

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

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

CALL TO ORDER

ROLL CALL

Commissioner Kenneth Hutchings (Chairperson)
Commissioner Robert Gran, Jr. (Vice Chairperson)
Commissioner Jim DaSilva
Commissioner Bruce Norton
Commissioner Pamela Tyler
Commissioner Israel Cortes
Commissioner Richard Broadhead

INTRODUCTION OF STAFF

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

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

MINUTES

Minutes of October 10, 2017

CONSENT ITEMS

1. CUP 2016-12 – West Coast Tires

Consideration of a request for a one-year time extension of Conditional Use Permit 2016-12, which allows for a used car sales lot as a component of the West Coast Tires and Auto business located at the northwest corner of South Gateway Drive and Madera Avenue (500 and 508 S. Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-213-002). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

PUBLIC HEARING ITEMS

1. CUP 2017-19 & SPR 2017-31 – 99 Cents Only Store Beer and Wine Sales for Off-Site Consumption

A continued public hearing to consider a conditional use permit and site plan review to allow for the off-site consumption of beer and wine as a component of an existing retail food store (99 Cents Only Store). The property is located at the northeast corner of Country Club Drive and West Sherwood Way (1333 Country Club Drive) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-201-025). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

2. TSM 2016-01 MOD – Varbella Subdivision Map Amendment

A noticed public hearing to consider an amendment to the conditions of approval for Tentative Subdivision Map 2016-01, to allow for 50-foot street sections where 60-foot street sections are currently required within the subdivision. The 27.94 acre subdivision is located at the southwest corner of Gary Lane and Monterey Street, in the R1 (Residential) Zone District with an LD (Low Density) General Plan land use designation. An initial study and Negative Declaration was adopted by the Planning Commission on October 11, 2016, in conjunction with the approval of the map.

3. SPR 2017-34 – Cool Steam Pasteurization, LLC

A noticed public hearing to consider an application for site plan review to allow for the development of an approximately 60,000 square foot nut processing plant on 8.49 acres located on the north side of Aviation Drive, 275 feet east of the Condor Drive alignment (3211 Aviation Drive) in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation. An initial study and Negative Declaration will also be considered by the Planning Commission.

4. CUP 2017-21 and SPR 2017-36 – Mendoza Residential

A noticed public hearing to consider a conditional use permit and site plan review to allow for the construction of an approximately 1,400 square foot home on an existing non-conforming corner parcel located at the southwest corner of North M Street and West 3rd Street (320 North M Street), in the R2 (Medium Density Residential) Zone District and a LD (Low Density) General Plan land use designation (APN: 010-043-011). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

5. CUP 2015-27 – Frank’s Auto Revocation

A noticed public hearing to consider revocation of a conditional use permit allowing for the establishment of an automotive repair shop on property located on the east side of South Gateway Drive, near its intersection with 12th Street (801 South Gateway Drive), in the I (Industrial) Zone District and the C (Commercial) General Plan land use designation (APN: 011-151-008). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies).

NON PUBLIC HEARING ITEMS

None

ADMINISTRATIVE REPORTS

1. Informational Workshop Part 4 – Zoning: Implementing the General Plan

COMMISSIONER REPORTS

ADJOURNMENT

The next regular meeting will be held on December 12, 2017.

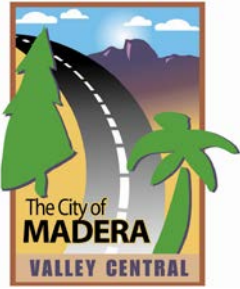
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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 Coast Auto Sales Extension
CUP 2016-12 EXT
Consent Item #1 – November 14, 2017**

PROPOSAL: Consideration of a request for a one-year time extension of Conditional Use Permit 2016-12 which allows for a used car sales lot as a component of the West Coast Tires and Auto business.

APPLICANT:	Ibrahim Alwareeth	OWNER:	Ibrahim Alwareeth
ADDRESS:	500 & 508 South Gateway Drive	APN:	010-213-001 and 002
APPLICATION:	CUP 2016-12 EXT, SPR 2016-23	CEQA:	Categorical Exemption

LOCATION: The project site is located at the northwest corner of South Gateway Drive and Madera Avenue.

STREET ACCESS: The site has access to South Gateway Drive and Madera Avenue.

PARCEL SIZE: Two (2) parcels encompassing approximately 0.88 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The overall site encompasses two parcels. Two structures now serve the site; the light industrial garage structure that had been used for general automotive repair in association with the used car lot and the currently open tire, wheel and automotive center that had been a Pennzoil lube center. The motel structure that had served as the car sales office structure has been removed. There are commercial uses to the east, west and north of the project site, along the Gateway commercial corridor. Residential uses are located immediately south of the project site.

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

SUMMARY: The applicant and property owner have requested a one year extension of Conditional Use Permit 2016-12. The applicant has submitted a written request for extension. Although construction activity has taken place on the project site, it is apparent that no used car sales activities have commenced in the last year and may not occur during the next year. The applicant, at present, is weighing alternatives prior to moving forward.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1311 Termination and Revocation

Any use permit granted by the City must be utilized within twelve (12) months after the effective date. Failure to utilize such use permit within the 12-month period shall render the use permit null and void unless a written request for extension is submitted to the Planning Commission prior to the expiration of the permit.

The Planning Commission, in considering the time extension request, may approve, deny, or conditionally approve a time extension. If the time extension is denied, the applicant may re-file the conditional use permit for further consideration by the Planning Commission.

PRIOR ACTION

A used car sales lot has intermittently operated on this site for many years. Initially, the use was approved to occur only on the 508 South Gateway property, and business licenses are indicative of that condition. Over time, the use continued to grow with the changes in the automotive sales market. Conditional Use Permit 2014-21 and Site Plan Review 2014-30 allowed for the expansion of the used car sales lot to occur on both properties (500 and 508 South Gateway Drive) in conjunction with an automotive lubrication business. The used car sales lot, Universal Auto, did not make significant progress in completing the required conditions of approval, resulting in the revocation of the use permit and site plan review on November 10, 2015. The Planning Commission approved Conditional Use Permit 2016-12, 13, and 14 and Site Plan Review 2016-23 on June 14, 2016 in support of the development of West Coast Tire and Auto on the project site.

ANALYSIS

Background

Sixteen months have transpired since the Planning Commission approved CUP 2016-12. Although work has been commenced on the project site, the completion of all required conditions of approval is some time off. In the area anticipated for automotive sales, although the former “motel” structure was removed, no replacement building has been approved and no construction of the anticipated structure begun. Staff received exhibits for the new building, but processing of the revisions is pending formal application to amend the site plan. Frontage improvements have been substantially completed but finishing landscaping and irrigation remain in progress.

Extension

The property owner provided staff a written letter (attached) requesting for a one year extension from the Planning Commission. The letter states that the one year extension is necessary in order to “protect the use permit of the used car lot” while the applicant is “studying multiple options in regards to the development of the lot.” As there have not been substantive changes in the City’s Zoning Ordinance over the past year, a new application for the same project would likely generate similar conditions. Therefore, a time extension rather than a re-filing is appropriate.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATION

The information presented in this report supports approval of the conditional use permit extension request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve the extension of Conditional Use Permit 2016-12, subject to the findings and original conditions of approval included in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the extension of Conditional Use Permit 2016-12.

Motion 1: Move to approve a one year extension of Conditional Use Permit 2016-12, based on and subject to the following findings and conditions of approval:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- As required per section 10-3.1311(A) (Termination and Revocation) of the Madera Municipal Code, a written request for extension of Conditional Use Permit 2016-12 was submitted to the Planning Department within the required twelve (12) month period.
- A used car sales lot is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As proposed, there is adequate parking and site features to allow for the proposed used car sales lot.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the used car sales lot, automotive tire and wheel store and outdoor display of tires and wheels 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.

(OR)

Motion 2: Move to continue the request for extension of Conditional Use Permit 2016-12 to the December 14, 2017 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the request for extension of Conditional Use Permit 2016-12 based on and subject to the following findings (specify)

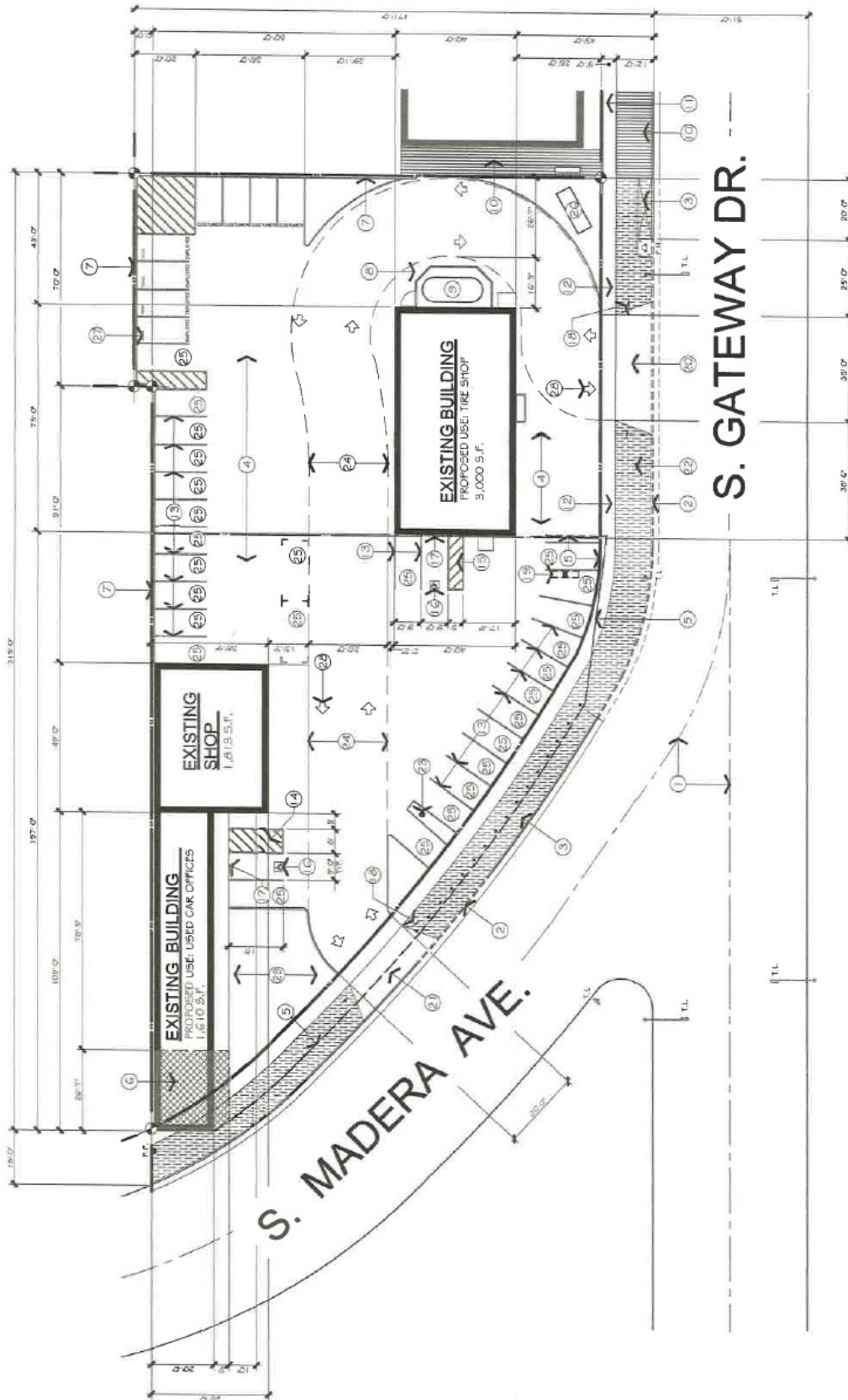
ATTACHMENTS

Aerial Photo
Site Plan
Extension Letter
Current Site Photos
Original Conditions of Approval

Aerial Photo



Site Plan



APPLICANT REQUEST FOR EXTENSION

Good Afternoon Chris,

As you know we are almost done with phase one of our project and ready to start phase 2 which is constructing the car lot building. However, we are studying multiple options in regards to the development of the lot located at 508 Gateway. In order to protect the use permit of the used car lot we obtained last year, I would like to ask for a permit extension until we make the final decision. Your help is greatly appreciated.

Ibrahim Alwareeth

CURRENT SITE PHOTOS



Incomplete frontage improvements along State Route 145.



On-site improvements yet to be completed in support of a used car sales lot.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permits 2016-12, 13, and/or 14 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permits 2016-12, 13 and/or 14 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Site Plan Review 2016-23 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Conditional Use Permits 2016-12, 13 and 14 and Site Plan Review 2016-23 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-23.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
10. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use could be cause for revocation of Conditional Use Permits 2016-12, 13 and/or 14.

11. Conditions of approval herein are cumulatively applicable to Conditional Use Permits 2016-12, 13 and 14 and Site Plan Review 2016-23, except where otherwise stated as applicable to a specific entitlement.

Building Department

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

Engineering Department

General

14. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
15. The developer shall pay all the required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.
16. The improvement plans for the project shall include the most recent version of the City's General Notes.
17. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
18. The developer shall coordinate with CalTrans regarding improvements along Madera Avenue and South Gateway Drive (SR 145) within their right-of-way. Improvements may require an Encroachment Permit from CalTrans.

Sewer

19. The existing sewer service connection shall be upgraded to current city standards including cleanouts, if not previously installed.

Streets

20. Access to the site shall be limited to two (2) driveways, as shown on improvement plans dated April 27, 2016. The driveway approaches shall be reconstructed to a street-type entrance with a minimum face curb radius of fifteen (15') feet and be constructed to current City standards with ADA path of travel. Other existing driveways shall be replaced with concrete sidewalk, curb and gutter per City standards, as shown in plans. The extent of improvements along South Gateway Drive and Madera Avenue shall be determined by CalTrans.
21. The driveway along South Gateway Drive shall be limited to right-in-right-out vehicle circulation. The developer shall install a "Right Turn Only" sign.

22. The developer shall dedicate a thirteen (13') foot wide easement for street purposes on Gateway Drive along the entire project frontage.

The developer shall dedicate a thirteen (13') foot wide easement for street purposes on Madera Avenue along the entire project frontage.
23. The developer shall dedicate a Public Utility Easement ten (10') feet wide along the entire project parcel frontage on South Gateway Drive and Madera Avenue.
24. The developer shall construct sidewalk per City standards on South Gateway Drive and Madera Avenue along the entire parcel frontage. An unimpeded ADA path of travel shall be maintained at all times. Sidewalk shall be constructed with a maximum 2% cross slope.
25. The developer shall remove existing driveway approach located at the northern property line of 500 South Gateway Drive and replace with curb and gutter.
26. The developer shall reconstruct existing southern driveway approach of 500 South Gateway Drive to a maximum 35 foot driveway throat and construct curb and gutter.
27. The developer shall remove existing driveway approach located at the southern property line of 508 South Gateway Drive and replace with curb and gutter.
28. The developer shall reconstruct the existing primary driveway approach of 508 South Gateway Drive to maximum 24 foot driveway throat and construct curb and gutter.
29. The developer shall reconstruct curb and gutter across the remainder of the 508 South Gateway Drive frontage.
30. Park strip landscaping shall be installed in conjunction with the required street improvements on South Gateway Drive and Madera Avenue.

Water

31. The existing water service connection shall be upgraded to current City standards including an Automatic Meter Reading (AMR) water meter located within City right-of-way and a backflow prevention device located within private property.
32. A separate water meter and backflow prevention device will be required for landscape area.

Fire Department

33. Portable fire extinguishers are required in accordance with the California Fire Code.
34. Both indoor and outdoor storage of tires must be installed in accordance with Chapter 34 of the California Fire Code. This includes a fire safety plan that must be provided to, and approved by the City of Madera prior to opening for business. The fire safety plan should be prepared by a designer knowledgeable in the requirements of Chapter 34.
35. Heat sources and open flame devices are not permitted in tire storage areas.
36. Fire sprinklers shall be required if the indoor storage of tires exceeds six feet (6') in height.

37. A fire access lane plan is required to show access through the car sales lot. Since there is only one entry/exit, an on-site vehicle turn around needs to be shown.

Planning Department

38. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
39. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
40. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times. Dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.
41. No portable, temporary, and/or mobile utility structures shall be allowed to be erected and/or utilized on the project site.
42. Hours of operation shall be from as early as 8:00 a.m. until as late as 9:00 p.m., seven (7) days a week.
43. All on and off-site improvements shall be made prior to occupancy and issuance of a business license.
44. Either an application for a lot merger shall be competed where 500 and 508 South Gateway Drive (APN: 010-213-001 and 002) are merged to form one parcel or sufficient cross access pedestrian, parking and vehicular easements shall be recorded on both existing parcels so as to ensure proper circulation is available to serve the project site. This condition shall be satisfied in advance of occupancy of the site and issuance of business license.
45. The existing parking field shall be slurry sealed and restriped consistent with the approved site plan and City standards.
46. On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan. Any modifications in the approved parking layout shall require approval by the Planning Manager.

Landscaping

47. Off-site landscaping and irrigation shall not be installed until plans are approved by the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at the developer's expense.
48. A landscape and irrigation plan for on-site landscaping improvements shall be submitted to the Planning Department for review and approval.
49. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.

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

Structures

51. Prior to the submittal of building permits, the applicant shall submit a color and materials presentation board to the Planning Department for review and approval detailing building and trash enclosure colors and materials.
52. A portion of the former motel structure shall be demolished sufficient to allow for the required right-of-way dedication on the Madera Avenue frontage.
53. Retained structures on the site shall be reconditioned. At a minimum, all structures shall be repainted consistent with the approved color and materials presentation board.

Signage

54. 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. All proposed on-building signage shall be constructed as illuminated pan channel letters.

Used Car Sales Lot

55. Conditional Use Permit 2016-12 allows for a used car sales lot. Used car sales may occur on both the 500 and 508 South Gateway Drive properties.
56. The used car sales lot shall only sell used passenger cars and trucks. No recreational vehicles, boats, trailers, personal all-terrain vehicles (ATV), and the like may be marketed or sold from the site.
57. The repair garage associated with the used car sales lot shall only be utilized for limited light maintenance, tune-ups, safety inspections and detailing of cars offered for sale by the business.
58. All automotive repair work shall occur inside of the repair garage structure.
59. Overnight parking of vehicles undergoing automotive repair work in association with the repair garage shall only occur within the interior of the building.

Automotive Tire and Wheel Store

60. Conditional Use Permit 2016-13 allows for an automotive tire and wheel store. The automotive tire and wheel store may offer the following services:
 - Sales and installation of tires and wheels
 - Wheel balancing and alignments
 - Lube, oil and filter services
 - Brake services
 - Installation of shocks and struts

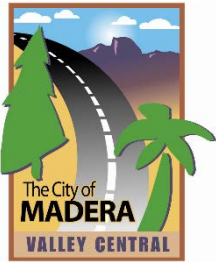
- Spark plug and spark plug wire replacements
- General maintenance inspections

61. All automotive repair work shall occur inside of the tire and wheel store structure.

62. Overnight parking of vehicles, other than automobile sales inventory, shall only occur within the interior of the building.

Outdoor Display of Tires and Wheels

63. Conditional Use Permit 2016-14 allows for the outdoor display of tires. Outdoor display shall occur consistent with the approved site plan which provides specific outdoor display location(s), or as provided for by the Planning Manager.



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: 99 Cents Only Store - CUP 2017-19 & SPR 2017-31
Beer and Wine Sales for Off-Site Consumption
Item #1 – November 14, 2017**

PROPOSAL: A continued public hearing item to consider a conditional use permit and site plan review to allow for the off-site consumption of beer and wine as a component of an existing retail food store (99 Cents Only Store).

APPLICANT:	99 Cents Only Stores/Steve Rawlings	OWNER:	Silver Shield LLC
ADDRESS:	1333 Country Club Drive	APN:	003-201-025
APPLICATION:	CUP 2017-19 & SPR 2017-31	CEQA:	Categorical Exemption

LOCATION: The property is located at the northeast corner of Country Club Drive and West Sherwood Way.

STREET ACCESS: The site has access to Country Club Drive and West Sherwood Way.

PARCEL SIZE: Approximately 6.24 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The site is located in the commercial shopping center that was once utilized by the former K-Mart, Big Lots and Mervyns. Low-density residential and vacant properties are located to the north, the Arborpoint Apartments to the east, the Country Club Village shopping center to the south and the Madera Auto Center to the west.

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

SUMMARY: A conditional use permit is required for all businesses which include the sale or consumption of alcoholic beverages for on- or off-site consumption. The sale of beer and wine at a 99 Cents Only store that sells groceries and household items would be unique in that beer and wine would be sold for less than one dollar. The applicant proposes to purchase a transferred license from within Madera County, which resolves the State's moratorium on Type 20 licenses within the County. The addition of a Type 20 license would not create an over-concentration of Type 20 licenses in Census Tract 6.04. However, there is an over-concentration of Type 20 licenses within the City as a whole with a maximum of twenty-six (26) being allowed while thirty-three (33) are currently located within the City.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Light Commercial Zones
MMC § 10-3.405 Uses
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review Applicability

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

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

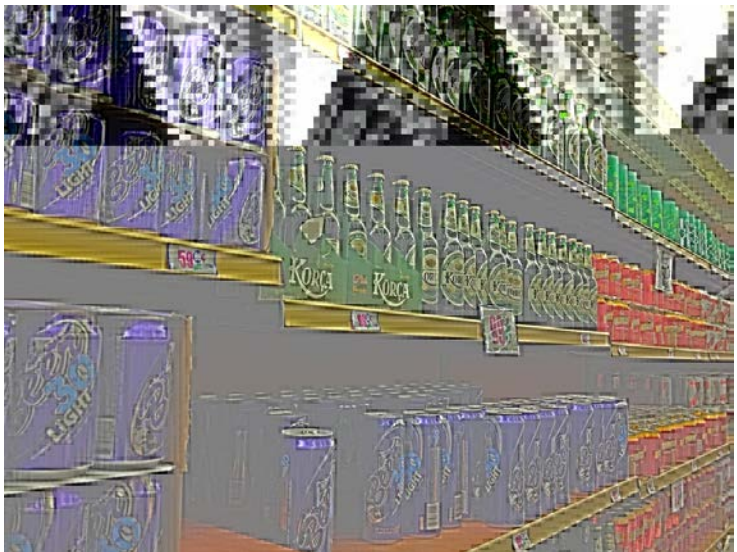
PRIOR ACTION

Since its original development as a K-Mart in 1977, the property has utilized multiple conditional use permits for outdoor sales. No other discretionary actions have been entitled on this property.

ANALYSIS

Operations

The 99 Cents Only Store was established in April of 2003. The retail food store currently sells food, groceries and household products for \$0.99. The retail food store proposes to add the sale of beer and wine for off-site consumption as a component of their business operations. Although the sale of beer and wine would be an ancillary use to a grocery store, the 99 Cents Only store is not just a grocery store. The store's business model is unique in that no other retail food store similar to the 99 Cents Only store sells beer and wine for a dollar or less. Staff's observance of other 99 Cents Only stores that sell beer and wine include single cans sold as cheap as \$0.59 and the most expensive wine is being sold at \$2.99. Other cities who have granted an allowance for the sale of alcohol have limited the capabilities of the store selling beer and wine, such as a limited amount of shelf space and cans being sold at six-packs and larger.



The applicant proposes to implement security measures for the sale of beer and wine which would include ten (10) surveillance cameras placed in various locations throughout the store and a point of sale system that would not allow any transaction to be completed if an invalid date of birth is input into the system. Employees will be required to be trained on how to handle the sale of beer and wine through a corporate training program.

Moratorium

On January 1, 1998, Section 23817.5 (Alcoholic Beverages – Limitation on Number of Licensed Premises) of the State of California Business and Professions Code was amended to permanently establish a moratorium on the issuance of ABC licenses for the off-site consumption of beer and wine (Type 20 license) in cities and counties where the ratio of Type 20 licenses exceed one for each 2,500 inhabitants. The most recent moratorium list of cities and counties was updated on December 15, 2016, which includes all of Madera County.

The applicant proposes to purchase a Type 20 ABC license from another business within Madera County, which will be a transferred license. The moratorium specifically prohibits all new Type 20 licenses or transfer of Type 20 licenses from cities and counties outside of Madera County. The moratorium does not apply to transfers of Type 20 licenses from within Madera County.

Type 20 License Analysis

The project site is located within Census Tract 6.04, which currently holds four (4) Alcohol Beverage Control (ABC) licenses for the off-site consumption of alcoholic beverages and one (1) ABC license for the on-site consumption of alcoholic beverages. The current population of Census Tract 6.04 (5,467 residents) allows for a maximum of five (5) ABC licenses for both on- and off-site consumption of alcoholic beverages each.

The California Business and Professions Code states, “The number of premises for which an off-sale beer and wine license (Type 20) is issued shall be limited to one for each 2,500 inhabitants of the city or county in which the premises are situated.” The United States Census Bureau lists the most recent population of the City of Madera at 64,444 inhabitants. This would equate to a maximum requirement of twenty-six (26) Type 20 ABC licenses in the City. The current number of Type 20 licenses in the City is thirty-three (33), exceeding the maximum requirement by seven (7). Although the issuance of a Type 20 license at the project site would not over-concentrate Census Tract 6.04, it will not decrease the exceeded amount of Type 20 licenses within the City. If the transferred license comes from a business in the County, it will increase the number of Type 20 licenses within the City.

Alcohol-Related Crime in Census Tract 6.04

The Police Department provided data of alcohol-related crimes within Census Tract 6.04 from the previous two years (November of 2015-17), including disorderly conduct and driving under the influence. A total of twenty-seven (27) alcohol-related crimes occurred from between November of 2015 to November of 2016 and twenty (20) alcohol-related crimes occurred between November of 2016 to November of 2017. Few crimes have occurred in the immediate area of the 99 Cents Only store because of a limited number of ABC licenses. Other areas within Census Tract 6.04 where alcohol sales occur have a larger number of alcohol-related crimes. Staff anticipates the number to increase in the immediate area of the project site if a Type 20 license is approved at the 99 Cents Only store location.

The City Council has directed to staff to observe every application for the sale of alcohol on a case by case basis. Due to the unique business model of selling beer and wine at less than a dollar, the City-wide excess of Type 20 licenses and the subsequent potential for an increase in crime, staff believes that the sale of beer and wine at the 99 Cents Only store would cumulatively be detrimental to the health, safety, peace, morals and comfort and general welfare of persons residing or working in the neighborhood and the general welfare of the City overall.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of the off-site consumption of beer and wine in conjunction with a retail food store are not specifically addressed in the vision or action plans, the overall project does indirectly

support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...;*

RECOMMENDATIONS

The information presented in this report supports denial of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and deny Conditional Use Permit 2017-19 and Site Plan Review 2017-31, subject to the findings outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be taking action regarding Conditional Use Permit 2017-19 and Site Plan Review 2017-31 to either:

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

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

Motion 1: Move to deny Conditional Use Permit 2017-19 and Site Plan Review 2017-31, based on and subject to the findings:

Findings

- The unique business model of selling beer and wine at less than a dollar, the City-wide excess of Type 20 licenses and the subsequent potential for an increase in crime result in a detriment to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the 99 Cents Only Store, or be a detriment or injurious to property and improvements in the neighborhood or general welfare of the City.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2017-19 and Site Plan Review 2017-31 to the December 12, 2017 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to approve Conditional Use Permit 2017-04 and Site Plan Review 2017-31, based on and subject to the following findings and conditions of approval:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- The sale of alcoholic beverages for off-site consumption is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.

- The applicant proposes to purchase a Type 20 ABC License from another business within Madera County. This will not exacerbate the Countywide moratorium on Type 20 ABC licenses within Madera County.
- The addition of a Type 20 ABC License does not create an over-concentration of ABC licenses for the off-site consumption of alcoholic beverages (beer and wine only) within Census Tract 6.04.
- As conditioned, the use will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city. The use is deemed to be a compatible use that is consistent with the zoning for the site.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2017-19 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2017-19 and Site Plan Review 2017-31 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.
5. Site Plan Review 2017-31 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2017-31.
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.

8. Except as noted herein, all on- and off-site improvements shall be made prior to the issuance of a Type 20 Alcoholic Beverage Control license for the retail food store.

Engineering Department

General

9. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
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.
11. Improvements within the City right-of-way shall require an Encroachment Permit from the Engineering Division.

Water

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

Fire Department

13. Fire lanes shall not be obstructed and shall be properly posted.
14. 2A10BC-rated fire extinguishers shall be required. One fire extinguisher is required for each 3,000 square feet of floor area. Fire extinguishers shall be visible and accessible.
15. No high-piled storage is permitted unless the fire sprinkler system has been analyzed to accommodate such storage.

Planning Department

General

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

Beer and Wine Sales

20. Conditional Use Permit 2017-19 allows for the sale of beer and wine in association with the operation of a retail food store. This entitlement requires a Type 20 Alcohol Beverage Control license to be obtained from another entity within Madera County. Modification of this license type requires amendment of Conditional Use Permit 2017-19.
21. The sale of beer and wine shall be limited to the following packaging constraints:

- The sale of beer and malt beverages shall be in quantities of no less than a factory six-pack.
 - The sale of wine shall be in containers of at least seven-hundred fifty (750) milliliters (ml).
 - Wine coolers, whether made from wine or malt products, shall not be sold in quantities of less than factory packs of four.
 - No wine shall be sold with an alcohol content greater than fifteen (15%) percent by volume.
22. The interior display space dedicated for the sale of beer and wine shall be limited to no more than thirty-six (36') lineal feet of gondola shelving. Any additional lineal feet and/or future cooler shelf storage may require amendment to Conditional Use Permit 2017-19.
 23. Signage shall be installed per the approval of the Police Department informing patrons that no alcoholic beverages are to be consumed on the premises.
 24. Signage shall be installed per the approval of the Police Department informing patrons that no loitering shall be allowed on the premises.
 25. No outdoor consumption of alcoholic beverages shall be allowed.
 26. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
 27. The applicant shall implement an alcohol sales training program to train all employees regarding the responsible retailing of alcoholic beverages.
 28. The sale of alcoholic beverages shall be restricted to off-site consumption only. If the sale of alcoholic beverages for on-site consumption is proposed in the future, amendment to Conditional Use Permit 2017-19 shall be required.
 29. There shall be no allowance for the outdoor display and/or storage of goods, merchandise and/or materials without approval of a separate conditional use permit granted by the Planning Commission.
 30. There shall be no allowance for the sale of tobacco without approval of a separate conditional use permit granted by the Planning Commission.

Landscaping

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

Signage

32. All signage shall be in compliance with the Master Sign Criteria of the K-Mart shopping center at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.
33. No alcoholic beverage sales related signs shall be displayed such that they can be visible from the exterior of the business.

ATTACHMENTS

Aerial Photo
Site Photos
ABC License Map (Census Tract 6.04)
Crime Map

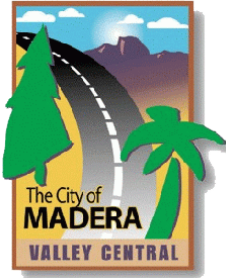
Aerial Photo



Site Photos







CITY OF MADERA
PLANNING COMMISSION

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

Staff Report: Varbella Modification
TSM 2016-01 MOD and Environmental Determination
Item #2 – November 14, 2017

PROPOSAL: An application for modification of the conditions of approval for Tentative Subdivision Map 2016-01, to allow for 50-foot street sections in place of 60-foot street sections.

APPLICANT:	DMP Development Corp.	OWNER:	DMP Development Corp. Valley Land Development
ADDRESS:	SWC of Monterey Street and Gary Lane	APN:	APN 012-460-001 APN 012-460-006
APPLICATIONS:	TSM 2016-01 MOD	CEQA:	Prior Negative Declaration

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

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

PARCEL SIZE: Approximately 27.94 acres total

GENERAL PLAN DESIGNATION: LD (Low Density)

ZONING DISTRICT: R1 (Residential)

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

ENVIRONMENTAL REVIEW: An initial study and a negative declaration were adopted by the Planning Commission on October 11, 2016 in conjunction with the approval of the map.

SUMMARY: The applicant proposes a modification to the approved conditions of approval for Tentative Subdivision Map 2016-01 in order to provide for fifty (50') foot street sections within the subdivision.

APPLICABLE CODES AND PROCEDURES

MMC § 10-2.401 et. seq., Subdivisions
City of Madera General Plan, adopted October 7, 2009

PRIOR ACTION

The project site was originally approved for subdivision in 2005, but maps were never recorded and portions of the land were subdivided as a component of the construction of high density multifamily residential development on a portion of the original property. The northern portion of the project site was included in General Plan Amendment 2014-02 which changed the land use designation from the MD (Medium Density) to the LD (Low Density) General Plan land use designation. General Plan Amendment 2014-02 was approved by the Planning Commission on February 10, 2015. Tentative Subdivision Map 2016-01 was approved by the Planning Commission on October 11, 2016.

ANALYSIS

Tentative Subdivision Map

Tentative Subdivision Map 2016-01 created 120 single family residential parcels ranging in size from 6,208 to 11,967 square feet. The average lot size is 7,401 square feet. The density of the subdivision is 4.96 units per acre, just slightly below the target density of the LD (Low Density) designation of 5.25 units per acre. When considering the project site in conjunction with the adjoining 8.36 acres of HD (High Density) located immediately southwest of the project site, the average density is well within the General Plan guidelines, as follows:

$$8.36 \text{ acres} \times 22.5 \text{ units per acre} = 188$$

$$\underline{24.17 \text{ acres} \times 4.96 \text{ units per acre} = 120}$$

Total Density $32.53 \text{ acres} / 308 \text{ units} = 9.46 \text{ average units per acre}$

Proposed Modification

The applicant wishes to modify Condition No. 44 to allow for fifty (50') foot street widths throughout most of the subdivision. Condition No. 44 states; Interior streets shall be constructed in accordance with City standards for a 60 foot residential street with a 5 foot sidewalk, curb and gutter. The applicant proposes to retain a no less than a sixty (60') foot street width across all sections of Milano Lane, which traverses east to west across the subdivision. Traffic calming "bulb outs" are included on Milano Lane to reduce speeds within the subdivision.

The City does provide for fifty (50') foot street sections with the approval of the City Engineer. Street lengths must be less than 1,500 feet with a projected traffic volume of less than 1,000 average daily trips. The design of the subdivision qualifies for consideration of the reduced street width. No block exceeds the 1,500 foot limitation and estimated average daily trips are below the 1,000 trip threshold. The City Engineer and staff are supportive of the reduced street widths. It is recommended that Condition No. 44 be amended as follows:

Interior streets shall be constructed in accordance with City standards as follows:

- Milano Lane, between Monterey Street and Pompeii Street, shall be constructed as a seventy (70') foot street section per the City Engineer.
- Milano Lane, between Stadium Road and Pompeii Street, shall be constructed as a sixty (60') foot street section consistent with Standard Drawing ST-2 (Residential Street).
- All remaining street shall be constructed as fifty (50') foot street sections consistent with Standard Drawing ST-3 (Residential Access Street).

General Plan Conformity

The proposed lotting pattern and density within the proposed subdivision continue to demonstrate general consistency with the applicable goals and policies of the General Plan. The reduced street width does not alter findings of General Plan consistency. The General Plan does provide direction for the development of homes within the subdivision. The development of homes on the individual lots is guided by Action Item CD33.1 which states that final home designs shall be approved prior to recordation of the final subdivision maps. For R (Residential) zoned property, a site plan review is required to be completed in advance of the recordation of the map. The site plan review will demonstrate compliance with the General Plan. The applicant is currently preparing submittals necessary for processing the required site plan review.

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 modification is specifically consistent with Strategy 131, “Create Well-Planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components”.

RECOMMENDATION

The information presented in this report supports a recommendation of approval for the modification of the tentative subdivision map to allow for fifty (50') foot street sections. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the requested modification to TSM 2016-01.

PLANNING COMMISSION ACTION

The Commission will be acting on the modification of Tentative Subdivision Map 2016-01.

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

Findings

- A negative declaration was adopted by the Planning Commission pursuant to the California Environmental Quality Act on October 11, 2016. The impacts of the current modification application are consistent with impacts anticipated in 2016. Therefore, no additional environmental documentation is required.
- The proposed modification of Tentative Subdivision Map 2016-01, as conditioned, is consistent with the purpose and intent of the LD (Low Density Residential) General Plan land use designation and the R1 (Residential) Zone District.
- The proposed modification of Tentative Subdivision Map 2016-01, as conditioned, is consistent with the principles, goals and policies of the General Plan.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.

- The proposed modification of Tentative Subdivision Map 2016-01, as conditioned, is not likely to be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City.
- City services are available to serve the site.

CONDITIONS OF APPROVAL

General Conditions:

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

Engineering Department

General

2. Prior to recording of the final map, the applicant at their sole expense shall cause the subdivision property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees. All property included in said subdivision shall be made a part of such district and subject to its taxes.
3. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required Lighting and Landscape Maintenance District zone (LLMD) of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements, existing and new improvements, which are required to be constructed by the developer and included in the City-wide LLMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
4. A final subdivision map shall be required per Section 10-2.502 of the municipal code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
5. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive phase number shall identify multiple final maps filed in accordance with an approved tentative map.
6. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
7. No temporary turn-arounds are permitted.
8. All construction vehicles shall access the site by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the

neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.

9. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
10. Impact fees shall be paid at time of building permit issuance.
11. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
12. The developer shall pay all required fees for processing the subdivision map and completion of the project. Fees due include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, and improvement inspection fees.
13. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.

Water

15. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the fire department, and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code appendix III-A.
16. Unless the City Engineer or fire flow analysis specifies larger lines, water lines at a minimum of 8 inches in diameter shall be installed in all streets; interior and those abutting the project. The water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to the existing City main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works.
17. The developer shall construct a 12-inch water main in Pecan Avenue from its current termination point approximately 640 feet east of Stadium Road to the intersection of Pecan Avenue and Monterey Street. The developer shall connect to the existing water main located at the intersection of Pecan Avenue and Monterey Street and install a Tee if not previously installed. The water main shall be constructed to current City standards. The cost difference between an 8-inch and a 12-inch water main is considered reimbursable under the City's Development Impact Fee Program.
18. The developer shall extend the existing 8 inch water main in Milano Street from its current termination point to Monterey Street where it shall be connected to the existing 8 inch water main with a Tee.

19. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
20. Water services shall be placed three (3) feet from either property line, opposite of street light and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or street light locations.
21. One water quality sampling station shall be installed within the subdivision and approved by the water quality division of the Public Works Department.
22. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
23. Water service connections shall be constructed per current City standards including water meters located within City right-of-way.
24. Existing wells if any shall be abandoned as directed and permitted by the City of Madera for compliance with state standards.

Sewer

25. The existing sewer system that serves this section of the City is approaching or at capacity due to a constricted section of the sewer system on Pecan Avenue. The developer shall construct the following master plan improvements to accommodate sewer loads for this development if the development directs sewer effluent toward the intersection of Monterey Street and Pecan Avenue:
 - a. A parallel 18 inch sewer main on Pecan Avenue from Monterey Street to Stadium Road.If the development does not direct flow to the parallel sewer main, the developer shall design the parallel line between Stadium Road and Monterey Street. The developer shall then coordinate with the City to allow construction of the parallel line in Pecan Avenue prior to the developer constructing offsite improvements on Pecan Avenue. This parallel line is 100% reimbursable from Development Impact Fees.
26. Sewer lines installed to serve the subdivision, including sewer lines installed in abutting streets, shall be sized accordingly, and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing City main six (6) inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the subdivider.
27. Sewer services shall be located at the approximate centerline of each lot or as required for construction of commercial or industrial buildings with a clean-out installed per City Standards, and identified on the curb face. Termination of service shall be 10 feet past the property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of the sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless

approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.

28. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

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

Streets

33. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along Pecan Avenue, Gary Lane and Monterey Street adjacent to entire project site as well as all internal publicly dedicated streets.
34. A Public Utility and Pedestrian Easement (PUPE) 10 feet wide shall be dedicated along Stadium Road adjacent to entire project site.
35. The developer shall dedicate a 10 foot wide easement for street and utility purposes along Stadium Road to accommodate a 40 foot half street width.
36. The developer shall dedicate a 20 foot wide easement for street and utility purposes along Monterey Street to accommodate a 30 foot half street width.
37. The developer shall dedicate a 28.02 foot wide easement for street and utility purposes along Gary Lane to accommodate a 40 foot half street width.
38. The east side of Stadium Road along the entire project frontage shall be improved to an 80 foot collector roadway per City of Madera standards. Adequate transition with the existing improvements relative to grade and alignment shall be provided.
39. The west side of Monterey Street along the entire project shall be improved to a 60 foot residential roadway per City of Madera standards and as directed by the City Engineer. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
40. The south side of Gary Lane along the entire project shall be improved to an 80 foot collector roadway per City of Madera standards. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
41. A Class 1 combined bike path and pedestrian walkway shall be developed along the east side of Stadium Road along the entire project frontage utilizing street and PUPE easements.

42. The north side of Pecan Avenue along the entire project frontage shall be improved to a 100 foot arterial street per City of Madera standards. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
43. Components of street construction are only eligible for reimbursement from the collector, arterial and arterial median island Development Impact Fee Program fees. Reimbursements shall be repaid to the developer based on invoices for the actual and reasonable cost of construction and as may be identified within the Subdivision Agreement (See Condition No. 64). The following street improvements are reimbursable:
- For Arterial Streets, construction of median Islands (16-foot wide) are reimbursable under the median island Development Impact Fee Program fee. Construction of two travel lanes, 12-foot wide and both immediately adjacent to the median island are reimbursable under the street and arterial Development Impact Fee Program fee.
 - For Collector Streets, construction of the center turn lane (12-foot wide), and two travel lanes, 12-foot wide and both immediately adjacent to the turn lane are reimbursable under the street and arterial Development Impact Fee Program fee.

No other street improvements are subject to reimbursement.

44. Interior streets shall be constructed in accordance with City standards ~~for a 60 foot residential street with a 5 foot sidewalk, curb and gutter as follows:~~
- Milano Lane, between Monterey Street and Pompeii Street, shall be constructed as a seventy (70') foot street section per the City Engineer.
 - Milano Lane, between Stadium Road and Pompeii Street, shall be constructed as a sixty (60') foot street section consistent with Standard Drawing ST-2 (Residential Street).
 - All remaining street shall be constructed as fifty (50') foot street sections consistent with Standard Drawing ST-3 (Residential Access Street).
45. The developer shall dedicate an additional six (6) feet minimum of right-of-way on Monterey Street from the intersection of Pecan Avenue to approximately 150 feet to the north to accommodate simultaneous right and left turn movements onto Pecan Avenue. The Developer shall design Monterey Street at Pecan Avenue to accommodate street parking, separate left and right turns and swept path of garbage trucks from Pecan onto Monterey. As an alternative, the applicant may, at their discretion, paint the equivalent length of curb on the west side of Monterey Street red to delineate the area as a "No Parking" zone.
46. The developer shall dedicate an additional six (6) feet of right-of-way on Milano Lane from the intersection of Stadium Road to approximately 150 feet to the east to accommodate simultaneous right and left turn movements onto Stadium Road. The Developer shall design Milano Lane at Stadium Road to accommodate street parking, separate left and right turns and swept path of garbage trucks. As an alternative, the applicant may, at their discretion, paint the equivalent length of curb on the west side of Monterey Street red to delineate the area as a no parking zone.
47. The proposed access street to Gary Lane shall be aligned with the centerline of Chatom Way.
48. The developer shall construct a traffic circle or other forms of traffic calming improvements at the intersection of Milano Lane and Roma Street/Court.

49. Private access from individual lots or parcels shall not be allowed to Pecan Avenue, Gary Lane, Stadium Road, Chatom Way and Milano Lane (adjacent to Lots 1, 30, 31, 112 and 113). This shall be noted as a restriction on the Final Map(s).
50. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of the final map. The developer is responsible for all fees associated with the approval of all documents.
51. Prior to the recording of the final map, the developer at their sole expense shall cause the subdivision property to be annexed into the existing Landscape Maintenance District Zone 39 to include the median island and landscape improvements to be constructed on Pecan Avenue and perimeter landscape around the entire subdivision. If the expansion of the existing Landscape Maintenance District Zone 39 is not attainable, the developer shall at their sole expense form a Lighting and Landscape Maintenance District Zone for Pecan Avenue median landscaping and landscaping adjacent to the subdivision along the perimeter of the subdivision. The subdivider shall sign and submit a landscape district formation and inclusion form as well as an engineer's report and map prior to the recording of any final map.
52. "No Parking" signs shall be installed along Pecan Avenue, Stadium Road and Gary Lane frontages per City standards.
53. Access ramps shall be installed at all curb returns per City Standards.
54. The developer shall be required to install street lights along Pecan Avenue, Monterey Street, Gary Lane, and Stadium Road frontages and interior subdivision streets in accordance with current City spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
55. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
56. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "B" asphalt over six (6) inches of 90% compacted native soil or four (4) inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
57. Improvement plans prepared in accordance with City Standards by a registered Civil Engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with the City of Madera logo at the bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, sewer line lineal feet, a list of items and quantities of all improvements installed and

constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards are available on the City of Madera website. The plans are to include the City of Madera title block and the following:

- a. A detailed site plan with general notes, including the location of any existing wells and septic tanks;
- b. Street plans and profiles;
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 2. Streetlights
 3. Traffic signals
 4. Construction details including traffic signage and striping plan.
- c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
- d. A grading plan indicating flood insurance rate map community panel number and effective date;
- e. Landscape and irrigation plans for Pecan Avenue and Pine Street medians shall be prepared by a landscape architect or engineer.
- f. Storm water pollution control plan and permit.
- g. Itemized quantities of the off-site improvements to be dedicated to the City.

58. Submittals shall include:

- a. An Engineering Plan Review Submittal Sheet
- b. A Civil Plan Submittal Checklist – all required items shall be included on the drawings
- c. Four (4) copies of the final map
- d. Two (2) sets of traverse calculations
- e. Two(2) preliminary title reports
- f. Two (2) signed copies of conditions
- g. Six (6) sets of complete improvements plans
- h. Three (3) sets of landscaping plans
- i. Two (2) sets of drainage calculations
- j. Two (2) copies of the engineers estimates

Partial submittals will not be accepted by the Engineering Department.

59. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to the curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curbs and gutters are installed prior to utility installation, then all trenches shall be back-filled with a three (3) sack sand slurry mix extending one foot past curbs and gutters in each direction.
60. The applicant shall coordinate with the pertinent utility companies as required regarding the establishment of appropriate easements and under-grounding of service lines. A ten (10) foot public utility easement will be required along all interior lot frontages.
61. All public utilities shall be underground, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all street right-of-ways. All public utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.
62. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.

63. A final soils report including “R” values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
64. The subdivider shall enter into a subdivision agreement in accordance with the Municipal Code prior to recording of the final map. The subdivision agreement shall include, but is not limited to, requirements for insurance, deposit with the City of a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, and provisions that address reimbursement of those items that may be eligible from the Development Impact Fee Program. The subdivision agreement shall be approved prior to acceptance of the final map.
65. The sub-divider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 MMC. Provided that improvement plans are approved and a 100% performance bond is submitted along with an additional bond (50% labor & material) and insurance certificate, an encroachment permit shall be issued prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be paid at the time of permit per City of Madera Development Application Fees as approved by City Council.
66. The developer’s engineer, upon completion of subdivision related improvements, shall certify to the City Engineer that the improvements are made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.
67. Based on the results of the traffic study completed on June 16, 2016 by Peters Engineering Group on behalf of this project, the developer shall provide a fair share contribution of \$3,440.00 (4.3% of \$80,000) for the cost of installing a Pedestrian Hybrid Beacon (HAWK) as mitigation for increased vehicular and pedestrian volumes at the intersection of Stadium Road and Gary Lane.
68. Based on the results of the traffic study completed on June 16, 2016 by Peters Engineering Group on behalf of this project, Caltrans may after review determine that mitigation at the intersection of Gary Lane and Madera Avenue is required. If mitigation does not qualify for Development Impact Fee funding, the developer shall provide a fair share contribution for the cost of said mitigation measure consistent with the recommendations of the study. See the attached Caltrans comment letter.

Subdivision improvement inspections:

69. An Engineering Department plan check and inspection fees along with the Engineer’s estimated cost of installing off-site improvements shall be submitted along with the improvement plans. Inspection fees shall be due at the time that all other fees are due per the subdivision agreement.
70. Prior to the installation of any improvements or utilities, the general contractor shall notify the Engineering Department 48 hours prior to construction. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.

71. No grading or other construction activities, including preliminary grading on site, shall occur until the City Engineer approves the improvement plans or grading plans. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
72. No occupancy of any buildings within the subdivision shall be granted until the subdivision improvements are completed to the satisfaction of the City Engineer. After a request for final improvement inspection, the generation of a written punch list will require a minimum of five (5) working days.

Special engineering conditions:

73. Project grading shall not interfere with the natural flow or adjacent lot drainage, and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls if required shall be approved as per design and calculations prior to issuance of a grading permit therefore.
74. Lot fill in excess of 12 inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 12 inches or more will require the construction of a retaining wall.
75. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with a grading plan approval.
76. Prior to the issuance of any building permits or any construction on the subdivision, a storm water pollution plan shall be prepared and a storm water permit obtained as required by the state regional water quality control board for developments of over one acre in size.
77. Any construction work on Madera Irrigation District (MID) facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment, upon removal or modification of MID facilities, the sub-divider must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion as built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.
78. Prior to recording the subdivision map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full.
79. The developer of the property can expect to pay current and future development impact fees, including, but not limited to sewer (special service area), water, streets, bridge, public works, parks, public safety and drainage, that are in place at the time building permits are issued.
80. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five (5) feet.

Fire Department

81. All residential properties are required to be equipped with automatic fire sprinkler protection. Permits must be obtained prior to the framing inspection of each dwelling, as said dwelling is constructed.
82. A minimum of two (2) points of access for the Fire Department is required.
83. Fire flow in the roadway shall meet the City of Madera Engineering Standards.
84. Complete improvement plans showing the placement of public fire hydrants are required before final tract map approval.
85. All fire hydrants must be identified in accordance with the California Fire Code and City of Madera Engineering Standards.

Planning Department

86. Conformance with the goals and policies of the General Plan shall be facilitated through the site plan review process. Prior to recordation of the tentative subdivision map, the applicant shall submit an application for minor site plan review with submittals sufficient to make findings of General Plan conformance. The applicant shall submit proposed model floor plans and elevations as a component of the application.
87. Rear and side yard fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be concrete masonry block. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.
88. Lots 78 and 90 are reverse corner lots. Street side yard setbacks on reverse corner lots shall be no less than ten (10') feet from the property line for both structure and fencing.
89. Along all project frontages to Stadium Road, Gary Lane and Pecan Avenue, a six (6') foot tall decorative split-faced masonry block wall shall be constructed. The wall design shall be approved by the Planning Manager prior to construction.
90. The street side yard fencing on Lots 1, 13 and 14 shall be constructed of decorative split-faced masonry block consistent with the required perimeter wall constructed along arterial and collector streets. The wall shall be constructed outside of the ten (10') foot public utility easement and shall terminate at a point matching the forward-most location of the residential structure on the affected lot.
91. The internal street names in the subdivision shall be as follows:

◆ Chatom Way	◆ Napoli Street	◆ Treviso Avenue
◆ Lucca Court	◆ Roma Court	◆ Roma Street
◆ Milano Lane	◆ Palermo Street	◆ Pompeii Street
92. The development of any temporary construction trailer and/or material storage yard on the project site requires the approval of a Zoning Administrator Permit in advance of the installation/placement.
93. The development of any model home sales center on the project site requires the approval of a Zoning Administrator Permit.

94. Front yard and street side yard landscaping and irrigation shall be installed in conjunction with the construction of all single family homes. At least one City approved street tree shall be planted in each front yard. Landscape and irrigation plans consistent with the State of California Model Water Efficient Landscape Ordinance shall be submitted at the time of application for a building permit.
95. Street frontage landscaping shall include a minimum of one City approved street tree every fifty (50') feet, along with root guards. Two (2) City approved street trees shall be planted in the street side yards of corner lots. No trees shall be planted within thirty (30') feet of any streetlight or five (5') feet from any fire hydrant. Each street tree shall be planted with a City approved root barrier.
96. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the residences during winter months.
97. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets are recommended in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.
98. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.

(OR)

Motion 2: Move to continue the public hearing on the modification of Tentative Subdivision Map 2016-01 to the December 12, 2017 Planning Commission hearing, for the following reasons: (specify)

(OR)

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

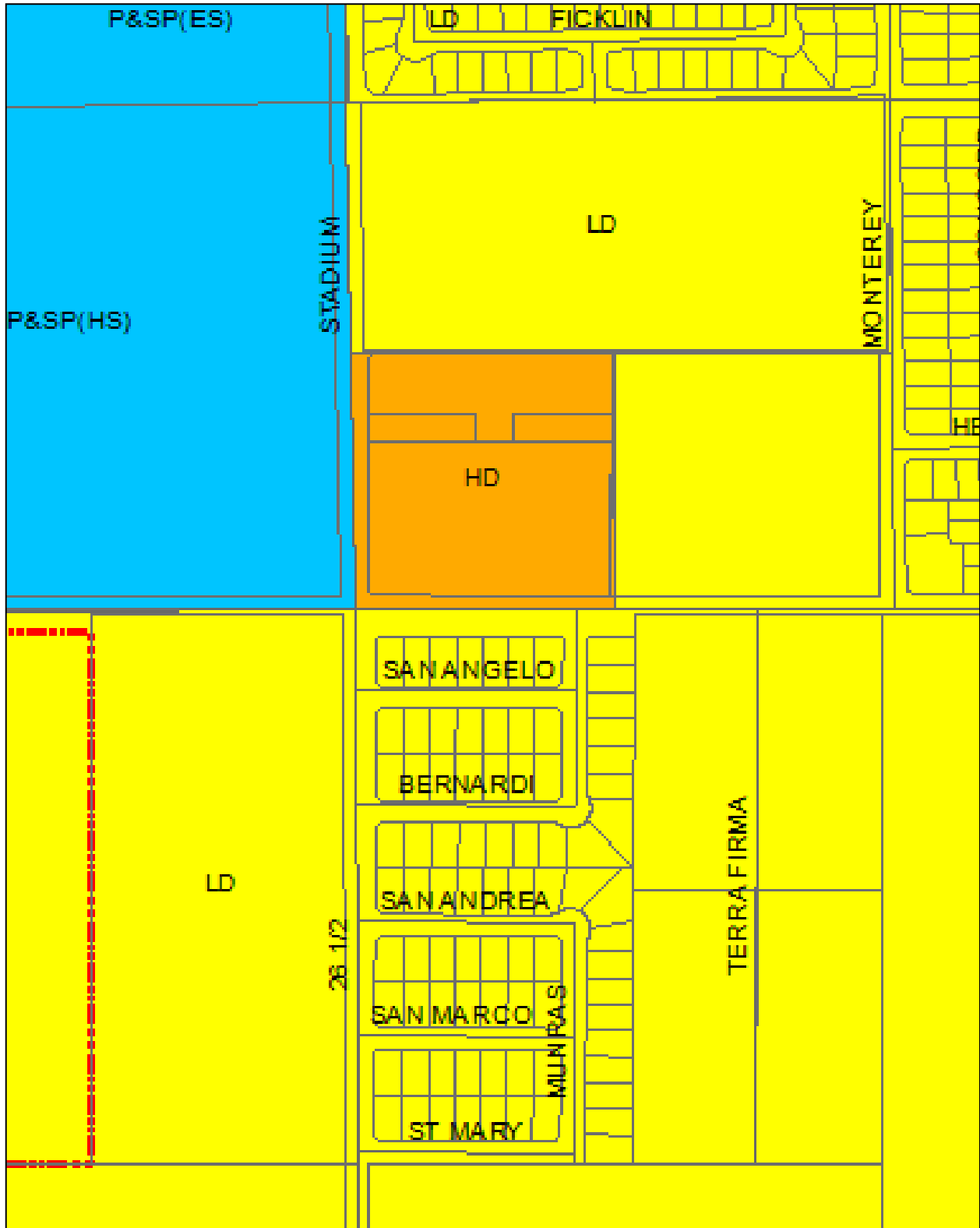
ATTACHMENTS

Aerial Map
General Plan Map
Zoning Map
Tentative Subdivision Map

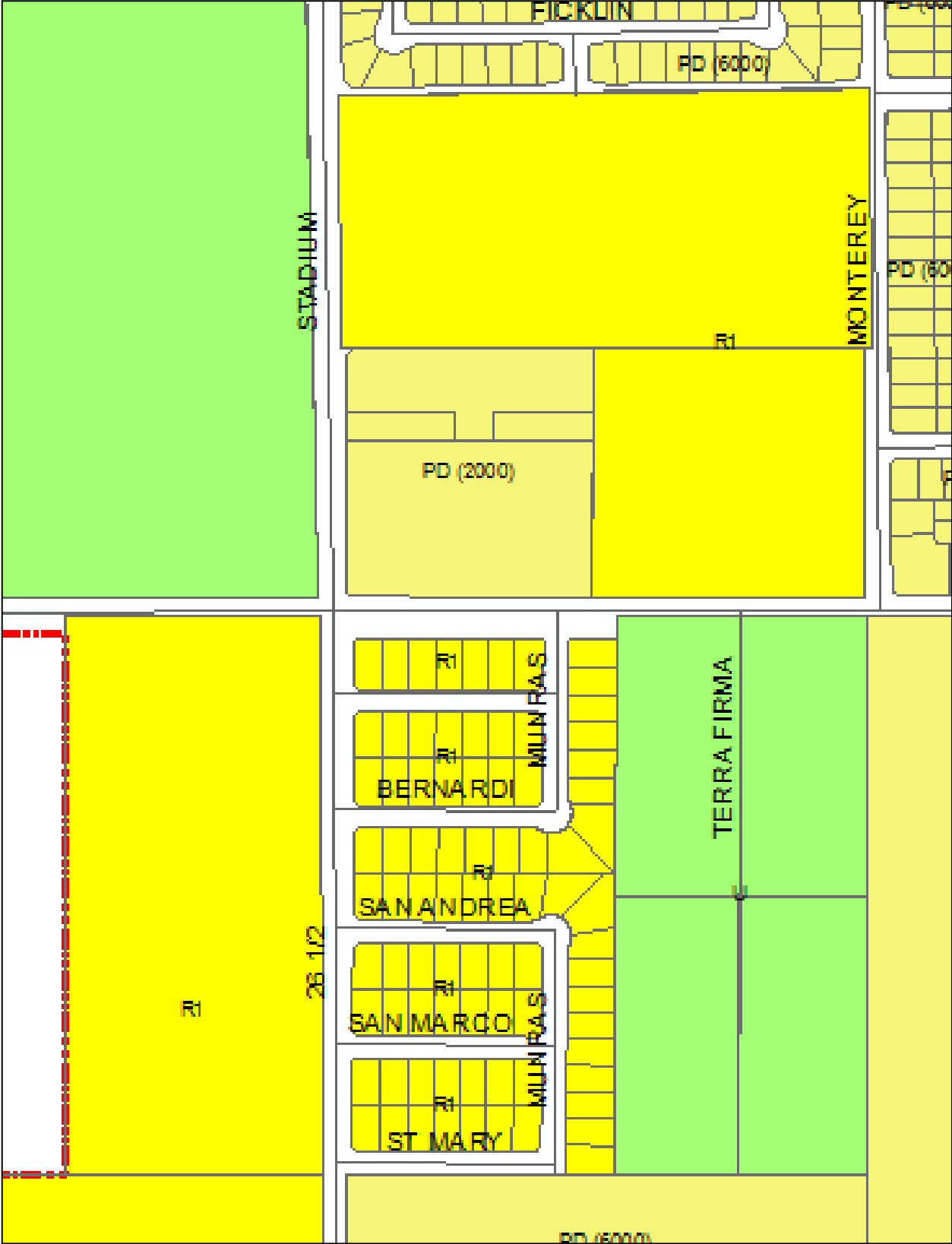
Aerial Photo

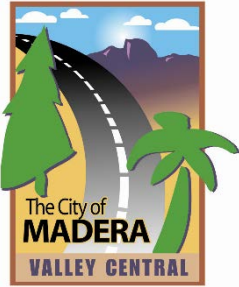


General Plan Map



Zoning Map





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Cool Steam Pasteurization
SPR 2017-34 and Negative Declaration
Item #3 November 14, 2017**

PROPOSAL: Consideration of adoption of a negative declaration and application for a site plan review to allow for the development of a nut processing structure encompassing approximately 59,073 square feet of floor area on the recently built California Custom Processing (CCP) site.

APPLICANT:	Grant Willits	OWNER:	T.J. Cox
ADDRESS:	3211 Aviation Drive	APN:	013-200-014
APPLICATION:	SPR 2017-34	CEQA:	Negative Declaration

LOCATION: The project site is located on the north side of Aviation Drive, approximately 275 feet east of the Condor Drive alignment.

STREET ACCESS: The site is accessed by Aviation Drive.

PARCEL SIZE: Approximately 8.49 acres.

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The project site was recently developed with the construction of an almond processing plant, California Custom Processing. The surrounding property is vacant industrial land. The nearest improved site is the Sheriff's facility approximately 300 feet to the west.

ENVIRONMENTAL REVIEW: An initial study and Negative Declaration have been prepared for consideration by the Commission in conformity with the California Environmental Quality Act (CEQA) guidelines.

SUMMARY: The applicant is proposing the construction of an approximately 60,000 square foot nut processing facility on the recently developed California Custom Processing site. The project is in conformance with the development standards of Specific Plan No. 1, the Madera Countywide Airport Land Use Compatibility Plan and the goals and policies of the General Plan, including visually interesting building facades, screened loading facilities and landscaped buffers throughout the parking field. A negative declaration has been prepared in support of the project.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.4.0102 Site Plan Review; Applicability

MMC § 10-3.4.0110 Relationship to Environmental Assessment Procedures

MMC § 10-3.1002 Industrial Zones - Uses Permitted

MMC § 10-3.1202 Parking Spaces Required

A site plan approved pursuant to the provisions of the City's Zoning Ordinance shall be considered in relation to requirements of City policy governing the preparation of environmental impact assessments. It is the intent of the City that environmental analysis be completed concurrently with, and as part of, the site plan review process, and that a site plan may be approved with conditions that will permit the applicable review body to find that the proposed project will not have a significant effect on the environment and that a negative declaration should be prepared.

PRIOR ACTION

Lot Line Adjustment 2016-01 was processed in order to create the property. Zoning Administrator Permit 2016-02 and Site Plan Review 2016-22 were approved by the Planning Commission on May 10, 2016 which cumulatively allowed for the overall development of California Custom Processing. Site Plan Review 2016-22 MOD was approved by the Planning Commission on May 9, 2017 which allowed for the removal of two (2) conditions of approval from Site Plan Review 2016-22. The conditions of approval included the requirement for shared driveway access points. The proposed new building for Cool Steam Pasteurization will be located behind, or north of, the California Custom Processing building on the same parcel.

ANALYSIS

Business Model

The applicant, Cool Steam Pasteurization, is a nut processor and distributor who provides blanching, dry roasting, pasteurizing, sorting, drying and packaging of nuts. Steam pasteurization essentially makes the nut product safer to eat.

The proposed structure is similar in design to the recently built California Custom Processing structure. The northern half of the property will be improved with the construction of a 59,073 square foot office and warehouse structure, parking fields and paved driveway surfaces, landscaping and fencing. Cool Steam Pasteurization anticipates sixty-two (62) employees will work from the project site at full build out.

General Plan Conformance

The General Plan requires development in industrial areas that are visible from public roadways and/or from adjacent properties to incorporate design principles, including:

Building facades that provide visual interest.

The proposed front building façade includes a small office at the east corner that differentiates itself from the metal exterior throughout the majority of the structure. The office proposes insulated panels on the exterior and a parapet that overhangs, providing for visual interest to the structure. The structure in its entirety will be difficult to be seen from the street as its location is directly behind the recently built California Custom Processing (CCP) structure.

Loading facilities and storage areas which are screened from public view along collectors and arterials.

The project site is located in public view from a collector street (Aviation Drive). The loading facilities and storage areas are located at the back of the structure and are further screened by the California Custom Processing structure in front of it.

Visually appealing fences and walls.

The fences will be extended to have continuous chain link fencing, which is typical of industrial development.

The use of landscaped buffers around parking lot.

The existing landscape buffer will be extended along the perimeter of the project site.

Specific Plan No. 1

Within Specific Plan No. 1, the project site is envisioned for industrial activities with industrial uses desiring larger sites encouraged in the easterly and southerly portions of the Industrial Park. The original site plan from California Custom Processing was in conformance with the development standards of Specific Plan No. 1, which require twenty-five (25') foot front yard setbacks and expansive landscaping of street frontages. The proposed structure will be located approximately 129 feet behind the California Custom Processing structure, providing compliance with the development standards of Specific Plan No. 1.

Madera Countywide Airport Land Use Compatibility Plan (ALUCP)

The Madera Countywide Airport Land Use Compatibility Plan (ALUCP) has the fundamental purpose of promoting land use compatibility around the airport, in order to ensure “the orderly expansion of airports” over time. A primary concern is the safety of citizens both on the ground and in the air, hoping to minimize loss of life in the event of an airport accident.

All but a small component of the project parcel is located in the D (Other Airport Environs) Zone of the ALUCP. Within this zone, the development of light industrial, specifically food products preparation, is a compatible land use. A small component of the project parcel is in the B2 (Sideline Zone) where the activity is only conditionally compatible. In order to ensure compatibility, no structural improvements are proposed within the portion of land within the B2 Zone.

Parking

The City's parking standards for a food processing warehouse requires one space for each two employees, plus one space for each 300 square feet of office space and customer net floor area. According to the applicant's operational statement, the potential maximum number of employees for the business will be sixty-two (62). The total gross floor area of office space is 3,413 square feet. This equates to a minimum parking requirement of thirty-two (32) parking stalls and eighteen (18) parking stalls for California Custom Processing, requiring a total of fifty (50) parking stalls for the entire site. With eighty-nine (89) total stalls proposed on the site, there is a sufficient number of parking stalls to serve the additional nut processing facility. Staff recommends that the proposed curb stops in the parking stalls at the front of the proposed structure be replaced with a raised six-inch curb.

CEQA Compliance

An initial study and Negative Declaration have been prepared for consideration by the Commission in conformity with the California Environmental Quality Act (CEQA) guidelines. It is recommended that the Planning Commission adopt the negative declaration as a component of any project approval.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although a nut processing facility is not specifically addressed in the vision or action plans, the project cumulatively supports the statements of “A Well-Planned City” with “Good Jobs and Economic Opportunities,” while promoting “A Safe, Healthy Environment,” because the project represents General Plan conformant industrial development that creates jobs in an industry that focuses on efficient use of industrial resources.

RECOMMENDATION

The nut processing facility will provide services that are consistent with the purpose and intent of the I (Industrial) Zone District. The anticipated development of the nut processing facility will not create any significant adverse impacts. It is recommended that the Commission adopt the negative declaration and approve the site plan review, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the negative declaration and Site Plan Review 2017-34.

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

Findings

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

(AND)

Motion 1b: Move to approve Site Plan Review 2017-34, based on and subject to the findings and conditions of approval as listed below;

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- The construction of the approximately 60,000 square foot nut processing facility is consistent with the General Plan, which requires high architectural design, including building facades that provide visual interest, loading facilities and storage areas that are screened from the collector street, visually appealing fences and walls, and the use of landscaped buffers around the parking field.

- The construction of a nut processing facility is consistent with the purposes of Specific Plan No. 1, the Madera Countywide Airport Land Use Compatibility Plan, the I (Industrial) General Plan land use designation and the I (Industrial) Zone District.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature thereon within thirty days of the date of site plan approval. Please note, this site plan review approval (SPR 2017-34) will expire one year from date of issuance, unless you take positive action to extend the approval prior to the expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
2. The site and/or building plans submitted for any/all building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plans or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager and may require an amendment to Site Plan Review 2017-34.
3. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

4. Site development shall be consistent with the approved site plan. The use of activity areas shall be identified on plans submitted for issuance of building permits. If no plans are to be submitted, uses shall be as stated on plans submitted for site plan approval.
5. 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.

Engineering Department

General

6. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
7. Impact fees shall be paid at time of building permit issuance.
8. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, the following: plan review, encroachment permit processing and improvement inspection fees.
9. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.

10. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.
11. All off-site improvements shall be completed prior to issuance of final occupancy.

Sewer

12. Any new sewer service connection(s) shall be constructed to current City standards. Sewer main connections six (6") inches and larger in diameter shall require manhole installation.

Storm Drain

13. Storm runoff from this project site is planned to go to the Airport Basin located south of the project site. Runoff volume calculations shall be provided and the developer shall excavate the basin to an amount equivalent to this project's impact on the basin.
14. Support calculations shall be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.

Water

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

Fire Department

16. A building permit is required for all construction work.
17. It appears that a fire hydrant has been relocated to the point that the area between the buildings is not adequately protected. Proper fire hydrant distribution must be provided.
18. A key box shall be required.
19. 2A10BC-rated fire extinguishers shall be required for each 3,000 square feet of floor area. The maximum travel distance to reach a fire extinguisher shall be seventy-five (75') feet.
20. The structure shall be properly and uniquely addressed.
21. Installation of fire sprinklers shall be required.
22. An analysis for high-piled storage shall be provided at time of building permit application.
23. A hazardous materials analysis shall be provided for any/all hazardous materials at the time of building permit application.
24. Fire lanes shall be identified and properly posted.
25. Complete information for all processing equipment shall be required at time of building permit application.

Planning Department

General

26. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
27. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects adjacent properties.
28. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times. Dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.
29. It is the responsibility of the property owner and project proponent to ensure that any required permits, inspections and approvals from any regulatory agency other than the City of Madera are obtained from the concerned agency prior to establishment of the use.
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.
31. There shall be no allowance for outdoor display and/or outdoor storage of goods, merchandise and/or materials without approval of a conditional use permit (CUP) from the Planning Commission.
32. All requirements listed herein shall be completed in advance of any request for building permit final inspection and/or final occupancy of the structures.

Building and Site Aesthetics

33. Prior to the issuance of building permits, the applicant is to identify on the site plan the following information for Planning Department review and approval:
 - The location of all natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
34. Wherever feasible, electrical/mechanical equipment shall be located in the interior of the proposed new structures within electrical/mechanical service rooms. In no case shall electrical/mechanical equipment be located on the front elevation of the structures or in any location visible from the public right-of-way.
35. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
36. All parking lot lights/lighting shall be incorporated into landscaped areas.
37. Roof access ladders shall be located within the interior of the building or out of view from the general public.
38. The construction of the structure approved as part of Site Plan Review 2017-34 shall be consistent with the approved elevations and an approved color and materials board to be reviewed and approved by the Planning Manager. Any substantial alteration shall require the approval of the Community Development Director.

Landscaping

39. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Planning Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
40. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

Parking

41. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by nineteen (19') feet deep (or 17' deep with 2' bumper overhang into landscaped area). No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet.
42. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses will require the provision of additional parking spaces in compliance with City standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.
43. No wheel stops shall be incorporated into the parking field/parking stall layout unless required by ADA standards.
44. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

Signage

45. All signage shall be in compliance with the Sign Ordinance of the Madera Municipal Code (MMC). All permanent signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.
46. All proposed construction announcement signs shall conform to the Sign Ordinance of the Madera Municipal Code.

Walls and Fences

47. Trash enclosures shall be constructed of masonry block consistent with City standards with a finish color to match the primary structures. The location of the trash enclosures shall be consistent with the approved site plan.
48. Chain link fencing shall be installed consistent with the approved site plan and elevations. Slatted chain link fencing shall not be utilized.

San Joaquin Valley Air Pollution Control District

49. The applicant shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District, including the applicability of District Rule 9510 (Indirect Source Review) to the project.

(OR)

Motion 2: Move to continue the public hearing for Site Plan Review 2017-34 to the December 12, 2017 Planning Commission for the following reasons: (specify)

(OR)

Motion 3: Move to deny Site Plan Review 2017-34, based on and subject to the following findings: (specify)

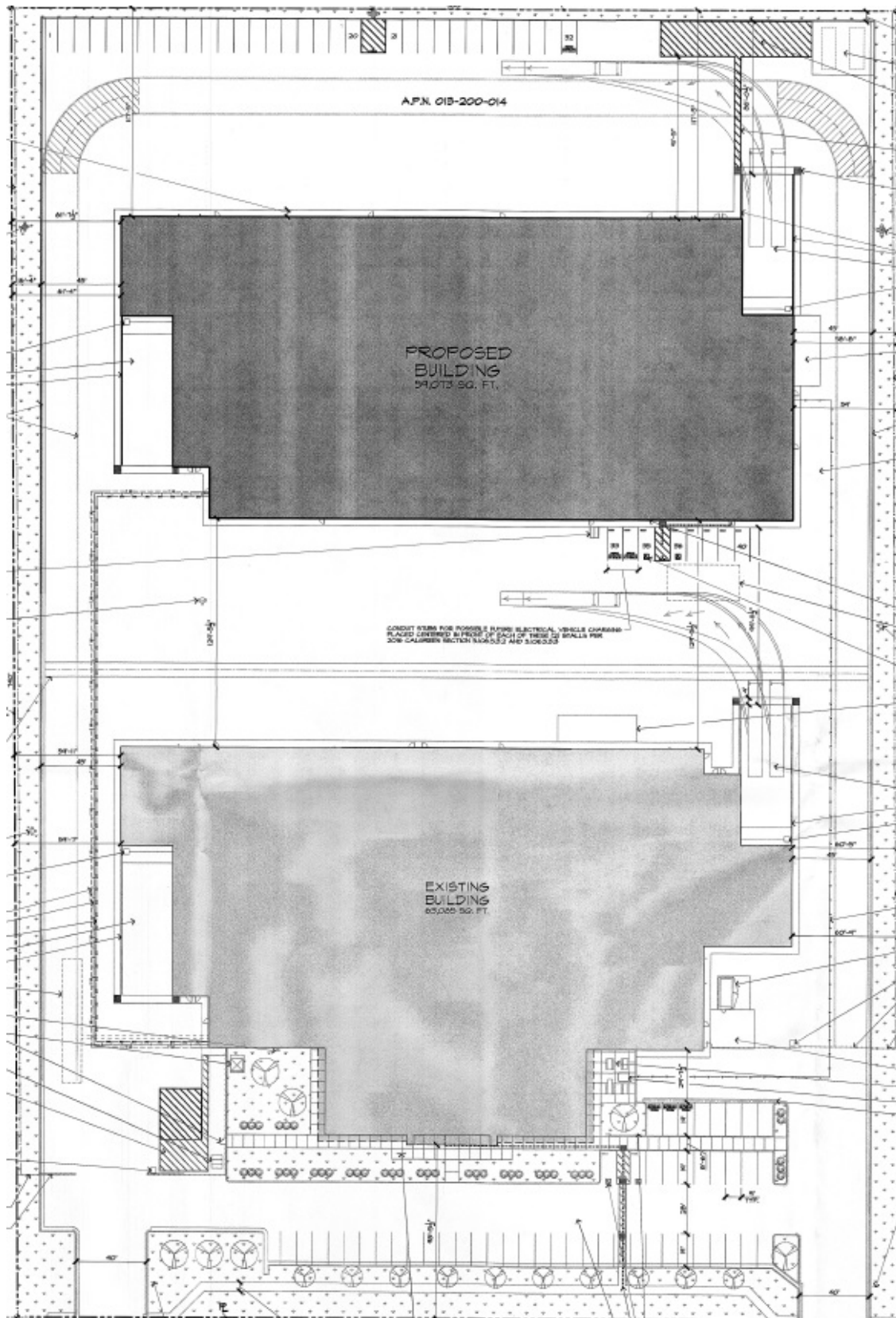
ATTACHMENTS

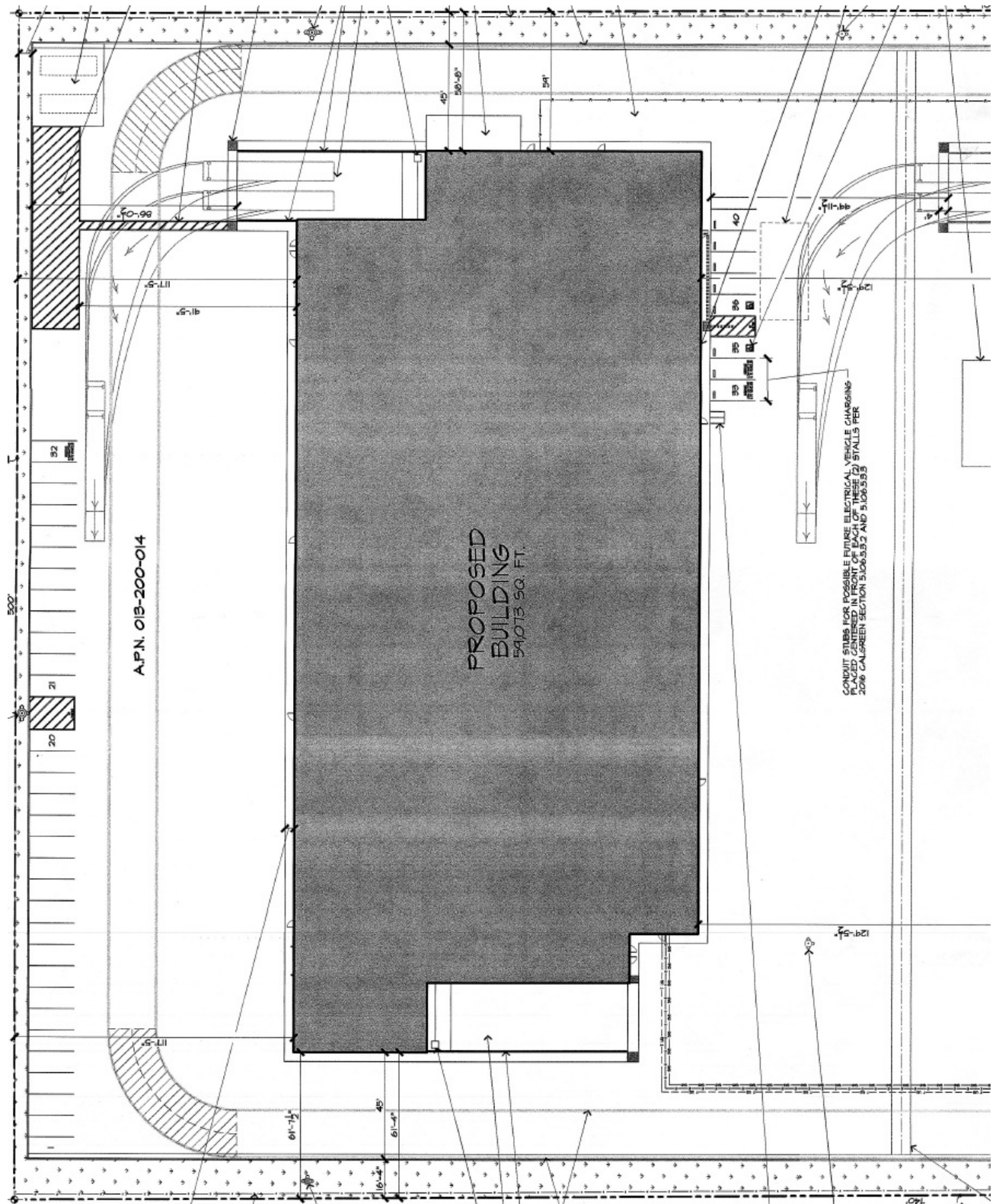
- Aerial Photo
- Site Plan
- Elevations
- Negative Declaration

Aerial Photo



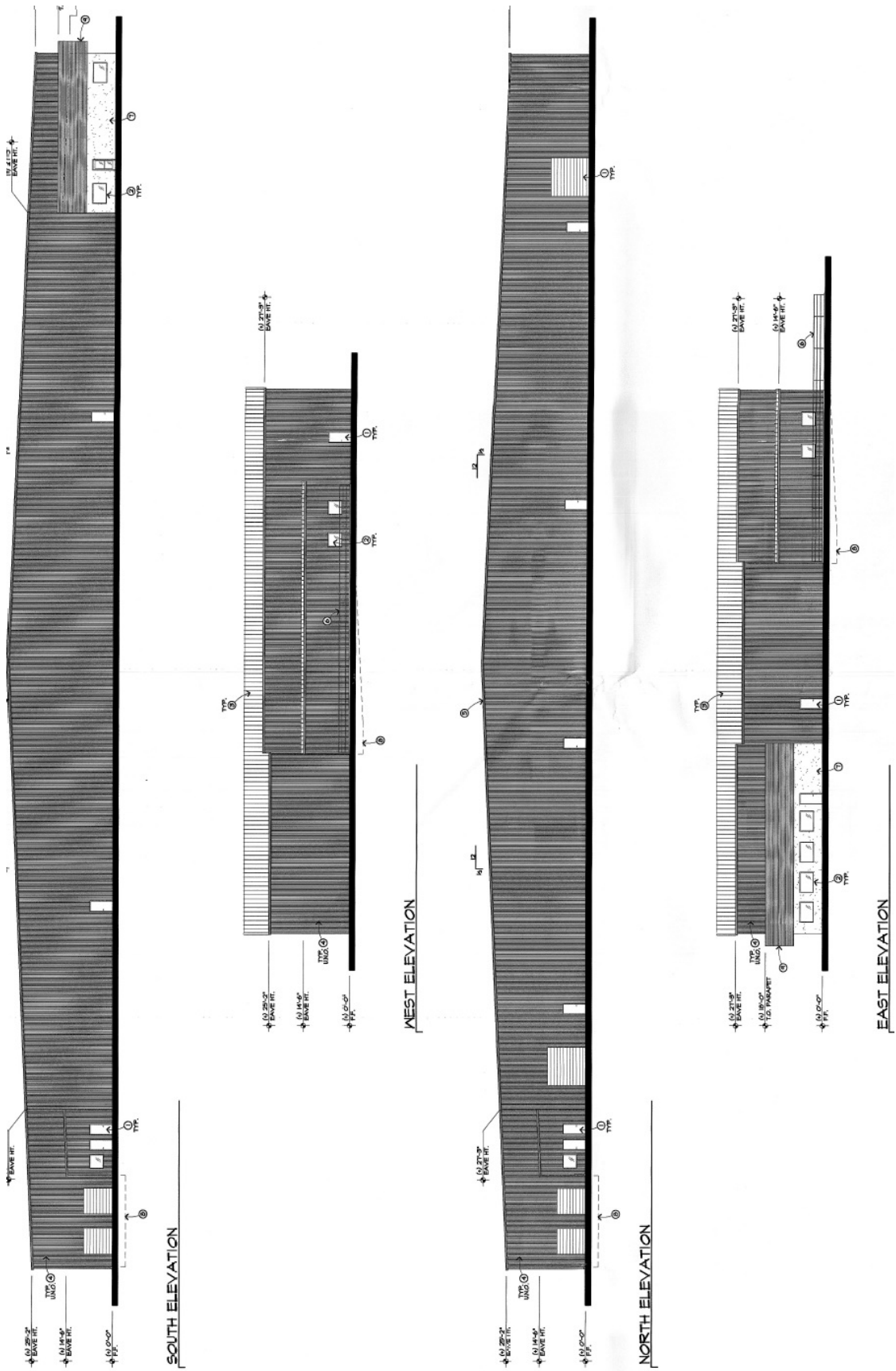
Site Plan





CONDUIT STUBS FOR POSSIBLE FUTURE ELECTRICAL VEHICLE CHARGING PLACED CENTERED IN FRONT OF EACH OF THESE (2) STALLS PER 206 CALIFORNIA SECTION 5.106.5.5 AND 5.106.5.5

Elevations



INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

Cool Steam Pasteurization, LLC Site Plan Review 2017-34

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: Site Plan Review (SPR) 2017-34
Applicant: Cool Steam Pasteurization, LLC
Owner: CMSS Properties, LLC

Location: The project site encompasses approximately 8.49 acres of land. The project site is located on the north side of Aviation Drive, 275 feet east of the Condor Drive alignment (3211 Aviation Drive).

Proposal: An application for site plan review to allow for the development of an approximately 60,000 square foot nut processing plant on 8.49 acres in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation. The structure includes 3,420 square feet of office space and 56,640 square feet of processing plant area and shipping and receiving centers and two (2) loading docks. The site will be fully improved with the grading and paving of the remaining dirt area for drive aisles and parking stalls and the extension of landscaping and fencing along the perimeter of the site. Cool Steam Pasteurization, LLC will process and distribute nuts, including blanching, dry roasting, pasteurizing, sorting, drying and packaging.

Zone District: I (Industrial)

General Plan Land Use Designation: I (Industrial)

Surrounding Land Uses and Zoning:

South – Drainage basin
North – Vacant industrial
West – Vacant industrial
East – Vacant industrial

Responsible and Interested Agencies:

San Joaquin Valley Air Pollution Control 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 checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Mat. | <input checked="" 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 checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings |

DETERMINATION:

On the basis of this initial evaluation:

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

Signature _____
Printed Name : Robert Holt, Assistant Planner

Date: September 29, 2017

Explanation of Environmental Checklist

I. AESTHETICS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact 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: 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 substantially 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 because lighting will be down shielded and directed per the approval of the City Engineer.

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

Discussion: The project area is located on land identified as Farmland of Local Importance within the 2016 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 2016 Madera County Important Farmland Map. The project site has been identified for industrial uses within the City of Madera General Plan, and the land has not been utilized for any agricultural purposes for an extended length of time.
- b. **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 high-density residential uses.
- c. **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 Impact 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 Air Pollution Control District (SJVAPCD). 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 SJVAPCD 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 will not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans. The SJVAPCD has determined that project specific emissions are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

The type of proposed development is subject to Rule 9510 (Indirect Source Review) by the SJVAPCD. The project would not create substantial air emissions or deterioration of ambient air quality, and any future development would be subject to SJVAPCD review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.

The project will be required to comply with all applicable rules and regulations of the SJVAPCD, including but not limited to Rules 8041, 8051, 8061 and 8071.

- 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 Impact 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 recently been subjected to

industrial urbanization 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.

- a. **Less than Significant 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. **Less than Significant 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 Impact 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. Prior clearances have been granted to the City of Madera relative to archeological surveys conducted in the same area. 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 unique paleontological resources or sites or unique geologic features. There are no known paleontological resources or sites or unique geologic features located in the affected territory.
- d. **No Impacts.** The project would not likely disturb any human remains, including those interred outside of formal cemeteries. If development occurs in the future and any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state and federal regulations that regulate archaeological and historical resources would be complied with.

VI. GEOLOGY AND SOILS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact 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.

- a.
 - i. **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.
 - ii. **No Impacts.** Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise, and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.
 - iii. **No Impacts.** Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. There is no evidence of the presence of these requisite conditions.
 - iv. **No Impacts.** The project will not result in or expose people to potential impacts from landslides or mudflows.
- b. **No Impacts.** Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with City of Madera ordinances and regulations, the California Building Code, and professional engineering designs approved by the Madera Engineering Division will mitigate any potential impacts from future urban development, if any.
- c. **No Impacts.** The project site would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- d. **No Impacts.** The project will not result in or expose people to potential impacts from expansive soils.
- e. **No Impacts.** Should urban uses be approved in the project area, the City of Madera would provide necessary sewer and water systems.

VII. GREENHOUSE GAS EMISSIONS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
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 Impact 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 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 not within a quarter mile of any existing or proposed school. The project is within the D (Other Airport Environs) Zone boundary of the Madera County Airport Land Use Compatibility Plan. The D (Other Airport Environs) Zone is considered “Normally Compatible” with food products preparation uses. 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. **Less than Significant 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. **Less than Significant Impacts.** The proposed project would not create any hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- c. **No Impacts.** The project would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. **No Impacts.** The land within the project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazard waste and substance sites within the City of Madera (www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm).
- e. **Less than Significant Impacts.** The project site is located within the D (Other Airport Environs) Zone of the Madera Countywide Airport Land Use Compatibility Plan. The risk concern with the D (Other Airport Environs) Zone is uses for which potential consequences are severe (e.g. very high intensity activities in a confined area). The proposed project is classified as a light industrial, high intensity, which would not bring about a safety hazard related to the 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 Impact 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 checked="" type="checkbox"/>	<input 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 within 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. **Less than Significant 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. All plant nutrient handling and/or transfer areas will include containment and capture features.
- 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 Impact 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 no 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 and within the urbanized area of the City.
- 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. The proposed project is consistent with the requirements.
- c. **No Impacts.** The project would not conflict with any applicable habitat conservation plan or natural community conservation plan of the Groves Neighborhood Plan.

XI. MINERAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less than Significant Impact 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 Impact 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 Impacts.** The proposed project would not result in any permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- d. **Less than Significant Impacts.** 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 located within an airport land use plan or within two miles of a public airport or public use airport. Figure 14 of the Madera Municipal Airport Master Plan Report demonstrates that all 60 and 65 CNEL noise contours are contained entirely within the boundaries of the airport.
- f. **No Impacts.** The project is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING.

Would the project:

	Potentially Significant Impact	Less than Significant Impact 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 Impacts.** The proposed project 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. Sufficient capacity exists in the City’s residential inventory to accommodate that growth.
- b. **No Impacts.** The proposed project would not displace any existing housing, thereby necessitating the construction of replacement housing elsewhere since the site is vacant.
- c. **No Impacts.** The proposed project would not displace any people.

XIV. PUBLIC SERVICES.

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

Discussion: The project will not result in substantial adverse physical impacts from new or altered public facilities. As development occurs, there will be a resultant increase in job opportunities, and a greater demand placed upon services, such as fire and police protection, and additional park and school facilities. This additional demand is consistent with the demand anticipated in the General Plan and evaluated its demand in the General Plan EIR.

The project will not bring about a significant increase in demand for public services. There will be an increase in street, and water and sewer system maintenance responsibility because of this project. However, based on the density of the proposal, the increase in manpower requirements for the Public Works Department will be minimal.

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

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

- iii. Schools. **Less than Significant Impacts.** The Madera Unified School District levies a school facilities fee to help defray the impact of industrial development. The proposed project would not generate a significant impact to the schools in Madera.
- iv. Parks. **Less than Significant Impacts.** The proposed project would not generate a significant impact to the park facilities in Madera.
- v. Other public facilities. **Less than Significant Impacts.** The proposed project would not have any impacts on other public facilities.

XV. RECREATION

	Potentially Significant Impact	Less than Significant Impact 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: Industrial development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.

- a. **No Impacts.** The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- b. **No Impacts.** The project does not include recreational facilities or facilities which might have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC.

Would the project:

	Potentially Significant Impact	Less than Significant Impact 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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 type="checkbox"/>	<input checked="" 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 accompanying EIR and the potential traffic generated this land use is considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development. Aviation Drive, which provides access to the project site, will be developed as an Arterial per the General Plan. Condor Drive, south of the project site, is identified as a Collector per the General Plan.

- 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. **No 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. **No 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 Impact 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a. **No Impacts.** The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- b. **Less than Significant 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. **Less than Significant Impacts.** The proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- d. **Less than Significant Impacts.** There will be sufficient water supplies available to serve the project.
- e. **No Impacts.** The project would not require a determination by a wastewater treatment provider.
- f. **No Impacts.** The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g. **No Impacts.** 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.

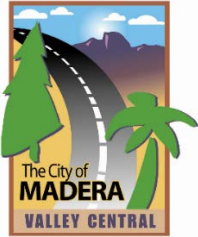
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant Impact	Less than Significant Impact 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, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Population, Public Services, Transportation and Traffic, and Utilities and Service Systems.

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: Mendoza Residential
CUP 2017-21, SPR 2017-36 & Categorical Exemption
Item #4 – November 14, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the construction of an approximately 1,400 square foot home on an existing non-conforming corner parcel in the R2 (Medium Density) Residential Zone District and a LD (Low Density) General Plan land use designation.

APPLICANT:	Emblem Properties	OWNER:	Emblem Properties
ADDRESS:	320 North M Street	APN:	010-043-011
APPLICATION:	CUP 2017-21 and SPR 2017-36	CEQA:	Categorical Exemption

LOCATION: The property is located at the southwest corner of the intersection of North M Street and West 3rd Street.

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

PARCEL SIZE: Approximately 0.18 acres.

GENERAL PLAN DESIGNATION: LD (Low-Density Residential)

ZONING DISTRICT: R2 (Medium-Density Residential)

SITE CHARACTERISTICS: The site is surrounded by single-family residences to the north, east, and south. A multifamily apartment complex is located immediately southwest and the Union Pacific Railroad Winery spur is located to the 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 15303 (New Construction or Conversion of Small Structures).

SUMMARY: The applicant is proposing a new single-family residential home on a vacant non-conforming corner parcel in the R2 (Medium-Density Residential) Zone District. Approval of a conditional use permit would cure the non-conforming status of the property and would allow for residential development to occur on the site. The site plan review would guide the construction of the single-family home consistent with the City’s current R (Residential) development standards and the General Plan.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.507 Minimum Site Area and Dimensions
MMC § 10-3.406 Nonconforming Buildings and Uses
MMC § 10-3.407 Location of Dwellings
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review Applicability

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

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

PRIOR ACTION

No prior action has been taken for this property.

ANALYSIS

Non-conforming Residential Lot

The dimensions for corner lots within the R (Residential) Zone District require a minimum width of sixty (60') feet, a depth of eighty (80') feet and an overall area of at least 6,000 square feet. The project parcel in question has dimensions of only fifty (50') feet in width. Per the Madera Municipal Code, a conditional use permit must be approved by the Planning Commission prior to the construction, expansion, or modification of any land or building not conforming to current City standards. Because the project parcel does not meet the minimum width dimension requirement of the R (Residential) Zone District, a conditional use permit is required.

Setbacks

The setback yard requirements for corner lots in R (Residential) Zone Districts require a minimum of twenty (20') feet front yard setback when the garage faces the street frontage or fifteen (15') feet from the front property line to the buildings nearest part of livable space. Standard interior yard setbacks require a minimum of five (5') feet. Exterior side yards require a minimum setback of ten (10') feet. Rear yard setbacks are satisfied with a fifteen (15') feet setback when windows face the rear property line or ten (10') when no windows face the rear.

As proposed, the home meets the setback requirements for the R (Residential) Zone District. The home is proposed with a front yard setback of twenty-five (25') feet from the front property line, an interior side yard setback of five (5') feet, an exterior side yard setback of ten (10') feet and a rear yard setback of fifty-three (53') feet.

General Plan Conformance

In order to make overall findings of General Plan conformity, the proposed single-family residential home is required to implement the goals and policies of the City's General Plan. As proposed, the home does not provide a garage "subordinate" design. The reduced width of the non-conforming lot inhibits the ability to provide a garage subordinate home design. However, the

proposed exterior of the structure does provide architectural features that detract attention from the garage onto the façade of the home. The architectural treatments, tile roofing and landscaping of the front courtyard “reflect attention to detail as necessary to produce high architectural design and construction quality” (CD-34). In addition, the proposed development includes a front porch as a component of elevating the architectural value of the structure per Policy CD-35.

Further analysis indicate the proposed new development will “not physically divide [the] established neighborhood” (CD-38), rather provide use of vacant land on the neighborhood block, closing any physical divides within the neighborhood’s land use. The proposed single-family residential home will provide compatibility within the existing neighborhood’s design and scale as required by General Plan Policy CD-39.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a non-conforming parcel lot is not specifically addressed in the vision or action plans, the overall project does indirectly support **Strategy 131** – *Create well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components.*

RECOMMENDATION

The information presented in this report supports conditional approval of the conditional use permit and site plan review request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2017-21 and Site Plan Review 2017-36 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the request for Conditional Use Permit 2017-21 and Site Plan Review 2017-36, determining to either:

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

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

Motion 1: Move to approve Conditional Use Permit 2017-21 and Site Plan Review 2017-36, based on and subject to the findings and conditions of approval:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303 (New Construction or Conversion of Small Structures).
- The construction of a single-family residential home in a non-conforming corner parcel lot is consistent with the purposes of the LD (Low-Density Residential) General Plan

designation and the R2 (Medium-Density Residential) Zone District which provide for the use, subject to the issuance of a conditional use permit.

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

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for these use permits.
2. The applicant's failure to utilize the use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2017-21 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permits and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2017-21 and Site Plan Review 2017-36 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 permits or modify the conditions of approval.
5. Site Plan Review 2017-36 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).
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2017-36.
7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

8. A building permit is required for new construction on the site. All new construction must meet the requirements of the California Building Code and California Fire Code.

Engineering Department

General

9. Impact fees shall be paid at the time of a building permit issuance.
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.
11. Improvements plans shall be submitted to the Engineering Division in accordance with the submittal process.
12. Improvements within the City right-of-way require Encroachment Permit/s from the Engineering Division.

Streets

13. The developer shall construct ADA accessible concrete sidewalk along the entire project parcel frontage on North M Street and West 3rd Street per current City standards.
14. The proposed driveway approach on North M Street shall be constructed per current City and ADA standards.
15. The developer shall construct an ADA ramp at the southwest corner of M Street and 3rd Street per current City and ADA standards.
16. Any damaged/substandard curb and gutter along North M Street and 3rd Street shall be reconstructed per current City standards. The developer shall coordinate with the City Inspector to establish the limits of the repairs.
17. Property corners shall be installed per City standards prior to the first inspection request.

Water

18. Water service connection shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within City right-of-way.

Sewer

19. A sewer service connection shall be constructed to current City standards including a sewer clean out.

Fire Department

20. A home fire sprinkler system is required.

Planning Department

General

21. Conditional Use Permit 2017-21 allows for the construction of a single-family residential home within an existing non-conforming corner parcel in the R2 (Medium-Density) Residential Zone District on the property located at 320 North M Street (APN: 010-043-011).
22. The applicant and/or developer shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of these permits.

23. All standards for location and design of buildings (including accessory structures) and fences, unless amended by these conditions of approval, shall conform to R1 (Residential) zoning standards.

Site, Floor and Elevation Plans

24. The applicant and/or developer shall construct the single-family residence to be consistent with the conditionally approved site plan, floor plan and elevations.
25. The applicant shall submit a colors and materials board to the Planning Department for review and approval prior to submittal of any building permits.

Landscaping

26. Landscaping shall be installed in conjunction with the construction of the single-family residence.
27. Landscaping and irrigation plans shall be submitted to and approved by the Planning Department prior to the issuance of a building permit. Landscaping and irrigation plans shall comply with the State of California's Model Water Efficiency Landscape Ordinance where applicable.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2017-21 and Site Plan Review 2017-36 to the December 12, 2017 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-21 and Site Plan Review 2017-36 based on and subject to the following findings (specify)

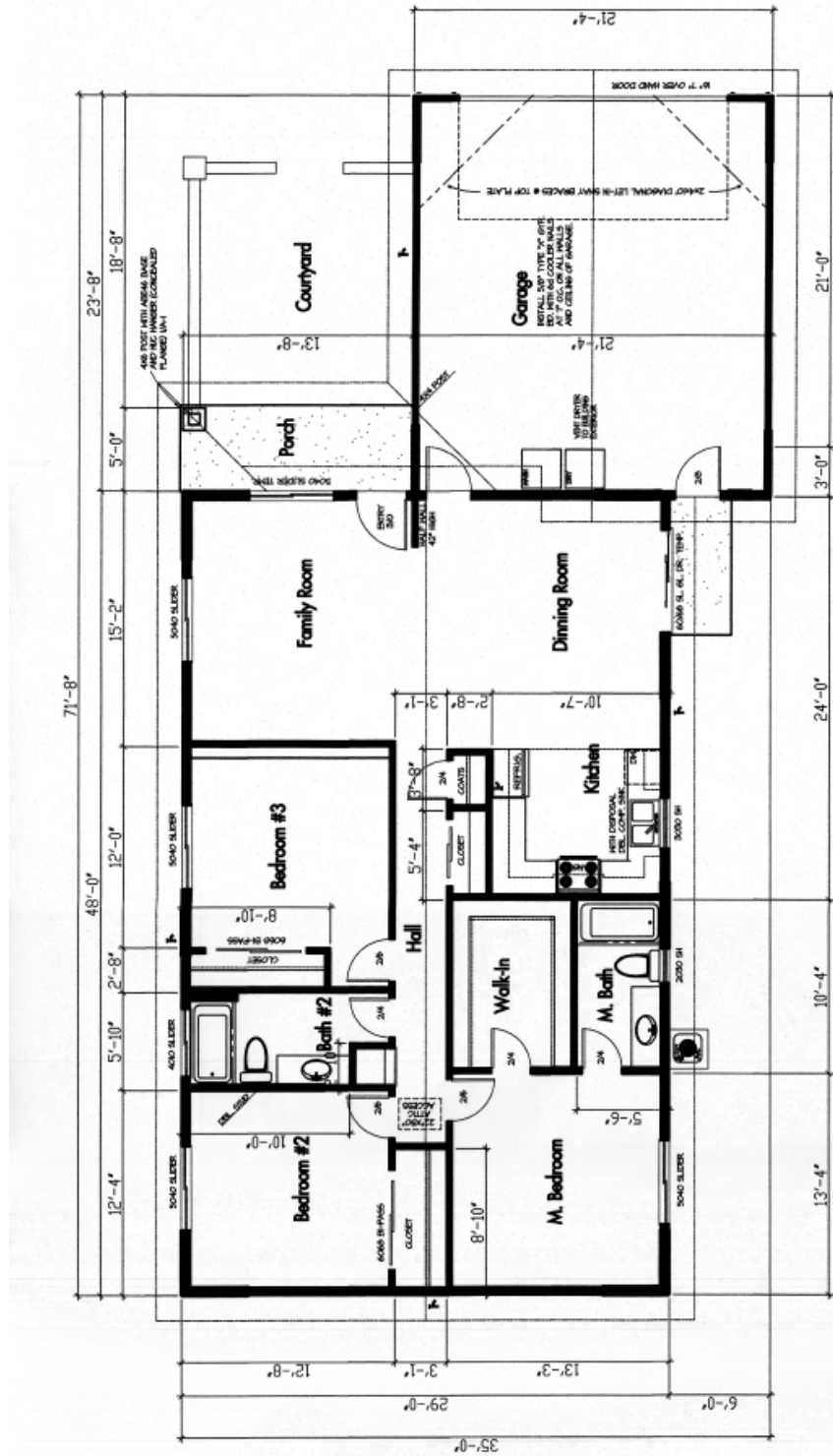
ATTACHMENTS

Aerial Photo
Floor Plan
Elevation Plan
Site Photos

Aerial Photo



Floor Plan

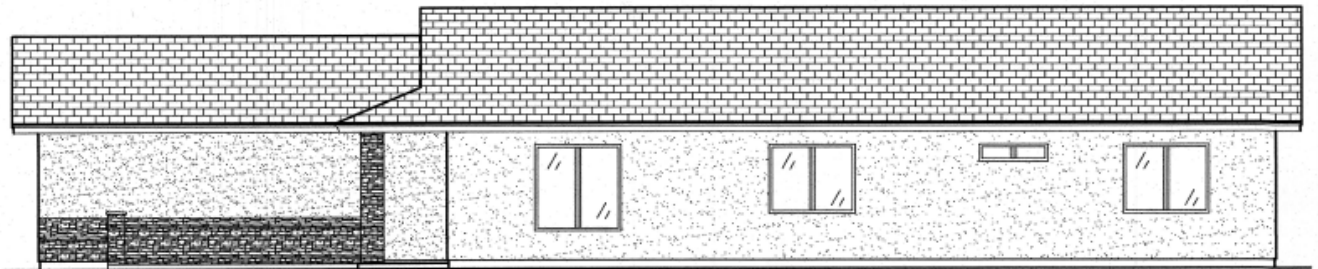


Proposed floor plan

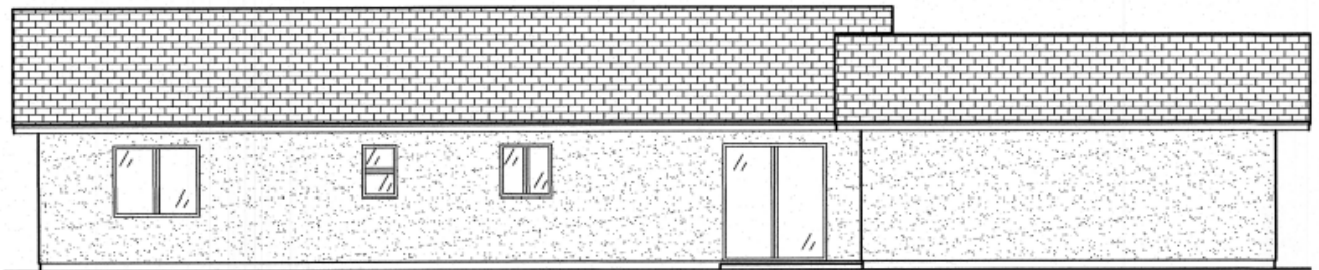
Elevations



Front Elevation
SCALE: 3/16" = 1'-0"



Right Elevation
SCALE: 3/16" = 1'-0"



Left Elevation
SCALE: 3/16" = 1'-0"

Building elevations

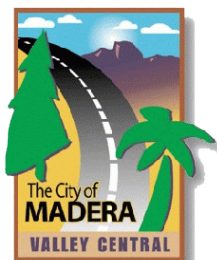
Site Photos



Proposed project site



New constructed homes adjacent to project site



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Frank’s Auto Repair Revocation
CUP 2015-27
Item #5 – November 14, 2017**

PROPOSAL: A noticed public hearing to consider revocation of Conditional Use Permit 2015-27 allowing for an automotive and repair shop.

APPLICANT:	Francisco Villagomez	OWNER:	Harjeet Singh
ADDRESS:	801 South Gateway Drive	APN:	011-151-008
APPLICATIONS:	CUP 2015-27 & SPR 2015-31	CEQA:	Categorical Exemption

LOCATION: The project site is located on the east side of South Gateway Drive, near its intersection with 12th Street.

STREET ACCESS: The site has access to South Gateway Drive.

PARCEL SIZE: Approximately 15,000 square feet

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The property is a fully improved multi-tenant heavy commercial site. The Union Pacific Railroad right-of-way is located immediately northeast of the project site. A mix of light and heavy commercial uses and one gas station are located southeast of the site. Primarily single family homes are located southwest of the site. A varying mix of commercial uses are located in proximity to the site along the Gateway Drive commercial corridor.

ENVIRONMENTAL REVIEW: The project is categorically exempt under 15321 (Enforcement Actions by Regulatory Agencies) of CEQA Guidelines.

SUMMARY: The site is not in compliance with the conditions of approval for Conditional Use Permit 2015-27 and Site Plan Review 2015-31. Outreach to assist the applicant in attaining compliance has been unsuccessful. On October 31, 2017, staff observed that the business owner had removed the vehicles from the outdoor parking area where they had previously been regularly stored overnight. The overnight storage of vehicles has been a continuous problem for other tenants for some length of time. However, it is unclear whether the business can or will choose to comply with the requirement on a permanent basis.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses
MMC § 10-3.505 R; Conditional Uses; Commission Approval
MMC §10-3.1002, Industrial Zones, Uses Permitted
MMC § 10-3.1301 Use Permits
MMC § 10-3.1311 Termination and Revocation

PRIOR ACTION

Site Plan Review 1985-01 allowed for the construction of the building, and Site Plan Reviews 1986-12 and 1987-19 were completed to allow for changes to the site to bring it to a current City standard during that time. Conditional Use Permit 2015-27 and Site Plan Review 2015-31 allowed for the establishment of an auto repair shop. Conditional Use Permit 2016-03 and Site Plan Review 2016-09 allowed for the establishment of a church. A review of the use was completed on October 10, 2017 wherein the Planning Commission scheduled the use permit for public hearing to consider possible revocation.

ANALYSIS

History

In 2016, staff was in process of writing a review for revocation of Conditional Use Permit 2015-27 in response to the incomplete status of on- and off-site improvements. The property owner then achieved compliance with the conditions of approval for all on- and off-site improvements by hiring a contractor to complete the work.

Since that time, staff has received complaints from the neighboring church about Frank's Auto Repair's operational conditions of approval. According to the complaints, the business is storing vehicles overnight and working beyond the business' hours of operation which affects the church's ability to utilize parking stalls on the site. Staff visited the site during the early morning hours on various days and observed that cars were being stored overnight.

Staff's most recent inspection of the site was on October 31, 2017. During that inspection, staff observed that the business owner removed all vehicles that were being stored overnight on the parking lot. Although the vehicles have been removed on the site, the overnight storage of vehicles has been a recurring issue since the use has been established in 2015. Due to the recurring issue, staff will be inspecting the site into the following weeks until the Planning Commission hearing on November 14, 2017.

Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2015-27. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Of the thirty-three (33) total conditions of approval, nine (9) need attention in order to be in compliance with the conditions of approval. Because of the recurring issue of the overnight storage of vehicles over the prior two (2) years, conditions of approval relative to the overnight storage of vehicles shall remain in non-compliance until further inspections have been completed prior to the November 14, 2017 Planning Commission hearing.

RECOMMENDATION

It is recommended 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 2015-27.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2015-27, determining to either:

- revoke Conditional Use Permit 2015-27, or
- find that revocation of the use permit is not warranted at this time.

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

Motion 1: Move to revoke Conditional Use Permit 2015-27 effective November 14, 2017, based on and subject to the following findings;

Findings

- Conditions of approval for Conditional Use Permit 2015-27, Nos. 6, 21 through 23 and 29 through 33, adopted by the Planning Commission on November 10, 2015, are not in compliance.
- Based on observations of staff and the evidence from the whole of the record, the use is not operating in compliance with conditions of approval; and
- The continued operation of the use in violation of the conditions of approval is detrimental or injurious to property and improvements in the neighborhood or general welfare of the City; and
- The above findings are supported by evidence presented at the public hearing, by field observations by multiple City departments, and in staff reports during the processing and review of this entitlement; which is made a part of this record by this reference.

(OR)

Motion 2: Move to find that the review of Conditional Use Permit 2015-27 is not warranted at this time for the following reasons: (specify)

ATTACHMENTS

Aerial Map
Conditions of Approval Compliance Matrix

Aerial Photo



Conditions of Approval Compliance Matrix

Condition No.	Condition Statement	Condition Status
1.	Project approval is conditioned upon acceptance of the conditions of approval, as evidenced by receipt in the Planning Department of the application's signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date of approval for this use permit.	Signed on 12/12/2015
2.	Site Plan Review 2015-34 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).	Procedural
3.	The use permit may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.	Procedural
4.	The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.	Procedural
5.	Conditional Use Permit 2015-27 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.	Procedural
6.	This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.	Staff's inspections observed conditions 21, 22, 23, 29, 30, 31, 32 & 33 are in non-compliance.

7.	The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.	Procedural
8.	Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to this site plan review.	Procedural
9.	It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.	In compliance
Building Department		
10.	Site development shall be consistent with the approved site plan and floor plan. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.	In compliance
Engineering Department		
11.	Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.	In compliance
12.	Improvements within the City right-of-way require Encroachment permit from Engineering Division.	In compliance
13.	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
14.	Existing water service connection shall be upgraded to meet current city standards including water meter located within city right-of-way and a backflow prevention device located within private property.	In compliance

Fire Department		
15.	Portable fire extinguishers shall be provided. A minimum of one fire extinguisher for each 3,000 square feet or fraction thereof. Maximum travel distance to reach a fire extinguisher shall not exceed 75 feet.	In compliance
16.	A complete analysis of the structure and its life safety components shall be submitted and approved by the Fire Marshal prior to occupancy. The submittal shall include at a minimum, a complete floorplan showing locations of uses, as well as quantities of hazardous materials, flammable liquids, gases, and waste oil and their proposed locations within the tenant area.	In compliance
17.	The City of Madera Building Official will apply the requirements of the code based on information submitted as part of Condition No. 16.	In compliance
18.	A key box shall be provided for access by emergency services personnel.	In compliance
Planning Department		
19.	This use permit allows for the establishment of a heavy automotive repair facility in an approximately 1,200 square foot tenant suite. The applicant shall provide a revised site plan reflective of the conditions of approval herein at the time of submittal for building permits for the required trash enclosure.	In compliance
20.	Vandalism and graffiti shall be corrected per the Madera Municipal Code.	In compliance
21.	All automotive repair work shall occur inside of the structure.	Automotive work occurring outdoors.
22.	Outdoor storage of goods and/or materials shall not be allowed.	Storage of non-operative cars outdoors.

23.	Overnight parking of vehicles shall only occur within the interior of the building.	Vehicles are being parked overnight within the parking lot. The business owner removed vehicles on October 31, 2017, but it has been a continuous issue for some length of time
24.	The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.	In compliance
25.	A new trash enclosure with a finish and color similar to the primary structure shall be built to City standards to hold two bins. The location of the trash enclosure shall be approved by the Planning Manager.	In compliance
26.	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/refuse containers owned by the property owner.	In compliance
27.	The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.	In compliance
28.	The business may be open from as early as 7:00 a.m. in the morning to as late as 7:00 p.m. at night, seven days a week.	In compliance, but staff has received a complaint that repair work occurs throughout the night beyond 7:00 p.m. Staff has not been able to verify this complaint.
29.	The property owner shall ensure the removal of all non-operative/abandoned vehicles from the site, prior to occupancy by Frank's Auto Repair.	Non-operative vehicles are on the site.
30.	On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan. Any modifications in the approved parking layout shall require approval by the Planning Commission.	Because vehicles are stored in required parking, the site is in non-compliance with providing parking at all times.

31.	The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought tolerant plants.	The landscaping strip within the parking lot is not healthy and has not been replaced with drought tolerant plants.
32.	The property owner shall ensure all non-permitted signage is removed from the site prior to occupancy by Frank's Auto Repair.	The business has a non-permitted temporary banner sign affixed to their wall.
33.	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.	A temporary banner sign has been installed without a permit. There is also a freestanding sign within the public right-of-way.

Site Photos



Condition 23: Overnight parking of vehicles shall only occur within the interior of the building. This picture was taken at 7:30 a.m. on September 6, 2017. No employees were working at that time.



Condition 23: This picture was taken at 8:00 a.m. on October 31, 2017. The overnight parking of vehicles has been a continuous problem up until this date. Compliance will be checked throughout the following weeks until the November 14, 2017 Planning Commission hearing.



Storage on October 30th.



Storage on November 6th.



Condition 31: The landscaping is kept in an unhealthy manner and needs to be replaced with drought-tolerant plants.



Conditions 31 & 32: This is the non-permitted temporary banner sign that has been installed on the business frontage since they opened in 2015.