




## REPORT TO CITY COUNCIL

**Approved by:**

  
\_\_\_\_\_

Department Director

  
\_\_\_\_\_

Arnoldo Rodriguez, City Manager

**Council Meeting of:** February 16, 2022

**Agenda Number:** C-2

**SUBJECT:**

General Plan Amendment and Related Rezoning of property for the development of the Sunset Apartment Project

**RECOMMENDATION:**

It is recommended that the City Council hold the public hearing and after it is closed take the following actions by separate motion in order presented:

1. Adopt a Resolution Amending the General Plan Land Use Map for Property (Approximately 0.875 Acres) Located at the Northeast Corner of the Intersection of Sunset and Orchard Avenues, Amending the Commercial General Plan Land Use Designation to High Density Residential and Adopting a Negative Declaration (APN: 006-182-007); and
2. Waive full reading and introduce an Ordinance Rezoning the Approximately 0.2 Northern Acres of the Property Located at the Northeast Corner of the Intersection of Sunset and Orchard Avenues (APN: 006-182-007) to Adjust the Boundaries of the R3 (*One unit per 1,800 square feet of site area*) Zone District and Delete the R1 (*One unit per 6,000 square feet of site area*) Zone District.

**SUMMARY:**

The project proponent is requesting an amendment to the General Plan designation of the property located at the northeast corner of the intersection of Sunset and Orchard Avenues (APN: 006-182-007). The request also includes rezoning of the approximately 0.2 northern acres of the property as part of a project including a Site Plan Review. The General Plan amendment would change the planned land use from the C (Commercial) land use designation to the HD (High Density Residential) land use designation. Concurrently the rezoning would remove the R1 (*One unit per 6,000 square feet of site area*) zone district and replace it with the R3 (*One unit per 1,800*

*square feet of site area*) zone district, to be consistent with the HD land use designation. Positive action on the requested General Plan amendment and rezoning would enable the development of a 15-unit apartment complex as approved under Site Plan Review (SPR) 2020-01. A resolution approving the General Plan amendment (Attachment 6), and an ordinance implementing the rezone (Attachment 8) have been prepared for Council consistent with the Planning Commission's actions at its November 9, 2021 meeting.

#### **DISCUSSION:**

The applicant, Gary Rogers on behalf of Aftab Naz, proposed SPR 2020-01, a 15-unit apartment complex (Sunset Apartments) on approximately 0.875 acres. The proposed project would require GPA 2020-01 in order to change the land use designation of the site from C (Commercial) to HD (High Density Residential). In addition, REZ 2021-01 would change the zone district of the northern one-quarter of the property from R1 to R3 (approximately 0.2 acres), to be consistent with the HD land use designation. The southern three-quarters of the property (approximately 0.7 acres) is currently zoned R3. After review of the proposed project, the site plan is anticipated to be compatible with the surrounding land uses in the area. Conditions, as appropriate, have been approved for the SPR 2020-01 to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies.

The Planning Commission at its November 9, 2021 meeting recommended approval of the Negative Declaration, General Plan Amendment, and Rezone for the subject development applications. The Planning Commission also approved SPR 2020-01.

#### **General Plan Amendment 2020-01 and Rezone 2021-01**

The General Plan currently designates the project site C (Commercial). The Commercial designation provides for a broad range of commercial related activities and business services. The Commercial land use designation was in place to facilitate the use of the property at the time the current General Plan was adopted in 2009, which was the former Madera Athletic Club and later Gold's Gym and Thrive Fitness. However, the existing R3 (*One unit per 1,800 square feet of site area*) zone district, which applies to a majority of the property, and R1 (*One unit per 6,000 square feet of site area*) zone district for the property is not consistent with the existing Commercial land use designation. Due to the inconsistency between the zoning and land use designation, the applicant is requesting an amendment from the C (Commercial) to the HD (High Density Residential) General Plan land use designation. The density requirements for the HD land use designation range between 15.1 and 50 dwelling units per acre (du/ac). As such, the HD land use designation would allow for the approximately 0.875-acre project site to be developed with between 13 and 45 units. As approved, SPR 2020-01 would provide 17.14 du/ac, consistent with the HD land use designation.

The southern three-quarters of the property (approximately 0.7 acres) is currently zoned R3 (*One unit per 1,800 square feet of site area*). The remaining northern one-quarter of the property (approximately 0.2 acres) is zoned R1 (*One unit per 6,000 square feet of site area*). REZ 2021-01

would rezone the northern one-quarter of the project site to R3 for consistency with the rest of the property. The R3 zone district is also consistent with the HD land use designation, proposed under GPA 2020-01. The R3 zone district, which is consistent with the proposed HD land use designation, allows for residential development at a maximum density of one unit for every 1,800 square feet of site area, which would allow up to 21 dwelling units on the property. As approved, SPR 2020-01 would provide one unit for every 2,541 square feet of site area and is consistent with the R3 zone district.

#### Site Plan Review 2020-01

SPR 2020-01 approves development of a 15-unit apartment complex on the 0.875-acre site. Four units are proposed in the existing structure on-site located at the north end of the property, proposed for renovation. The remaining 11 units would be new construction at the south end of the site. Nine 2-bedroom units and six 3-bedroom units are proposed, resulting in a density of approximately 17 du/ac, which is consistent with the R3 zone district and HD land use designation density allowances. An on-site leasing office is also proposed to collect and manage tenant rents. Upon review, the proposed project would found to be consistent with the requirements of the Zoning Ordinance and General Plan policies, including the provision of infrastructure and compatibility with surrounding uses. The Planning Commission approved SPR 2020-01 at their November 9, 2021 meeting, subject to City Council approval of GPA 2020-01 and REZ 2021-01.

#### CEQA

The proposed project has been reviewed for compliance with CEQA. The City prepared an initial study and, on that basis, determined that the proposed project will not have significant adverse effects on the environment and that a Negative Declaration could be prepared. The Initial Study/Negative Declaration (IS/ND) was published for a 21-day review and comment period commencing on September 29, 2021. One comment letter was received during the review period, which ended on October 19, 2021. See Attachment 7.

#### **FISCAL IMPACT:**

The applicant submitted \$10,967.75 in Planning Department entitlement fees to offset the costs associated with processing this General Plan amendment, rezone, site plan review, and supporting environmental determination. Additional fees will be required from the Engineering and Building Departments in conjunction with final approval of civil improvement plans and building plan check and permitting. With development of the approved apartment complex, the developer will pay development impact fees toward supporting City infrastructure and services.

#### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN:**

A continuation of the City's planned growth for residential land uses, as proposed by SPR 2020-01, and further facilitated by GPA 2020-01 and REZ 2021-01, supports the vision for Well Planned Neighborhoods and Housing. This principle recognizes that the provision of housing opportunities is a key component in the implementation of the City's General Plan and vision for the community.

**ALTERNATIVES:**

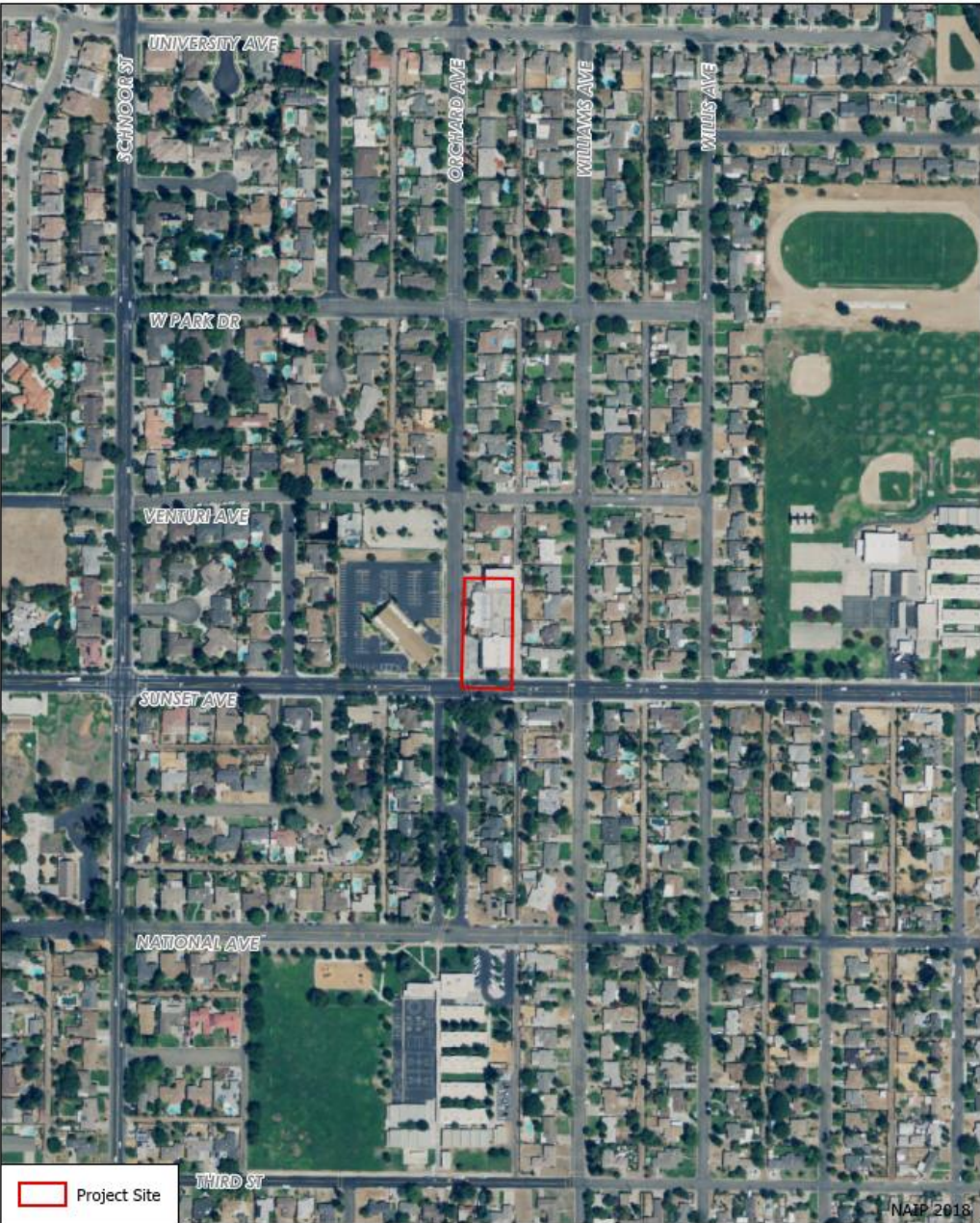
The Council could consider alternatives other than staff's recommendation for approval of the General Plan amendment and introduction of the rezone ordinance. Those include:

1. Denial of the request for General Plan amendment and rezone. Should the requests be denied, the project site would remain within the current General Plan and zoning. A rezone request to comply with the existing C (Commercial) land use designation would be required. A new development would need to be proposed consistent with the new commercial zone district. Revised environmental documentation would be necessary per the California Environmental Quality Act.
2. Continuing the item with direction to staff to provide additional information so as to allow the Council time to digest that information in advance of a decision.
3. Provide staff with other alternative directives.

**ATTACHMENTS:**

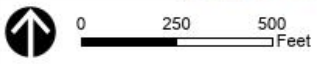
1. Aerial Imagery
2. Existing and Proposed Zoning
3. Present and Proposed Planned Land Use
4. Site Plan Review 2020-01 Site Plan and Elevations
5. Planning Commission Resolution No. 1898
6. City Council General Plan Amendment Resolution
  - Exhibit A – Current Land Use Designation
  - Exhibit B – Amended (New) Land Use Designation
7. Negative Declaration and Comment Letter
8. Rezone Ordinance
  - Exhibit A – Current Zoning
  - Exhibit B – Proposed Zoning

## Attachment 1: Aerial Imagery



 Project Site

NAIP 2018



PROVOST &  
PRITCHARD

## Attachment 2: Existing and Proposed Zoning

# Existing Zoning



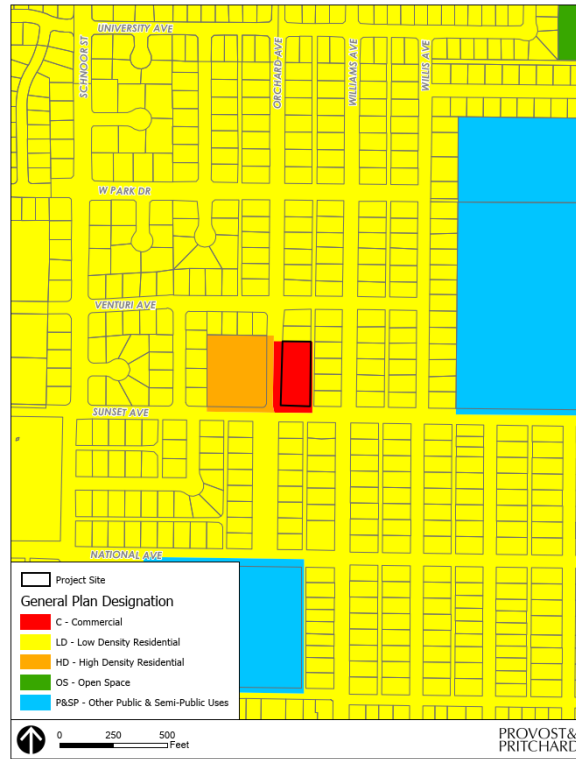
# Proposed Zoning





## Attachment 3: Present and Proposed Planned Land Use

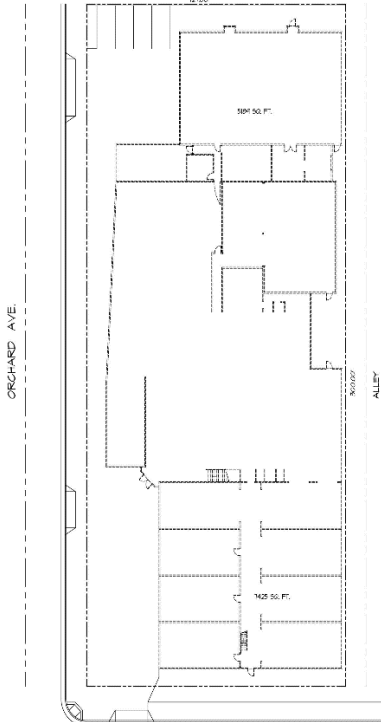
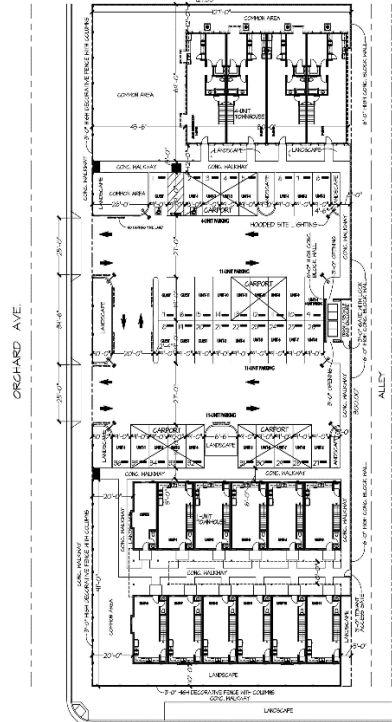
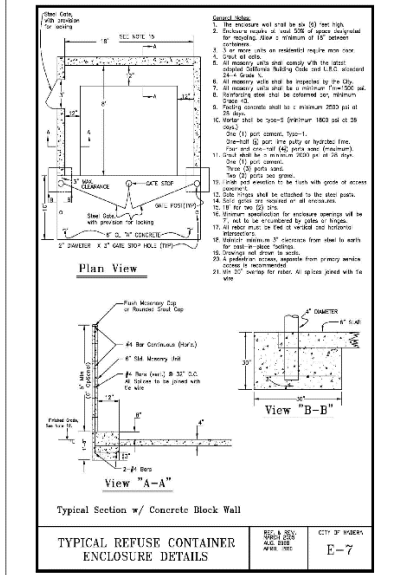
## Current General Plan



## Proposed General Plan



Attachment 4: Site Plan Review 2020-01 Site Plan and Elevations



**Site Data**

APN:	008-482-001
SITE ACC.:	8125 SUNSET AVE MARIETTA, CA 95821

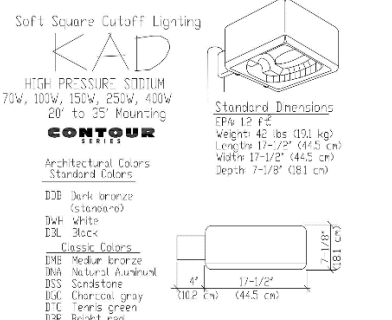
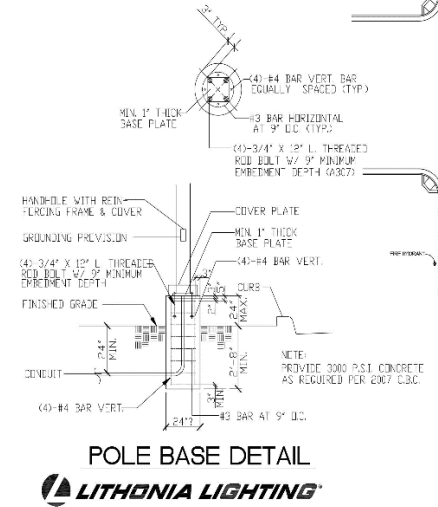
**15 Units**

**Parking Requirements**

3 BEDROOM UNITS	12
PARKING SPACES REQUIRED	22
3 BEDROOM UNITS	3
PARKING SPACES REQUIRED	6
TOTAL SPACES REQUIRED	30
OFFICE PARKING	
PARKING SPACES REQUIRED	0
SPACES PROVIDED	36
SPACES REMAINING	36
CARPORTS	0
OTHER SPACES	0

**Coverages**

SITE AREA	38620 SQ. FT.
APARTMENT UNITS (GROUND FLOOR)	1455 SQ. FT.
PARKING / PAYMENT AREA	4538 SQ. FT.
COMMON AREA PROVIDED	3685 SQ. FT.
LANDSCAPE AREA PROVIDED	4288 SQ. FT.
LANDSCAPE + COMMON	6181 SQ. FT. (16%)



**FEATURES AND SPECIFICATIONS**

**INTENDED USE**- In-use for parking areas, street lighting, walkways and car lots

**CONSTRUCTION**- Rugged, die-cast, soft corner aluminum housing with 0.125" nominal wall thickness. Excludes 4" soft corner arm for pole or wall mounting is standard. The cast door frame is impact resistant, low porosity glass lens that is fully gasketed with anti-leak tubular silicone.

**FINISH**- Sparkling finish is extra coarse GDB polyester powder, with other architectural colors available.

**OPTICAL SYSTEM**- Anodized aluminum hydroformed reflectors: IES Full Cutoff distributions: 92 (Asymmetric), E3 (Asymmetric), 24 (Parabolic throw) and 100 (Square). High performance secondary, segmented aluminum reflectors: 303 Full cutoff distributions: 303 (Asymmetric), 303 (Asymmetric) and 303 (Parabolic throw, sharp cutoff). Segmented reflectors option with soft cast lensers and are available for interchangeable.

**ELECTRICAL SYSTEM**- High reactance high power factor ballast for 70W, 100W, 150W, 250W, 400W compact fluorescent autotransformer. For 250/400W, Ballast is copper-wound and 100% failure-free.

**REMARKS**- horizontally orientable, metal base socket with copper alloy nickel-plated bronze shell, one center contact, UL listed 100W, 600W, 100V push-button.

**LISTINGS**- UL Listed (Standard), CSA Certified (see options), UL listed for wet locations IP65 noted in accordance with standard IEC 60529.

Example: KAD 400S R2 123 SP004 LP1

**LOT LIGHTING**

PROVIDE LENS COVER AT ALL EXTERIOR LIGHTING AS REQUIRED

**SITE PLAN**

**SUNSET AVE. 11 UNIT TOWNHOUSE**

**Gary A. Rogers - Architect**

1111 N. 4th St., Suite 9  
MARIETTA, CALIFORNIA 95821  
OFFICE (916) 424-6596  
CELL (916) 424-6596  
PLANNING • DESIGN • CONSTRUCTION PROJECT SERVICES

**PLANS FOR:**

**SUNSET AVE. 11 UNIT TOWNHOUSE**

**S.1**



Timbertex English Gray roofing shingles



SW 7638 Jogging Path  
Interior / Exterior  
Location Number: 247-C2

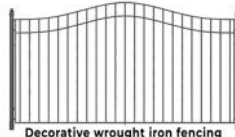


Hardie fiber cement shingle siding in Sherwin Williams 'Jogging Path'



SW 7654 Lattice  
Interior / Exterior  
Location Number: 239-C2

Trim color: Sherwin Williams 'Lattice'



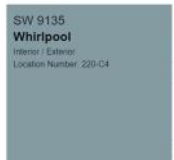
Decorative wrought iron fencing



SW 6227 Meditative  
Interior / Exterior  
Location Number: 229-C3



Hardie fiber cement board & batten siding in Sherwin Williams 'Meditative'



SW 9135 Whirlpool  
Interior / Exterior  
Location Number: 229-C4



Hardie fiber cement lap siding in Sherwin Williams 'Whirlpool'



SW 9140 Blustery Sky  
Interior / Exterior  
Location Number: 221-C5



Smooth trowel stucco in Sherwin Williams 'Blustery Sky'



Redland Brick 915 Cheswick Modular



11 UNIT - SOUTH ELEVATION



11 UNIT - WEST ELEVATION



11 UNIT - NORTH ELEVATION



11 UNIT - EAST ELEVATION

Gary A. Rogers - Architect  
188 HENRIE ROAD - SUITE 8  
MADERA, CALIFORNIA 93637 OFFICE: (509) 674-6598  
PLANNING • DESIGNING • CONSTRUCTION PROBLEM SOLVING




AFTAB NAZ  
1111 W. 4TH STREET  
MADERA, CA 93637 (509) 675-3000

PLANS FOR:

1803 Sunset Ave,  
Madera, CA 93637




Metal sheet roofing in Sherwin Williams 'Hardware' to match existing columns



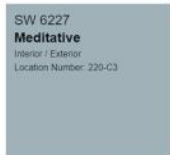
Hardie fiber cement shingle siding in Sherwin Williams 'Jogging Path'



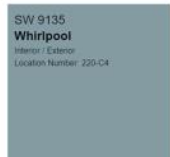
Trim color: Sherwin Williams 'Lattice'



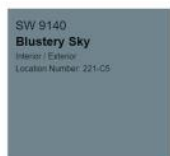
Anderson Windows 200 series with 'Craftsman' & 'Prairie' style grilles



Hardie fiber cement board & batten siding in Sherwin Williams 'Meditative'



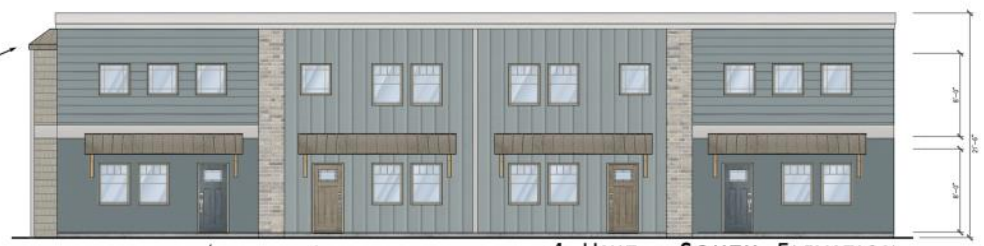
Hardie fiber cement lap siding in Sherwin Williams 'Whirlpool'



Smooth trowel stucco in Sherwin Williams 'Blustery Sky'



Redland Brick 915 Cheswick Modular



4 UNIT - SOUTH ELEVATION



4 UNIT - WEST ELEVATION



4 UNIT - NORTH ELEVATION



4 UNIT - EAST ELEVATION

Cary A. Rogers - Architect  
1816 HOWARD ROAD - SUITE 6  
MADERA, CALIFORNIA 93637 OFFICE: (559) 673-3000  
PLANNING • DESIGNING • CONSTRUCTION PROGRAM SOLVING



NO.	DATE	DESCRIPTION

AFTAB NAZ  
1111 W. 4TH STREET  
MADERA, CA 93637 (559) 673-3000

PLANS FOR

1803 Sunset Ave,  
Madera, CA 93637

NO.	DATE	DESCRIPTION

Attachment 5: Planning Commission Resolution No. 1898

**RESOLUTION NO. 1898**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
APPROVING SITE PLAN REVIEW (SPR) 2020-01, ADOPTING THE NEGATIVE  
DECLARATION FOR THE PROJECT, AND RECOMMENDING APPROVAL OF  
GENERAL PLAN AMENDMENT (GPA) 2020-01 AND REZONE (REZ) 2021-01  
(SUNSET APARTMENTS)**

**WHEREAS**, Aftab Naz (“Owner”) owns APN 006-182-007 in Madera, California (“site”); and

**WHEREAS**, the 0.875-acre site was previously developed and occupied by a commercial (gym) use and is planned C (Commercial); and

**WHEREAS**, the southern three-quarters of the property (approximately 0.7 acres) is zoned R3 (*One unit per 1,800 square feet of site area*) and the northern one-quarter of the property (approximately 0.2 acres) is zoned R1 (*One unit per 6,000 square feet of site area*) for residential land uses; and

**WHEREAS**, the Owner is seeking a General Plan Amendment (GPA 2020-01) to amend the General Plan land use designation of the site from C (Commercial) to HD (High Density Residential); and

**WHEREAS**, the Owner is seeking a Rezone (REZ 2021-01) to change the zone district of the northern one-quarter of the property (approximately 0.2 acres) from R1 (One unit per each 6,000 square feet of site area) to R3 (One unit per each 1,800 square feet of site area); and

**WHEREAS**, the Owner is seeking a Site Plan Review (SPR 2020-01) to allow for development of a 15-unit apartment complex, including parking and open space areas within the area of the site; and

**WHEREAS**, an Initial Study/Negative Declaration (IS/ND) has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., the Guidelines for implementation of CEQA, Title 14 California Code of Regulations, Chapter 3, Section 15000, et seq., and the Madera Municipal Code; and

**WHEREAS**, the Planning Commission has independently reviewed and considered the information contained in the IS/ND; and

**WHEREAS**, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

**WHEREAS**, under the City’s Municipal Code, the Planning Commission is authorized to review and approve site plan reviews on behalf of the City; and

**WHEREAS**, under the City’s Municipal Code and State Planning and Zoning Law, the Planning Commission is authorized to review and make recommendations to the City Council for general plan amendments and rezones on behalf of the City; and

**WHEREAS**, the City provided notice of the Planning Commission hearing as required by law; and



**WHEREAS**, the Planning Commission received and reviewed GPA 2020-01, REZ 2021-01, and SPR 2020-01 at a duly noticed meeting on November 9, 2021; and

**WHEREAS**, at the November 9, 2021, Planning Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

**WHEREAS**, the Planning Commission now desires to approve SPR 2020-01 and the negative declaration for the project per the California Environmental Quality Act and provide recommendations to the City Council on GPA 2020-01, REZ 2021-01, and the negative declaration for the project per the California Environmental Quality Act.

**NOW THEREFORE**, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission adopts the Initial Study/Negative Declaration (IS/ND) for the project, finding the negative declaration is adequate and has been completed in compliance with the California Environmental Quality Act and the State CEQA Guidelines.
3. Findings for SPR 2020-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2020-01, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-3.4.01. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Findings to Approve a Site Plan Review

*Finding a: The proposal is consistent with the General Plan and Zoning Ordinance.*

SPR 2020-01 is conditioned on the approval of GPA 2020-01 and REZ 2021-01, which would amend the land use designation to HD (High Density Residential) and change the zone district for a portion of the property to the R3 (*One unit for every 1,800 square feet of site area*) zone district, consistent with the remainder of the existing zoning on-site. The 15-unit apartment complex, as proposed under SPR 2020-01, would be in compliance with the purpose and intent of the R3 zone district, which is consistent with the proposed High Density Residential land use designation. SPR 2020-01, as conditioned, does not conflict with City standards or other provisions of the Code and is consistent with applicable General Plan policies.

*Finding b: The proposal is consistent with any applicable specific plans.*

The project site is not located within a specific plan area.

*Finding c: The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.*

SPR 2020-01 has been reviewed and, as conditioned, is compatible with surrounding uses and with all applicable requirements for development in the R3 zone district, including provisions for access to and from the site, parking facilities, drainage, and lighting. The construction of a new apartment complex would add a residential use to a site planned and zoned for residential use. Based on the environmental analysis prepared, the project will not generate significant amounts of noise, light, or traffic.

*Finding d: The proposed project is consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality.*

SPR 2020-01 requires no street improvements as it is located within an urban area that was previously developed with adequate improvements. While minor improvements may be required, such as sidewalk improvements and new driveway locations, no major improvements are required as the project is located on a previously developed site with existing street infrastructure. The project will not have a significant impact on traffic or the environment as the surrounding street system is adequate to accommodate project traffic.

4. Approval of SPR 2020-01: Given that all findings can be made, the Planning Commission hereby approves SPR 2020-01 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A" which approvals are contingent upon the following:

The conditional approval of SPR 2020-01 shall be final and effective immediately only after the City Council of the City of Madera approves the applicant's request to amend the project site's land use designation to HD (High Density Residential) and rezone a portion of the property to the R3 (*One unit for every 1,800 square feet of site area*) zone district. If the Council approval is not made within 180 days of the adoption of this Resolution, then SPR 2020-01 shall be returned to the Planning Commission for further consideration and a final decision. If Council approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council in a manner that could reasonably affect the findings of the Planning Commission herein or require a modification or addition of a condition of approval to be consistent with a Council approval, then SPR 2020-01 shall be returned to the Planning Commission for further consideration and a final decision.

5. Recommendation to City Council to approve GPA 2020-01: The Planning Commission finds and determines that GPA 2020-01 is consistent with the City of Madera's planned growth for residential land uses and supports the vision for Well Planned Neighborhoods and Housing, recognizing that the provision of housing opportunities is a key component in the implementation of the City's General Plan and vision for the community. Therefore, based on the evidence in the record, the Planning Commission recommends that the City Council approve GPA 2020-01 amending the General Plan land use designation for the project site from C (Commercial) to HD (High Density Residential).

6. Recommendation to City Council to approve REZ 2021-01: The Planning Commission finds and determines that the proposed R3 zone district as requested under REZ 2021-01 described herein is consistent with the HD (High Density Residential) planned land use designation. Therefore, based on the evidence in the record, the Planning Commission recommends that City Council approve REZ 2021-01 changing the zone district for the northern one-quarter of the subject property (approximately 0.2 acres) from R1 (*One unit per 6,000 square feet of site area*) to R3 (*One unit per 1,800 square feet of site area*).

7. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 9<sup>th</sup> day of November 2021, by the following vote:

AYES: Commissioners; Rohi Zacharia, Bobby Sheikh, Balwinder Singh, Robert Gran Jr., Alex Salazar

NOES: None

ABSTENTIONS: None

ABSENT: Commissioner Ryan Cerioni

  
Robert Gran Jr.  
Planning Commission Chairperson

Attest:

  
\_\_\_\_\_  
Gary Conte, AICP  
Planning Manager

Exhibit "A" – Conditions of Approval for SPR 2020-01

Attachment 6: City Council General Plan Amendment Resolution

RESOLUTION NO. \_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING  
AN AMENDMENT TO THE GENERAL PLAN CHANGING THE LAND USE  
DESIGNATION OF APPROXIMATELY 0.875 ACRES LOCATED AT THE  
NORTHEAST CORNER OF THE INTERSECTION OF SUNSET AVENUE AND  
ORCHARD AVENUE TO MODIFY THE LAND USE DESIGNATION OF  
COMMERCIAL TO HIGH DENSITY RESIDENTIAL (APN: 006-182-007) AND  
ADOPTING A NEGATIVE DECLARATION**

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

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

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

**WHEREAS**, Aftab Naz, Property Owner has initiated an amendment to the Madera General Plan amending the land use designation for approximately 0.875 acres of property located at the northeast corner of the intersection of Sunset Avenue and Orchard Avenue modifying the C (Commercial) land use designation as shown in the attached Exhibit "A"; and

**WHEREAS**, the Property Owner is seeking a General Plan Amendment (GPA 2020-01) to amend the General Plan land use designation of the site from C (Commercial) to HD (High Density Residential), as shown in Exhibit "B"; and

**WHEREAS**, the Property Owner has initiated a Rezone of the property to establish the R3 Zone District and remove the existing R1 Zone District, to be consistent with the proposed planned use, as shown in the attached Exhibit "B"; and

**WHEREAS**, the proposed General Plan amendment and Rezone will provide the required consistency between the General Plan and Zoning Ordinance; and

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

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

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

**WHEREAS**, the Planning Commission of the City of Madera held a public hearing on November 9, 2021, and adopted a resolution recommending to the City Council approval of the General Plan amendment and rezoning; and

**WHEREAS**, based upon the testimony and information presented at the hearing, including the initial study and Negative Declaration and all evidence in the whole record pertaining to this matter, the Commission found that the Negative Declaration has been prepared pursuant to the California Environmental Quality Act, that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the City of Madera, and was adopted in accordance with the California Environmental Quality Act; and

**WHEREAS**, the City Council has completed its review of the staff report and documents submitted for the proposed project, evaluated the information and considered testimony received as a part of the public hearing process.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MADERA AS**

**FOLLOWS:**

1. The above recitals are true and correct.
2. The City Council finds an environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the City Council finds there is no substantial evidence in the record, and that a Negative Declaration is appropriate for this project. The City Council further finds the Initial Study and Negative Declaration were timely and properly published and notices as required by CEQA, and one comment was received by the City within the required comment period. Therefore, the City Council adopts the Negative Declaration for this project, attached hereto as Attachment "7".
3. Based on the testimony and information presented at the hearing, and all of the evidence in the whole of the record pertaining to this matter, the City Council hereby finds that the City of Madera General Plan Land Use Map be amended as specified and described in Exhibit "B" which is attached to this resolution and incorporated by reference.

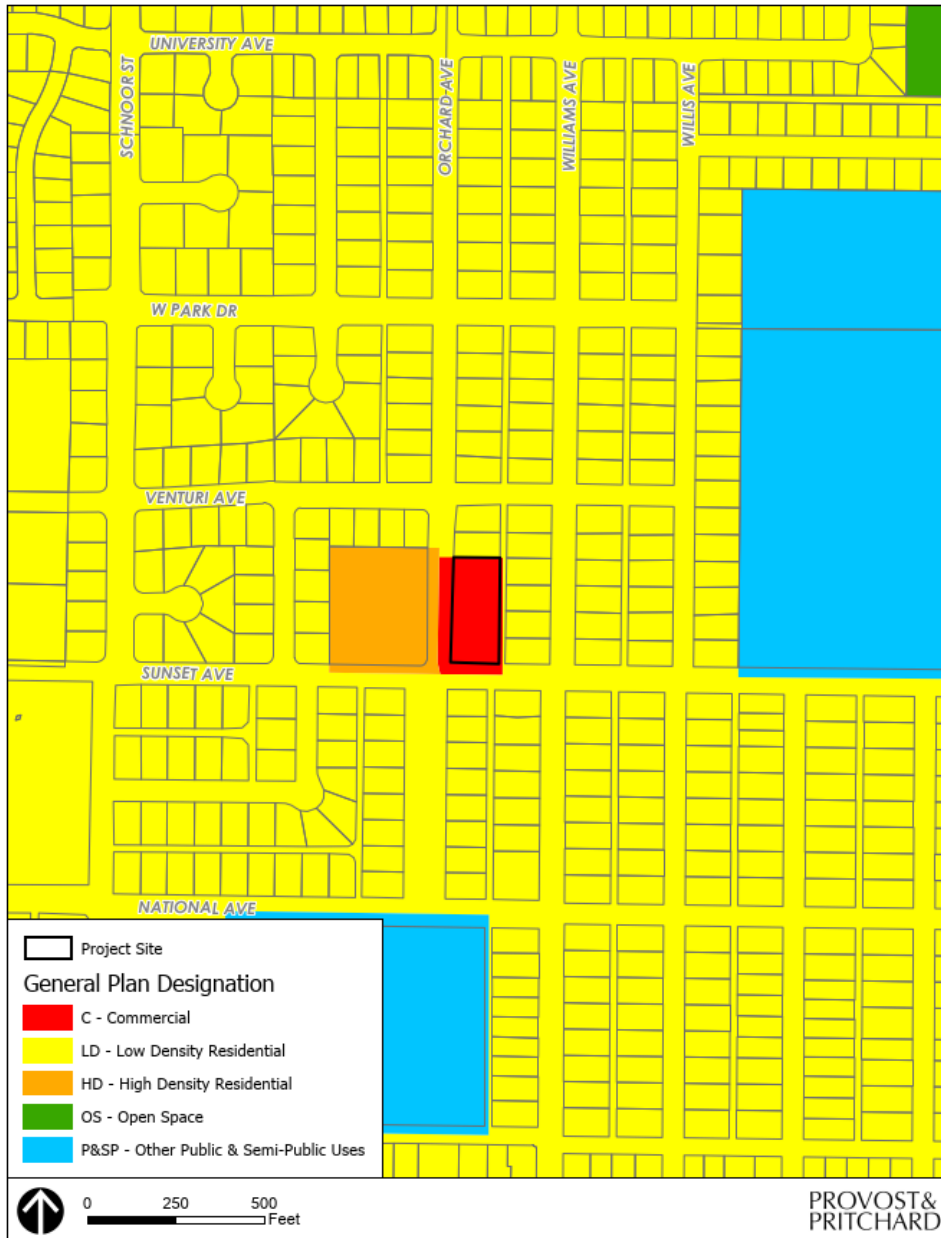
4. Based on the testimony and information presented at the hearing, and all of the evidence in the whole of the record pertaining to this matter, the City Council hereby finds that the proposed amendment to the City of Madera General Plan Land Use Map is hereby found consistent with all elements of the Madera General Plan and its goals, policies, objectives.

5. The property shall be amended from C (Commercial) to HD (High Density Residential) land use pertaining to the General Plan.

6. This resolution is effective upon adoption.

\* \* \* \* \*

### EXHIBIT 'A' – Current Land Use Designation(s)





**EXHIBIT 'B' – Amended (New) Land Use Designation(s)**



Attachment 7: Negative Declaration

# **Sunset Apartments (GPA 2020-1, REZ 2021-01, SPR 2020-01, ENV 2021-52)**

Initial Study / Negative Declaration

September 2021

Prepared for:



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

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**Appendix A:** NRCS Soils Report

**Appendix B:** CalEEMod Output Files

**Appendix C:** Tribal Consultation Letters

# Chapter 1 Introduction

Provost & Pritchard Consulting Group has prepared this Initial Study/Negative Declaration (IS/ND) on behalf of the City of Madera to address the environmental effects of the proposed Sunset Apartments (Project). 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 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, an 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 Mitigated 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 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 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 less than significant or why no impacts are expected is included. The Natural Resources Conservation Service Soil Report, CalEEMod Output Files and Tribal consultation letters are provided as technical [Appendix A, B and C](#), respectively at the end of this document.



# Chapter 2 Project Description

## 2.1 Project Background

### 2.1.1 Project Title

Sunset Apartments (GPA 2020-01, REZ 2021-01, SPR 2020-01, ENV 2021-52)

### 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

Gary Conte, AICP, Planning Manager  
559.661.5430  
gconte@madera.gov

#### Applicant Information

Gary A. Rogers  
1816 Howard Road, Suite 8

### 2.1.4 Study Prepared By

Provost & Pritchard Consulting Group  
455 W. Fir Avenue  
Clovis, CA 93611

### 2.1.5 Project Location

The Project is located in the western area of the City Madera, California less than one mile west of State Route (SR) 99 and approximately 1.5 northwest of SR 145. The Project site is composed of 0.875 gross acres and is located on the northeast corner of Sunset and Orchard Avenues. The physical address of the Project site is 1803 Sunset Avenue. The 0.875-acre Project site occupies a portion of Section 23, Township 11 South, Range 17 East, Mount Diablo Base and Meridian.<sup>1</sup> The Project site is identified as Madera County Assessor's Parcel Number (APN) 006-182-007 (see [Figure 2-1](#) and [Figure 2-2](#)).

### 2.1.6 Latitude and Longitude

The centroid of the Project area is 36° 57' 38.412" N, 120° 4' 47.028" W.

---

<sup>1</sup> United States, Department of Interior, Geological Survey, and State of California, Department of Water Resources. *Madera Quadrangle, California, 7.5 Minute Series (Topographic)*, Photo revised 1981.

## 2.1.7 General Plan Designation

The Project site is designated C (Commercial) (see [Figure 2-3](#)).

## 2.1.8 Zoning

The southern three-quarters of the Project site is zoned R3 (One unit per 1,800 square feet), while the northern one-quarter of the Project site is zoned R1 (One unit per each 6,000 square feet) (see [Figure 2-4](#)).

## 2.1.9 Description of Project

### Project Description

The applicant, Gary Rogers on behalf of the property owner, Aftab Naz, is proposing to amend the Project site's General Plan Land Use designation as well as rezone a portion of the property to enable the construction of a 15-unit residential apartment complex. GPA 2020-01 requests a change to the Project site's land use designation from C (Commercial) to HD (High Density Residential) (see [Figure 2-5](#)). In addition to the General Plan Amendment request, the applicant has submitted a Rezone application (REZ 2021-01) to rezone the northern one-quarter of the Project site (0.013 net acres) to R3 (One unit per 1,800 square feet) to be consistent with the proposed HD land use designation (see [Figure 2-6](#)). The existing zoning for the southern three-quarters of the Project site would be consistent with the proposed General Plan land use amendment.

The applicant has submitted a Site Plan Review application (SPR 2020-01), which would result in the construction of a new 11-unit building on the southern portion of the site, while an existing, fire damaged building on the northern end of the site would be rehabilitated into a 4-unit building. Both the 11-unit and the 4-unit buildings would be two-story structures. In total, the Project would result in the construction of nine two-bedroom units, six three-bedroom units, and an office unit that will be used as a leasing office to collect and manage tenants rents. Site access would be provided from Orchard Avenue. Once completed, the Project would result in a total of 15 units and 36 parking spaces of which 15 will be covered parking (see [Figure 2-7](#), [Figure 2-8](#), [Figure 2-9](#), and [Figure 2-10](#)).

Construction of the Project would involve grading, paving, building construction, and painting. Site access during construction would be via Orchard Avenue. Principal deliveries to the Project site would include construction equipment, concrete and asphalt materials, building materials, and any additional hardware required to construct the Project. Construction is limited by the City noise ordinance and General Plan Policy N-6 to between the hours of 7 am and 8 pm. At this time, no Project construction commencement schedule has been identified. Project construction commencement is subject to securing the permits required for the Project. Once Project construction is complete, the Project site will operate and lease the 15 apartment units.

This Initial Study/Negative Declaration analyzes the proposed General Plan amendment (GPA 2020-01), rezone (REZ 2021-01), and site plan review (SPR 2020-01).

### Actions Required

The City of Madera has jurisdiction over the review and approval of the Project and would be requested to take action on the following:

- Adoption of Negative Declaration;
- Approval of General Plan Amendment 2020-01;
- Approval of Rezone 2021-01; and,
- Approval of Site Plan Review 2020-01.

The City of Madera would also issue the following ministerial permits for the proposed Project if and once the above listed actions are taken:

- Grading Permit;
- Encroachment Permit;
- Sign Permit; and
- Building Permit.

## 2.1.10 Site and Surrounding Land Uses and Setting

### Environmental Setting

The 0.875 gross acre Project site consists of previously developed land and one fire damaged building that remains from the previous use of the site. The Project site has an elevation of approximately 270 feet above mean sea level. According to the Natural Resources Conservation Service Soils Report attached in **Appendix A**, the site soils consist of loam to sandy loam texture that are somewhat excessively drained. The Fresno River is approximately 0.5 miles to the north of the Project.

### Surrounding Land Uses

The site is surrounded to the north, east, and south by single-family homes that have been planned and zoned for Low Density Residential. To the west of the site is Sunset Avenue Church of Christ, located across Orchard Avenue.

**Table 2-1. Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties**

Direction from Project Site	Existing Use	General Plan Designation	Zone District
<b>North</b>	Single-Family Homes	Low Density Residential	R1
<b>East</b>	Single-Family Homes	Low Density Residential	R1
<b>South</b>	Single-Family Homes	Low Density Residential	R1
<b>West</b>	Sunset Avenue Church of Christ	High Density Residential	R1

R1 – One Unit per each 6,000 sq ft

## 2.1.11 Other Public Agencies Whose Approval May Be Required

Other agencies, including but not necessarily limited to the following, may have authority to issue permits prior to Project implementation:

- San Joaquin Valley Air Pollution Control District (SJVAPCD)

## 2.1.12 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, 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 a request for formal consultation. In addition, the Project is subject to Government Code Section 65352.3 (Senate Bill 18) as a result of the General Plan Amendment required for the Project. Tribes have 30 and 90 days respectively from receipt of notification to request formal consultation.

Letters for requests for consultation were sent to a list of tribes in the area that include: the Dumna Wo-Wah Tribal Government, the Chicken Ranch Rancheria of Me-Wuk Indians, the North Fork Mono Tribe, the North Valley Yokuts Tribe, the Picayune Rancheria of Chukchansi Indians, the Southern Sierra Miwuk Nation, the Tule River Indian Tribe, the Big Sandy Rancheria of Western Mono Indians, the Wuksache Indian Tribe & Eshom Valley Band. Letters were sent out May 26, 2021 and no responses were received within the 30 and 90 day periods for formal consultation under AB 52 and SB 18.

Figure 2-1. Vicinity Map

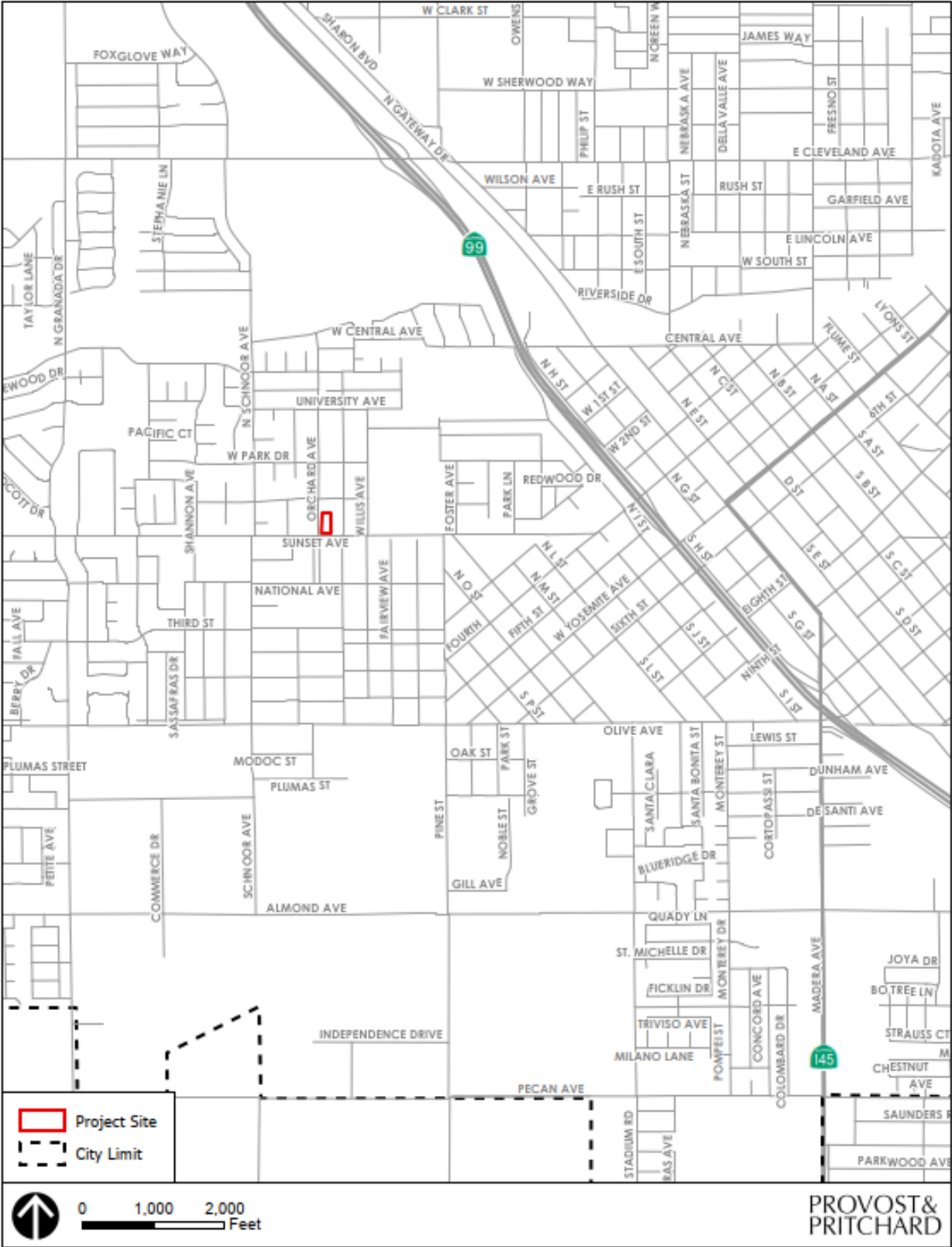




Figure 2-2. Aerial

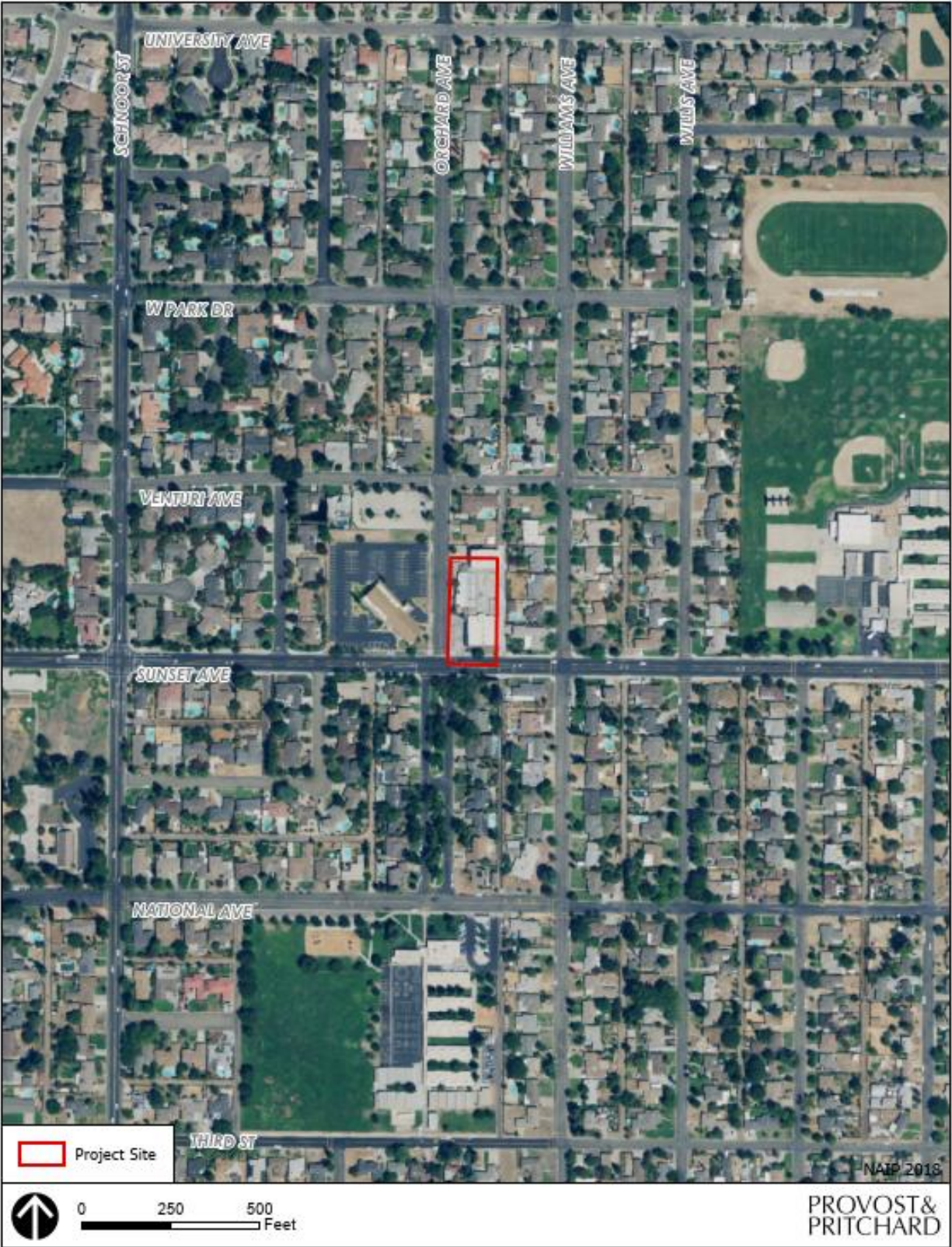


Figure 2-3. Current General Plan Land Use

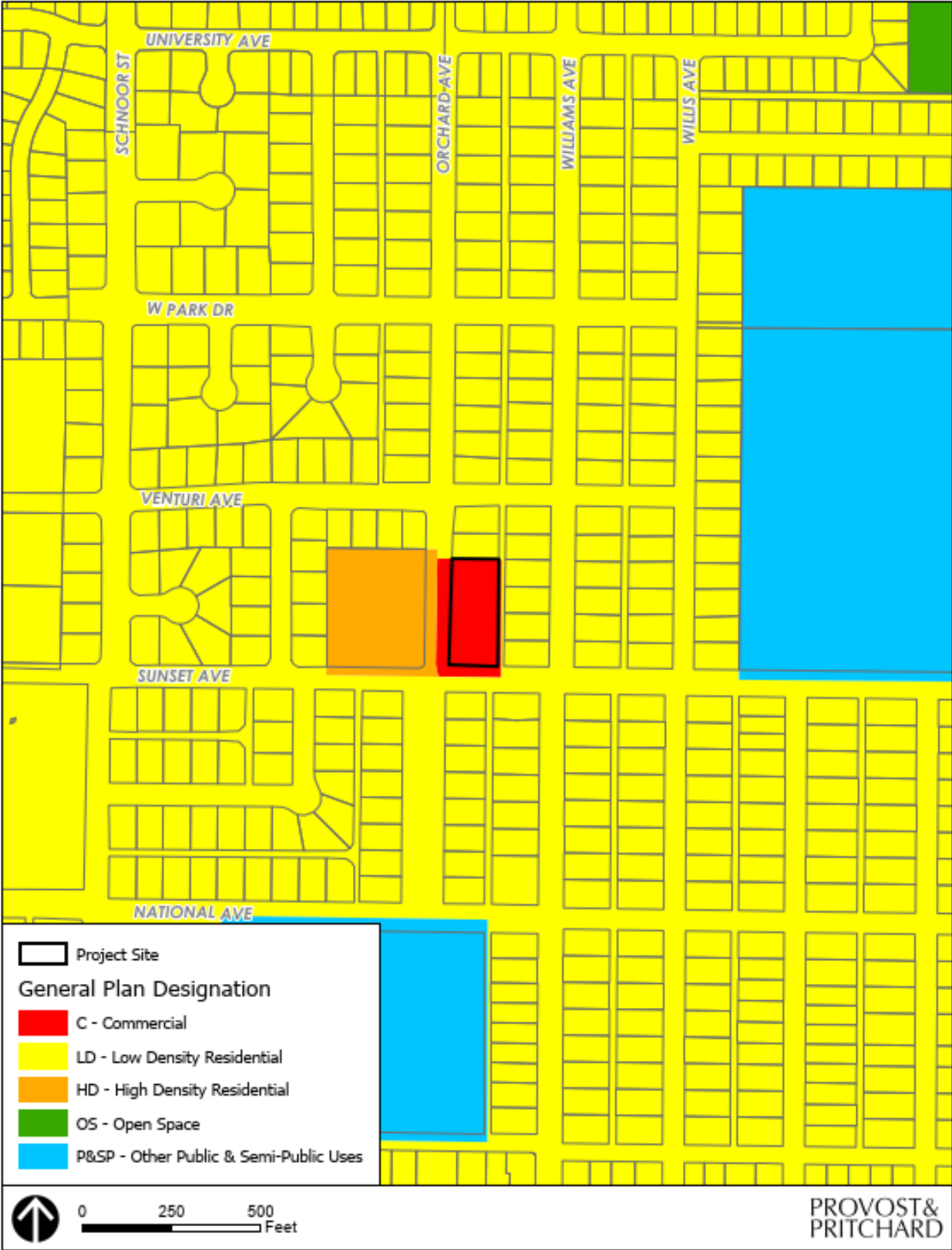


Figure 2-4. Current Zoning





Figure 2-5. Proposed General Plan Land Use

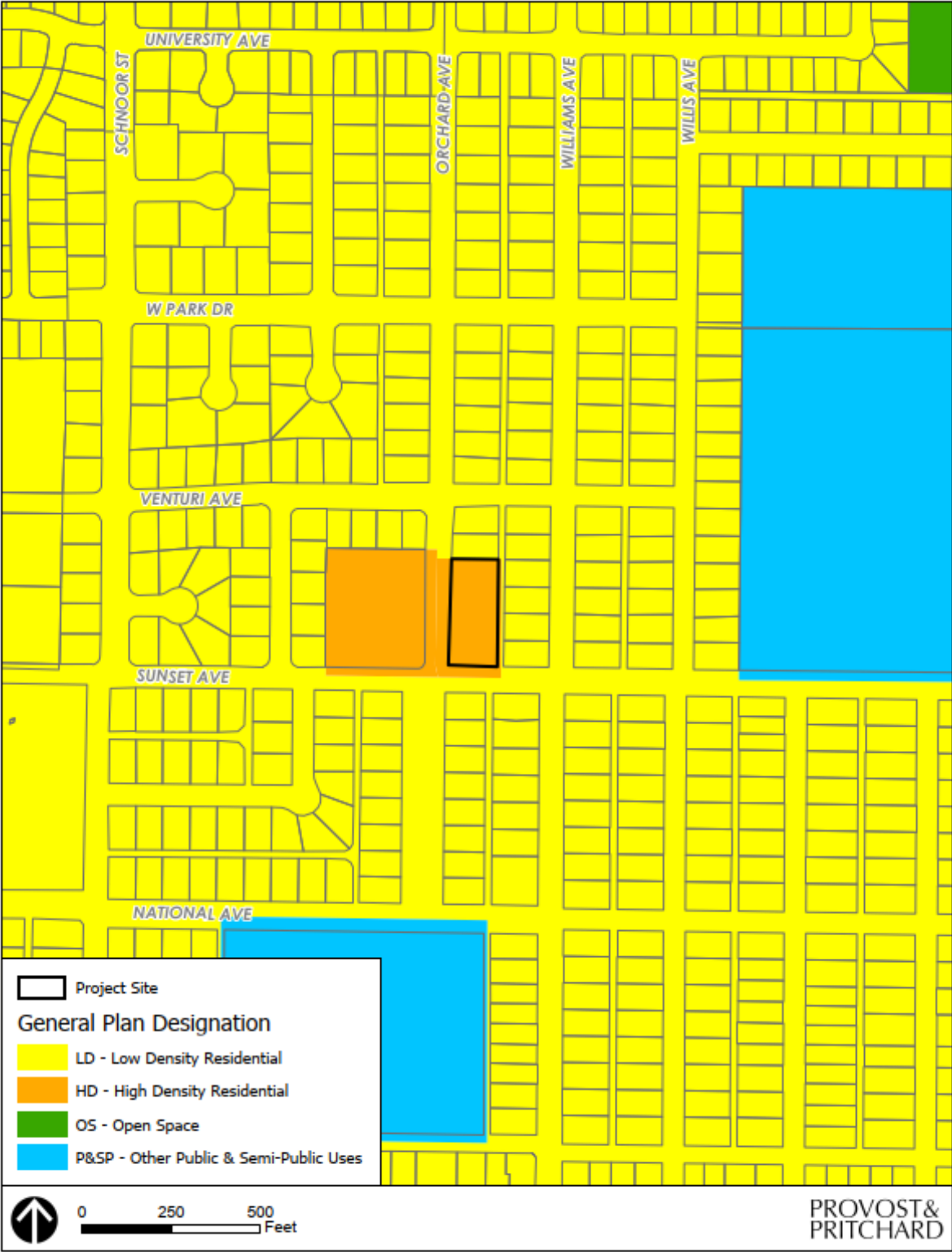


Figure 2-6. Proposed Zoning



Figure 2-7. Site Plan (SPR 2020-01)

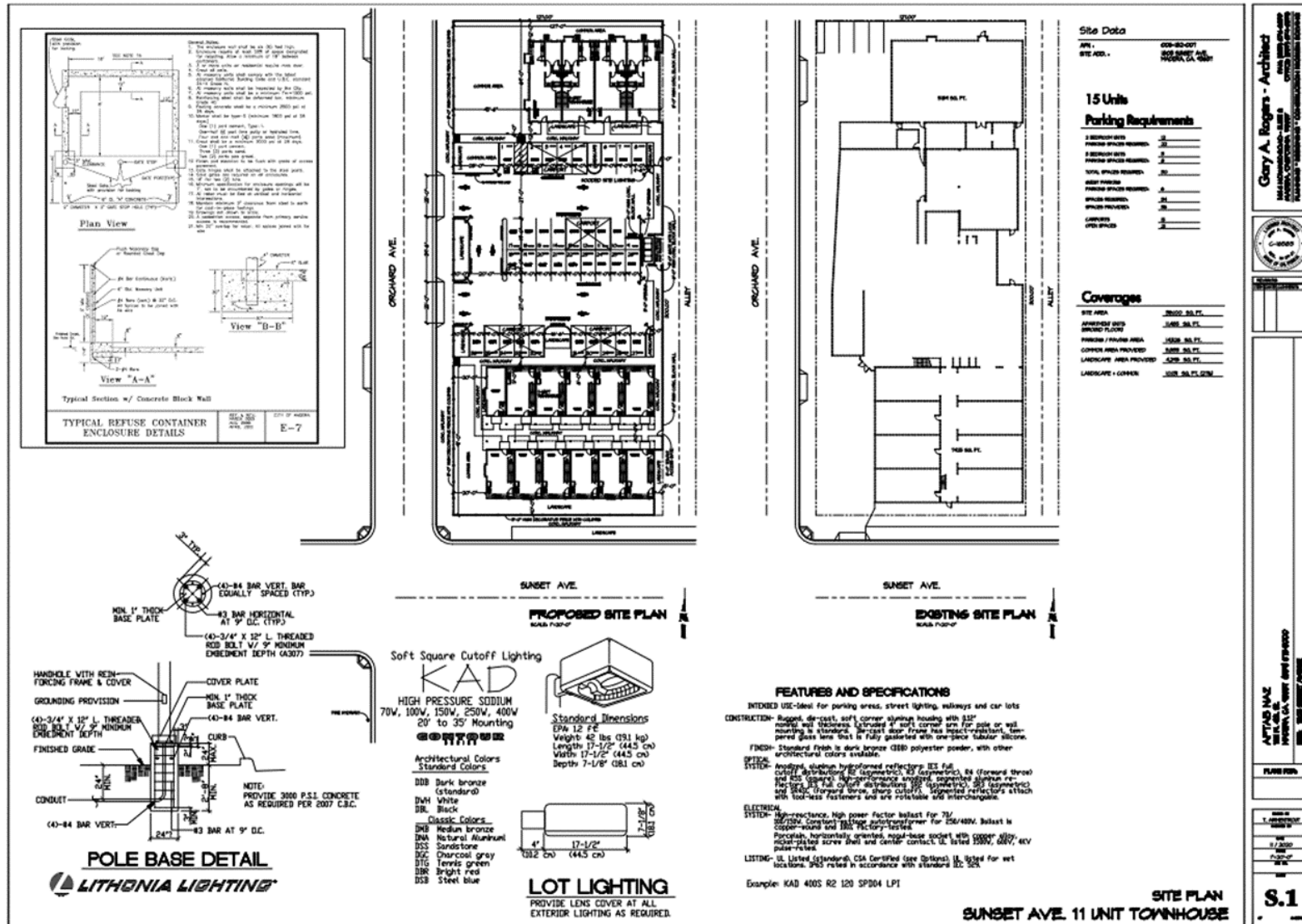


Figure 2-8. 4-Unit Building Elevations

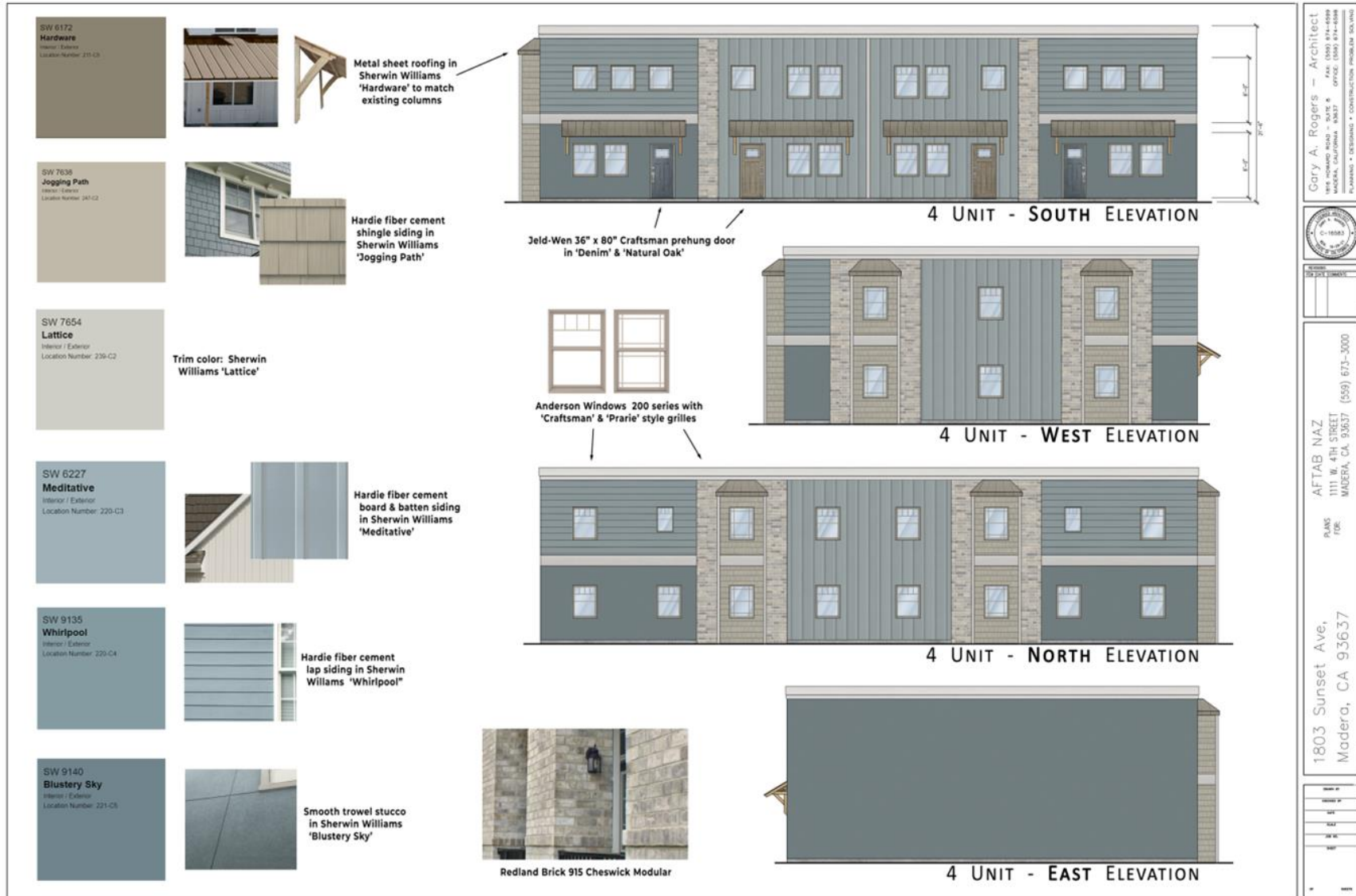




Figure 2-9. 11-Unit Building Elevations

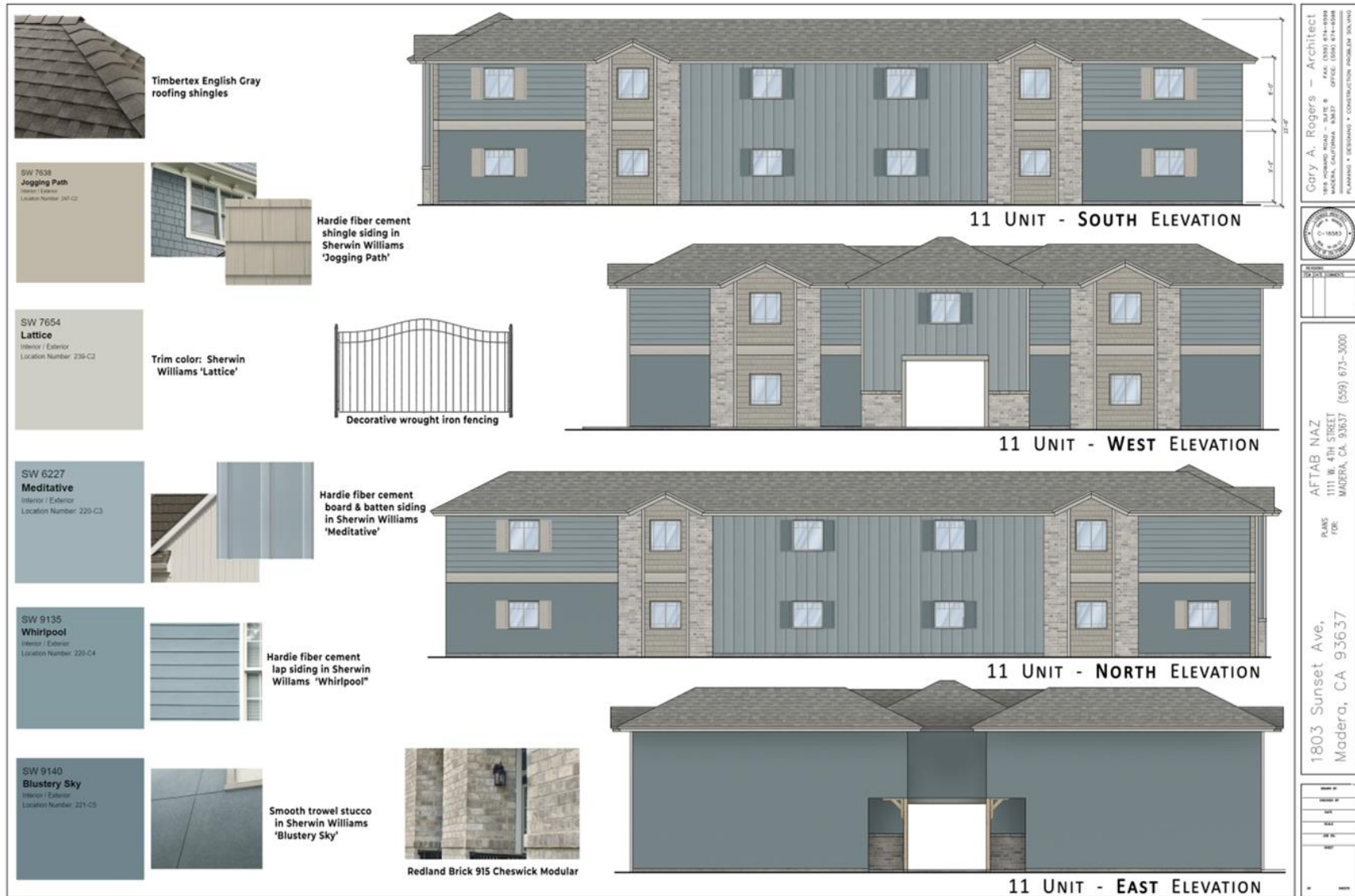
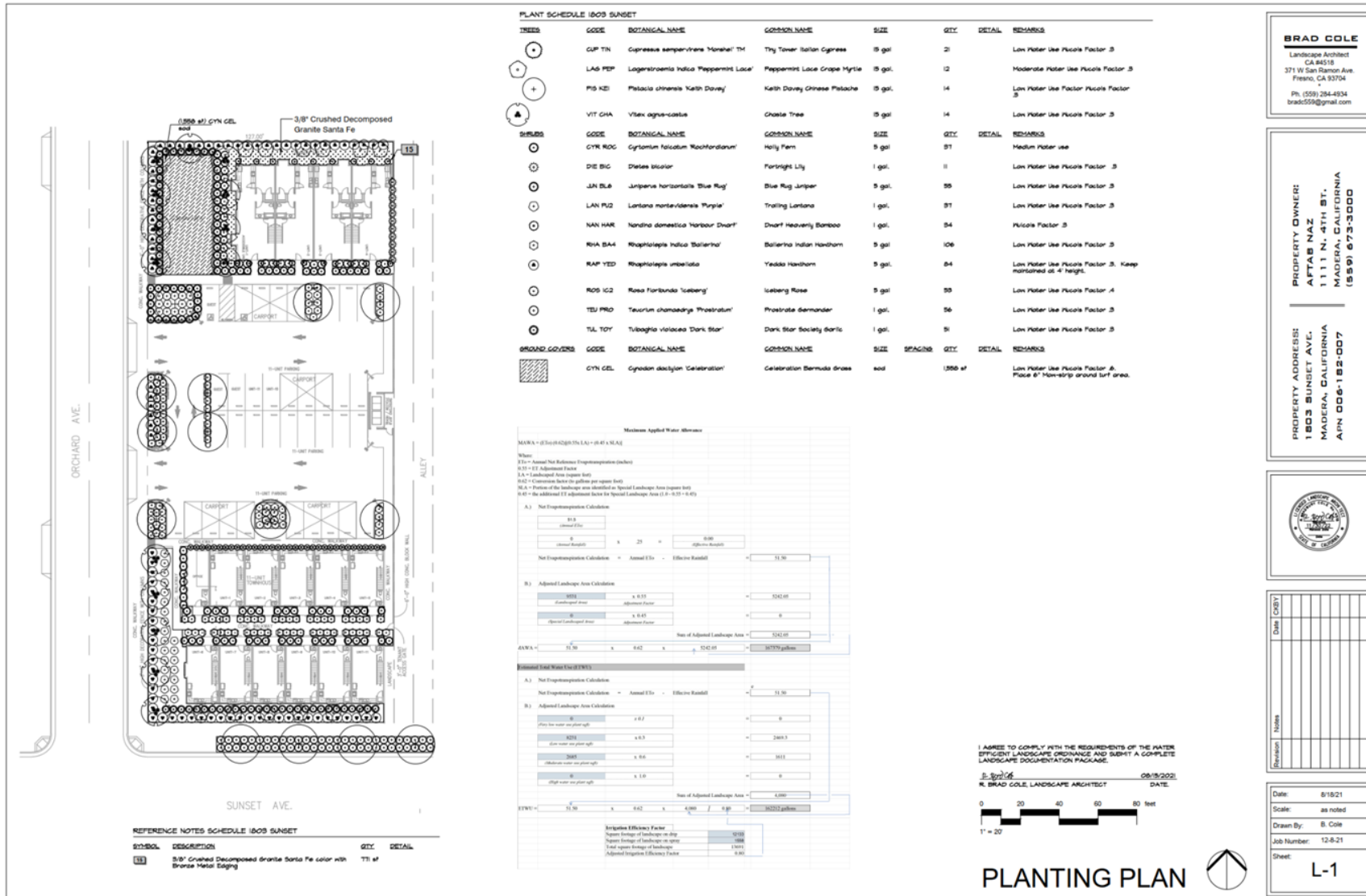


Figure 2-10. Landscape Plan



# Chapter 3 Determination

## 3.1 Environmental Factors Potentially Affected

As indicated by the discussions of existing and baseline conditions, and impact analyses that follows in **Chapter 4**, 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).

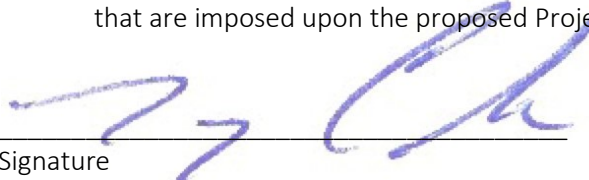
**Less Than Significant Impact.** This category is identified when the proposed Project would result in impacts below the threshold of significance, and no mitigation measures are required.

**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 would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

## 3.2 Determination

On the basis of this initial study:

- 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

September 24, 2021  
Date

Gary Conte, AICP, Planning Manager  
Printed Name, Position



# 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.1.1 Environmental Setting

The visual character of the immediate Project vicinity is an urban residential built environment. The Project site is a former gym location that experienced fire damage. One damaged building remains on the site and would be utilized by the Project. The surrounding Project area is primarily comprised of single-family residential homes that are planned for Low Density Residential uses and are zoned R1 (One home per 6,000 square feet). An existing church is located to the west of the Project site on a parcel planned for High Density Residential uses. The primary existing light sources in the Project vicinity are generated by the surrounding residential neighborhoods, church, and the streetlights.

Topography is relatively flat and there are no natural drainages in the immediate area surrounding the Project. The Fresno River, approximately 0.5 miles to the north, the San Joaquin River, approximately 9.5 miles to the south, and the foothill region of the Sierra Nevada, approximately 30 miles to the northeast, are the nearest significant topographic reliefs. There are no state or county designated scenic highways, historical buildings, or properties present in the Project vicinity.

## 4.1.2 Impact Assessment

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

**No impact.** Scenic vistas are generally interpreted as long-range views of a specific scenic feature (e.g., open space, mountain ridges, ocean views). The Project is not located near a scenic vista, nor does the Project provide notable scenic values such as undisturbed open space, prominent landforms, or features per the discussion under Environmental Setting, above. The Project would not result in the obstruction of federal, State, or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources, such as a scenic highway, national or State scenic area, or scenic vista. Therefore, there would be *no impact*.

### 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.** The Project is not located along a State-designated Scenic Highway.<sup>2</sup> Furthermore, there are no notable trees, rock outcroppings, or historical buildings on or near the Project that would be affected, and the Project would not alter long-range views to ridgelines or other natural features. Therefore, there would be *no impact*.

### 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?

**Less than significant impact.** Construction of the proposed Project would represent a change in the existing visual character of the Project site and its surroundings; however, the Project would not substantially degrade the existing visual character or quality of the site and its surroundings. The site was previously developed and reconstruction of the property would not significantly alter scenic quality of the area. Nor would the Project conflict with applicable zoning and other regulations governing scenic quality. The Project would have a *less than significant impact* on visual character.

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

**Less than significant impact.** Development of the site would introduce new sources of light and glare. The site is within an urbanized area which has existing sources of light and glare, such as headlights and windshields of cars passing the Project site. Lighting sources within the Project's vicinity provide for traffic safety and security, as well as contribute visually to the developed landscape. Existing light sources within the Project's vicinity currently affect day and nighttime views in the Project area to a degree equal to or greater than the light sources proposed by the Project. Compliance with California Building Code (Title 24, California Code of Regulations) standards would ensure that light and glare impacts from the proposed Project would be *less than significant*.

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<sup>2</sup> California Department of Transportation website, Officially Designated State Scenic Highways, [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/), accessed April 2021.

## 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 Environmental Setting

Pursuant to the California Department of Conservation, the Project site is located on land identified as “Vacant or Disturbed Land”.<sup>3</sup> Vacant land is defined as an area of open fields that may have been disturbed and do not qualify for an agricultural category. Neither the Project site nor surrounding properties are subject to a Williamson Act contract. As a result of the Project, the site would be designated and zoned for residential uses in both the City’s General Plan and Zoning Code.

<sup>3</sup> California Department of Conservation, California Important Farmland Finder, <https://maps.conservation.ca.gov/planning/DataViewer/California> Important Farmland: 2016, accessed April 2021.

## 4.2.2 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.** The Project would not convert land classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (as shown on the maps mentioned above, prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency) to non-agricultural use. Therefore, there would be *no impact*.

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

**No impact.** The Project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the Project site or surrounding properties. Therefore, there would be *no impact*.

- 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.** Neither the Project site nor surrounding properties are defined as forest land (as defined by 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)). The Project site is located on a previously developed lot zoned for residential use. Therefore, there would be *no impact*.

- 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 neither contains nor is adjacent to forested lands. Furthermore, the Project site and its adjacent lands are not designated or zoned for timberland or timberland protection. Thus, the Project would not conflict with or result in the loss of forest land or conversion of forest land to a non-forest use. Therefore, there would be *no impact*.

- 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.** As described above, the Project is located on a previously developed lot and is zoned for residential use. As a result, the proposed Project would not introduce changes in the existing environment that would result in the conversion of Farmland to a non-agricultural use or conversion of forest land to a non-forest use. Therefore, there would be *no impact*.

## 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.3.1 Environmental Setting

The Project site is located within the San Joaquin Valley Air Basin (SJVAB). The SJVAB, which occupies the southern half of California’s Central Valley, is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). Other air quality regulatory agencies that share responsibility with regulating SJVAB’s air quality to ensure that all state and federal ambient air quality standards are attained within the SJVAB include the California Air Resources Board (CARB) and the United States Environmental Protection Agency (USEPA). The SJVAPCD, which is responsible for the attainment of state and federal air quality standards in the SJVAB, develops rules, regulations, and policies to comply with applicable state and federal air quality legislation.

The SJVAPCD air quality-related planning documents, rules, and regulations applicable to this Project include:

**Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI).** The GAMAQI provides assistance in evaluating potential air quality impacts of projects in the SJVAB, by providing guidance on evaluating short-term (construction) and long-term (operational) air emissions. The GAMAQI provides criteria and thresholds for determining whether a project may have a significant adverse air quality impact, specific procedures and modeling protocols for quantifying and analyzing air quality impacts, methods to mitigate air quality impacts, and information for use in air quality assessments and environmental documents. The thresholds of significance are summarized, as follows:

**Short-Term Emissions of Particulate Matter (PM<sub>10</sub>):** 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) or 100 pounds per day.

**Short-Term Emissions of Ozone Precursors (ROG and NO<sub>x</sub>):** 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 or 100 pounds per day.

**Long-Term Emissions of Particulate Matter (PM<sub>10</sub>):** 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 or 100 pounds per day.

**Long-Term Emissions of Ozone Precursors (ROG and NO<sub>x</sub>):** Operational impacts associated with the proposed Project would be considered significant if the Project generates emissions of ROG or NO<sub>x</sub> that exceeds 10 TPY or 100 pounds per day.

**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.

**Rule 2280 Portable Equipment Registration.** Portable equipment used at project sites for less than six consecutive months must be registered with the SJVAPCD. The SJVAPCD will issue the registration 30 days after receipt of application.

**Rule 8011 General Requirements: Fugitive Dust Emission Sources.** Operations, including construction operations, must control fugitive dust emissions in accordance with SJVAPCD Regulation VIII. The SJVAPCD requires the implementation of control measures for fugitive dust emissions. For projects in which construction-related activities would disturb equal to or greater than one (1) acre of surface area, the SJVAPCD recommends that demonstration of receipt of an SJVAPCD approved "Dust Control Plan" or "Construction Notification Form," before issuance of the first grading permit, be made a condition of approval.

**Rule 9510 Indirect Source Review.** This rule requires project applicants to reduce operational emission of oxides of nitrogen (NO<sub>x</sub>) by 33 percent of the project's operational baseline and 50 percent of the project's operational suspended particulate matter less than 10 microns in diameter (PM<sub>10</sub>) emissions. Projects subject to SJVAPCD's District Rule 9510 are required to submit an Air Impact Assessment (AIA)

application to the SJVAPCD no later than applying for final discretionary approval of a proposed project, and to pay any applicable off-site mitigation fees before issuance of the first building permit.

Air quality is determined by the type and amount (concentration) of contaminants emitted into the atmosphere, the size and topography of the SJVAB, and its meteorological conditions. National and State air quality standards specify the upper limits of concentrations and duration in the ambient air for the following air pollutants: ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), suspended particulate matter less than 10 microns in diameter (PM<sub>10</sub>), suspended particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), sulfur dioxide (SO<sub>2</sub>) and lead (Pb). These pollutants are commonly referred to as “criteria pollutants.” The SJVAPCD also conducts monitoring for two other State standards: sulfates and visibility.

The SJVAPCD, together with the CARB, maintains ambient air quality monitoring stations in the SJVAB. The air quality monitoring station closest to the Project site is the Madera – 28261 Avenue 14 monitoring station. The pollutants monitored at this station are O<sub>3</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub>. Air quality trends for CO, NO<sub>2</sub>, and SO<sub>2</sub> are not monitored at this air quality monitoring station. Madera County – Road 29½, north of Avenue 8 monitoring station monitors NO<sub>2</sub>. The nearest station monitoring CO and SO<sub>2</sub> is in Fresno – 3727 North First Street.

The 2017 to 2019 monitoring results from these stations indicate the state 1-hour O<sub>3</sub> standard was exceeded 3 times in 2017, 2 times in 2018, and an unknown number of times 2019. Additionally, the State 8-hour O<sub>3</sub> standard was exceeded 29 times in 2017, 17 times in 2018, and unknown number of times in 2019. Furthermore, the federal 8-hour O<sub>3</sub> standard was exceeded 27 times in 2017, 14 times in 2018 and 10 times in 2019. The state PM<sub>10</sub> standard was exceeded 16 times in 2017 and 23 times in 2018. The CO, NO<sub>2</sub>, and SO<sub>2</sub> standards were not exceeded in this area during the 3-year period.

The CARB is required to designate areas of the state as attainment, non-attainment, or unclassified for all state standards. An attainment designation for an area signifies that pollutant concentrations did not violate the standard for that pollutant in that area. A non-attainment designation indicates that a pollutant concentration violated that standard at least once, excluding those occasions when the violation was caused by an exceptional event, as defined in the criteria. An unclassified designation signifies that data does not support either an attainment or non-attainment status. The California Clean Air Act divides the air districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category. The USEPA also designates areas as attainment, non-attainment, or classified. The air quality data are also used to monitor progress in attaining air quality standards.

The CARB has designated the SJVAB as being a severe non-attainment for 1-hour O<sub>3</sub>, and non-attainment for 8-hour O<sub>3</sub>, PM<sub>10</sub>, and for PM<sub>2.5</sub>. The CARB has designated the Air Basin as attainment for NO<sub>2</sub>, SO<sub>2</sub>, Pb, and as an attainment / unclassified area for CO and all other air contaminants.

The USEPA has designated the SJVAB as being an extreme non-attainment area for 8-hour O<sub>3</sub>, and non-attainment for PM<sub>2.5</sub>. USEPA has designated the SJVAB as attainment / unclassified for CO, NO<sub>2</sub>, SO<sub>2</sub> and no designation / classification for PM. There is no federal standard for 1-hour O<sub>3</sub>.

There are no stationary sources that generate air quality emissions on the Project site.

Short-term and long-term emissions associated with the Project were calculated using California Emissions Estimator Model (CalEEMod, Version 2016.3.2) based on Project information available. Emissions modeling

includes emissions generated by off-road equipment, haul trucks, and worker commute trips. All remaining assumptions were based on the default parameters contained in the model. Modeling assumptions and output files are included in [Appendix B](#).

### 4.3.2 Impact Assessment

- a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?
- 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?

**Less than significant impact.** A quantified analysis of the Project’s short-term construction and long-term operational emissions was conducted using CalEEMod version 2016.3.2 based on information available. According to the CalEEMod results, the Project would not exceed established emissions thresholds and would have a **less than significant impact** on air quality for both short-term construction and long-term operational activities, as shown in [Table 4-1](#) and [Table 4-2](#), respectively.

**Table 4-1. Unmitigated Short-Term Construction-Generated Emissions of Criteria Air Pollutants**

Source	Annual Emissions (Tons/Year)					
	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
Maximum Annual Emissions <sup>1</sup>	0.3618	1.3752	1.4027	0.0956	0.0732	2.5800e-003
<i>SVAPCD Significance Thresholds</i>	10	10	100	15	15	27
Exceed Thresholds?	No	No	No	No	No	No

1. Emissions were quantified using CalEEMod Output Files Version 2016.3.2. Refer to Error! Reference source not found. for modeling results and assumptions. Totals may not sum due to rounding.

**Table 4-2. Unmitigated Long-Term Operational Emissions of Criteria Air Pollutants**

Source	Annual Emissions (in Tons)					
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Maximum Annual Emissions <sup>1</sup>	0.1461	0.1124	0.6541	1.7800e-003	0.1360	0.0585
<i>SVAPCD Significance Thresholds</i>	10	10	100	27	15	15
Exceed Thresholds?	No	No	No	No	No	No

1. Emissions were quantified using CalEEMod Output Files Version 2016.3.2. Refer to Error! Reference source not found. for modeling results and assumptions. Totals may not sum due to rounding.

- c) Would the Project expose sensitive receptors to substantial pollutant concentrations?

**Less than significant impact.** The Air District has established a screening threshold of 100 pounds per day to determine whether or not a Health Risk Assessment would be necessary to analyze the health impacts of a project. The Project would not expose sensitive receptors to substantial pollutant concentrations. The nearest sensitive receptors to the Project site are single-family homes surrounding the Project site. John Adams Elementary School, Thomas Jefferson Middle School, and Harvest Christian Preschool & Daycare are located within one-half mile of the Project site. No hospitals or other sensitive receptors are within one-half mile of the Project site. While some sensitive receptor areas can be found near the Project site, the



Project would not exceed the established threshold (see **Table 4-3**). Therefore, there would be a **less than significant impact**.

**Table 4-3. Maximum Daily Unmitigated Emissions of Criteria Air Pollutants**

Source	Daily Emissions (in Pounds)					
	ROG	NOX	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Construction – Summer <sup>1</sup>	36.3568	14.6452	13.3444	0.0246	6.4883	3.5443
Construction – Winter <sup>1</sup>	36.3559	14.6486	13.2798	0.0244	6.4883	3.5443
Operations – Winter <sup>1</sup>	1.1810	0.8439	7.6342	0.0212	1.3477	0.8709
Operations - Summer <sup>1</sup>	1.2513	0.8081	7.8846	0.0220	1.3477	0.8709
<i>SJVAPCD Significance Thresholds</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>
Exceed Thresholds?	No	No	No	No	No	No

1. Emissions were quantified using CalEEMod Output Files Version 2016.3.2. Refer to Error! Reference source not found. for modeling results and assumptions. Totals may not sum due to rounding.

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

**Less than significant impact.** During construction activities, construction equipment exhaust and application of asphalt, structural coating and other construction applications would temporarily emit odors. However, construction nor operation of the Project is anticipated to generate substantial odors that would affect a substantial number of people. Therefore, the Project would result in a **less than significant impact**.

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, 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

Neither the City of Madera General Plan nor its Environmental Impact Report (EIR) identified threatened or endangered species in the Project area. The EIR did identify the *Ambystoma Californense* (California Tiger Salamander), the *Leptosiphon Serrulatus* (Madera Leptosiphon), and the *Lytta Molesta* (Molestan Blister Beetle) to the east of the Project site.

The Project site is a previously developed lot that used to contain a gym until a fire destroyed most of the buildings on the site. Because the site has been previously developed and subsequently razed, the likelihood of one of the animals or plants mentioned above being located on the site is low. The Project site is void of any natural features, such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. No shrubs or trees are present on or immediately adjacent to the Project site. No wetlands were reported or observed on the site.<sup>4</sup> Development of the site would not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or State habitat conservation plan.

### 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?**

**Less than significant impact.** The Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The Project site is previously developed, within an urban area and as a result there is little likelihood for any animal or plant species to be located on the Project site. Therefore, the Project would result in a **less than significant impact**.

- 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.** The Project site and its surroundings are absent of any riparian habitat, sensitive natural communities of special concern or of any critical habitat designated by the California Department of Fish and Wildlife or by the United States Fish and Wildlife Service as critical habitat essential for the preservation and recovery of state and/or federally listed plant or animal species. The Project would therefore not result in any direct or indirect impacts to riparian corridor, stream channel, or potentially viable habitat in which sensitive species could be found. Therefore, this Project would have **no impact**.

- 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?**

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<sup>4</sup> Natural Wetlands Inventory, <https://www.fws.gov/wetlands/data/mapper.html>, accessed May 2021.

**No impact.** Project site soils are composed of loam to sandy loam texture. Soils have moderately course textures, moderate to high infiltration rates, and are moderate to well drained. The Project site is void of any vegetation and does not have the hydrology necessary to create wetlands. Further, no wetlands have been reported or observed on site. Therefore, the proposed Project would have **no impact** on federally protected wetlands as defined by Section 404 of the Clean Water Act.

- 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.** The Project site does not present any features of a river, creek, stream, or other form of water course, nor does the Project site include features of a wildlife corridor. The urban surroundings, busy roads, and domestic animals near the Project would be a deterrent to natural wildlife. Therefore, the Project would have **no impact** on the movement of any native resident or migratory fish or wildlife species or on an established native resident or migratory wildlife corridor.

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

**No impact.** There are no trees or vegetation within the Project site. The Project would not conflict with any applicable local policies or ordinances protecting biological resources and the City of Madera does not have a tree preservation ordinance. Therefore, this Project would have **no impact**.

- 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.** Neither the Project site nor the immediate area surrounding the Project site are subject to an adopted or proposed local, regional, or state adopted habitat conservation plan (HCP), or similar types of conservation plans. Therefore, the Project would not conflict with the provisions of an adopted or proposed HCP or similar approved local, regional, or state habitat conservation plan. As such, the Project would have **no impact**.

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.5.1 Environmental Setting

Based on the City of Madera General Plan and its Environmental Impact Report (EIR) dated April 29, 2009, no known recorded archeological sites or historic properties are within or in the immediate vicinity of the Project site. The EIR also did not indicate the presence of Native American traditional cultural place(s) within or adjacent to the Project site. As discussed more in [Section 4.18 Tribal Cultural Resources](#), numerous tribes within the area were contacted for formal consultation, none of which responded within the allowed response time for consultation.

### 4.5.2 Impact Assessment

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

**No impact.** Based on the City of Madera General Plan Update EIR, the Project site and its surroundings are absent of any known historic properties. The Project has previously been developed and has had a structure on it since 1954. No historic properties would be affected by the proposed Project. Therefore, the Project would result in *no impact*.

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

**Less than significant impact.** While no known archaeological deposits are present on the Project site, it is possible that unknown buried archaeological materials could be found during ground disturbing activities, including unrecorded Native American prehistoric archaeological materials. If such resources were discovered, the impact to archeological resources could be significant. General Plan Action Item HC-9.2 requires a condition of approval on all discretionary projects that the Planning Department be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and

recommend appropriate action. Implementation of the required condition, in accordance with the provisions of Public Resources Code Section 21083.2, would reduce the impact to *less than significant*.

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

**Less than significant impact.** There are no known formal cemeteries or known interments to have occurred on the Project site. Though unlikely, there is the possibility human remains may be present beneath the Project site. Should human remains be discovered during ground disturbing construction activities, such discovery could be considered significant. Any human remain encountered during ground disturbing activities are required to be treated in accordance with California Code of Regulations Section 15064.5(e), Public Resources Code Section 5097.98, and California Health and Safety Code Section 7050.5, which state the mandated procedures of conduct following discovery of human remains. Additionally, General Plan Action Item HC-9.2 requires a condition of approval on all discretionary projects that all construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed. If human remains are determined to be of possible Native American descent, the Coroner shall notify the Native American Heritage Commission who will appoint a "Most Likely Descendent" and the local Native American Tribe representative to identify and preserve Native American remains, burial, and cultural artifacts. Implementation of the required condition and above-referenced sections would reduce the impact to *less than significant*.

## 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.6.1 Environmental Setting

The Project proposes to construct a new 15-unit apartment complex, while utilizing an existing building for four of the units. Construction of the apartment complex would consume energy and fuels through the transportation of materials by trucks, and by the use of construction equipment. Construction activities would use energy efficient practices and result in a new 15-unit apartment complex that complies with energy efficient standards. In addition, the Project would apply energy efficient standards during operation while residents are occupying the units.

### 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?**

**Less than significant impact.** Fuel consumed by construction equipment would be the primary energy resource expended over the course of Project construction. For heavy-duty construction equipment, horsepower and load factor were assumed using default data from the CalEEMod model. Fuel use associated with construction vehicle trips generated by the Project was also estimated; trips include construction worker trips, haul trucks trips for material transport, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the Project was based on (1) the projected number of trips the Project would generate (CalEEMod default values) and (2) default average trip distance by land use in the CalEEMod modeling system.

Construction is estimated to consume a total of 24,502 gallons of diesel fuel and 741 gallons of gasoline fuel.<sup>5</sup> California Code of Regulations Title 13, Motor Vehicles, Section 2449(d)(2), Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel because of unproductive idling of construction equipment. In addition, the energy

<sup>5</sup> Emissions for the Project were quantified using CalEEMod Output Files Version 2016.3.2. Refer to **Appendix B** for modeling results and assumptions.

consumption for construction activities would not be ongoing as they would be limited to the duration of Project construction.

The development's anticipated annual energy consumption is approximately 75,247 kilowatt-hours and 2,120 therms of natural gas.<sup>6</sup> Energy consumption of residential uses is currently governed by the 2019 California Building Code, Part 6 for the structure itself, and Title 20 of the California Code of Regulations for appliances. Energy consumption is anticipated to decrease over time as more energy efficient standards take effect and energy-consuming equipment reaches its end-of-life and necessitates replacement. The Project would have a *less than significant impact*.

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

**Less than significant Impact.** State and local authorities regulate energy use and consumption. These regulations at the State level are intended to reduce energy use and greenhouse gas (GHG) emissions. These include, among others, Assembly Bill (AB) 1493 – Light-Duty Vehicle Standards; California Code of Regulations Title 24, Part 6 – Energy Efficiency Standards; and California Code of Regulations Title 24, Parts 6 and 11 – California Energy Code and Green Building Standards. The Project is required to comply with all applicable regulations and would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Therefore, this Project would have a *less than significant impact*.

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<sup>6</sup> Emissions for the Project were quantified using CalEEMod Output Files Version 2016.3.2. Refer to **Appendix B** for modeling results and assumptions.



## 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 checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.7.1 Environmental Setting

The Project site is located in the central portion of the San Joaquin Valley. The San Joaquin Valley is part of the Great Valley Geomorphic Province topographic and structural basin bound on the east by the Sierra Nevada and the west by the Coast Range. The Sierra Nevada, a fault block dipping gently to the southwest, is composed of igneous and metamorphic rocks of pre-Tertiary age which comprise the basement complex beneath the Valley. The subsurface of the Project site and surrounding vicinity is characterized by a thick sequence of unconsolidated sediments. Subsurface material beneath the site is primarily composed of alluvial fan deposits and floodplain over-bank deposits including interbedded silts, sands, clays, and gravels. Project site soils are of sandy loam of moderately to excessively drained.

There are no known faults on the Project site or in the immediate area. The San Andreas fault and San Joaquin faults are approximately 87 and 49 miles west, respectively<sup>7</sup>. The Project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the Project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in the California Building Code (CBC) that is utilized by the City of Madera Building Department to monitor safe construction within the City limits.

The Project site and the greater City of Madera consists of lands with less than two percent slope grade, and therefore are not subject to landslides.

### 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.*

*a-ii) Strong seismic ground shaking?*

**Less than significant impact.** Ground shaking intensity is largely a function of distance from the earthquake epicenter and underlying geology. Generally, the City of Madera, which is located on deep alluvial and unconsolidated sediments, could experience strong shaking during a large earthquake. The most common impact associated with strong ground shaking is damage to structures. The CBC establishes minimum standards for structures located in regions subject to ground shaking hazard areas. Structures constructed on-site would be required by state law and City ordinances to be constructed in accordance with CBC and to adhere to all current earthquake construction requirements. The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the 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. No

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<sup>7</sup> California Department of Conservation. Data Viewer. Website: <https://maps.conservation.ca.gov/cgs/DataViewer/>. Accessed May 2021.

known faults with evidence of historic activity cut through the valley soils in the Project area. Due to the geology of the Project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the Project area is considered minimal. The Project would be constructed on a previously developed site and would not result in the rupture of a known earthquake fault, or being in an area identified as having strong seismic ground shaking. Therefore, the Project would result in a *less than significant impact*.

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

**Less than significant impact.** The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. None of these conditions are present at the Project site. The Project site is previously developed and construction of a new apartment complex would not result in the increased likelihood for seismic related ground failure to occur, including liquefaction. Therefore, the Project would result in a *less than significant impact*.

**a-iv) Landslides?**

**No impact.** The Project site is generally flat, with no potential for landslides to occur. Due to the flat and level topography, the Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Therefore, the Project would result in *no impact*.

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

**Less than significant impact.** Earthmoving activities associated with the Project would include excavation, trenching, grading, and construction. These activities could expose soils to erosion processes however, the extent of erosion would vary depending on slope steepness/stability, vegetation/cover, concentration of runoff, and weather conditions. The Project would disturb less than one acre of soil and would therefore not be required to complete a SWPPP (Storm Water Pollution Prevention Plan); however, since the Project site has relatively flat terrain with a low potential for soil erosion and would comply with the State Water Resources Control Board (SWRCB) requirements, the Project's impacts would be *less than significant*.

**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?**

**Less than significant impact.** Due to the relatively flat topography of the Project site and greater surrounding area and distance from active faults, landslides, lateral spreading, subsidence, liquefaction or collapse are not considered a potentially significant geologic hazard. In addition, the Project would result in the construction of an apartment complex on a previously developed site. Project construction would not result in the likelihood for soil to become unstable through landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, the Project would result in a *less than significant impact*.

**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?**

**Less than significant impact.** The Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) and would not create substantial direct or indirect risks to life or property. The Project soil types consist of loam to sandy loam textures. Therefore, the Project would result in a *less than significant impact*.

- 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 would connect to the City's sewer system and as a result would not require the construction or use of septic tanks or alternative wastewater disposal systems. Therefore, there would be *no impact*.

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

**Less than significant impact.** There are no known unique paleontological resources or geological features on the Project site; however, during construction unique paleontological or geological resources could be unearthed. General Plan Action Item HC-9.2 requires a condition of approval on all discretionary projects that the Planning Department be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action. Implementation of the required condition, in accordance with the provisions of Public Resources Code Section 21083.2, would reduce the impact to *less than significant*.

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.8.1 Environmental Setting

Climate change is a public health and environmental concern around the world. Globally, temperature, precipitation, sea level, ocean currents, wind patterns, and storm activity are all affected by the presence of greenhouse gas (GHG) emissions in the atmosphere. Human activity contributes to emissions of six primary GHG gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Human-caused emissions of GHGs are linked to climate change.

In 2006, the California State Legislature adopted Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, which aims to reduce GHG emissions in California. GHGs, as defined by AB 32, include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 requires the CARB, the State agency that regulates statewide air quality, to adopt rules and regulations that would achieve GHG emissions equivalent to 1990 statewide levels by 2020. The Air District adopted a 29 percent less than Business-As-Usual (BAU) threshold to meet the 2020 standard. A threshold of 1,100 metrics tons of carbon dioxide emissions (MTCO<sub>2e</sub>) per year has also been used to demonstrate compliance with the targets set under AB 32.<sup>8</sup>

In 2016, Senate Bill (SB) 32 was adopted, which established a goal to achieve GHG emissions equivalent to 40 percent below 1990 statewide levels by 2030. No project-level reduction standard has been adopted to meet the 2030 standard established by SB 32. However, a target threshold of 660 MTCO<sub>2e</sub> per year has been assumed for purposes of this analysis as an interim threshold of significance for 2030 in-lieu of an adopted project-level standard. The 660 MTCO<sub>2e</sub> represents a 40 percent reduction of the 1,100 MTCO<sub>2e</sub> per year threshold.

The Conservation Element of the 2009 City of Madera General Plan includes several goals, policies, and programs in the Air Quality, GHG Emissions, and Climate Change sections that address and promote practices that meet or exceed all State and federal standards and meet or exceed all current and future State-mandated targets for reducing GHG emissions. The City also requires applicants for all public and

<sup>8</sup> As published in the Bay Area Air Quality Management District's CEQA Air Quality Guidelines. Available online at [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf)

private development to integrate appropriate methods that reduce GHG emissions consistent with the Energy and Green Building sections of the Conservation Element, General Plan Policies CON-40 through 46.

## 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?

**Less than significant impact.** The Project would generate GHG emissions and contribute to global warming. GHG emissions from construction activities are temporary, short-term emissions and therefore would not significantly contribute to long-term cumulative GHG emissions impacts of the Project. Long-term GHG emissions consist of vehicular emissions, the consumption of energy produced by carbon-based sources, and the decomposition of solid waste generated from the Project. According to the CalEEMod results for unmitigated short-term construction-generated and long-term operation emissions (see **Table 4-4** and **4-5**), the Project would not exceed the established threshold of significance. Therefore, construction emissions would be *less than significant*.

**Table 4-4. Unmitigated Short-Term Construction-Generated GHG Emissions**

Year	Emissions (MT CO <sub>2e</sub> ) <sup>1</sup>
Maximum Annual Emissions: 2022	216.6387
Amortized over 30 years	7.2213

1. Emissions were quantified using the CalEEMod, Version 2016.3.2. Refer to **Appendix B** for modeling results and assumptions. Totals may not sum due to rounding.

**Table 4-5. Unmitigated Long-Term Operational GHG Emissions**

	Emissions (MT CO <sub>2e</sub> ) <sup>1</sup>
Estimated Annual Operation CO <sub>2e</sub> Emissions	153.8777
Amortized Construction Emissions	7.2213
Total Estimated Annual Operational CO <sub>2e</sub> Emissions	161.099
SB 32 Consistency Threshold for Land-Use Development Projects <sup>2</sup>	660
Exceed Threshold?	No

1. Emissions were quantified using the CalEEMod, Version 2016.3.2. Refer to **Appendix B** for modeling results and assumptions. Totals may not sum due to rounding.

2. Reduction by 40 percent of the MTCO<sub>2e</sub> per year threshold as published in the Bay Area Air Quality Management District's CEQA Air Quality Guidelines. Available online at [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en) Accessed April 2021.

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

**Less than significant impact.** Staff found that the Project is consistent with all General Plan policies, would incorporate solar photovoltaic panels as required by the 2019 version of Title 24, Part 6, is required to incorporate water-efficient landscaping, and is required to make the necessary road improvements. In addition, the Project would follow all standards and policies for reducing GHG as determined by the SJVAPCD. The Project would not conflict with an applicable plan, policy, or regulation adopted for the

purpose of reducing the emissions of GHGs. Therefore, the Project would have a *less than significant impact*.

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and State laws and regulations. Laws and regulations established by the United States Environmental Protection Agency (USEPA) are enforced by the California Environmental Protection Agency (CAL-EPA). CAL-EPA also oversees the unified hazardous waste and hazardous materials management regulatory program. California Health and Safety Code Section 25501 defines a hazardous material as “any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.” Section 21092.6 of the CEQA Statutes requires the Lead Agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether a proposed project and any alternative are identified as contaminated sites.

The required lists include the California Department of Toxic Substance Control’s (DTSC) online EnviroStor database<sup>9</sup> and the State Water Resources Control Board’s (SWRCB) online GeoTracker database<sup>10</sup>. These two databases include hazardous release sites, along with other categories of sites or facilities where known or suspected sources of contamination were identified. A search of DTSC’s EnviroStor and SWRCB’s GeoTracker database in April 2021 revealed no hazardous material release sites at the Project site or in the immediate vicinity.

### 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?
- 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?

**Less than significant impact.** The Project would not involve the routine transport of hazardous waste, thus no impacts to the public or the environment would occur, and there are no known hazardous materials found on-site. Potential impacts during construction of the Project include potential spills associated with the use of fuels and lubricants in construction equipment. These potential impacts would be short-term in nature and would be reduced to less than significant levels through compliance with applicable local, state, and federal regulations, as well as the use of standard equipment operating practices. Project operations would consist of consumer grade pesticides, fertilizers, and petroleum-based fuels. These potentially hazardous materials, however, would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment. Compliance with applicable laws and regulations would minimize hazards associated with the routine transport, use, or disposal of hazardous materials to the maximum extent practicable. Compliance with applicable laws and regulations would also minimize any potential release of hazardous materials into the environment. Therefore, impacts would be *less than significant*.

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<sup>9</sup> Department of Toxic Substances Control. EnviroStor. Website: <https://www.envirostor.dtsc.ca.gov/public/>. Accessed April 2021.

<sup>10</sup> State Water Resources Control Board. GeoTracker. Website: <https://geotracker.waterboards.ca.gov/>. Accessed April 2021.



- 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?

**Less than significant impact.** There are three schools, Thomas Jefferson Middle School, John Adams Elementary School, and Harvest Christian Preschool & Daycare, located within one quarter mile of the Project site. The Project is a residential apartment complex and would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste beyond typical construction activities associated with residential projects and detailed above. Therefore, there would be *less than significant impact*.

- 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.** The Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create a significant hazard to the public or the environment. Therefore, the Project would result in *no impact*.

- 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 Project is located inside Zone D of the Madera Municipal Airport Compatibility Policy Map of the 2015 Madera Countywide Airport Land Use Compatibility Plan. In Zone D, apartment buildings are listed as compatible uses. The project would therefore not result in any safety hazard or excessive noise for people residing or working in the Project area, and *no impact* would occur.

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

**Less than significant Impact.** The Project would not involve any material changes to public streets, roads, or evacuation infrastructure and it would not include the construction of any feature that might impair the implementation of any relevant emergency operation plan. Moreover, the Project would not change existing emergency response and rescue access routes within the City or County of Madera. Therefore, there would be a *less than significant impact*.

- 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 Project site is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area, nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area.<sup>11</sup> Therefore, there would be *no impact*.

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<sup>11</sup> Cal FIRE. Fire Hazard Severity Zones Maps. Website: <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Accessed April 2021.

## 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.10.1 Environmental Setting

The City of Madera is within the San Joaquin River watershed and Basin Hydrological Study Area covering roughly 13,500 square miles, or approximately the southern two-thirds of the San Joaquin Valley. The San Joaquin River watershed is divided into numerous hydrologic areas and subareas. The Madera hydrologic area encompasses the southwestern and northwestern portions of the City and extends northwest to the City of Chowchilla, draining into the Fresno River and its tributaries. The Fresno River is the main hydrologic feature in the City. The river flows west from the Sierra Nevada Mountain Range before entering the Chowchilla Bypass in western Madera County. The Fresno River is dry throughout most of the year, with flows depending mainly on water releases from upstream water agencies.<sup>12</sup>

The City of Madera is not within or adjacent to the boundaries of a sole source aquifer. The nearest sole source aquifer is the Fresno County Sole Source Aquifer, located approximately 8 miles to the south. Because the Project would result in less than 1 acre in disturbed land, a SWPPP is not required to be completed.

FEMA FIRM Panel No. 06039C1155E (September 26, 2008) indicates that the Project site is located in Zone X,<sup>13</sup> an area of minimal flood hazard. Zone X is an area designated with a 0.2 percent chance of flooding annually.

### 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?**

**Less than significant impact.** Clearing, grading, excavation, and construction activities have the potential to impact water quality through soil erosion and increased silt and debris discharged into runoff. Additionally, the use of construction materials such as fuels, solvents, and paints may present a risk to surface water quality. Temporary storage of construction material and equipment in work areas or staging areas could create the potential for a release of hazardous materials, trash, or sediment to the storm drain system. The Project would also be required to employ the Best Management Practices (BMPs) as appropriate during construction activities to address potential erosion and degradation of water quality.

Upon completion of the Project, stormwater would runoff into the permeable ground on site or into the City's stormwater system. The Project would be required to implement applicable portions of the City's Storm Water Quality Management Program, ensuring that effective and adequate Best Management Practices would be in place to minimize the pollutant load in storm drainage, thereby protecting surface water quality. In addition, implementation of General Plan policies would further protect surface quality by requiring the Storm Water Quality Management Program to be updated to include newly available best management practices. The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Therefore, the Project impacts would be ***less than significant impact***.

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<sup>12</sup> City of Madera, City of Madera General Plan Update, Draft Environmental Impact Report, p4.9-1.

<sup>13</sup> Federal Emergency Management Agency. Flood Insurance Rate Map, Madera County and Incorporated Areas, Panel 1155 of 1385. Accessed April 2021.

- 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?

**Less than significant impact.** The proposed 15-unit apartment complex is within the City's water service area. According to the 2015 Urban Water Management Plan (UWMP), each person uses an average of 196 gallons of water each day. With an average 3.87 persons per household (58 persons) per the Madera Housing Element, the Project would be expected to use approximately 11,368 gallons of water per day under normal operation, including domestic and landscape irrigation. This equates to approximately 12.5-acre feet per year (AFY). With a 2020 population of 65,415 per the California Department of Finance, water consumption without the Project is estimated to be approximately 14,290 AFY. The 2015 UWMP anticipated having a 2020 minimum supply of 15,700 AFY. Groundwater collected on the Project site would be moved through drainage systems to the Madera Irrigation District Canal, which serves as the collection basin for the Project site. Water would recharge through the canal and recharge the groundwater basin. Therefore, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin and the impacts would be *less than significant*.

- 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;*

**Less than significant impact.** The Project site does not contain any waterways and therefore implementation of the Project would not alter the course of a stream or river. However, the Project would require grading or soil exposure during construction. If not controlled, the transport of these materials via local stormwater systems into local waterways could temporarily increase sediment concentrations. To minimize this impact, the proposed Project would be required to comply with all of the requirements of the Storm Water Quality Management Program and Best Management Practices prior to start of construction activities. Mandatory compliance with state regulations would ensure that impacts from erosion and siltation would be *less than significant impact*.

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

**Less than significant impact.** The Project would substantially increase the amount of impervious surface area on the Project site with the construction of parking lots, apartment units, sidewalks, and driveways. However, the requirement to construct curb and gutters, and to direct drainage to the Madera Irrigation District Canal will ensure impacts to flooding on- or off-site would be *less than significant*.

*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*

**Less than significant impact.** The Project would alter the existing drainage pattern of the site or area. While the site used to have a large building located on it with an impervious surface, a fire caused the demolition of most of the built-up and impervious areas. This Project would reintroduce a large amount of impervious surfaces to the site. Storm runoff has been required by the City Engineer to drain into the Madera Irrigation

District Canal. The Project would be required to comply with the City's Master Plan, ordinances, and standard practices for stormwater drainage. Therefore, the Project impacts would be *less than significant*.

*iv) impede or redirect flood flows?*

**Less than significant impact.** All Project-related storm flows and runoff would be captured on-site and percolated in the existing soil base or conveyed to the Madera Irrigation District Canal. The Project would not impede any flood flows and would redirect off-site flood flows to be consistent with the City's Storm Drainage Master Plan to the Madera Irrigation Canal. Therefore, the Project impacts would be *less than significant*.

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

**No impact.** The Project is not located in flood hazard, tsunami, or seiche zones and it will not risk the release of pollutants due to Project inundation. As discussed above, the Project is located in FEMA flood zone X, an area with minimal risk of flooding. Therefore, there would be *no impact*.

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

**Less than significant impact.** The City of Madera, and thus the Project, is located in the Madera Subbasin. The City of Madera adopted the Joint Groundwater Sustainability Plan (GSP) in January 2020. The GSP includes two City of Madera projects, which include the installation of water meters and the construction of Berry Basin, a groundwater recharge basin<sup>14</sup>. The basin is currently under construction and the Project is required to install water meters. Therefore, the Project would not conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. Therefore, there would be a *less than significant impact*.

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<sup>14</sup> Madera Subbasin Coordination Committee. Madera Subbasin Sustainable Groundwater Management Act Joint Groundwater Sustainability Plan. January 2020. Website: <https://sgma.water.ca.gov/portal/gsp/preview/21>. Accessed April 2021.

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.11.1 Environmental Setting

The Project site is within the City limits. The site is designated in the City’s General Plan as Commercial and is zoned R3 (One unit per 1,800 sq ft) and R1 (One unit per each 6,000 sq ft). The planned land use designation and zone district are not currently consistent. As part of the Project, General Plan Amendment 2020-01 would amend the land use designation of the Project site to High Density Residential and Rezone 2021-01 would change the zone district of the northern one-quarter of the Project site from the R1 zone district to the R3 zone district. The remainder of the Project site is currently zoned R3. The resulting R3 zone district would be consistent with the resulting High Density Residential land use designation and would allow for the construction of the proposed 15-unit apartment complex.

The Project would be located on a site that is substantially surrounded by single family residences. The addition of an apartment complex would introduce a residential use to an area that would be aligned with the goal and intent of the Project site’s zone district.

### 4.11.2 Impact Assessment

#### a) Would the Project physically divide an established community?

**No impact.** The Project would not physically divide an established community. The Project is located on a previously developed site that was destroyed due to fire damage. The completion of the Project would redevelop the vacant lot within an existing neighborhood with no significant alterations to the surrounding infrastructure systems. Therefore, there would be *no impact*.

#### 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?

**Less than significant impact.** The Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Project would change the land use designation from Commercial to High Density Residential, which would be consistent with the proposed R3 zone district and would support the Project. The Project is required to comply with all applicable General Plan policies and regulations that avoid or mitigate environmental effects. Therefore, there would be a *less than significant impact*.

## 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

The California Geological Survey (CGS) is responsible for the classification and designation of areas within California containing or potentially containing significant mineral resources. The CGS classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geologic Board, as mandated by the Surface Mining and Reclamation Act of 1975. These MRZs identify whether known or inferred significant mineral resources are presented in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the state into their general plans.<sup>15</sup> According to the findings of the City of Madera General Plan Update EIR, the Project site does not have the potential to affect the availability of any state or locally designated mineral resource.

### 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 site is not identified as containing any mineral deposits by the Madera General Plan. The City of Madera is classified as an area containing aggregate materials; however, the Project site is in an urban built-up environment and has previously been developed.<sup>16</sup> 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. In addition, the site has been previously developed and disturbed. Therefore, there would be *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.** The Project site is not identified as containing any mineral deposits by the Madera General Plan. The City of Madera is classified as an area containing aggregate materials; however, the Project site is in an

<sup>15</sup> Public Resources Code, Section 2762(a)(1).

<sup>16</sup> California Department of Conservation. Mineral Land Classification. Website: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>. Accessed September 2021.

urban built-up environment and has previously been developed.<sup>17</sup> Therefore, the Project would not 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. In addition, the site has been previously developed and disturbed. As such, there would be *no impact*.

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 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

The Project site is substantially surrounded by single-family residential homes. Thomas Jefferson Middle School is located less than a quarter mile to the east, and John Adams Elementary School is located less than a quarter mile to the south. Directly across Orchard Avenue, to the west of the Project site, is Sunset Avenue Church of Christ. Noise levels may be heightened by additional traffic in the area during pick up and drop off times for the two schools in the area and during service times of the church.

<sup>17</sup> California Department of Conservation. Mineral Land Classification. Website: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>. Accessed September 2021.



### 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?

**Less than significant impact.** The proposed Project would require the utilization of large construction equipment, including rollers, pavers, dozers, and graders. This type of equipment can have noise levels exceeding General Plan noise standards for residential land uses when measured 50 feet away from the noise source. General Plan Policies N-5, N-6, and MMC Section 3-11.02(B) requires the reduction of noise, including construction noise, to acceptable levels. Construction is limited to between the hours of 7 am and 8 pm, which is consistent with the City noise ordinance and General Plan Policy N-6. Therefore, construction-related noise impacts would remain *less than significant*.

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

**Less than significant impact.** The Project site is surrounded by single-family homes to the north, east, and south, and the Sunset Avenue Church of Christ to the west. Construction of the Project is restricted to between the hours of 7 am and 8 pm, consistent with the City's noise ordinance and General Plan Policy N-6. The Federal Highway Administration (FHWA) has compiled noise measurement data regarding the noise-generating characteristics of various types of construction equipment. Typical background vibration decibel (VdB) levels measured from 50 feet away, according to the Federal Transit Administration (FTA) are approximately 50 VdB, with a level of 100 VdB resulting in minor cosmetic damage to fragile buildings. For infrequent events, such as construction, impacts would be significant to residences, the nearest sensitive receptor, if they exceed 80 VdB. Vibration velocity levels are typically not additive.<sup>18</sup> Bulldozers generate approximately 58 VdB when measured 25 feet away. Given the type of equipment expected to be found during construction, it is not anticipated the Project would generate excessive ground-borne vibration or ground-borne noise levels. Therefore, the Project would have a *less than significant impact*.

- 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 residing or working in the Project area to excessive noise levels?

**No impact.** The Project is located within Zone D of the Madera Municipal Airport Compatibility Policy Map of the 2015 Madera Countywide Airport Land Use Compatibility Plan. In Zone D, apartment buildings are listed as compatible uses. Noise levels emitted from operation of the Airport in Zone D would not be excessive for those residing in the Project area. Therefore, the Project would result in *no impact*.

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<sup>18</sup> Federal Transit Administration. Transit Noise and Vibration Impact Assessment Manual. Website: [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123\\_0.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf). Accessed May 2021.

## 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 checked="" type="checkbox"/>	<input 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 Environmental Setting

The Project site is located on a previously developed lot that experienced fire damage. The Project would construct a 15-unit apartment complex on the site. The site is surrounded by single-family homes to the north, east, and south, and the Sunset Avenue Church of Christ to the west. The Project would result in the introduction of new housing to the area and as a result would increase the population.

### 4.14.2 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)?**

**Less than significant impact.** Implementation of the Project would result in the construction of 15 new apartment units for the area. The Housing Element’s most recent estimate was approximately 3.87 persons per household, a population growth of approximately 58 persons within the Project. The General Plan considered a General Plan population estimate of 68,088 people by year 2030. As of January 1, 2021, the City’s population was 66,172. The Project, once approved, would be consistent with the goals and objectives of the City’s Housing Element and consistent with infrastructure needed for development anticipated under the General Plan. While the Project would make changes to the land use plan, the introduction of increased housing would be consistent with the Housing Element’s goals and would aid in the City meeting its Regional Housing Needs Assessment requirements. In addition, the Project would be constructed on an infill site, which would connect to existing infrastructure and not require the extension or expansion of infrastructure. Therefore, the Project would have a **less than significant impact**.

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

**No impact.** The proposed Project site is a previously developed lot that has experienced fire damage. There are no existing homes on the site. The proposed Project would not displace substantial numbers of existing people or housing and would not necessitate the construction of replacement housing elsewhere. Therefore, there would be *no impact*.

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities (i.e., landfills)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.15.1 Environmental Setting

Fire, emergency, medical, and police protection services for the Project site is provided by the City of Madera and augmented through contracts with other agencies and service providers. The City of Madera has a contract with CalFire to provide management and staffing of the City’s fire stations and equipment. Ambulance services are provided by a private contractor. The nearest ambulance contractor site is Pistoresi Ambulance, located approximately 3,000 feet to the southeast. Madera City Fire Department 57 is located approximately 4,000 feet to the southwest of the Project site, while the Madera Police Department is located approximately 1.35 miles to the east. The Project site is located within the Madera Unified School District. The District oversees pre-K through 12 education services. Parks are operated and maintained by the City of Madera. Currently, Lions Town & Country Park is the only publicly maintained park within 1 mile of the Project site. There are several public and private schools within 1 mile of the Project site, including John Adams Elementary 900 feet to the south and Thomas Jefferson Middle School 800 feet to the east.

## 4.15.2 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:*

**Less than significant impact.** Implementation of the Project is not expected to result in a need for increased staff for the fire department, nor would it alter response times for the Project site due to the Project's size. Fire access and the amount of fire extinguishers on the site would be conditioned to comply with the California Fire Code requirements. Therefore, the Project would have a ***less than significant impact***.

### *Police Protection:*

**Less than significant impact.** The Project is not expected to result in an any additional hiring of police department staff due to the Project's size. Response times for the site would remain relatively the same before and after construction. Therefore, the Project would have a less than significant impact on police facilities and would not warrant the need for new or physically altered police facilities to maintain acceptable service ratios and meet performance objectives. The Project is required to pay all applicable impact fees, including those to offset impacts to police facilities. Therefore, the Project would have a ***less than significant impact***.

### *Schools:*

**Less than significant impact.** The Project is located in the Madera Unified School District. The District has provided comments on the Project, stating that they would expect a student generation of approximately nine students based on the size of the Project. The additional potential students to any of the schools serving the Project site would not result in the school reaching capacity. California Government Code Sections 65995(h) and 65996(b) specifically set forth that payment of developer impact fees provide full and complete school facilities mitigation. Therefore, the Project would have ***less than significant impact*** on school facilities.

### *Parks:*

**Less than significant impact.** The Project would result in approximately 58 residents using the latest Housing Element people per household ratio of 3.87. The nearest park to the Project site is Lions Town & Country Park, approximately 3,200 feet to the southwest. General Plan Policy PR-1 states that the City shall develop and maintain a complete system of public parks distributed throughout the City that provides opportunities for passive and active recreation at a minimum of 3 acres per 1,000 residents. The City currently has 324.47 acres of parkland<sup>19</sup>. With a 2021 population of 66,172 and the addition of 58 residents, the total amount of parkland required is 196.97 acres. The Project is also required to provide 500 feet of open space on-site for every unit constructed. In addition, the Project would have to pay a park impact fee to the City,

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<sup>19</sup> City of Madera. Website: <https://www.madera.gov/home/departments/parks-community-services/parks-trails/>. Accessed April 2021.

calculated on a per unit basis. The City has sufficient park space and therefore the Project would have a *less than significant impact* on parks.

**Landfills:**

**Less than significant impact.** The Project site would be served by the Fairmead Solid Waste Disposal Site for its solid waste. The landfill has a maximum permitted capacity of 9,400,000 cubic yards, with last reported remaining capacity of 5,552,894 cubic yards. The Project would not result in the generation of enough solid waste to put a significant amount of stress on the landfill’s ability to collect solid waste for its service area. Therefore, the Project would have a *less than significant impact* on landfills.

## 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.16.1 Environmental Setting

Currently Lions Town & Country Park is the only publicly maintained park within one mile of the Project site. There are several public schools within one mile of the Project site that could be used for recreation. This includes John Adams Elementary 900 feet to the south, and Thomas Jefferson Middle School 800 feet to the east. General Plan Policy PR-1 states that the City shall develop and maintain a complete system of public parks distributed throughout the City that provides opportunities for passive and active recreation at a minimum of three acres per 1,000 residents. The City currently has 324.47 acres of parkland<sup>20</sup>. With a 2021 population of 66,172, there are about 4.9 acres per 1,000 residents provided.

<sup>20</sup> City of Madera. Website: <https://www.madera.gov/home/departments/parks-community-services/parks-trails/>. Accessed April 2021.

### 4.16.2 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?

**Less than significant impact.** Increased demand for existing parks or other recreational facilities is typically driven by an increase in population. The proposed Project, a 15-unit apartment complex, would result in a net increase of residents at the Project site. However, the addition of the Project would result in a parks ratio of approximately 4.9 acres per 1,000 residents, which exceeds the City’s threshold of three acres per 1,000 residents. Therefore, the Project would not contribute to the substantial deterioration of existing facilities. In addition, the Project would be required to pay the City’s park impact fee, contributing to the care and maintenance for parks within the city. Therefore, there is *less than significant impact*.

- 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?

**Less than significant impact.** Increased demand for existing parks or other recreational facilities is typically driven by an increase in population. The proposed Project, a 15-unit apartment complex, would result in a net increase of residents at the Project site. This is not expected to be a substantial increase in population that would significantly result in the deterioration of a recreational facility or result in the need for the construction of a new recreational facility. In addition, the Project would be required to pay the City’s park impact fee, contributing to the care and maintenance for parks within the City. Therefore, there is a *less than significant impact*.

### 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)??	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.17.1 Environmental Setting

The Project site is served by a network of local and arterial streets. Site access would be provided by Orchard Avenue to the west with no direct access from Sunset Avenue. An existing alley also abuts the site to the west though no vehicular access is proposed from the alley. No streets would be required to be constructed in order to complete this Project. The project would utilize existing pedestrian facilities along both Orchard and Sunset Avenues.

### 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?**

**Less than significant impact.** The Project would not conflict with any program plan, ordinance, or policy addressing the circulation system, including transit, roadway, and bicycle and pedestrian facilities. The Project is required to submit improvement plans, including roadway improvements, for review and approval by the City Engineer to ensure improvements will be consistent with City standards. Therefore, there would be a *less than significant impact*.

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

**Less than significant impact.** The Project is located in Transportation Analysis Zone (TAZ) 2559 of the California Statewide Travel Demand Model (CSTDm)<sup>21</sup>, which has an average home-based vehicle mile traveled (VMT) per capita of 8.75. The regional home-based VMT per capita is 16.57. The Office of Planning and Research (OPR) has stated that a development project whose VMT per capita is less than 15 percent of the regional or citywide average should have a less than significant impact<sup>22</sup>. The TAZ in which the Project is located is approximately 47 percent below the countywide average and the Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Therefore, there would be a *less than significant impact*.

- 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)?**

**Less than significant impact.** Site access would be provided directly from two points of access from Orchard Avenue. The Project would not result in a substantial increase in hazards due to a geometric design feature or incompatible use. Compliance will be confirmed during review and approval of the required improvement plans by the City Engineer. Therefore, the Project would result in a *less than significant impact*.

- d) **Would the Project result in inadequate emergency access?**

**Less than significant impact.** Construction activities could cause impediments such as truck deliveries, hauling materials, and construction crews. However, emergency access would be maintained. While the

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<sup>21</sup> CalTrans. SB 743 VMT Impact Assessment. Website: <https://dot.ca.gov/programs/transportation-planning/multi-modal-system-planning/statewide-modeling/sb-743-vmt-impact-assessment>. Accessed May 2021.

<sup>22</sup> Governor's Office of Planning and Research. Technical Advisory on Evaluating Transportation Impacts in CEQA. Website: [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf). Accessed May 2021.



City of Madera does not have an emergency operations plan, Madera County does. The Project would be constructed and operate in accordance with the Madera County Emergency Operations Plan<sup>23</sup>. Therefore, the Project would result in a *less than significant impact*.

## 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:				
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 checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.18.1 Environmental Setting

A previous sacred lands search completed for General Plan Environmental Impact Report (EIR) did not identify any sensitive Native American cultural resources either within or near the Project site. As discussed in [Section 2.1.12 Consultation with California Native American Tribes](#) above, 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, notify in writing any California Native American Tribe

<sup>23</sup> Madera County. Madera County Emergency Plans. Website: <https://www.maderacounty.com/government/sheriff/office-of-emergency-services/county-emergency-plans>. Accessed August 2021.



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 a request for formal consultation. In addition, the Project is subject to Government Code Section 65352.3 (Senate Bill 18) as a result of the General Plan Amendment required for the Project. Tribes have 30 and 90 days respectively from receipt of notification to request formal consultation. Letters for requests for consultation were sent to nine tribes in the area in accordance with Assembly Bill (AB) 52 and Senate Bill (SB 18). The list of tribes to be contacted was provided by the Native American Heritage Commission and included: the Dumna Wo-Wah Tribal Government, the Chicken Ranch Rancheria of Me-Wuk Indians, the North Fork Mono Tribe, the North Valley Yokuts Tribe, the Picayune Rancheria of Chukchansi Indians, the Southern Sierra Miwuk Nation, the Tule River Indian Tribe, the Big Sandy Rancheria of Western Mono Indians, the Wuksache Indian Tribe / Eshom Valley Band. Letters were sent out May 26, 2021 and no responses were received within the required 30- and 90-day periods for formal consultation under AB 52 and SB 18, respectively (see [Appendix C](#)).

## 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 would not 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 the Project is not listed or eligible for listing in the California Register of Historical Resources (CRHR), or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). As described above, no known tribal cultural resources have been identified (as defined in Section 21074) within the Project area. Therefore, the Project would **not impact** the significance of a tribal cultural resource that is either listed in, or eligible for listing in, the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

- 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.*

**Less than significant impact.** The Project site is not a resource determined by the lead agency (City of Madera), 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. The Project site is not listed as a historical resource in the California Register of Historical Sources. As described above, no known tribal cultural resources have been identified (as defined in Section 21074) within the Project area, and no substantial information has been provided to the City to indicate otherwise. However, it is possible that unknown

buried archaeological materials could be found during ground disturbing activities, including unrecorded Native American materials. If such resources were discovered, the impact to cultural resources could be significant. General Plan Action Item HC-9.2 requires a condition of approval on all discretionary projects that the Planning Department be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action. Implementation of the required condition would reduce the impact to tribal cultural resources to *less than significant*.

## 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.19.1 Environmental Setting

The Project site is a previously developed property, currently planned for Commercial in the General Plan. Through General Plan Amendment 2020-01, the Project site would be planned for High Density Residential. The Project would connect to existing utility infrastructure provided by the City and would not result in an

expansion of water, sewer, or storm drainage facilities. The Project would be served by the Fairmead Solid Waste Disposal Site for its solid waste needs.

### 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?
- 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?

**Less than significant impact.** There are sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years according to the Urban Water Management Plan<sup>24</sup>. The Project would connect to existing City water facilities and would not require the expansion of any water infrastructure in order to serve the Project site. Therefore, the Project would have a *less than significant impact*.

- 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?

**Less than significant impact.** The Project would be served by the City of Madera Wastewater Treatment Plant (WWTP). The Madera WWTP has a design capacity of 10.1 MGD and it can accommodate a design peak dry weather flow of up to 15.1 MGD. The 2014 Sanitary Sewer System assumed a 2020 population of 86,633 with an average day flow of 10.4 MGD. The served population with the Project would be 66,172, and therefore approximately 25 percent below the assumed 2020 average flow. The WWTP has adequate capacity to serve the Project in addition to its existing commitments; therefore, the Project would have a *less than significant impact*.

- 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?

**Less than significant impact.** The Fairmead Solid Waste Disposal Site located at 21739 Road 19 serves the City of Madera. The landfill has a maximum permitted throughput of 1,100 tons/day. According to CalRecycle, a typical Madera resident produces approximately 3.9 pounds of solid waste each day, or approximately 15.1 pounds per household per day.<sup>25</sup> The 58 residents proposed by the Project would generate approximately 0.0189 tons per day, representing less than 0.1 percent of the landfill's permitted daily maximum throughput. The landfill has a maximum permitted capacity of 9,400,000 cubic yards, with last reported remaining capacity of 5,552,894 cubic yards. The landfill has an estimated closure date for December 2028; however, input has typically been less than maximum capacity. The landfill currently has

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<sup>24</sup> The City of Madera. Water. Website: <https://www.madera.gov/home/departments/public-works/water/#tr-urban-water-management-plan-2399025>. Accessed August 2021.

<sup>25</sup> CalRecycle. Jurisdiction Diversion/Disposal Rate Summary. Website: <https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/JurisdictionDiversionPost2006>. Accessed April 2021.

sufficient capacity to serve the Project. The Project is not anticipated to generate solid waste in excess of State or local standards. Therefore, the Project would have a *less than significant impact*.

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

**Less than significant impact.** The Project would be required to comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Therefore, the impact would *less than significant*.

## 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 located in or near State Responsibility Areas or include lands classified as Very High Fire Hazard Severity Zones. The Project would be developed consistent with all regulations of the California Fire Code.

## 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?
- 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?
- 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?
- 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 is located in an area of low fire risk and is not located in or near a State Responsibility Area nor near land classified by either CalFire<sup>26</sup> or the City of Madera as a Very High Fire Hazard Severity Zone<sup>27</sup>. The nearest State Responsibility Area is approximately 20 miles to the northeast of the Project site. Additionally, the site is approximately 30 miles from the nearest Very High Fire Hazard Severity Zone classification. As the Project is not subject to wildfire, it would have no impact on adopted emergency response plans or emergency evacuation plans relative to the risk of wildfire. The Project area does not generally experience strong prevailing winds and has a less than two percent slope. As the Project is relatively flat, and not located in or near a State Responsibility Area nor land classified by either Cal Fire or the City as a Very High Fire Hazard Severity Zone, it is not subject to the risk of downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes. The Fire Department reviewed the Project and determined the installation or maintenance of the Project or any associated infrastructure would not exacerbate fire risks or result in an impact to the environment. Therefore, there would be *no impact*.

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<sup>26</sup> CAL FIRE. Fire Hazard Severity Zones in SRA, Madera County. Website: [https://osfm.fire.ca.gov/media/6700/fhszs\\_map20.pdf](https://osfm.fire.ca.gov/media/6700/fhszs_map20.pdf). Accessed April 2021.

<sup>27</sup> CAL FIRE. Draft Fire Hazard Severity Zones in LRA, Madera County. Website: [https://osfm.fire.ca.gov/media/6703/fhszl06\\_1\\_map20.pdf](https://osfm.fire.ca.gov/media/6703/fhszl06_1_map20.pdf). Accessed April 2021.

## 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

### 4.21.1 Environmental Setting

Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Biologic Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Utilities and Service Systems.

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

## 4.21.2 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?

**Less than significant impact.** The analysis conducted in this Initial Study/Negative Declaration results in a determination that the Project will have a *less than significant* effect on the environment. Accordingly, the Project will involve no potential for significant impacts through the degradation of the quality of the environment, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory.

- 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)?

**Less than significant 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 cumulative effects of a project must be conducted in connection with the effects of past projects, other current projects, and probable future projects. The Project will include the construction of a new residential subdivision.

The Project would result in direct but planned population growth. The Project site was anticipated for urbanization with the development of the City’s General Plan. Therefore, implementation of the Project would not result in significant cumulative impacts and all potential impacts would be reduced to *less than significant* through the implementation of basic regulatory requirements incorporated into Project design.

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

**Less than significant impact.** The Project would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly. Impacts are considered to be *less than significant*.



October 26, 2021

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

**Project: Sunset Apartments, GPA 2020-1, REZ 2021-01, SPR 2020-01, ENV 2021-52)**

**District CEQA Reference No: 20211072**

Dear Mr. Conte:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Initial Study/Negative Declaration (ND) for the project referenced above from the City of Madera (City). The project consists of the amendment of the General Plan to rezone a portion of the property to enable the construction of a 15 unit residential apartment complex (Project). The Project is located at 1803 Sunset Avenue, in Madera, CA (APN 006-182-007)

The District offers the following comments:

### **1) Vegetative Barriers and Urban Greening**

The Project is surrounded by sensitive receptors such as single family residential units and a church. More specifically, there are single family residential located immediately adjacent to the Project and the nearest church (Sunset Avenue Church of Christ) is located approximately 300 feet west of the Project. The District suggests the County consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (i.e. church and school).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

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

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

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (861) 392-5500 FAX: (861) 392-5585



pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought resistant low maintenance greenery.

## **2) Clean Lawn and Garden Equipment in the Community**

Since the Project consists of residential development, gas-powered residential lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment.

More information on the District CGYM program and funding can be found at: <http://www.valleyair.org/grants/cgym.htm> and <http://valleyair.org/grants/cgym-commercial.htm>.

## **3) Solar Deployment in the Community**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the Project proponent consider the feasibility of incorporating solar power systems, as an emission reduction strategy for this Project.

## **4) Charge Up! Electric Vehicle Charger**

To support further installation of electric vehicle charging equipment and development of such infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of this incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District suggests that the City and Project proponent consider the feasibility of installing electric vehicle chargers for this Project.

Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

## **5) District Rules and Regulation**

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

### **5a) District Rule 9510 (Indirect Source Review)**

The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

The District has reviewed the information provided and has determined the project size is below the District Rule 9510, section 2.1 applicability threshold of 50 for a residential development. Therefore, District Rule 9510 requirements and related fees do not apply to the project.

### **5b) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:  
[http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

### **5c) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

### **District Comment Letter**

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

If you have any questions or require further information, please contact Harout Sagherian by e-mail at [Harout.Sagherian@valleyair.org](mailto:Harout.Sagherian@valleyair.org) or by phone at (559) 230-5860.

Sincerely,

Brian Clements  
Director of Permit Services



For Mark Montelongo  
Program Manager

Attachment 8: Rezone Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE THE APPROXIMATELY 0.2 NORTHERN ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SUNSET AND ORCHARD AVENUES (APN: 006-182-007) FROM THE R1 TO THE R3 ZONE DISTRICT.**

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this City Council (Council) have held duly noticed public hearings for the rezoning of the approximately 0.2 northern acres of property located at the northeast corner of Sunset and Orchard Avenues (APN: 006-182-007) from the R1 to the R3 Zone District.

SECTION 2. Based on the testimony and information presented at its public hearing, the Council has determined that the proposed rezoning is consistent with the General Plan, as amended, and subsequent development will be in conformance with all standards and regulations of the Municipal Code. The Council has further determined that the adoption of the proposed rezoning is in the best interest of the City of Madera. Such determination is based on the following findings:

FINDINGS:

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

SECTION 3. The Council hereby approves the rezoning of the above-described property by rezoning it from the R1 Zone District in the manner required by Chapter 3 of Title X of the Madera Municipal Code. The Council hereby amends the City of Madera Zoning Map. The amendment is illustrated in the hereto attached Exhibit "A" and "B" which indicates the segment of the City of Madera Zoning Map to be amended.

SECTION 4. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Manager and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Manager and City Clerk.

SECTION 5. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\* \* \* \* \*

# EXHIBIT A – Current Zoning



# EXHIBIT B – Proposed Zoning

