

# **City of Madera Cannabis Business Location Setback Exemptions Amendment**

Initial Study / Negative Declaration

August 2021

Prepared by:



Planning Department  
205 W. 4<sup>th</sup> Street  
Madera, CA 93637

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# Chapter 1 Introduction

The City of Madera (City) has prepared this Initial Study/Negative Declaration (IS/ND) to address the environmental effects of the proposed amendment to Section 6-5.33(D)(2) of Chapter 5 of Title VI of the City of Madera Municipal Code (MMC) (Location and Design of Cannabis Businesses) to include Lions Town & Country Community Park as a public facility exempt when siting a cannabis business from any parcel in the City designated by state law as a sensitive use (“Project”). Pursuant to 6-5.33, cannabis business shall be no closer than 600 hundred feet from any zoned parcel in the City designated by state law as a sensitive use. Lions Town & Country Community Park is located at 2300 Howard Road, between South Schnoor Avenue and South Granada Drive. This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. The City of Madera is the CEQA lead agency for this proposed Project. The site and the proposed Project are described in detail in [Chapter 2 Project Description](#).

## 1.1 Regulatory Information

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, *et seq.*)-- also known as the CEQA Guidelines-- Section 15064 (a)(1) states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed Project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels. A negative declaration (ND) may be prepared instead if the lead agency finds that there is *no substantial* evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed Project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a ND or *mitigated* ND shall be prepared for a project subject to CEQA when either:

- a. *The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed Project may have a significant effect on the environment, or*
- b. *The IS identified potentially significant effects, but:*
  1. *Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed ND and IS is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and*
  2. *There is no substantial evidence, in light of the whole record before the agency, that the proposed Project as revised may have a significant effect on the environment.*

## 1.2 Document Format

This Initial Study/Negative Declaration (IS/ND) contains four chapters plus appendices. [Chapter 1 Introduction](#), provides an overview of the proposed Project and the CEQA process. [Chapter 2 Project Description](#) provides a detailed description of proposed Project components. [Chapter 3 Determination](#) identifies the environmental factors potentially affected based on the analyses contained in this IS and

includes with the Lead Agency’s determination based upon those analyses. **Chapter 4 Impact Analysis** presents the CEQA checklist and environmental analyses for all impact areas and the mandatory findings of significance. A brief discussion of the reasons why the Project impact is anticipated to be potentially significant, less than significant with mitigation incorporated, less than significant or why no impacts are expected is included.

# Chapter 2 Project Description

## 2.1 Project Background

### 2.1.1 Project Title

City of Madera Cannabis Business Location Setback Exemptions Amendment

### 2.1.2 Lead Agency Name and Address

City of Madera  
205 W. 4<sup>th</sup> Street  
Madera, CA 93637

### 2.1.3 Contact Person and Phone Number

#### Lead Agency Contact

John Thomason, Senior Planner  
(559) 661-5400  
[jthomason@madera.gov](mailto:jthomason@madera.gov)

#### Applicant Information

City of Madera  
205 W. 4<sup>th</sup> Street  
Madera, CA 93637

### 2.1.4 Study Prepared By

City of Madera  
205 W. 4<sup>th</sup> Street  
Madera, CA 93637

### 2.1.5 Project Location

The Project site is limited to a 600-foot radius of Lions Town & Country Community Park, located at 2300 Howard Road, between South Schnoor Avenue and South Granada Drive in the City of Madera, zoned Light Commercial (C-1), Heavy Commercial (C-2), Industrial (I) or Industrial Park (IP).

### 2.1.6 Zoning

The current 600-foot buffer radius from Lions Town & Country Community park capitulates the following zones surrounding the park in all directions:

- Residential 1 (R-1) to the west and north;
- Neighborhood Commercial (CN) to the west;



- Planned Development 6000 (PD 6000) to the southwest;
- Residential 3 (R-3) to the northwest;
- Industrial Park (IP) to the south;
- Public Facilities (PF) to the southeast;
- Industrial (I) to the southeast;
- Light Commercial (C-1) to the east;
- Heavy Commercial (C-2) to the east;
- Professional Office (PO) and PD 6000 to the northeast.

## 2.1.7 Description of Project

### Project Description

On June 27, 2016, the State of California enacted the Medical Cannabis Regulatory Safety Act (“MCRSA”) to protect residents’ use of medical cannabis and to establish regulations for personal and commercial medical cannabis activity. On November 8, 2016, California voters passed Proposition 64, the Adult Use of Marijuana Act (“AUMA”) to regulate personal and commercial non-medical marijuana activity. On January 1, 2018, the State began issuing temporary commercial licenses for medicinal and non-medicinal cannabis. Many California cities and counties are now implementing local cannabis regulations. In November 2020, the City of Madera voters adopted an ordinance establishing a Cannabis Business Tax and the adoption of both regulatory and zoning ordinances as described below.

The purpose and intent of the cannabis regulatory ordinance is to provide access to adult-use cannabis for persons aged 21 and over as authorized AUMA (“Proposition 64”) approved by the California Voters in 2016, while imposing sensible regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts. It is the purpose and intent of the Municipal Code in conjunction with the cannabis regulatory ordinance, to regulate the commercial cultivation, processing, manufacturing, testing, sale, delivery and distribution of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City and to enforce rules and regulations consistent with State law.

The proposed project is an amendment to Section 6-5.33(D)(2) Location and Design of Cannabis Businesses in Chapter 5 of Title VI of the Madera Municipal Code (MMC). Section 6-5.33 defines where cannabis businesses may locate as well as conformity requirements to applicable general plan, zoning and development standards. Pursuant to Section 6.5.33 cannabis businesses are not to be no closer than 600 feet from any zoned parcel in the City designated by state law as a sensitive use or parcel containing specific uses such as public, private or charter schools (pre-school, transitional, kindergarten, K-12 grades), commercial daycare center licensed by the state, county or City, youth centers. This section (Section 6-5.33(D)(2)) also listed specific sensitive use exemptions to which the 600-foot buffer would not apply when locating a cannabis business.

The proposed project would amend Section 6-5.33(D)(2) by adding Lions Town & Country Community Park as a use not subject to the 600-foot buffer requirements. The proposed text amendment to Section 6-5.33(D)(2) is highlighted in bold and underscored below:

- (D) The distance requirements prescribed in this section (§6-5.33) shall not apply to:
- (1) The Fresno River
  - (2) Rotary Park, Courthouse Park, **Lions Town & Country Community Park**, Wells Center (including the community garden and Centennial Park), Frank Bergon Center

- (3) Madera County Fairgrounds
- (4) Madera Municipal Golf Course
- (5) Madera County Library
- (6) Madera Downtown Business Improvement Area as depicted in the following Diagram

The proposed Project analyzed herein would include Lions Town & Country Community Park as an exempt sensitive use, allowing the possibility that the relevant zones (C-1, C-2, I, or IP) within a 600-foot buffer of the park could experience cannabis-related development in the future.

***RELEVANT ADOPTED MUNICIPAL CODES:***

Various Municipal Codes as it relates to cannabis have been adopted by City Council, including (in order as outlined in the two Ordinances):

- Title X: Planning and Zoning of the Municipal Code
- Title VI, Chapters 1 and 5 (Businesses, Professions, and Trades)
- Title IV, Chapter 15 (Public Welfare)

The following provides a summary of the Municipal Codes relevant to the proposed Project:

**1. Title X: Planning and Zoning Ordinance**

The cannabis regulatory ordinance adopted by Council is subject to the Planning and Zoning Code's ability to permit the cultivation, processing, manufacturing, testing, distribution, and the sale of cannabis and cannabis products pursuant to meeting specific requirements.

The Zoning districts specific to implementing the cannabis regulatory ordinance are the C-1 (Light Commercial), C-2 (Heavy Commercial), I (Industrial), and the IP (Industrial Park) Zones. Absent amending the Zoning Ordinance, cannabis related activities within the City would not be possible. As noted above, the Lions Town & Country Community Park would be excluded as a sensitive use.

Relevant language adopted by City Council for these three zones as it relates to cannabis is below:

**A. Section §10-3.802 (Light Commercial Zone District; C-1)**

Section 10-3.802 details the uses permitted. Subsection (A) allows the sale of cannabis and cannabis products in a C-1 zone by right as follows:

(A) The following retail stores selling new merchandise exclusively and personal service establishments within a building, including:

- (43) Cannabis and Cannabis Product Retail Sales as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

**B. Section §10-3.902 (Heavy Commercial; C-2)**

Section §10-3.902 details allowable uses in the C-2 (Heavy Commercial) zone by right. Subsection (A) allows the sale of cannabis and cannabis products in a C-1 zone by right as follows:

(A) The following uses shall be permitted in the C-2 zone:

(7) Cannabis and Cannabis Product Retail Sales as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

**C. §10-3.1002 (Industrial Zone District; I)**

Section §10-3.1002 details allowable uses in the I (Industrial) zone. Subsection (A) allows the cultivation, distribution, manufacturing, testing labs, and retail of cannabis and cannabis products as follows:

(A) The following uses shall be permitted in I zones:

(17) Cultivation, Distribution, Manufacturing, Testing Labs as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

(18) Retail only in conjunction with Vertical Integration Business as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

**D. §10-3.11.503 (Industrial Park Zones; IP)**

Section 10-3.11.503 details allowable uses in the IP (Industrial Park) zone. Subsection (A) allows allow the cultivation, distribution, manufacturing, testing labs, and retail of cannabis and cannabis products as follows:

(A) The following uses shall be permitted in IP zones:

(11) Cultivation, Distribution, Manufacturing, Testing Labs as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

(12) Retail only in conjunction with Vertical Integration Business as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

**2. Regulatory Ordinance (Chapter 5 To Title VI)**

Chapter 5 of Title VI of the City of Madera Municipal Code (MMC) outlines and codifies the process for obtaining a permit to operate a cannabis business. This included the initial application procedure, permittee selection process, renewal, revocation, and transfer of a cannabis business permit. It should be noted that applications will be reviewed per Procedure Guidelines and Review Criteria.

*Operating Requirements*

Chapter 5 of Title VI of the MMC outlines operating requirements for commercial cannabis businesses, including the location and design, recordkeeping, security measures, general operating requirements, and operating requirements specific to each permitted business type.

Cannabis businesses are restricted to specific commercial and industrial zones and are subject to all the requirements of the zone in which the business chooses to locate. **Cannabis businesses must be a minimum 600 feet from any sensitive use, school (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12), commercial daycare, or youth center that is in existence at the time a permit application is deemed complete; however, exceptions are proposed to allow for cannabis activities in certain areas, such as downtown, which are suitable for retail activities.**

**Potential Cannabis Use - Acreage Gained by Lions Town & Country Park Exclusion as a Sensitive Use**

<b>Zone</b>	<b>Acreage Gained</b>
Light Commercial (C-1)	5.77
Heavy Commercial (C-2)	20.57
Industrial (I)	18
Industrial Park (IP)	62

***PROPOSED UPDATE TO THE ADOPTED ORDINANCE AS IT RELATES TO CEQA ANALYSIS***

The exclusion of Lions Town & Country Community Park as detailed on the figures below is being considered after July 1, 2021, and thus outside of the CEQA exemption cited above. It is for this reason that this document has been prepared.

## **2.1.8 Other Public Agencies Whose Approval May Be Required**

No other public agencies have authority over the implementation of the proposed Project as either Lead or Responsible Agencies under CEQA.

## **2.1.9 Consultation with California Native American Tribes**

Public Resources Code Section 21080.3.1, *et seq.* (codification of AB 52, 2013-14)) requires that a lead agency, within 14 days of determining that it will undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made.

The City of Madera has not received written correspondence from any California Native American Tribe pursuant to Public Resources Code Section 21080.3.1 requesting notification of proposed projects in the City of Madera

Figure 2-1 Area Map

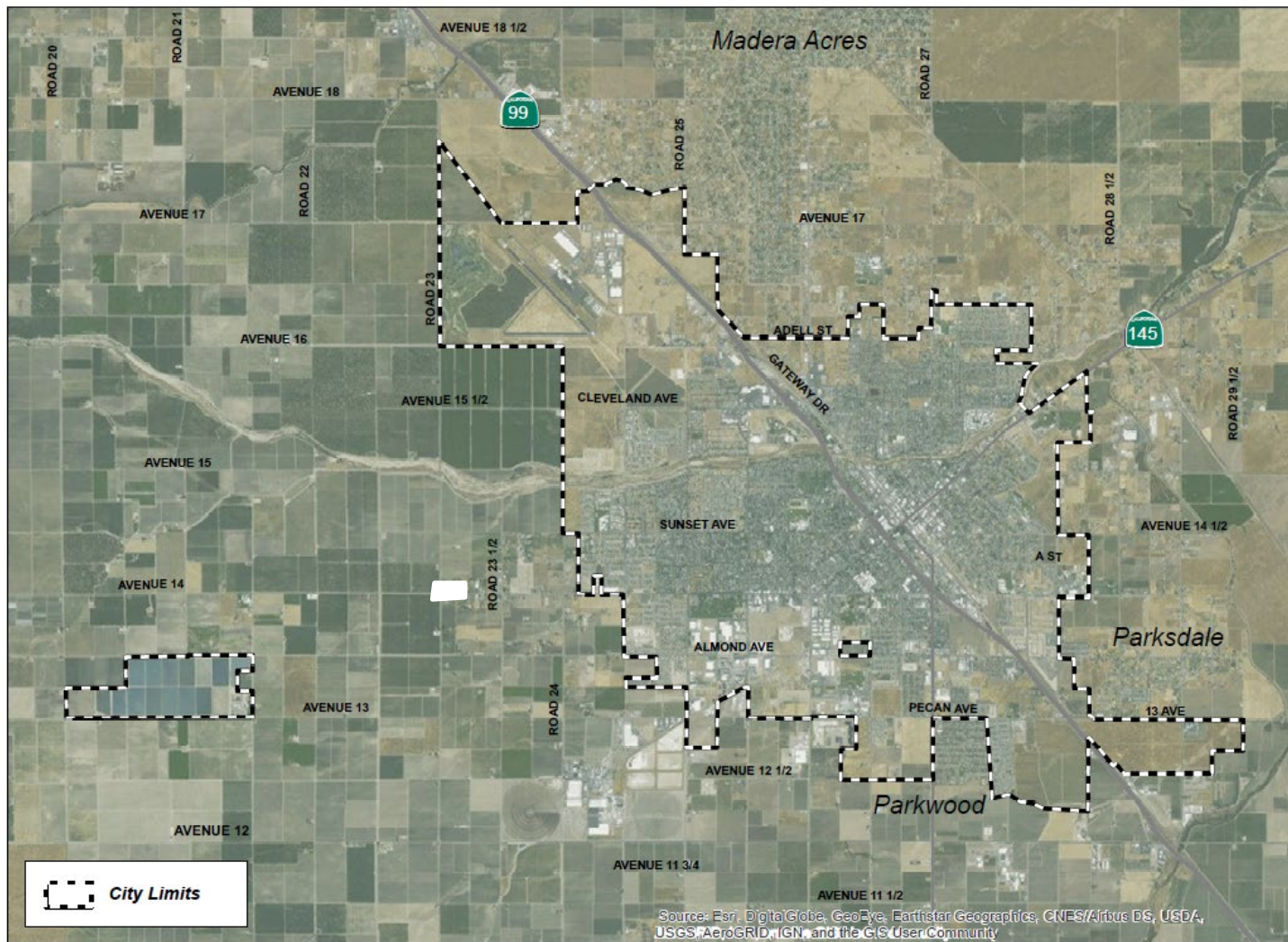


Figure 2-2 Project Update Overview

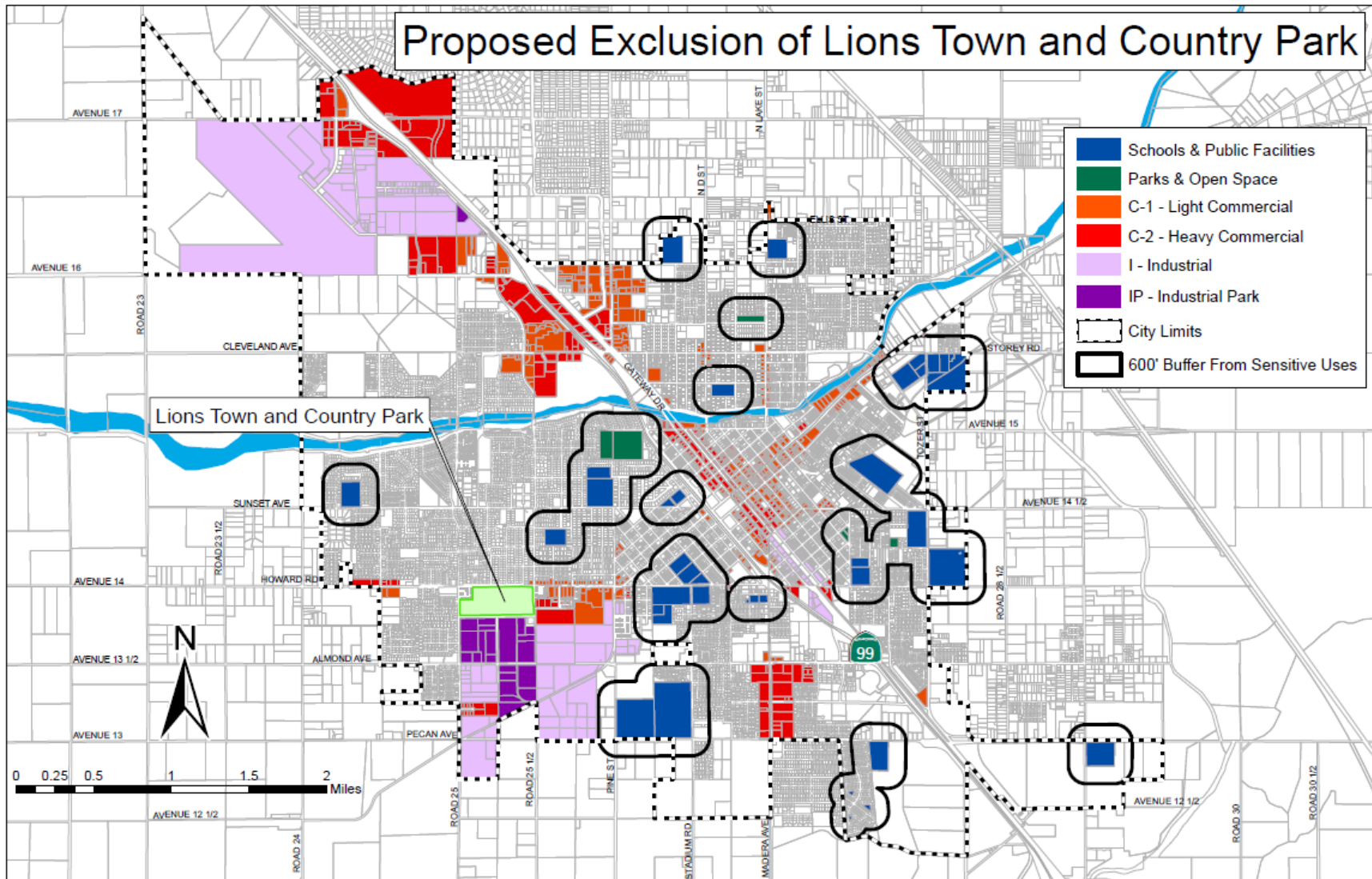
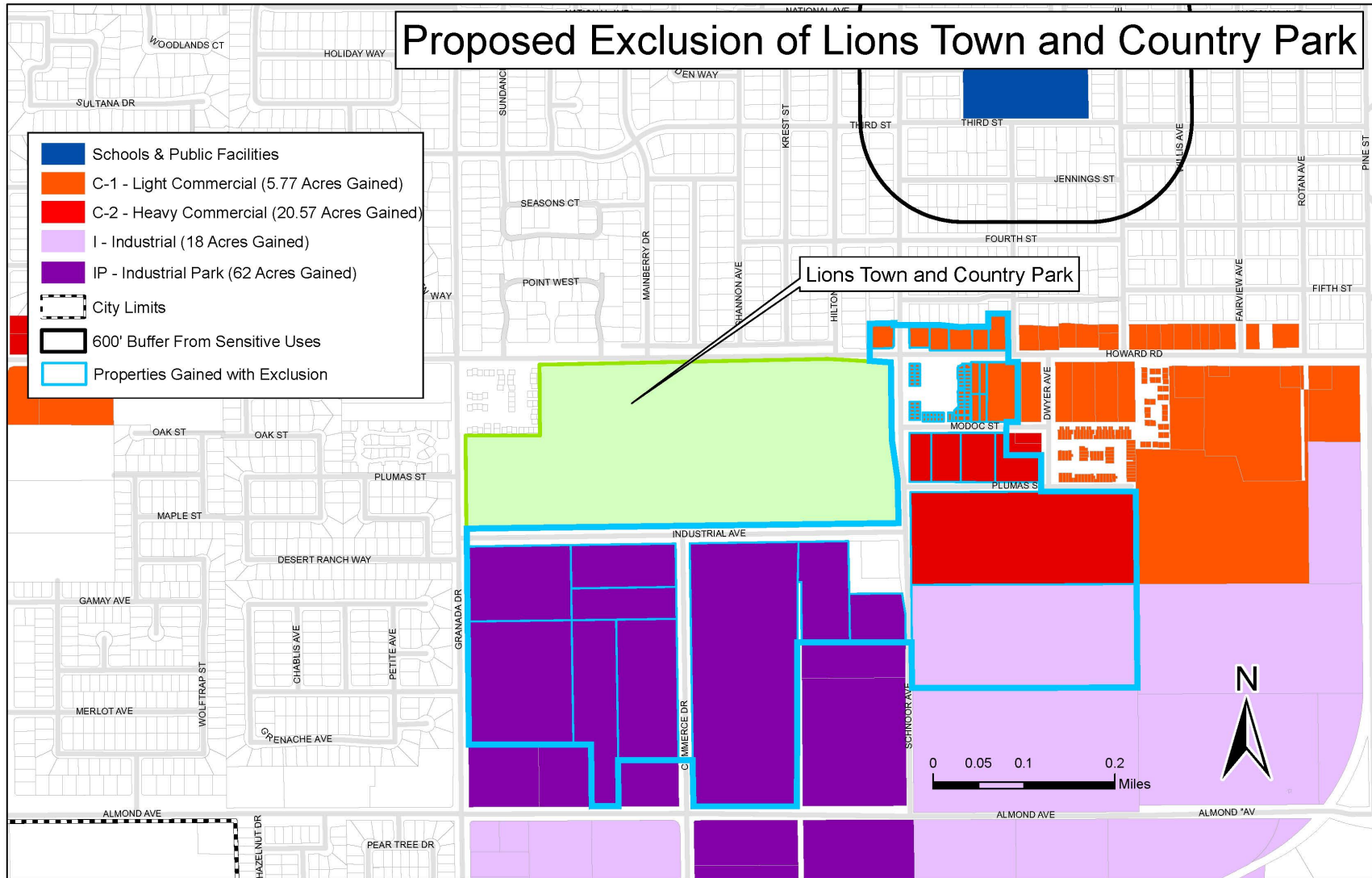


Figure 2-3 Project Update Detail



# Chapter 3 Determination

## 3.1 Environmental Factors Potentially Affected

As indicated by the discussions of existing and baseline conditions, and impact analyses that follow in this Chapter, environmental factors not checked below would have no impacts or less than significant impacts resulting from the project. Environmental factors that are checked below would have potentially significant impacts resulting from the project. Mitigation measures are recommended for each of the potentially significant impacts that would reduce the impact to less than significant.

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

The analyses of environmental impacts in [Chapter 4 Impact Analysis](#) result in an impact statement, which shall have the following meanings.

**Potentially Significant Impact.** This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

**Less than Significant with Mitigation Incorporated.** This category applies where the incorporation of mitigation measures would reduce an effect from a “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

**Less Than Significant Impact.** This category is identified when the proposed Project would result in impacts below the threshold of significance, and no mitigation measures are required.

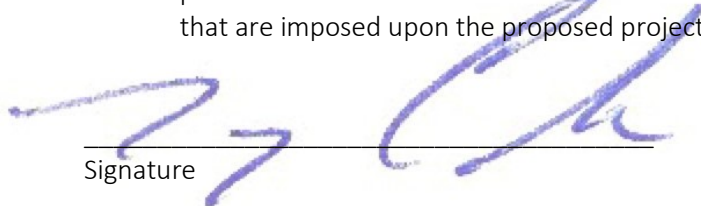
**No Impact.** This category applies when a project would not create an impact in the specific environmental issue area. “No Impact” answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).



## 3.2 Determination

On the basis of this initial evaluation (to be completed by the Lead Agency):

- 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

Gary Conte, AICP, Planning Manager

August 11, 2021  
Date

# Chapter 4 Impact Analysis

## 4.1 Aesthetics

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.1.1 Environmental Setting

The City of Madera is located within Madera County in the San Joaquin Valley, Central California. The City's visual features predominately include urbanized land uses, agricultural land uses, rivers and creeks, and trees. There are no designated State scenic highways within the Project area.

### 4.1.2 Impact Assessment

#### a) Would the project have a substantial adverse effect on a scenic vista?

**No Impact.** The Madera General Plan does not identify or designate scenic vistas within the City's Sphere of Influence; in addition, there are no State-defined scenic vistas within the City. The Project does not propose specific development and therefore could not result in an adverse effect on a scenic vista, including any federal, state, or locally classified scenic vistas or areas, historic resources, or a scenic highway. No impacts would occur, and future development would be subject to site-specific environmental review.

- b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**No Impact.** According to the California State Scenic Highway System Map, no part of the Project area is located within a State Scenic Highway. In addition, no specific development is proposed, and future development would undergo site-specific analysis. No impacts would occur.

- c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

**No Impact.** The Project site is within an urbanized area that is characterized by industrial and commercial development and thereby, the existing visual character or quality of public views of the site and its surroundings is predominately industrial and commercial. In addition, the Project does not propose specific development and future projects that could occur would be subject to site-specific environmental review. No impacts would occur.

- d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**No Impact.** The addition of the potential development that could occur upon Project implementation could create a new source of light or glare in the Project area, but the light or glare would be generally compatible and equal to existing light sources in the area. In addition, future project-level development would be subject to site-specific environmental review. No impacts would occur.

## 4.2 Agriculture and Forestry Resources

Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.2.1 Impact Assessment

a) Would the project 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?

**No Impact.** According to the Farmland Monitoring and Mapping Program, California Important Farmland Finder, the project site affected by the proposed changes is not an area of farmland of significance. The project site is within the urbanized area of the City of Madera. No impacts would occur.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

**No Impact.** The Project site is not zoned for or is located within an area for agricultural uses and is not under a Williamson Act contract. In addition, the Project does not propose specific development and future development that could occur as a result of Project implementation would undergo site-specific environmental review. No impacts would occur.

- c) **Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**No Impact.** The Project site does not contain forest land or timberland and is not zoned for forestry or timberland uses. In addition, the Project does not propose specific development and future development that could occur as a result of Project implementation would undergo site-specific environmental review. No impacts would occur.

- d) **Would the project result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact.** The Project site does not contain forest land or timberland and is not zoned for forestry or timberland uses. In addition, the Project does not propose specific development and future development that could occur as a result of Project implementation would undergo site-specific environmental review. No impacts would occur.

- e) **Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

**No Impact.** No portion of the Project footprint is currently zoned for agriculture or under such uses. In addition, the Project does not propose specific development and future development that could occur as a result of Project implementation would undergo site-specific environmental review. No impacts would occur.

## 4.3 Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.3.1 Environmental Setting

The City of Madera lies within the central portion of the San Joaquin Valley Air Basin that is bounded by the Sierra Nevada Mountain range to the east, Coastal Ranges to the west, and Tehachapi mountains to the south. In general, there are four (4) major sources of air pollutant emissions in this Air Basin: motor vehicles, industrial plants, agricultural activities, and construction activities. The San Joaquin Valley Air Pollution Control District (SJVAPCD) oversees the San Joaquin Valley Air Basin.

### 4.3.2 Impact Assessment

#### Thresholds of Significance

To assist local jurisdictions in the evaluation of air quality impacts, the SJVAPCD has published the *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). This guidance document includes recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, the SJVAPCD-recommended thresholds of significance are used to determine whether implementation of the proposed Project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact to human health and welfare. The thresholds of significance are summarized, as follows:

**Short-Term Emissions of Particulate Matter (PM10):** Construction impacts associated with the proposed Project would be considered significant if the feasible control measures for construction in compliance with

Regulation VIII as listed in the SJVAPCD guidelines are not incorporated or implemented, or if project-generated emissions would exceed 15 tons per year (TPY).

**Short-Term Emissions of Ozone Precursors (ROG and NOX):** Construction impacts associated with the proposed Project would be considered significant if the project generates emissions of Reactive Organic Gases (ROG) or NO<sub>x</sub> that exceeds 10 TPY.

**Long-Term Emissions of Particulate Matter (PM10):** Operational impacts associated with the proposed Project would be considered significant if the project generates emissions of PM<sub>10</sub> that exceed 15 TPY.

**Long-Term Emissions of Ozone Precursors (ROG and NOX):** Operational impacts associated with the proposed Project would be considered significant if the project generates emissions of ROG or NOX that exceeds 10 TPY.

**Conflict with or Obstruct Implementation of Applicable Air Quality Plan:** Due to the region's nonattainment status for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, if the project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and NO<sub>x</sub>) or PM<sub>10</sub> would exceed the SJVAPCD's significance thresholds, then the project would be considered to conflict with the attainment plans. In addition, if the project would result in a change in land use and corresponding increases in vehicle miles traveled, the project may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans.

**Local Mobile-Source CO Concentrations:** Local mobile source impacts associated with the proposed Project would be considered significant if the project contributes to CO concentrations at receptor locations in excess of the CAAQS (i.e., 9.0 ppm for 8 hours or 20 ppm for 1 hour).

Exposure to toxic air contaminants (TAC) would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual (i.e., maximum individual risk) would exceed 10 in 1 million or would result in a Hazard Index greater than 1.

Odor impacts associated with the proposed Project would be considered significant if the project has the potential to frequently expose members of the public to objectionable odors.

**a) Would the project conflict with or obstruct implementation of the applicable air quality plan?**

**No Impact.** The Project does not propose specific development and therefore does not have the potential to generate air pollutant emissions of any kind. Future development that could occur under the proposed Project would be subject to emissions analyses to determine conflicts with any applicable air quality plans. No impacts would occur.

**b) Would the project 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?**

**No Impact.** The San Joaquin Valley Air Basin is in non-attainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, which means that certain pollutants' exposure levels are often higher than the normal air quality requirements. As noted above, the Project does not propose specific development and it is therefore not possible to quantify

emissions as a result of its implementation. Future development that could occur upon Project implementation would be subject to site-specific emissions calculations which would inform cumulative analysis of emissions. No impacts would occur.

**c) Would the project expose sensitive receptors to substantial pollutant concentrations?**

**No Impact.** Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling unit(s). Although sensitive receptors are located within 600 feet of portions of the Project area, it is not known if emissions from future development would expose those receptors to substantial pollutant concentrations as determined by SJVAPCD. Such projects would undergo site-specific environmental analysis to determine the answer to this question. Therefore, no impacts would occur as a result of Project implementation.

**d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

**No Impact.** Specific land uses that are considered sources of undesirable odors include landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants and rendering plants. Cannabis production facilities also have the potential to emit objectionable odors. However, the Project does not propose specific developments. Future development that could occur as a result of Project implementation would include site-specific analysis to determine if odors would affect substantial numbers of people. No impacts would occur.



## 4.4 Biological Resources

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

### 4.4.1 Environmental Setting

According to the California Natural Diversity Database, seven (7) plant and animal special-status species have been found in the City of Madera in the past. The database also shows one (1) “natural community”

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that has also been found in the City of Madera. This Natural Community, Northern Hardpan Vernal Pool, contains vernal pools (which fill seasonally during the rainy season) that could harbor sensitive plant and animal species (including fairy shrimps). These vernal pools are generally found in annual grasslands, grasslands where the soils include an impermeable clay-pan layer below the surface, conditions which are widely distributed in the eastern portion of the City.

Sensitive plants and animals that have been found in the City of Madera are listed below.

- Burrowing Owl.
- California Tiger Salamander.
- Blunt nosed leopard lizard.
- California linderiella (“fairy shrimp”).
- Vernal pool fairy shrimp.
- Madera leptosiphon.
- Hairy orcutt grass.

Although most of the City of Madera has been changed from its natural condition by farming and urban uses, a few areas of natural habitat remain. These include:

- Annual grasslands.
- Riparian areas.
- Wetlands. In addition, according to state records, one type of “Natural Community” is found in the Planning Area.

The Madera General Plan Conservation Element outlines the following policies related to conservation of biological resources.

***Conservation Policy CON-23:*** The City shall seek to conserve and improve native wildlife and plant habitat in cooperation with governmental agencies, private associations and individuals in Madera.

***Conservation Policy CON-24:*** Residential, commercial, industrial and recreational projects shall avoid impacts to native wildlife and plant habitat to the extent feasible.

***Conservation Policy CON-25:*** The City encourages the preservation of habitat areas needed for the ongoing viability of native species, and habitat connectivity through the use of conservation easements or other methods.

***Conservation Policy CON-26:*** To offset possible additional losses of native wildlife and plant habitat due to development projects, developers shall be responsible for mitigation. Such mitigation measures may include providing and permanently maintaining similar quality and quantity of replacement habitat, enhancing existing habitat areas or paying in-lieu funds to an approved wildlife habitat improvement and acquisition fund. Replacement habitat may occur either on site or at approved offsite locations, but preference shall be given to on-site replacement.

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***Conservation Policy CON-27:*** The City supports the revitalization of the Fresno River as an amenity which can be enjoyed by both visitors and residents of Madera and serve as a source of civic pride, while continuing to provide for plant and wildlife habitat opportunities.

## 4.4.2 Impact Assessment

- a) Would the project 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?

**No Impact.** The California Department of Fish and Wildlife’s Natural Diversity Database indicates seven (7) plant and animal special-status species that have been observed in or near the City of Madera (See Environmental Setting above). Although the Project does not propose specific development and it is therefore unknown whether future development would affect such species, future developments would undergo site-specific analysis to determine if impacts would occur at those sites. No impacts would occur as a result of Project implementation.

- b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

**No Impact.** As noted above, the Project does not propose specific development on any specific site. It is therefore not possible to determine if future development under the Project would result in impacts to riparian habitats or other sensitive natural communities. Future developments would undergo site-specific analysis to determine if there would be impacts to habitats. No impacts would occur.

- c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

**No Impact.** No specific development is proposed by the Project, and future development under the Project would undergo site-specific analysis to determine any impacts to protected wetlands. No impacts would occur.

- d) Would the project 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?

**No Impact.** Although it is unlikely that any future development that could occur under the proposed Project would be located in wildlife corridors as the Project area is urbanized, future developments would undergo a site-specific analysis to determine on a project-specific basis. No impacts would occur.

- e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

**No Impact.** The Madera General Plan Conservation Element outlines policies related to conservation of biological resources. Future developments that could occur upon Project implementation would be required to comply with the policies in the City’s Conservation Element. No impacts would occur.

- f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

**No Impact.** There are no specific plans that are in place in the City regarding biological resources. As a result, future development that could take place as a result of Project implementation would have no impacts.

## 4.5 Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to 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) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.5.1 Impact Assessment

a) **Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?**

**No Impact.** There are no historic districts in the City, and it is unlikely that future development that would occur under the Project would affect historic resources as new uses would be located in only commercial and industrial zones. In addition, such developments would undergo site-specific environmental review. No impacts would occur.

b) **Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

**No Impact.** As with historic resources, it is unlikely that future development under the proposed Project would affect archaeological resources. The City's commercial and industrial zones where development could occur are urbanized and previously disturbed. As the Project does not propose specific development and future development would undergo site-specific environmental analysis, no impacts would occur.

c) **Would the project disturb any human remains, including those interred outside of dedicated cemeteries?**

**No Impact.** It is unlikely that human remains would be discovered at sites that could be developed under the Project as the sites are likely previously disturbed. Specific sites proposed for development would be evaluated at a project level to determine the likelihood of this occurring. No impacts would occur.

## 4.6 Energy

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.6.1 Environmental Setting

Appendix F – Energy Conservation of the CEQA Guidelines requires consideration of energy implications in project decisions, including a discussion of the potential energy impacts with emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy resources (Public Resources Code Section 21100(b)(3)). Per Appendix F, a project would be considered inefficient, wasteful and unnecessary if it violated existing energy standards, had a negative effect on local and regional energy supplies and requirements for additional capacity, had a negative effect on peak and base period demands for electricity and other energy forms, and effected energy resources.

The California Energy Commission updates the Building Energy Efficiency Standards (Title 24, Parts 6 and 11) every three years as part of the California Code of Regulations. The standards were established in 1978 in effort to reduce the state’s energy consumption. They apply for new construction of, and additions and alterations to, residential and nonresidential buildings and relate to various energy efficiencies including but not limited to ventilation, air conditioning, and lighting.<sup>1</sup> Part 11, or the California Green Building Standards Code (CalGreen), was developed in 2007 to meet the state goals for reducing Greenhouse Gas emissions pursuant to AB32. CalGreen covers five (5) categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.<sup>2</sup> The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020. Additionally, the California Air Resources Board (CARB) oversees air pollution control efforts, regulations, and programs that contribute to reduction of energy consumption. Compliance with these energy efficiency regulations and

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<sup>1</sup> California Energy Commission, “2019 Building Energy Efficiency Standards.” Accessed June 22, 2021, <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

<sup>2</sup> California Department of General Services, “CALGreen.” Accessed June 22, 2021, <https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen>.

programs ensure that development will not result in wasteful, inefficient, or unnecessary consumption of energy sources.

#### 4.6.2 Impact Assessment

- a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

**No Impact.** Energy resources would not be consumed by the Project as it does not propose specific development. Future development that could occur as result of Project implementation would undergo project-specific environmental review to determine energy consumption during both construction and operations. No impacts would occur.

- b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

**No Impact.** As stated above, energy resources would not be consumed by the Project as it does not propose specific development. Future development that could occur as result of Project implementation would undergo project-specific environmental review to determine energy consumption during both construction and operations as it relates to State and local plans regarding energy efficiency. No impacts would occur.



## 4.7 Geology and Soils

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause 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? Refer to Division of Mines and Geology Special Publication 42.	<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 direct or indirect 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 wastewater 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"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 4.7.1 Environmental Setting

The City of Madera is located within the San Joaquin Valley which is part of the Great Valley Geomorphic Providence that is bounded to the east by the Sierra Nevada mountain range, to the west by the Coastal Range, and to the south by the Tehachapi mountains. Madera is generally flat with some areas of slopes including areas near rivers and streams. In addition, the City has no known active earthquake faults and is not in any Alquist-Priolo Special Studies Zones. The nearest active fault is more than 50-miles from the City. Potential ground shaking may occur due to earthquakes on nearby faults. However, compliance with the California Building Code (CBC) would be sufficient to prevent significant damage during seismic events.

CEQA requires an analysis of the Project's impacts on the environment, not the environment's potential impacts on the Project; therefore, shaking, liquefaction, and other seismic activities are less than significant.

## 4.7.2 Impact Assessment

a) **Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

*a-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? Refer to Division of Mines and Geology Special Publication 42.*

**No Impact.** There are no known active earthquake faults in Madera, nor is Madera within an Alquist-Priolo earthquake fault zone as established by the Alquist-Priolo Fault Zoning Act. Thus, the Project would not cause rupture of a known earthquake fault and therefore, would have no impact. In addition, the Project does not propose specific development and CEQA requires an analysis of a Project's effects on the environment as opposed to the environment's effects on a Project. No impacts would occur.

*a-ii) Strong seismic ground shaking?*

**No Impact.** As mentioned above, there are no known active earthquake faults in Madera and the Project site and vicinity are located in an area traditionally characterized by relatively low seismic activity. In addition, the Project does not propose specific development and CEQA requires an analysis of a Project's effects on the environment as opposed to the environment's effects on a Project. No impacts would occur.

*a-iii) Seismic-related ground failure, including liquefaction?*

**No Impact.** Liquefaction is a seismic phenomenon in which loose, saturated, fine-grained granular soils behave similarly to a fluid when subjected to high-intensity ground shaking. As previously described, there are no geologic hazards or unstable soil conditions known to exist in the City. In addition, the Project does not propose specific development and CEQA requires an analysis of a Project's effects on the environment as opposed to the environment's effects on a Project. No impacts would occur.

*a-iv) Landslides?*

**No Impact.** There are generally no slopes in the City that would put Project sites at risk of landslides. In addition, the Project does not propose specific development and CEQA requires an analysis of a Project's

effects on the environment as opposed to the environment's effects on a Project. No impacts would occur.

**b) Would the project result in substantial soil erosion or the loss of topsoil?**

**No Impact.** Developments that could occur under the proposed Project would require typical site preparation activities such as grading and trenching which may result in the potential for short-term soil disturbance or erosion impacts. Such impacts would be addressed by applicable regulations set forth by the Regional Water Quality Control Board (RWQCB), including standards and regulations set forth by the City of Madera for grading and drainage, and subsequent requirements of the State Water Resources Control Board (SWRCB). Further, because the Project would disturb one (1) or more acres of soil it would be subject to the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ) and would need to develop a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer that includes best management practices (BMPs) to be implemented during and post construction, consistent with the California Storm Water Quality Association Best Management Practice Handbooks or equivalent guidelines. Implementation of a SWPPP minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. However, the Project does not propose specific development and future projects that could occur would be subject to site-specific environmental review. No impacts would occur.

**c) Would the project 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?**

**No Impact.** The City is in an area of infrequent and low historic seismic activity of nearby faults. Such factors minimize the potential for other geologic hazards such as landslides, lateral spreading, subsidence, liquefaction or collapse. In addition, the Project does not propose specific development and future projects that could occur would be subject to site-specific environmental review. No impacts would occur.

**d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

**No Impact.** Unstable soils are not known to be an impediment to development in the City of Madera. In addition, the Project does not propose specific development and future projects that could occur would be subject to site-specific environmental review. No impacts would occur.

**e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

**No Impact.** The Project does not propose specific development; future development that occur under the Project would undergo specific analysis including for wastewater disposal. No impacts would occur.

**f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?**

**No Impact.** Although the Project does not propose specific development, there is some possibility that a non-visible, buried site may exist and may be uncovered during ground disturbing construction activities which would constitute a significant impact by future developments. However, such developments would undergo site-specific environmental review that would address the likelihood of encountering

paleontological resources. No impacts would occur.

## 4.8 Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.8.1 Environmental Setting

Various gases in the Earth’s atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the Earth’s surface temperature. Solar radiation enters Earth’s atmosphere from space, and a portion of the radiation is absorbed by the Earth’s surface. The Earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation.

Naturally occurring greenhouse gases include water vapor (H<sub>2</sub>O), carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and ozone (O<sub>3</sub>). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also GHGs, but they are, for the most part, solely a product of industrial activities. Although the direct greenhouse gases CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2011, concentrations of these three GHGs have increased globally by 40, 150, and 20 percent, respectively (Intergovernmental Panel on Climate Change [IPCC], 2013).

GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), ozone (O<sub>3</sub>), water vapor, nitrous oxide (N<sub>2</sub>O), and chlorofluorocarbons (CFCs).

The emissions from a single project will not cause global climate change, however, GHG emissions from multiple projects throughout the world could result in a cumulative impact with respect to global climate change. Therefore, the analysis of GHGs and climate change presented in this section is presented in terms of the proposed project’s contribution to cumulative impacts and potential to result in cumulatively considerable impacts related to GHGs and climate change.

Cumulative impacts are the collective impacts of one or more past, present, and future projects that, when combined, result in adverse changes to the environment. In determining the significance of a proposed

project's contribution to anticipated adverse future conditions, a lead agency should generally undertake a two-step analysis. The first question is whether the combined effects from both the proposed project and other projects would be cumulatively significant. If the agency answers this inquiry in the affirmative, the second question is whether "the proposed project's incremental effects are cumulatively considerable" and thus significant in and of themselves.

The cumulative project list for this issue (climate change) comprises anthropogenic (i.e., human made) GHG emissions sources across the globe and no project alone would reasonably be expected to contribute to a noticeable incremental change to the global climate. However, legislation and executive orders on the subject of climate change in California have established a statewide context and process for developing an enforceable statewide cap on GHG emissions. Given the nature of environmental consequences from GHGs and global climate change, CEQA requires that lead agencies consider evaluating the cumulative impacts of GHGs. Small contributions to this cumulative impact (from which significant effects are occurring and are expected to worsen over time) may be potentially considerable and, therefore, significant.

In assessing the significance of impacts from GHG emissions, Section 15064.4(b) of the CEQA Guidelines states that a lead agency may consider the following:

- The extent to which the project may increase or reduce GHG emissions as compared to the environmental setting.
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

The SJVAPCD's Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA (2009) provides screening criteria for climate change analyses, as well as draft guidance for the determination of significance.<sup>3,4</sup> These criteria are used to evaluate whether a project would result in a significant climate change impact (see below). Projects that meet one of these criteria would have less than significant impact on the global climate.

- Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then:
- Does the project achieve 29% GHG reductions by using approved Best Performance Standards (BPS)? If no, then
- Does the project achieve AB 32 targeted 29% GHG emission reductions compared with Business As Usual (BAU)?

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<sup>3</sup> San Joaquin Valley Air Pollution Control District. (2009). Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. Accessed June 15, 2021, <http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf>.

<sup>4</sup> San Joaquin Valley Air Pollution Control District. (2000). Environmental Review Guidelines: Procedures for Implementing the California Environmental Quality Act. Accessed June 15, 2021, [http://www.valleyair.org/transportation/CEQA%20Rules/ERG%20Adopted%20\\_August%202000\\_.pdf](http://www.valleyair.org/transportation/CEQA%20Rules/ERG%20Adopted%20_August%202000_.pdf)

Because BPS have not yet been adopted and identified for specific development projects, and because the City of Madera has not yet adopted a plan for reduction of GHG with which the Project can demonstrate compliance, the California Air Resources Board (CARB) 2017 Climate Change Scoping Plan will be used as an additional threshold of significance for this analysis as the adopted statewide plan for reduction or mitigation of GHGs. Assembly Bill (AB) 32 was enacted by the California State legislature in 2006 with the aim to reduce GHG emissions to levels of 1990 by 2020. Recommended actions to achieve these aims were adopted by the California Air Resources Board (CARB) in 2008 (i.e., the Climate Change Scoping Plan). The Scoping Plan involves several measures to reduce pollution and GHG emissions, indicating a decrease of GHG emissions to 389 million metric tons (MMT) of CO<sub>2</sub>e by 2030.

## 4.8.2 Impact Assessment

a) **Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**No Impact.** Future development of commercial and industrial cannabis operations that could occur under the proposed Project could lead to GHG emissions at levels of significance as determined by the San Joaquin Valley Air Pollution Control District's adopted thresholds. However, because specific development is not proposed by the Project analyzed herein and such development would undergo site-specific environmental review in the future, no impacts would occur. Such emissions would be quantified on a project-level basis.

b) **Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**No Impact.** As noted above, future development of commercial and industrial cannabis operations that could occur under the proposed Project could lead to GHG emissions at levels of significance as determined by the San Joaquin Valley Air Pollution Control District's adopted thresholds. However, because specific development is not proposed by the Project analyzed herein and such development would undergo site-specific environmental review in the future, no impacts would occur. Such emissions would be quantified on a project-level basis.

## 4.9 Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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"/>
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.9.1 Environmental Setting

For the purposes of this section, the term “hazardous materials” as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future



hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous materials are grouped into the following four categories, based on their properties:

- Toxic: causes human health effect
- Ignitable: has the ability to burn
- Corrosive: causes severe burns or damage to materials
- Reactive: causes explosions or generates toxic gases

A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. The criteria that define a material as hazardous also define a waste as hazardous. If improperly handled, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous materials are routinely used, stored, and transported in Madera that are associated with industrial and commercial/retail businesses, as well as in educational facilities, hospitals, and households. Hazardous waste generators may include industries, businesses, public and private institutions, and households. Federal, state, and local agencies maintain comprehensive databases that identify the location of facilities using large quantities of hazardous materials, as well as facilities generating hazardous waste. Some of these facilities use certain classes of hazardous materials that require risk management plans to protect surrounding land uses.

## 4.9.2 Impact Assessment

### a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**No Impact.** Cannabis uses that could result from the implementation of the proposed Project do have the potential to transport, use, and dispose of hazardous materials. However, those developments would have to undergo project-level environmental review to determine environmental impacts associated with hazardous materials. No impacts would occur as the Project analyzed herein does not propose specific development.

### b) Would the project 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?

**No Impact.** As discussed under item a) above, there is potential for future development that could occur under the proposed Project to handle hazardous materials such that accident conditions could occur. However, those developments would have to undergo project-level environmental review to determine environmental impacts associated with hazardous materials. No impacts would occur as the Project analyzed herein does not propose specific development.

- c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

**No Impact.** Although there is the possibility that future developments would be within one-quarter mile of a school, the Project does not propose specific development. Future projects would be evaluated on their proximity to existing or proposed schools in a project-level environmental analysis. No impacts would occur.

- d) Would the project 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?

**No Impact.** Although there is the possibility that future developments would be located on a hazardous materials site, the Project does not propose specific development. Future projects would be evaluated on their proximity to hazardous materials sites in a project-level environmental analysis. No impacts would occur.

- 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 or excessive noise for people residing or working in the project area?

**No Impact.** The City of Madera is home to the Madera Municipal Airport in the northwestern portion of the City. The applicable airport land use plan for the Madera Municipal Airport is the Madera Countywide Airport Land Use Compatibility Plan (2015). Although some areas affected by the Project could be located within two miles of the airport, it is not possible to analyze definitively as the Project does not propose specific development. Future development would be analyzed on a site-specific basis to determine any impacts. Thus, no impacts would occur.

- f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**No Impact.** Impacts to emergency response plans are typically the result of a development's construction phase or long-term operations resulting in lane closures on established emergency evacuation routes. Because the Project does not propose specific development, impacts could only be determined by site-specific analysis of future proposed developments. Thus, no impacts would occur.

- g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

**No Impact.** The City is not identified by the California Department of Forestry and Fire Protection (Cal Fire) or the City of Madera as a Very High Fire Hazard Severity Zone (VHFHSZ). In addition, the Project does not propose specific development. No impacts would occur.

## 4.10 Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<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 or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 4.10.1 Environmental Setting

The City of Madera is part of the San Joaquin River watershed which originates in the Sierra Nevada Mountain range, traveling for approximately 330 miles before converging with the Sacramento River in the Sacramento-San Joaquin Delta. The San Joaquin River forms the western and much of the southern boundary of Madera County. The San Joaquin River watershed is divided into hydrologic areas and subareas. The City of Madera lies within the Madera and Berenda Creek hydrologic area, which both drain to the Fresno River.

As with most Cities in the Central San Joaquin Valley, water demands for the City of Madera are increasing each year. In 2014, the City had an annual demand of 13,800 acre-feet to service the 63,105 population.<sup>5</sup> The City of Madera uses various methods to facilitate groundwater recharge. The Madera General Plan, along with the Madera County Local Hazard Mitigation Plan, and FEMA Flood Insurance Study have noted the Madera County area has good drainage.<sup>6,7</sup>

Stormwater from the City is sent to retention basins to recharge and manage the Madera Subbasin. During drier periods of time, the City has the option to use small purchases of surface water from the Madera Irrigation District (MID) to send to the City's stormwater basins. The proposed Project includes an on-site retention basin to capture stormwater from the subject site. The stormwater will percolate and allow for groundwater recharge. A study conducted by the EPA (among others) discusses urban water management BMPs and has identified successful water quality control within infiltration basins where runoff infiltrated into the ground separates contaminants that attach to the soil and those that dissolve.<sup>8</sup>

The following Madera General Plan policies address groundwater recharge and supplies:

***Conservation Element Policy CON-1:*** The City will coordinate with local, regional, and state water suppliers and water resource managers to identify water management strategies and issues that ensure a clean and sustainable water supply.

***Conservation Element Policy CON-2:*** The City supports the consideration and implementation of a broad range of strategies to ensure the long-term sustainability of its water supply, including strategies related to conservation, reclamation, recharge, and diversification of supply.

***Conservation Element Policy CON-3:*** The City supports natural groundwater recharge and new groundwater recharge opportunities through means such as:

- Developing a comprehensive groundwater recharge program to be applied in conjunction with new development
- Increasing the area on developed sites into which rainwater can percolate

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<sup>5</sup> County of Madera (2017). County of Madera Storm Water Resource Plan, op. cit.

<sup>6</sup> City of Madera (2010). General Plan.

<sup>7</sup> County of Madera (2017). Madera County Local Hazard Mitigation Plan Update. op. cit.

<sup>8</sup> United States Environmental Protection Agency. (1999). Preliminary Data Summary of Urban Storm Water Best Management Practices. Accessed July 1, 2021, [https://www.epa.gov/sites/production/files/2015-11/documents/urban-stormwater-bmps\\_preliminary-study\\_1999.pdf](https://www.epa.gov/sites/production/files/2015-11/documents/urban-stormwater-bmps_preliminary-study_1999.pdf)

- Providing areas where rainwater and other water can collect and percolate into the ground.
- Providing for groundwater recharge in storm drainage facilities.
- The use of reclaimed water to recharge the groundwater table.

## 4.10.2 Impact Assessment

### a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

**No Impact.** Although it is unlikely that developments that could be constructed and operated under the Project would consume water such that either water quality standards or waste discharge would be significantly impacted, the Project does not propose specific development. Development that could occur under the Project would undergo site-specific environmental review based upon its own proposed construction and operations. Thus, no impacts would occur.

### b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

**No Impact.** Because specific developments that could occur under Project implementation would be unlikely to significantly impact groundwater supplies due to the nature of cannabis retail or vertically integrated uses proposed, in addition to the fact that no such developments are proposed by the Project analyzed herein, no impacts would occur.

### c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

#### *i) result in substantial erosion or siltation on- or off-site.*

**No Impact.** Although it is unlikely that the cannabis developments that could be permitted under the proposed Project would lead to erosion or siltation due to such uses having to implement a Storm Water Pollution Prevention Plan (SWPPP) under the California Construction General Permit (CGP), that would be determined under project-level environmental review. The Project analyzed herein does not propose specific development, therefore no impacts would occur.

#### *ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.*

**No Impact.** As discussed above, the Project does not propose specific development. Site-specific environmental analysis include surface runoff potential would be conducted for developments proposed in the future. No impacts would occur.

#### *iii) 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; or*

**No Impact.** As previously described above, the Project does not propose specific development so it is not possible to determine if future developments under the project would create or contribute runoff that would exceed the capacity of stormwater drainage systems. Such development would undergo site-specific environmental review to determine any impacts regarding this topic. No impacts would occur.

*iv) impede or redirect flood flows?*

**No Impact.** Because the Project does not propose specific development it is not possible to determine if flood flows would be impeded or redirected. Future development would be analyzed at a project level to determine any impacts regarding flood flows. No impacts would occur.

**d) Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundations?**

**No Impact.** Future projects that could be implemented would not be in tsunami or seiche zones, although it is possible that they would be located in flood hazard areas. It is not possible to determine impacts as the Project analyzed herein does not propose specific development, but rather this would be analyzed at a site-specific level when future developments are proposed. No impacts would occur.

**e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**No Impact.** The Project does not propose specific development. Future cannabis development that could occur under Project implementation would be evaluated individually to determine if conflicts or obstruction of a water quality control plan or sustainable groundwater management plan would occur. No impacts would result from Project implementation.

## 4.11 Land Use and Planning

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Would the project physically divide an established community?**

**No Impact.** Typically, physical division of an established community is associated with new, intersecting roadways, or new incompatible uses inconsistent with the planned or existing land uses. The Project does not propose specific development and future projects would be evaluated on their specific proposals in terms of both land use and site location. No impacts would occur.

**b) Would the project cause a significant environmental conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

**No Impact.** As noted above, the Project does not propose specific development. However, future development would be ensured to comply with the City’s land use plans as they would be permitted by right in the commercial and industrial zones. No impacts would occur.

## 4.12 Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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"/>

### 4.12.1 Environmental Setting

According to the California Department of Conservation, California Geological Survey’s Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification (MLC) data portal, the Project area (the City of Madera) does not contain any state or locally designated mineral resource.<sup>9</sup>

### 4.12.2 Impact Assessment

**a) Would the project 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?**

**No Impact.** The Project sites are not located in any area designated for mineral resource preservation or recovery. Therefore, the Project would not 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. Therefore, the Project would have no impact.

**b) Would the project 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?**

**No Impact.** As described above, the Project site is not located in any area designated for mineral resource preservation or recovery. Therefore, the Project would not 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. No impacts would occur.

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<sup>9</sup>California Department of Conservation. “Surface Mining and Reclamation Act Mineral Lands Classification data portal.” Accessed June 1, 2021, <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>



## 4.13 Noise

Would the project result in?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project 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) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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 be residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.13.1 Environmental Setting

In general, there are two (2) types of noise sources: 1) mobile source and 2) stationary sources. Mobile source noises are typically associated with transportation including automobiles, trains, and aircraft. Stationary sounds are sources that do not move such as machinery or construction sites. The Madera General Plan Noise Element outlines goals and policies to mitigate health effects of noise in the community and prevent exposures to excessive noise levels. The following goals and policies are applicable to the Project.

**Noise Policy N-1.** The City will protect residential areas and other noise-sensitive uses from excessive noise by doing the following:

- 1) Requiring that land uses, roadways, and other sources do not create incompatible noise levels on adjacent parcels.
- 2) Allowing homes or noise-sensitive uses to be developed only in places where existing and projected noise levels will meet the exterior noise guidelines and standards shown in Policies N-5 and N-6.
- 3) 3) Requiring that City decisions which would cause or allow an increase in noise created by stationary or mobile sources (such as development of noise-generating land uses or the construction of new or wider roadways) be informed by a noise analysis and accompanied by noise reduction measures to keep noise at acceptable levels. The analysis may be accomplished by reviewing available noise data, by requiring additional information on potential noise that

would be created, or by a noise analysis prepared as part of the project’s environmental analysis. Roadway projects which are consistent with the Circulation Map in this General Plan will generally not require the preparation of a noise analysis.

**Noise Policy N-2.** To implement Policy N-1, the following shall apply:

- 1) No use regulated by the City shall be permitted to generate noise that would cause the ambient noise on any adjacent parcel to exceed the “completely compatible” 24-hour guidelines shown in Policy N-5 or the 30-minute noise standards in Policy N-6.
- 2) The City shall ensure that noise mitigation to achieve a “completely compatible” 24-hour exterior noise level and conformance with the 30- minute exterior noise standard is provided in conjunction with any decision<sup>2</sup> it makes that would cause a violation of item 1) above.
- 3) Developers of new residential or other noise-sensitive uses which are placed in environments subject to existing or projected noise that exceeds the “completely compatible” guidelines in Policy N-5 shall be responsible for ensuring that acceptable exterior and interior noise levels will be achieved.
- 4) The City shall ensure that transportation projects such as new or widened roadways include mitigation measures to maintain at least “tentatively compatible” noise levels as shown in Policy N-5. Mitigation for roadway noise need not be provided where “tentatively compatible” noise guidelines would be exceeded on vacant lands but shall be installed as part of the transportation project where the noise would affect existing homes. In those instances where noise mitigation is not initially triggered, it shall be the responsibility of the project which places residential units on the vacant lands.

**Noise Policy N-3.** The following definitions shall be used to interpret and implement the policies in this Noise Element.

- “Noise-Sensitive Use” is any use other than residential or commercial for which an acceptable interior or exterior noise level is defined in this General Plan or other uses as determined by the City. Generally, noise-sensitive uses will be those which require a reasonable level of quiet as part of their ordinary functioning.
- Noise standards in residential areas shall be applied to outdoor activity areas. Where the outdoor activity areas are not known, the exterior noise standard shall be applied to all areas within 50 feet of the residential dwelling.
- “Outdoor Activity Areas” for residential uses include rear yard areas, including patios located in a rear yard; private ground-floor patios; and community play areas, pools, etc.
- “Projected Noise Levels” shall be those projected to exist at a time 20 (twenty) years in the future, based on projected future development, traffic, and other factors.
- “Residential Area” is any area designated for residential uses on the Land Use Map of this General Plan.
- “Transportation Noise” consists of noise generated by motor vehicles, trains, and aircraft takeoffs and landings. “Noise-Sensitive Use” is any use other than residential or commercial for which an acceptable interior or exterior noise level is defined in this General Plan or other uses as determined by the City. Generally, noise-sensitive uses will be those which require a reasonable level of quiet as part of their ordinary functioning.
- Noise standards in residential areas shall be applied to outdoor activity areas. Where the outdoor activity areas are not known, the exterior noise standard shall be applied to all areas within 50 feet of the residential dwelling.

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- “Outdoor Activity Areas” for residential uses include rear yard areas, including patios located in a rear yard; private ground-floor patios; and community play areas, pools, etc.
- “Projected Noise Levels” shall be those projected to exist at a time 20 (twenty) years in the future, based on projected future development, traffic, and other factors.
- “Residential Area” is any area designated for residential uses on the Land Use Map of this General Plan.
- “Transportation Noise” consists of noise generated by motor vehicles, trains, and aircraft takeoffs and landings.

**Noise Policy N-4.** The following compatibility standards shall be used to determine whether a proposed use is appropriate for its location, given the projected ambient noise level.

- “Completely Compatible” means that the specified land use is satisfactory, and both the indoor and outdoor environments are pleasant.
- “Tentatively Compatible” means that noise exposure may be of concern, but common building construction practices will make the indoor living environment acceptable, even for sleeping quarters, and outdoor activities will not be unduly disturbed by noise.
- “Normally Incompatible” means that noise exposure warrants special attention, and new construction or development should generally be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. Careful site planning or exterior barriers may be needed to make the outdoor environment tolerable.
- “Completely Incompatible” means that the noise exposure is so severe that new construction or development should generally not be undertaken.

**Noise Policy N-5.** The following are the maximum 24-hour exterior noise levels for land designated by this General Plan for residential, commercial/retail, and public parks.

- See Policy N-4 for the definitions of these levels of compatibility.
- These guidelines apply to land designated by this General Plan for these uses. Residential, retail, or public parks which have been developed on land designated for other uses shall be subject to the exterior noise guidelines for the land on which they are located.
- Non-residential uses located on residentially designated land shall be subject to the exterior noise guidelines for residential lands.
- All uses on commercial lands, including non-commercial uses, shall be subject to the standards for commercial land.
- Land use designations not listed above do not have exterior noise compatibility standards. Land use designations with no exterior noise compatibility standard include office and industrial.
- Standards for public schools are set and enforced by the State of California and are not regulated by the City of Madera. Therefore, no standards for public schools are shown in Table N-B.

**TABLE N-B: EXTERIOR NOISE COMPATIBILITY GUIDELINES FOR NOISE FROM ALL SOURCES, INCLUDING TRANSPORTATION NOISE (24-HOUR DAY-NIGHT AVERAGE [CNEL/Ldn])**

Land Use Designations	Completely Compatible	Tentatively Compatible	Normally Incompatible	Completely Incompatible
All Residential (Single- and Multi-Family)	Less than 60 dBA	60-70 dBA	70-75 dBA	Greater than 75 dBA
All Commercial	Less than 70 dBA	70-75 dBA	Greater than 75 dBA	(1)
Public Parks (Lands designated as Open Space on which public parks are located or planned)	Less than 65 dBA	65-70 dBA	70-75 dBA	Greater than 75 dBA

*(1) No "Completely Incompatible" category is shown for commercial uses because not all commercial uses are incompatible with noisy environments. The City may determine as part of the review of individual development proposals that some types of commercial uses are incompatible with noise environments in excess of 75 dBA CNEL.*

**Noise Policy N-6.** The following are the City’s standards for maximum exterior non transportation noise levels to which land designated for residential land uses may be exposed for any 30-minute period on any day.

- Where existing ambient noise levels exceed these standards, the ambient noise level shall be highest allowable noise level as measured in dBA Leq (30 minutes).
- The noise levels specified above shall be lowered by 5 dB for simple tonal noises (such as humming sounds), noises consisting primarily of speech or music, or for recurring impulsive noises (such as pile drivers, punch presses, and similar machinery). Example: the Single Family/Duplex standard from 10 p.m. to 7 a.m. for these types of noises is 45 dBA.
- The City may impose exterior noise standards which are less restrictive than those specified above, provided that: 1) The noise impact on the residential or other noise-sensitive use is addressed in an environmental analysis, 2) A finding is made by the approving body stating the reasons for accepting a higher exterior noise standard, and 3) Interior noise standards will comply with those identified in Policy N-7.

**Noise Policy N-7.** The following are the City’s standards for acceptable indoor noise levels for various types of land uses. These standards should receive special attention when projects are considered in “Tentatively Compatible” or “Normally Incompatible” areas.

- Noise created inside a use listed above shall not count toward the acceptable noise levels to be maintained in accordance with this policy.

**Noise Policy N-9.** The City’s preferences for providing noise mitigation are, in order (#1 is the most preferred, #5 the least)

- 1) Reduce noise at the source.
- 2) If #1 is not practical, seek to designate land uses which are compatible with projected noise levels.
- 3) If #1 or #2 are not practical, use distance from the source to reduce noise to acceptable levels.

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- 4) If #1, #2, or #3 are not practical, use buildings, berms, or landscaping or a combination of these to reduce exterior noise to acceptable levels. Use construction techniques (sound-reducing windows, etc.) to reduce interior noise to acceptable levels.
- 5) The last measure which should be considered is the use of a sound wall to reduce noise to acceptable levels.

**Noise Policy N-10.** Where they are constructed, sound walls should be:

- 1) Considered only if proven effective by accompanying noise studies.
- 2) Be visually attractive, complement the surroundings, and require a minimum of maintenance. (See Community Design Element references to sound wall designs).
- 3) As small/low as possible consistent with the need to reduce noise to acceptable levels.

**Noise Policy N-13.** For the purposes of CEQA analysis, a 5 db increase in CNEL or Ldn noise levels shall be normally considered to be a significant increase in noise.

Madera Municipal Code, Chapter 11, Noise Control, sets forth the City's noise controlling regulations. Specific noise prohibitions applicable to the Project are as follows.

***§ 3-11.02 Specific Noise Prohibitions.***

The following activities are specifically prohibited:

(A) Operating, playing, or permitting the operation or playing of any radio, television set, loudspeaker, stereo, drum, musical instrument, or similar device which produces or reproduces sound which is in violation of the provisions of [§ 3-11.01](#) of this title.

(B) *Between the hours of 8:00 p.m. and 6:00 a.m. of the following day.* Noise sources associated with operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, remodeling, paving, or grading of any real property or demolition work which creates sound which is in violation of [§3-11.01](#) of this title is prohibited. Provided, however, the Community Development Director or their designated representative may, for good cause, exempt certain construction work from the provisions of this chapter for a limited time when an unforeseen or unavoidable condition occurs during a construction project and the nature of the project necessitates that work in process be continued until a specific phase is completed. In such circumstance, the contractor or owner shall be allowed to work after 8:00 p.m. and to operate machinery and equipment necessary until the specific work in progress can be completed in a manner which will not jeopardize the inspection or acceptance of a project or create undue financial hardships for the contractor or property owner.

(C) *Between the hours of 10:00 p.m. and 6:00 a.m. of the following day.* Operating or permitting the operation of any mechanically powered saw, drill, grinder, lawn or garden tool, or similar tool which creates sound which is in violation of [§3-11.01](#) of this title.

### 4.13.2 Impact Assessment

- a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

**No Impact.** It is possible that the construction of cannabis retail and/or vertically integrated manufacturing facilities could lead to construction or operational level noise emissions in exceedance of the standards detailed above. However, the Project does not propose specific development and future development would undergo project-level noise evaluations including potentially noise technical studies. No impacts would occur.

- b) Would the project result in generation of excessive ground borne vibration or ground borne noise levels?

**No Impact.** As described under item a) above, the Project does not include specific development. Future development would undergo site-specific noise evaluations. No impacts would occur.

- c) For a project located within the vicinity of a private airstrip or 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 be residing or working in the project area to excessive noise levels?

**No Impact.** The Project site is more than two miles south of Madera Municipal Airport. No impacts would occur.

## 4.14 Population and Housing

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

### 4.14.1 Impact Assessment

- a) **Would the project induce substantial unplanned 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)?**

**No Impact.** Although it is possible that the development of cannabis commercial and industrial activity under the Project could lead to unplanned population growth, the Project analyzed herein does not propose specific developments. Thus, future developments would be analyzed at a project level to determine if population growth would result from their implementation either directly or indirectly. No impacts would occur.

- b) **Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

**No Impact.** Because future developments that could occur under the proposed Project would be located in commercial and industrial areas of the City it is unlikely that people or housing would be displaced. However, such developments would undergo project-level review based on their specific size and location to determine impacts regarding this topic. No impacts would occur.

## 4.15 Public Services

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

### 4.15.1 Impact Assessment

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

*Fire Protection:*

**No Impact.** Although future development would be protected by fire services, the fact that the Project does not propose specific development ensures that no impacts would occur. Future development would be evaluated on a site-specific basis with regard to such services.

*Police Protection*

**No Impact.** Although future development would be protected by police services, the fact that the Project does not propose specific development ensures that no impacts would occur. Future development would be evaluated on a site-specific basis with regard to such services.



*Schools*

**No Impact.** Although future development that could occur under the proposed Project would potentially increase employment in the area such that new schools could be required, the Project does not propose specific development. Thus, no impacts would occur.

*Parks*

**No Impact.** As with schools, future employment increases associated with specific development under the proposed Project could increase demand on area parks. However, as the Project does not propose specific development, no impacts would occur.

*Other Facilities*

**No Impact.** As no specific development is proposed the Project no impacts would occur.

## 4.16 Recreation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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 which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.16.1 Impact Assessment

- 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?**

**No Impact.** Park and recreational facilities are typically impacted by an increase in use from proposed residential development. The Project does not propose specific development; thus, there would be no increased demand for existing neighborhood and regional parks, or other recreation facilities associated with the Project. No impacts would occur.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**No Impact.** The Project would permit future cannabis uses under specific circumstances in specific land uses and zones. Such projects would undergo site-specific environmental analysis and are unlikely to be of a nature and scale such that employment would be generated at levels that would necessitate new or improved recreational facilities. No impacts would occur.

## 4.17 Transportation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)??	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric 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"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.17.1 Environmental Setting

Under Senate Bill 743 (SB743), traffic impacts associated with development projects in the State of California must be analyzed using the Vehicle Miles Traveled (VMT) metric as opposed to Level of Service (LOS). Because the proposed Project does not propose specific development, VMT calculations could not be performed. Future development that could occur under the Project would undergo site-specific VMT analysis per regulations adopted by the Madera County Transportation Commission (MCTC).

### 4.17.2 Impact Assessment

a) **Would the project conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?**

**No Impact.** The proposed Project does not propose specific development and future development that could occur upon Project implementation would be required to undergo site-specific VMT analysis. As a result, no impacts would occur.

b) **Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?**

**No Impact.**

#### *Vehicle Miles Traveled*

Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual automobile travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive automobile travel onto roads, then the project may cause a significant

transportation impact.

The State CEQA Guidelines were amended to implement SB 743 by adding Section 15064.3. Among its provisions, Section 15064.3 confirms that, except with respect to transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. Therefore, LOS measures of impacts on traffic facilities are no longer a relevant CEQA criteria for transportation impacts.

CEQA Guidelines Section 15064.3(b)(4) states that “[a] lead agency has discretion to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's VMT and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate VMT and any revision to model outputs should be documented and explained in the environmental document prepared for the project.” Below is a discussion of the threshold and analysis used to analyze VMT impacts from the proposed Project.

According to page 19 of the Technical Advisory on Evaluating Transportation Impacts in CEQA published by the Governor's Office of Planning and Research (OPR), “of land use projects, residential, office, and retail projects tend to have the greatest influence on VMT. For that reason, OPR recommends the quantified thresholds described above for purposes of analysis and mitigation. Lead agencies, using more location-specific information, may develop their own more specific thresholds, which may include other land use types.” Neither the City of Madera nor the County's Regional Transportation Planning Agency (Madera County Transportation Commission (MCTC)), have established VMT thresholds or guidelines. Since the MCTC and the City of Madera do not have established thresholds or guidelines, the state guidelines, including the Technical Advisory document mentioned above, have been utilized as the default methodology used to analyze VMT impacts.

Although it is likely that any proposed developments that could be implemented under the proposed Project could be screened out and thus VMT impacts determined to be less than significant, such developments would nonetheless be required to undergo both traffic impact and VMT analysis as applicable on a project level. No impacts would occur.

**c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**No Impact.** Because the proposed Project does not specify any development, there are no traffic design features such as curves or intersections. Future development that could be constructed and operated would undergo project-specific analysis. No impacts would occur.

**d) Would the project result in inadequate emergency access?**

**No Impact.** Emergency access would only be affected if development construction would result in lane closures or long-term operations would result in restricted road capacity. Because the Project does not propose specific development and such development would undergo site-specific analysis with regard to emergency access, no impacts would occur.

## 4.18 Tribal Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.18.1 Environmental Setting

Assembly Bill 52 (AB 52) requires consultation with California Native American tribes during the CEQA process to determine potential effects of proposed projects on a tribal cultural resource. Pursuant to Public Resources Code (PRC) Section 21080.3.1, the lead agency shall begin consultation with the California Native American tribe that is traditionally and culturally affiliated with the geographical area of the proposed project. Such significant cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe which is either on or eligible for inclusion in the California Historic Register or local historic register, or, the lead agency, at its discretion, and support by substantial evidence, choose to treat the resources as a Tribal Cultural Resources (PRC Section 21074(a) (1-2)). To date, the City of Madera has not received a request from any California Native American tribes in the geographic area to be notified about projects in the City of Madera.

## 4.18.2 Impact Assessment

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

*i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or*

**No Impact.** The Project does not propose specific development. Such development that could occur would be analyzed in a site-specific environmental review including with regard to Tribal Cultural Resources.

*ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

**No Impact.** The Project does not propose specific development. Such development that could occur would be analyzed in a site-specific environmental review including with regard to Tribal Cultural Resources.

## 4.19 Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which 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"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.19.1 Environmental Setting

The Project does not propose specific development. Future projects that could occur as a result of Project implementation would be required to connect to water, sewer, stormwater, and wastewater services provided by the City of Madera and may be subject to fees to be provided such services. In addition, future projects would be subject to compliance with the City's Water System Master Plan (2014), Sanitary Sewer System Master Plan (2014), and Urban Water Management Plan (2015).

## 4.19.2 Impact Assessment

- a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

**No Impact.** The project would permit the construction and operation of both vertically integrated and retail only cannabis businesses in specific areas of the City. It is unlikely that such activities would require new water or storm water infrastructure, however the Project analyzed herein does not propose specific development. Future development that could occur under the Project would be subject to project-level environmental review, including on the topic of water and wastewater infrastructure. Because the Project does not propose specific development, no impacts would occur.

- b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

**No Impact.** As mentioned in the above under item a), the Project is a regulatory and policy ordinance that would permit a limited number of cannabis businesses in certain sections of the City subject to specific regulations. It is unlikely that developments that could be permitted under the Project would use water supplies at a rate such that current water supplies become insufficient. However, the Project does not propose specific development and future development would be subject to project-level environmental review. Therefore, no impacts would occur.

- c) Would the project result in a determination by the wastewater treatment provider which 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?

**No Impact.** The City of Madera Wastewater Treatment Plant (WWTP) is the regional facility for disposal of wastewater for residential, commercial, and industrial accounts. As previously mentioned, the Project does not propose specific development and would therefore not generate additional wastewater. No impacts would occur.

- d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

**No Impact.** Although future developments that could occur as a result of Project implementation would be required to comply with Madera Municipal Code, Title V: Sanitation and Health, Chapter 3: Garbage, Refuse, and Recycling, and all other State and local solid waste standards, the Project itself does not propose specific development. Therefore, no impacts would occur as no solid waste would be generated as a result of Project implementation.

- e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

**No Impact.** Although vertically integrated cannabis production facilities that would be constructed and operated under the proposed Project have the potential to generate solid waste beyond what is currently



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generated in the City, it is not known to what extent as the Project does not propose specific development. Future developments that could occur as a result of Project implementation would undergo site-specific environmental reviews. No impacts would occur.

## 4.20 Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 4.20.1 Environmental Setting

The Project site is not identified by the California Department of Forestry and Fire Protection (Cal Fire) or the City of Madera as a Very High Fire Hazard Severity Zone (VHFHSZ).

### 4.20.2 Impact Assessment

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

#### a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

**No Impact.** The Project site is not within an area of local responsibility and are not identified by Cal Fire as a Very High Fire Hazard Severity Zone (VHFHSZ). Further, future projects implemented under the cannabis ordinances would be required to comply with adopted emergency response plans and emergency evacuation plans and thereby would not substantially impair any such plans. As such, the Project would have no impact.

- b) Due to slope, prevailing winds, and other factors exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

**No Impact.** The City of Madera does not lie within a VHFHSZ so future projects that could occur under the ordinances both adopted and amended would be unlikely to expose occupants to wildfire hazards beyond existing conditions. However, the Project does not propose specific developments and such developments that could occur in the future would have site-specific environmental evaluations. No impacts would occur.

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

**No Impact.** Cannabis developments that could occur under the adopted and amended ordinances would be subject to individual environmental review, including infrastructure provision. Because the ordinances do not propose specific development, no impacts would occur.

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

**No Impact.** The Project site is composed of relatively flat, infill properties. As a result, slopes are not expected to be affected by future projects that would be constructed in the Project site. In addition, future developments in the footprint would be required to undergo project-specific environmental evaluation. No impacts would occur.

## 4.21 CEQA Mandatory Findings of Significance

Does the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have the potential to substantially 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, substantially 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) 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) Have environmental effects which 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"/>

### 4.21.1 Impact Assessment

a) Does the project have the potential to substantially 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, substantially 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?

**No Impact.** The analyses of environmental issues contained in this Initial Study indicate that the Project is not expected to have substantial impact on the environment or on any resources identified in the Initial Study. Any potential impacts based on specific development that could be developed in the future would be subject to project-level environmental review. No impacts would occur.

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)?

**No Impact.** CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. As stated elsewhere above, the Project does not propose specific development. No impacts would occur.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**No Impact.** As stated elsewhere above, the Project does not propose specific development. No impacts would occur. Future development would be evaluated on a project-specific basis.

# Appendix A

## Ordinance 976 C.S.

# Appendix B

## Ordinance No. 977 C.S.