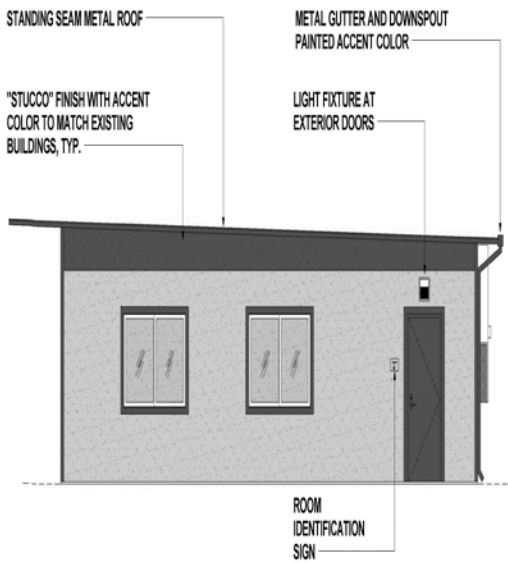
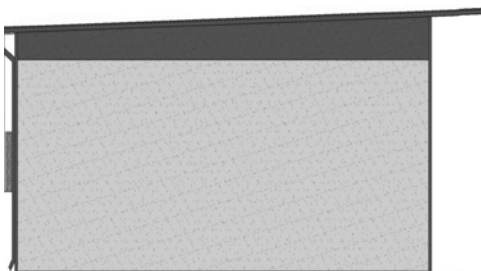
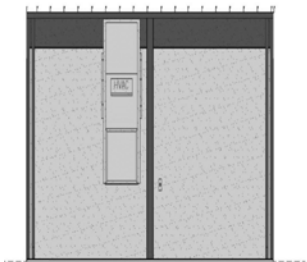
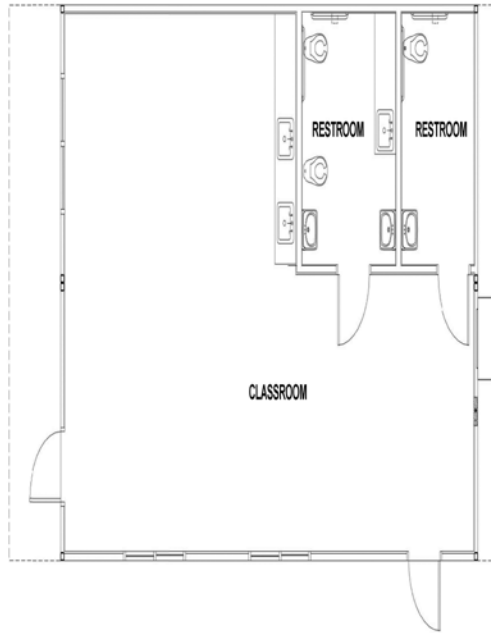


OVERALL SITE 

Elevations

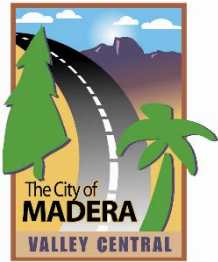


NOTE: COLORS SHOWN TO DEMONSTRATE CONTRAST AND DO NOT REFLECT ACTUAL COLORS



Site Photos





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Paletalandia - CUP 2017-04 & SPR 2017-05
Beer and Wine Sales for On-Site Consumption (Restaurant)
Item #3 – March 14, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the on-site consumption of beer and wine as a component of an existing restaurant within the Madera Marketplace shopping center.

APPLICANT:	Paletalandia Inc – Angela Aguilar	OWNER:	Madera Capital LP
ADDRESS:	2295 West Cleveland Avenue	APN:	013-160-020
APPLICATION:	CUP 2017-04 & SPR 2017-05	CEQA:	Categorical Exemption

LOCATION: The property is located within the Madera Marketplace shopping center at the northeast corner of North Schnoor Avenue and West Cleveland Avenue.

STREET ACCESS: Access to the site is gained throughout the shopping center, which accesses North Schnoor Avenue and West Cleveland Avenue.

PARCEL SIZE: 0.16 acres within an approximately 30.12-acre shopping center.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The restaurant is the western-most suite attached to the Pak N Save structure, closest to North Schnoor Avenue. A mixture of commercial development is located to the north, east and south of the project site, with single-family residences and professional offices to the west.

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 sale of beer and wine as part of the daily operations of a restaurant is a normal component of a restaurant's business model. There would be no over-concentration of California State Department of Alcoholic Beverage Control (ABC) licenses for the on-site consumption of alcoholic beverages. Conditions of approval guide required site improvements to the current City standard.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Light Commercial Zones
MMC § 10-3.405 Uses
MMC § 10-3.1301 Use Permits
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

In 1989, the Planning Commission approved Conditional Use Permit 1989-39, as well as multiple Site Plan Reviews throughout the early 1990s, which cumulatively prepared the project site for the development of a commercial shopping center. Since then, various use permits have been approved in support of the shopping center tenants, including Planning Commission approval for alcohol sales for off-site consumption, schools and outdoor storage of merchandise.

ANALYSIS

Background

The project site has previously served as an Italian restaurant and pizzeria. Paletalandia Madera was established in November of 2015. The restaurant wishes to add the sale of beer and wine for on-site consumption as a component of their daily restaurant operations. The sale of beer and wine would be ancillary to the restaurant use. The restaurant does not include, nor does it plan to include a bar and/or club component. Food and beverages are ordered and served at sit-down tables, although take-out is also an option for customers. There would be no allowance for the off-site consumption of beer and wine at this restaurant.

ABC Licenses

The project site is located within Census Tract 5.03, which currently holds seven (7) Alcohol Beverage Control (ABC) licenses for on-site consumption of alcoholic beverages and thirteen (13) ABC licenses for off-site consumption of alcoholic beverages. The current population of Census Tract 5.03 (8,539 residents) allows for a maximum of eight (8) ABC licenses for both on- and off-site consumption of alcoholic beverages each. Approval of Conditional Use Permit 2017-04 would not create an over-concentration of ABC licenses for the on-site consumption of alcoholic beverages within Census Tract 5.03. It should be noted that there currently is an over-concentration of ABC licenses for the off-site consumption of alcoholic beverages within Census Tract 5.03.

Parking

The City's parking requirements for a restaurant require one (1) parking space for each three (3) seats in the restaurant. The parking requirements were addressed as part of the original business

license application. No additional seats are proposed as part of Conditional Use Permit 2017-04. There is adequate parking within the shopping center to serve the restaurant.

Site Improvements

Conditional Use Permit 2017-04 and Site Plan Review 2017-05 were reviewed by various City Departments. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report. Off-site improvements include a water meter upgrade to an Automatic Meter Reading (AMR) water meter within the City right-of-way, installation of a backflow prevention device, and a sewer cleanout. The improvements would cumulatively bring the site to the current City standard.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of the on-site consumption of beer and wine in conjunction with a restaurant are 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 ...;*

RECOMMENDATIONS

The information presented in this report supports 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 2017-04 and Site Plan Review 2017-05 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be taking action regarding Conditional Use Permit 2017-04 and Site Plan Review 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 2017-04 and Site Plan Review 2017-05, 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 sale of alcoholic beverages 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.
- There is no over-concentration of ABC licenses for the on-site consumption of alcoholic beverages (beer and wine only) within Census Tract 5.03.
- As conditioned, the development will be compatible with surrounding properties.

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

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2017-04 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 2017-04 and Site Plan Review 2017-05 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.
5. Site Plan Review 2017-05 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 2017-05.
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 potential improvements. The tenant space shall meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act, if not already met.
9. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

Engineering Department

General

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

Sewer

14. The existing sewer service connection shall be upgraded to include a cleanout per City standards.

Water

15. Existing water service connection(s) shall be upgraded to current City standards, including an Automatic Meter Reading (AMR) water meter located within the City right-of-way and backflow prevention device located within private property.

Fire Department

16. Two (2) legal means of egress shall be required and maintained.
17. The storage of beer and wine shall comply with the requirements for combustible storage.
18. Exit signs and emergency lighting shall be required and maintained.

Planning Department

General

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

Operations

23. Conditional Use Permit 2017-04 allows for the sale of beer and wine in association with the operation of a bona fide eating establishment. This entitlement requires a Type 41 Alcohol Beverage Control license to be obtained. Modification of the license type requires amendment of this use permit.

24. The sale of alcoholic beverages shall be restricted to on-site consumption only. No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the use.
25. No outdoor dining or outdoor consumption of alcoholic beverages shall be allowed at any time. There shall be no allowance for the sale of beer and wine for the purpose of off-site consumption.
26. There shall be no allowance for the outdoor display and/or storage of goods, merchandise and/or materials.
27. Except as noted herein, all on- and off-site improvements shall be made prior to the issuance of a Type 41 Alcoholic Beverage Control license for the restaurant.

Landscaping

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

Signage

29. All signage shall be in compliance with the Madera Marketplace Master Sign Criteria (SGN 1994-12) at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2017-04 and Site Plan Review 2017-05 to the April 11, 2017 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-04 and Site Plan Review 2017-05 based on and subject to the following findings (specify):

ATTACHMENTS

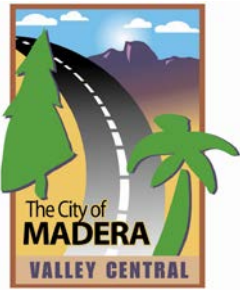
Aerial Photo
Site Photos

Aerial Photo



Site Photos





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: La Quinta Inn & Suites
CUP 2017-05, SPR 2017-02 and Environmental Determination
Item #4 – March 14, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the renovation of the existing hotel.

APPLICANT: Carter Case, Case Design Group **OWNER:** HLM Investments, LLC

ADDRESS: 317 North G Street **APN:** 006-095-010

APPLICATION: CUP 2017-05 & SPR 2017-02 **CEQA:** Categorical Exemption

LOCATION: The property is located on the northeast corner of West 4th Street and North G Street.

STREET ACCESS: The site has access to West 4th Street, West 3rd Street and North G Street.

PARCEL SIZE: Approximately 1.2-acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Commercial)

SITE CHARACTERISTICS: Originally constructed as the Madera Valley Inn, the hotel is currently branded as a Quality Inn. There is commercial development to the east and south, with a residential neighborhood located directly north. City Hall is located immediately 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: The applicant proposes an expansive remodel of the existing hotel, including significant alteration to the building fascia and relocation of the porte-cochere. Repair of frontage improvements will accompany the extensive rebranding to the La Quinta Inn and Suites.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.901 et. al.; C2, Heavy Commercial Zones
MMC § 10-3.4.0101 Site Plan Review
MMC § 10-3.1202 Parking Spaces Required
MMC § 10-3.1301 Use Permits

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

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.

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial centers. The City's Zoning Ordinance also allows for a variety of retail and service uses in the C2 (Heavy Commercial) Zone District, including a hotel, subject to the approval of a conditional use permit by the Planning Commission.

PRIOR ACTION:

Site Plan Review 1974-04 was completed for signage at the Madera Valley Inn. No site plan review has been completed on the site since the 1974 application. No use permit was ever approved for the original hotel. The current request would remedy that condition.

ANALYSIS

Background

Originally built in the early 1970's as a 98-room hotel, seven rooms have been converted over time into meeting rooms, retail space, offices and an exercise room. The property also once included a restaurant as a component of operations. The five-story structure encompasses over 56,000 square feet of floor area.

Project Proposal

The applicant proposes a complete architectural fascia refresh of the existing Quality Inn property, rebranding the hotel into a La Quinta Inn. The refresh includes a new contemporary hotel architectural design, with a relocated porte-cochere, mixtures of colors and building materials, and enclosure of balconies in order to provide the elegantly clean geometric lines that define the new "Del Sol" prototype of the La Quinta hotel brand.

The interior of the hotel will also be remodeled. The ground floor of the hotel will be revised to reflect the relocated porte-cochere, with a new lobby, exercise room, meeting room, and revised support spaces. The restaurant on the property will be converted into a great room which will provide a space for dining. The restaurant kitchen will be removed in favor of a food prep area and complimentary breakfast buffet line. The hotel rooms will also be remodeled.



Conceptual drawing of the refreshed architecture.

Site Plan Review

The property has not been subject to site plan review since the 1970s and has not seen a significant investment in an extended period of time. Subsequently, there is a high degree of delayed maintenance for both on and off-site improvements. Conditions of approval require repair and replacement of curb, gutter and sidewalk on both West 3rd Street and North G Street. Frontage improvements will necessitate the removal of existing trees and replacement of landscaping in order to complete those off-site improvements.

The existing deficiencies in frontage improvements are an issue that Quality Inn ownership has previously been made aware of. Staff has been in communication with the ownership in an effort to resolve those frontage shortcomings since at least 2014. If the frontage improvements are not completed by the existing owner, then responsibility for those improvements will be transferred to the new La Quinta ownership group and the improvements would need to be completed no later than the completion of the hotel remodel.

Other infrastructural improvements include the installation of water meter and reconstruction of a trash enclosure.

Parking

Parking stalls are required to be provided at a rate of one parking stall per each three (3) beds. If the hotel provides an average of two beds per lodging room, a total of sixty-one (61) parking stalls would be required. At present, the hotel property includes eight-one (81) parking stalls. There is sufficient parking to serve the hotel use.

Roof-Mounted Cellular Telecommunications Facility

Conditional Use Permit 2014-25 and Site Plan Review 2014-38 were approved by the Planning Commission on April 14, 2015. The use permit and site plan allowed for the installation of rooftop cellular wireless telecommunications facility on the roof of the existing hotel. The proposed architectural refresh of the hotel structure will mitigate if not resolve the negative aesthetic impacts created by the rooftop facility. Conditions of approval applicable to the rooftop facility are incorporated by reference into the current request.

CEQA Compliance

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), which provides for minor alterations and additions to existing structures.

This proposed conditional use permit and site plan review 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 proposed remodeling of a hotel directly implements that vision statement, as well as goals supporting “good jobs and economic opportunity” within “a safe, healthy environment.”

RECOMMENDATION

The information presented in this report supports conditional approval of the use permit and site plan review request.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Conditional Use Permit 2017-05 and Site Plan Review 2017-02, 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 2017-05 and Site Plan Review 2017-02, based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA), which provides for minor additions to existing structures.
- The proposed hotel remodeling is consistent with the purpose and intent of the C2 (Heavy Commercial) Zone District which allows for hotels, subject to the issuance of a conditional use permit.
- The proposed hotel remodeling is consistent with the C (Commercial) General Plan land use designation which allows for a broad range of commercial activities.
- As conditioned, the hotel remodeling will be compatible with surrounding properties, because conditions of approval have been to bring the hotel property into conformance with the development standards of the City.
- 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, because conditions of approval adequately address the operations typical of a hotel in relationship to surrounding properties and allow for future review by the Commission as needed.

CONDITIONS OF APPROVAL

General Conditions

1. Site Plan Review 2017-02 allows for the remodeling of an existing hotel. The remodel includes, but is not limited to the following:
 - Change in exterior fascia.
 - Removal/redesign/relocation of the porte-cochere.
 - Breakfast-only restaurant conversion.
 - Additional interior modifications per approved plans.
 - Site improvements consistent with the conditions of approval.
2. 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.
3. 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 2017-02) will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code, or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
4. 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.
5. 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.
6. 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 application for site plan review.
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 commencement of work on the project site.
8. Except where noted herein, all on-site and off-site improvements shall be completed as a component of and prior to final inspection for building permit approvals.

Building Department

9. Site development shall be consistent with the site plan as approved by the Planning Commission and confirmed by the Planning Manager. The uses of all activity areas shall be identified on plans submitted for issuance of building permits.
10. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

11. Additional items identified as not complying with current codes and ordinances may be identified as part of building permit plan check. Any item found not in conformance with current codes and ordinances must be corrected.

Engineering Department

General

12. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
13. 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.
14. Improvement plans shall be submitted to the Engineering Division in accordance with the submittal process.
15. Improvements within the City right-of-way require Encroachment Permit from the Engineering Division.

Streets

16. The developer shall re-construct/upgrade the existing handicap access ramp located at the southeast corner of North G Street and West 3rd Street to current ADA standards.
17. The northernmost driveway approach along North G Street shall be re-constructed to the extent necessary to provide ADA accessibility.
18. Sidewalk shall be replaced, in accordance with City standards, in its entirety along the North G Street and West 3rd Street frontages due to excessive and repetitive damage along the entire area. The existing trees shall be removed and replaced with trees and root guards on the City's approved tree list.
19. Damaged curb and gutter along North G Street and West 3rd Street shall be re-constructed per current City standards. Areas where curb flow is obstructed shall be re-profiled to allow for unimpeded flow.
20. The aforementioned street improvements shall be completed as a component of the overall refresh of the hotel property. An encroachment permit shall be obtained from the Engineering Department prior to issuance of any building permits. All frontage improvements shall be completed prior to final Building Department building permit inspections.

Water

21. Existing water service connections shall be upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within the City right-of-way and backflow prevention device installed within private property.

Fire Department

22. The open exit stairs cannot be enclosed more than prescribed by code to remain open egress stairs.

Planning Department

General

23. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
24. 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.
25. All conditions applicable to approval of Conditional Use Permit 2014-25 and Site Plan Review 2014-38 shall remain effective and are not revised in any way by this approval except as modified herein.
26. A revised site plan consistent with the approved conditions of approval shall be submitted at time of building permit plan check for review and approval by the Planning Manager.
27. All structural changes and/or additions shall be consistent with the approved submittals as part of Site Plan Review 2017-02.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

28. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for Planning Department review and approval:
 - The location of all natural gas and electrical utility meter locations.
 - The location of all HVAC (heating, ventilation or air conditioning) equipment.
 - The location of all compressor equipment, and mechanical and electrical equipment.
29. Where feasible, electrical/mechanical equipment shall be located in the interior of the structure within electrical/mechanical service rooms. Utilities (switch boxes, electrical panels and other utility appendages) proposed at the exterior shall be required to be sufficiently screened and/or integrated into building architecture.
30. When HVAC equipment is roof-mounted, all equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground mounted, all HVAC equipment shall be completely screened by a six (6') foot enclosure constructed so as to match the primary color and material of the structure.
31. Natural gas meter placement shall be screened from public view per Planning Department approval.
32. Roof access ladders shall be located within the interior of the building.
33. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements preferred at rear sides of roof ridges. All roof-mounted ducts and vents shall be painted matte black or with a color better suited to minimize their appearance.

Building Colors, Materials and Lighting Considerations

34. The remodel of the hotel approved as part of Site Plan Review 2017-02 shall be consistent with the approved color and materials board and representative color section

rendering of the proposed elevations, as reviewed and approved by the Planning Commission. Any alteration shall require Planning Manager approval.

35. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
36. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.

Landscaping

37. A detailed landscaping plan shall be submitted to the Planning Department for review and approval as part of the submittals for building permit plan check. The landscape and irrigation plan shall be prepared by a licensed landscape architect consistent with the requirements of the State of California's Model Water Efficient Landscaping Ordinance, and shall include:
 - Existing landscaped areas along all street frontages and within parking fields shall be freshened with drought-tolerant plantings.
 - Shade trees shall be installed 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 (6") inch 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.
38. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating equipment at all times, the trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation.

Parking

39. All parking and loading areas shall be marked and striped to City Standards: Perpendicular (90 degree) parking spaces shall measure a minimum of 9' wide by 19' deep (17' deep with 2' bumper overhang). No compact parking stalls shall be developed on the site. No wheel stops shall be incorporated into the parking field/parking stall layout except where required for compliance with ADA requirements. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet.
40. The parking field shall be refreshed with a slurry seal and restripe prior to occupancy of the structure.

Signage

41. All future on-building signage shall be of pan channel letter quality or better and in compliance with the Sign Ordinance of the Madera Municipal Code 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. If retained, the freestanding sign in proximity to the intersection of North G Street and West 4th Street shall be incorporated into an expanded landscaped planter area and subsequently removed from the paved surface.

43. All proposed construction announcement signage shall conform to the Sign Ordinance of the Madera Municipal Code.

Walls and Fences

44. The existing trash enclosure shall be demolished and reconstructed to the current City standard. The trash enclosure shall be constructed of masonry block, consistent with City standards, with a stucco finish and color to match the remodel of the hotel.
45. The revised privacy wall proposed to surround the outdoor pool area shall be complementary to and of similar colors with the remodeled hotel structure per the approval of the Planning Manager.

Motion 2: Move to continue the public hearing for Conditional Use Permit 2017-05 and Site Plan Review 2017-02 to the April 11, 2017 Planning Commission meeting:

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-05 and Site Plan Review 2017-02 based on and subject to the following findings: (specify)

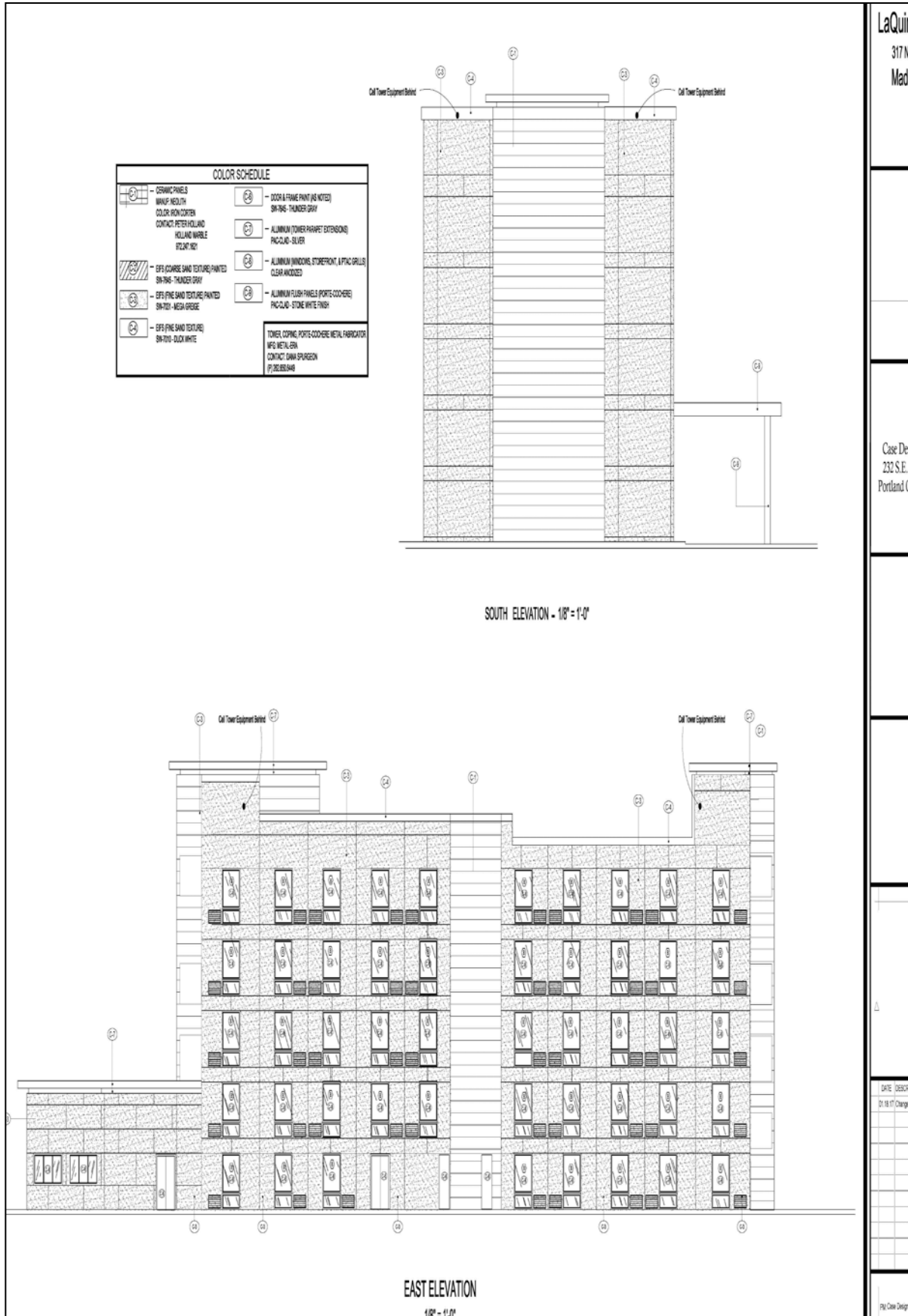
Attachments

- Aerial Map
- Elevations
- Photo Simulations
- First Floor Plans
- Color and Materials Board

Aerial Map



Elevations



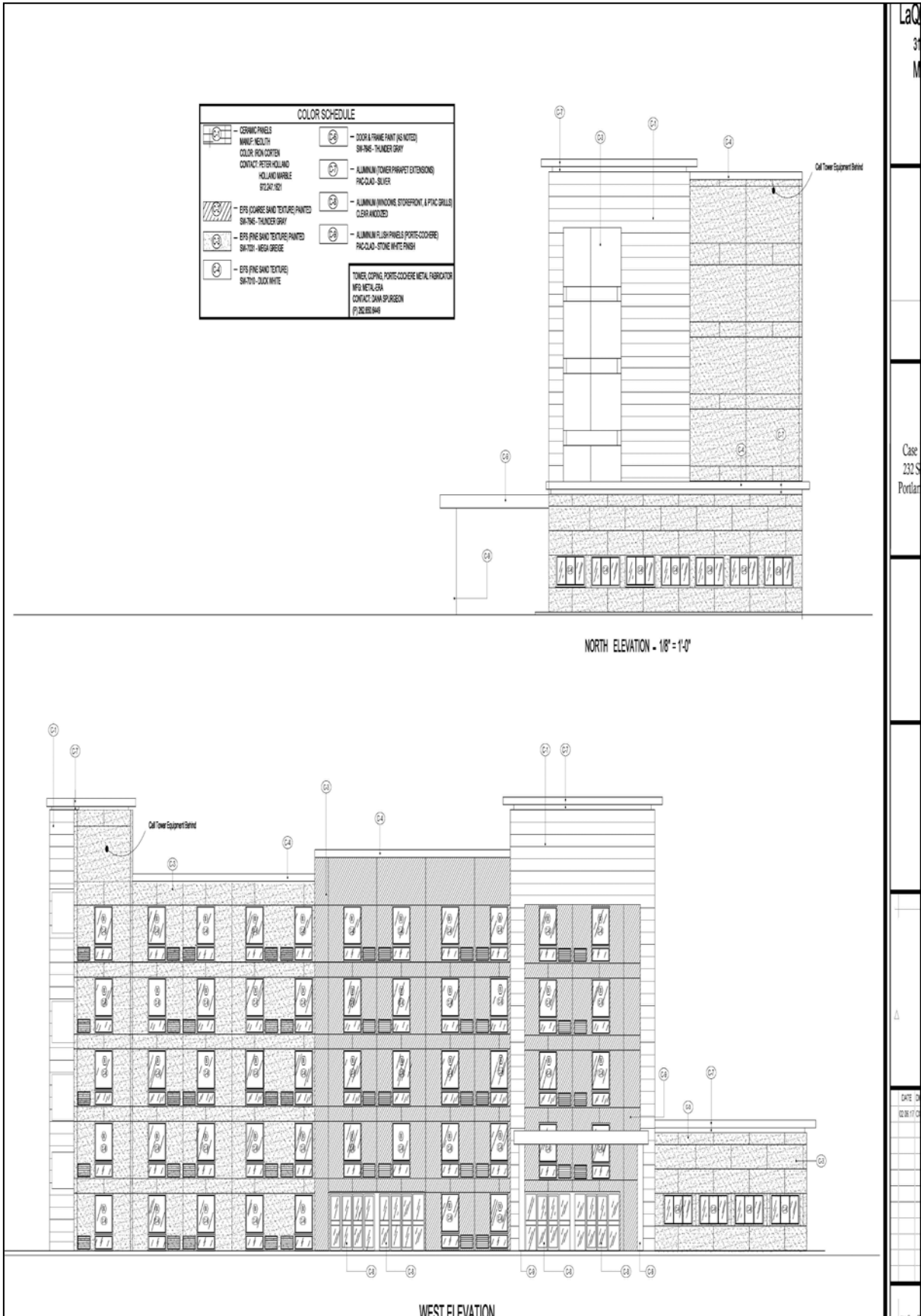
LaQuin
317 N
Made

Case Des
232 S.E.
Portland O

DATE: 02/28/18
3/1/18 TT Changes

PPA Civil Design

Elevations



La Quinta Inn
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02/16/17

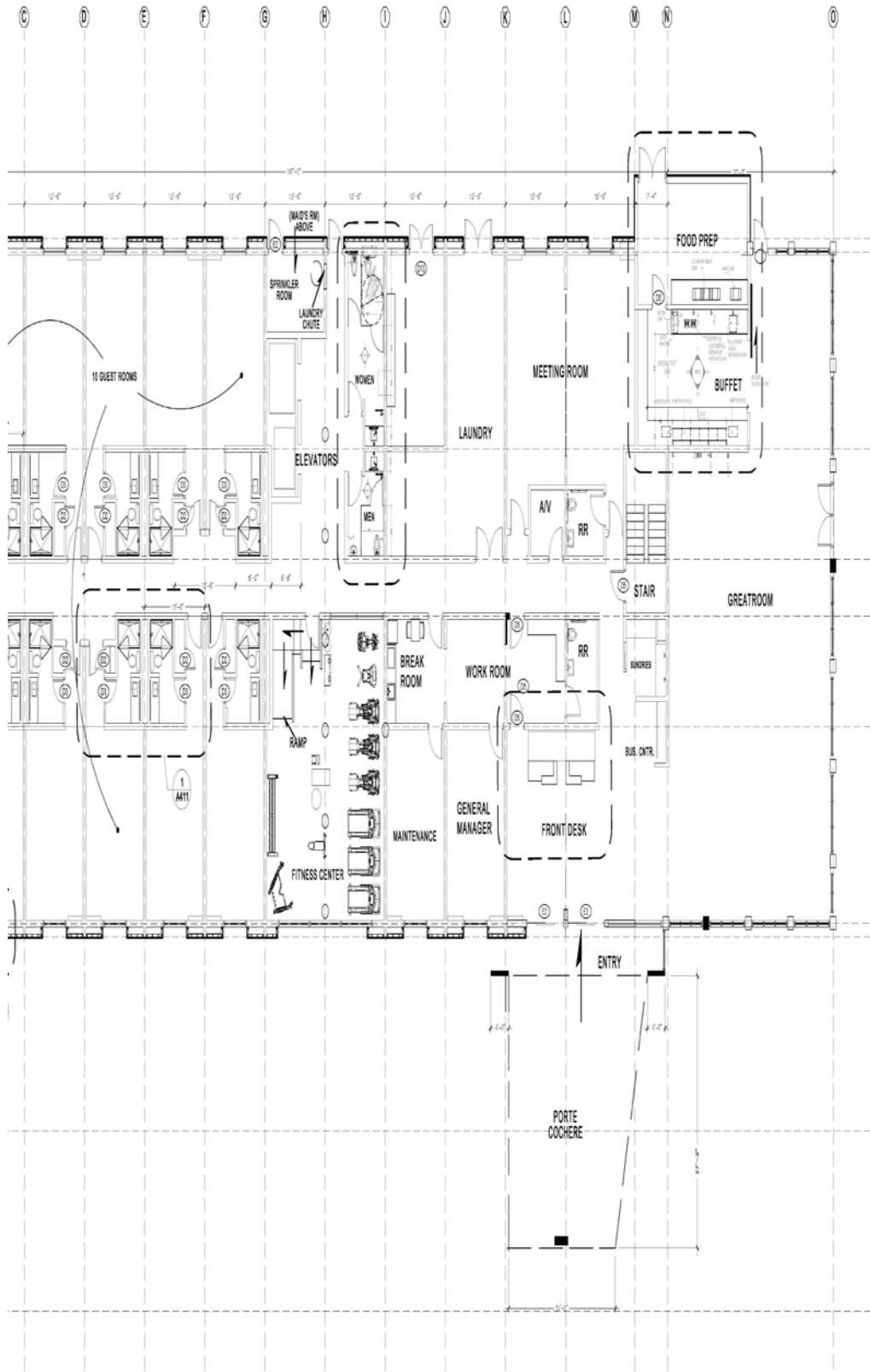
Photo Simulations



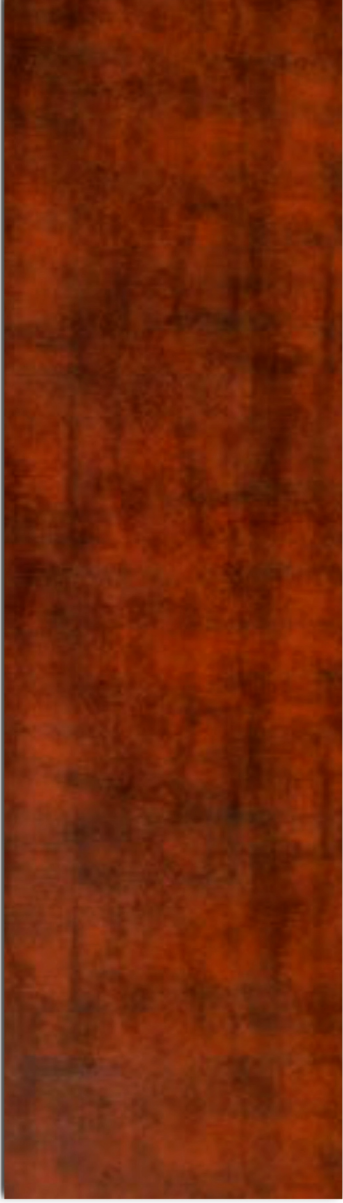
Photo Simulations



First Floor



LAQUINTA HOTEL, MADERA CA



Neolith Iron Corten Panel



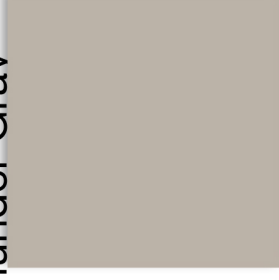
EIFS Sherwin
Williams 7645
Thunder Gray



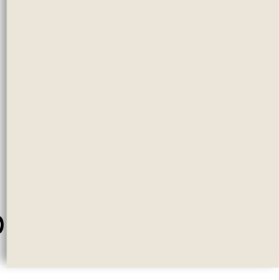
EIFS Sherwin
Williams 6374
Torchlight



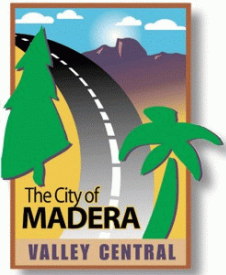
Doors, Storefront,
Window Frames
Clear Anodized
Finish



EIFS Sherwin
Williams 7031 Mega
Greige



EIFS Sherwin
Williams 7010 Duck
White



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: 365 Autos - Walmart
Temporary Outdoor Sales Activities
CUP 2017-07 & SPR 2017-08
Item #5 – March 14, 2017**

PROPOSAL: Consideration of a request for a conditional use permit and site plan review to allow for three outdoor automotive sales events to be held by 365 Autos in the Madera Marketplace Wal-Mart parking lot. The Madera Marketplace requires the approval of a use permit for all outdoor sales activities. 365 Autos is requesting approval for three separate events, in addition to an event recently completed.

APPLICANT: Auto USA Inc. (dba 365 Autos) **OWNER:** Wal-Mart Realty Company

ADDRESS: 1977 West Cleveland Avenue **APN:** 013-160-014

APPLICATIONS: CUP 2017-07 & SPR 2017-08 **CEQA:** Categorical Exemption

LOCATION: The site is located in the Madera Marketplace shopping center, situated on the northeast corner of the intersection of North Schnoor Avenue and West Cleveland Avenue.

STREET ACCESS: Access to the project site is provided via North Schnoor and West Cleveland Avenues.

PARCEL SIZE: The Wal-Mart store is located on a 12.3-acre parcel, which is a portion of the overall shopping center site.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The Madera Marketplace shopping center is substantially surrounded by developed commercial/retail properties, with The Commons at the Madera Fair shopping center to the south and the John Deere equipment dealer to the east.

ENVIRONMENTAL REVIEW: This project is categorically exempt under §15304(e), Minor Alterations to Land, of CEQA Guidelines.

SUMMARY: Outdoor sales events require the approval of a conditional use permit at the Madera Marketplace shopping center. Approval would allow for three additional ten-day temporary outdoor used car sales events to occur.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Uses Permitted, C-1 Zones
MMC § 10-3.1202 Parking Regulations
MMC § 10-3.1301, et seq. Use Permit Procedures

The General Plan designates the project site as C (Commercial) property. The project site is located in the C-1 (Light Commercial) Zone District. The C-1 (Commercial) Zone District allows for “temporary outdoor display of merchandise and sales activities” with the approval of a zoning administrator permit, while also allowing for “outdoor sales establishments” subject to the approval of a use permit by the Planning Commission. Original entitlements allowing for the development of the Wal-Mart property require a use permit for the placement of any outdoor storage and sales activities beyond the fenced outdoor sales area on the northern side of the Wal-Mart store structure.

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

Use Permit X-89-39, approved by the Commission on November 14, 1989, allowed for “an outdoor storage/sales area” in conjunction with the development of the Wal-Mart commercial site. Since development of the Madera Marketplace site, numerous use permits and zoning administrator permits have been approved on behalf of Wal-Mart to allow outdoor display and sale of merchandise, and/or outdoor storage of merchandise. Most recently, Conditional Use Permit 2013-12 made an allowance for up to three outdoor sales events for the Gill Automotive Group.

The applicant recently initiated a sales event on the Wal-Mart site without first securing the required permits. Upon notification by City staff, the applicant made application for the required use permit and site plan review. With the application submittal, staff allowed the completion of the non-permitted five-day event.

ANALYSIS

Nature of Request

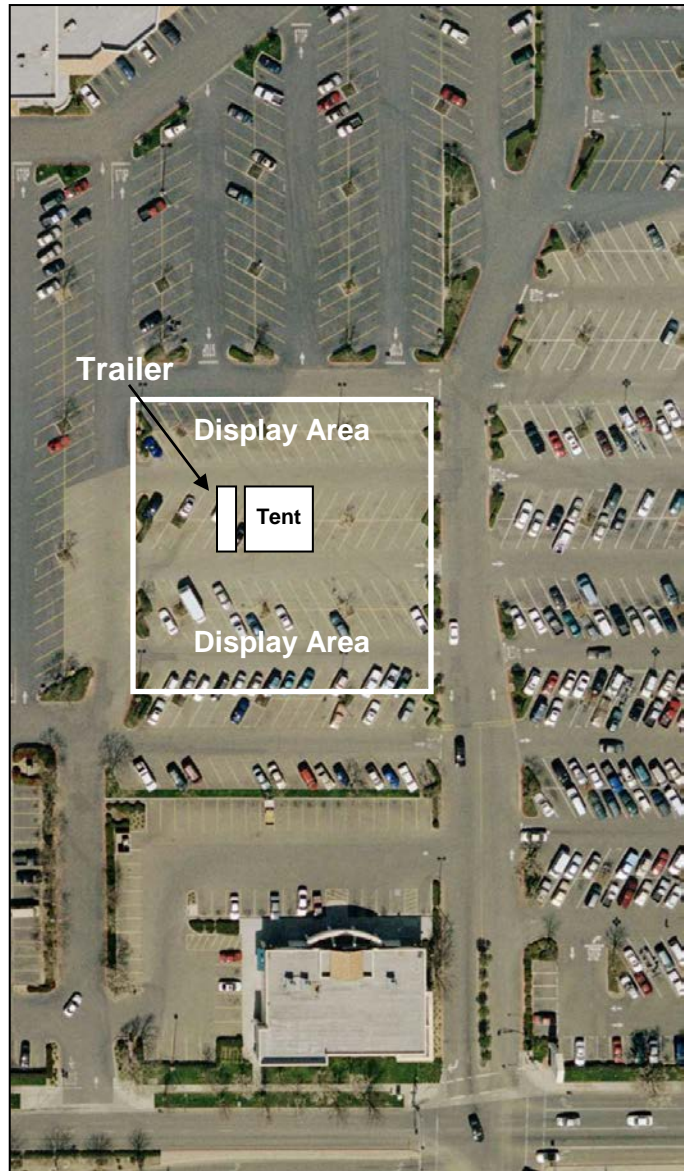
The applicant, 365 Autos, is a used car dealer located on Blackstone Avenue in Fresno. The applicant is requesting an allowance to hold three outdoor automotive sales events during the spring, summer and fall in the Wal-Mart parking lot. These outdoor sales events would allow 365 Autos greater exposure to potential Madera customers. The events would be supported with coordinated media exposure to maximize visitation to the events. The three proposed

weekend events would occur on June 28th through July 5th, September 20th through October 1st and December 26th through December 31st in the 2017 calendar year.

In consideration of outdoor activities in any commercial zone, issues such as traffic congestion and pedestrian safety, loitering, noise, trash, litter, vector control, visual blight, and site maintenance are concerns that generally need to be considered. While conditions of approval may be imposed to address these concerns, implementation and monitoring of compliance with those conditions of approval would be a necessity on the part of the applicant and staff. The primary concerns within this application relate to traffic congestion, pedestrian safety, trash/litter and public nuisances.

Analysis

The proposed location for the outdoor sales event is positioned in a centralized location in the center of the shopping center parking field, just to the west of the primary drive into and out of the shopping center. This location has in the past successfully accommodated similar outdoor events, including new and used car sales events. No primary interior drive aisles are compromised by the proposed event footprint and there is ample space for display of vehicles for sale. A sales trailer and shade tent(s) will be located in the center of the proposed event area, which will provide customer seating as well as areas for loan processing and vehicle financing as needed. It is recommended that no direct vehicle access be allowed into the proposed event area. Drive aisles along the perimeter of the event area should be clearly blocked to restrict vehicular access into the event area. Customers to the event will be able to utilize the remaining parking field to park and then take access to the event. To best protect pedestrians, pedestrian entrances should be logically placed and clearly marked.



To control litter, trash receptacles should be distributed inside of the tent and in each quadrant of the display area. The site should be checked for litter throughout the course of the business day and remedied as necessary. The serving of food or drink out of doors should not be a component of the automotive sales event without the authorization of the Community Development Director and the written authorization of the Madera County Public Health Department.

To address nuisances, amplified sound should not be employed as a component of the outdoor sales event. Lighting should be focused onto the event sight and should not create conditions of glare that could adversely impact surrounding uses and/or motorists. Adequate security should be the responsibility of the applicant. All signage associated with the outdoor sales event must be consistent with ordinance and will require the approval of a temporary sign permit in advance of placement of any signage.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of outdoor automobile sales events are not specifically addressed in the vision or action plans, the overall project does indirectly support Action 115.1 to “encourage viable economic development” and also Good Jobs and Economic Opportunity which focuses in part on creating “a broad spectrum of business opportunities”.

SUMMARY OF RECOMMENDATIONS

The outdoor sales event is permitted with the approval of a conditional use permit. Conditions of approval are recommended in order to ensure compatibility with surrounding uses. It is recommended that the conditional use permit be approved as conditioned.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding the conditional use permit.

Motion 1: Move to approve the requested Conditional Use Permit 2017-07 and Site Plan Review 2017-08 based on and subject to the findings and conditions of approval as listed below.

Findings

- This project is categorically exempt under Section 15304(e), Minor Alterations to Land, of the California Environmental Quality Act (CEQA) since this temporary use of lands will have negligible or no permanent on the environment.
- The allowance for outdoor sales events is consistent with the purposes of the C (Commercial) General Plan land use designation and the C-1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking and site features to allow for the proposed outdoor sales events.
- As conditioned, the outdoor sales events would be compatible with surrounding properties, because its operation would not negatively impact adjoining businesses within the Madera Marketplace shopping center and adjacent properties.
- As conditioned, the establishment, maintenance or operation of the outdoor sales events would 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 (30) days of the date of approval for this use permit.
2. Any 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. The use permit is valid for the current request(s) only. Any subsequent request for outdoor sales events shall require an application for use permit. This approval shall expire upon completion of the permitted events.
4. The applicant's failure to utilize this use permit within approved time periods following the date of this approval shall render the conditional use permit null and void unless an application for amendment has been submitted to and approved by the Planning Commission.
5. It shall be the responsibility of the applicant to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to commencement of any outdoor sales activities on the site.
6. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. Three outdoor sales events are allowed during the remainder of the 2017 calendar year.
 - June 28th – July 5th
 - September 20th – October 1st
 - December 26th – December 31st
8. The daily hours of operation for each event shall be from as early as 9:00 am to as late as 9:00 pm. Setup of the event shall occur as early as 12:00 noon on the day before the event and teardown shall be completed by no later than 12:00 noon on the day following the event.
9. Ingress and egress to the Madera Marketplace shopping center parking lot shall not be blocked at any time.
10. The applicant shall be responsible for providing adequate event security.
11. The applicant shall keep the outdoor sales event area clear of all trash, rubbish and debris at all times. To control litter, trash receptacles shall be distributed inside of the tent and in each quadrant of the display area. The site should be checked for litter throughout the course of the business day and remedied as necessary.
12. Vandalism and graffiti shall be corrected per the Madera Municipal Code.

13. No direct vehicle access shall be allowed into the proposed outdoor sales event area. Drive aisles along the perimeter of the event area shall be clearly blocked to restrict vehicular access into the event area. Customers to the event shall utilize the remaining parking field to park and then take access to the event. To best protect pedestrians, pedestrian entrances shall be logically placed and clearly marked.
14. The serving of food or drink out-of-doors shall not be a component of the automotive sales event without the authorization of the Community Development Director and the written authorization of the Madera County Public Health Department.
15. Amplified sound shall not be employed as a component of the outdoor sales event.
16. Any lighting shall be focused onto the event sight and should not create conditions of glare that could adversely impact surrounding uses and/or motorists.
17. All signage associated with the outdoor sales event must be consistent with ordinance and shall require the approval of a temporary sign permit in advance of placement of any signage.

Fire Department

18. Portable fire extinguishers must be 2A10BC-rated.
19. The tent must comply with the requirements for flame resistance in accordance with the California Fire Code.
20. All electrical work must conform to the California Electrical Code and the California Fire Code. Only listed power taps are permitted and listed power taps may not be "piggy-backed" in series.
21. Exit signs are required.
22. Emergency lighting is required if the sales tents will be open after 4:00 pm.
23. Exits from the tent must comply with the fire code.
24. The securing of the tent structure(s) must be in compliance with the California Building Code for wind uplift, etc.

(OR)

Motion 2: Move to continue the request for approval of Conditional Use Permit 2017-07 and Site Plan Review 2017-08 to April 11, 2017, for the following reasons or in order for the following information to be provided: (Please specify reasons.)

(OR)

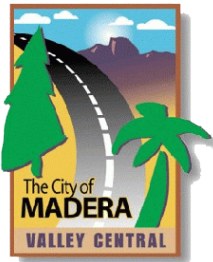
Motion 3: Move to deny the request for Conditional Use Permit 2017-07 and Site Plan Review 2017-08 based on the following findings: (Please specify reasons.)

ATTACHMENTS

Aerial Photo

Aerial Photo





CITY OF MADERA
PLANNING COMMISSION

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

Staff Report: Teran Residence (Performance Review)
CUP 2016-20 and SPR 2016-36
Item #NP1 – March 14, 2017

PROPOSAL: A review of the performance of Conditional Use Permit 2016-20 and Site Plan Review 2016-36 allowing for a residential use on a commercially zoned property, to determine whether it is appropriate to schedule a hearing on revocation.

APPLICANT:	Israel Teran	OWNER:	Israel Teran
ADDRESS:	126 North C Street	APN:	007-111-001
APPLICATIONS:	CUP 2016-20 SPR 2016-36	CEQA:	Categorical Exemption

LOCATION: The property is located at the southwest corner of North C Street and East 5th Street.

STREET ACCESS: The site has access to North C Street.

PARCEL SIZE: Approximately 14,678 square feet in area.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The other properties at the intersection of North C Street and East 5th Street consist of two (2) vacant lots and one (1) church. There is a various mix of retail and office uses south and west of the site, including a Chase Bank, Union Bank and the former Serrano's Furniture store. There are various densities of residential development north and east of the site.

ENVIRONMENTAL REVIEW: The current review of the use permits and site plan review has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15306, (Information Collection).

SUMMARY: The site is not in compliance with the conditions of approval for Conditional Use Permits 2016-20 and Site Plan Review 2016-36. Outreach to assist the applicant in attaining compliance has been unsuccessful. Staff recommends that the conditional use permit be scheduled for a public hearing to determine whether revocation is appropriate.

APPLICABLE CODES AND PROCEDURES

MMC §10-3.1002, Industrial Zones, Uses Permitted
MMC § 10-3.1301 Use Permits

PRIOR ACTION

The use permit and site plan review were conditionally approved by the Planning Commission on September 13, 2016.

ANALYSIS

History

Conditional Use Permit 2016-20 and Site Plan Review 2016-36 were submitted with the intent of resolving code enforcement citations active on the project site while providing the property owner specific allowances as to how he might utilize the property.

The property was originally developed as a single family residential property. Being located less than one block away from East Yosemite Avenue (the historic commercial main street of the City), the site was at some point in the past rezoned into the C1 (Light Commercial) Zone District in expectation of the expansion of the downtown commercial area.

In 2011, the residence was converted into a commercial business without completing a required site plan review. Although staff did extensive outreach to the property owner, no corrective steps were taken and the site continued to function as a commercial property for the next five years. A site plan review was required at time of conversion in order to logically convert the residential property into commercial usage. Compliance with parking regulations, Americans with Disabilities Act (ADA) compliance, signage and other commercial development standards would have been addressed as components of the site plan review. Despite multiple efforts to assist the property owner with conversion of the property to commercial uses, no site plan review was ever processed. The conversion of the property to a commercial use did however extinguish the existing nonconforming "grandfathered" status of the residence.

Ultimately, in 2016, in order to resolve compliance issues and remove the burden of completing required commercial improvements, the applicant requested to again utilize the commercial property as a residence. The establishment of a residential use in the C1 (Light Commercial) Zone District required that a conditional use permit first be secured from the Planning Commission. The applicant submitted application for the use permit, which was conditionally approved by the Planning Commission on September 16, 2016.

In advance of the use permit submittal, staff provided alternatives to the property owner which would have allowed the use of the property for commercial purposes only, for residential purposes only, or as a mixed-use property where the home could have been used as a residence and a commercial business. The applicant ultimately chose to process the use permit for only a residential home. The degree of improvements necessary to return the property to residential use was considered to be minimal in comparison to improvements necessary to convert the house to commercial use.

Since approval of the use permit, the conditions of approval designed to facilitate the use of the property as a residential home have not been addressed in any meaningful fashion. No general inspection by the Building Official for compliance with residential codes has been completed, fencing has not been resolved, signage issues and minor improvements to the public right-of-way have not been completed. In sharp contrast to the stated purpose of the application for use permit, the applicant has instead continued the use of the property as a commercial property. At a recent visit, neon signs graced the front windows offering a tax service within, while the

home was functioning as a professional office, with the front living room being utilized as a waiting room and the dining room utilized as the receptionist counter. The applicant and his family appeared to also live within the structure.

Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2016-20 and Site Plan Review 2016-36. These conditions were evaluated by staff for compliance, the last inspection occurring on March 8, 2017. Shaded conditions of approval are currently not in compliance. Of the twenty-two (22) conditions of approval, fourteen (14) need attention in order to be in compliance with the conditions of approval. Compliance with eight (8) of twenty-two (22) conditions equates a thirty-six (36%) percent compliance rate.

Significant progress has not been made towards meeting the conditions of approval. Because the applicant has not made meaningful progress toward completion of the agreed upon conditions of approval, the conditional use permit is now brought before the Commission for formal review.

The applicant did sign and return the required Acknowledgement and Acceptance of Conditions of Approval.

SUMMARY OF RECOMMENDATIONS

It is recommended that Conditional Use Permit 2016-20 be scheduled for a public hearing at the April 11, 2017 Planning Commission meeting to determine whether revocation is appropriate.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permits 2016-20, determining to either:

- schedule a public hearing to consider revocation of the use permit, or
- find that the review of the use permit is not warranted at this time

Motion 1: Move to schedule a public hearing to consider revocation of Conditional Use Permit 2016-20 at the April 11, 2017 Planning Commission meeting, based on and subject to the findings.

Findings

- Staff has observed non-compliance with the conditions of approval, warranting review of Conditional Use Permit 2016-20, as approved by the Planning Commission on September 13, 2016.

(OR)

Motion 2: Move to find that the review of Conditional Use Permit 2016-20 is not warranted at this time for the following reasons: (specify)

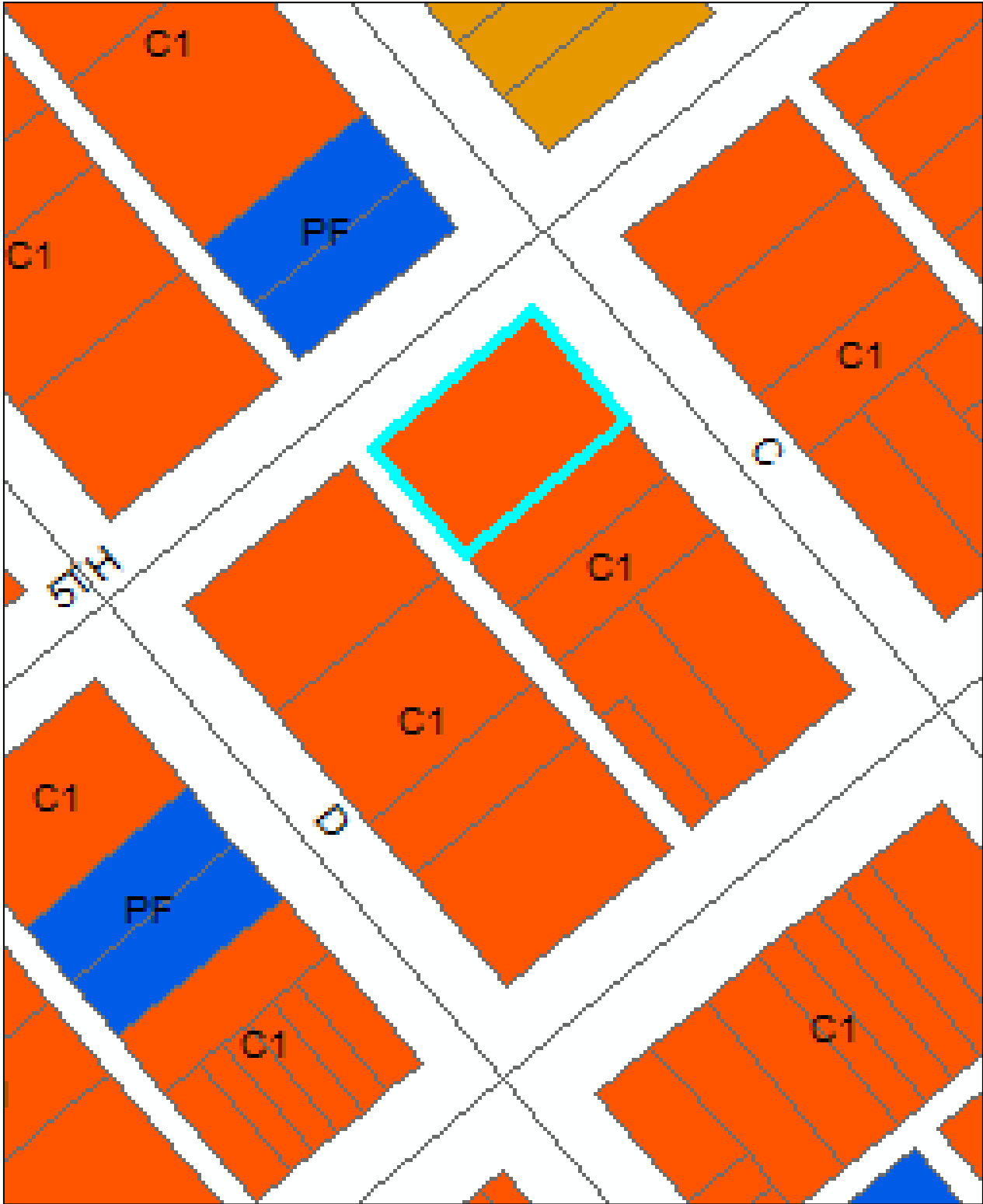
ATTACHMENTS

Aerial Map
Zoning Map
Conditions of Approval Compliance Matrix

Aerial Photo



Zoning Map



Conditions of Approval Compliance Matrix

<p>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.</p>	<p>Received.</p>
<p>2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.</p>	<p>Procedural.</p>
<p>3. Conditional Use Permit 2016-20 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.</p>	<p>Procedural.</p>
<p>4. Conditional Use Permit 2016-20 and Site Plan Review 2016-36 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.</p>	<p>Not in compliance. Inspections completed.</p>
<p>5. Site Plan Review 2016-36 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).</p>	<p>Procedural.</p>
<p>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 2016-36.</p>	<p>Procedural.</p>
<p>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.</p>	<p>No inspection scheduled.</p>
<p>8. A building permit is required for any changes to the original floor plan and/or any proposed changes to the current floor plan. The applicant shall apply for a general inspection building permit for the structure on or before September 20, 2016, and shall complete the inspection on or before October 1, 2016. Any correction(s) identified by the Building Official shall be completed per the direction of the Building Official on or before January 1, 2017.</p>	<p>No general inspection ever scheduled.</p>
<p>9. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.</p>	<p>In compliance.</p>
<p>10. 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.</p>	<p>No action by applicant.</p>
<p>11. Improvements within the City right-of-way shall require an Encroachment Permit from the Engineering Division.</p>	<p>No encroachment permit requested.</p>

12. The developer shall reconstruct/upgrade the existing handicap access ramp located at the southwest corner of North C Street and East 5 th Street to current ADA standards. If the applicant believes that a hardship waiver is applicable for this condition 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.	No action by applicant.
13. The developer shall replace approximately six lineal feet (6') of substandard curb along the North C Street frontage.	Not in compliance.
14. The developer shall repair the 4' x 5' block of damaged sidewalk along East 5 th Street and the 5' x 8' block of damaged sidewalk along South C Street per City standards.	Not in compliance.
15. Existing sewer service connection shall be upgraded to current City standards including cleanout, if not already installed.	No confirmation.
16. 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/or refuse containers owned by the property owner.	In compliance.
17. The applicant shall remove any and all commercial materials from the property. The property shall not be used to store any materials not associated with the utilization of the property for residential purposes.	Not in compliance
18. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of this permit.	Not in compliance. Operating business from site.
19. Conditional Use Permit 2016-20 allows for a single-family residential use on a C1 (Light Commercial) Zone District property. Only activities typical of a single family residential home shall occur on the property.	Not in compliance. Business is in operation.
20. The fence between the rear of the property and the front line of the main building shall be reduced to be no taller than six feet (6') in height. The fence shall also be relocated to inside of property line wherever the fence encroaches into the public right-of-way. Any fence proposed to be constructed between the front of the property and the front line of the main building shall be no taller than three feet (3') in height.	Fence lowered but not relocated.
21. 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.	In compliance.
22. All commercial signage (or signage indicating any business activity on or off the property) shall be removed from the property. No signage, either permanent or temporary, shall be erected on the property.	Not in compliance.

Site Photos



