

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
June 13, 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 April 11, 2017 & May 9, 2017

CONSENT ITEMS

PUBLIC HEARING ITEMS

1. REZ 2017-01 – West Yosemite Office

A noticed public hearing to consider a rezone of approximately .69 acres of property from the R1 (Low Density Residential) Zone District to the WY (West Yosemite Professional Office) Zone District. The property encompasses three parcels located in proximity to the northwest corner of West Yosemite Avenue and North K Street (601 and 609 West Yosemite Avenue and 110 North K Street) within the O (Office) General Plan land use designation (APN: 010-081-003, 004 and 005). An initial study and negative declaration have been prepared for consideration by the Planning Commission, consistent with CEQA Guidelines.

2. CUP 2016-20 – Teran Residence Revocation

A continued public hearing to consider revocation of Conditional Use Permit 2016-20 allowing for a residential use on a commercially zoned property. The site is located at the southwest corner of North C Street and East 5th Street within the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 007-111-001) 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 15321 (Enforcement Actions).

3. TSM 2017-01 & PPL 2017-02 – Bellava and Berk Homes

A noticed public hearing to consider a tentative subdivision map to subdivide one parcel (APN: 005-140-048) encompassing a total of 1.62 acres into fourteen single family residential lots, and a precise plan to allow for the development of five (5) different home plans ranging in size from between 1,365 and 1,515 square feet. The property is located on Adell Street, west of its intersection with Merced Street in the PD-4500 (Planned Development) Zone District with an MD (Medium-Density Residential) General Plan land use designation.

NON-PUBLIC HEARING ITEMS

1. CUP 2016-08 & SPR 2016-01 MOD – Herbalife Fitness Review

A review of the performance of Conditional Use Permit 2016-08 and Site Plan Review 2016-01 allowing for a fitness use on a property with a C1 (Light Commercial) Zone District, to determine whether it is appropriate to schedule a hearing on revocation. 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 15321 (Enforcement Actions).

ADMINISTRATIVE REPORTS

COMMISSIONER REPORTS

ADJOURNMENT

The next regular meeting will be held on July 11, 2017.

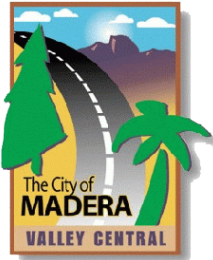
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: West Yosemite Rezone
REZ 2017-01 & Consideration of Adoption of a Negative Declaration
Item #1 – June 13, 2017**

PROPOSAL: An application to rezone three properties from the R1 (Low Density Residential) Zone District to the WY (West Yosemite Professional Office) Zone District.

APPLICANT:	Mark Barsotti	OWNER:	Mark Barsotti
ADDRESS:	601 and 609 West Yosemite Ave., and 110 North K St.	APN:	010-081-003, 004 and 005
APPLICATIONS:	REZ 2017-01	CEQA:	Negative Declaration

LOCATION: The project site is located in proximity to the northwest corner of West Yosemite Avenue and North K Street.

STREET ACCESS: The site is accessed from West Yosemite Avenue and North K Street.

PARCEL SIZE: Three parcels encompassing approximately 30,000 square feet (0.69-acre).

GENERAL PLAN DESIGNATION: O (Office)

ZONING DISTRICT: R1 (Low Density Residential)

SITE CHARACTERISTICS: The project site is three vacant parcels. A mix of offices, single family residential, and multiple family residential development surrounds the project area.

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

SUMMARY & RECOMMENDATION: The proposed rezone provides consistency with the General Plan and prepares three parcels for future development to office uses. Staff recommends adoption of a Resolution recommending to the City Council adoption of an ordinance rezoning the property.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-9.401, WY Zones
MMC §10-3.1501, Amendments

PRIOR ACTION: None

ANALYSIS

Rezone

The project site is within the O (Office) General Plan land use designation, which allows for the development of office centers near residential areas. The project site is currently within the R1 (Low Density Residential) Zone District. Although the property is currently vacant, it is the intent of the applicant to develop the site with an office development in the near future. It is anticipated that the office complex will encompass approximately 8,000 square feet of floor space divided amongst two structures. A bank has tentatively been identified as a tenant within a portion of the complex. Approval of the proposed rezone would provide the required zoning necessary to redevelop the property with office uses.

General Plan Conformity

The current residential zoning of the three parcels in question does not provide consistency with the General Plan. Approval of the proposed rezoning to the WY (West Yosemite Professional Office) Zone District would provide consistency with the O (Office) General Plan land use designation.

General Plan Goal CD-1 calls for “the City of Madera [to] require that all new development is well-planned and of the highest possible quality. The City will seek to build an image of Madera as a contemporary small city with vibrant, livable neighborhoods and walkable pedestrian -and bicycle- oriented development.” Goals CD-2 expands that vision by requiring that “all new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture.” Although development of office uses is not currently proposed, the proposed rezoning will provide the foundation for future development consistent with the goals and policies of the General Plan.

West Yosemite Overlay

The West Yosemite Overlay Zone was created in 1984 in order “to provide for the orderly transition of the West Yosemite Avenue area from residential to nonresidential uses consistent with the General Plan.” Other stated goals of the overlay are “to recognize, maintain, and enhance . . . the streetscape and architectural character of the neighborhood” and “maximize the compatibility of uses and maintain the value of property . . . through the establishment of development standards.” Cumulatively, the development standards of the zone provide for the transition of property in proximity to West Yosemite Avenue from residential to office uses. Since not all property lends itself to conversion of professional office uses, a desired outcome of the development standards of the overlay zone district is compatibility between residential and office uses. Upon development of the subject property, the approximately 8,000 square foot complex will be required to demonstrate consistency with the goals and development standards of the West Yosemite Overlay Zone.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is “a well-planned city”. The Commission, by considering how this development connects to other developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan.

RECOMMENDATIONS

The information presented in this report supports approval of the rezone. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and adopt a Resolution recommending approval of the rezone to the City Council.

PLANNING COMMISSION ACTION

The Commission will be acting on Rezone 2017-01, determining to either;

- adopt a Resolution recommending to the City Council adoption of an ordinance rezoning the property
- 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 1a: Move to adopt a Negative Declaration prepared, for the project consistent with the requirements of the California Environmental Quality Act, with the findings as stated:

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determine that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the entire record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- The initial study and negative declaration address the future development for an approximately 8,000 square foot office complex with associated improvements and infrastructure.

Motion 1b: Move to adopt a Resolution recommending to the City Council adoption of an ordinance rezoning the property to the WY (West Yosemite Professional Office) Zone District, with the findings and conditions as listed.

Findings

- The proposed rezone will provide the required consistency between the General Plan and zoning.
- The rezone is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the city.
- City services and utilities are available or can be extended to serve the area.

(OR)

Motion 2: Move to continue the public hearing on the adoption of an ordinance rezoning the property to the WY (West Yosemite Office) Zone District to the July 11, 2017 Planning Commission meeting.

(OR)

Motion 3: Move to deny the application for Rezone 2017-01, based on the following findings: (specify)

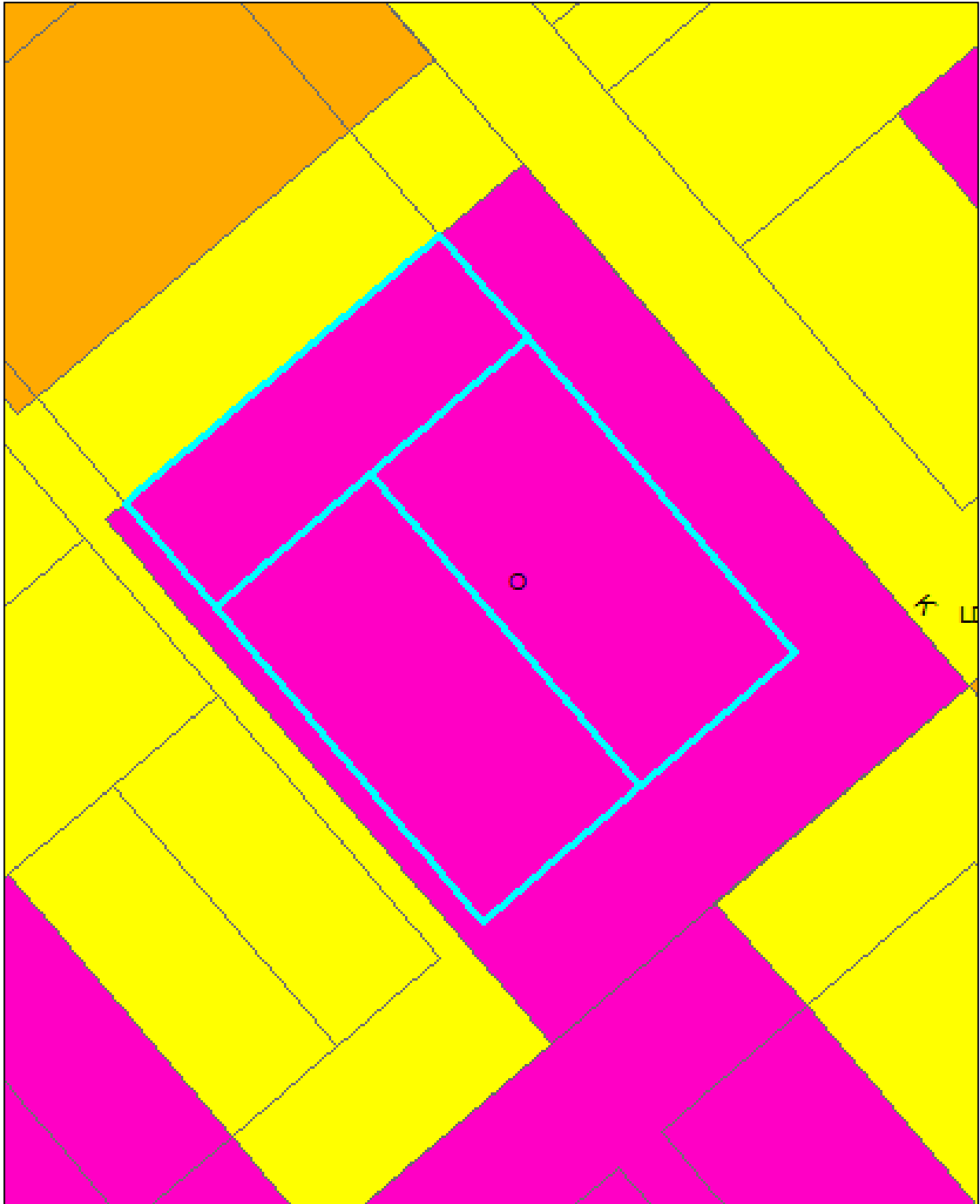
ATTACHMENTS

Aerial Map
General Plan Map
Zoning Map
Resolution of Recommendation to the City Council
 Exhibit A - Zoning Map
Draft Ordinance
 Exhibit A - Zoning Map
Negative Declaration

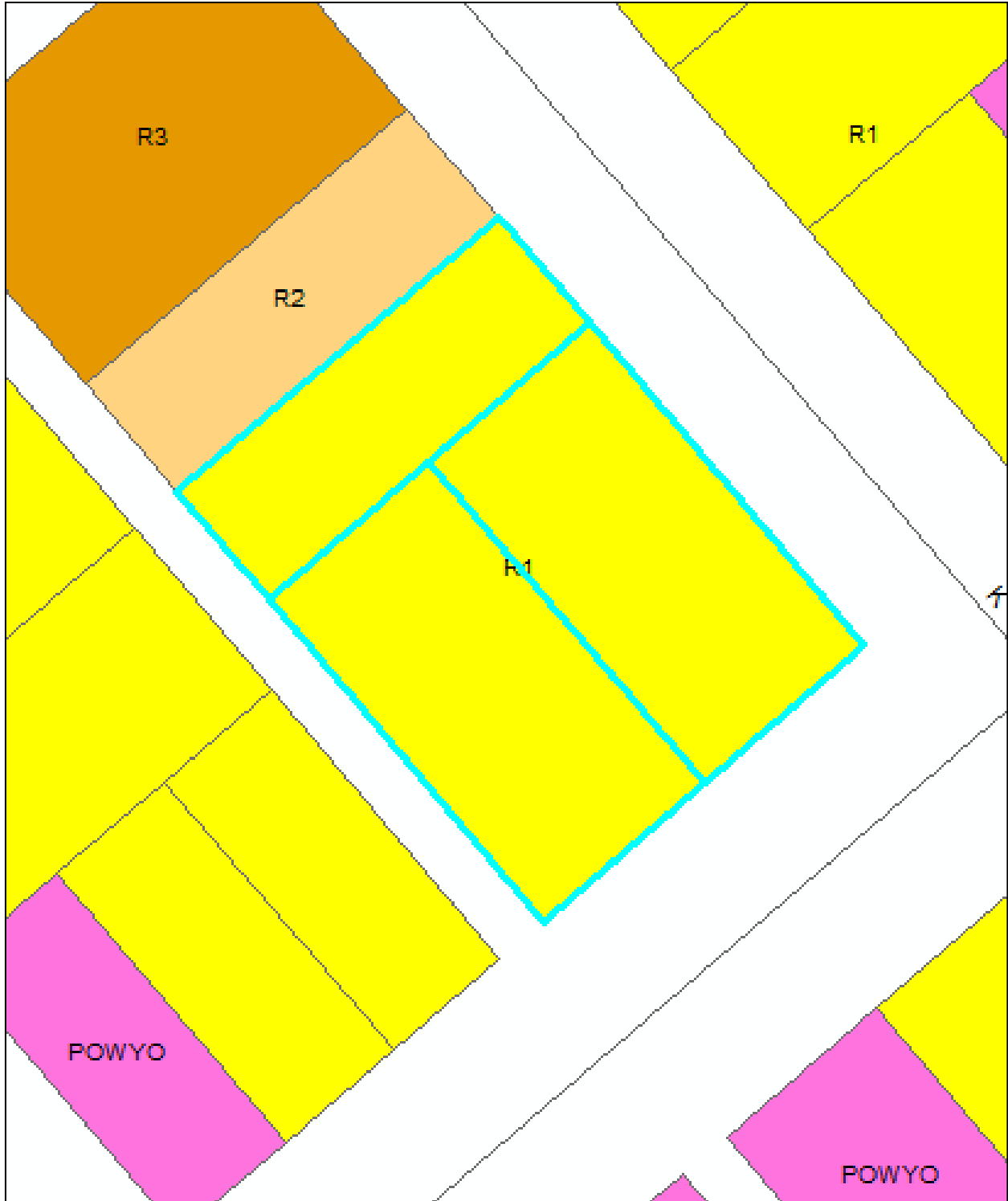
Aerial Photo



General Plan Map



Zoning Map



RESOLUTION NO. 1818

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF AN ORDINANCE REZONING PROPERTY LOCATED AT 601 AND 609 WEST YOSEMITE AVENUE, AND 110 NORTH K STREET FROM THE R1 (LOW DENSITY RESIDENTIAL) ZONE DISTRICT TO THE WY (WEST YOSEMITE PROFESSIONAL OFFICE) ZONE DISTRICT.

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

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

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

WHEREAS, a proposal has been made to rezone three parcels encompassing 30,000 square feet (.69-acre) located at 601 and 609 W. Yosemite Avenue, and 110 North K Street, in the proximity of the intersection of West Yosemite Avenue and North K Street, resulting in a change from the R1 (Low Density Residential) Zone District to the WY (West Yosemite Professional Office) Zone District, as shown in the attached Exhibit A; and

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

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

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

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

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

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

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

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of June, 2017, by the following vote:

AYES:

NOES:

ABSTENTIONS:

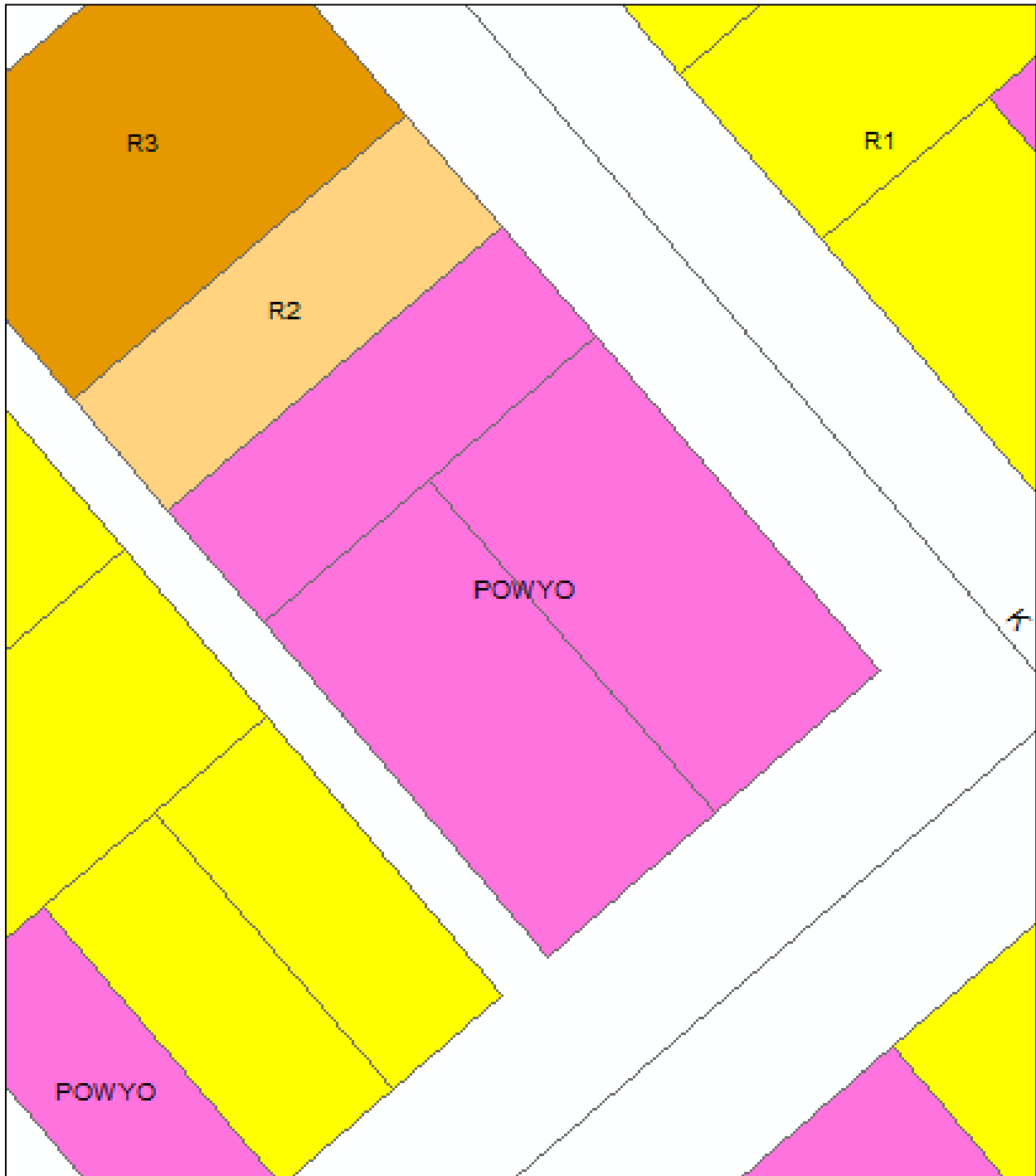
ABSENT:

Kenneth Hutchings, Chairperson
City Planning Commission

Attest:

Christopher F. Boyle
Planning Manager

PLANNING COMMISSION RESOLUTION NO. 1818
EXHIBIT 'A'



DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 30,000 SQUARE FEET OF PROPERTY LOCATED AT 601 AND 609 WEST YOSEMITE AVENUE, AND 110 NORTH K STREET, IN PROXIMITY TO THE INTERSECTION OF WEST YOSEMITE AVENUE AND NORTH K STREET FROM THE R1 (LOW DENSITY RESIDENTIAL) ZONE DISTRICT TO THE WY (WEST YOSEMITE PROFESSIONAL OFFICE) ZONE DISTRICT.

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

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

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

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

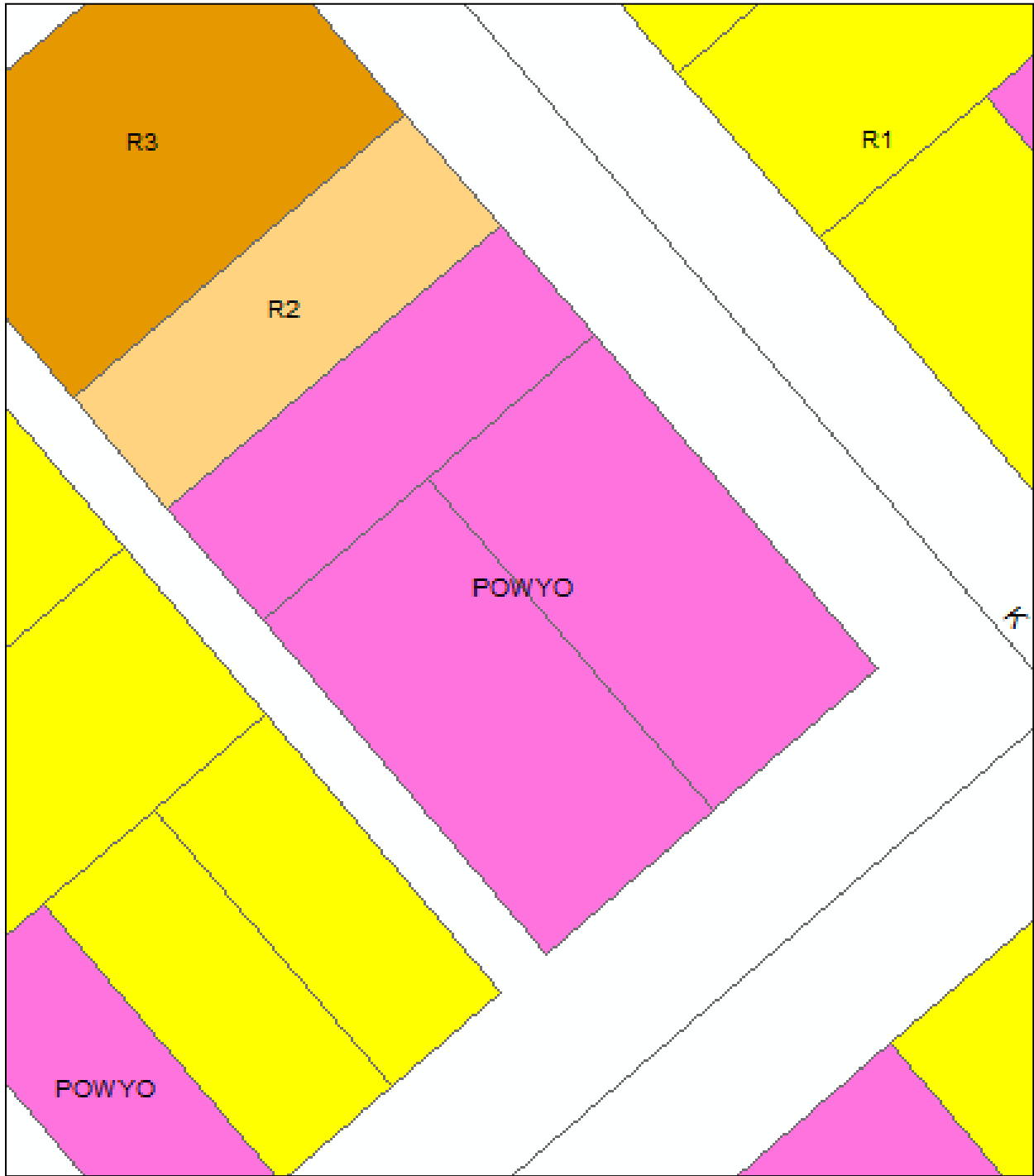
FINDINGS:

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

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

* * * * *

DRAFT ORDINANCE - EXHIBIT A



INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

West Yosemite Office Rezone 2017-01

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

Project: Rezone 2017-01

Applicant: Mark Barsotti
543 West Muncie Avenue
Clovis, CA 93619

Owner: Mark Barsotti
543 West Muncie Avenue
Clovis, CA 93619

Location: The .69-acre (30,000 square feet) project site encompasses three parcels located on the northwest corner of West Yosemite Avenue and North K Street (APN: 010-081-003, 004 and 005).

Proposal: An application to rezone three parcels encompassing .69-acre from the R1 (Residential) Zone District to the WYOPO (West Yosemite Professional Office) Zone District to allow for the development of an approximately 8,000 square foot office complex with associated improvements and infrastructure. The office complex includes two single-story office structures. A bank is a proposed tenant for one of the structures.

Existing Zone District: R1 (Residential)
Existing General Plan Land Use Designation: O (Office)

Surrounding Land Uses and Zoning:

South – Professional Offices and Single and Multifamily Residential
North – Single and Multifamily Residential
West – Single and Multifamily Residential
East – Single and Multifamily Residential

Responsible and Interested Agencies:

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION:

On the basis of this initial evaluation:

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

Signature _____

Date: May 22, 2017

Printed Name: Christopher Boyle, Planning Manager

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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: An application to rezone three parcels encompassing .69-acre from the R1 (Residential) Zone District to the WYOPO (West Yosemite Professional Office) Zone District to allow for the development of an approximately 8,000 square foot office complex with associated improvements and infrastructure. The office complex includes two single-story office structures. A bank is a proposed tenant for one of the structures.

The project will not affect a scenic vista and will not have an overall adverse visual impact on the immediate area. The project will not affect a scenic highway, and will not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light. Existing City Standards will insure that the impact is less than significant and will not substantially degrade the existing visual character or quality of the property and its surroundings.

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

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

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

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

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

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

Discussion: The project area is located on land identified as Urban and Built-Up Land within the 2014 California Farmland Mapping and Monitoring Program.

a.) **No Impacts.** The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California resources agency) to non-agricultural use. The project site is identified as Urban and Built-Up Land on the 2014 Important Farmland Map, the project site has been identified for residential uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.

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

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

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

	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 project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans. The SJVUAPCD has determined that project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons per year NOx, 10 tons per year ROG, and 15 tons per year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have a less than significant adverse impact on air quality.

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

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

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

IV. BIOLOGICAL RESOURCES. Would the project:

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

Discussion: With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. The project area has been subjected to 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 .69-acre project site is void of any natural features such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. Review of the most recent Department of Fish and Game CNDDDB Occurrences database information indicates that there are no recorded occurrences of any listed species (endangered or threatened) within a one-half-mile radius of the project site. The property surrounding the site is either already developed or approved for urban development. The site is currently being maintained by an annual regimen of mowing for weed abatement and fire prevention purposes. Therefore, no opportunity exists for the site to be utilized as a native resident or migratory wildlife corridor. Development of the site will not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

- a) **No Impacts.** The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- b) **No Impacts.** The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.
- c) **No Impacts.** The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.
- d) **No Impacts.** The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) **No Impacts.** The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f) **No Impacts.** The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

V. CULTURAL RESOURCES. Would the project:

	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 a unique a 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:

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

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

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

	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 project site is within one-quarter mile of an existing school, but will not bring about a direct increase in the risk of accidental explosion or release of hazardous substances. The project site has not been identified as a hazardous material site. The project will not result in a substantial air safety hazard for people residing in the area or

future residents of the project. The project site is outside of the scope of the Madera County Airport Land Use Compatibility Plan. The project will not result in any hazards to air traffic or be a substantial air safety hazard. The project will not interfere with any emergency response or evacuation plans. Truck traffic generated with construction of the project is expected to be insignificant. Traffic generated with development is not expected to be substantially higher than current volumes. The project will not bring about an increase in fire hazards in areas from flammable brush, grass, or trees.

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

IX. HYDROLOGY AND WATER QUALITY. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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

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

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

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

b) **No Impacts.** The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

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

d) **No Impacts.** The proposed project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site.

- e) **No Impacts.** The proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- f) **No Impacts.** The proposed project would not degrade water quality.
- g) **No Impacts.** The project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- h) **No Impacts.** The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- i) **No Impacts.** The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- j) **No Impacts.** The project would not have any potential to be inundated by a seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING. Would the project:

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

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

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

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

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

XI. 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.

XII. NOISE. Would the project result in:

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

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

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

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

XIII. POPULATION AND HOUSING. Would the project:

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

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

XIV. PUBLIC SERVICES.

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

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

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

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

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

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

XV. RECREATION

	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: Office development is consistent with the City of Madera General Plan and proposed rezoning. 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. The project will not have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC. Would the project:

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

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

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

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

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

- d) **Less-Than-Significant Impacts.** The proposed project would not increase hazards to transportation systems due to design features such as sharp curves, dangerous intersections, or incompatible uses.
- e) **No Impacts.** The proposed project would not result in inadequate emergency access.
- f) **No Impacts.** The proposed project would not result in inadequate parking capacity.
- g) **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

	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 type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

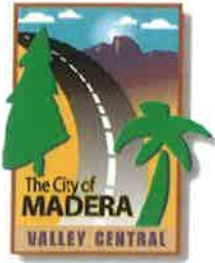
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

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

Determination:

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

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



**CITY OF MADERA
PLANNING COMMISSION**

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

**Staff Report: Teran Residence Revocation
CUP 2016-20
Item #2 – June 13, 2017**

PROPOSAL: A continued public hearing to consider revocation of Conditional Use Permit 2016-20 allowing for a residential use on a commercially zoned property.

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 15321, (Enforcement Actions).

SUMMARY: The site is now in compliance with the conditions of approval for Conditional Use Permits 2016-20 and Site Plan Review 2016-36. All conditions of approval are satisfied.

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. A review of the use was completed on March 14, wherein the Planning Commission scheduled the use permit for public hearing to consider possible revocation. The revocation hearing was continued at the request of the applicant on April 11, 2017. On May 9, 2017, the Planning Commission provided an additional month for the applicant to complete the remaining requirements.

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. In 2016, in response to code enforcement citations, the applicant requested to 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.

Prior to the April 11, 2017 revocation hearing, the conditions of approval designed to facilitate the use of the property as a residential home had not been addressed in any meaningful fashion. No general inspection by the Building Official for compliance with residential codes had been completed, fencing had not been resolved, signage issues and minor improvements to the public right-of-way had not been completed. In sharp contrast to the stated purpose of the application for use permit, the applicant had instead continued the use of the property as a commercial property, with neon signs in the front windows and the front of the structure being converted into a professional office. The applicant and his family also live within the structure.

At the April 11th revocation hearing, staff reported only a forty-one (41%) percent compliance rate. At the May 9th revocation hearing, staff reported compliance with eighteen (18) of twenty-two (22) conditions of approval for an eighty-two (82%) percent compliance rate.

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 on multiple occasions, the last inspection occurring on June 5, 2017, when the Building Official inspected the interior of the premises. With the inspection completed, the applicant is in full compliance with the conditions of approval.

SUMMARY OF RECOMMENDATIONS

It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing, and make the appropriate findings and decision regarding the revocation of Conditional Use Permit 2016-20.

PLANNING COMMISSION ACTION

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

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

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

Motion 1: Move to find that the revocation of Conditional Use Permit 2016-20 is not warranted at this time, based on and subject to the following findings.

Findings

- Conditions of approval adopted by the Planning Commission and agreed to by the applicant and property owner are currently being complied with.

Required site improvements have been completed.
- Based on observations of staff and the evidence from the whole of the record, the use is now operating in compliance with conditions of approval; and
- The continued 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, and;
- The above findings are supported by evidence presented at the public hearing, by field observations by multiple City departments, and in staff reports during the processing and review of this entitlement; which is made a part of this record by this reference.

Motion 2: Move to continue the review hearing of Conditional Use Permit 2016-20 to July 11, 2017 for the following reasons: (please specify)

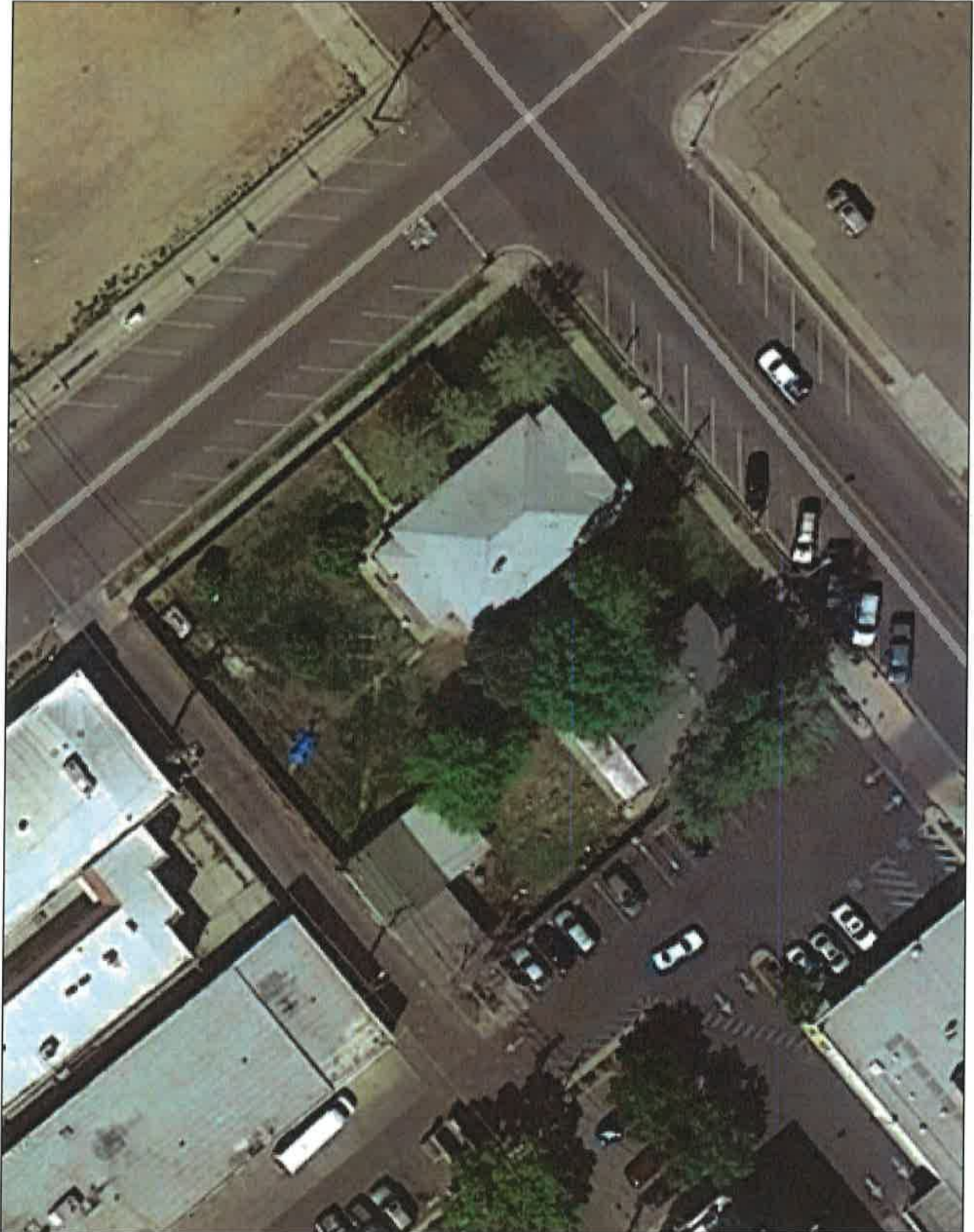
(OR)

Motion 3: Move to revoke Conditional Use Permit 2016-20 effective immediately, based on and subject to the following reasons: (please specify)

ATTACHMENTS

Aerial Photo
Zoning Map
Conditions of Approval Compliance Matrix

Aerial Photo



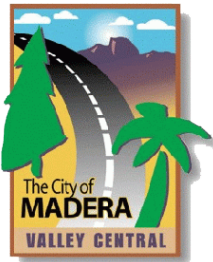
Zoning Map



Conditions of Approval Compliance Matrix

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.	Received.
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.	Procedural.
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.	Procedural.
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.	Inspection scheduled.
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).	Procedural.
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.	Procedural.
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.	Inspection scheduled.
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.	Inspection scheduled.
9. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.	In compliance.
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.	In compliance.
11. Improvements within the City right-of-way shall require an Encroachment Permit from the Engineering Division.	Encroachment permit issued.
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	In process on April 27 th .

<p>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.</p>	
<p>13. The developer shall replace approximately six lineal feet (6') of substandard curb along the North C Street frontage.</p>	<p>In process on April 27th.</p>
<p>14. The developer shall repair the 4' x 5' block of damaged sidewalk along East 5th Street and the 5' x 8' block of damaged sidewalk along South C Street per City standards.</p>	<p>In process on April 27th.</p>
<p>15. Existing sewer service connection shall be upgraded to current City standards including cleanout, if not already installed.</p>	<p>In compliance.</p>
<p>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.</p>	<p>In compliance.</p>
<p>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.</p>	<p>Building inspection complete.</p>
<p>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.</p>	<p>In compliance.</p>
<p>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.</p>	<p>Business activities were not observed</p>
<p>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.</p>	<p>In process on April 27th.</p>
<p>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.</p>	<p>In compliance.</p>
<p>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.</p>	<p>In compliance on April 27th.</p>



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Bellava and Berk Homes
Tentative Subdivision Map 2017-01, Precise Plan 2017-02
and Environmental Determination
Item #3 June 13, 2017**

PROPOSAL: A Tentative Subdivision Map and Precise Plan to allow for the development of a single-family residential subdivision consisting of fourteen (14) lots on an approximately 1.67 acre parcel.

APPLICANT:	Sergio Nunez	OWNER:	Sergio Nunez
ADDRESS:	Vacant	APN:	005-140-048
APPLICATIONS:	TSM 2017-01 and PPL 2017-02	CEQA:	Categorical Exemption

LOCATION: The project site is located north and south on Adell Street, immediately west of its intersection with Merced Street.

STREET ACCESS: The site is accessed from Adell Street.

PARCEL SIZE: The project site encompasses approximately 1.67 acres. Fourteen residential parcels and one out-lot will be created by the subdivision of the project site.

GENERAL PLAN DESIGNATION: LD (Low-Density Residential)

ZONING DISTRICT: PD 4500 (Planned Development)

SITE CHARACTERISTICS: The project site is vacant. The site is surrounded by varying densities of residential development. James Monroe Elementary School is northwest of the project site.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15332 (Infill Development).

SUMMARY: As conditioned, the proposed fourteen (14) lot tentative subdivision map is generally consistent with the LD (Low Density Residential) General Plan land use designation and the goals and policies of the Community Design element of the General Plan. The 8.38 units per acre density is well above the “target density” set within the General Plan Land Use element. Smaller rear yard structural setbacks are recommended to address lot depth constraints for the proposed lots on the north side of Adell Street. The precise plan includes five (5) different home plans, three (3) elevations for each plan and aesthetics that are consistent with the goals and policies of the Community Design element of the General Plan.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101: Planned Development Zones
MMC § 10-2.401 Subdivision Maps (five or more parcels)

PRIOR ACTION

No prior action has been taken on the project site.

ANALYSIS

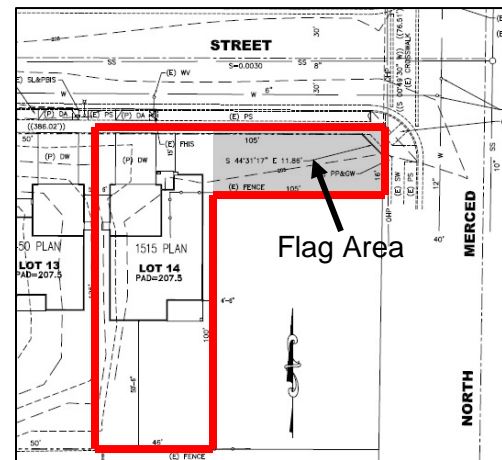
Tentative Subdivision Map

Tentative Subdivision Map (TSM) 2017-01 proposes to create fourteen (14) single-family residential parcels ranging in size from between 4,047 to 6,250 square feet. The proposed average lot size is 5,192 square feet, consistent with the requirements of the PD-4500 Zone District. Adell Street, which traverses east to west across the proposed subdivision, was constructed in 2010 and provides access to an arterial street (Lake Street) to the west and a local street (Merced Street) to the east.

The proposed density of the subdivision is 8.38 units per acre. This density exceeds the 5.25 units per acre General Plan “target density” for the LD (Low-Density Residential) land use designation. The intent of the “target density” General Plan policy (LU-7) is not to exclude residential development at lower densities within the various land use designations, but to instead promote an overall higher density within residential neighborhoods and villages envisioned by the General Plan’s Building Blocks concept. The density of the proposed subdivision is consistent with the “target density” provisions of the General Plan.

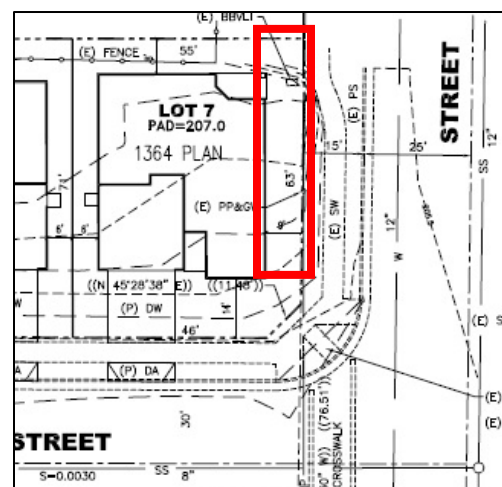
Lot 14

Lot 14 within the subdivision includes an approximately 2,600 square foot “flag” area of land. In order to address the odd dimensions of the lot, staff recommends that the flag portion of the lot be deeded to the adjacent property owner, to be maintained by the neighboring property consistent with the development standards of the R (Residential) Zone District. The ten foot street side yard setback of the resulting lot will be dedicated for public purposes and ultimately maintained as a component of the required Lighting and Landscape Maintenance District. A fence will be constructed at the ten-foot setback as a component of subdivision improvements.



Landscape Maintenance District

One other area of the subdivision will require incorporation into a Lighting and Landscape Maintenance District (LMD). The ten-foot street side yard setback associated with Lot 7 will also be maintained as part of the LMD. The tentative map will be increased from a lot width of fifty-five (55') feet to no less than sixty-one (61') feet so as to provide for a minimum structural street side yard setback of fifteen feet, with a side yard fence setback of ten feet, corresponding with the required ten foot landscaped area. The additional lot width for Lot 7 will be acquired by adjusting Lots 3 and 5, which both currently have an eleven (11') foot interior side yard.



Precise Plan

Precise Plans (PPL) are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, architecture, landscaping and open space. PPL 2017-02 proposes development standards for the development of parcels within the proposed Bellava and Berk Homes subdivision (TSM 2017-01).

The primary element of the precise plan request is the approval of five home plans for construction in the subdivision. The homes range in size from between 1,364 to 1,515 square feet and include three different elevations (see attachments). The proposed new models are as follows:

•	Avon	1,364 sq. ft.	3 bedroom, 2 bathroom – Garage subordinate	71%
•	Triveni	1,450 sq. ft.	4 bedroom, 2 bathroom – Garage subordinate	21%
•	Delta	1,452 sq. ft.	4 bedroom, 2 bathroom – Garage neutral	43%
•	Delaney	1,500 sq. ft.	4 bedroom, 2 bathroom – Garage subordinate	50%
•	Jordana	1,515 sq. ft.	4 bedroom, 2 bathroom – Garage subordinate	21%

The percentiles listed on the right column of the table are the percentage of lots that each of the proposed models can be built upon. The proposed subdivision is unique in that the proposed lots on the north side of Adell Street (Lots 1-7) are only seventy-one (71') feet in depth, providing constraints with structural setbacks. For comparison, the required depth of property within the R (Residential) Zone District is at least eighty (80') feet.

The property abutting the project's northern boundary is a two-story apartment complex (Valley Vista Apartments) with structural setbacks of at least fifteen (15') feet from the proposed subdivision. Staff recommends a minimum seven (7') foot rear-yard structural setback for all parcels north of Adell Street (Lots 1-7) in order to address the constrained lot depth. Additionally, a sixteen (16') foot setback to garage is proposed on the north side of the subdivision. Because of the parcel depth constraints, only two models (Avon and Delta) are able to fit on Lots 1-7.

For Lots 8 through 14, located on the south side of Adell Street, staggered setbacks are required so as to provide a minimum setback of twenty (20') feet to garage. Consistent with General Plan Policy CD-30, which states that residential building setbacks from the street should be varied whenever possible, front yard structural setbacks are recommended to vary from as little as twenty (20') feet to as great as twenty-five (25') feet to garage.

General Plan Conformance

General Plan policy CD-32 states that "Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street." All of the five proposed homes generally satisfy CD-32 and help satisfy policies that encourage "visual interest to the streetscape." The policy is further supported by each model having three different elevations.

In order to make an overall finding of General Plan conformity, staff has incorporated conditions of approval that reinforce conformity with all General Plan policies, which require "the exterior of residential buildings [to] be varied and articulated to provide visual interest to the streetscape" (CD-33), "reflect attention to detail as necessary to produce high architectural design and construction quality" (CD-34), as well as the aforementioned requirements delineated in Policy CD-30 and CD-32. The precise plan requirements for the enhanced structure elevations and varying model distribution reinforce consistency with the goals and policies of the General Plan.

Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan were largely constructed as part of Capital Improvement Project ST 09-11, which completed construction of the street and accompanying infrastructure in 2011. Reimbursements for the previously constructed improvements are a requirement of the subdivision map. Conditions also address the installation of new driveway approaches consistent with the map and the undergrounding of public utilities where applicable. The proposed lots will be included in the City's Community Facility District (CFD 2005-01) to collect assessments for increased demand on fire, police and storm water drainage.

Other Department and Agency Comments

The Madera Unified School District has indicated that the project is expected to generate approximately 9 students in various grades. New homes will be required to pay school impact fees in accordance with State law. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATION

The information presented in this report supports approval of Tentative Subdivision Map (TSM) 2017-01 and Precise Plan (PPL) 2017-02. It is recommended that the Commission consider this information, together with testimony provided at the public hearing and make a determination regarding the project.

PLANNING COMMISSION ACTION

The Commission will be acting on the Tentative Subdivision Map 2017-01 and Precise Plan 2017-02.

Motion 1: Move to approve Tentative Subdivision Map 2017-01 and Precise Plan 2017-02, subject to the findings and conditions of approval as listed.

Findings

- Tentative Subdivision Map 2017-01 is consistent with the development standards of the PD-4500 (Planned Development) Zone District.
- Precise Plan 2017-02 implements the principles, goals and policies of the General Plan.
- The proposed fourteen (14) lot tentative subdivision map does not conflict with City standards or other provisions of the code.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality.
- The site can be adequately served by all required utilities and public services.

CONDITIONS OF APPROVAL

General Conditions

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

Engineering Department

General

6. Prior to recording of the final map, the applicant shall take all action necessary for the annexation into Community Facilities District 2005-01, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
7. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required Landscape Maintenance District (LMD) 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 improvements which are required to be constructed by the developer and included in the LMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
8. The developer shall be a proponent of expanding and annexing into the existing Landscape Maintenance District Zone 20A to include the landscape improvements to be constructed within required street side yards on Merced Street and Adell Street and any other perimeter landscape around the subdivision as may be identified. If the expansion of the existing Landscape Maintenance District Zone 20A is not attainable, the developer shall annex into another zone or form a Lighting and Landscape Maintenance District zone for landscaping adjacent to the subdivision along the perimeter of the subdivision. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to the recording of any final map.
9. The approximately 2,600 square foot "flag" portion of Lot 14 shall be deeded to the

adjacent property owner of 1712 North Merced Street (APN 005-140-049), to be maintained by the neighboring property consistent with the development standards of the R (Residential) Zone District. The ten foot street side yard setback of the resulting lot will be dedicated for public purposes and ultimately annexed into a Lighting and Landscape Maintenance District zone. A fence will be constructed at the ten-foot setback as a component of subdivision improvements.

10. The ten foot street side yard of Lot 7 shall be annexed into a Lighting and Landscape Maintenance District zone.
11. 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.
12. 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, encroachment permit processing and improvement inspection fees.
13. Impact fees shall be paid at time of building permit issuance.
14. The developer shall reimburse the City for improvements previously installed, as calculated by the City Engineer, whose determination shall be final. Reimbursements for previously installed improvements shall be paid prior to issuance of final map recordation.
15. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
16. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
17. The improvement plans for the project shall include the most recent version of the City's General Notes.
18. 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.
19. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
20. 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.

Sewer

21. Sewer service connection shall be constructed to current City standards.
22. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage.

Storm Drain

23. Storm runoff from this project site is planned to go to the Sherwood Basin located

southwest of the project site. The developer shall excavate the basin to an amount equivalent to this project's impact on the basin.

24. A detailed drainage study shall be provided.

Streets

25. New driveway approaches shall be constructed per current City and ADA-accessibility standards.
26. If any of the existing driveway approaches on Adell Street are unused, the driveways shall be removed and replaced with concrete sidewalk, curb and gutter per current City standards.
27. Direct side yard access to Adell Street and Merced Street is prohibited. This prohibition shall be noted on the final map.
28. The developer shall dedicate a Public Utility Easement 10-foot wide along entire parcel frontage on Adell Street and Merced Street except for those areas designated as side yards where the dedication shall be for an Easement for All Public Purposes.
29. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivision improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
30. The sub-divider shall enter into a subdivision agreement in accordance with the Municipal Code prior to recording of the final map. The subdivision agreement shall include a 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. The sub-divider shall pay all applicable fees.
31. The developer's engineer, upon completion of subdivision related improvements, shall certify to the City Engineer that the improvements are constructed 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.
32. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.
33. Direct side yard access to Adell Street and Merced Street is prohibited. This prohibition shall be noted on the final map.

Water

34. All water sources used for construction activities shall have an approved back-flow prevention device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
35. Water services shall be placed three (3') feet from either property line, opposite of street light and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or street light locations.
36. Water service connection shall be constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way.

37. The developer shall reimburse its fair share cost to the City for previously constructed water main along the entire project frontage.

Special engineering conditions

38. Project grading shall not interfere with the natural flow of 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.
39. Lot fill in excess of twelve (12") inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of twelve (12") inches or more will require construction of a retaining wall.
40. 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.
41. 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.
42. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five (5') feet.

Fire Department Comments

43. All homes must be equipped with fire sprinklers in accordance with the California Residential Code and NFPA 13D.
44. Street fire hydrants shall be provided in accordance with City Standards, if not already existing to current standards.

Planning Department Conditions

Precise Plan

45. Five (5) models are approved as part of Precise Plan 2017-02. They are allowed to be constructed upon the 14 undeveloped lots within the Bellava and Berk Homes subdivision. They are as follows:
 - Avon 1,364 sq. ft. 3 bedroom, 2 bathroom – Garage subordinate
 - Triveni 1,450 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
 - Delta 1,452 sq. ft. 4 bedroom, 2 bathroom – Garage neutral
 - Delaney 1,500 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
 - Jordana 1,515 sq. ft. 4 bedroom, 2 bathroom – Garage subordinate
46. Each proposed model shall include the following features as standard elements of construction:
 - three-color exterior painting
 - quality three-dimensional composition roofing
 - architectural treatments, including wall sconces, window shutters, gable decorations,

- decorative moldings, wood corbels and hatched window treatments consistent with the elevation submittals for each model
 - front and street side yard landscaping and irrigation
47. For corner and reverse corner lots, where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation.
48. Except when included as a standard feature, each proposed model shall offer the following features as optional elements of construction:
- Stone, rock, and brick elevation treatments
 - Tile roofing
 - Upgraded garage doors
 - Front yard courtyards
49. The minimum structural setbacks for Lots 1 - 7 shall be as follows:
- Front Yard
- 15 feet minimum depth to Garage
 - 12 feet minimum to Structure
 - 10 feet minimum to Porches
- Interior Side Yard
- 5 feet minimum Structural Setback
- Street Side Yard
- 15 feet minimum Structural Setback
 - 10 feet minimum to side yard fencing
- Rear Yard
- 7 feet minimum Structural Setback
50. The minimum structural setbacks for Lots 8 - 14 shall be as follows:
- Front Yard
- 20 feet minimum depth to Garage
 - 15 feet minimum to Structure
 - 12 feet minimum to Porches
- Interior Side Yard
- 5 feet minimum Structural Setback
- Street Side Yard
- 15 feet minimum Structural Setback
 - 10 feet minimum to side yard fencing
- Rear Yard
- 15 feet minimum Structural Setback

The garage front yard setback shall vary from the minimum of 20 feet to a maximum of 25 feet, with at least a two foot variation amongst any two adjacent lots, and a five foot variation over any three consecutive lots, regardless of home model.

51. All standards for location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R (Residential) zoning standards.
52. Rear and side yard wood fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be split block masonry. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.
53. The development of any temporary construction trailer and/or materials storage yard on the project site requires the approval of a Zoning Administrator Permit in advance of installation/placement.
54. The development of any model home sales center on the project site requires the approval of a Zoning Administrator Permit.
55. Front yard and street side yard landscaping and irrigation shall be installed in conjunction with construction of all single family homes. At least one City approved street tree shall be planted in each front yard. Landscape and irrigation plans prepared by a licensed landscape architect consistent with the State of California Model Water Efficient Landscape Ordinance shall be submitted as a component of submittal for standard plan check.
56. Front and street side yard landscaping and irrigation systems shall be installed in accordance with the landscaping and irrigation plans approved as a component of submittal for standard plan check before the final building inspection of any residential units. All maintenance shall be by the individual homeowner.
57. 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.
58. 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.
59. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.
60. Except as noted above, all driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
61. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property. All units shall have a minimum of a two-car garage.
62. The following criteria shall be applied to the location of homes on individual lots:
 - The appearance of a home is affected by at least three (3) primary features, including:
 - Home plan
 - Alternative elevations for each plan

- Colors

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

Motion 2: Move to continue the public hearing on consideration of approval Tentative Subdivision Map 2017-01 and Precise Plan 2017-02, to the July 11, 2017 Planning Commission hearing, for the following reasons: (specify)

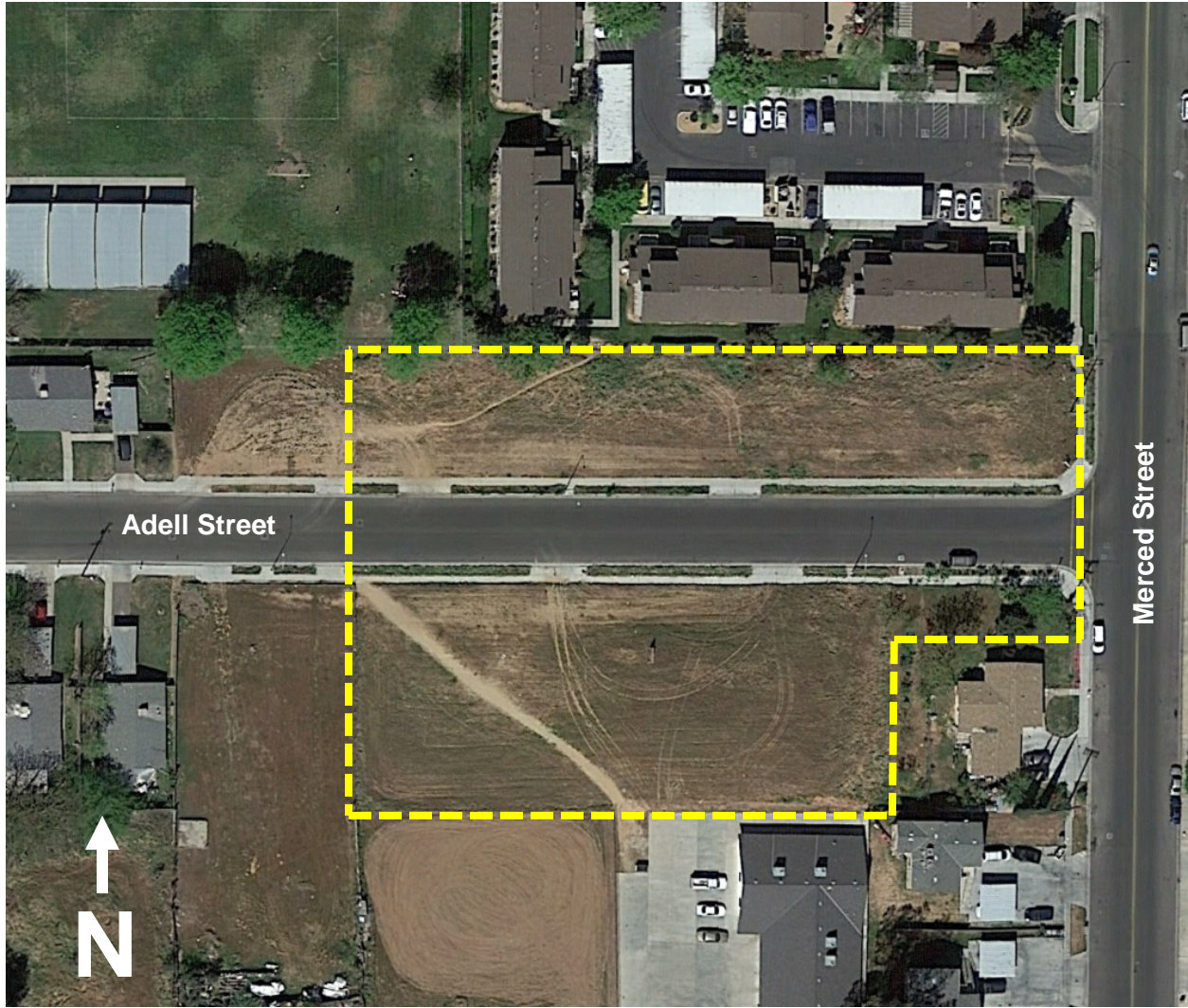
(OR)

Motion 3: Move to deny Tentative Subdivision Map 2017-01 and Precise Plan 2017-02, based on the following findings: (specify)

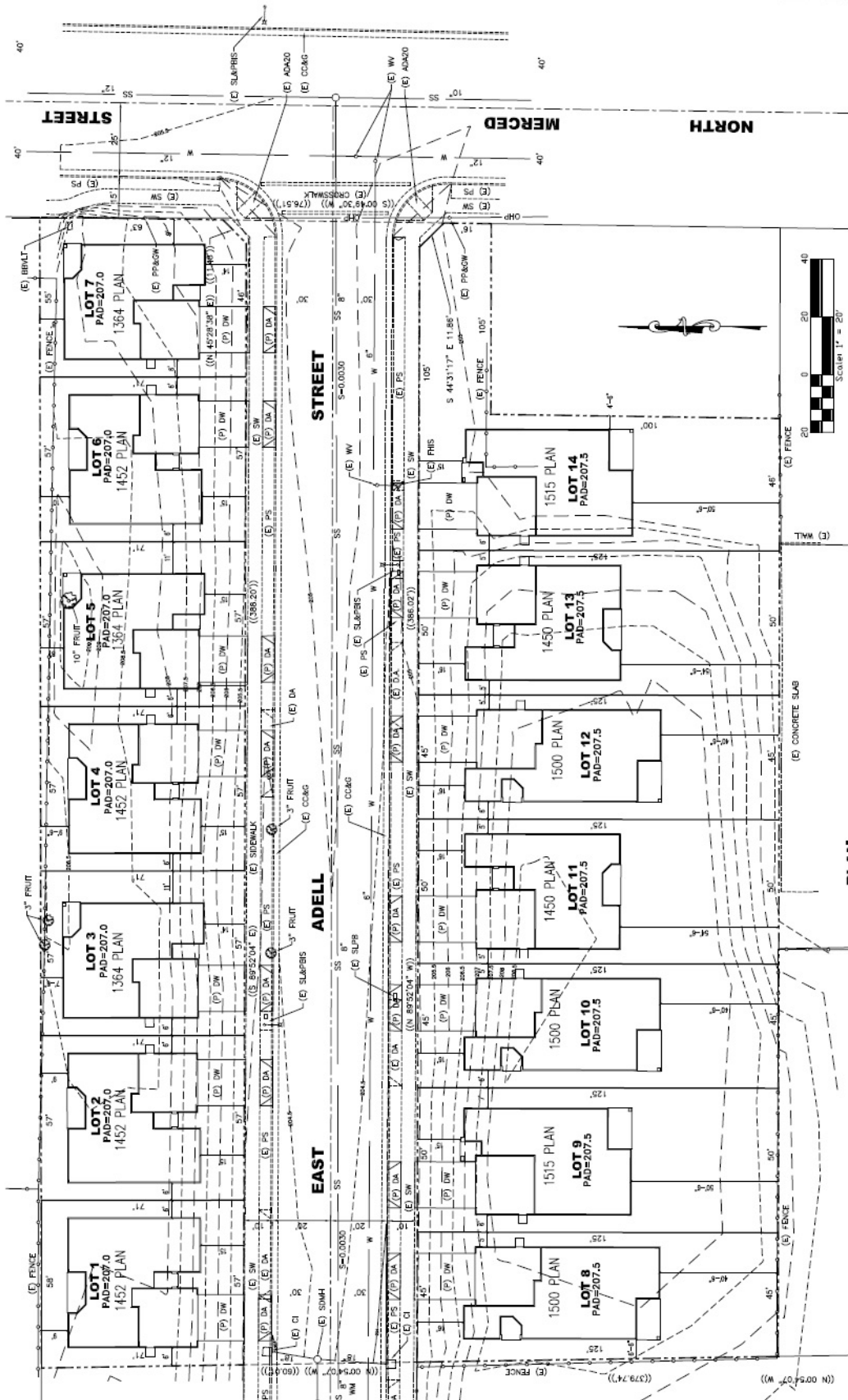
ATTACHMENTS

Aerial Map
Tentative Subdivision Map Exhibit
Precise Plan Exhibits
MUSD Letter

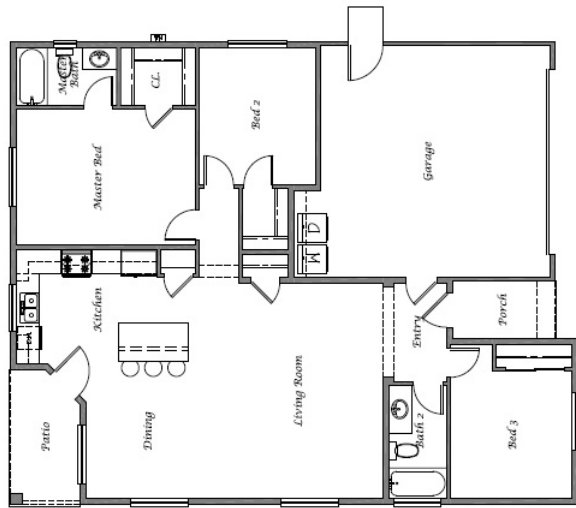
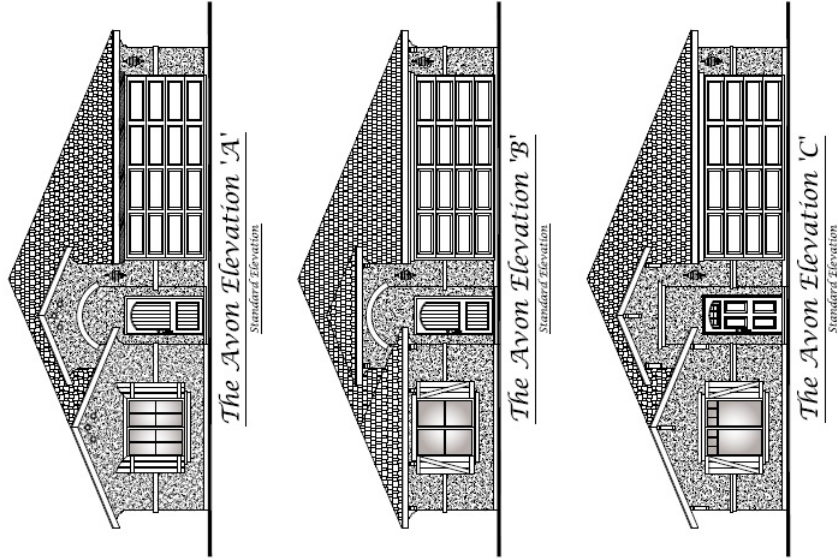
Aerial Photo



Subdivision Map

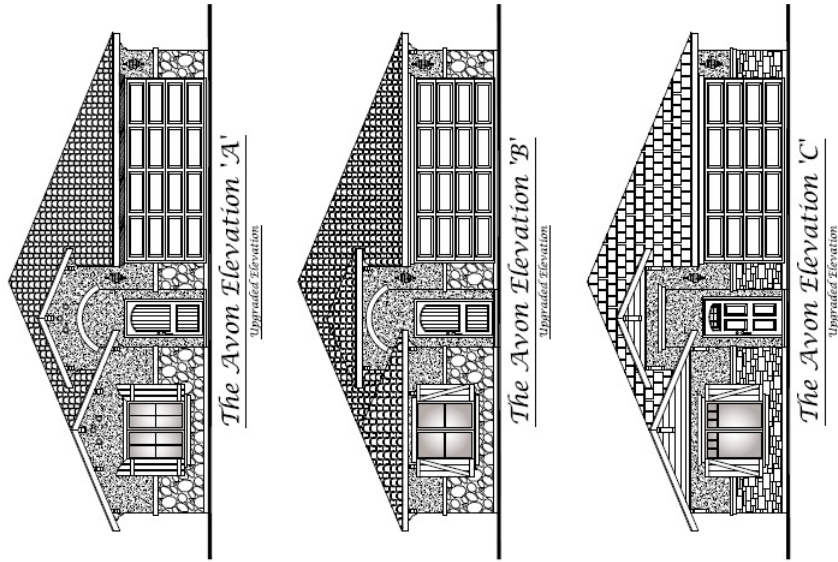


Precise Plan Exhibits

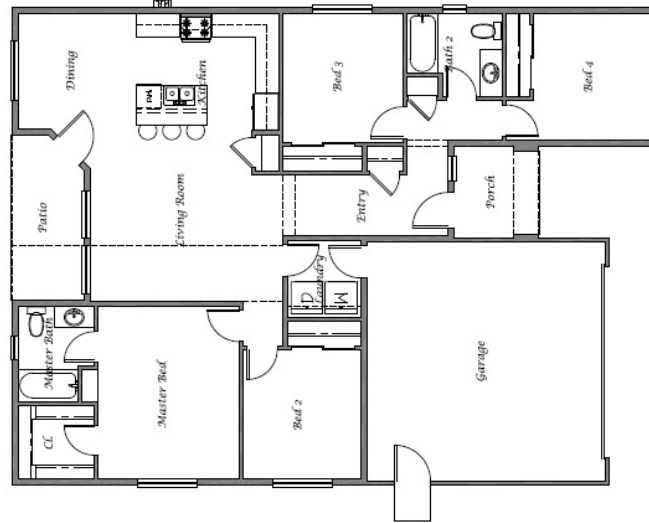
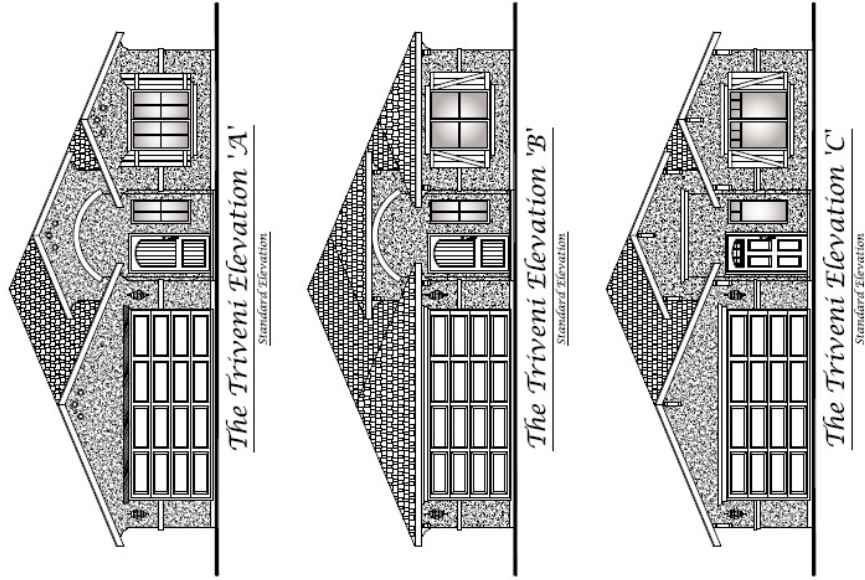


Area:

LIVING SPACES 1,364 sq. ft.
GARAGE 465 sq. ft.
TOTAL AREA 1,829 sq. ft.



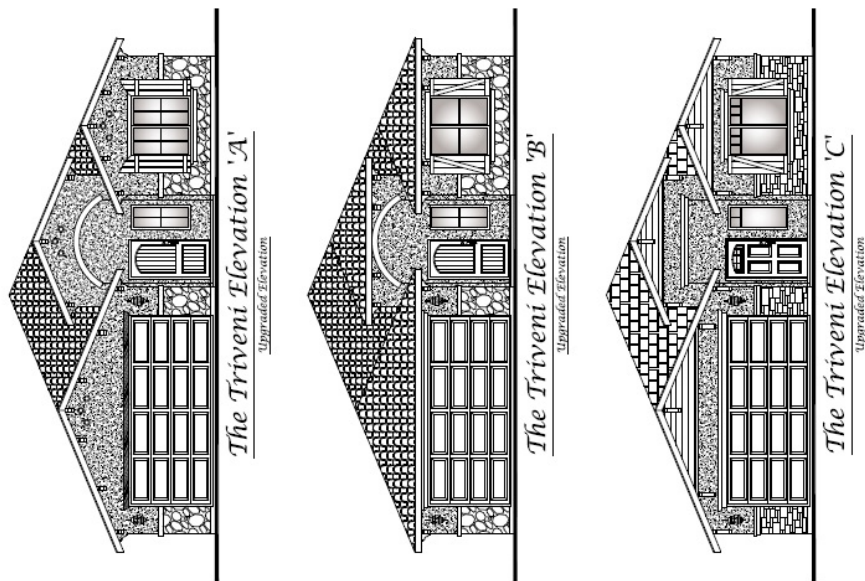
Precise Plan Exhibits



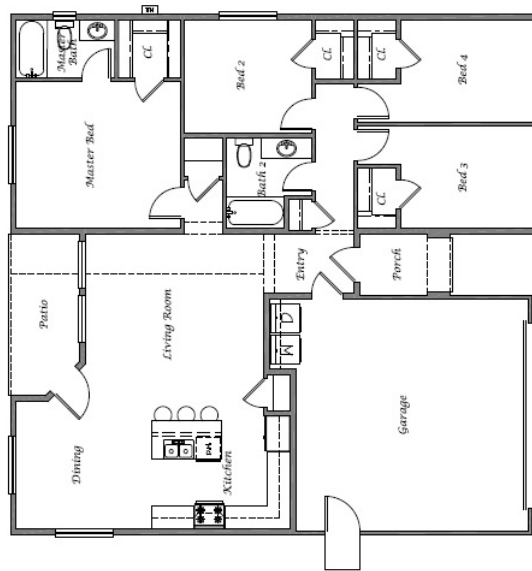
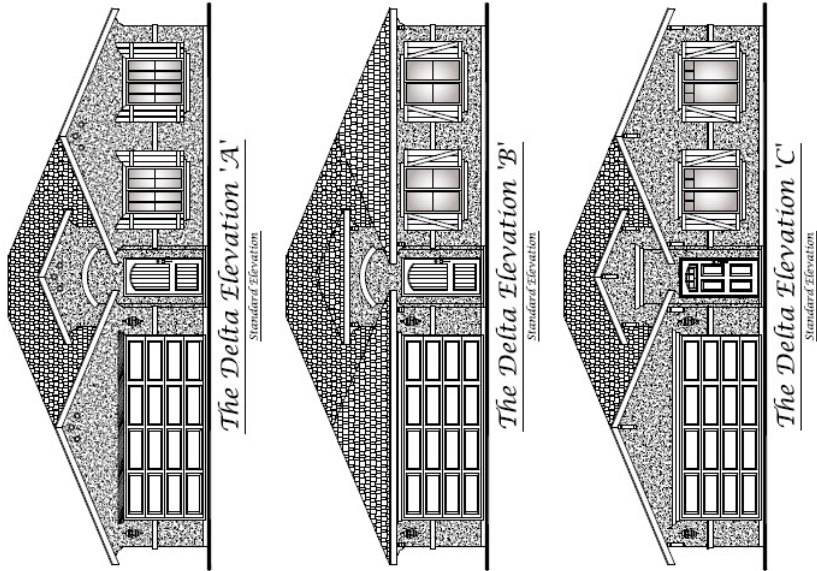
The Triveni 1450 Floor Plan

Area:

Living Room	1450 sq. ft.
Dining	750 sq. ft.
Kitchen	750 sq. ft.
Garage	2000 sq. ft.
TOTAL AREA	2950 sq. ft.

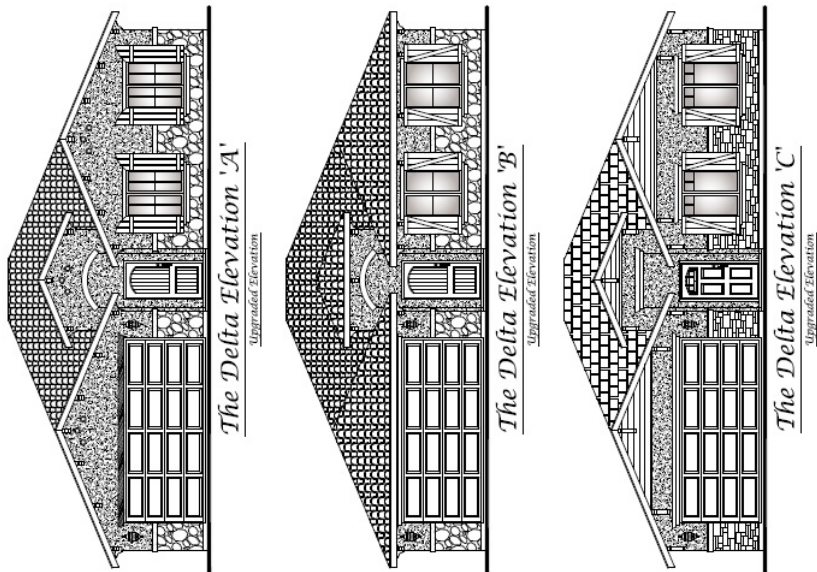


Precise Plan Exhibits

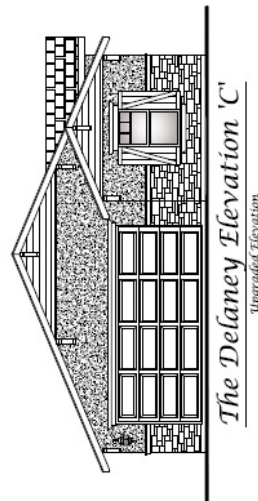
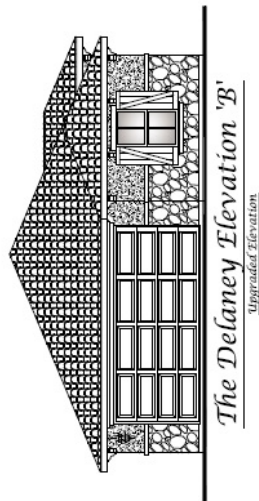
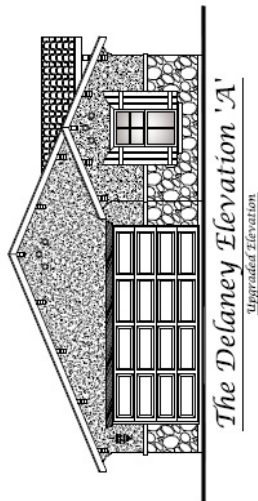
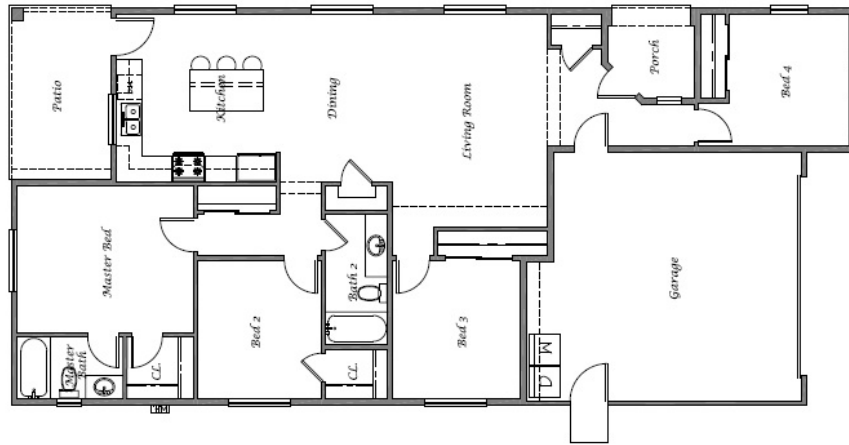
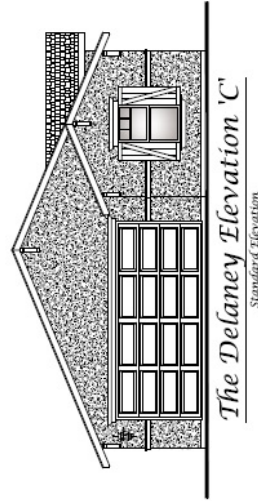
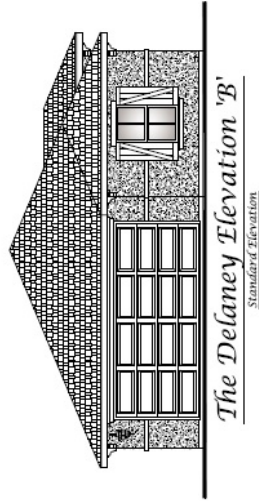
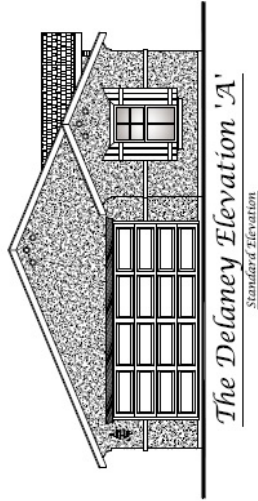


The Delta 1452 Floor Plan

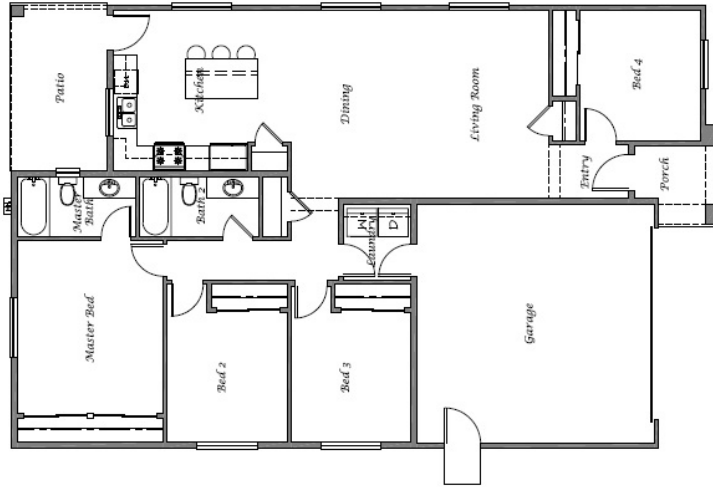
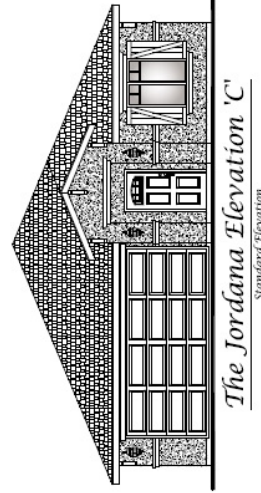
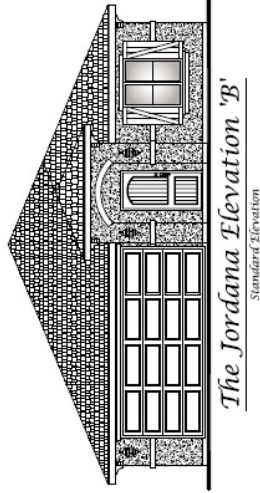
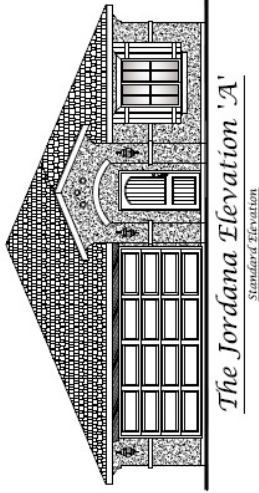
Area:
 LIVING SPACE - 1,402 sq. ft.
 GARAGE - 453 sq. ft.
 TOTAL AREA - 2,207 sq. ft.



Precise Plan Exhibits

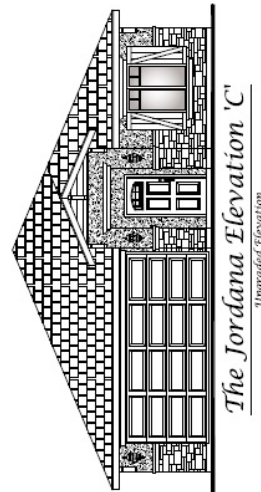
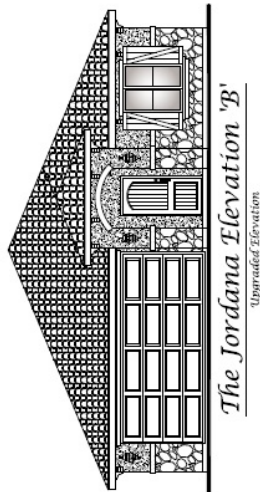
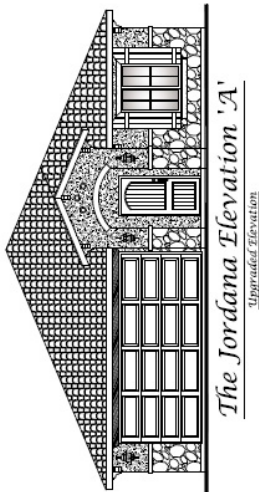


Precise Plan Exhibits



Area:

LIVING SPACE: 1,100 sq. ft.
 GARAGE: 400 sq. ft.
 PORCH: 40 sq. ft.
 TOTAL AREA: 2,040 sq. ft.



MUSD Letter

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

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



Board of Trustees:
Al Galvez, President, Ed McIntyre, Clerk
Trustees:
Ricardo Arredondo; Brent Fernandes,
Ruben Mendoza; Ray G. Selbert
Maria Velarde-Garcia
Interim Superintendent:
Todd Lile

April 27, 2017

Robert Holt
Project Manager
City of Madera
205 West Fourth Street
Madera, CA 93637

SUBJECT: TSM 2017-01 & PPL 2017-02 Bellava and Berk Homes

Dear Mr. Holt:

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 14-lot single family residential subdivision, and the project is located on both the north and south of the eastern half of Adell St between N Lake St and Merced St, 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	0.363	14	5.08
7-8	0.095	14	1.33
9-12	0.173	14	2.42
	0.631		8.83

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: James Monroe Elementary School
Address: 1819 N Lake Street, Madera CA, 93638
Telephone: (559) 674-5679
Capacity: 870
Enrollment: 716
School Schedule: Traditional

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

MADERA UNIFIED SCHOOL DISTRICT
1902 Howard Road, Madera, California 93637
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Maria Velarde-Garcia
Interim Superintendent:
Todd Lile

3. Intermediate School Information:

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

School Name: Jack Desmond Middle School
Address: 26490 Martin Street Madera, CA, 93638
Telephone: (559) 674-4681
Capacity: 1,074
Enrollment: 925
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: 2,888
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 high school other than the above school, and (2) students residing in the project area may attend more than one high school within the District during their 9-12 school years.

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

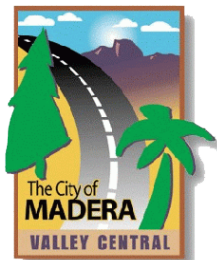
The District hereby requests that the information in this letter be provided by the owner/subdivider to all prospective purchasers of property within the project.

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 black ink that reads "Rosalind Cox". The signature is written in a cursive, flowing style.

Rosalind Cox
Director of Facilities Planning and
Construction Management



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Herbalife Fitness (Performance Review)
CUP 2016-08 and SPR 2016-01 MOD
Item #NP – June 13, 2017**

PROPOSAL: A review of the performance of Conditional Use Permit 2016-08 and Site Plan Review 2016-01 allowing for a fitness use on a property with a C1 (Light Commercial) Zone District, to determine whether it is appropriate to schedule a hearing on revocation.

APPLICANT:	Florencio Jasso	OWNER:	Daud A Abu Ziadih
ADDRESS:	711 North D Street	APN:	004-011-007
APPLICATIONS:	CUP 2016-08 & SPR 2016-01 MOD	CEQA:	Categorical Exemption

LOCATION: The property is located east on North D Street, approximately 215 feet north of the intersection of North D Street and East Riverside Drive.

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

PARCEL SIZE: Approximately 0.14 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The site is a fully developed commercial property. The property includes a 1,800 square foot office building with two tenant suites. Residential properties are located east and west of the project site. Various retail stores and restaurants are located north of the project site and the Fresno River is south of the project 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 15321 (Enforcement Actions).

SUMMARY: The site is not in compliance with the conditions of approval for Conditional Use Permit 2016-08 and Site Plan Review 2016-01 MOD. 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 §10-3.802, Light Commercial Zones, Uses Permitted
MMC § 10-3.1301 Use Permits

PRIOR ACTION

Conditional Use Permit 2016-08, which allowed for the establishment of a fitness use in conjunction with a retail “Herbalife” store, was conditionally approved by the Planning Commission on May 10, 2016.

ANALYSIS

History

Conditional Use Permit (CUP) 2016-08 and Site Plan Review (SPR) 2016-01 MOD were submitted in response to an inspection of the site, as part of the original SPR 2016-01. At that time, staff observed the operation of a fitness workout at the Herbalife store. Due to the lack of significant progress being made to come into compliance with the conditions of approval, staff sent communication letters in February and March of 2017 to the business owner. Staff has not received any communication from the business owner. During multiple visits to the site, staff did not observe or encounter the business owner or any other responsible party.

Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2016-08 and Site Plan Review 2016-01 MOD. These conditions were evaluated by staff for compliance with the last inspection occurring on May 12, 2017. Shaded conditions of approval are currently not in compliance. Of the thirty-four (34) conditions of approval, thirteen (13) need attention in order to be in compliance with the conditions of approval. Compliance with twenty-one (21) of thirty-four (34) conditions equates to a sixty-two (62%) percent compliance rate.

Significant progress has not been made towards meeting off-site requirements from the Engineering Department and the construction of a single-bin trash enclosure on-site. 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 and property owner did sign and return the required Acknowledgement and Acceptance of Conditions of Approval.

SUMMARY OF RECOMMENDATIONS

It is recommended that Conditional Use Permit 2016-08 be scheduled for a public hearing at the July 11, 2017 Planning Commission meeting to determine whether revocation is appropriate.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2016-08, 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 2016-08 at the July 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 2016-08, as approved by the Planning Commission on May 10, 2016.

(OR)

Motion 2: Move to find that the review of Conditional Use Permit 2016-08 is not warranted at this time for the following reasons: (specify)

ATTACHMENTS

Aerial Map
Conditions of Approval Compliance Matrix
Site Photos

Aerial Photo



Conditions of Approval Compliance Matrix

General Conditions		
1.	Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit	In compliance
2.	The use permit may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.	Procedural
3.	The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission	Procedural
4.	Conditional Use Permit 2016-08 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.	Procedural
5.	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, 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.	Not in compliance
6.	The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.	No required improvements completed. No deviation approved by the Planning Manager.
7.	Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.	Procedural

8.	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.	Not in compliance
Building Department		
9.	Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection and shall apply to proposed and future development.	Non-conformant ADA stall. No loading zone.
10.	Additional items identified as not complying with current codes and ordinances which require correction or attention may be identified. Any item not in conformance with current codes and ordinances must be corrected.	Not in compliance
Engineering Department		
11.	Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.	Procedural
12.	Improvement plans for the project shall include the most recent version of the City's General Notes.	Not in compliance
13.	Improvements within the City right-of-way shall require an Encroachment Permit from the Engineering Division.	Not in compliance
14.	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.	Not in compliance
15.	Existing water service connections shall be upgraded to current City standards including water meters located within city right-of-way and backflow prevention device located within private property by July 1, 2016.	Not in compliance
16.	Existing sewer service connection shall be upgraded to meet current City standards, at a minimum site shall have a sewer clean out installed per current City standards by July 1, 2016.	Not in compliance

Fire Department		
17.	2A10BC-rated portable fire extinguishers are required. A minimum of one is required, which must be mounted between three (3') and five (5') feet above the floor in a visible and accessible location.	In compliance
18.	Door hardware must open from the inside without the use of a key or any special knowledge or effort.	In compliance
Planning Department		
19.	This use permit allows for the establishment of a fitness component to the existing Herbalife lounge/café located in an approximately 780 square foot tenant suite.	In compliance
20.	The maximum number of fitness participants allowed in the exercise area of the tenant suite is ten (10).	In compliance
21.	The fitness use shall be utilized within the tenant suite at all times. No outdoor activities are permitted as a component of the business.	In compliance
22.	The fitness use shall only be permitted to operate from between the hours of 8:00 a.m. and 10:00 a.m., and 4:00 p.m. until 7:00 p.m.	In compliance
23.	The business may be open from as early as 7:00 a.m. in the morning to as late as 11:00 p.m. at night, seven days a week.	In compliance
24.	Vandalism and graffiti shall be corrected per the Madera Municipal Code.	In compliance
25.	Outdoor dining shall not be allowed. The provision of chairs and/or tables outdoors is prohibited.	In compliance
26.	Outdoor storage of goods and/or materials shall not be allowed.	In compliance
27.	The construction of a new trash enclosure will be required that will provide service to all tenants on this site and must be constructed on or before July 1, 2016. The trash enclosure will be located along the alley that abuts the property to the east.	Not in compliance

28.	The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.	In compliance
29.	The property owner, operator and manager shall keep the property clear of 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
30.	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
31.	The hosting of special events and competitions is not allowed for by this use permit. At no time shall the occupancy of the space exceed the occupancy load as determined by the Fire Official.	In compliance
32.	On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained.	In compliance
33.	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.	Not in compliance
34.	All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.	In compliance. Other businesses on-site do not have permits.

Site Photos



Site Photos

