



REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, August 13, 2024
6:00 p.m.

Council Chambers
City Hall

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 85166164358# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/85166164358>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

Chairperson Robert Gran Jr.
Vice Chair Ramon Lopez-Maciel
Commissioner Rohi Zacharia
Commissioner Khubaib Sheikh
Commissioner Balwinder Singh
Commissioner Saim Mohammad
Commissioner Jose Eduardo Chavez

INTRODUCTION OF STAFF:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: None

PUBLIC COMMENT:

The first 15 minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on

the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

PUBLIC HEARINGS:

1. PPL 2024-02 – Lake Street Apartments (Report by Adileni Rueda)

Subject: Consideration of an application for a precise plan proposing a multifamily residential development comprised of 15 units on ± 2.38 acres of property located on the west side of North Lake Street between Ellis Street and Adell Street (APN: 005-110-033). The site is zoned PD 4500 (Planned Development, one units per 4,500 sq. ft.) with a General Plan land use designation of Low Density Residential.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission adopting a determination of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332/Class 32 (In-Fill Development Projects) for the project and approving Precise Plan 2024-02, subject to the findings and conditions of approval.

2. CUP 2023-08 and SPR 2023-26 – Restaurant Drive Through (Report by Adileni Rueda)

(Continued to the next meeting of the Planning Commission on September 10, 2024)

Subject: Consideration of an application for a Conditional Use Permit and Site Plan Review to allow for the use of a drive through in conjunction with a proposed restaurant on ± 0.34 acres of property located on the southern corner of the intersection of East 5th Street and North D Street at 126 North D Street (APN: 007-101-001). The site zoned C1 (Light Commercial) with a C (Commercial) General Plan land use designation.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission adopting a determination of Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines, Sections 15303/Class 3 (New Construction or Conversion of Small Structures), 15311/Class 11 (Accessory Structures) and 15332/Class 32 (In-Fill Development Projects) and approving Conditional Use Permit 2024-11 and Site Plan Review 2024-16, subject to the findings and conditions of approval.

3. CUP 2024-11 and Site Plan Review 2024-16 – Massage Parlor (Report by Robert Smith)

Subject: Consideration of an application for a Conditional Use Permit and site plan Review to allow a body massage parlor use on ± 0.86 acres of property located on the west side of Madera Avenue between Maple and Walnut Streets at 450 Madera Avenue (APN: 012-084-004). The site is zoned C1 (Light Commercial) with a C (Commercial) General Plan land use designation.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera adopting a determination of Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301/Class 1 (Existing Facilities) and approving Conditional Use Permit 2024-11 and Site Plan Review 2024-16, subject to the findings and conditions of approval.

4. PPL 2024-03 and Vesting TSM 2022-02 – Colette Subdivision (Report by Robert Smith)

Subject: Consideration of an application for a precise plan and vesting tentative subdivision map proposing a t51-lot single family residential planned development and subdivision of ±7.77 acres of property located at the southeast corner of Adell and North D Streets (APN's: 004-170-009, 010 & 020). The proposed site is zoned PD 4500 (Planned Development, one unit for every 4,500 sq. ft.) with Low and Medium Density General Plan land use designations.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission adopting the Negative Declaration and Mitigation Monitoring and Reporting Program that was previously prepared for the project and confirming it is consistent with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

5. CUP 2024-13 and Site Plan Review 2024-14 – Himat Investments (Report by Will Tackett)

Subject: Consideration of an application for a Conditional Use Permit to allow a service station with convenience store and a drive through car wash on ±5.08 acres of property located on the southwest corner of the intersection of Olive Avenue and Tozer Street/Rd. 28. The proposal includes a request for the sale of tobacco and alcohol (Type 20) in conjunction with the proposed convenience store. The size is zoned CN (Neighborhood Commercial) with a C (Commercial) General Plan land use designation.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission determining the project was previously assessed for compliance with the requirements of the California Environmental Quality Act (CEQA) and no further documentation is required; and, approving Conditional Use Permits 2024-13 and 2024-14 subject to the findings and conditions of approval.

6. Fiscal Year 2024/25 to 2028/29 Capital Improvement Program Determination of Conformity to the City of Madera General Plan (Report by Ellen Bitter)

Subject: Consideration of a resolution finding the Fiscal Year 2024/25 to 2028/29 Capital Improvement Program in conformance with the General plan and Specific Plans of the City of Madera pursuant to Government Code Section 65401.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission adopting a determination of Categorical Exemption pursuant to Section 15061(b)(3) (General Rule) of the

California Environmental Quality Act (CEQA) Guidelines and finding that the 2024/25 to 2028/29 Capital Improvement Program is in conformance with the General Plan and Specific Plans of the City of Madera pursuant to Government Code 65401.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the Planning Department's Office at (559) 661-5430 or emailing planninginfo@madera.gov. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: Planning Department, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
- The services of a translator can be made available. Please contact the Planning Department at (559) 661-5430 or emailing planninginfo@madera.gov to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.

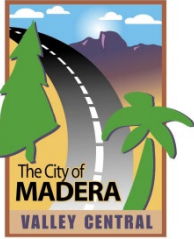
Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION for an appeal period.

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con

interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.



REPORT TO THE PLANNING COMMISSION

Prepared by:

Adileni Rueda, Assistant Planner

Meeting of: August 13, 2024

Agenda Number: 1

SUBJECT:

Consideration of an application for a Precise Plan (PPL 2024-02) proposing a multifamily residential development comprised of 15 units on ± 2.38 acres of property located on the west side of North Lake Street between Ellis and Adell Streets (APN: 005-110-033).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA) Guidelines; and approving Precise Plan (PPL 2024-02), subject to the findings and conditions of approval.

SUMMARY:

The applicant, Gary Rogers, has filed applications for a Precise Plan (PPL 2024-02) for the construction of fifteen dwelling units on the west side of North Lake Street between Ellis and Adell Street (APN: 005-110-033) (the "project site").

The project site is zoned PD-4,500 (Planned Development, one unit for each 4,500 square feet of site area) and is designated Low Density Residential (2.1-7.0 dwelling units per acre) by the Madera General Plan. In accordance with the City Municipal Code (CMC) Section 10-3-4.104, no construction, grading, or new development activity shall commence in any Planned Development Zone prior to an approval of a Precise Plan by the Planning Commission. The applicant has filed for Precise Plan No. 2024-02 for approval of the multifamily complex in the PD zone.

The project proposes to construct three detached multi-family buildings, each 7,740 square feet in floor area with five dwelling units in each building. The project proposes 15 units in total at a density of ± 6.30 dwelling units per acre, abiding with the Low Density Residential General Plan Low Density Residential requirements of 2.1 to 7.0 units per acre.

Table 1 below provides a brief overview of the entitlement request, project applicant, project location, and site characteristics.

Table 1: Project Overview	
<i>Project Number:</i>	PPL 2024-02
<i>Applicant:</i>	Gary A. Rogers
<i>Property Owner:</i>	33 rd Properties, LLC
<i>Location:</i>	West side of North Lake Street between Ellis and Adell Streets (APN: 005-110-033)
<i>Project Area:</i>	±2.38 acres
<i>Land Use:</i>	Low Density Residential (2.1-7.0 d.u./ac.)
<i>Zoning District:</i>	Planned Development 4,500 (PD, one unit per 4,500 square feet)
<i>Site Characteristics:</i>	The site is a vacant lot located between the streets of Ellis Street and Adell Street.

ANALYSIS:

Precise Plan (PPL) 2024-02

City Municipal Code (CMC) § 10-3-4.101(A) & (B) provide, the purpose of the PD zones is to authorize and regulate density of planned developments. The district is intended to allow use of special design criteria for maximum utility of the site and to allow maximum design flexibility within the density limitations of the General Plan and Zoning Regulations. Variations from normal zoning standards may be considered and special residential design standards may be established which regulate the planned development rather than typical residential standards of the Municipal Code. PPL 202402 will set the development standards for the multi-family residential project as set forth in the project conditions of approval.

Pursuant to CMC § 10-3-4.104, no construction, grading, or new development activity shall commence in any Planned Development Zone prior to an approval of a Precise Plan by the Planning Commission.

Parking

PPL 2024-02 proposes a total of fifteen dwelling units. To comply with the City’s conventional residential development standards, the project is required to provide a total of 37 parking spaces. The project has provided 49 parking spaces and has been conditioned to provide Electric Vehicle (EV) capable spaces required by the California Green Building Code. Of the provided parking spaces, 15 spaces shall be covered parking spaces for residential parking.

Open Space

In accordance with CMC § 10-3-4.106, Planned Development zones shall provide a minimum of 750 square feet of open space per unit. The proposed project requires 11,250 square feet of total open space and has provided 16,880 square feet. The site will provide landscaping throughout

the site and will include common areas for the residents. Landscaping and open space improvements will be reviewed in more detail once landscaping plans are submitted for formal review prior to final occupancy.

Future Development

The project site is currently surrounded by rural residential development on the north and west sides with a public facility located on the east side of the project. From the surrounding residential parcels located on the north and west side, many of these lots have single-family homes built along the street frontage on parcels with approximately 2 to 3 acres. In the event these parcels wish to develop available acreage to the rear of the existing single-family homes, second points of emergency or service vehicle access may be required. The project has been designed with exterior vehicular circulation aisles. Due to the absence of internal local public street dedications with this project, staff has conditioned the project such that the owner will be agreeable to entering into a mutual easement and reciprocal use agreement (for emergency and service vehicle access only) in the event adjacent development so requires without feasible alternative. This would be subject to City approval with all costs for necessary improvements to be borne by the adjacent development/beneficiary). While the project does not need to provide this connection now, it facilitates and ensure the ability to develop vacant acreage, planned for residential development to meet the City's housing goals.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is categorically exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15332/Class 32 (In-Fill Development). The project site is consistent with the General Plan designation and all applicable general plan policies as well as with the Zoning Regulations of the City Municipal Code. The development occurs within city limits and on a project site of no more than five acres. There is no value for habitat for endangered or threatened species and no potential to result in significant effects relating to traffic, noise, air or water quality. Subject to compliance with the project conditions, of approval, the project can be adequately served by all required utilities and public services. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on PPL 2024-02. Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning adopting a determination of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects) for the project; and approving Precise Plan (PPL 2024-02), subject to the findings and conditions of approval.

ALTERNATIVES:

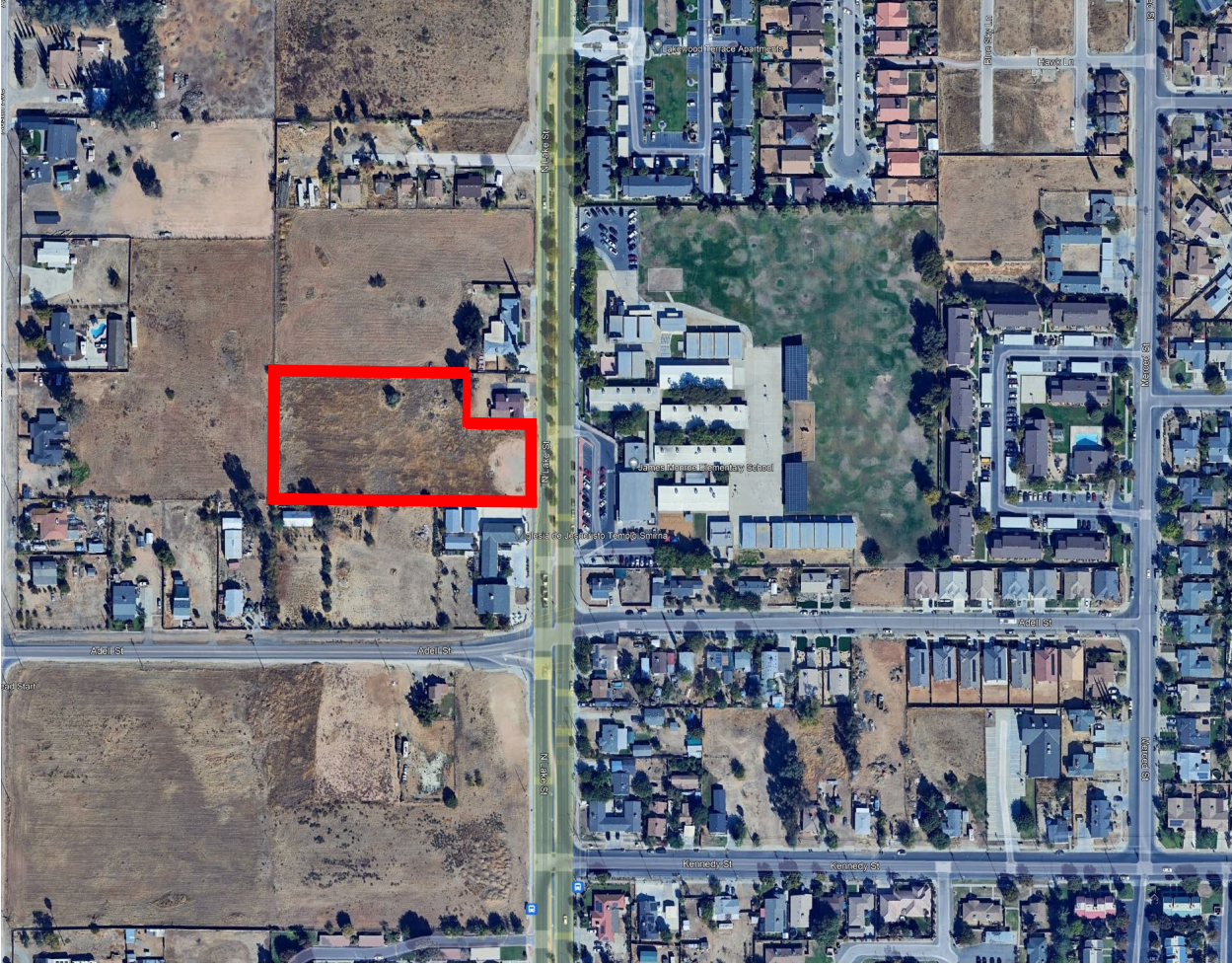
As an alternative, the Commission may elect to:

1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution (Commission to specify date and reasons for continuance).
2. Move to deny one more request based on specified findings: (Commission to articulate reasons for denial).
3. Provide staff with other alternative directives.

ATTACHMENTS:

1. Aerial View
2. Site Plan
3. Floor Plan
4. Elevations
5. Planning Commission Resolution
Exhibit "A"- Conditions of Approval

ATTACHMENT 1
Aerial Map



ATTACHMENT 2
Site Plan



VICINITY MAP

Site Data

SITE ADDRESS : 16212 NORTH LAKE ST.
MADERA, CA 93638
ASSESSOR'S PARCEL NO. : 066 - 110 - 033
ZONING : PD 4500 (16 UNITS ALLOWED)
AREA : 2,178 ACRES

Building Data

BUILDING USE : MULTI FAMILY (15 UNITS)
OCCUPANCY CATEGORY : R-3
TYPE OF CONSTRUCTION : VB

Building Area - Each Unit (15 units)

FIRST FLOOR LIVING AREA : 800 SQ. FT.
SECOND FLOOR LIVING AREA : 728 SQ. FT.
TOTAL LIVING AREA : 1,528 SQ. FT.
COVERED PORCH : 40 SQ. FT.
PRIVATE REAR YARD : 254 SQ. FT.

Open Space Required per unit - 750 SQ. FT.

TOTAL OPEN SPACE REQUIRED (15 units x 750 SQ. FT.) : 11,250 SQ. FT.
PRIVATE REAR YARD AREA : 254 SQ. FT. x 15 = 3,810 SQ. FT.
LANDSCAPE/WALKWAYS/COMMON AREAS/ETC. : 16,810 SQ. FT.
TOTAL OPEN SPACE PROVIDED : 16,880 SQ. FT.

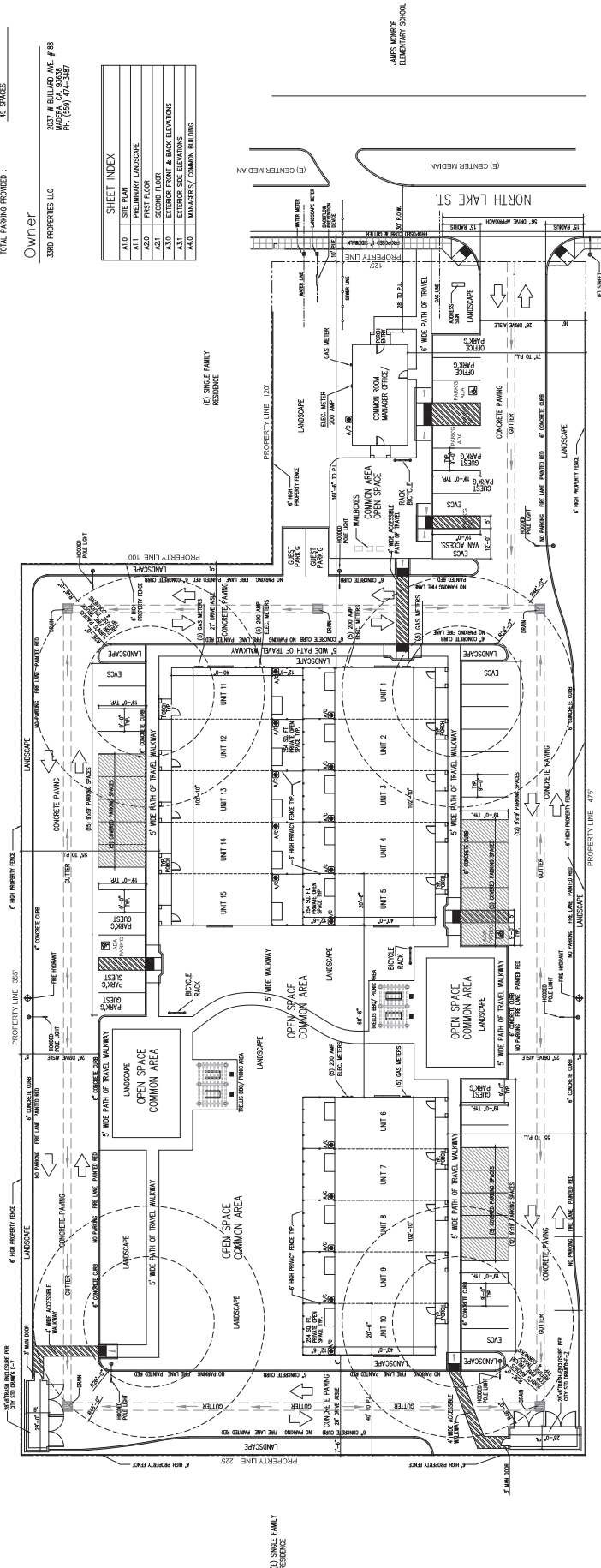
Parking - 15 Units

UNCOVERED PARKING PROVIDED : 15 SPACES
COVERED PARKING PROVIDED : 4 SPACES
TOTAL PARKING PROVIDED : 19 SPACES
GUEST PARKING PROVIDED : 8 SPACES
MANAGER/OFFICE PARKING PROVIDED : 2 SPACES
EVCS PARKING PROVIDED : 5 SPACES
TOTAL PARKING PROVIDED : 48 SPACES

OWNER

33RD PROPERTIES, LLC
2037 W. BALLARD AVE. #108
MADERA, CA 93638
PH: (559) 74-2487

SHEET INDEX	
A1.0	SITE PLAN
A1.1	PRELIMINARY LANDSCAPE
A2.0	FIRST FLOOR
A2.1	SECOND FLOOR
A2.2	MECHANICAL, GAS, & ELEC. PLANS
A3.0	EXTERIOR SITE UTILITIES
A4.0	MANAGER'S/OFFICE BUILDING



SITE PLAN

Scale: 1" = 20'-0"

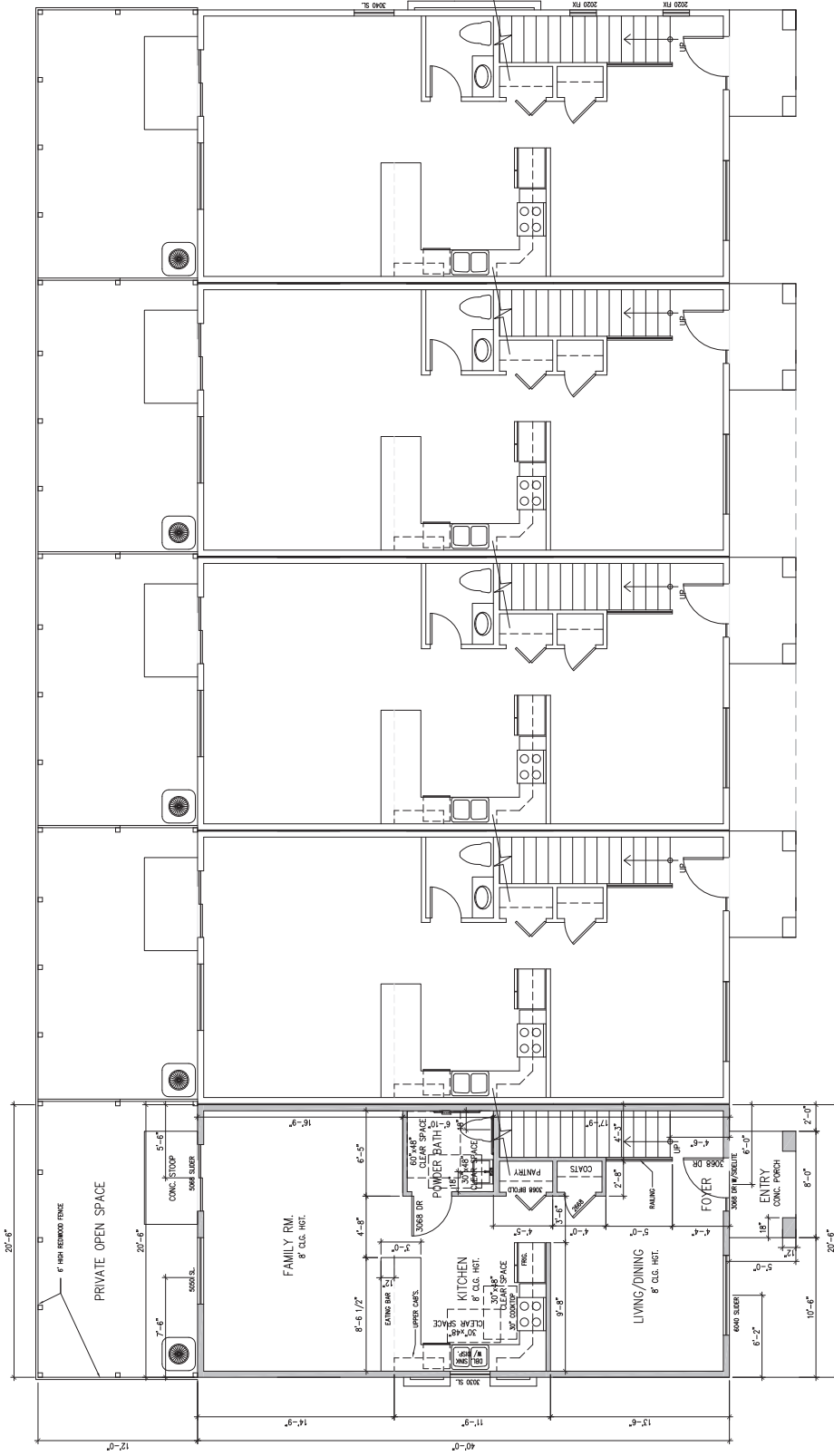
Gary A. Rogers - Architect
1816 HOWARD RD - SUITE #8
MADERA, CALIFORNIA 93637
OFFICE: (559) 674-6599
FAX: (559) 674-6599
PLANNING * DESIGNING * CONSTRUCTION PROBLEM SOLVING



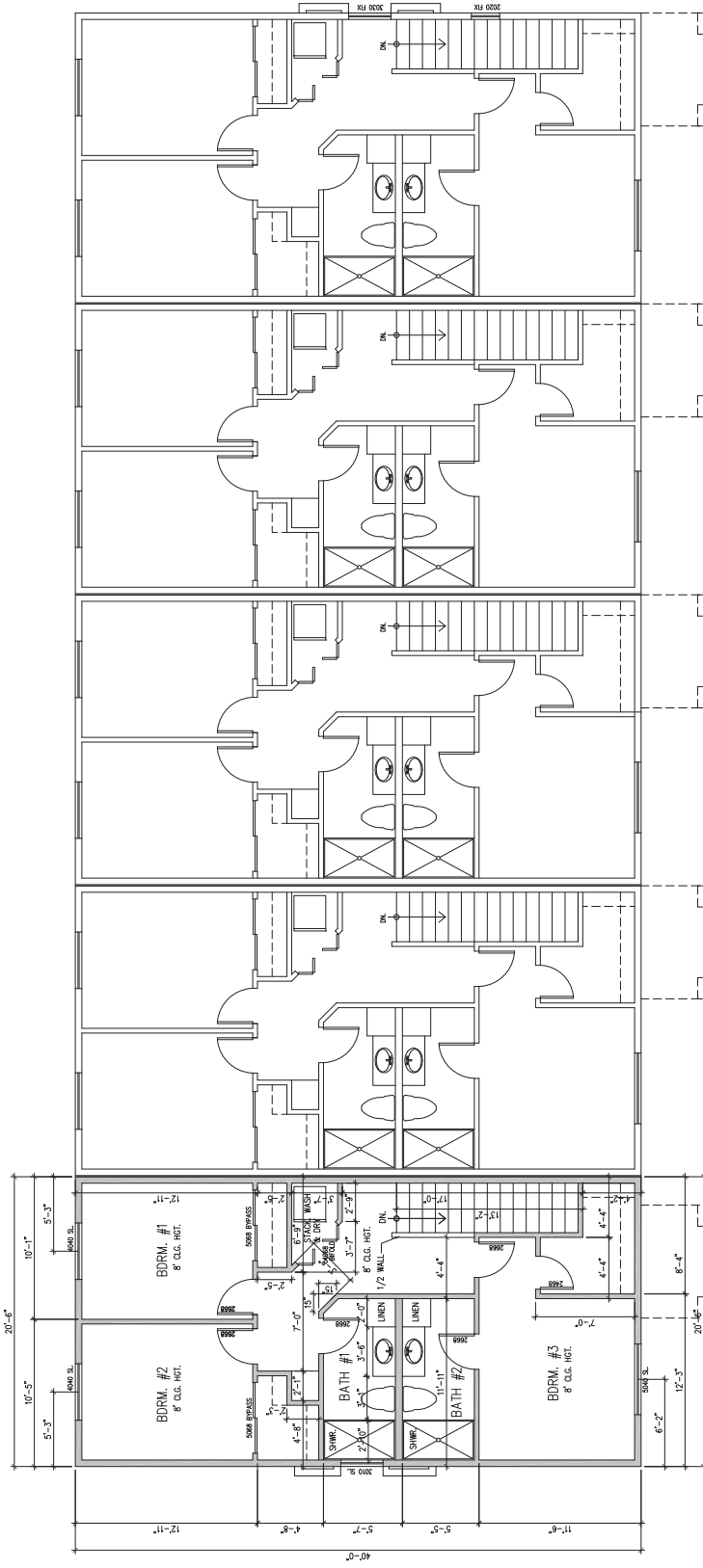
PROPOSED APARTMENTS
16212 NORTH LAKE ST.
MADERA, CA 93638
APN: 005 - 110 - 033

JOB NO.:
DRAWN BY:
SHEET NO.: A1.0
OF SHEETS:
DATE:

ATTACHMENT 3
Floor Plan

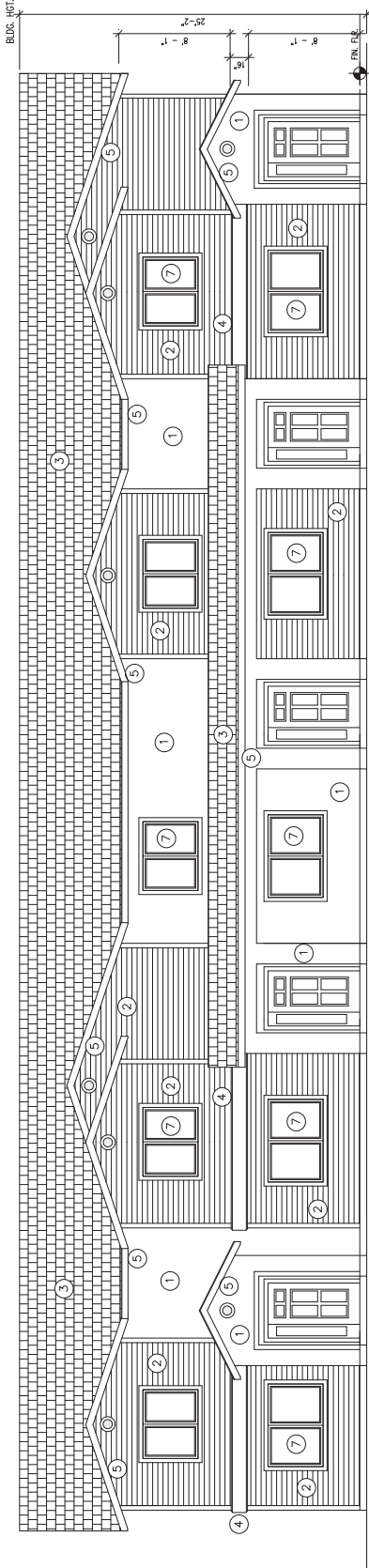


FIRST FLOOR PLAN (TYP. 5 UNITS) 820 SQ.FT. EACH UNIT
 1/4" = 1'-0" (ONE END UNIT TO HAVE ACCESSIBLE KITCHEN AND POWDER BATH)



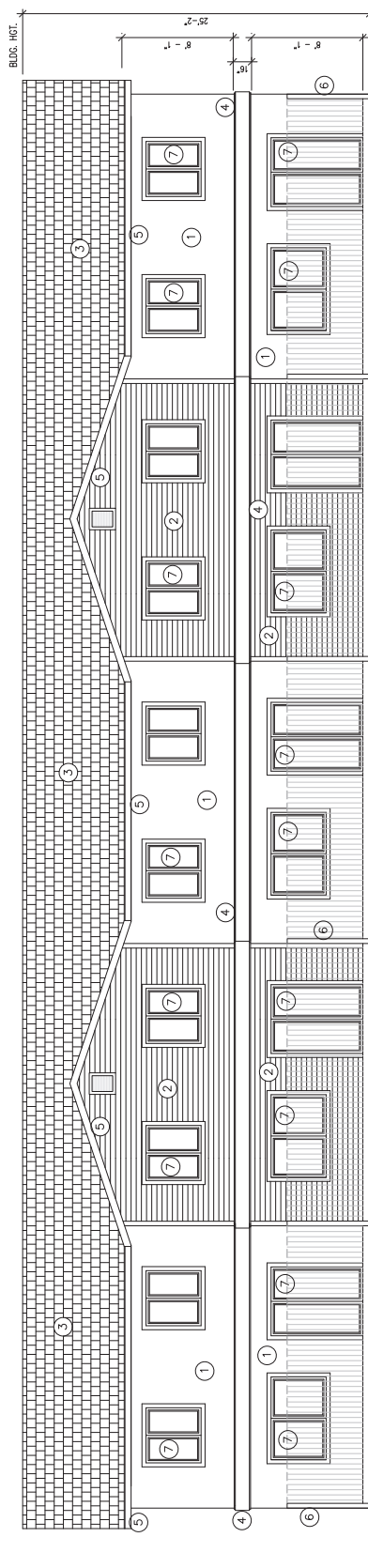
SECOND FLOOR PLAN (TYP. 5 UNITS) 728 SQ.FT. EACH UNIT
 1/4" = 1'-0"

ATTACHMENT 4
Elevations

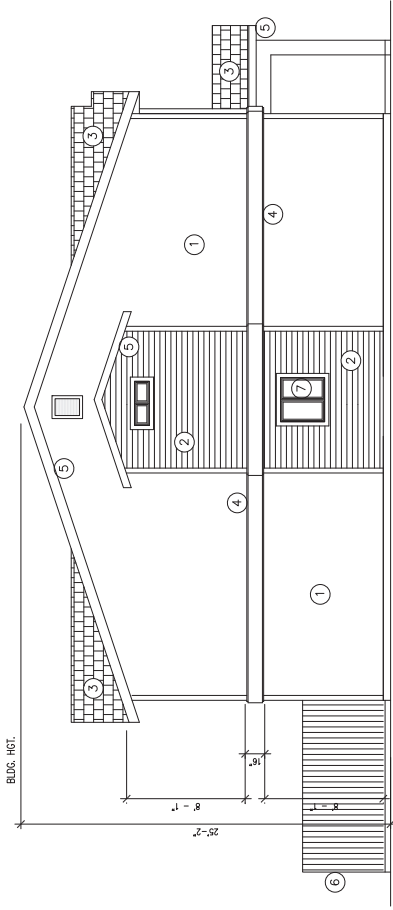


FRONT ELEVATION — BLDG. #1 (BLDG. #2 SIMILAR)
 1/4" = 1'-0"

- ① EXTERIOR WALL COVERING
 3-COAT STUCCO SYSTEM
- ② EXTERIOR WALL COVERING
 FIBER CEMENT HARD-PLANK SIDING
- ③ ROOF COVERING
 ROOF AREA COMPOSITION SHINGLES 0/15 LB. FELT UNDERLAYMENT.
- ④ TRIM / BANDING
 DECORATIVE TRIM TO BE FOAM WITH STUCCO OVER.
- ⑤ FASCIA
 2x CONTINUOUS WOOD FASCIA AS SHOWN.
- ⑥ FENCING
 6" HIGH REDWOOD PRIVACY FENCING
- ⑦ WINDOWS
 TYP. DUAL PANE WINDOW & DOORS

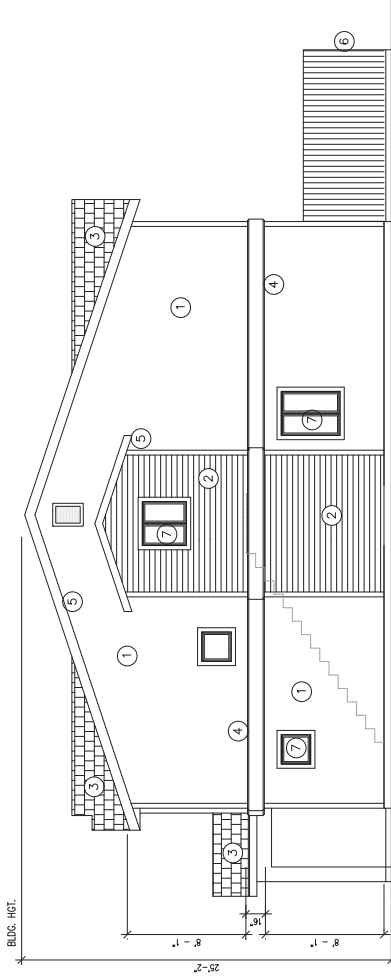


BACK ELEVATION — BLDG. #1 (BLDG. #2 SIMILAR)
 1/4" = 1'-0"



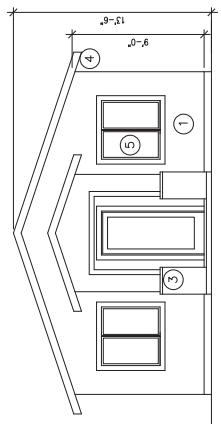
LEFT SIDE ELEVATION — BLDG. #1 (BLDG. #2 SIMILAR — WINDOWS AT END UNITS ONLY)
 1/4" = 1'-0"

- 1 EXTERIOR WALL COVERING
3-COAT STUCCO SYSTEM
- 2 EXTERIOR WALL COVERING
FIBER CEMENT HARD-PLANK SIDING
- 3 ROOF COVERING
ROOF AREA COMPOSITION SHINGLES 0/15 LB. FELT UNDERLAYMENT.
- 4 TRIM / BANDING
DECORATIVE TRIM TO BE FOAM WITH STUCCO OVER.
- 5 FASCIA
2x CONTINUOUS WOOD FASCIA AS SHOWN.
- 6 FENCING
6" HIGH REDWOOD PRIVACY FENCING
- 7 WINDOWS
TYP. DUAL PANE WINDOW & DOORS

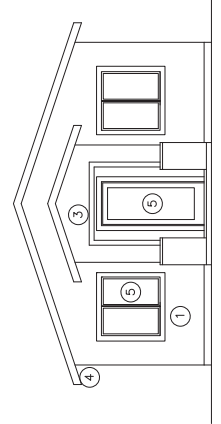


RIGHT SIDE ELEVATION — BLDG. #1 (BLDG. #2 SIMILAR — WINDOWS AT END UNITS ONLY)
 1/4" = 1'-0"

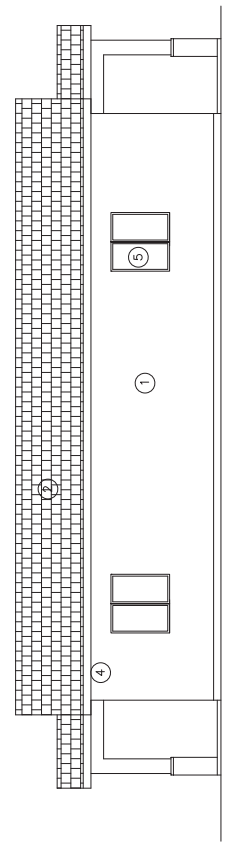
- 1 EXTERIOR WALL COVERING
3-COAT STUCCO SYSTEM
- 2 ROOF COVERING
ROOF AREA COMPOSITION SHINGLES 0/15 LB. FELT UNDERLAYMENT.
- 3 TRIM / BANDING
DECORATIVE TRIM TO BE FORM WITH STUCCO OVER.
- 4 FASCIA
2x CONTINUOUS WOOD FASCIA AS SHOWN
- 5 WINDOWS
TYP. DUAL PANE WINDOW & DOORS



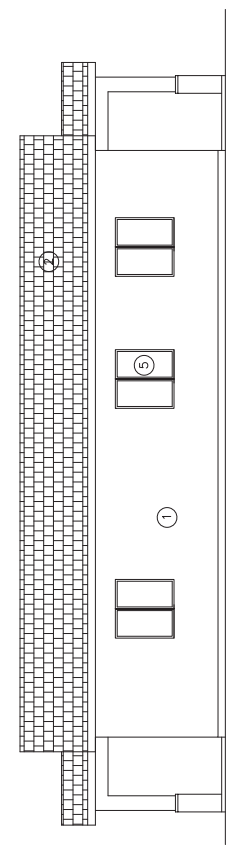
FRONT ELEVATION



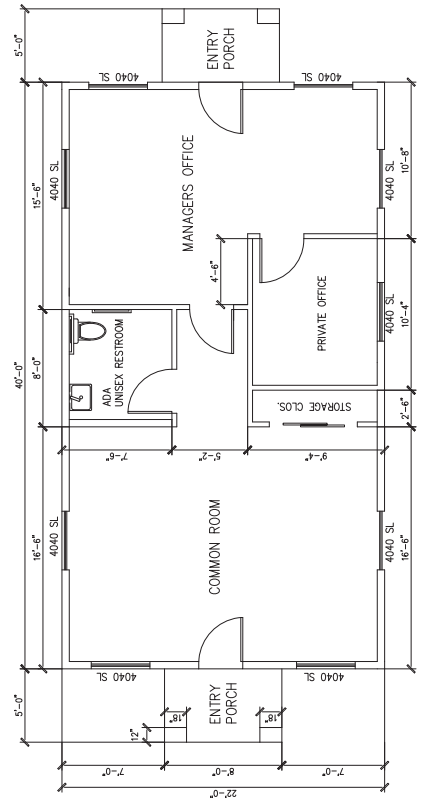
BACK ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



MANAGER OFFICE / COMMON ROOM FLOOR PLAN (880 SQ. FT.)
 1/4" = 1'-0"

ATTACHMENT 5
Planning Commission Resolution
Including:
Exhibit "A": Conditions of Approval

RESOLUTION NO. 1997

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA ADOPTING A DETERMINATION OF CATEGORICAL
EXEMPTION PURUANT TO CEQA GUIDELINE SECTION 15332 (IN-FILL
DEVELOPMENT PROJECTS) AND APPROVING PRECISE PLAN (PPL) NO.
2024-02 (LAKE STREET APARTMENTS)**

WHEREAS, Gary Rogers (“Applicant”), on behalf of 33rd Properties, LLC (“Owner”), submitted for an application for a Precise Plan (PPL 2024-02) pertaining to ±2.38 acres of property located on the west side of North Lake Street between Ellis Street and Adell Street (APN: 005-110-033)(“Project Site”); and

WHEREAS, the site is zoned PD-4,500 (One unit per 4,500 square feet) and designated for Low Density Residential (2.1-7.0 dwelling units per acre) land uses by the Madera General Plan; and

WHEREAS, pursuant to CMC § 10-3-4.104, no construction, grading, or new development activity shall commence in any Planned Development Zone prior to an approval of a Precise Plan by the Planning Commission; and

WHEREAS, PPL 2024-02 has been filed requesting authorization to develop the Project Site with fifteen (15) multi-family residential units at a density of ±6.30 dwelling units per acre, consistent with the General Plan’s Low Density Residential (2.1 to 7 units per acre) land use designation; and

WHEREAS, the City performed a preliminary environmental assessment and has determined the project is Categorical Exempt pursuant to Section 15332/Class 32 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, pursuant to the provisions of the City’s Municipal Code, the Planning Commission (Commission) is authorized to review and approve precise plan applications, and environmental assessments on the behalf of the City; and

WHEREAS, the City provided notice of the Planning Commission hearing held on August 12, 2024, as required by law; and

WHEREAS, the Commission received and reviewed Precise Plan 2024-02 at the duly noticed meeting on August 13, 2024; and

WHEREAS, at the August 13, 2024, Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Commission; and

WHEREAS, after due consideration of all the items before it, the Commission now desires to adopt this Resolution determining the project is Categorical Exempt pursuant to Section 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA) Guidelines; and approving Precise Plan (PPL 2024-02), subject to the findings and conditions of approval.

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: A preliminary environmental assessment was prepared for this project in accordance with the requirements of CEQA. The Commission finds and determines that the project falls within Categorical Exemptions set forth in CEQA Guidelines Section 15332/Class 32 (In-Fill Development Projects) as the project is characterized as in-fill development and is surrounded by existing development. The project is consistent with the General Plan and Zoning District regulations. The proposed development occurs within City limits on a project site of approximately 2.38 acres, which is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effect relating to traffic, noise, air quality, or water quality. The site can adequately be served by all required utilities and public services. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply to this project. As such, the Commission adopts a finding of a Categorical Exemption under CEQA Guidelines Section 15332/Class 32 (In-Fill Development Projects) for this project.

3. Findings for PPL 2024-02: The Commission finds and determines that there is substantial evidence in the administrative record to support the approval of PPL 2024-02. The project has been conditionally approved to be consistent with the requirements of the Municipal Code, including Section 10-3-4.103 (Precise Plans). The 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:

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

The project site has a zoning district of Planning Development (PD-4,500) and a land designation of Low Density Residential (2.1-7.0 dwelling units per acre). The project proposes to construct 15 dwelling units on the ±2.38-acre Project Site at a density of ±6.30 dwelling units per acre. The number of units abides with the Low Density Residential density requirement stated in Policy LU-19 of the General Plan.

Finding b: The proposed use will be compatible with the surrounding properties.

The ±2.38-acre site is suited for residential development as it is zoned PD-4,500 (One unit per 4,500 square feet) and designated for Low Density Residential (2.1-7.0 dwelling units per acre) land uses by the Madera General Plan. The site is located within an area with existing family homes and an existing public facility (school) across Lake Street. As conditioned and through the establishment of site-

specific development standards, the operation of an apartment complex is compatible with surrounding properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

The proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The proposed apartment development has been conditioned to be consistent with the existing neighborhood and has been required to make public improvements to ensure adequate public facilities, including provision of services, and will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of people residing or working in the neighborhood.

4. Approval of PPL 2024-02: Given that all findings can be made, the Commission hereby adopts the determination that the project is Categorically Exempt pursuant to Section 15332/Class 32 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines; and approves PPL 2024-02 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A".

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of August 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

Exhibit "A" – Conditions of Approval for PPL 2024-02.

Exhibit "A"
PPL 2024-02
Lake Street Apartments
Conditions of Approval
August 13, 2024

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval of this permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the zoning ordinance, and all City standards and specifications. This permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the permit as delineated herein

and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made. All discretionary conditions of approval for PPL 2024-02 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this permit.

CONDITIONS OF APPROVAL

General

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date approved for this use permit.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **The check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on PPL 2024-02.**
3. Approval of this conditional use permit and site plan review are for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City

fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

4. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight, or vibration that adversely affects any adjacent properties.
5. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the tenant suite or issuance of a business license, or as otherwise noted.
6. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
7. PPL 2024-02 will expire one year from date of issuance, unless rights are exercised as provided in the City Municipal Code § 10-3.4.0114 or required action is taken to extend the approval before expiration date.

PLANNING DEPARTMENT

8. All future improvements on the project site in association with this entitlement shall occur in the accordance with these conditions of approval, the final approved site plan and landscape plans required for permits and in substantial compliance with the respective plans considered and approved by the Planning Commission. Any substantial amendments, as determined by the Director, will require Planning Commission approval.

Future Connectivity for Emergency and Service Vehicles:

9. The owner shall agree to participate in affording options and shall be agreeable to entering into a mutual easement and reciprocal use agreement, in a form approved by the City of Madera, for future cross access to adjacent parcels and for emergency or service vehicle access only, in the event future adjacent development so requires without feasible alternative. Any future cross-access shall be provided in accordance with the following:

- a. A mutual easement and reciprocal use agreement for cross access shall be executed upon request of the City in conjunction with future development of the adjacent properties and consents to recordation of the same subject to the following:
 - i. Any future obligation for the provision of cross-access shall be limited to the area(s) identified on the final approved site plan and at locations approved by the City of Madera.
 - ii. Any mutual easement and reciprocal use agreement to be executed in accordance with this condition shall be in a form approved by the City of Madera.
 - iii. This condition shall be binding on each/any successive owner of the subject property regardless of any subdivision or adjustment of lot lines which may occur in the future.
 - iv. All burden, responsibilities, and costs for improvements to facilitate emergency or service vehicle access to adjacent properties including on the project site subject to this approval, shall be borne by and the responsibility of the developer of the adjacent property, as beneficiary of the agreement. Opposition to this requirement by an adjacent developer/beneficiary of any such easements is cause for relief of the owner of the project site subject to this approval of any obligation(s) under this condition.

Parking

10. PPL 2024-02 shall comply with mandatory requirements based on the California Green Building Standards for Electric Vehicle (EV) parking spaces for residential projects.
11. The project shall provide a minimum 37 parking spaces (15 covered) for use by the resident occupants. All parking areas and geometrics shall be marked, striped, and maintained at all times in accordance with the final approved site plan.

Trash Enclosure

12. All projects shall comply with the provisions of City Municipal Code (CMC) Title V, Chapters 3 & 3A pertaining & CA Senate Bill (SB) 1383 pertaining to garbage, refuse, recycling and organic waste. Trash enclosure shall be designed to accommodate three bins: trash, recyclables & green/organic waste.
13. Three-bin enclosures accommodating trash, recyclables & green/organic waste shall be constructed to comply with the City's enclosure standard of sheet E-7 excepting the enclosure shall be twenty-nine (29) feet in length. Enclosures shall be accessible in compliance with City standards and ADA law.

Landscaping

14. Landscaping and irrigation plans shall be submitted along with building plans for plan check review. The landscaping plans will need to be drawn and stamped by a California Landscaping Architect.
15. Landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall comply with all the specific landscape requirements and be approved by the Planning Department, unless specific deviation from the standards are approved by the Planning Manager, prior to issuance of building permits. The plans shall:
 - a. Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b. Provide permanent automatic irrigation systems for all landscaped areas with design to have moisture and/or rain sensor shutoff (weather based automatic, self-adjusting), minimize irrigation runoff, promote surface infiltration where possible, minimize the use of fertilizers and pesticides that can contribute to storm water pollution;
 - c. Provide vegetative matter coverage of a minimum of seventy percent (70%) of all landscaped areas;
 - d. Street trees shall be planted at a maximum thirty (30) foot intervals. Street tree selection shall be from the City's "Approved City Street Tree List". Trees must be established to the satisfaction of the Planning Manager after five (5) years or shall be enhanced or replaced subject to the above condition for a further five (5) year period of establishment or to the Planning Managers satisfaction;
 - e. Locate landscape material in such a way that it does not interfere with utilities above or below ground. All existing and proposed site utility features shall be fully screened with landscaping at appropriate clearances. A detail of screening shall be included on the plans and approved prior to building permit issuance and subject to Planning Manager review; and
 - f. Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as tree staking, soil preparation techniques for all landscaped areas.
 - g. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff, particularly the use of flow through planters from areas of impermeable paving (such as parking and circulation areas). In areas of water detention, species shall be tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
16. On-site and off-site landscaping and irrigation shall not be installed until a landscape plan(s) is approved by the Planning Department. Any deviation from the approved plan(s)

shall require written request and approval by the Planning Manager and/ or Community Development Director.

17. Approved landscape and irrigation plan(s) shall be fully installed and operational prior to granting occupancy.
18. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.

ENGINEERING DEPARTMENT

General

19. Deferrals are not permitted for any condition included herein, unless otherwise stated.
20. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
21. Development Impact fees shall be paid at time of building permit issuance.
22. Developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
23. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
24. The improvement plans for the project shall include the most recent version of the City's General Notes.
25. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
26. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
27. All off-site improvements shall be completed prior to issuance of final occupancy.
28. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Water

29. New or existing water service connection(s), including landscape areas, shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.

30. A separate water meter and backflow prevention device will be required for landscape area(s).
31. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to commencement of foundations and/or pads. Immediate installation can be delayed subject to use of a metered hydrant utilizing meter supplied through the Public Works Department along with appropriate measures to ensure water from the future lateral not be used until a permanent meter and backflow prevention device is installed.
32. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
33. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.
34. The developer shall reimburse one half of the 8-inch component, its fair share cost, to the City for the previously constructed water main along the entire project frontage on Lake Street.

Sewer

35. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
36. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
37. Sewer main connections six (6) inches and larger in diameter shall require manhole installation.
38. Existing septic tanks, if found, shall be removed, permitted and inspected by City of Madera Building Department.
39. The developer shall reimburse one half of the 8-inch component, its fair share cost, to the City for the previously constructed sewer main along the entire project frontage on Lake Street.

Storm Drain

40. Storm runoff from this project site is planned to go to the Sherwood Basin located southwest of this project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate basin to an amount equivalent to this project's impact on the basin.

The developer shall have the option of either constructing the downstream storm improvements with limited potential for reimbursement or holding post development runoff onsite using best management storm drainage practices.

41. Support calculations shall be provided that prove the existing or proposed storm drainage facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
42. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Discharge Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall enter into a covenant with the City that allows for future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.
43. All Best Management Practices (BMP) implemented for the purpose of limiting or treating runoff shall be included in a Maintenance Agreement intended to guarantee those measures are protected and maintained by the developer/owner in perpetuity.

Streets

44. The developer shall complete the arterial cross section on the west side of Lake Street per City standards through the installation of a five-foot sidewalk, parkstrip, streetlights, fire hydrants and sufficient pavement to complete the 30-foot pavement width required. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City and ADA standards. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
45. The developer shall restripe Lake Street to include two travel lanes between Adell Street and the northerly project limits. Appropriate transitions should be provided for travel lanes, bike lane and pedestrians to the extent reasonably possible.
46. The project shall be limited to a single driveway connection to Lake Street in accordance with driveway separation policies of the City.
47. The proposed driveway approach on Lake Street shall be constructed to a street-type entrance with a minimum face curb radius of 15 feet and be constructed to current City and ADA standards. Only one drive approach will be allowed on Lake Street with this proposal.
48. The driveway approach shall have a minimum throat length of thirty (30) feet from face of curb to eliminate the possibility of vehicles queuing into the City right-of-way.
49. "No Parking" signs shall be installed along Lake Street project frontage per City standards.
50. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on Lake Street. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.

51. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purpose of participating in the cost of maintaining landscape improvements within said zone.

Dry Utilities

52. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater. Undergrounding of utilities shall not result in the addition of new poles being installed on other properties or street frontages.

FIRE DEPARTMENT

53. Complete construction plans must be submitted for all changes to the building. Building permits are required which will require fire approval.
54. Available fire flow must be tested to ensure the capacity is adequate. One or more on site fire hydrants shall be required. The applicant shall show CFC Appendices B, C & D are complied with on the plans submitted for permits.
55. A Knox Box will be required for emergency services access.
56. 2A10BC rated fire extinguishers are required within 75 feet of all areas, but not inside each individual apartment.
57. All dwellings shall be equipped with fire sprinklers including the manager's apartment as applicable based upon the final design. The fire sprinklers shall comply with NFPA 13R. Fire Department Connections (FDC's) are required and shall be placed remotely from the structure they protect. FDC's shall be labeled as to the building they serve.
58. Fire Lanes shall be posted and clearly identify on the plans as well as the means of posting.

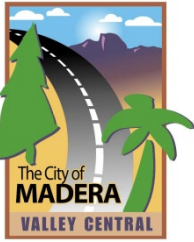
BUILDING DEPARTMENT

59. Complete construction plans must be submitted for all changes to the building. Building permits are required which will require fire approval.
60. The entire site and building must comply with accessibility requirements for chapter 11 of the California Building Code. Where are the ground floor accessible units? No units are shown as accessible or even adaptable. All sleeping rooms are above ground level and there are no lifts, ramps or other means to reach the sleeping rooms.
61. Available restrooms at the common space shall comply with the California Plumbing Code.
62. Separations between units and adjacent spaces shall comply with the CBC.

END OF CONDITIONS

**CUP 2023-08 & SPR 2023-26
Restaurant Drive Through**

This item is being continued to the September 10, 2024, Planning Commission Meeting



REPORT TO THE PLANNING COMMISSION

Prepared by: Robert Smith, Senior Planner

Meeting of: August 13, 2024

Agenda Number: 3

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2024-11) and Site Plan Review (SPR 2024-16) for Comfort Massage, pertaining to ±0.86 acres of property located at 450 South Madera Avenue, on the west side of South Madera Avenue between Maple and Walnut Streets (APN: 012-084-004).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2024-11 and Site Plan Review (SPR) 2024-16, subject to the findings and conditions of approval.

SUMMARY:

The applicant, Xiang Cai Li, has filed an application for a Conditional Use Permit (CUP) 2024-11 and Site Plan Review (SPR) 2024-16 requesting authorization to allow a massage business use (Comfort Massage) to be established within a vacant tenant space within an existing commercial center located at 450 South Madera Avenue, on the west side of South Madera Avenue between Maple and Walnut Streets (APN: 012-084-004).

The subject applications propose no physical changes to the subject property. Any future site modifications would be subject to additional site plan review; any tenant improvements, are subject to acquisition of building permits as may be required in accordance with the California Building Code.

The site is zoned C1 (Light commercial) Zone District and is designated for Commercial land uses by the Madera General Plan.

Table 1 below provides a brief overview of the entitlement request, project applicant, project location and site characteristics.

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2024-11; SPR 2024-16
<i>Applicant:</i>	Xiang Cai Li
<i>Property Owner:</i>	Khalid Chaudhry.
<i>Location:</i>	450 South Madera Avenue
<i>Project Area:</i>	Approximately 862 square feet, Suite F (Tenant Space)
<i>Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics</i>	The site is within the South Madera Avenue Shopping Center, and existing commercial center with a variety of existing, active commercial uses.

BACKGROUND:

The existing commercial building where the 862 square foot (sf) massage business is proposed to be located has been utilized for commercial and office uses in the past. The shopping center is occupied by a variety of commercial users present for several years. The applicant desires to establish a body massage parlor within the vacant tenant suite. Massage services would be provided at the premises in the existing separate internal suites.

The Madera General Plan Land Use designation for the site is Commercial. The site’s C1 (Light Commercial) zoning district allows for massage business uses including body massage parlors with a conditional use permit.

ANALYSIS:

Use Permit

City Municipal Code (CMC) Section 10.3.802 (C)(20) requires a use permit for all establishments which, in the opinion of the Planning Commission, are of a similar nature to those listed as permitted with a use permit.

A Determination of Use (DOU) is necessary whenever the use schedule of the Zoning Ordinance does not provide either an exact identification within the schedule of a proposed use as permitted or a similar identification sufficient to allow for a proposed use based on close similarities and/or compatibility with uses that are specifically identified within the schedule.

The Commission subsequently found that no once use or combination of uses listed in the CMC closely resembled body massage or sculpting as a permitted use, with only medical and dental offices being similar. Accordingly, on March 14, 2024, the City of Madera Planning Commission adopted a resolution approving a Determination of Use (DOU 2023-01) for the establishment of body massage and sculpting businesses, allowing for various forms of related services, in the C1 (Light Commercial) and C2 (Heavy Commercial) zone districts subject to obtaining a Conditional Use Permit. Services may include, but not be limited to, body massage, massage therapy, manual lymphatic treatment, body sculpting, and other similar types of services.

The use permit would authorize the ability to establish and operate a massage business and services within the interior of the tenant suite. Body massage businesses are otherwise subject to the provisions and requirements of CMC § 6-1.67, Physical Therapy. These provisions require payment of an annual licensing fee or tax; as well as the filing of licensing application to substantiate the good character and business responsibility of the licensee, including disclosure of criminal convictions and presentation of valid State licensing as may be required. License applications shall be referred to the Chief of Police, who shall determine the granting of the permit or the conduct or activity will be contrary to the public peace, health, safety, morals, or welfare of the City or its inhabitants.

Site Plan Review

While the applicant is not proposing tenant improvements or exterior site alterations or changes at this time, pursuant to Section 10.3.4.0102 of the CMC, a site plan review is required for all projects which require a use permit, including a change in use where no on-site construction is proposed. Site Plan Review verifies site conformance with City standards, affirms internal arrangement of the massage parlor and how the use would function. Staff has identified conditions associated with this type of use. Other SPR considerations are limited in consideration as no exterior alterations are proposed and there is adequate on-site parking that exceeds the needs for this proposal.

General Plan Conformance

This conditional use permit and site plan review supports goals and policies established in the General Plan. In allowing this establishment to introduce a massage parlor, it supports Vision Madera 2025 and encourages “economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally” (General Plan, p. 1-2). The use permit also supports goals and policies outlined in the General Plan’s Sustainability Element:

- Goal SUS-1 – Establish and maintain a diverse and sustainable local economy.
- Policy SUS-11 – The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for businesses growth within the City.

Practitioners and customers consider, and the City Municipal Code defines, massage as a form of physical therapy. To this extent, the proposed massage business also contributes to the City of Madera fulfilling its Vision 2025 statements of providing a safe and healthy environment for all residents through facilities and clinics which serve all ages and cultures, promoting community and personal wellness.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is exempt under Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality

Act (CEQA) Guidelines because the project would result in the licensing of a use within an existing structure and would not result in any potential environmental impacts under CEQA. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution(s): (Commission to specify date and reasons for continuance).
2. Move to deny one more request based on specified findings: (Commission to articulate reasons for denial).
3. Provide staff with other alternative directives.

ATTACHMENTS:

1. Vicinity Map
2. Site & Floor Plans
3. General Plan Land Use Map
4. Existing Zoning Map
5. Planning Commission Resolution
Exhibit "A": Conditions of Approval

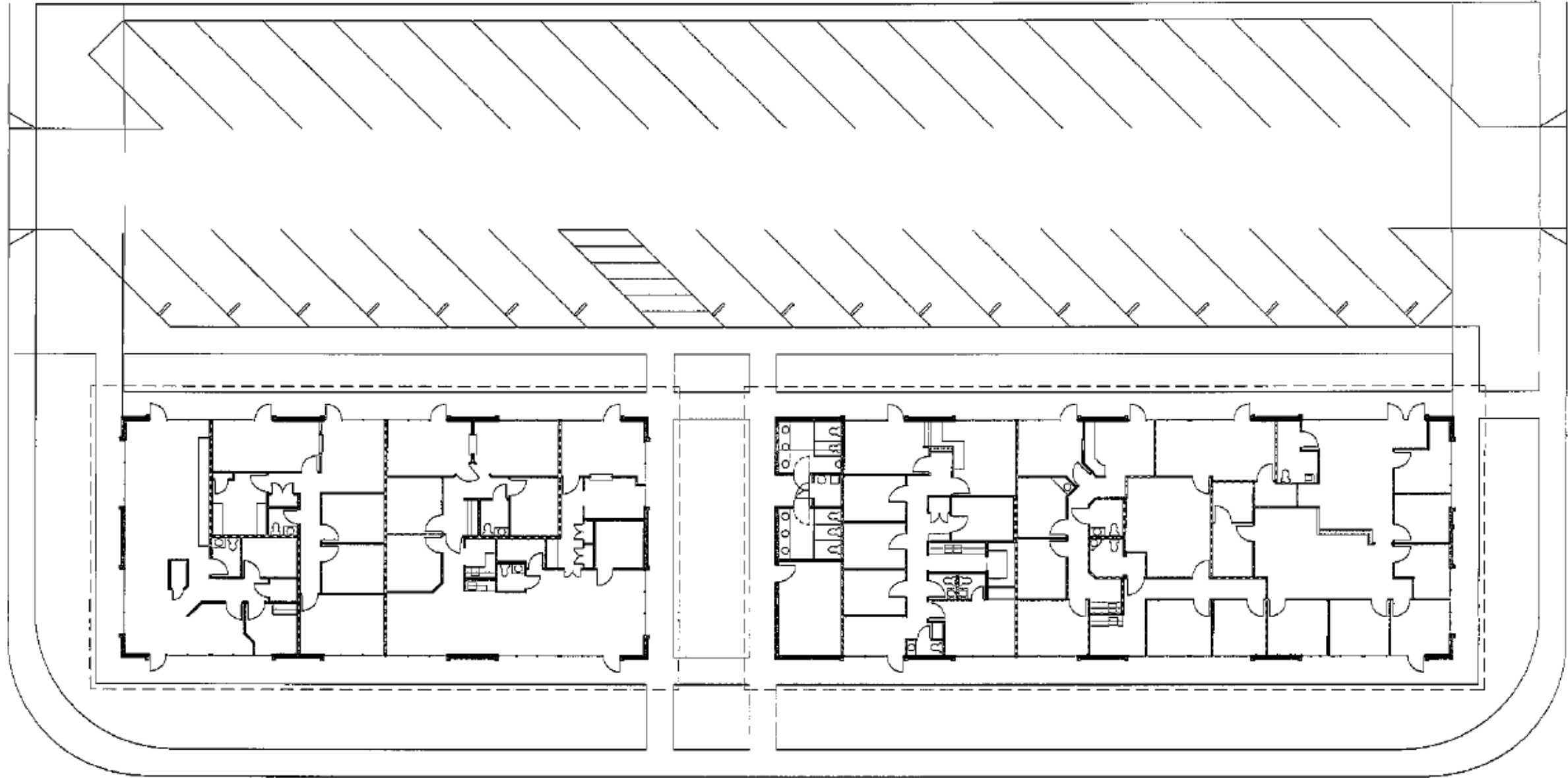
ATTACHMENT 1

Vicinity Map



ATTACHMENT 2

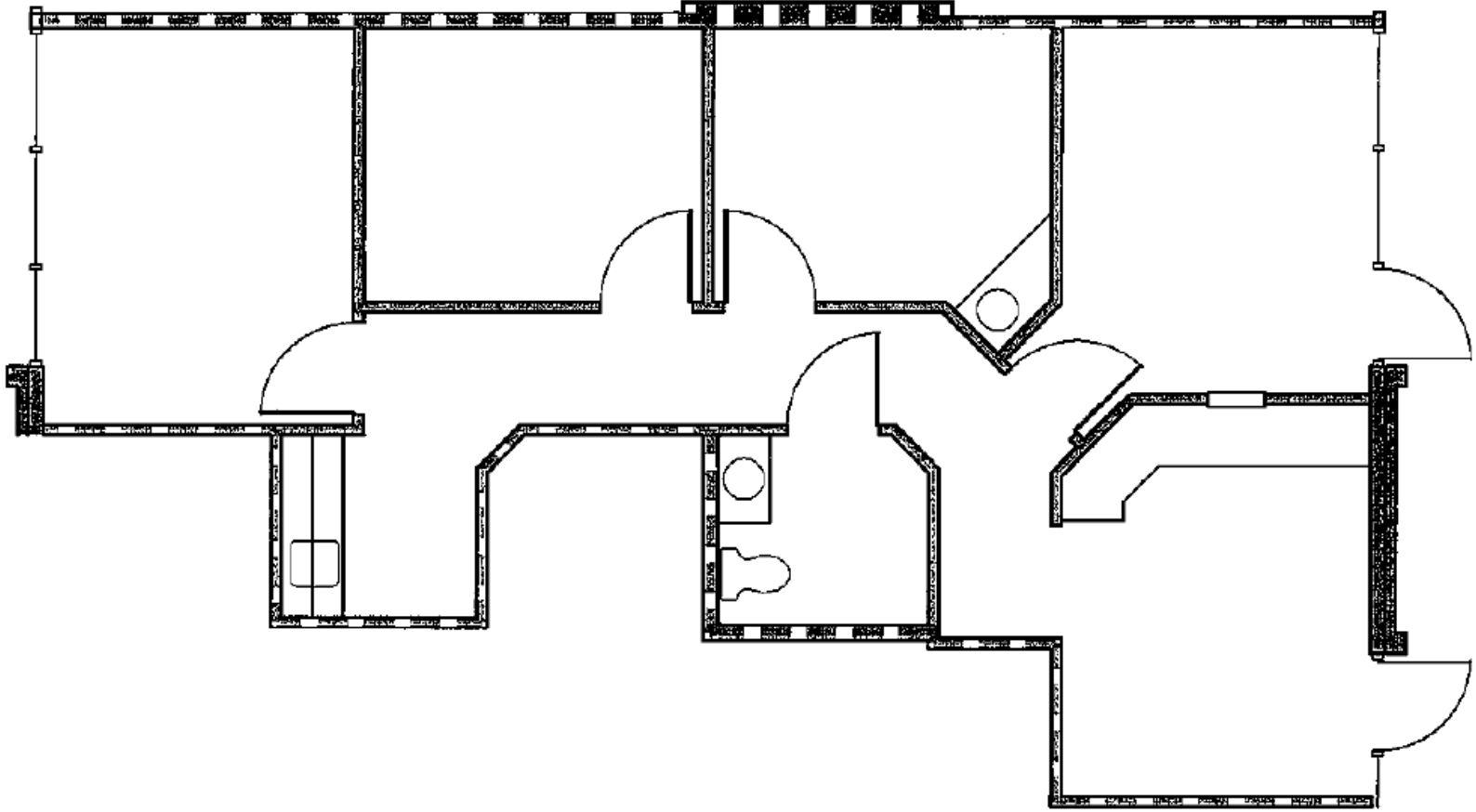
Proposed Plan



SITE
09025
12/29/09
TABA



450 SOUTH MADERA AVE
SUITES A-H
9,395 RA



FLOOR PLAN



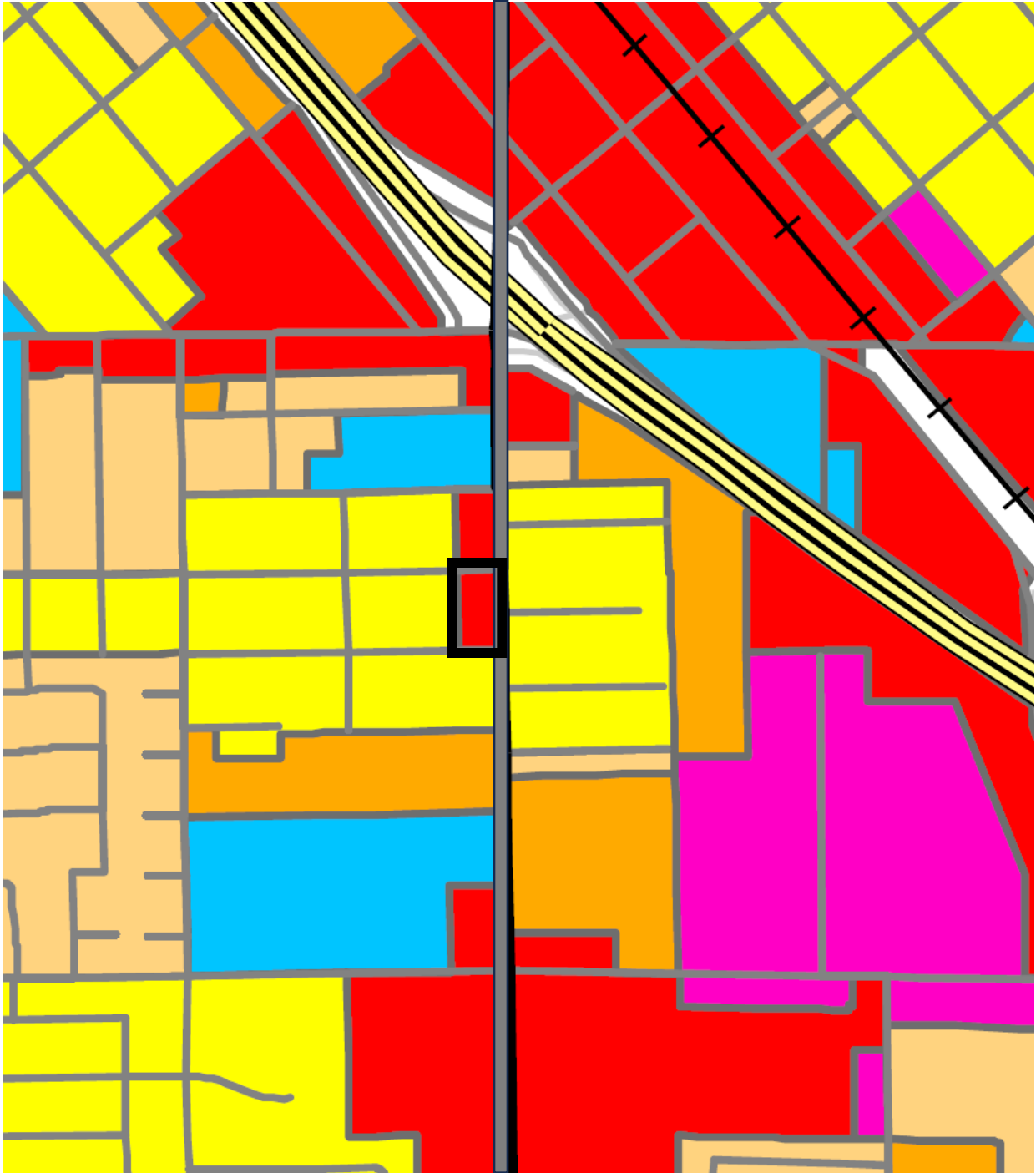
VACANT
450 S MADERA AVE STE F

821 UA
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09025
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450F
TABA

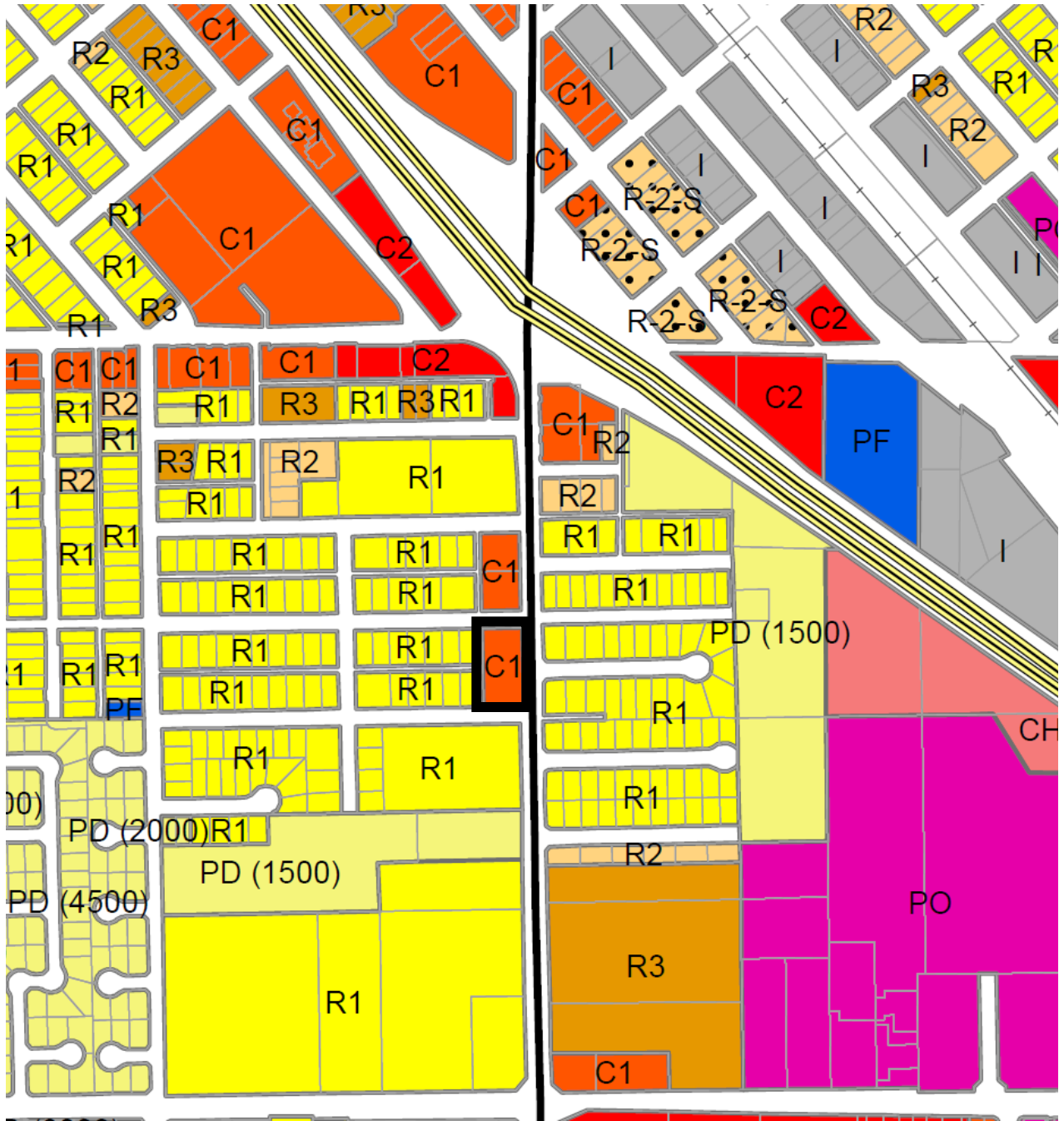
ATTACHMENT 3

City of Madera General Plan Land Use Map



ATTACHMENT 4

City of Madera Zoning Map



ATTACHMENT 5

Planning Commission Resolution

RESOLUTION NO. 1999

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING A DETERMINATION OF CATEGORICAL EXEMPTION
PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES),
AND APPROVING CONDITIONAL USE PERMIT (CUP) NO. 2024-11 AND
SITE PLAN REVIEW (SPR) NO. 2024-16**

WHEREAS, Khalid Chaudhry. (“Owner”) owns the property at 450 South Madera Avenue, Madera CA. 93637 (“site”); and

WHEREAS, Xiang Cai Li (“Applicant”) has filed CUP 2024-16 and SPR 2024-16 to request authorization to establish a massage business (Comfort Massage) use within an existing tenant space in an existing commercial building on the site; and

WHEREAS, the site is designated for Commercial planned land uses on the General Plan Land Use Map and is zoned C1 (Light Commercial) by the Zoning Ordinance; and

WHEREAS, in accordance with Determination of Use (DOU) 2023-01, the Planning Commission determined body massage and sculpting businesses are uses permissible subject to a conditional use permit in the C1 (Light Commercial) zone districts; and

WHEREAS, operations proposed in accordance with CUP 2024-11 and SPR 2024-16 have been determined to be able to occur on the site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was found to be Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities); and

WHEREAS, pursuant to the provisions of the City Municipal Code (CMC), the Planning Commission is authorized to review and approve conditional use permits, site plan reviews and environmental assessments for associated projects on behalf of the City; and

WHEREAS, the City provided notice of the Planning Commission hearing on August 13, 2024 as required by law; and

WHEREAS, the Planning Commission received and independently reviewed and considered CUP 2024-11 and SPR 2024-16 at the duly noticed meeting on August 13, 2024; and

WHEREAS, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after due consideration of the items before it, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2024-11 and SPR 2024-16.

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: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15301/Class I (Existing Facilities) of the State CEQA Guidelines because the project is operational only proposing a new use (massage business), within an existing tenant space within an existing building on an existing improved lot with existing services and utilities. The existing tenant space proposed for use was previously utilized for office purposes accommodating limited clientele on a primarily appointment-only basis and any modifications to the structure will only be minor interior changes to the interior. Therefore the project will involve negligible or no expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.
3. Findings to Approve CUP 2024-11: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit and site plan, as conditioned. 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:

Finding a: The proposal is consistent with the General Plan, operative plans and Zoning Ordinance.

The General Plan designates the subject site for commercial uses and the site is zoned C1 (Light Commercial), which is consistent with the Commercial land use category pursuant to Table LU-A: General Plan/Zoning Consistency of the Madera General Plan.

The massage business use is considered permissible in the C1 zone district subject to obtaining a conditional use permit. The proposed use supports Madera General Plan Goal SUS-1, and Policy SUS-11 by encouraging diverse economic opportunities, and contributes to fulfilling the Vision 2025 statements through the provision of facilities which serve all ages and cultures, promoting community and personal wellness.

Finding b: The proposed use will be compatible with the surrounding properties.

The project site is a strip commercial/retail center suited for commercial uses. The proposal is for an existing building zoned commercial and is surrounded by like uses to the north, east, and south of the property. As conditioned, the use will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

The proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned by staff. Subject to operational compliance with the project conditions of approval, the general welfare and safety of the surrounding uses and the City at large will not be negatively impacted.

4. Findings to Approve SPR 2024-16: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the Site Plan Review, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. 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:

Finding a: The proposal is consistent with the General Plan, operative plans and Zoning Ordinance.

In allowing this establishment to expand their business to include massage use, these entitlements support Vision Madera 2025 and encourage, “economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally” (City of Madera General Plan, p. 1-2).

Finding b: 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.

The project has been reviewed and is consistent with the surrounding uses and with all applicable requirements for development in a C1 – Light Commercial zone district. There are no public right improvements required and on-site utilities are consistent with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, and traffic.

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

The Site Plan Review will not have a significant impact on traffic or the environment. With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

- 5. Approval of CUP 2024-11 and SPR 2024-16: Given that all findings can be made, the Planning Commission hereby approves the use permit and site plan review as conditioned and set forth in the Conditions of Approval attached as Exhibit "A".
- 6. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of August 2024, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

Robert Gran Jr.
 Planning Commission Chairperson

Attest:

Will Tackett
 Community Development Director

EXHIBIT "A"
CUP 2024-11 AND SPR 2024-16
(MASSAGE PARLOR)
CONDITIONS OF APPROVAL
August 13, 2024

Notice to Applicant

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through site plan review, and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval of this permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the zoning ordinance, and all City standards and specifications. This permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the permit as delineated herein

and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for the use permit will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission, and all discretionary conditions of approval for the site plan review will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of 450 South Madera Avenue that are subject to CUP 2024-11 & SPR 2024-16.

Conditions of Approval

General

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date approved for this use permit.
2. The use permit may be rendered null and void without any additional public notice or hearing at any time by the owners of the property by voluntarily submitting to the City a written request revoking owner authorization.
3. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2024-11 & SPR 2024-16.**

4. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
5. Operations and activities conducted on-site shall comply with all applicable local, state and federal laws and/or regulations pertaining to the specific use of the property at all times.
6. Approval of this conditional use permit and site plan review are for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

7. CUP 2024-11 shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (CMC Section 10-3.1311, Termination and Revocation).
8. SPR 2024-16 shall expire one year from date of issuance unless positive action is taken on the project as provided in the City Municipal Code (CMC) or required action is taken to extend the approval prior to the expiration date (CMC Section 10-3.4.0114, Lapse of Site Plan Approval).

Planning Department

9. The massage business shall be subject to the provisions and all requirements of CMC § 6-1.67, Physical Therapy.
10. Business hours shall be limited to between 8:00am and 10:00pm daily.
11. Clients of the Massage Business shall be limited to adults 18 years of age and older and minors only when accompanied by a parent or legal guardian.
12. Massage services shall only be performed by Certified Massage Practitioners, which shall mean any individual certified by the California Massage Therapy Council (CAMTC) as a massage therapist or massage practitioner pursuant to California Business and Professions Code Section 4600 et seq.
 - a. It shall be unlawful for any Certified Massage Practitioner to be present on the premises of a Massage Business or perform Massage on a Client without having prominently displayed his or her CAMTC certification card issued by CAMTC. The identification card shall be in good and readable condition. At minimum, a copy of the CAMTC certificate of each Certified Massage Practitioner employed by the Massage Business shall be displayed in the reception area or similar open public space on the premises.
 - b. A Certified Massage Practitioner shall operate only under the name specified in his or her CAMTC certificate.
13. The Massage Business and practitioners shall at all times comply with the following sanitary operational conditions:
 - a. The Massage Business shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Towels and linens shall not be used on more than one Client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one Client. Soiled linens and paper towels shall be deposited in separate receptacles.
 - b. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bathrooms, tanning booths, or whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the Massage Business is open, with disinfectant. Bathtubs shall be thoroughly cleaned after each use with disinfectant. All walls, ceilings, floors, and other physical facilities for the Massage Business must be in good repair, and maintained in a clean and sanitary condition.
 - c. Instruments utilized in performing Massage shall not be used on more than one Client unless they have been sterilized using approved sterilization methods.
 - d. All Massage Business Operators and their Employees, including Certified Massage Practitioners, shall wear clean, nontransparent outer garments. Garments shall not expose their genitals, pubic areas, buttocks, or chest.

- e. A minimum of one wash basin for Employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of Massage Services. Sanitary towels shall also be provided at each basin.
14. Minimum lighting consisting of at least one artificial light of not less than forty watts shall be provided and shall be operating in each room or enclosure where Massage Services are being performed on Clients, and in all areas where Clients are present.
 15. No Massage shall be given unless the Client's genitals are, at all times, fully covered. A Certified Massage Practitioner shall not, in the course of administering any Massage, make physical contact with the genitals of any other person, nor shall a Certified Massage Practitioner expose to a Client or allow physical contact with his or her genitals. No sexual aids, including but not limited to condoms, may be kept on site.
 16. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
 17. On-site vandalism and graffiti shall be corrected per the Municipal Code.
 18. This conditional use permit shall be subject to periodic reviews and inspections by the City to determine compliance with the conditions of approval and applicable codes. If, at any time, the uses permitted by the use permit are determined by staff to be in violation of the conditions of approval or applicable codes and regulations the City reserves the right to corrective action and enforcement through all legal means available, including but not limited to revocation of the use permit.
 - a. It shall be the responsibility of the business owner who employs or allows any person to provide Massage Services, to ensure such person complies with the requirements of this Article and all laws. The Owner shall be held responsible for the conduct of all Employees and all persons on the premises who engage in providing Massage Services. Any act or omission of any person providing Massage Services shall be deemed the act or omission of the owner for the purpose of determining whether the City license or use permit may be revoked, suspended, or denied. Proof of knowledge of any violation of this section shall not be required for purposes of suspension, revocation, or denial of a City license.

Signage

19. No signs are approved as part of this site plan review. Signs shall be reviewed and approved under a separate permit in accordance with the Madera Municipal Code.
20. No window signs shall be permitted, and windows shall not contain any covering, obstruction or treatment to prevent a clear view into the property from the exterior.
21. The property/applicant and/or benefactors of the site plan review shall post a "No Smoking" signage to the extent required by law.

Building/Fire Department

22. A building permit is required for all construction on site.
23. A Knox key box is required for access by emergency responders if not already existing.
24. Portable fire extinguishers are required per the California Fire Code.
25. Egress paths shall meet California Building Code and California Fire Code.
26. Current State of California and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and shall be confirmed at final inspection.
27. An accessible path must be provided to both accessible parking and the public right of way in accordance with Chapter 11 of the California Building Code.

Engineering Department

General

28. Deferrals are not permitted for any condition included herein, unless otherwise stated.
29. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
30. Developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
31. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

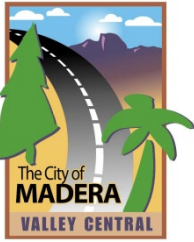
Sewer

32. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards. Each parcel shall have a separate sewer service.
33. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.

Water

34. New or existing water service connection(s) shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property. Each parcel shall have a separate domestic water service.
35. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.

END OF CONDITIONS



REPORT TO THE PLANNING COMMISSION

Prepared by:

Robert Smith, Senior Planner

Meeting of: August 13, 2024

Agenda Number: 4

SUBJECT:

Consideration of an application for a Vesting Subdivision Map (TSM 2022-02), and Precise Plan (PPL 2022-06) pertaining to ± 7.77 acres of property located on the southeast corner of Adell and North D Streets (APN[s]: 004-170-009, 010 & 020).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the Planning Commission of the City of Madera adopting the Mitigated Negative Declaration (SCH No. 2024060196) and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project in accordance with the provisions of the California Environmental Quality Act (CEQA); and approving Vesting TSM 2022-02 and PPL 2022-06, subject to the findings and conditions of approval.

SUMMARY:

The applicant, KB Homes, is requesting the approval of a Vesting Tentative Subdivision Map (TSM 2022-02) and Precise Plan (PPL 2022-06) to subdivide three parcels encompassing ± 7.77 total acres in area (APN[s]: 004-170-009, 010 & 020) ("project site").

Vesting TSM 2022-02 and PPL 2022-06 propose the creation of a 51-lot single family residential planned development subdivision on the ± 7.77 -acre project site at a density of ± 6.56 dwelling units per acre.

The project site is zoned PD-4500 (Planned Development, one unit for each 4,500 square feet of site area) (Attachment 2). The Madera General Plan designates a ± 2.92 -acre portion of the project site for Medium Density Residential (7.1-15.0 dwelling units per acre) land uses. The balance of the project site (± 4.85 ac.) is designated for Low Density Residential (2.1-7.0 dwelling units per acre) land uses. (Attachment 3)

City Municipal Code (CMC) § 10-3-4.101(A) & (B) provide, the purpose of the PD zones is to authorize and regulate density of planned developments and other residential subdivisions. The district is intended to allow use of special design criteria for maximum utility of the site and to allow maximum design flexibility within the density limitations of the General Plan and Zoning

Regulations. Variations from normal zoning standards may be considered and special residential design standards may be established which regulate the subdivision rather than typical residential standards of the Municipal Code. PPL 2022-06 will set the development standards for the subdivision as set forth in the project conditions of approval.

An overview of the proposed project and project site characteristics are provided in Table 1 below.

Table 1: Project Overview	
<i>Project Number:</i>	TSM 2022-02; PPL 2022-06
<i>Applicant:</i>	KB Homes
<i>Property Owner:</i>	Colette Enterprises Inc.
<i>Location:</i>	Southeast corner of Adell St and North D St (APNs 004-170-009; 004-170-010 and 004-170-020); Bounded by Adell St to the north, North D St to the west, existing residential to the south, west and vacant farmland to the north and east.
<i>Project Area:</i>	7.77-acres
<i>Planned Land Use:</i>	±2.92 ac. - Medium Density Residential (7.1-15.0 dwelling units per acre) ±4.85 ac. - Low Density Residential (2.1-7.0 dwelling units per acre)
<i>Zoning District:</i>	PD 4,500 (Planned Development, one unit per 4,500 square feet of site area)
<i>Site Characteristics</i>	The project is located on land that was previously used for agriculture. Planned land use bordering the site are Low Density Residential.

ANALYSIS:

The proposed project is consistent with the General Plan and development standards are set through the precise plan. The lotting scheme, storm drainage basin and circulation improvements depicted in TSM 2022-02 are consistent with the expected lotting scheme and circulation improvements for this type of subdivision.

Site Characteristics:

The project site is located on the northern edge of the City within the existing City limit, east of Highway 99, and is bound by Adell St to the north, North D St to the west, and surrounding the project site is existing residential and community development to the south and west with former, currently vacant, farmland to the north and east (Attachment 1). The incorporated City boundary limit forms the project site’s northerly boundary. Development and annexation are planned at the site directly on the north side of Adell St.

The project site consists of a former nut orchard with a long history of agricultural disturbance. The site is devoid of most native and non-native species naturally occurring in this area. The plant diversity in this habitat is low and is composed primarily of non-native grasses and other ruderal plants.

The site is located outside the Federal Emergency Agency (FEMA) 100-year floodplain (FEMA Special Flood Hazard Area, Zone AO). In major storm events, where large amounts of precipitation fall within a 24-hour period, run-off is unlikely to pool in this area.

Surrounding Land Uses:

The site is bordered to the north by the City limits and future residential development on currently vacant land. Beyond Austin Street, bordering the site to the east, is vacant former agricultural land, planned for residential uses. To the south is an existing single-family home on a large lot and the two existing Pentecostal and Southern Baptist churches. The site is bordered to the west by an existing medium density residential subdivision.

Table 2 below summarizes the existing development/uses, the General Plan land use designations and zoning districts surrounding the proposed project site. The zoning districts identified in Table 2 include both City and County zone districts based on where the City limit boundary abuts the project site.

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Residential	Low Density Residential	Pre-Zone 4,500
<i>East</i>	Single Family Dwelling & Vacant land	Low Density Residential	PD 4,500
<i>South</i>	Residential	Low Density Residential	PD 4,500
<i>West</i>	Residential	Low Density Residential	PD 3,000 and R-1
PD 4500 – Planned Development (One unit per each 4,500 square feet) (City)			

Vesting Subdivision Map 2022-02:

The map, precise plan, and conditions of approval identify all improvements and development standards associated with the Vesting Subdivision Map for purposes of the planned development Street right-of-way improvements are proposed to support the development of the subdivision map and connections to existing streets abutting the project site (Exhibit “B” Attachment 5). Vesting a map allows the applicant to vest the current site-specific City requirements including Public Works and Engineering capacity requirements, fee schedule (with inflators) and policy requirements supported through the submission of detailed capacity studies as specified in the City Municipal Code (CMC) 10-2.1208 and explored in more detail below.

TSM 2022-02 proposes lot sizes ranging from a minimum of 3,808 square feet to ±7,000 sf in area. Interior streets within the subdivision will be public streets with a 50-foot-wide street cross-section. Entryways into the subdivision will provide vehicular and pedestrian access to and from Adell St to the north, Austin St to the east, and North D St to the west. Stub street connections are also provided to facilitate and accommodate future development to the south with a system of interconnected local streets; this provides future interconnectivity for pedestrians while

reduces impacts on the major street system from traffic generated and contributes to reductions in vehicle miles traveled.

Subdivision Map Act:

The California Subdivision Map Act (Government Code Section 66410, et seq.) establishes most of the procedures for subdivision of land. Other components are contained within Chapter 2 (Subdivisions) of Title 10 (Planning and Zoning) of the Madera Municipal Code. Generally, a tentative subdivision map is required in order to subdivide land into five or more parcels.

Pursuant to Government Code Section 66474, a legislative body of a city or county shall deny approval of a vesting map, if it makes any of the following findings:

- a) That the proposed map is not consistent with applicable general plan and specific plans as specified in Section 65451 of the Government Code.
- b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c) That the site is not physically suitable for this type of development.
- d) That the site is not physically suitable for the proposed density of development.
- e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. The subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The Vesting Tentative Map is also subject to the City Municipal Code 10-2.1208 Filing and Processing, which includes the requirement for (C) the following information (1) A preliminary drainage plan (2) A traffic study; (3) An engineering analysis regarding the project's demand for water and sewage disposal services; and (4) Certification in writing from all public utilities that the proposed subdivision can be adequately served. Review of the applicant's submission of this information showed sufficient infrastructure and capacity for the project to be approved with the appropriate vesting.

Vested Development Rights:

Section § 66498.1(b) of the California Government Code (CGC) provides, when a local agency approves or conditionally approves a vesting tentative map, that approval shall confer a vested

right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2. However, if Section 66474.2 is repealed, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

TSM 2022-02 has been filed as a Vesting Tentative Subdivision Map in accordance with the provisions of CMC § 10-2.1202 et seq. Approval shall confer the rights described in CMC § 10-2.1218 pursuant to CGC § 66498.1(b).

Parkland Acquisition:

The Quimby Act authorizes the City to require dedication of parkland or the payment of fees in lieu of such dedication in set amounts to meet the needs of the citizens of the community for which parkland is required and to further the health, safety and general welfare of the community. The Quimby Act has been in effect since the mid-1970s.

Land dedicated for purposes of satisfying the parkland area requirement stated in Policy PR-1 of the General Plan and in accordance with CMC § 10-2.1300 et seq., for purposes of compliance with California Government Code § 66477 (the “Quimby Act”), shall only include Neighborhood, Community, and Regional Parks, together with Sports Complexes and Special Use Facilities as defined in the City of Madera Parks and Recreation Plan. Pursuant to the provisions of the Parks and Recreation Master Plan, Neighborhood Parks must be at least 3 acres in area.

Given the size of this proposed project, it would be prohibitive to require public open spaces that meet the minimum requirement for qualification and credit towards the Quimby parkland dedication. Nor are such parks currently included in a capital facilities fee or other programmed fee. To satisfy this requirement, parkland, as omitted from TSM 2022-02, shall either be identified and dedicated to the City in advance of, or in conjunction with, recordation of the first final subdivision map, or the applicant shall pay a park in-leiu fee as required by the City Municipal Code.

Precise Plan 2022-06:

In accordance with CMC § 10-3-4.103(A), no construction, grading, or new development activity shall commence in any PD Zone prior to the approval of a precise plan of the development by the Planning Commission.

Specific development guidelines and standards for the project site will be created through the precise plan process and are set forth in the project Conditions of Approval. The precise plan development standards will conform with the development standards of R-1 zoning wherever not specifically identified as set forth in Conditions of approval and by the applicant.

General Plan Conformity:

City Municipal Code (CMC) § 10-3-4.101(B) provides density transfers are encouraged in the PD zones.

The project site is zoned PD-4500 (Planned Development, one unit for each 4,500 square feet of site area) (Attachment 2). The Madera General Plan designates a ±2.92-acre portion of the project site for Medium Density Residential (7.1-15.0 dwelling units per acre) land uses. The balance of the project site (±4.85 ac.) is designated for Low Density Residential (2.1-7.0 dwelling units per acre) land uses. (Attachment 3)

Through the utilization of a density transfer (i.e., density blending/averaging) the General Plan Land use designations for the property would yield and require a range of 30 (minimum) and 78 (maximum) dwelling units for the project site. The proposed 51-lot single-family residential subdivision is consistent with this range.

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

The proposed lotting pattern and density of TSM 2022-02 demonstrates general consistency with the applicable goals and policies of the General Plan. The General Plan also provides direction for the development of homes within the subdivision. The development of homes on individual lots is guided by Action Item CD33.1 which states that final designs within the PD (Planned Development) Zone District are approved as part of a precise plan such as submitted with this application.

Public Infrastructure & Services:

Public infrastructure and utilities required by the City Municipal Code and the Madera General Plan are detailed in the relevant information provided in support of the Vesting Map.

The additional residential accommodation will generate an increased need for school places. The Madera Unified School District (MUSD) administers school fees for this part of the City. Payment of school development impact fees is a condition of approval of the project. Of the 15 elementary schools, 2 middle schools, 1 high school, 1 alternative school, and 1 continuation school, the closest school to the project site is the Madera high school 2.5 miles directly to the south of the project site. School fees related to this project will be paid directly to MUSD which will mitigate the arrival of new students within this school district.

The Madera County Fire Station #1 is within 1.2 miles of the project site, with an approximate drive time of 4 minutes at non-emergency speeds. Where service requirements exceed what is currently allowed within the City the Fire Department has planned expansion areas where new stations are identified to be required as demand increases.

The Madera Police Department is within 2 miles of the project site, with an approximate drive time of 6 minutes at non-emergency speeds. The Police Department monitors levels of demand

within the City and where increased provision is required, the Police may make recommendations for increasing service resources to serve deficiencies.

For this location, the Subdivision will be required to establish a Community Facility District (CFD) under CFD 2005-01 that will account for any increased provision of public services including Fire and Police services, amongst others. This requirement is covered by the project conditions of approval. By Resolution No. 05-334, the City Council established CFD 2005-1, a Mello Roos Community Facilities District with the intention that future development within the City of Madera (City) would annex into this district. The special taxes collected from the property owners within the district are used for the funding of police and fire protection services, storm drain infrastructure maintenance and operations, and park maintenance. Property owner assessments are paid as a component of the property tax collection process. As was originally envisioned with the establishment of the CFD, future residential projects not included in the initial formation process are required to go through an annexation process in order to be included in CFD 2005-1.

ENVIRONMENTAL REVIEW:

The proposed project has been reviewed for compliance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

Crawford and Bowen Planning, Inc. prepared and initial study, performed environmental analyses and evaluated the project in accordance with the CEQA Guidelines and criteria on behalf of the City as lead agency. The conclusions and findings resultant from these environmental studies, analyses and an evaluation of the proposed project determined that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment to a level less-than-significant, and that a Mitigated Negative Declaration is appropriate for this project.

The Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the County Clerk on June 8, 2024, published in the Madera Tribune on June 8, 2024, and posted with the Governor's Office of Planning and Research (OPR) on June 8, 2024, initiating a public review period effectively commencing on June 8, 2024, and ending July 9, 2024.

The Planning Commission with this action will include consideration of the Mitigated Negative Declaration (SCH No. 2024060196) and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project, including public comments received during the public review period or at the hearing prior to the Commission taking action to adopt or reject the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project.

COMMISSION ACTION:

The Commission will be acting on TSM 2022-02 and PPL 2022-06. Staff recommends that the Commission:

1. A Resolution of the Planning Commission of the City of Madera adopting the Mitigated Negative Declaration (SCH No. 2024060196) and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project in accordance with the provisions of the California Environmental Quality Act (CEQA); and approving TSM 2022-02 and PPL 2022-06, subject to the findings and conditions of approval.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to a future Planning Commission meeting at a date and time certain (Planning Commission to specify date) or refer the matter back to staff to be rescheduled at a later meeting date-to-be-determined; with direction to staff.
2. Move to deny the proposed application based on specific findings: (Planning Commission should articulate reasons for denial).

ATTACHMENTS:

1. Vicinity Map
2. City General Plan Land Use map
3. City Zoning Map
4. Planning Commission Resolution
 - Exhibit "A" – Conditions of Approval
 - Exhibit "B" – TSM 2022-02 (Colette Subdivision Map)
 - Exhibit "C" – Mitigation Monitoring and Reporting Program
5. Model Exhibits
6. CEQA analysis – Mitigated Negative Declaration

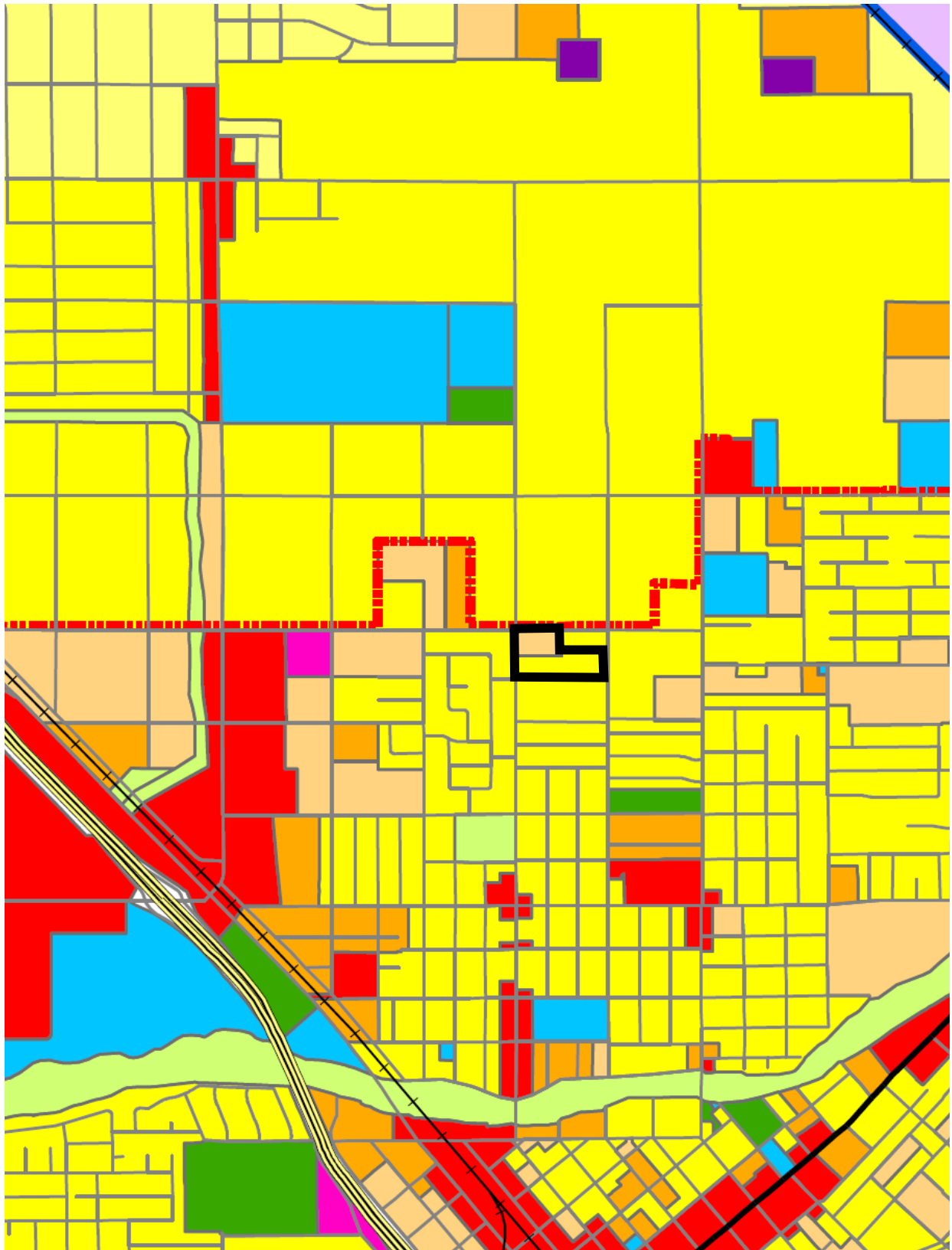
ATTACHMENT 1

Vicinity Map



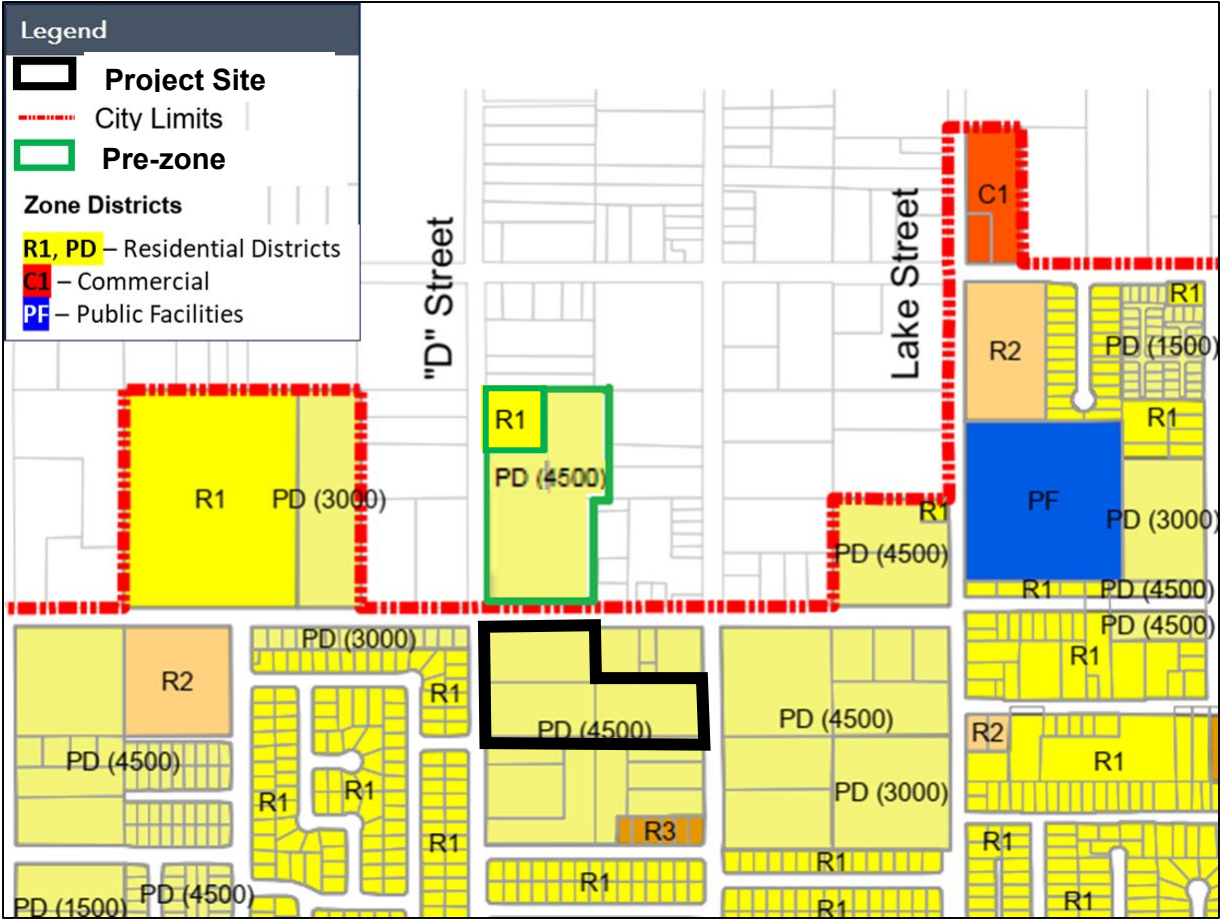
ATTACHMENT 2

City of Madera General Plan Land Use Map



ATTACHMENT 3

City of Madera Zoning Map



ATTACHMENT 4

Planning Commission Resolution

Including:

Exhibit "A": Conditions of Approval

Exhibit "B": TSM 2022-02 Colette Subdivision Map

Exhibit "C": Mitigation Monitoring and Reporting Program

RESOLUTION NO. 2000

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING THE MITIGATED NEGATIVE DECLARATION (SCH NO. 2024060196)
AND THE MITIGATION MONITORING AND REPORTING PROGRAM PREPARED
FOR PURPOSES OF THE PROPOSED PROJECT IN ACCORDANCE WITH THE
PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND
APPROVING VESTING TSM 2022-02 AND PPL 2022-06**

WHEREAS, Colette Enterprises Inc. (“Owners”) own Assessor’s Parcel Numbers (APNs): 004-170-009, 004-170-010 and 004-170-020, comprising ±7.77 acres of land located on the southeast corner of the intersection of Adell and North D Streets in the County of Madera, California (“site”); and

WHEREAS, Vesting Tentative Subdivision Map (TSM) 2022-02 has been filed requesting authorization to subdivide the site for purposes of creating a 51-lot single family residential planned development in accordance with Precise Plan (PPL) 2022-06 (collectively, the “Project”); and

WHEREAS, Vesting TSM 2022-02 has been filed in accordance with the provision of § 10-2.1202 et seq. of the City Municipal Code (CMC) and approval shall confer the development rights described in CMC § 10-2.1218 and in accordance with California Government Code (CGC) § 66498.1(b).; and

WHEREAS, PPL 2022-06 has been filed in accordance with the provision of City Municipal Code § 10-3-4.103, which provides no construction, grading, or new development activity shall commence in any PD Zone prior to the approval of a precise plan; and

WHEREAS, this project was assessed in accordance with the provisions of the California Environmental Quality Act (“CEQA”) resulting in preparation of a Mitigated Negative Declaration (SCH No. 2024060196) including a Mitigation Monitoring and Reporting Program, which has been circulated, and made available for public review pursuant to CEQA and the City of Madera Municipal Code (CMC); and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve vesting tentative subdivision maps and precise plans on behalf of the City; and

WHEREAS, the City provided notice of the Planning Commission hearing as required by law for the hearing of August 13, 2024; and

WHEREAS, the Planning Commission received and reviewed Vesting TSM 2022-02, and PPL 2022-06 at the duly noticed meeting on August 13, 2024; and

WHEREAS, at the August 13, 2024, public hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after due consideration of all the items before it, the Commission now desires to adopt this Resolution approving Vesting TSM 2022-02, and PPL 2022-06 with conditions.

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 Commission finds an environmental assessment initial study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were 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. Pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration circulated on June 7, 2024, and all comments received, the Commission finds that with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. Furthermore, the Commission finds the Mitigated Negative Declaration reflects the independent judgment and analysis of the City and the mitigation measures have been made enforceable conditions on the project. The Commission further finds the Initial Study and Mitigated Negative Declaration were timely and properly published and noticed as required by CEQA. As such, the Commission hereby adopts the Mitigated Negative Declaration (SCH No. 2024060196) and the Mitigation Monitoring and Reporting Program (Exhibit C) for purposes of the proposed project.

3. Findings for Vesting TSM 2022-02, and PPL 2022-06: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support approval of Vesting Subdivision Map TSM 2022-02, as well as Precise Plan PPL 2022-06, as conditioned. With the conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-2.402 and 10-2.1208. 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:

- a. *The proposed subdivision is consistent with the General Plan and specific plans.*

City Municipal Code (CMC) § 10-3-4.101(B) provides density transfers are encouraged in the PD zones

The project site is zoned PD-4500 (Planned Development, one unit for each 4,500 square feet of site area) (Attachment 2). The Madera General Plan designates a ±2.92-acre portion of the project site for Medium Density Residential (7.1-15.0 dwelling units per acre) land uses. The balance of the project site (±4.85 ac.) is designated for Low Density Residential (2.1-7.0 dwelling units per acre) land uses. (Attachment 3)

Through the utilization of a density transfer (i.e., density blending/averaging) the General Plan Land use designations for the property would yield and require a range of 30 (minimum) and 78 (maximum) dwelling units for the project site. The proposed 51-lot single-family residential subdivision is consistent with this range.

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

The Vesting Subdivision Maps and Precise Plan are consistent and compatible with the City's General Plan land use designations in the General Plan. The procedural requirements of the Subdivision Map Act have been met, and all parcels comply with the accompanying Precise Plan, including all applicable, General Plan, engineering, and zoning standards pertaining to grading, drainage, utility connections, lot size and density. In this regard, the design and improvements of the subdivision, subject to the conditions of approval, will be consistent with the requirements and improvement standards of the City of Madera.

- b. *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The proposed subdivision and precise plan, in the context of the surrounding area, existing conditions and uses are consistent with the General Plan. As stated in Finding "a" herein above, the project will be consistent with the General Plan density designations through utilization of a density transfer and contributes to the fulfillment of the Madera General Plan Vision statements. The project and precise plan are compliant with the City's Zoning Regulations, and public dedication and improvement requirements subject to the attached project conditions of approval.

- c. *The site is physically suitable for the type of development.*

Adequate service capacity is available to service the subject site.

The project site is planned for Medium and Low-Density Residential land uses by the Madera General Plan. The IS/MND prepared for the project sufficiently reviews the project pursuant to State CEQA Guidelines, which identifies the requirements for which analysis shall be carried out and the IS/MND provide sufficient analysis and project mitigations that, no further environmental review is required.

- d. *The site is physically suitable for the proposed density of development.*

The proposed project of 51 single family residential units on ± 7.77 acres of land at a density of approximately 6.6 net dwelling units per acre is consistent with the Medium Density Residential (7.1-15.0 dwelling units per acre) and Low Density Residential (2.1-7.0 dwelling units per acre) land uses designated for site, subject to a density transfer.

Through the utilization of a density transfer (i.e., density blending/averaging) the General Plan Land use designations for the property would yield and require a range of 30 (minimum) and 78 (maximum) dwelling units for the project site. The proposed 51-lot single-family residential subdivision is consistent with this range.

The Precise Plan demonstrates compatibility with the conventional development standards for single family residential zoning in the City Municipal Code.

e: *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

4. Approval of Vesting TSM 2022-02, and PPL 2022-06: Given that all findings can be made, the Planning Commission hereby approves Vesting TSM 2022-02, and PPL 2022-06 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A;" and, adopts the Mitigated Negative Declaration (SCH No. 2024060196), including the Mitigation Monitoring and Reporting Program as attached as Exhibit "C."
5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of August 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

Exhibit "A" Conditions of Approval
Exhibit "B" TSM 2022-02 Subdivision Map
Exhibit "C" Mitigation Monitoring and Reporting Program

EXHIBIT "A"
Precise Plan (PPL) 2022-06, Vesting Tentative Subdivision Map (TSM) 2022-02
(Colette Subdivision)
CONDITIONS OF APPROVAL
August 13, 2024

Notice to Applicant

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval of this permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the zoning ordinance, and all City standards and specifications. This permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this permit.

GENERAL CONDITIONS:

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing **made payable to the Madera County and submitted to the City of Madera Planning Department no later than three (3) days following all approval actions. Applicant shall also submit to the City of Madera Planning Department a check in the amount necessary to file for the California Fish and Wildlife requirements made payable to the Madera County.**
3. TSM 2022-02 shall expire 24 months from date of issuance, unless positive action or a written request for extension has been submitted to the Planning Commission before the expiration (MMC Section 10-3.1311, Termination and Revocation).
4. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
5. Development of the project shall conform to the plans designated by the City and subject to the conditions noted herein. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may at the discretion of the Community Development Director without an amendment. However, should the Community Development Director determine that modifications are substantive, he/she may require that an amendment be filed for review and approval through the applicable City process.
6. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
7. All construction shall cease, and the Community Development Director and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction shall immediately stop and an archaeologist

that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's and/or successors-in-interest's expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.

8. All construction shall cease if any human remains are uncovered, and the Planning Manager, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
9. Approval of this application is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

PLANNING DEPARTMENT

General

- 10. Approval of this application shall be considered null and void in the event of failure by the applicant and/or the authorized representative to disclose and delineate all facts and information relating to the subject property and proposed uses.
- 11. Improvements within the limits of the Vesting map and development of dwelling units thereon shall adhere to the development standards and details identified within Precise Plan (PPL) 2022-06. Any proposed amendments to the Precise Plan shall require a revision of the Precise Plan:

Minimum Lot Area	+/- 3800 sf.
Minimum Corner Lot Area	+/- 4300 sf.
Minimum Side Yard Setback	5 ft.
Minimum Street Side Yard Setback	10 ft.
Minimum Rear Yard Setback	15 ft.
Minimum Front Yard Setback	12 ft.
Minimum Garage Setback	18 ft.
Maximum Building Height	35 ft.
Maximum Lot Coverage	45%

- a. Where development standards are not listed, the standards within the R-1 zoning district shall take precedence.
- b. Minor, non-substantive, revisions may be considered and approved by the Development Director. Changes to development standards shall require Commission approval. The Director reserves the right to forward any consideration for revision to the Precise Plan to the Planning Commission for consideration.
- c. Homes and non-permeable improvements on lots within the subdivision shall not exceed 51% maximum lot coverage.

Conventional single-family residential R1 zoning provides lot coverage shall not exceed 1,400 square feet of floor area plus 20% of the site area. The project is zoned to accommodate a density of one unit for each 4,500 square feet of site area.

20% of 4500 square feet = 900 sq. ft.
1,400 sq. ft. + 900 sq. ft. = 2300 sq. ft. (or 51% of a 4,500 square-foot lot)

Lot coverage may be increased to 55% subject to the following:

- i. Prior to recordation of a final map, the applicant shall demonstrate to the satisfaction of the City through technical analyses that the volume of runoff produced from the project, at large, will not exceed the equivalent volume of runoff that would be produced from an equal number of lots developed with a maximum lot coverage of 51%; and, demonstrate, to the satisfaction of the City,

that adequate capacity in the existing storm drain system will be retained (this may also be demonstrated through additional proposed improvements within the project which will adequately serve as peak-reduction facilities or which will accommodate additional storage capacity).

12. Approval is not an authorization to commence construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading or building permits.
13. The proposed site shall be subject to periodic review and inspection by the City to determine compliance with the conditions of approval. If, at any time, the use is determined by staff to be in violation of the conditions, the property owner and/or operator may be subject to corrective action.
14. All on- and off-site improvements shall be completed prior to final building inspection and shall be completed in conformance with proposed vesting subdivision maps and Conditions of Approval to the satisfaction of the City of Madera prior to issuance of a certificate of completion, occupancy permit and/or issuance of a business license.
15. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
16. The property owner, operator and/or manager shall operate in a manner that does not generate excessive noise, odor, blight or vibration that is demonstrated to adversely affect-adjacent properties.
17. Prior to the issuance of building permits, the applicant shall identify on the site plan and/or elevations the following information for Planning Department review and approval. All equipment shall be screened from view.
 - a. The location of all-natural gas and electrical utility meter locations
 - b. The location of all HVAC (heating, ventilation or air conditioning) equipment
 - c. The location of all compressor equipment, and mechanical and electrical equipment

Lighting

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

Landscaping

19. A landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
 - a. Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);

- b. Provide permanent automatic irrigation systems for all landscaped areas;
 - c. Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d. Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - e. Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
 - f. Integrate, to the extent feasible, low impact development practices to reduce, treat, infiltrate, and manage runoff flows caused by storms, urban runoff, and impervious surfaces.
 - g. Shrub planting shall be a minimum one (1) gallon size and include a mix of one (1) gallon and five (5) gallon shrubs.
 - h. Street and accent tree planting shall be a minimum a 15-gallon size or 24" box and shall be established after 5 years and at any point if dead or removed shall be replaced by new 15 gallon or 24" box reviewed and approved by Planning Manager.
 - i. Where landscaping is intended to provide a visual screen, the species, quantity, maturity (size), and spacing of the initial planting shall be sufficient to provide functional screening with a single growing season.
 - j. At least one tree shall be planted within each front yard and be maintained in perpetuity. Should a tree be removed, it shall be replaced to the satisfaction of the Planning Manager and if not established within 5 years be replaced with a tree that does establish.
 - k. Street trees shall be planted at an on-center spacing of one (1) tree per 30 linear feet. Street trees planted along Adell St, Austin Ave, and D St.
20. Landscaping shall be maintained in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
21. Internal street names shall comply with the recommendations of the Planning Department with the approval of the Final Map.
22. Direct residential access to Adell St, Austin Ave, and D St shall be prohibited and shall be noted on the final map.
23. There shall be no access to lots from the street side of corner lots or street rear of double frontage lots.
24. A six (6) foot high decorative split face masonry block wall with capstone shall be developed within the subdivision as follows:
- a. Along the rear property lines of lots abutting Adell St, Austin Ave, and D St.

- b. Along the street side yard of corner lots which is extending from the rear property line subject to a masonry block split face wall to the front yard setback line.

All walls proposed on property located in the side yard shall be six (6) feet tall along the side property line. In addition, when the wall is located with the front yard setback, the height of the wall shall be decreased to 2.5 feet. The height of any block wall shall be measured from the base of the wall visible to the public. No masonry block wall shall exceed a height of six (6) feet.

25. Any retaining wall visible from a street shall be split faced masonry block.
26. Except as provided in the above condition, six (6) foot tall wooden fencing shall be provided along all side and rear yards.
27. Street side yard fencing shall be setback no less than five (5) feet.
28. Residential fencing shall have a gate that allows for easy access by waste containers provided by the City. The width of the gate shall be a minimum of 36 inches. The path of travel between the area set aside for waste containers and driveway shall be a minimum of 36 inches and not obstructed by utilities or mechanical equipment or hardware.

BUILDING DEPARTMENT

29. At time of submittal for building permit plan check, a minimum of three (3) sets of the following plans to the Building Department is required. Plans shall be prepared by an individual licensed to practice architecture and include the following required drawings drawn to an appropriate scale:
 - a. Site plan bearing City approval or a plan incorporating all site related conditions
 - b. Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c. Floor plans - The uses of all rooms and activity areas shall be identified on the plans
 - d. All exterior elevations
 - e. Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities
30. Current State of California and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

ENGINEERING

General

31. Prior to recording of the final map, all action necessary for the formation of a community facilities district shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
32. A final subdivision map shall be required per Section 10-2.502 of the municipal code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.

33. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive phase number shall identify multiple final maps filed in accordance with an approved vesting map.
34. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
35. All construction vehicles shall access the site by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
36. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
37. Development impact fees shall be paid at time of building permit issuance.
38. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
39. The developer shall pay all required fees for processing subdivision map and completion of project. Fees due include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, and improvement inspection fees.
40. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
41. The improvement plans for the project shall include the most recent version of the City's General Notes.
42. Park land, as may be identified elsewhere in these conditions, shall be dedicated to the City in advance of, or in conjunction with, recordation of the first final subdivision map.
43. Park land, as omitted from TSM 2022-02, and as may be identified elsewhere in these conditions, shall either be identified and dedicated to the City in advance of, or in conjunction with, recordation of the first final subdivision map, or the applicant shall pay a park in-leiu fee as required by the City Municipal Code.

Water

44. Prior to framing construction on-site, a water system shall be designed to meet the required fire flow for the type of development planned and approved by the fire department. Fire flows shall be determined by Uniform Fire Code appendix III-A.
45. Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per city of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system

bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works.

46. The developer shall install water supply facilities in accordance with the Adell Street Improvement Project, on file in the City of Madera Engineering Department, as follows:
- Adell Street – Install 12-inch main along the entire project frontage from the intersection of Adell Street and North D Street to the most easterly property line in accordance with the Adell Improvement Project plans.
 - Austin Street – Install an 8-inch water main from its current termination point at Clark Street and Austin Street to the most northerly project property line on Austin Street.

The oversize component (difference in cost between constructed pipe size and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to the availability of funds. While availability of funds cannot be predicted, approximate current fund balances can be stated. At the time these conditions were prepared, there was less than \$510,000 available in the Water Pipe DIF.

47. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
48. For subdivisions, water services shall be placed 3 feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or streetlight locations.
49. One water quality sampling station shall be installed within the subdivision and approved by the water quality division of the Public Works Department.
50. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
51. Water service connection(s) shall be shown on the improvement plans for each phase and shall be constructed to current City standards in effect at time of construction including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way. Backflow prevention devices shall be required for any water service not serving a residence and installed within private property.
52. Water connections not serving a residence shall be constructed per current City standards including water meters located in the City's right-of-way and backflow prevention device.
53. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage on North D Street.

54. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
55. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to construction activities commencing on individual dwelling units.

Sewer

56. The developer shall install sewer system facilities in accordance with the Adell Street Improvement Project, on file in the City of Madera Engineering Department, as follows:
 - Adell Street – Install an 8-inch main from the current termination point at Adell Street and North D Street to the most easterly project property line.
57. Sewer lines installed to serve this subdivision shall be sized accordingly and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider.
58. Sewer services shall be located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
59. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage on North D Street.
60. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

61. Storm runoff from this project site is planned to go to the Sherwood Basin located southwest of the proposed project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage System Master Plan, as may be applicable, to convey storm runoff to the corresponding master-planned basin and excavate or expand the basin to an amount equivalent to the project's impact on the basin. Unless shown otherwise, the developer shall construct the master plan facility in D Street between Sherwood Way and Clark Street. This pipe segment is considered 100% reimbursable through the City's Development Impact Fee program, subject to the availability of funds. While availability of funds cannot be predicted, approximate current fund balances can be stated. At the time these conditions were prepared, there was less than \$415,000 available in the NE Storm Drainage DIF.
62. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer. Developer shall excavate the

basin referenced in a subsequent condition to accommodate runoff from the proposed project site.

63. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall enter into a covenant with the City that allows for future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.
66. The developer shall be a proponent of annexing into existing Landscape Maintenance District (LMD) Zone 51. If the annexation into LMD Zone 51 is not attainable, the developer shall at their sole expense, form a new Landscape Maintenance District zone. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.
67. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required LMD Zone 51 or new LMD Zone for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the City-wide LMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
68. The south half of Adell Street along the entire project frontage shall be improved to an 80-foot collector roadway standard in accordance with the Adell Improvement Project plans. The south half of the street shall include, but not be limited to, sidewalk, streetlights, fire hydrants, curb and gutter, park strip, and a 28-foot paved asphalt section. Sidewalk and landscape area shall be per City standard and not be used to absorb grade differences for any reason. The north half of the street shall include, but not be limited to, a permanently paved twelve-foot travel lane, one half (6-feet) of a twelve-foot center turn lane, an eight-foot shoulder and drainage swale or a twelve-foot lane and a combination of shoulder/ac dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. Adequate transition with the existing improvements relative to grade and alignment shall be provided. The center three lanes (36-feet total) are eligible for reimbursement through the City's Development Impact Fee Program, subject to the availability of funds.
69. At a minimum, the east half of North D Street along the entire project frontage shall be improved to an 80-foot collector roadway standard. The east half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip, sidewalk and a 28-foot paved asphalt section. Sidewalk and landscape area shall be per City standard and not be used to absorb grade differences for any reason. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.

70. At a minimum, the west half of Austin Street along the entire project frontage shall be improved to an 80-foot roadway standard, similar to that south of this project site. The west half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, a 14-foot park strip and sidewalk pattern and a 24-foot paved asphalt section. Sidewalk and landscape area shall be per City standard and not be used to absorb grade differences for any reason. The east half of the street shall include, but not be limited to, a permanently paved twelve-foot travel lane and a 4-foot shoulder and drainage swale or a twelve-foot lane and a combination of shoulder/ac dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
71. The proposed access point on North D Street shall be separated from Asti Way a minimum 160 feet center to center based on the Focused Traffic Operations Report dated May 3, 2024, or the street shall be limited to right-in-right-out turn movements subject to presentation of an effective method of achieving said restriction to driveway movements.
72. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along all internal publicly dedicated streets.
73. Interior streets shall be constructed in accordance with City standards for a residential street including a five-foot sidewalk, curb and gutter, streetlights, fire hydrants and all other components necessary to complete constructions per City standards.
74. The developer shall install traffic signal pole(s) less signal mast arm including all related pull boxes and conduit associated with said pole(s), as necessary, for a future four-leg intersection at North D Street and Adell Street.
75. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents.
76. "No Parking" signs shall be installed along Adell Street and North D Street frontages per City standards.
77. Traffic calming features, as approved by the City Engineer, shall be implemented throughout the interior subdivision streets. Maximum distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer. Speed bumps or humps are not permitted.
78. Landscaping and irrigation systems shall be installed in accordance with the approved landscaping and irrigation plans before the final building inspection of any adjacent residential units.
79. Access ramps shall be installed at all curb returns per current City standards.
80. Driveway approaches shall be constructed per current City standards.
81. The developer shall be required to install streetlights along Adell Street, North D Street and Austin Street frontages and interior subdivision streets in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.

82. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
83. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "B" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
84. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with city of Madera logo on bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, and sewer line lineal feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the city of Madera title block and following:
 - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
 - b. Street plans and profiles;
 - i. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 - ii. Streetlights
 - iii. Traffic signals
 - iv. Construction details including traffic signage and striping plan.
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
 - d. Grading plan indicating flood insurance rate map community panel number and effective date;
 - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer.
 - f. Storm water pollution control plan and permit.
 - g. Itemized quantities of the off-site improvements to be dedicated to the City.
85. Submittals shall include:
 - a. Engineering Plan Review Submittal Sheet
 - b. Civil Plan Submittal Checklist – all required items shall be included on the drawings
 - c. Four copies of the final map
 - d. Two sets of traverse calculations
 - e. Two preliminary title reports
 - f. Two signed copies of conditions
 - g. Six sets of complete improvements plans

- h. Three sets of landscaping plans
- i. Two sets of drainage calculations
- j. Two copies of the engineers estimate

Partial submittals will not be accepted by the engineering department.

- 86. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a 3-sack sand slurry mix extending one-foot past curb and gutter in each direction.
- 87. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages.
- 88. All public utilities shall be underground, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater. Undergrounding of utilities shall not result in the addition of new poles being installed on other properties or street frontages.
- 89. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
- 90. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
- 91. The sub-divider shall enter an Improvement Agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
- 92. Sub-divider may commence off site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing improvement plans are approved and submitting 100% performance bond, additional bond (50% labor & material) and insurance certificate, shall be submitted prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council and shall be paid at the time of permit.
- 93. The developer's engineer, upon completion of subdivision related improvements, shall certify to the City Engineer that the improvements are made in accordance with city requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.

Subdivision improvement inspections:

94. Engineering department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans. Inspection fees shall be due at time that all other fees are due per the subdivision agreement.
95. Prior to the installation of any improvements or utilities, the general contractor shall notify the engineering department 48 hours prior to construction. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
96. No grading or other construction activities, including preliminary grading on site, shall occur until the City Engineer approves the improvement plans or grading plans. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
97. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five working days.

Special engineering conditions:

98. Project grading shall not interfere with the natural flow or adjacent lot drainage, and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls if required shall be approved as to design and calculations prior to issuance of a grading permit therefore.
99. Lot fill in excess of 12 inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 12 inches or more will require construction of a retaining wall.
100. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
101. Prior to the issuance of any building permits or any construction on the subdivision, a storm water pollution plan shall be prepared and a storm water permit obtained as required by the state regional water quality control board for developments of over one acre in size.
102. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID facilities, the sub-divider must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion as built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.
103. Prior to recording the subdivision map, any current and/or delinquent MID. assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.
104. The developer of the property can expect to pay current and future development impact fees, including, but not limited to sewer (special service area), water, streets, bridge, public works, parks, public safety and drainage, that are in place at the time building permits are issued.

105. Final street names shall be approved by the Planning Department prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing county roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts should utilize the name of the nearest subdivision street.
106. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

FIRE DEPARTMENT

107. Fire sprinklers may be required based upon the occupancy classification.
108. A fire alarm system may be required based upon the occupancy classification. The Fire Department shall be counteracted prior to construction to confirm applicability.
109. New street hydrants shall be required. The location of any new hydrants required by the Fire Department shall be approved prior to construction.

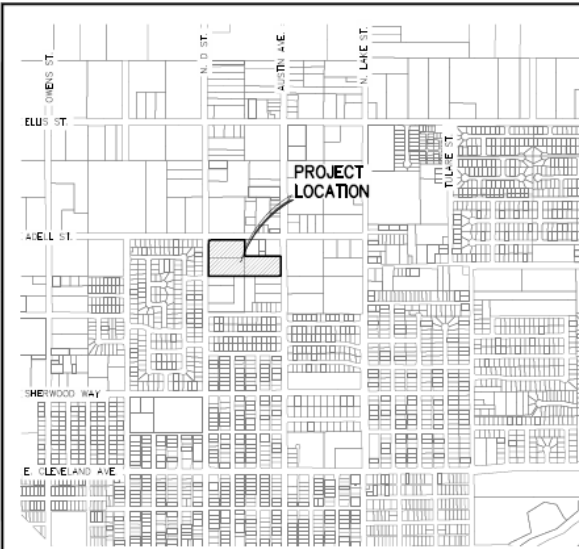
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

110. The applicant, property owner and/or successors-in-interest shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
111. Applicant, property owner and/or successors-in-interest shall submit to, and have approved by, the SJVAPCD an Authority to Construct (ATC) application prior to issuance of a grading or building permit. Copy of an approved ATC shall be submitted to the Planning and Building Departments prior to issuance of a grading or building permit.
112. Applicant, property owner and/or successors-in-interest shall submit to, and have approved by, the SJVAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit. Copy of an approved AIA shall be submitted to the Planning and Building Departments prior to issuance of a grading or building permit.
113. Applicant, property owner and/or successors-in-interest shall submit to, and have approved by, the SJVAPCD A "Dust Control Plan" prior to issuance of a grading or building permit. Copy of an approved Dust Control Plan shall be submitted to the Planning and Building Departments prior to issuance of a grading or building permit.

END OF CONDITIONS

VESTING TENTATIVE MAP OF COLETT - MARTIN SUBDIVISION

IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA
PREPARED AND PLATTED IN JANUARY, 2024
CONSISTING OF TWO SHEETS
SHEET ONE OF TWO



VICINITY MAP
SCALE: 1" = 1,000'

LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF MADERA, UNINCORPORATED AREA, DESCRIBED AS FOLLOWS:

PARCEL 1: (APN 004-170-009-500 & 004-170-009-501)
THE N 1/2 OF LOT 114 IN SECTIONS 12 AND 13, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT SHILOH BAY AND MERRIAN, ACCORDING TO MAP ENTITLED, "MILLER & LUX'S SUBDIVISION OF LANDS AT MADERA, FRESNO COUNTY, CALIF.", FILED AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MADERA, STATE OF CALIFORNIA, FEBRUARY 2, 1895 IN VOL. 1 OF MAPS, AT PAGE 11.

EXCEPTING THEREFROM ANY HOUSE TRAILER, MODULAR HOME, MOBILE HOME OR MOBILE DWELLING, IF ANY, ON SAID LAND.

PARCEL 2: (APN 004-170-010-500 & 004-170-010-501)
THE S 1/2 OF LOT 114 IN SECTIONS 12 AND 13, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT SHILOH BAY AND MERRIAN, ACCORDING TO MAP ENTITLED, "MILLER & LUX'S SUBDIVISION OF LANDS AT MADERA, FRESNO COUNTY, CALIF.", FILED AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MADERA, STATE OF CALIFORNIA, FEBRUARY 2, 1895 IN VOL. 1 OF MAPS, AT PAGE 11.

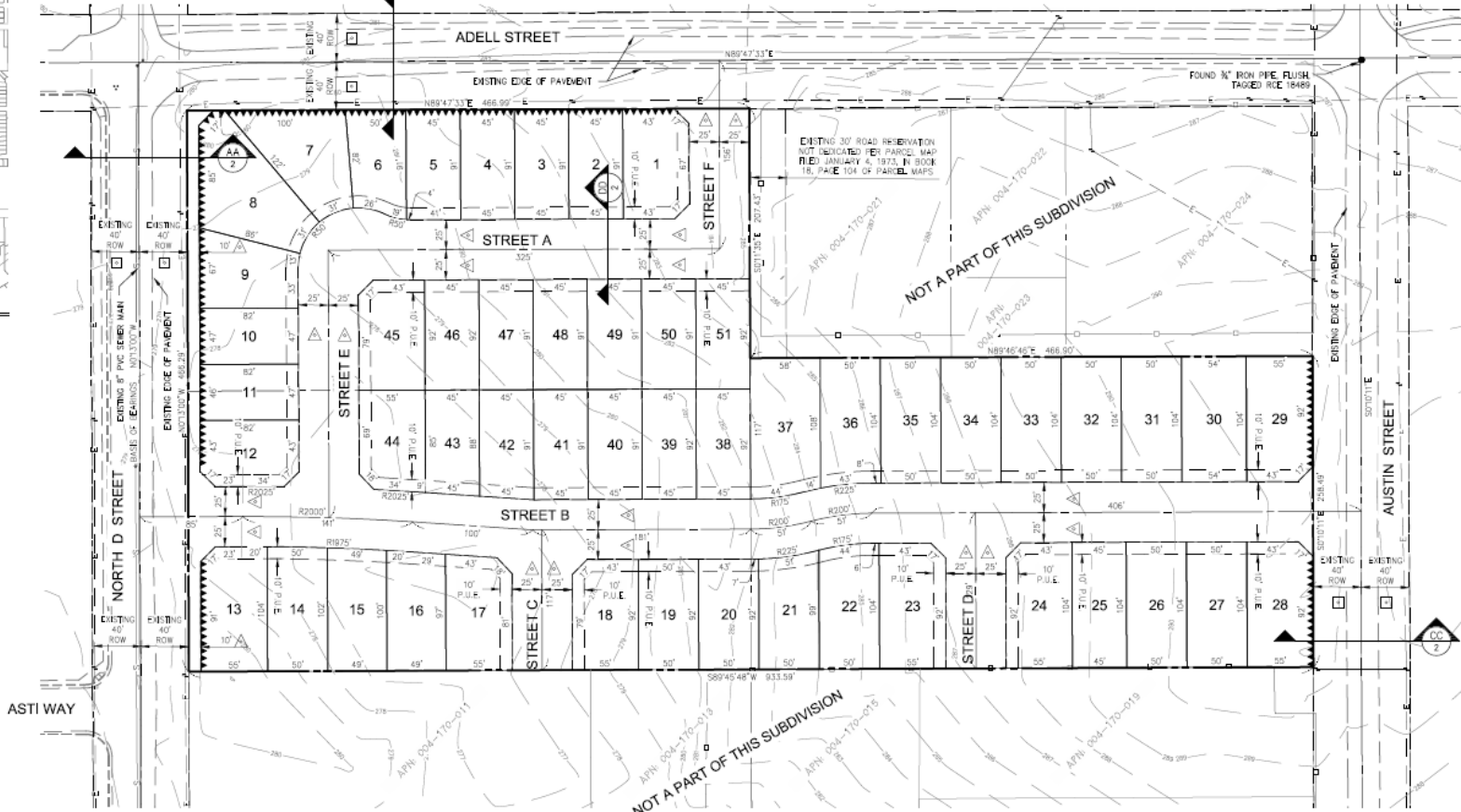
PARCEL 3: (APN 004-170-020-500 & 004-170-020-501)
THAT PORTION OF LOT 115 OF MILLER & LUX'S SUBDIVISION OF LANDS, ACCORDING TO THE MAP ENTITLED, "MILLER & LUX'S SUBDIVISION OF LANDS AT MADERA, FRESNO COUNTY, CALIF.", FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MADERA COUNTY, CALIF., ON FEBRUARY 2, 1895 IN VOL. 1 OF MAPS, AT PAGE 11, SHOWN AS PARCEL 2 OF PARCEL MAP 686 FILED JANUARY 4, 1973 IN VOL. 18 OF MAPS, AT PAGE 104 OF THE COUNTY RECORDER'S OFFICE OF THE COUNTY OF MADERA.

SITE NOTES:

1. SITE ADDRESS: NO SITE ADDRESS
2. APN: 004-170-009, 010, & 020
3. ZONING: EXISTING PLANNED LAND USE - LOW TO MEDIUM DENSITY RESIDENTIAL
EXISTING ZONING - PD 4500 (PLANNED DEVELOPMENT)
PROPOSED - MD (MEDIUM DENSITY RESIDENTIAL)
4. USE: EXISTING USE: OPEN AREA
PROPOSED USE: MEDIUM DENSITY RESIDENTIAL
5. PARCEL SIZE: GROSS: 7.774 ACRES, NET: 7.774 ACRES
6. PROPOSED LOTS: 51
7. THERE ARE ABOVE GROUND LINES OR STRUCTURES SUCH AS POWER LINES AND POLES NEAR THE BOUNDARY OF THE PROPOSED SUBDIVISION.
8. THERE ARE NO EXISTING FEATURES SUCH AS WELLS AND AGRICULTURAL PUMPS SERVING THE EXISTING RESIDENTIAL AND PROPERTY WELLS SHALL BE DESTROYED PER CITY OF MADERA REQUIREMENTS.
9. ALL IMPROVEMENTS SHALL BE AS REQUIRED BY THE CITY OF MADERA, AND SHALL INCLUDE SANITARY SEWER, DOMESTIC WATER, UNDERGROUND POWER, TELEPHONE, GAS, CONCRETE CURBS, GUTTERS, SIDEWALKS, PERMANENT STREET PAVEMENT, STREET LIGHTS, ETC.
10. ALL STREETS ADJACENT TO THE BOUNDARIES OF THE SUBDIVISION HAVE BEEN PREVIOUSLY DESIGNATED FOR PUBLIC STREET PURPOSES AND ALL ARE TO REMAIN.
11. PROPOSED IMPROVEMENTS, INCLUDING SEWER, WATER, STORM SEWER, STREETLIGHTS, GUTTER, CURB, SIDEWALK, AND PERMANENT PAVEMENT SHALL BE INSTALLED PER CITY OF MADERA STANDARD DRAWINGS.
12. THERE ARE NO EXISTING CANALS OR DITCHES LOCATED WITHIN THE PROPOSED SUBDIVISION.
13. THERE SHALL BE NO GRADE DIFFERENTIALS GREATER THAN 6 INCHES WITHIN 200 FEET OF THE SITE.

FLOOD HAZARD ZONE:

AS DELINEATED ON THE FEDERAL INSURANCE ADMINISTRATION'S FLOOD INSURANCE RATE MAP NO. 96039C1105C, EFFECTIVE DATE 9/26/2009, CITY OF MADERA, CALIFORNIA, FRESNO COUNTY, THE PROPERTY SHOWN ON THIS MAP LIES WITHIN THE FLOOD HAZARD AREA DESIGNATED AS ZONE X. AREAS IN ZONE X ARE DETERMINED TO BE AREAS OF MINIMAL FLOOD HAZARD.



PARCEL #	AREA (SQ. FT.)
1	4882
2	4117
3	4117
4	4117
5	4117
6	4038
7	5809
8	6993
9	4626
10	3808
11	3808
12	4361
13	5670
14	5159
15	4972
16	4822
17	5138
18	4964
19	4580
20	4579
21	4712
22	5136
23	5685
24	5661
25	4693
26	5214
27	5213
28	5663
29	5663
30	5609
31	5212
32	5212
33	5212
34	5212
35	5212
36	5269
37	6606
38	4116
39	4118
40	4118
41	4118
42	4046
43	3903
44	4509
45	4897
46	4117
47	4116
48	4117
49	4118
50	4117
51	4119

LEGEND

---	EXISTING PROPERTY LINE
---	EXISTING CENTERLINE
---	EXISTING CONTOUR LINE
---	EXISTING CURB & GUTTER
---	EXISTING RIGHT OF WAY LINE
---	EXISTING OVERHEAD ELECTRIC LINE
---	EXISTING SANITARY SEWER LINE
---	EXISTING WOOD FENCE LINE
---	PROPOSED CENTERLINE
---	PROPOSED CURB & GUTTER
●	MONUMENT FOUND AND ACCEPTED AS NOTED
●	REINFORCEMENT OF DIRECT VEHICULAR ACCESS RIGHTS

PROJECT INFO:

RECORD OWNER: COLETT ENTERPRISES, INC. & HWY DEVELOPMENT CO.

APPLICANT/DEVELOPER: HW HOME SOUTH BAY INC.
244 S STREET, SUITE 321
FRESNO, CA 93721
PHONE: (510) 714-3770

CONSULTANT / SURVEYOR: GATEWAY ENGINEERING, INC.
405 PARK CREEK DRIVE
CLOVIS, CA 93611
PHONE: (559) 320-0344

BASIS OF ELEVATION:
NGS BENCHMARK
BEVCH MARK DEK
SET IN TOP OF CONCRETE MONUMENT
STAMPING: N. 936 1998
NAVD 88 GROUND HEIGHT - 266.9 (FEET)

BASIS OF BEARINGS:
THE EAST LINE OF LOTS 64, 62, 61 AND 113 OF MILLER AND LUX SUBDIVISION OF LANDS AT MADERA, WAS TAKEN TO BE N 001°31'00" E, AS SHOWN ON THE MAP OF SAID SUBDIVISION RECORDED IN VOLUME 1, PAGES 10 AND 11 OF MAPS, MADERA COUNTY RECORDS.

UTILITY INFO:

SOLID WASTE & RECYCLING: CITY OF MADERA
205 N FOURTH STREET
MADERA, CA 93637
PHONE: (559) 661-5400

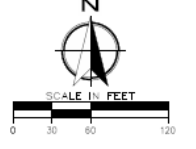
SEWER AND WATER: CITY OF MADERA
205 N FOURTH STREET
MADERA, CA 93637
PHONE: (559) 661-5400

GAS AND ELECTRICITY: PACIFIC GAS AND ELECTRIC
2871 AIRPORT DRIVE
MADERA, CA 93637
PHONE: (800) 743-5000

CALE: COMCAST
2441 NORTH GROVE INDUSTRIAL DR.
FRESNO, CA 93727
PHONE: (559) 252-8210
EXTENSION 4222

STORM DRAIN: CITY OF MADERA
205 N FOURTH STREET
MADERA, CA 93637
PHONE: (559) 661-5400

TELEPHONE: AT&T
3555 E GULF AVE
FRESNO, CA 93727
PHONE: (559) 454-3778



SECRETARY OF PLANNING COMMISSION _____ DATE _____

GATEWAY ENGINEERING, INC.
CIVIL ENGINEERS | LAND SURVEYORS
P. 559-320-0344 | F. 559-320-0345 | WWW.GATEWAYENG.COM
405 PARK CREEK DRIVE, CLOVIS, CA 93611-4435

Chapter 5 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Colett-Martin Residential Project (Project) adjacent to the northern City limit boundary. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table 5-1 presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 5-1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by City to ensure that individual mitigation measures have been complied with and monitored.

Table 5-1 Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Biological Resources					
<p>Mitigation Measure BIO-1:</p> <p>To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.</p> <p>If it is not possible to schedule construction between September and January, pre-construction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas. If an active nest is</p>	Prior to construction activities.	Once	Applicant / Project Contractor	<p>Applicant / project contractor shall submit preconstruction survey documentation of compliance to the City prior to issuance of grading or building permits if construction is scheduled during the nesting season.</p> <p>City Planning and Building Departments shall verify preconstruction survey documentation is complete prior to issuance of grading or building permit.</p> <p>City Planning Department to field verify prior to commencement of any project related grading or construction activities as applicable survey</p>	<p>Mitigation Measure BIO-3:</p> <p>To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.</p> <p>If it is not possible to schedule construction between September and January, pre-construction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas.</p>

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has otherwise failed for non-construction related reasons.				specifications are implemented.	If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has otherwise failed for non-construction related reasons.
Cultural Resources					
<p>Mitigation Measure CUL-1:</p> <p>The following shall be implemented:</p> <p>Before initiation of construction or ground-disturbing activities associated with the Project, the City shall require all construction personnel to be</p>	Prior to and during construction.	Ongoing.	Applicant / Project Contractor	<p>Applicant / project contractor shall submit documentation of compliance to the City prior to issuance of grading or building permits.</p> <p>City Planning and Building Departments shall verify</p>	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<p>alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;</p> <p>The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and</p> <p>If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist</p>				<p>preconstruction survey documentation is complete prior to issuance of grading or building permit.</p> <p>City Planning Department to field verify prior to commencement of any project related grading or construction activities as applicable survey specifications are implemented.</p>	

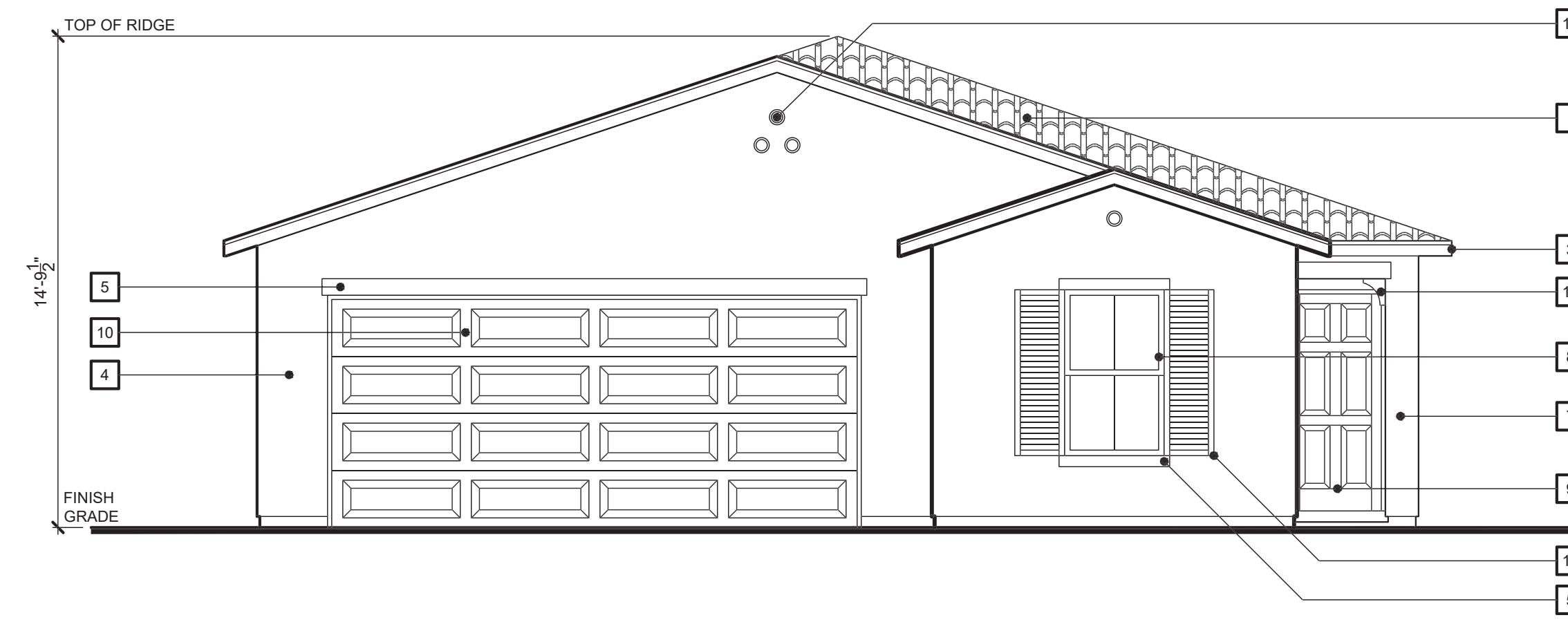
Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<p>evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. City of Madera shall implement said measures.</p>					
<p>Mitigation Measure CUL-2: City of Madera will incorporate into the construction</p>	<p>Prior to and during construction.</p>	<p>Ongoing.</p>	<p>Applicant / Project Contractor</p>	<p>City will incorporate into construction contract.</p>	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<p>contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at City of Madera, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.</p>					

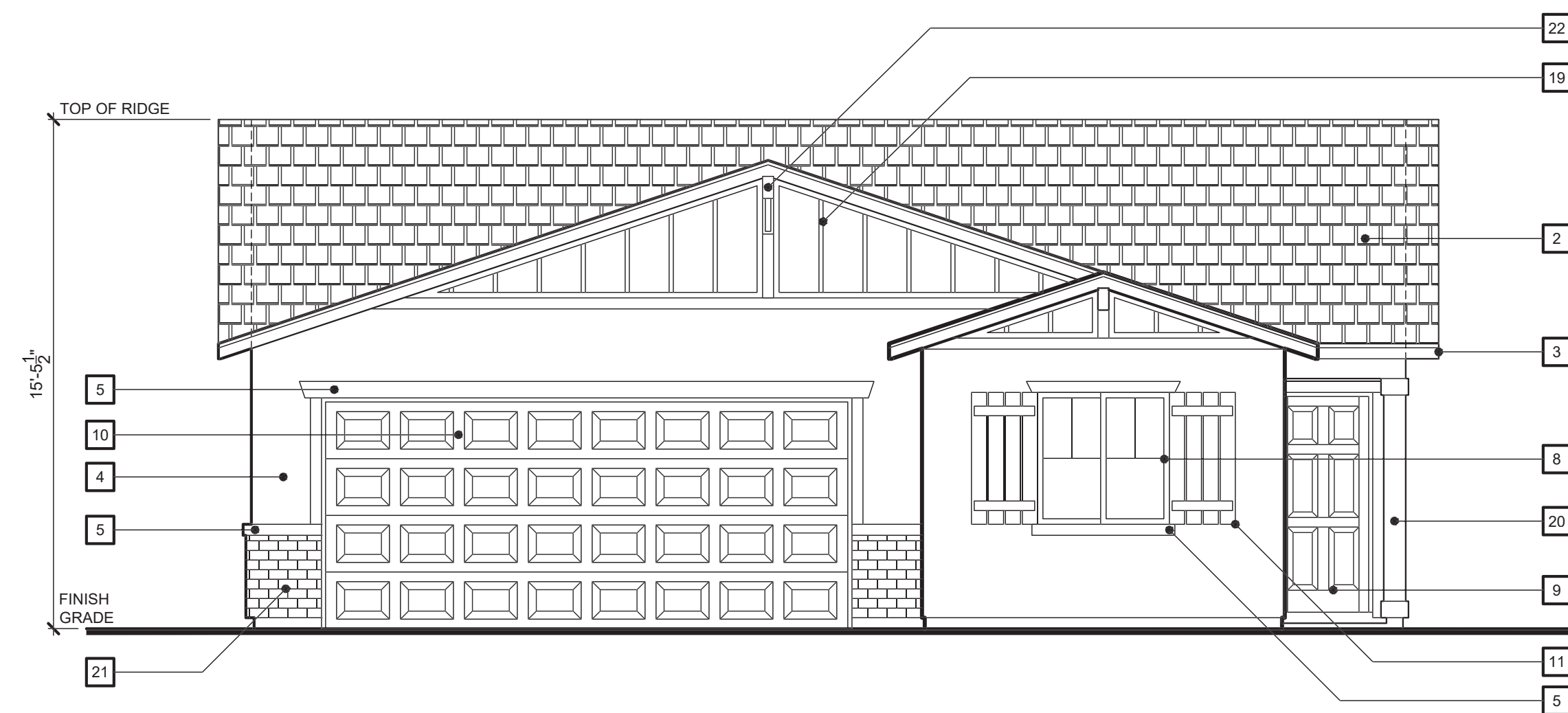
ATTACHMENT 5
Model Exhibits

ELEVATION LEGEND

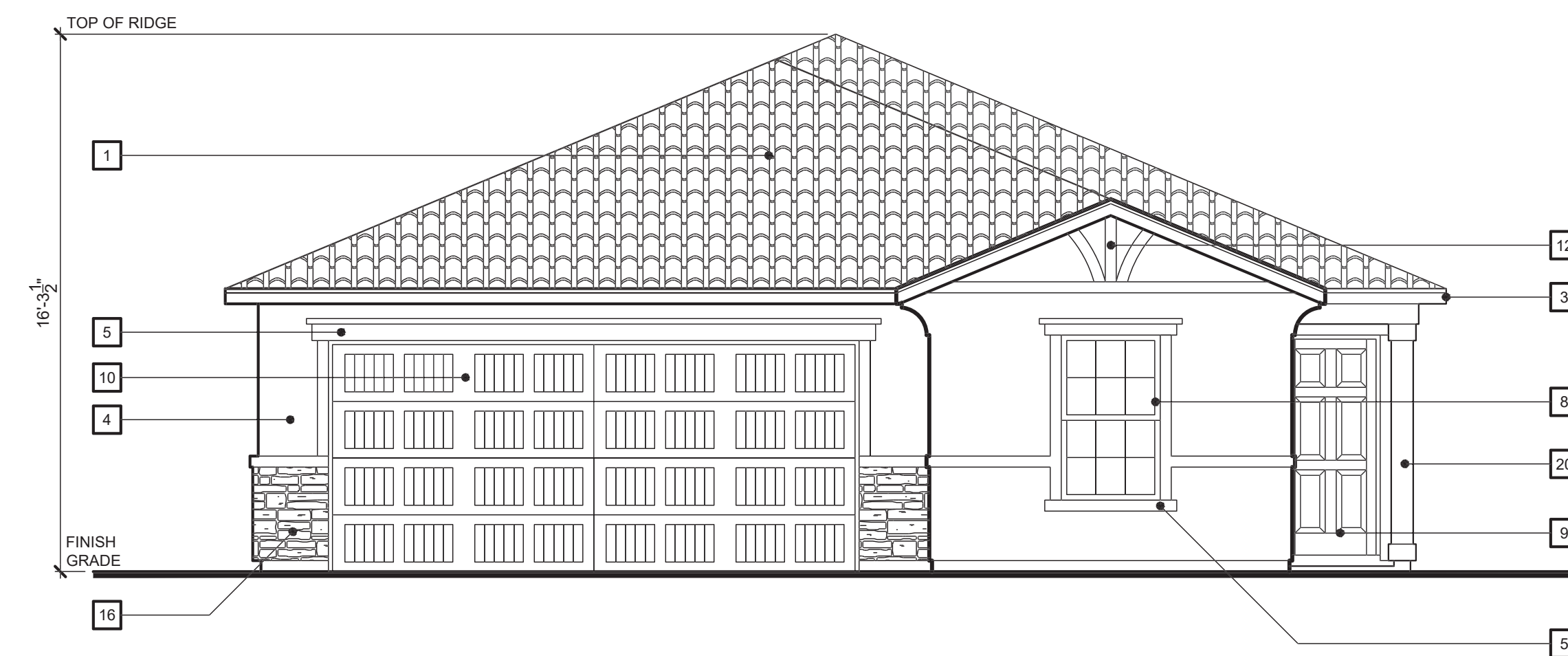
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- 2 CONCRETE FLAT TILE ROOFING
- 3 WOOD FASCIA BOARD
- 4 STUCCO FINISH
- 5 STUCCO OVER FOAM TRIM
- 6 STUCCO OVER FOAM CORBELS
- 7 DECORATIVE STUCCO COLUMNS (STUCCO OVER WOOD FRAMING)
- 8 PRE-FAB WINDOW SYSTEM
- 9 COMPOSITE ENTRY DOOR
- 10 METAL ROLL-UP GARAGE DOOR
- 11 DECORATIVE FOAM SHUTTERS
- 12 STUCCO OVER SHAPED FOAM TRIM
- 13 DECORATIVE STUCCO RECESS
- 14 FIBER CEMENT SIDING
- 15 DECORATIVE CLAY PIPES
- 16 STONE VENEER
- 17 DECORATIVE FOAM VENTS
- 18 COACH LIGHT
- 19 DECORATIVE BOARD & BATTEN
- 20 WOOD POST
- 21 BRICK VENEER
- 22 DECORATIVE OUTLOOKER



Elevation 'A' - Spanish

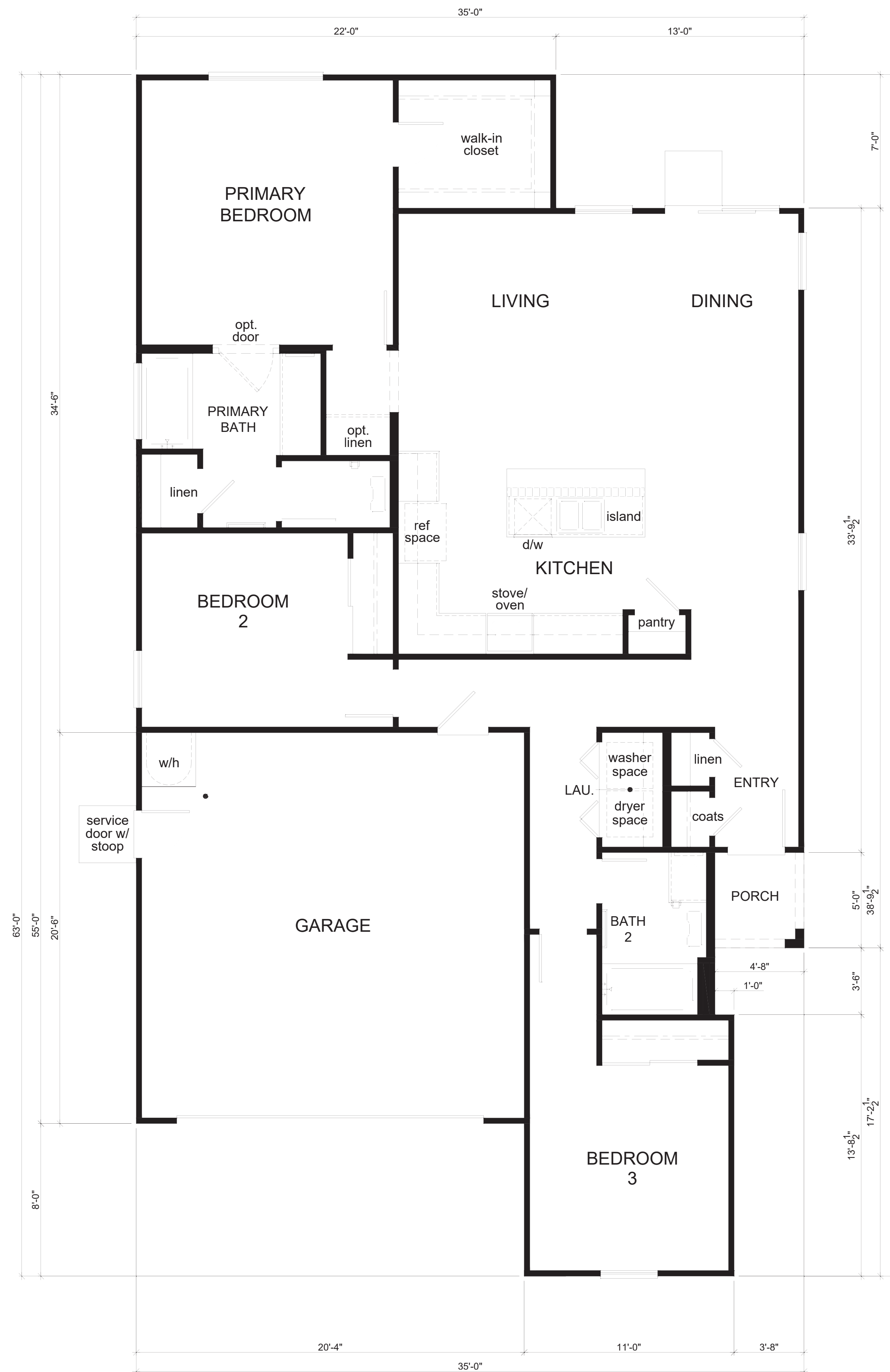


Elevation 'B' - Craftsman



Elevation 'D' - French Cottage

PLAN 1



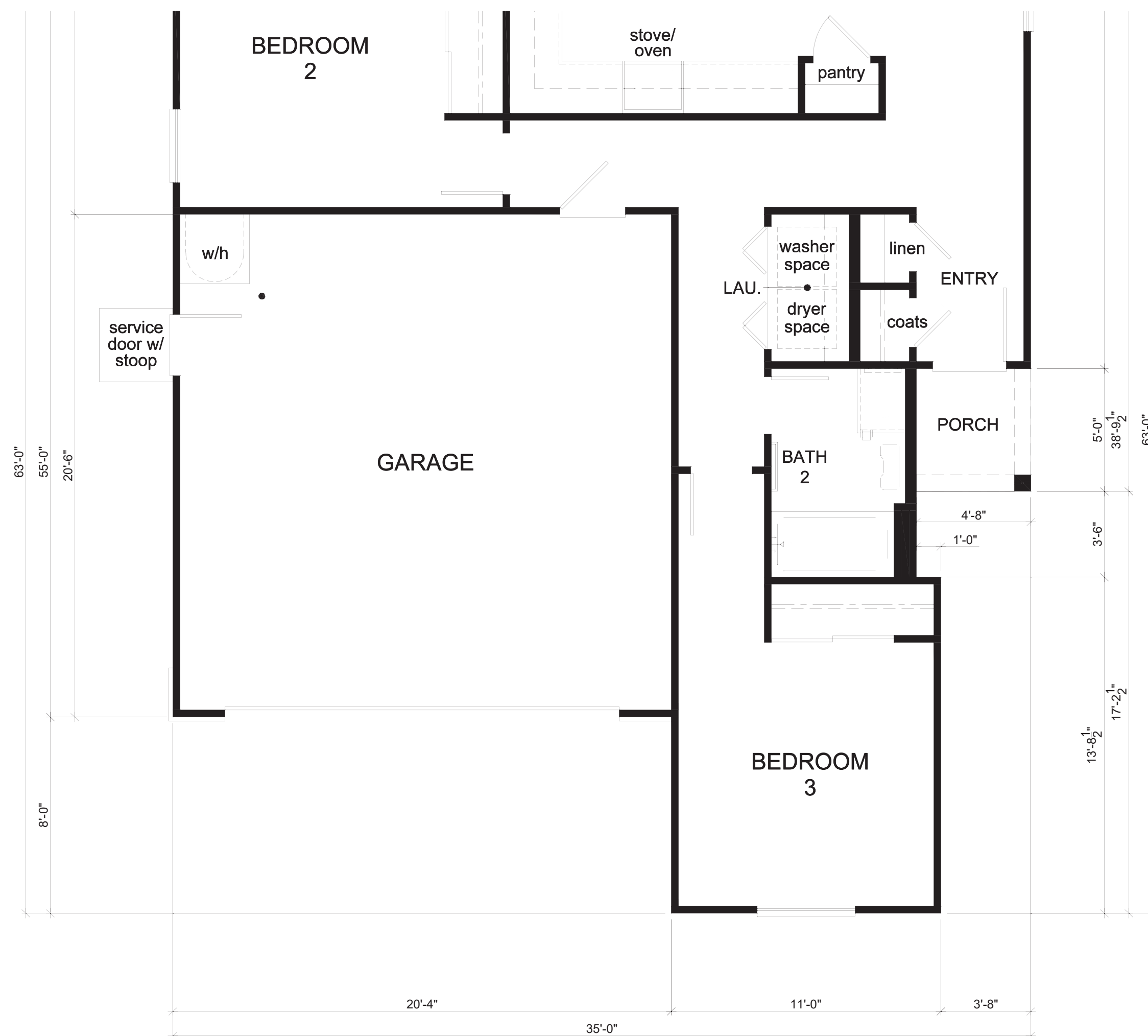
Floor Plan 'A'

SQUARE FOOTAGE				
PLAN 135.1445				
	A	B	D	
FLOOR AREA	1445	1445	1445	Sq. FT.
TOTAL AREA	1445	1445	1445	Sq. FT.
GARAGE AREA	417	417	417	Sq. FT.
PORCH AREA	28	28	28	Sq. FT.
COVERED PATIO AREA	18	18	18	Sq. FT.

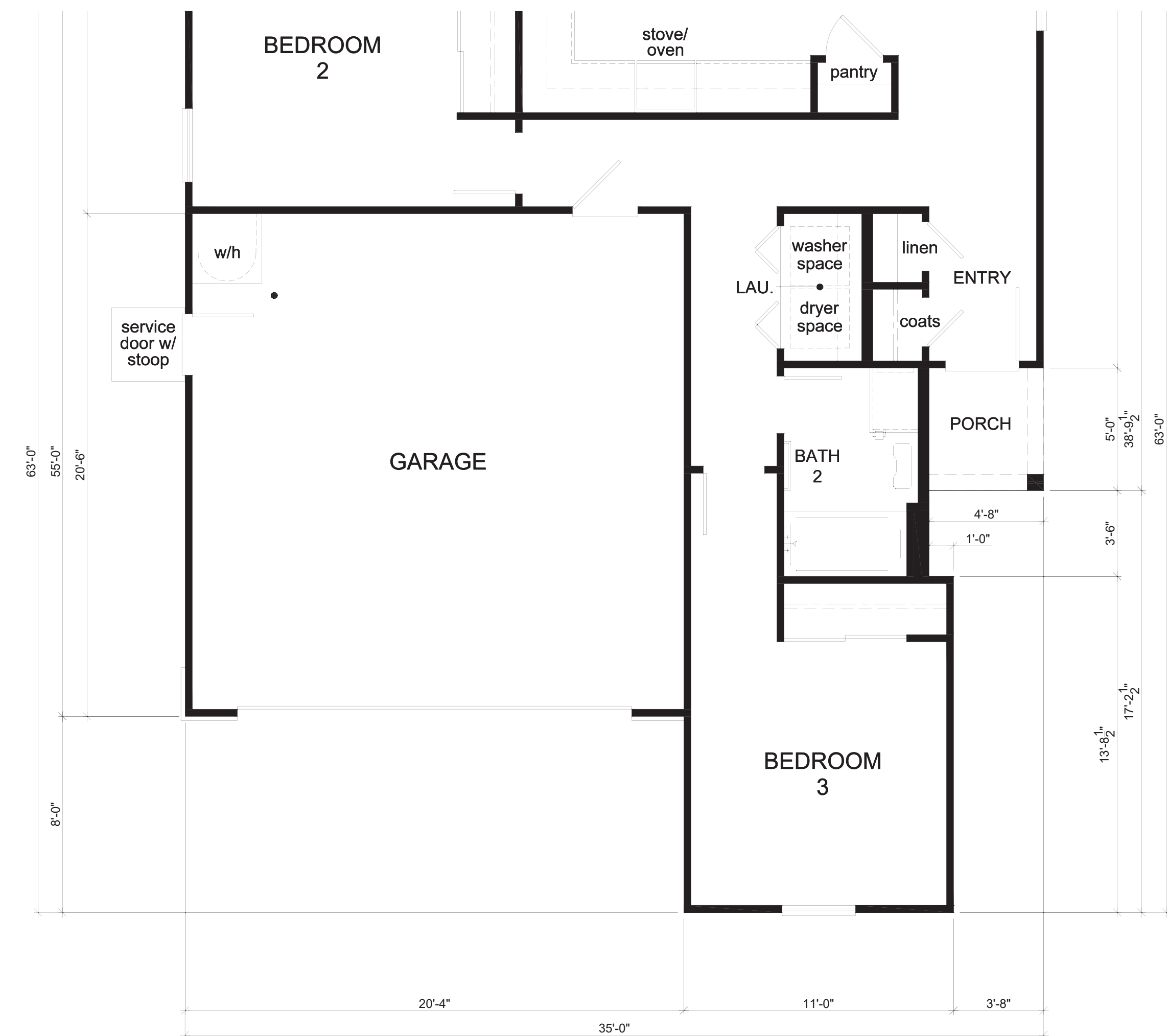
PLAN 1

Colett Martin

135.1445



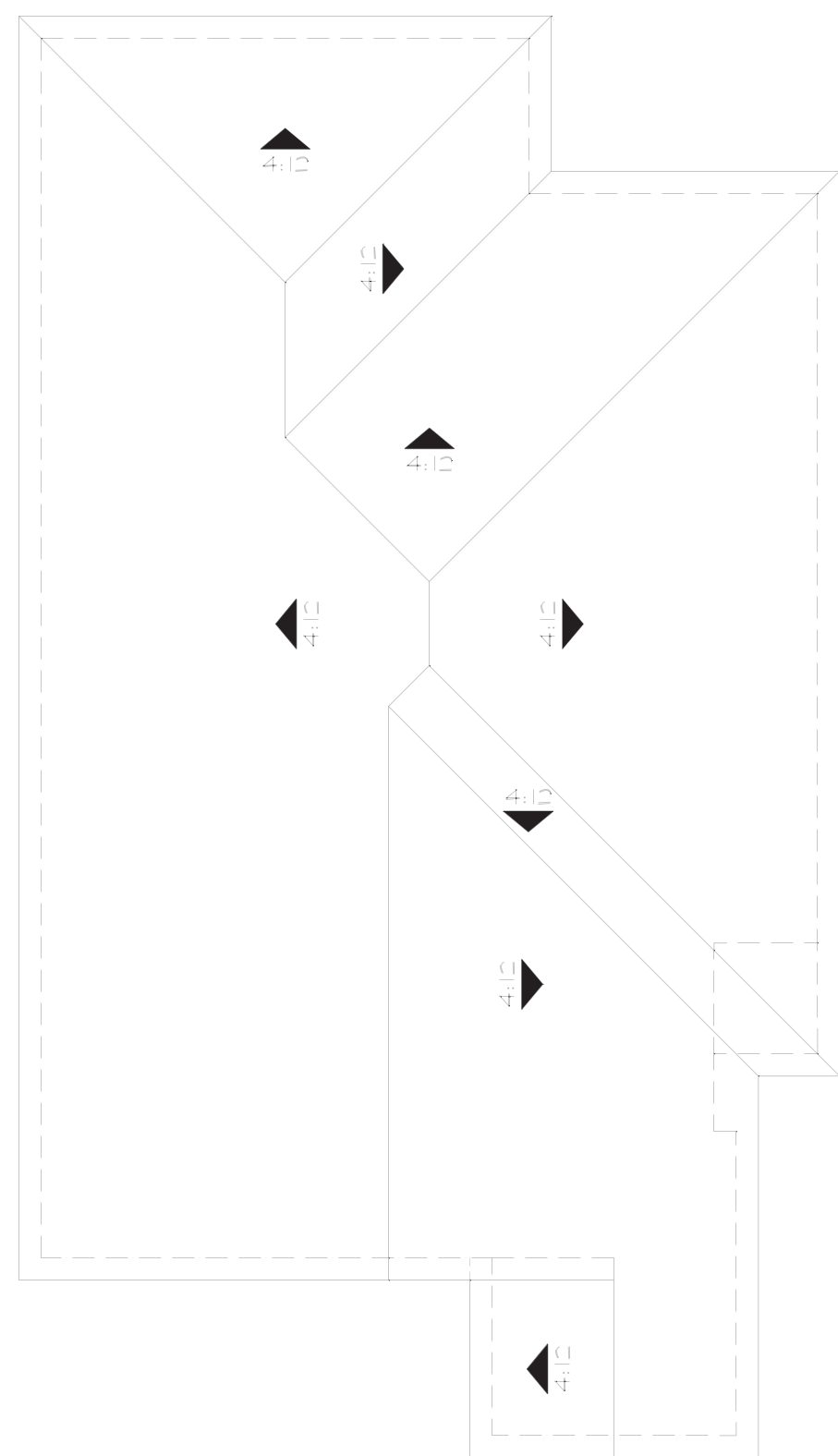
Floor Plan 'B'



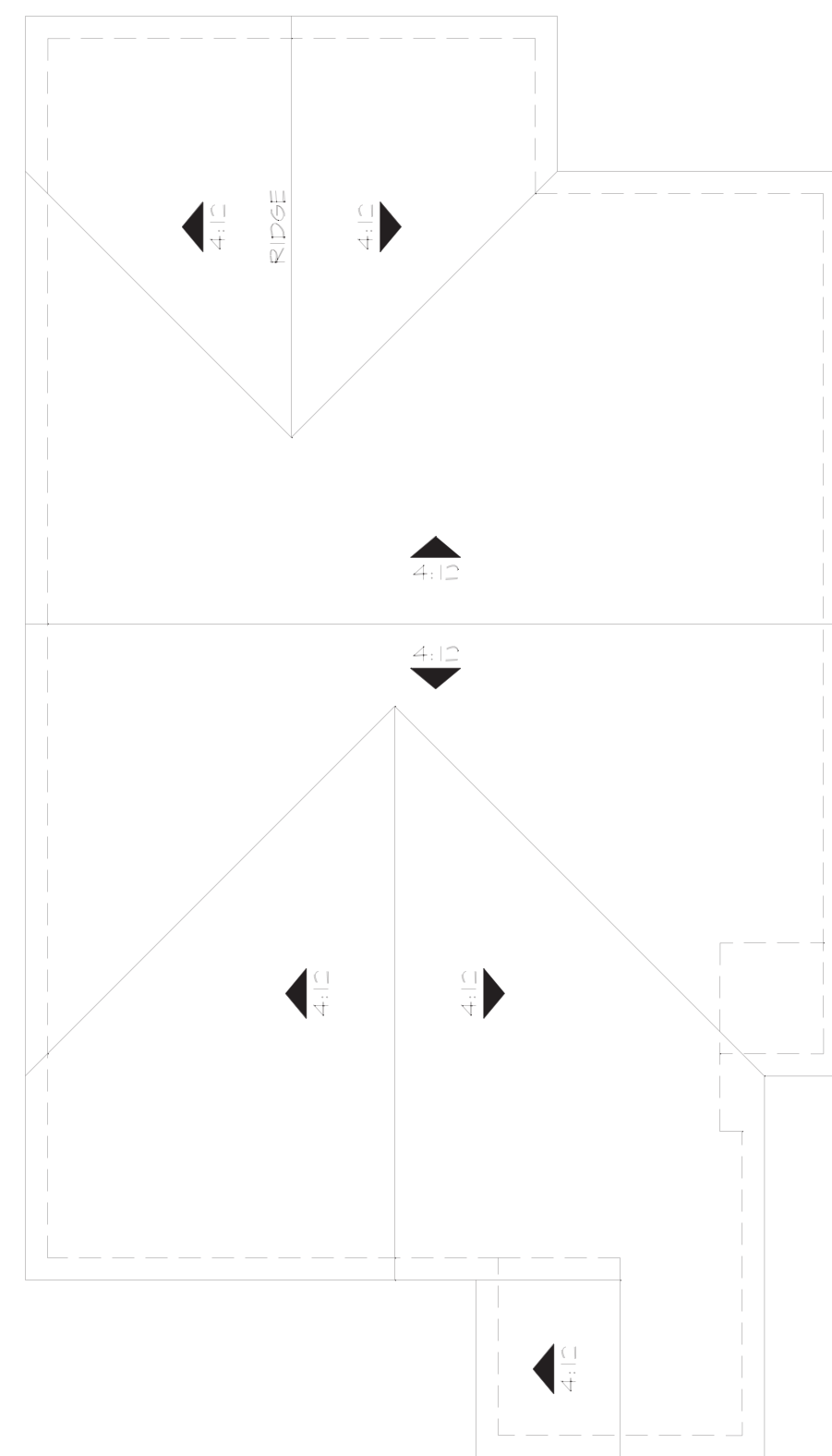
Floor Plan 'D'

Colett Martin

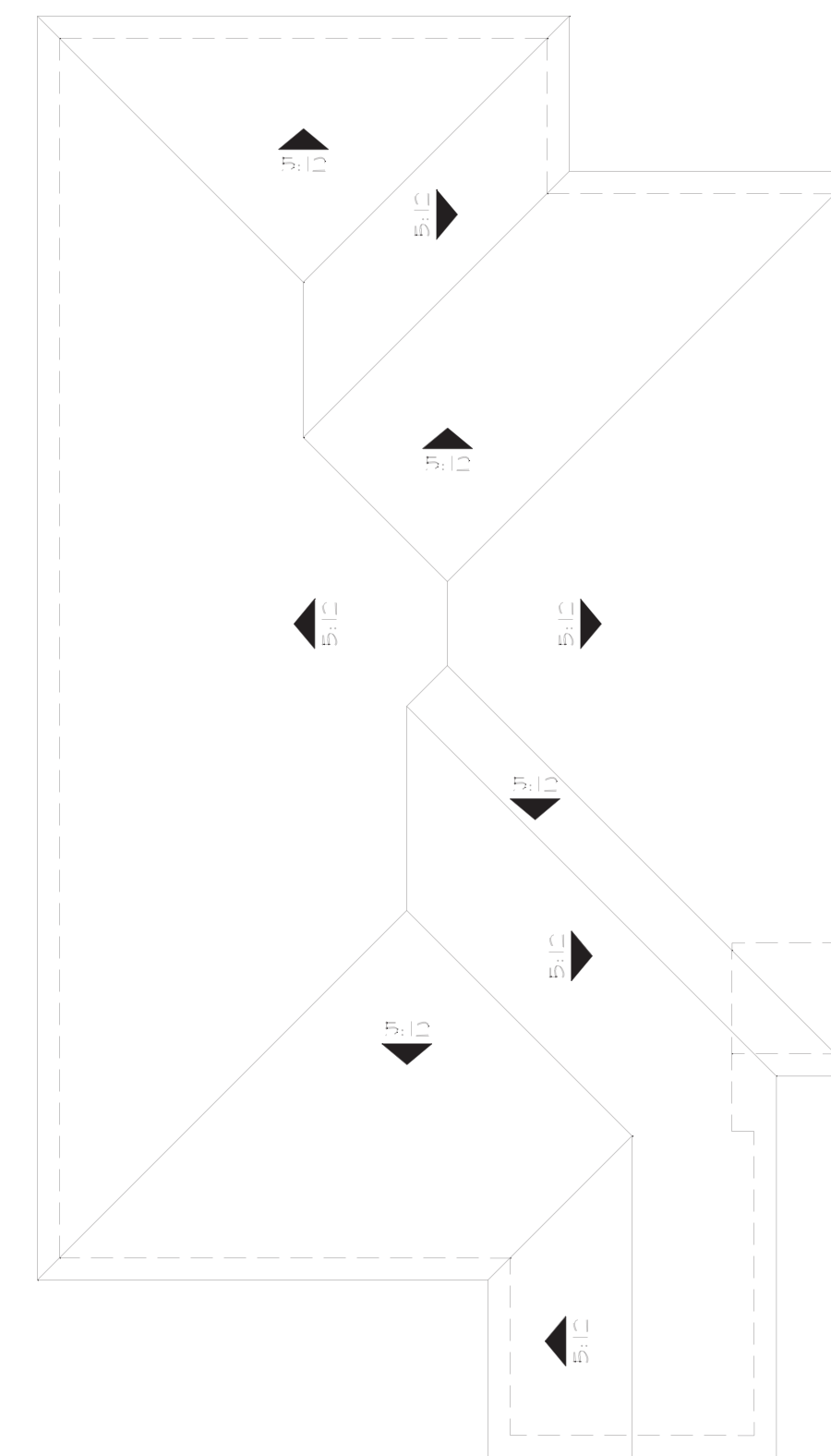
PLAN 1



'A'



'B'

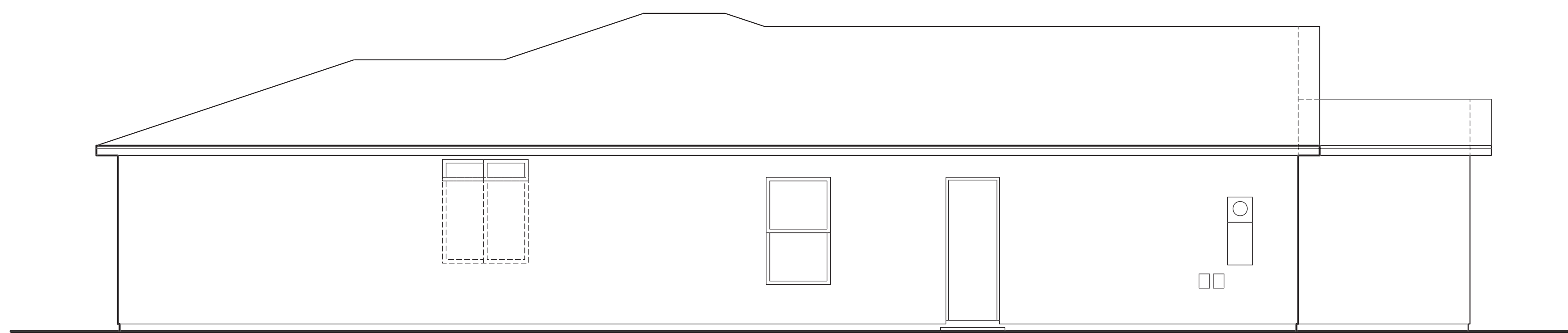


'D'

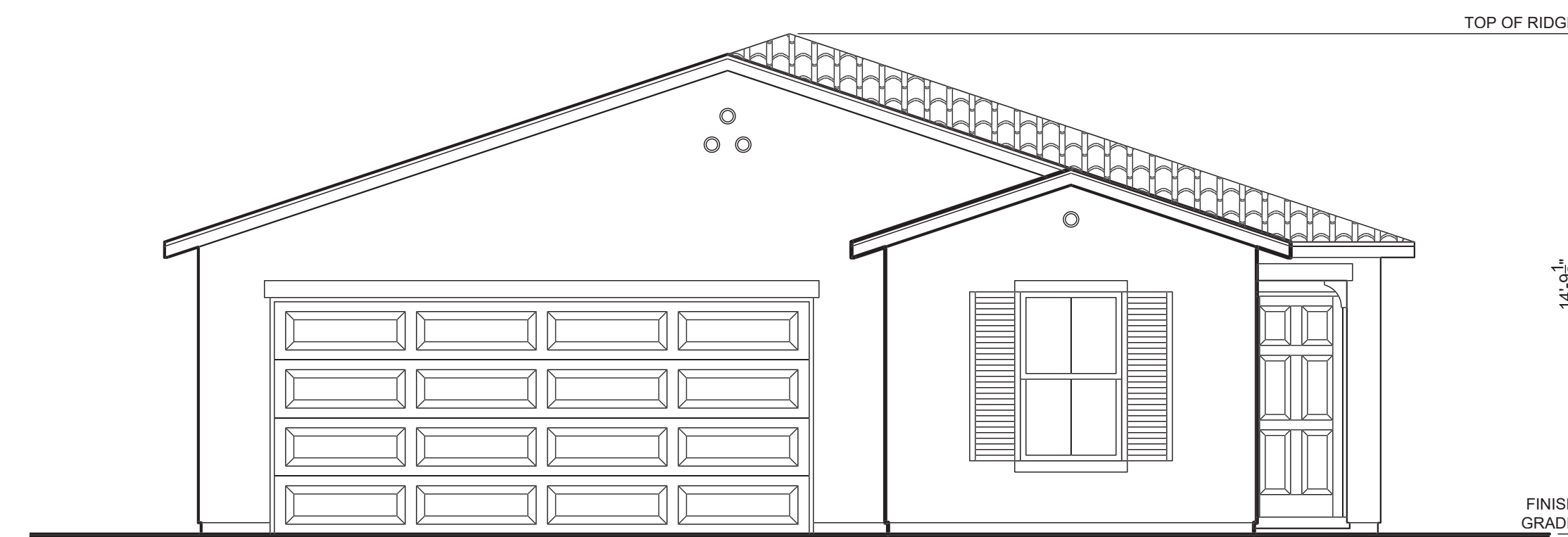
Roof Plans

Colett Martin

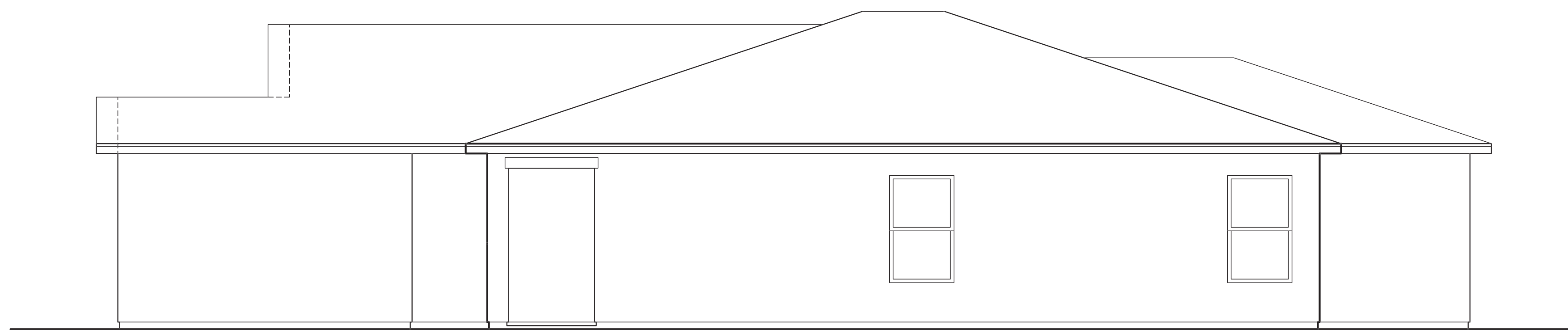
PLAN 1



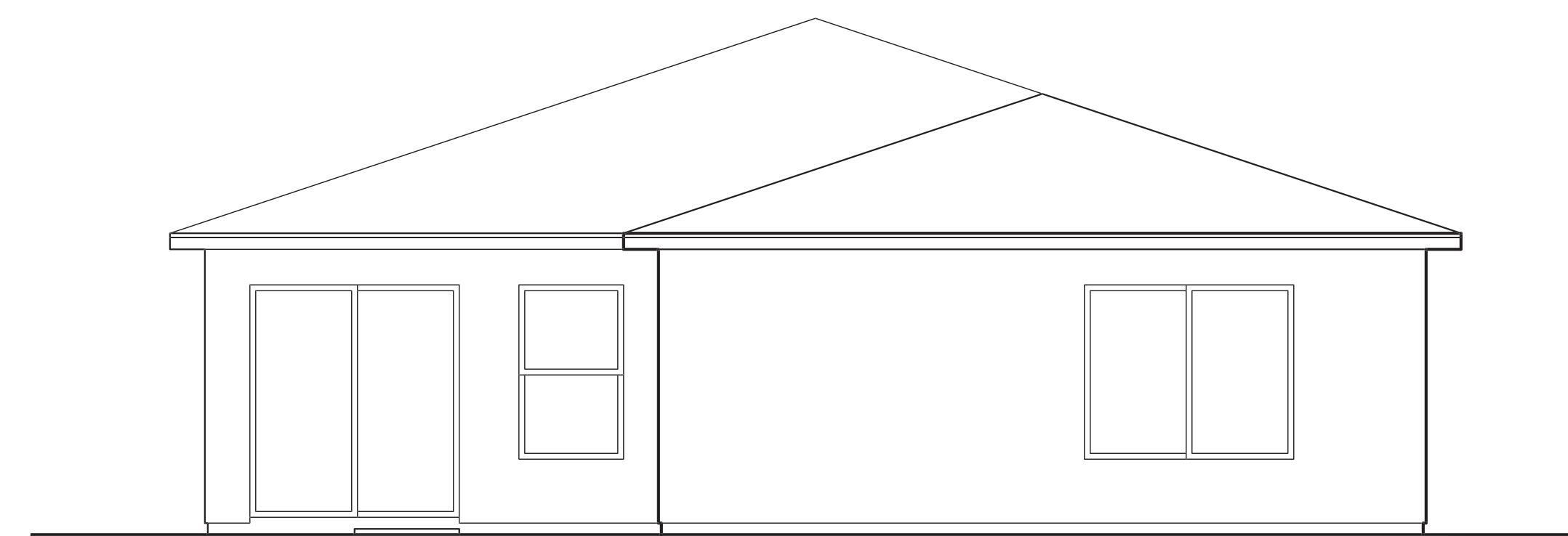
Left Elevation 'A'



Front Elevation 'A' - Spanish



Right Elevation 'A'



Rear Elevation 'A'

PLAN 1

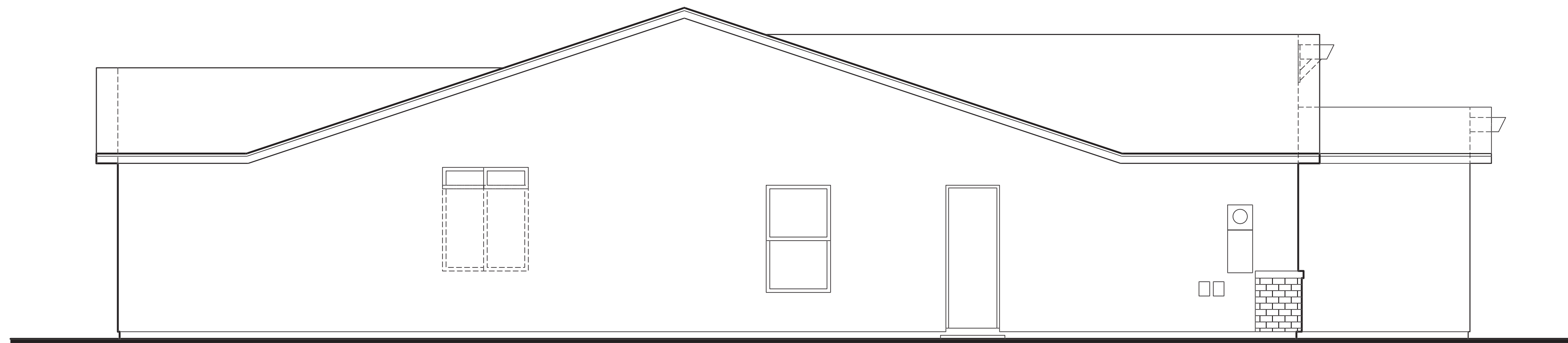


KB Home South Bay
5000 Executive Parkway Suite 125
San Ramon, CA 94583
(925) 983-4500
CITY OF MADERA

Colett Martin

135.1445

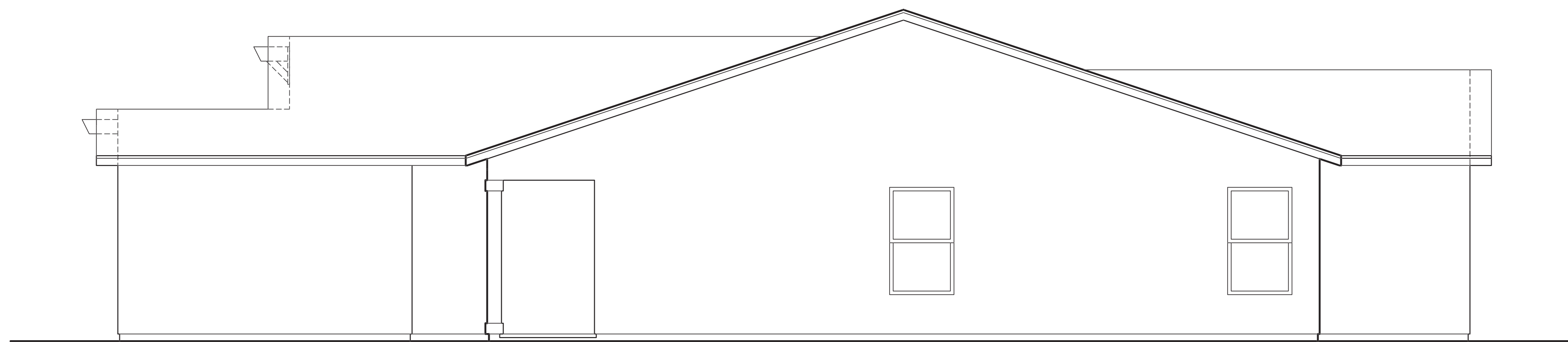
JOB No. : 3026-999875
STORY: One
April 1, 2024



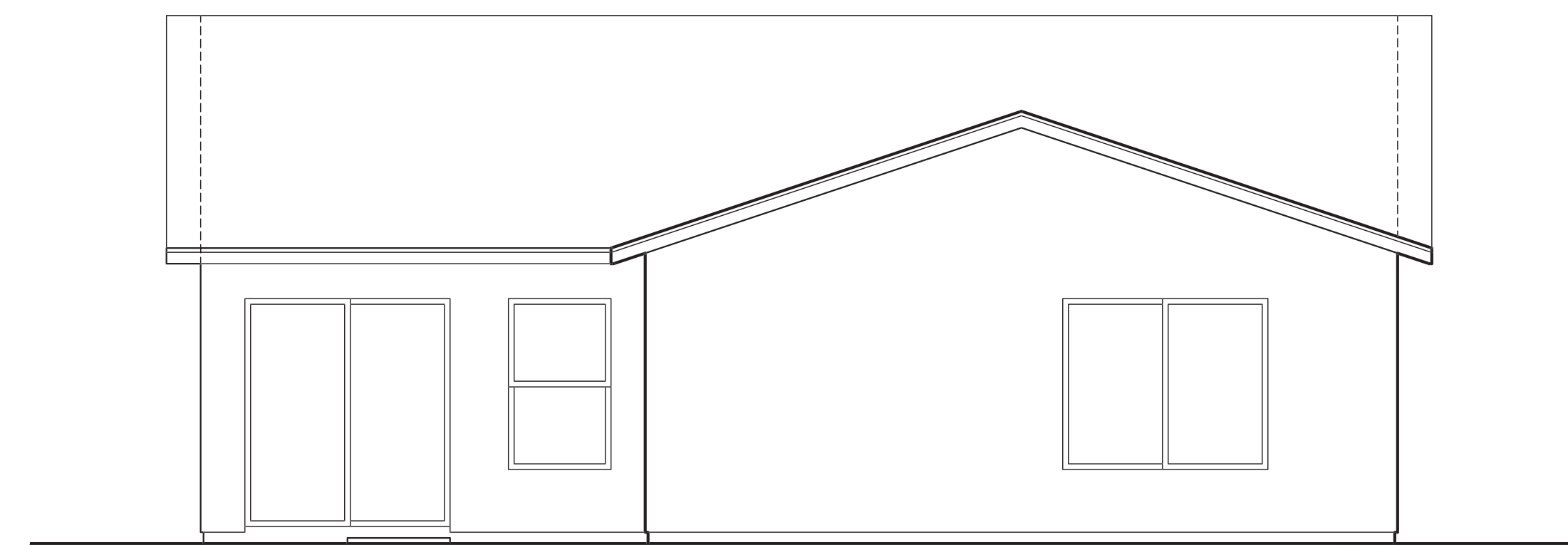
Left Elevation 'B'



Front Elevation 'B' - Craftsman

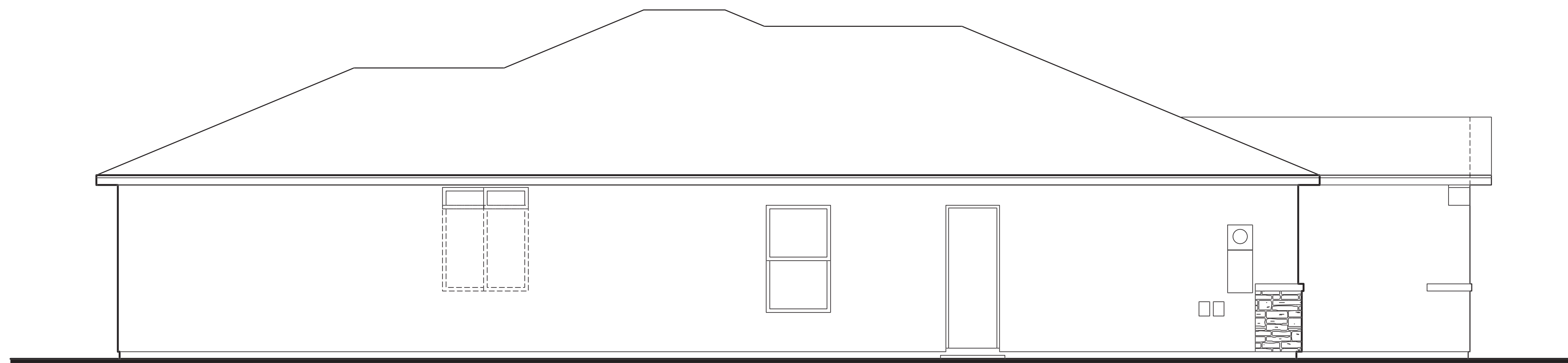


Right Elevation 'B'

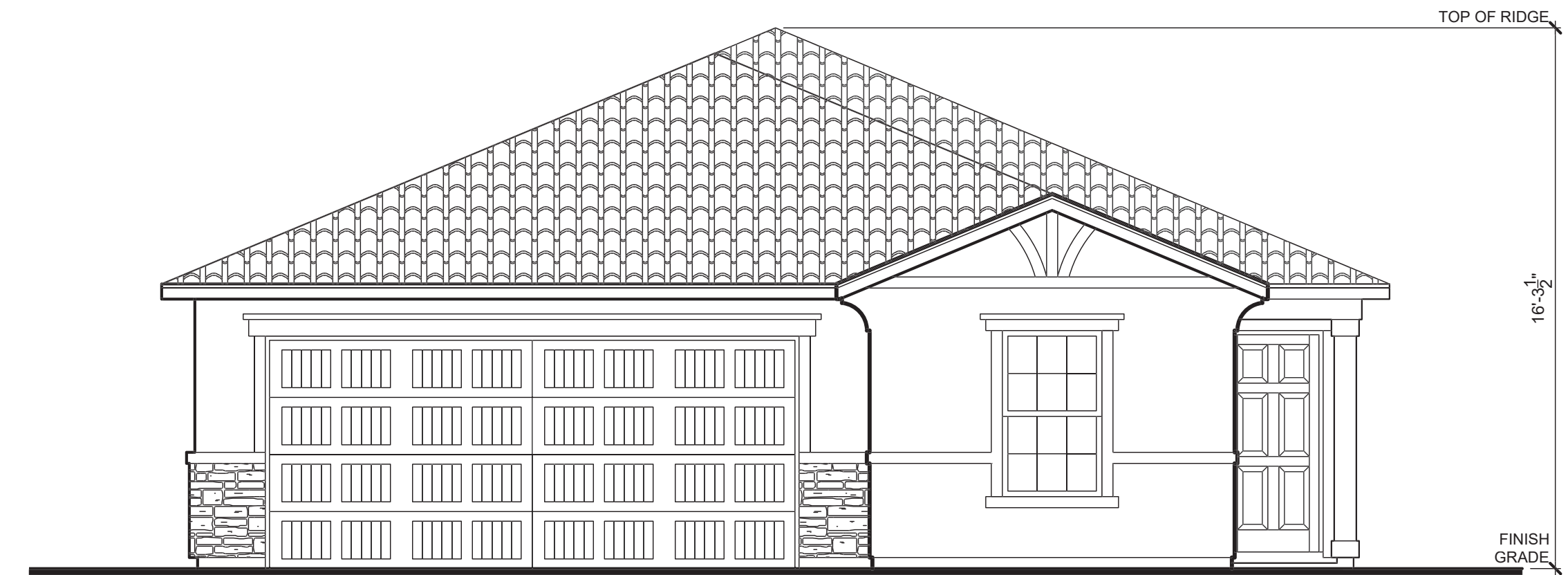


Rear Elevation 'B'

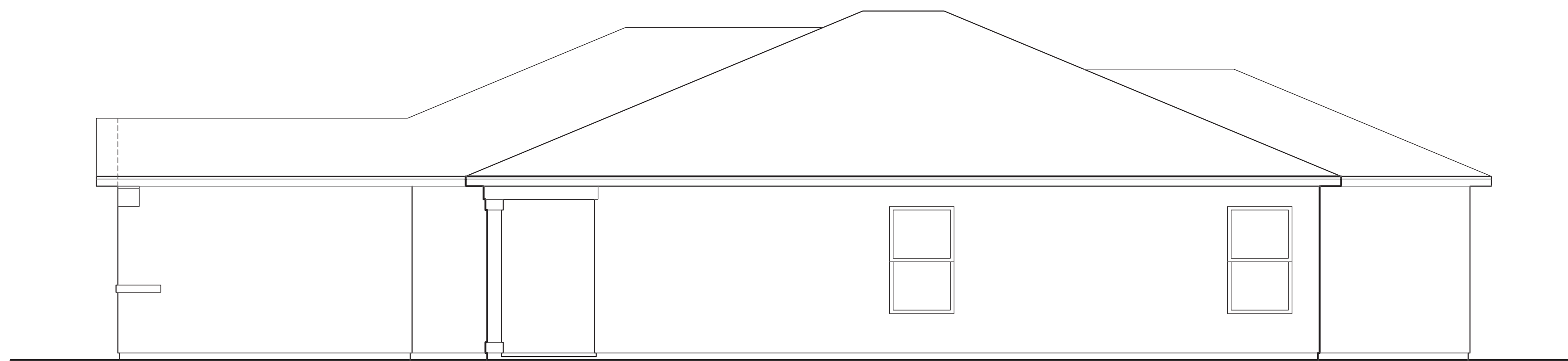
PLAN 1



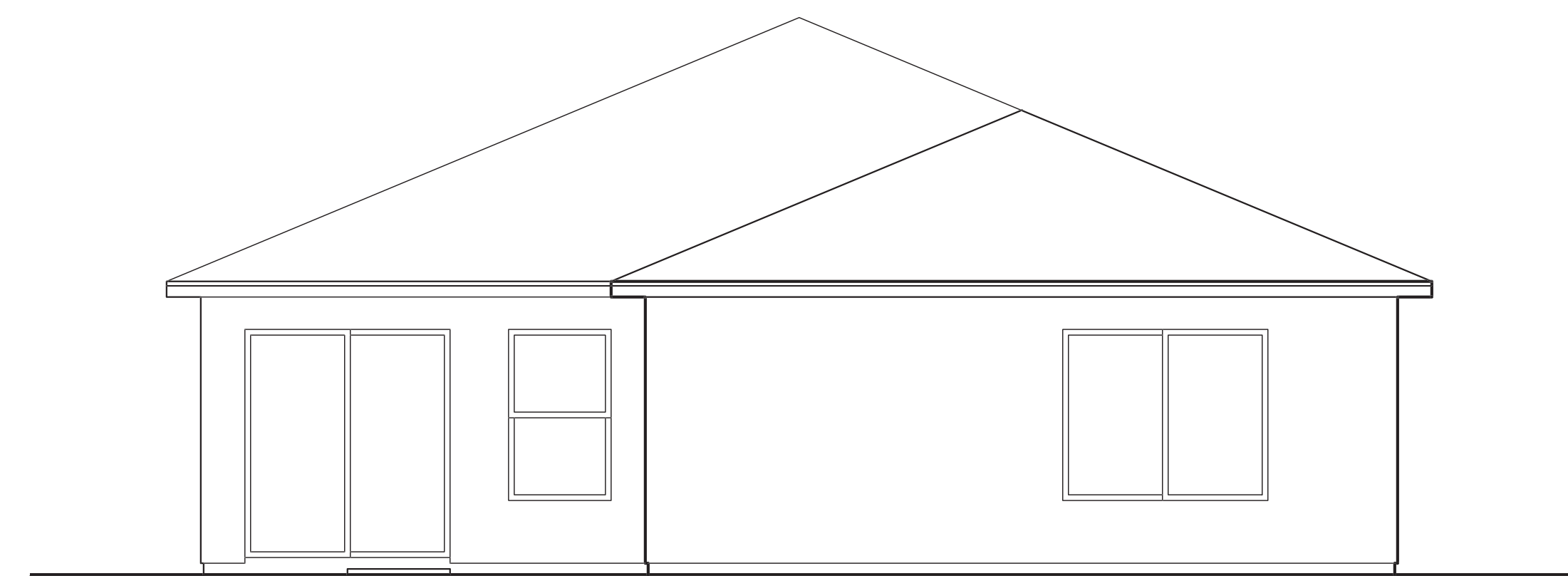
Left Elevation 'D'



Front Elevation 'D' - French Cottage

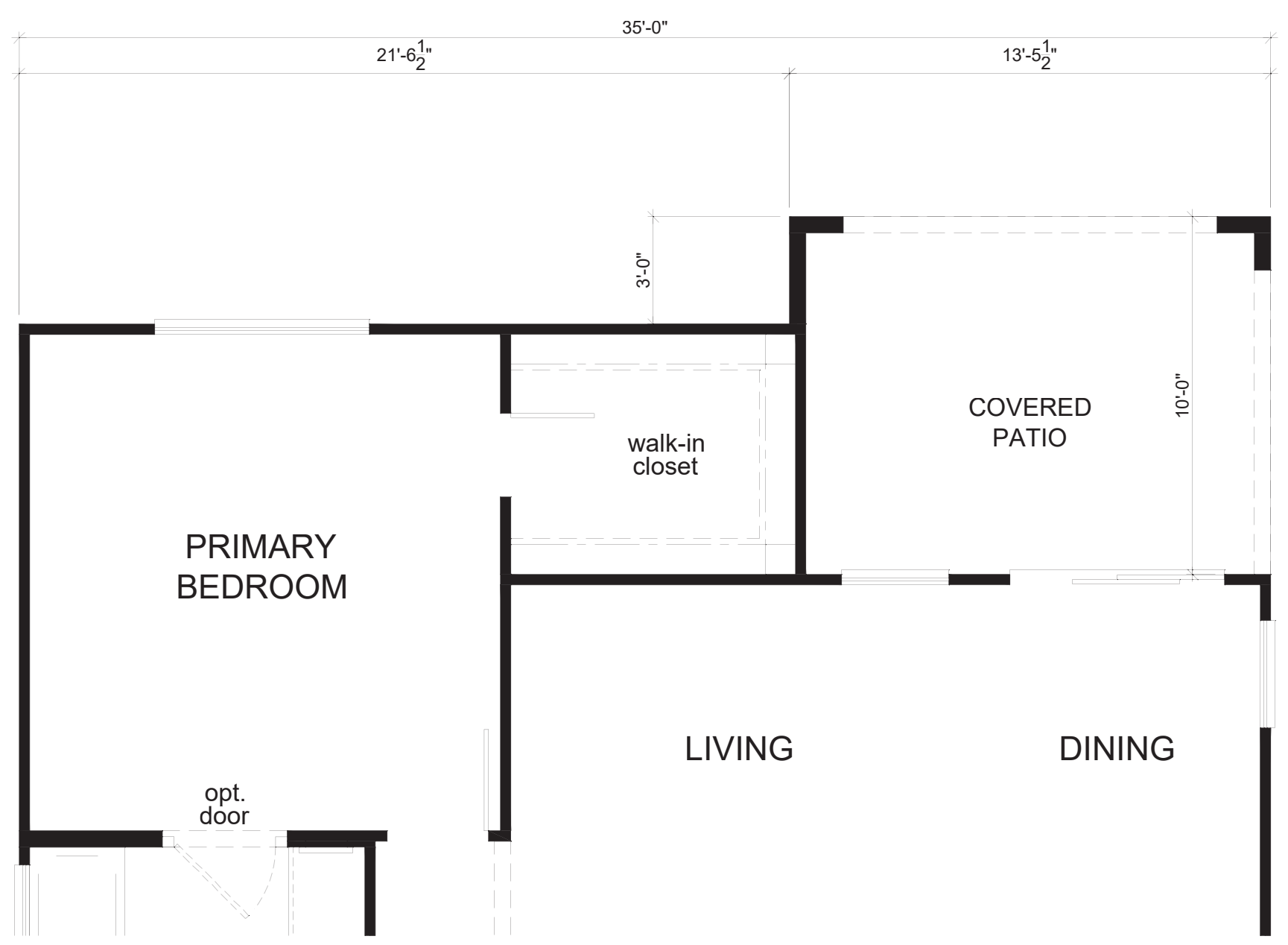


Right Elevation 'D'



Rear Elevation 'D'

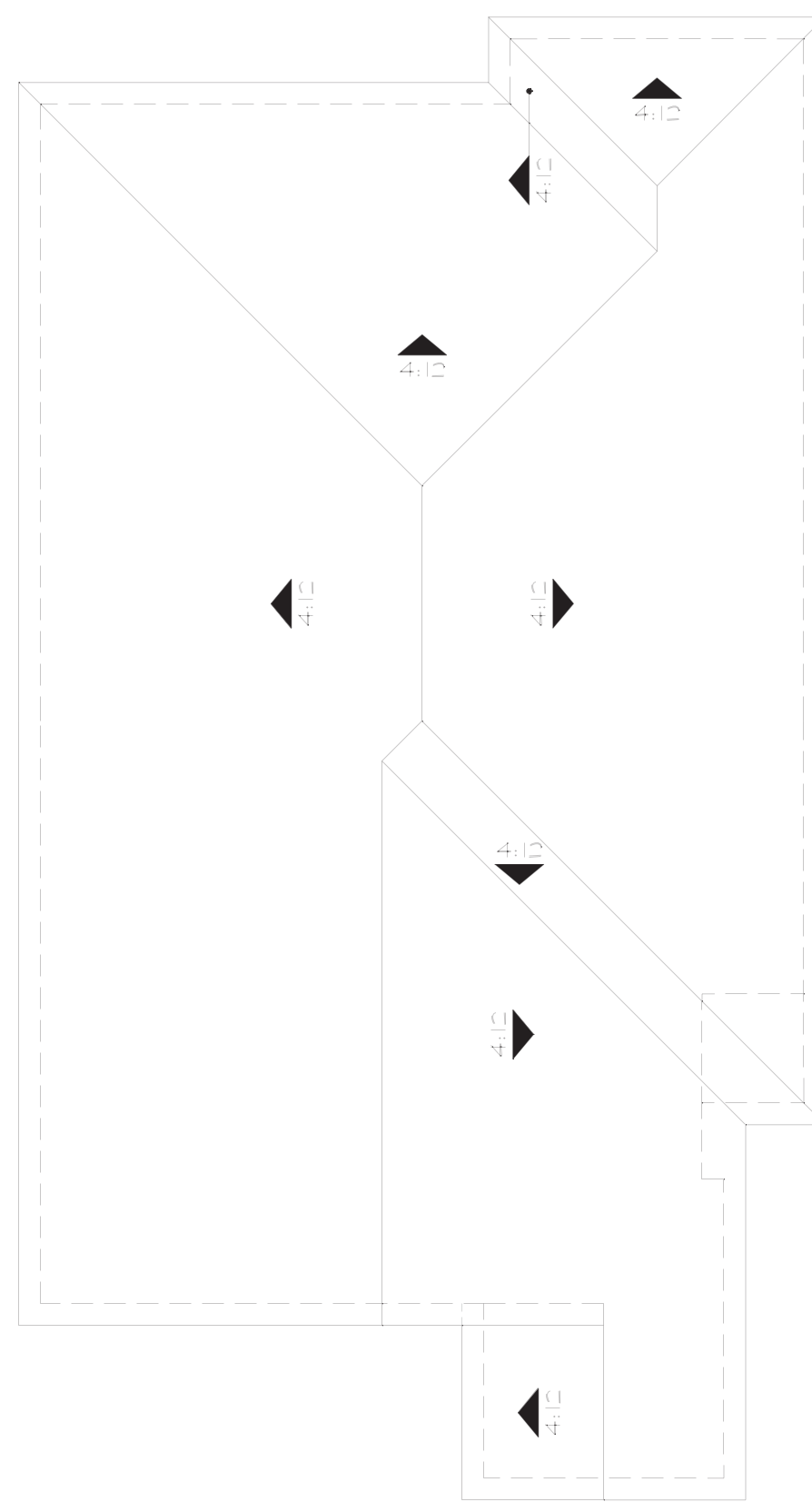
Colett Martin



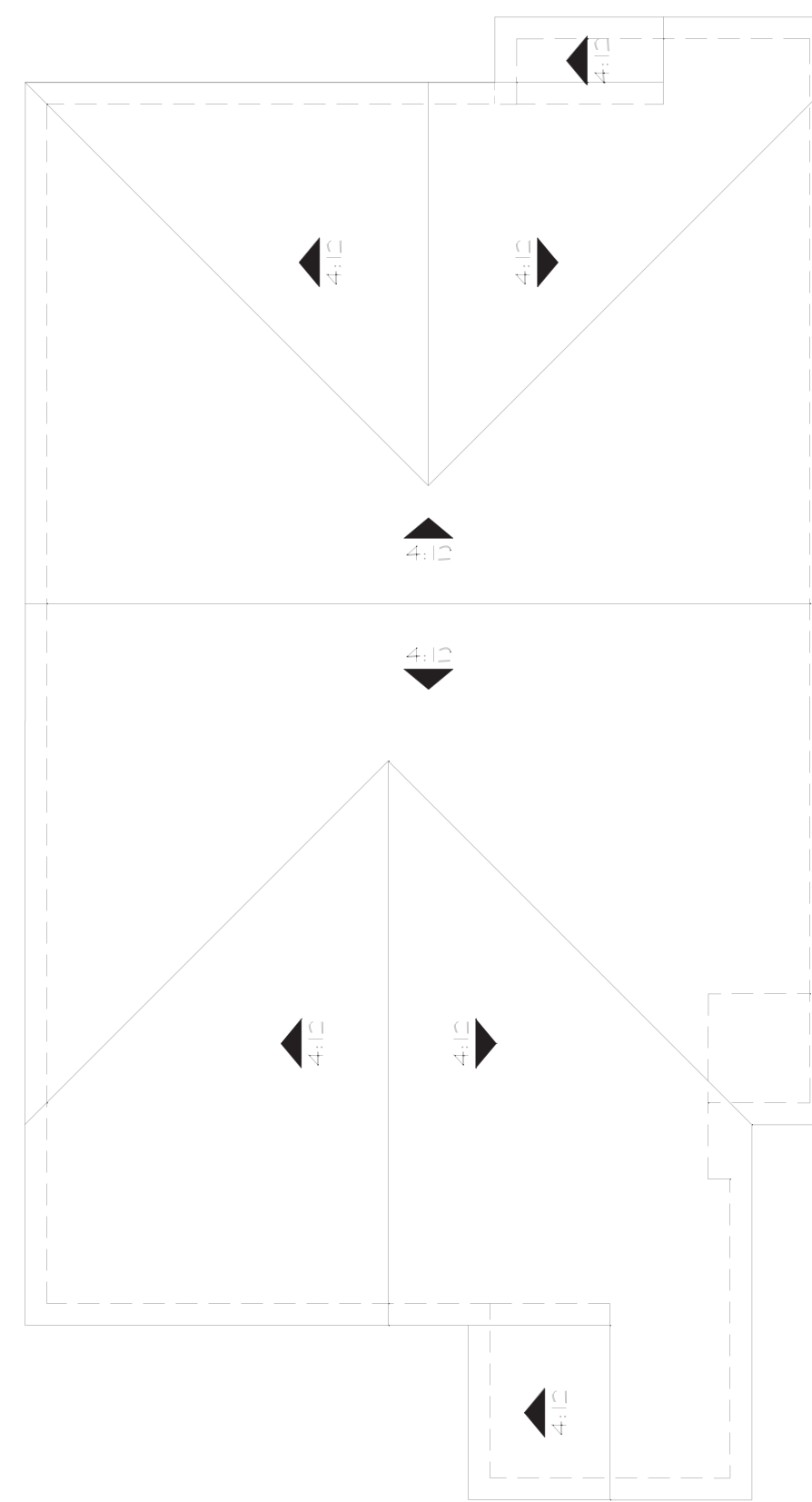
Floor Plan at Covered Patio Option

Colett Martin

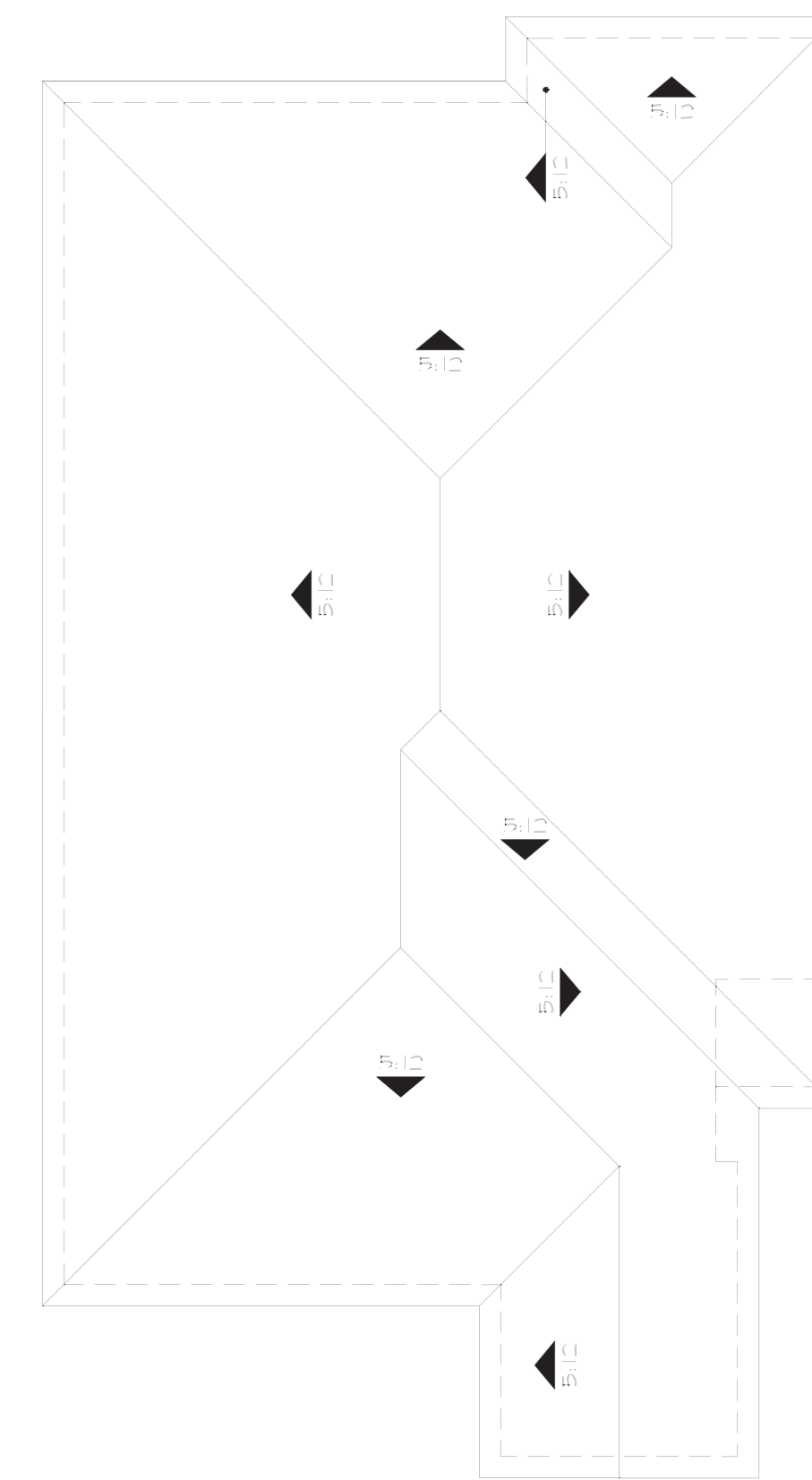
PLAN 1



'A'



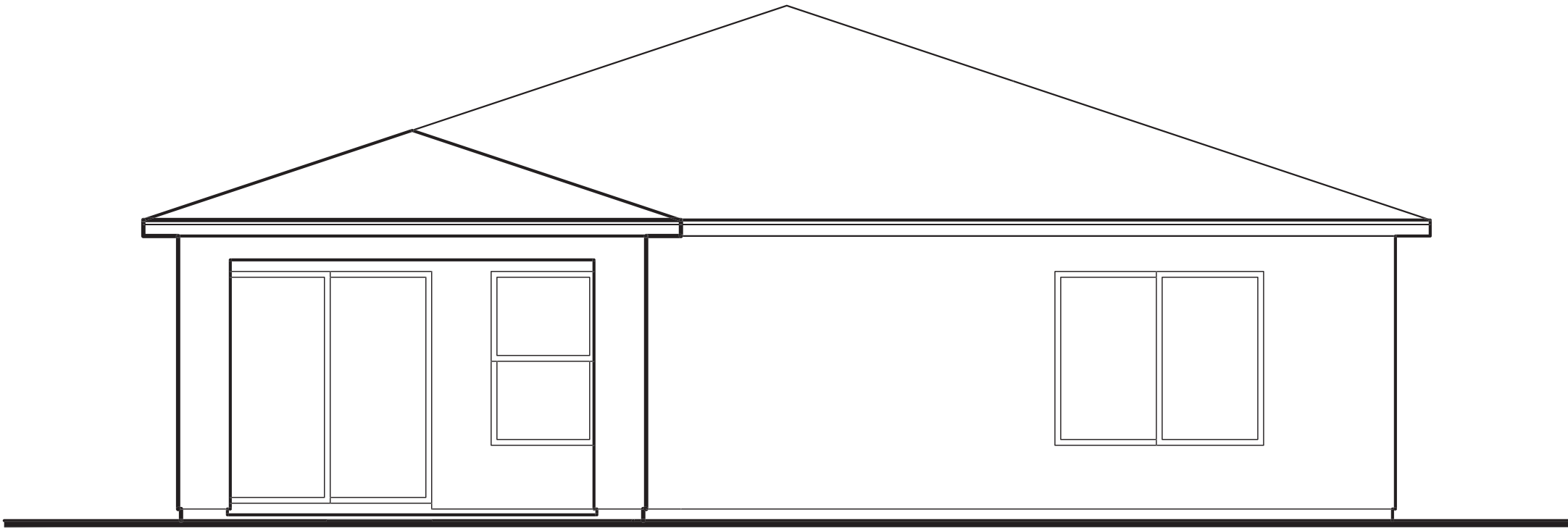
'B'



'D'

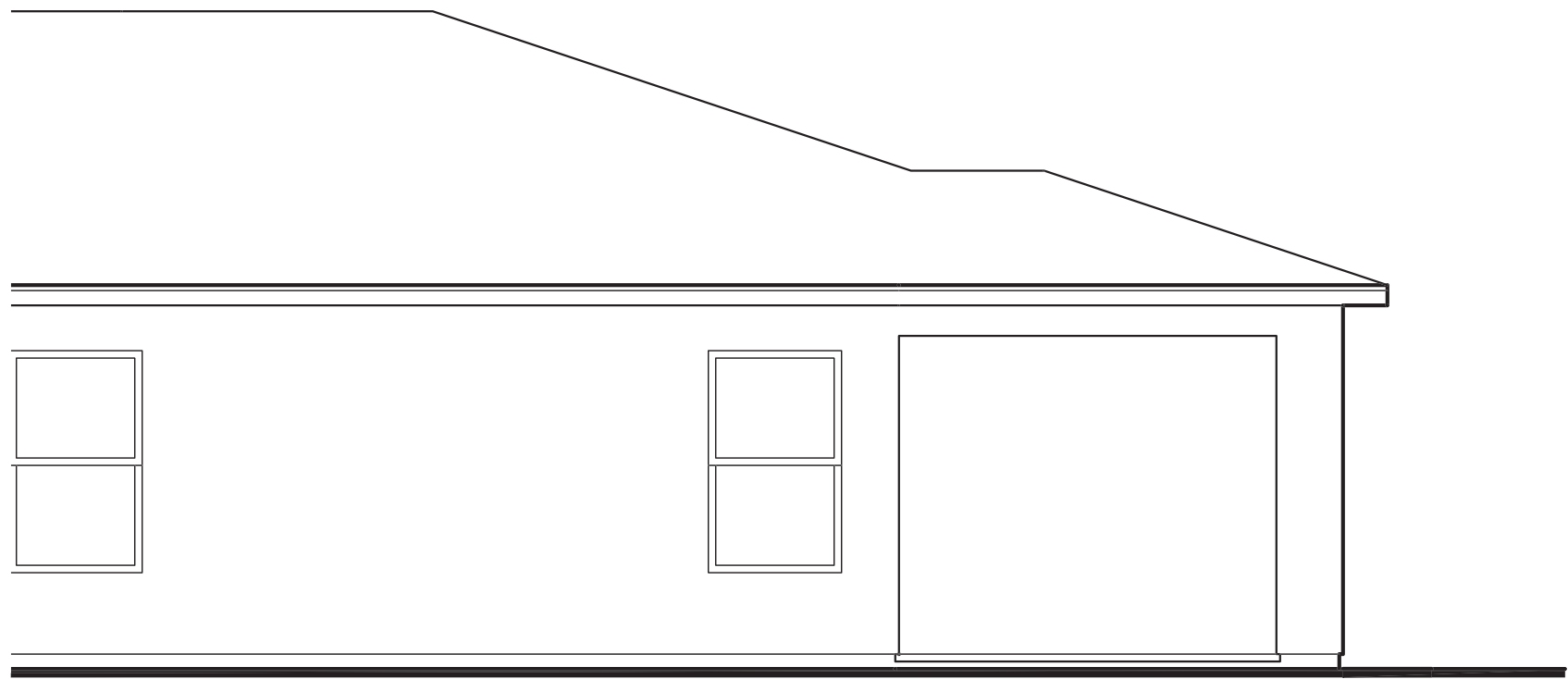
Roof Plans at Covered Patio Options

Colett Martin



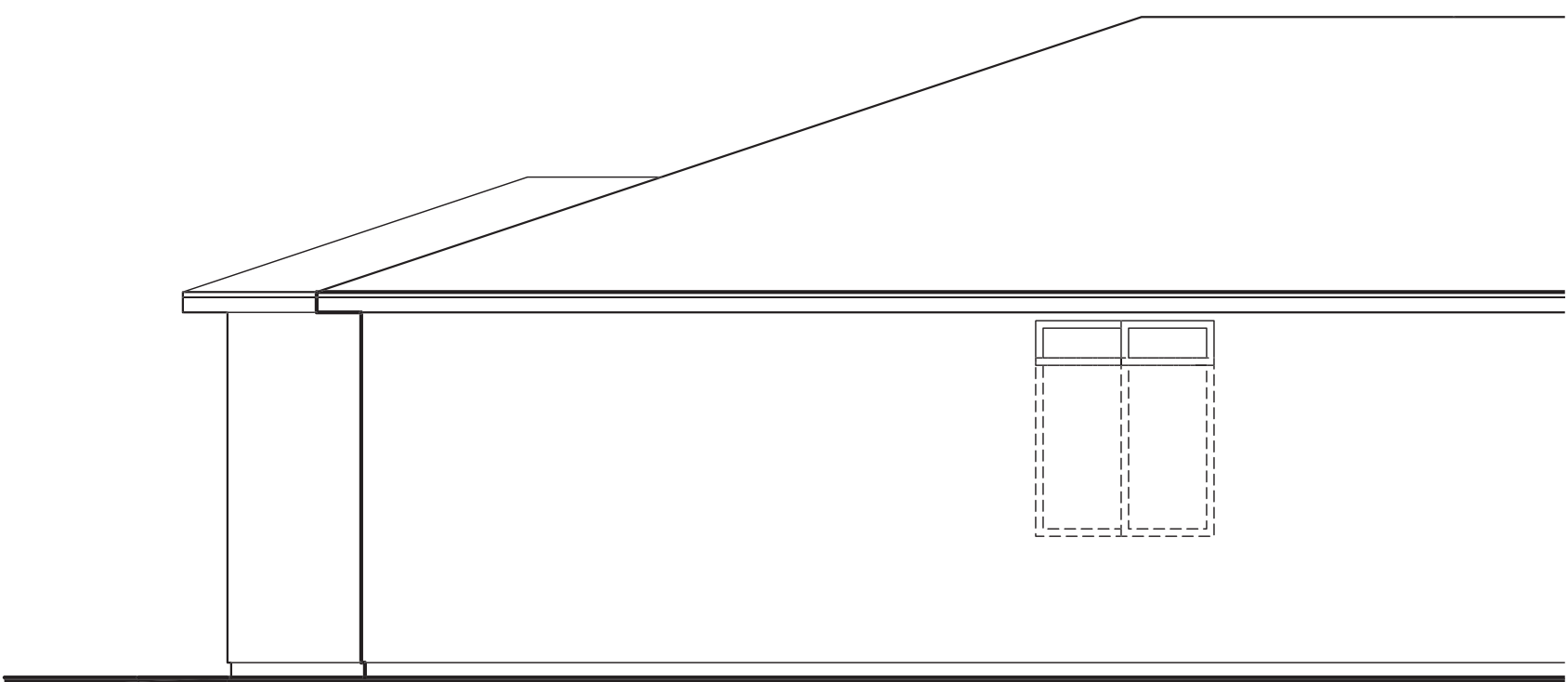
Rear Elevation 'A'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



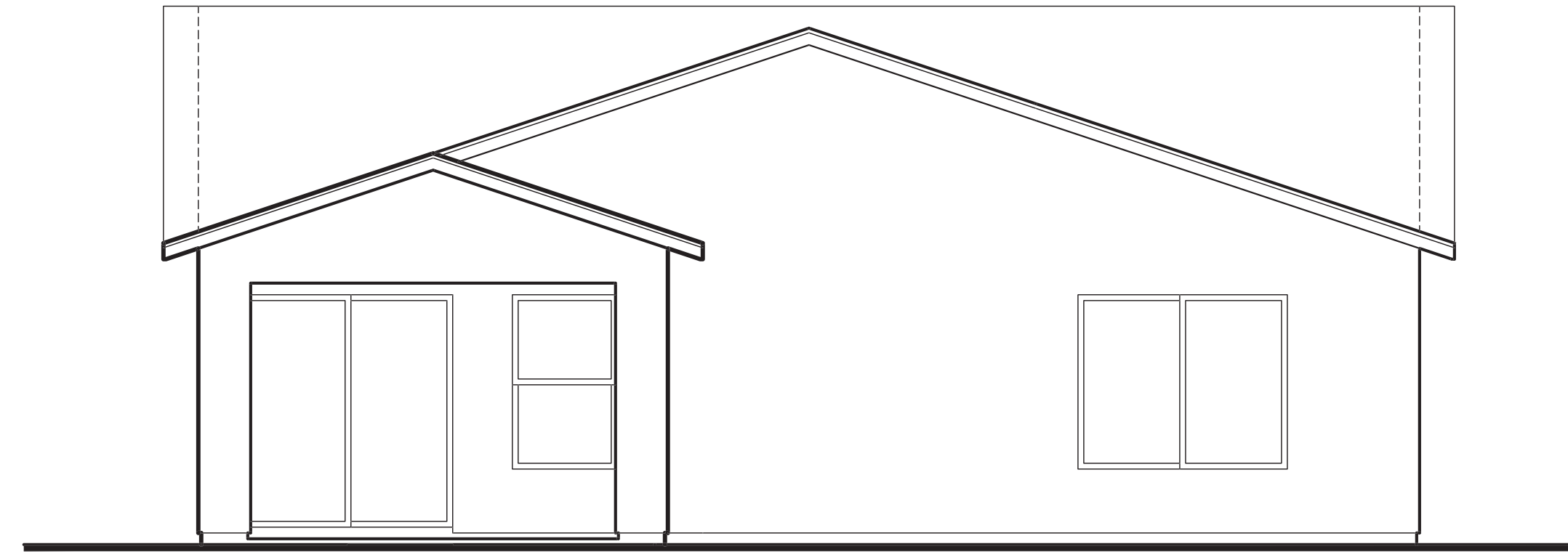
Right Elevation 'A'

Optional Covered Patio



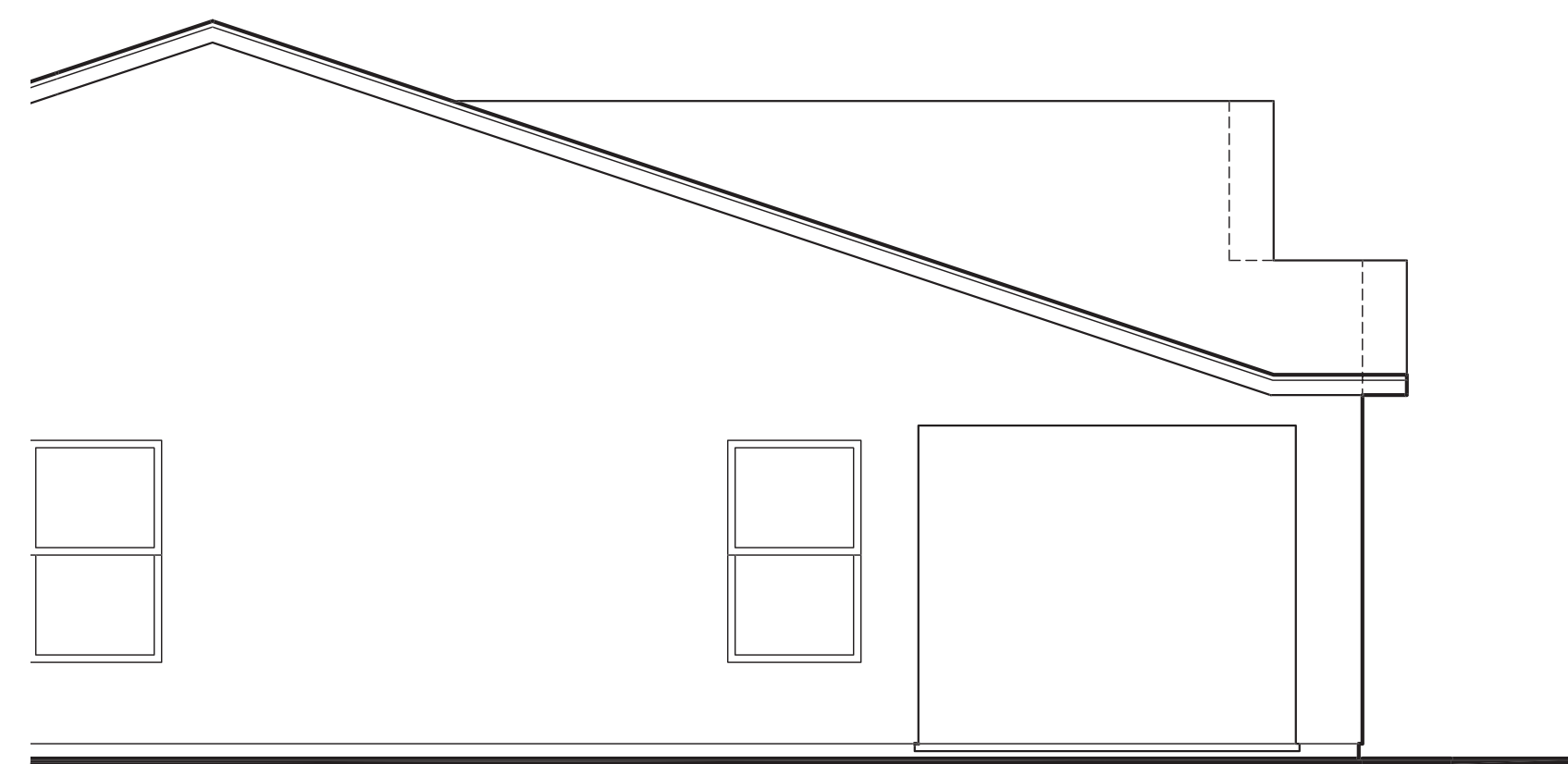
Left Elevation 'A'

Colett Martin



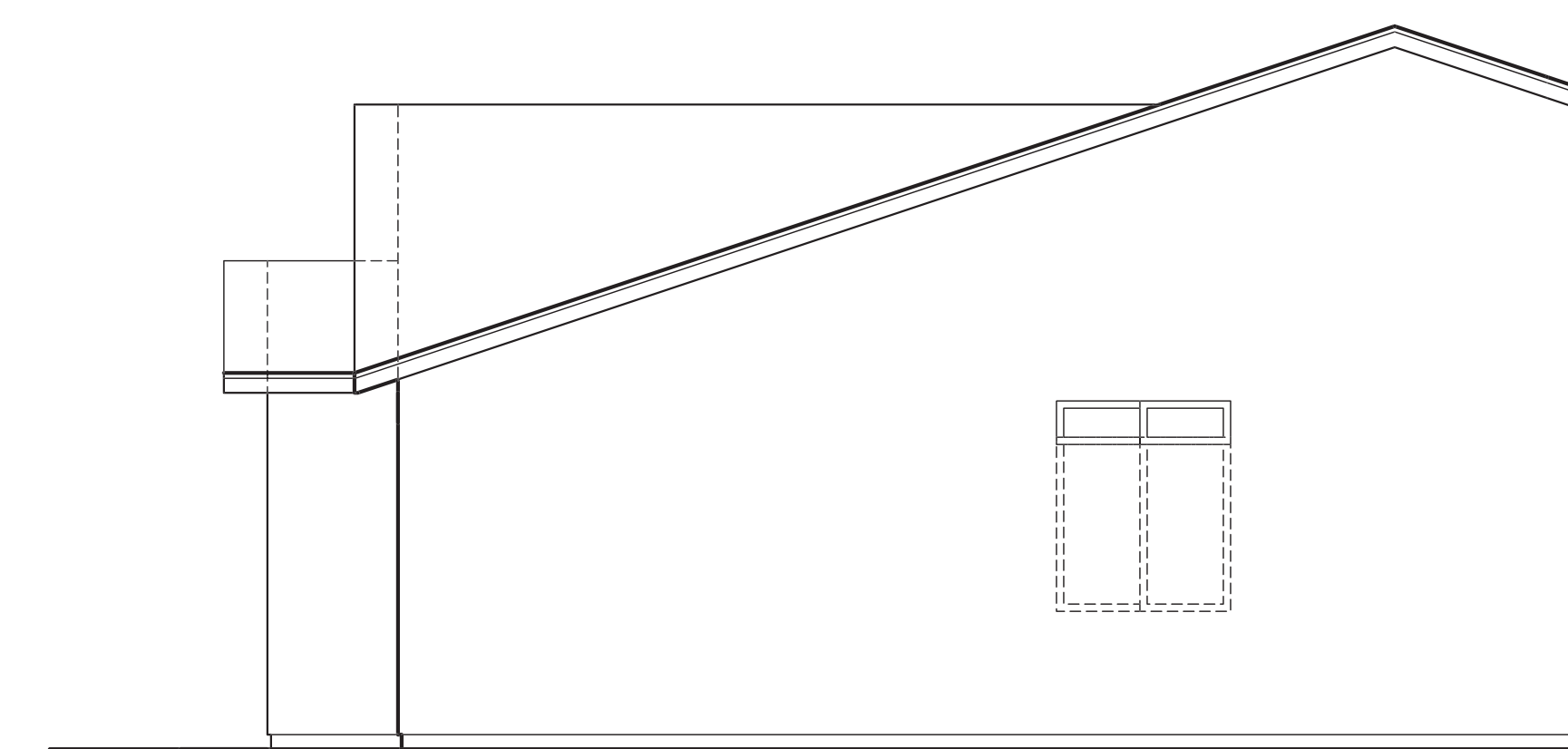
Rear Elevation 'B'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'B'

Optional Covered Patio



Left Elevation 'B'

Colett Martin

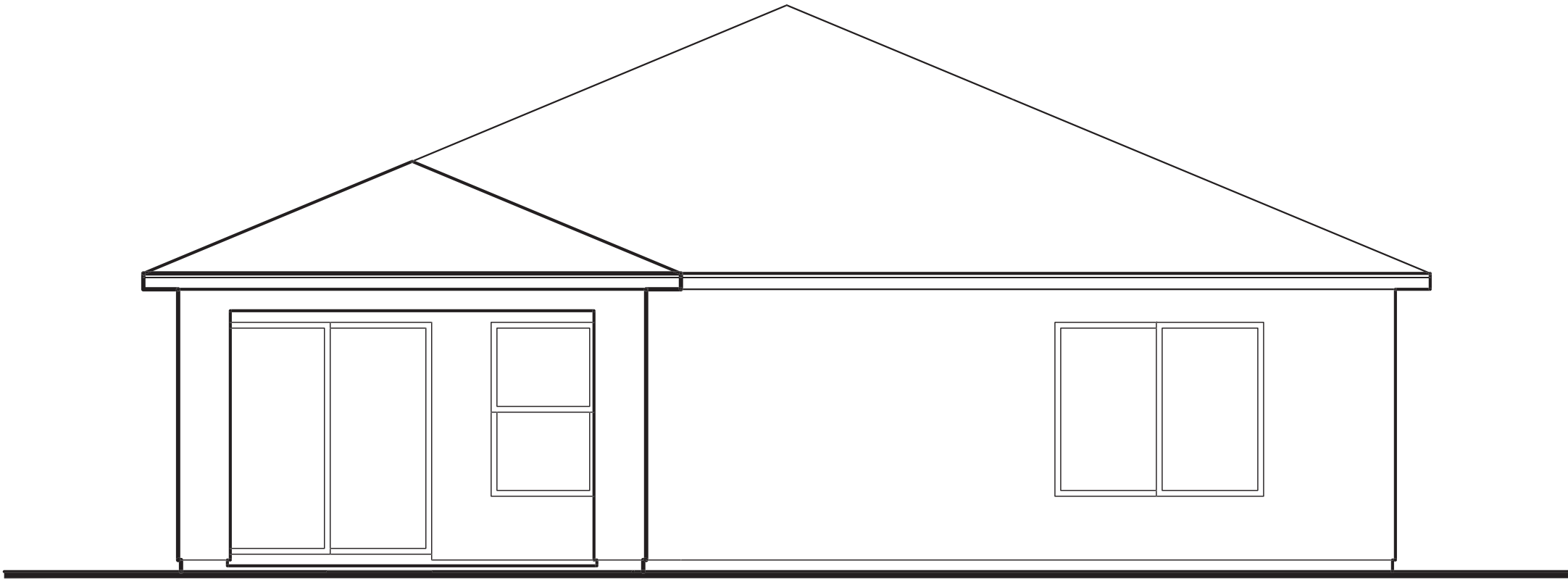
PLAN 1

135.1445



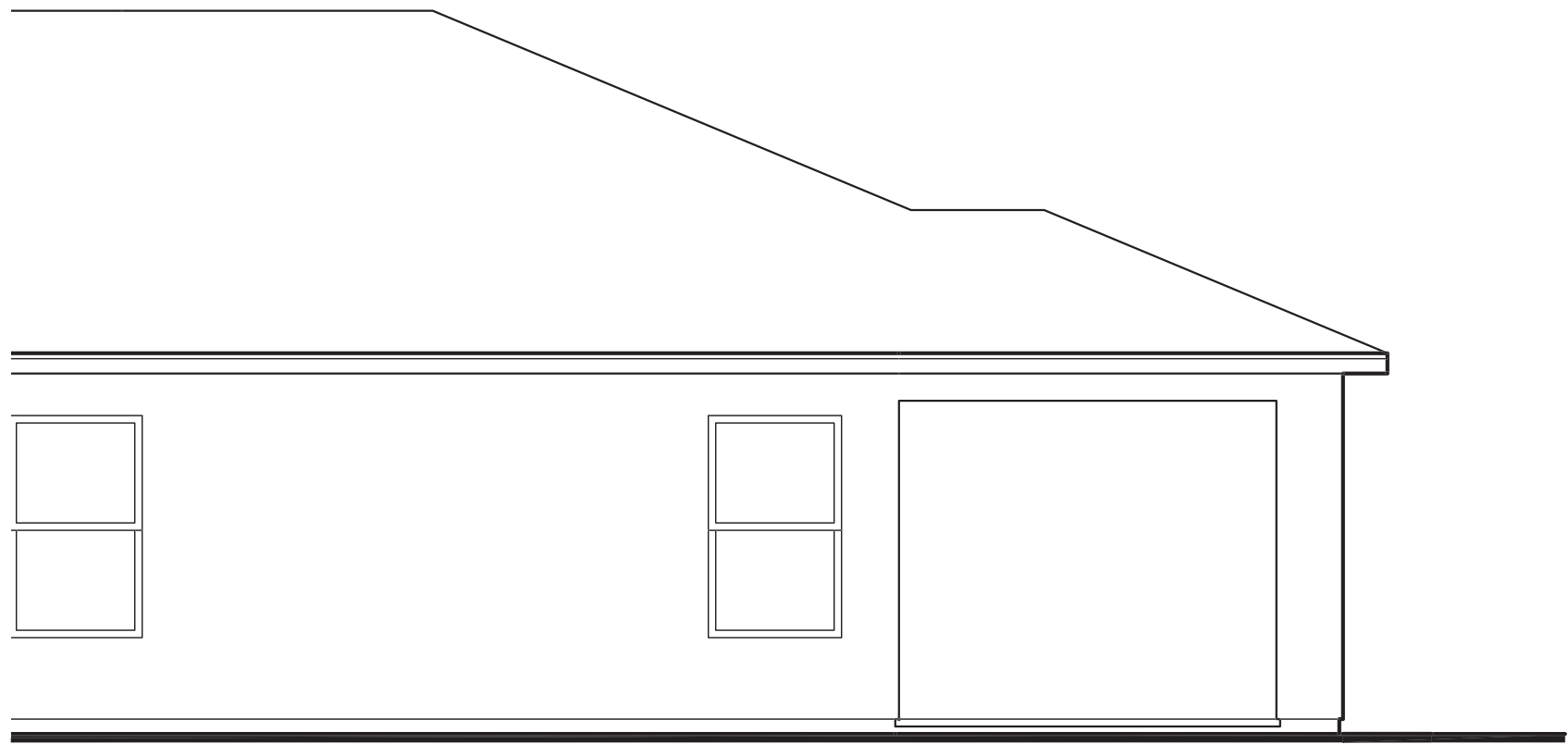
KB Home South Bay
5000 Executive Parkway Suite 125
San Ramon, CA 94583
(925) 983-4500
CITY OF MADERA

JOB No. : 3026-999875
STORY: One
April 1, 2024



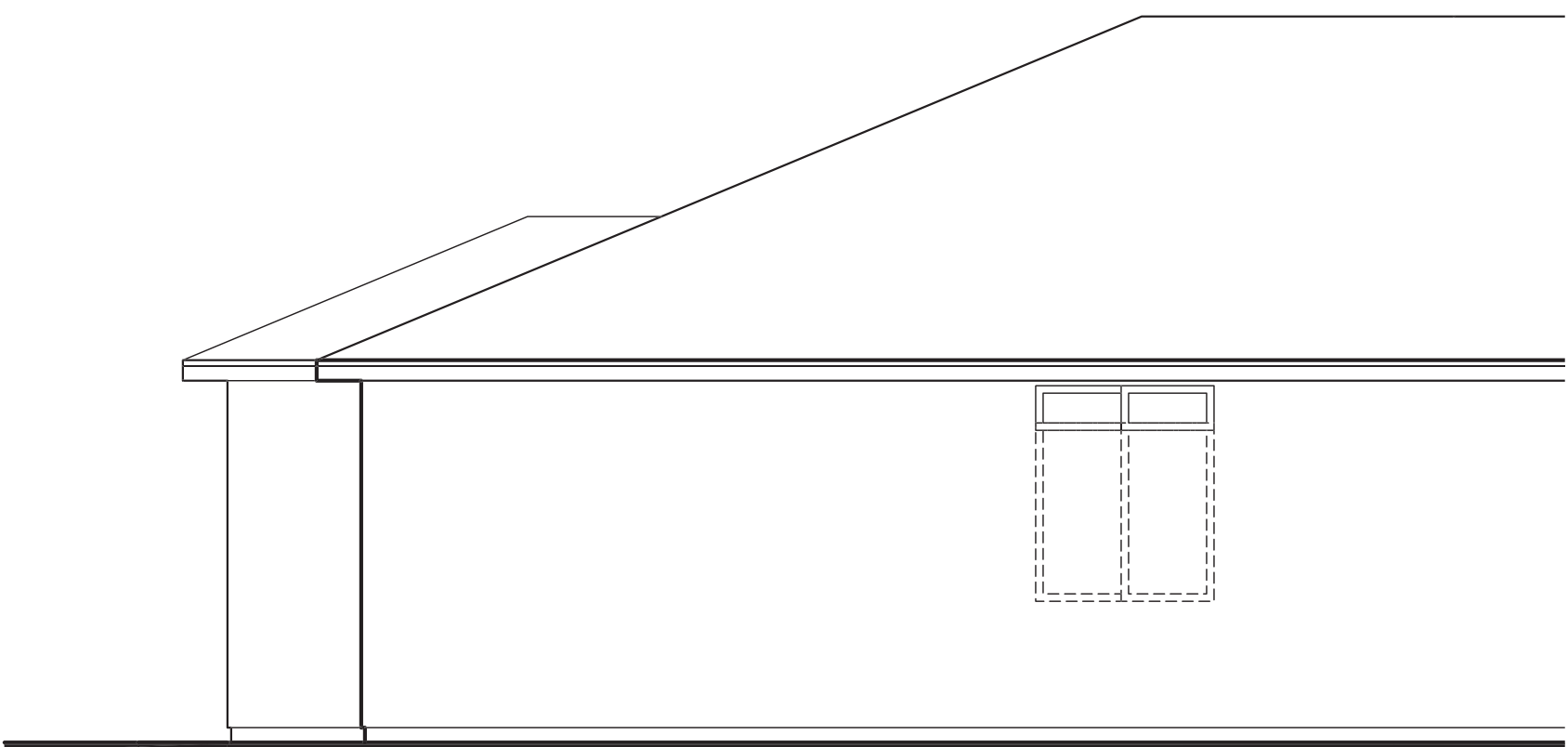
Rear Elevation 'D'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'D'

Optional Covered Patio

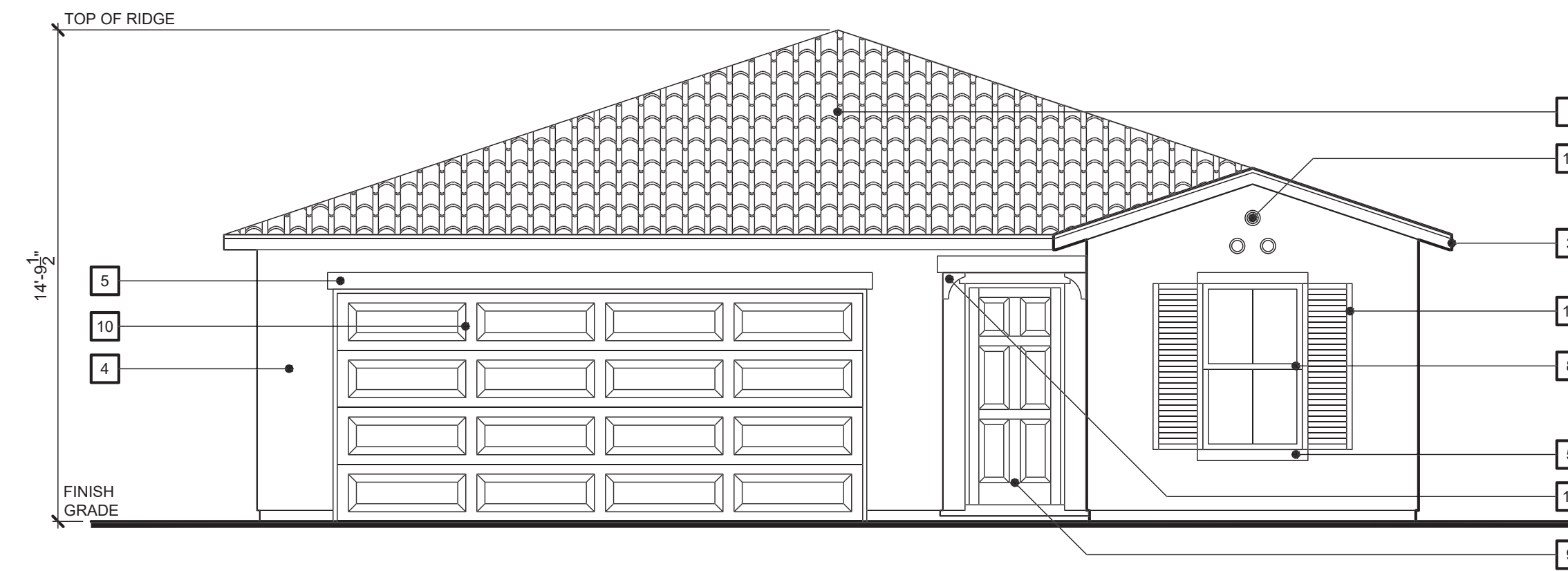


Left Elevation 'D'

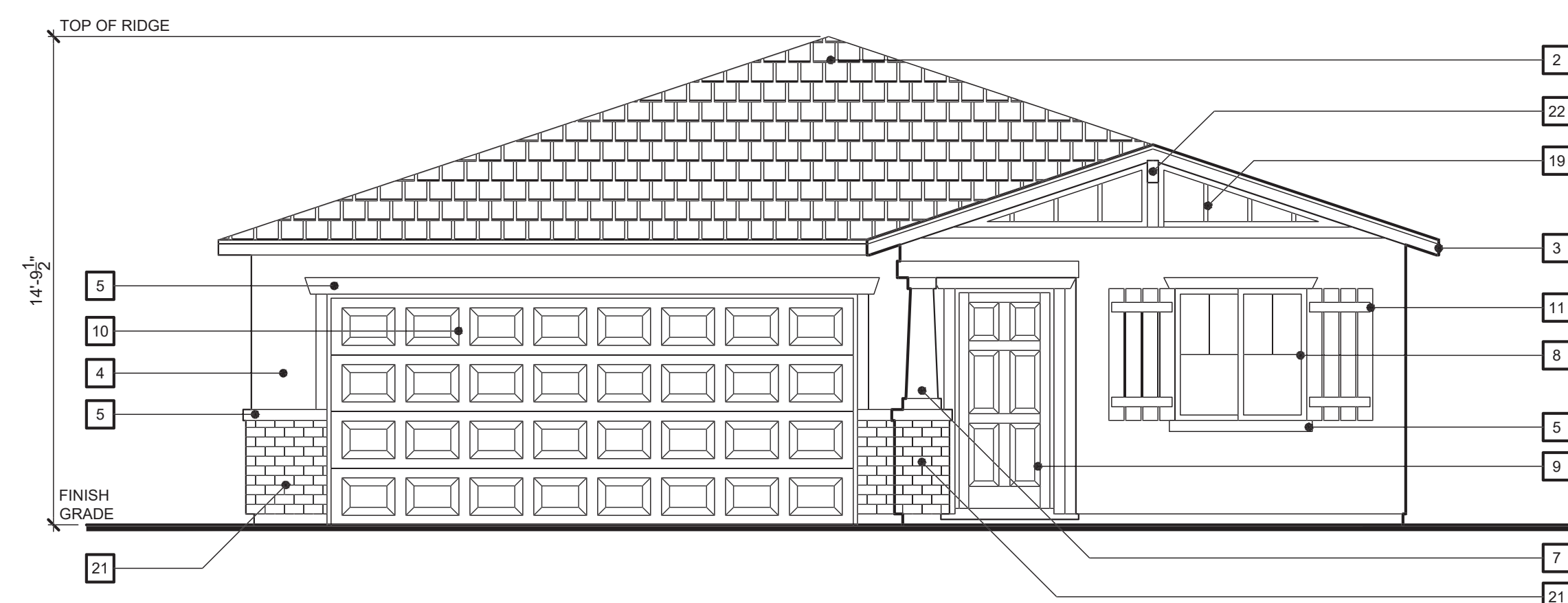
Colett Martin

ELEVATION LEGEND

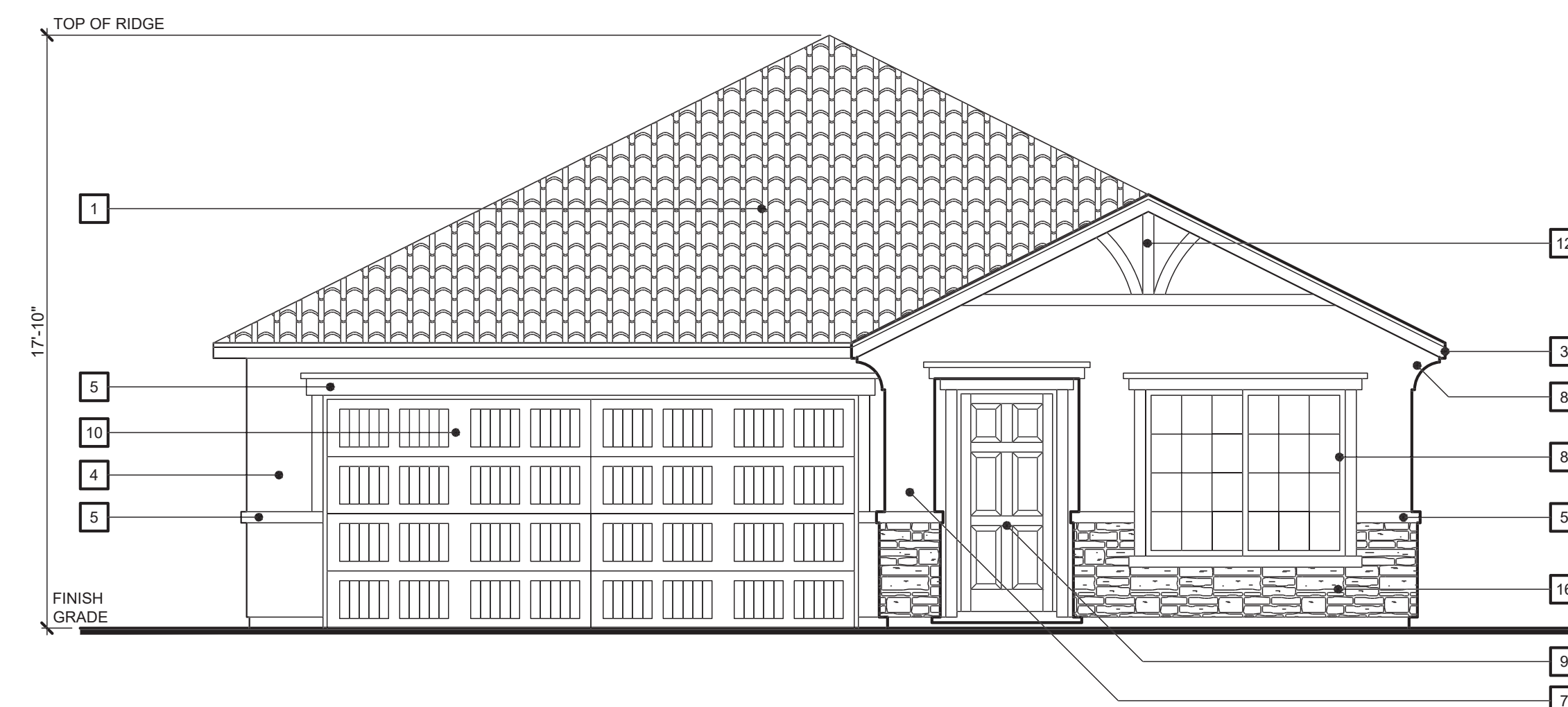
- 1 CONCRETE 'S' TILE ROOFING
- 2 CONCRETE FLAT TILE ROOFING
- 3 WOOD FASCIA BOARD
- 4 STUCCO FINISH
- 5 STUCCO OVER FOAM TRIM
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- 15 DECORATIVE CLAY PIPES
- 16 STONE VENEER
- 17 DECORATIVE FOAM VENTS
- 18 COACH LIGHT
- 19 DECORATIVE BOARD & BATTEN
- 20 WOOD POST
- 21 BRICK VENEER
- 22 DECORATIVE OUTLOOKER



Elevation 'A' - Spanish

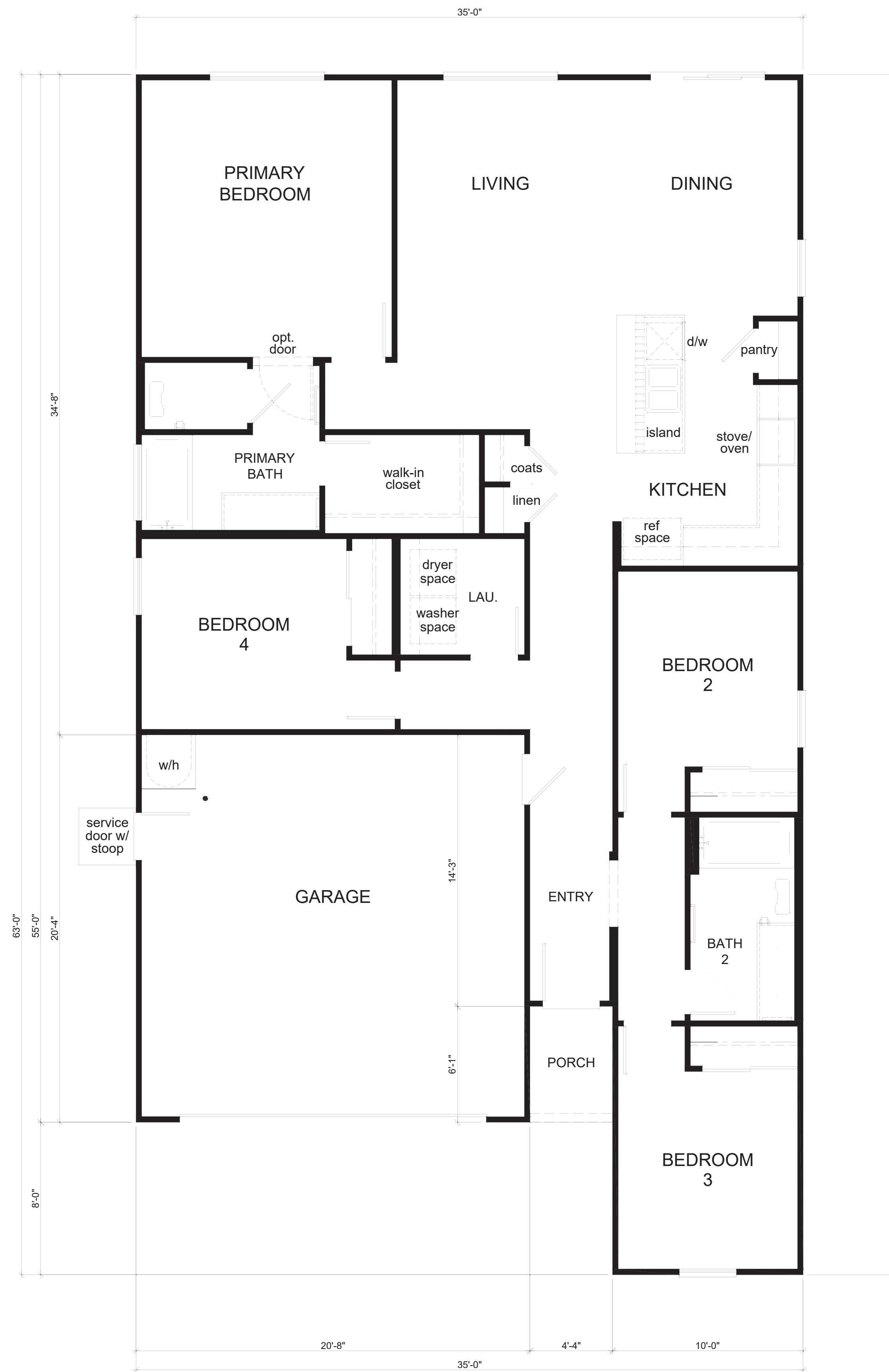


Elevation 'B' - Craftsman



Elevation 'D' - French Cottage

PLAN 2



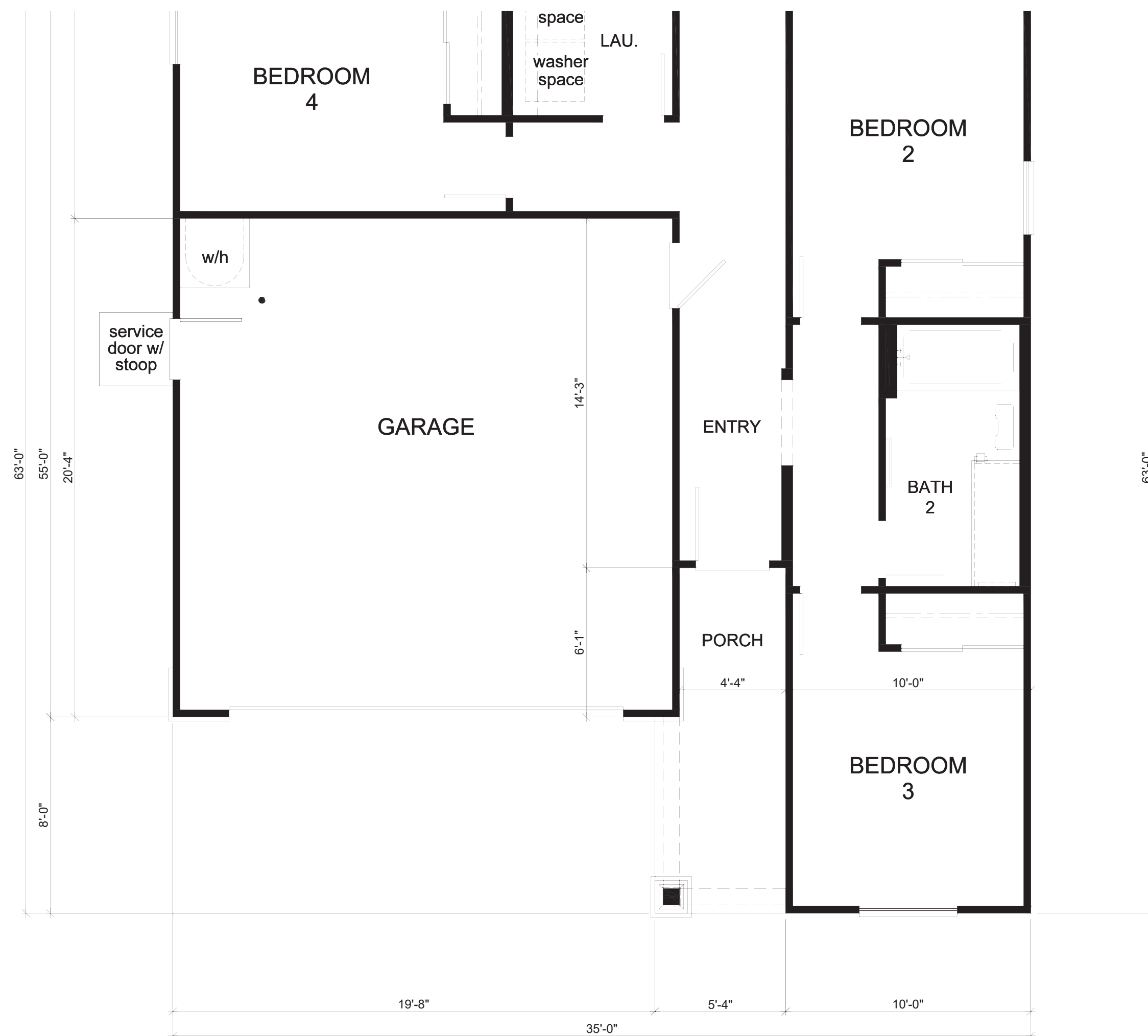
Floor Plan 'A'

SQUARE FOOTAGE				
PLAN 135.1562				
	A	B	D	
FLOOR AREA	1562	1562	1562	644 FT.
TOTAL AREA	1562	1562	1562	644 FT.
PORCH AREA	44	44	44	64 FT.
P. RYH AREA	20	61	73	64 FT.
PARTIALS				
COVERED PATIO AREA	33	33	33	64 FT.
UNCOVERED PATIO AREA	23	23	23	64 FT.

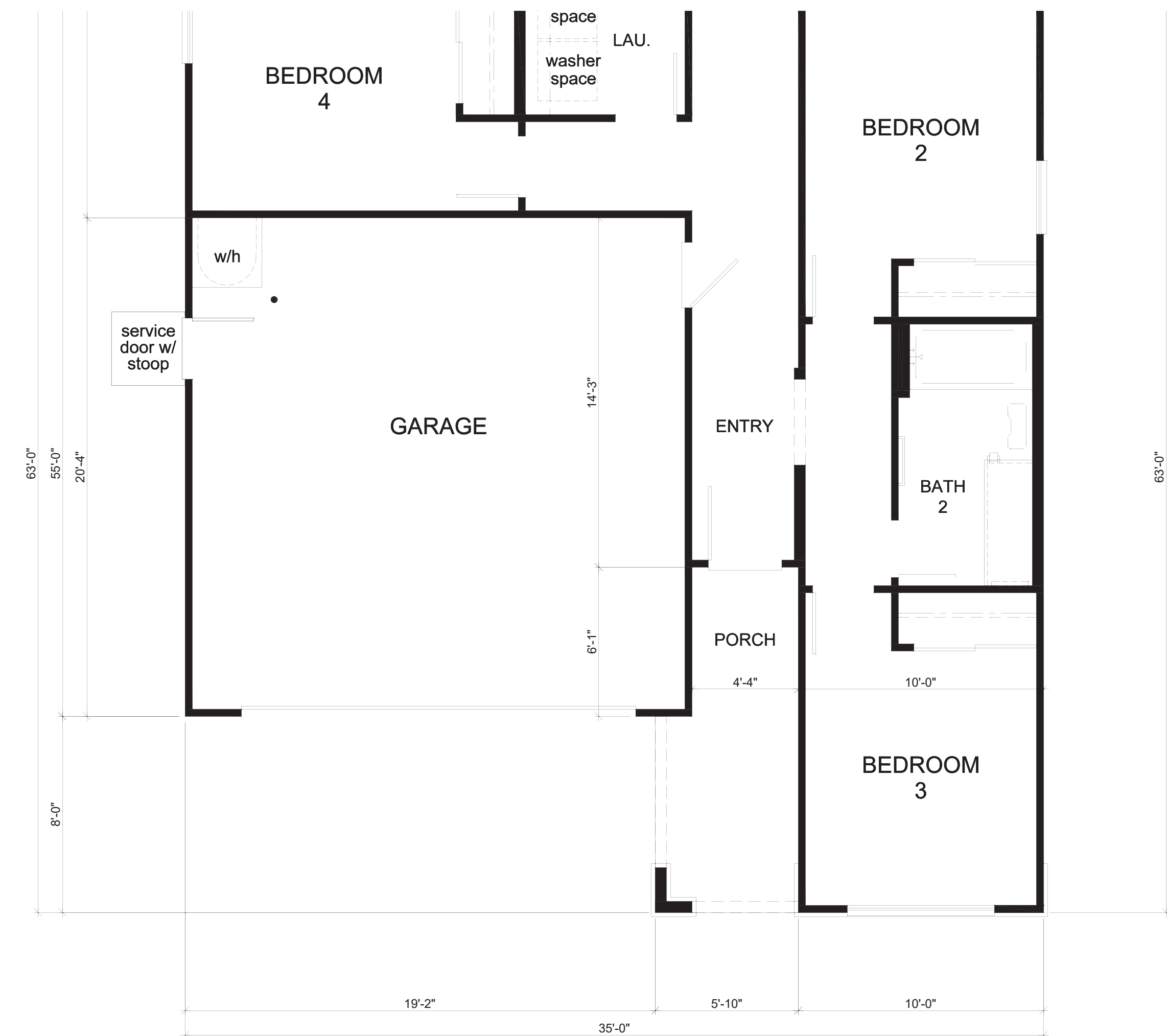
PLAN 2

Colett Martin

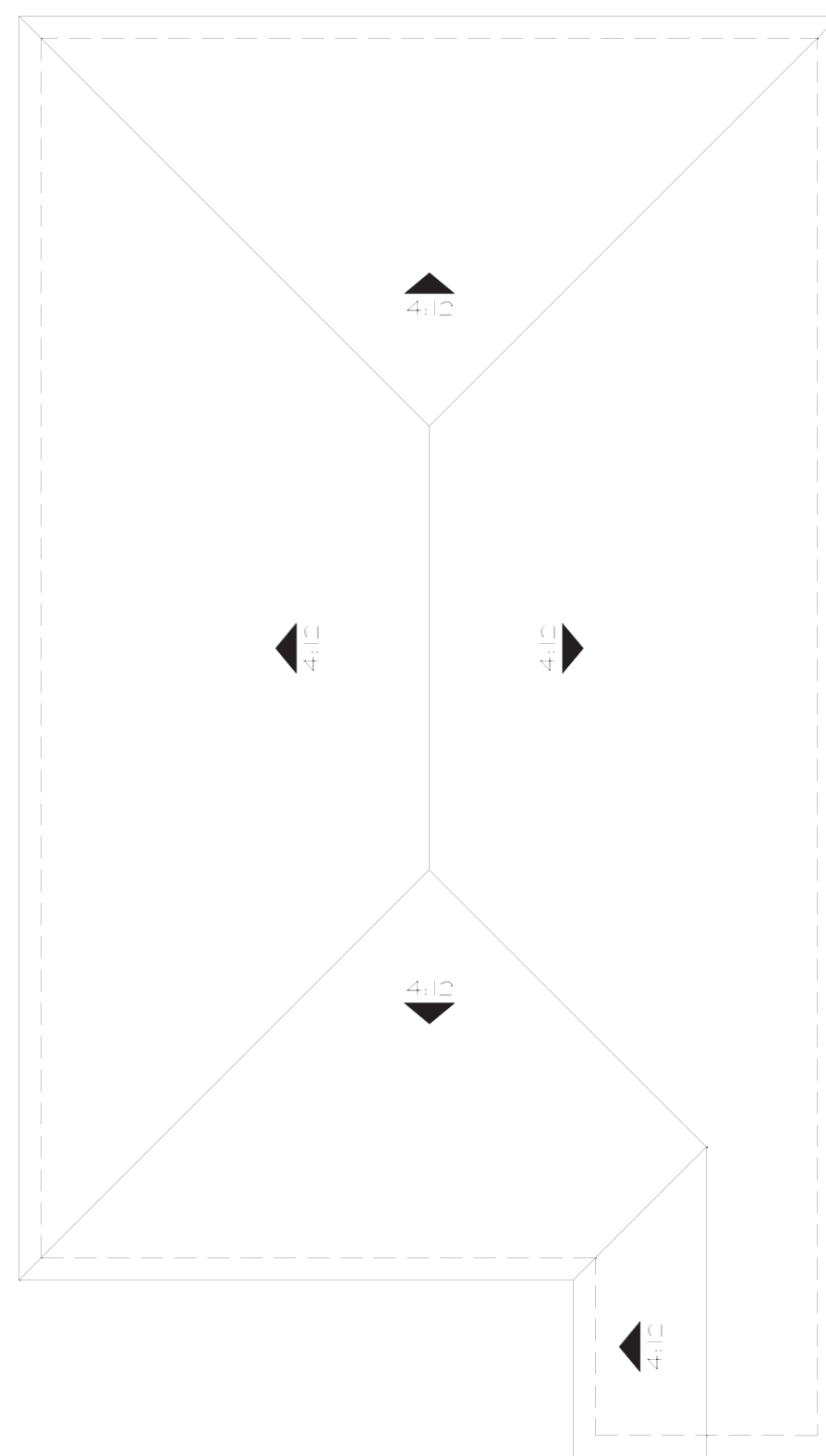
135.1562



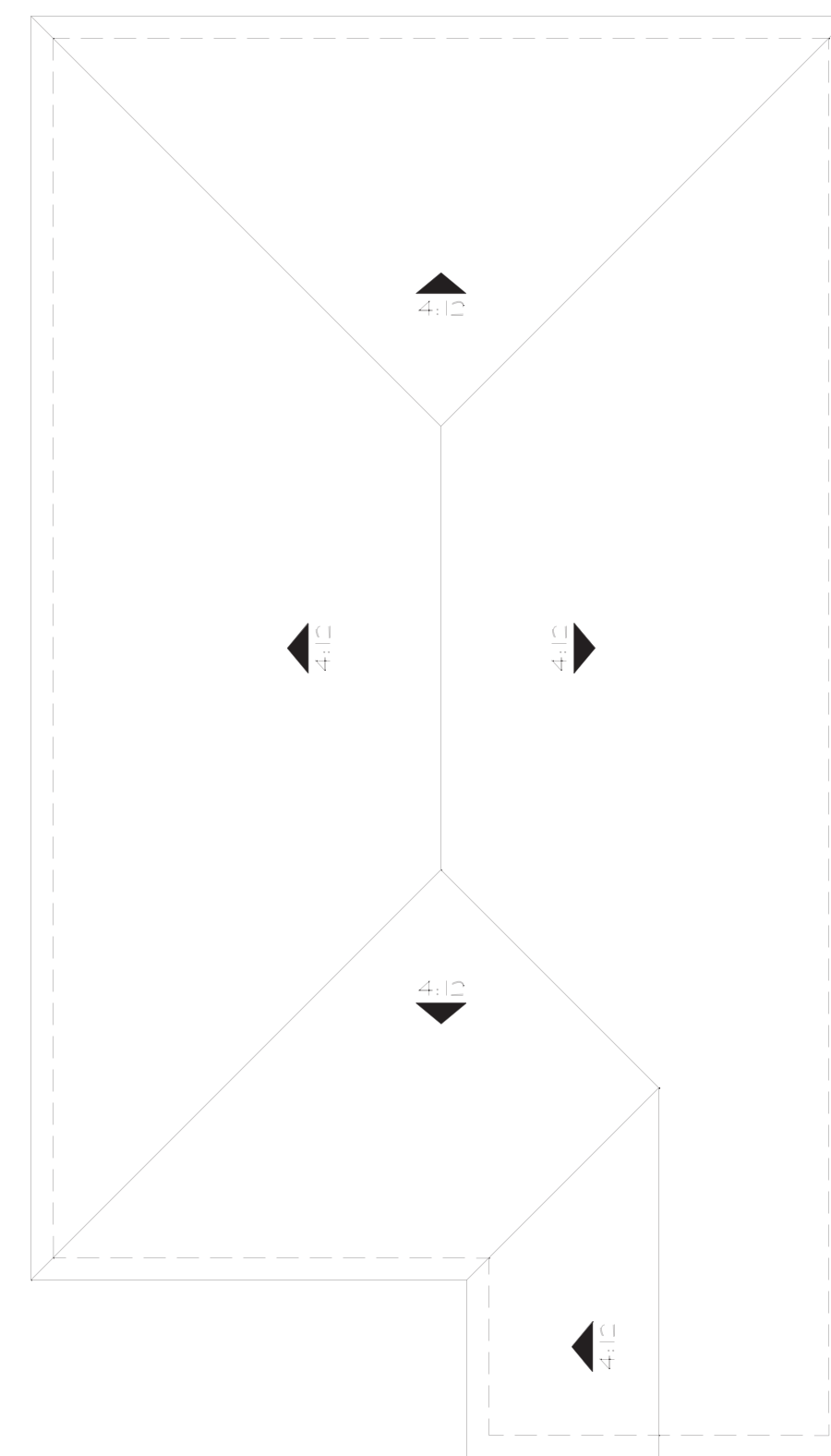
Floor Plan 'B'



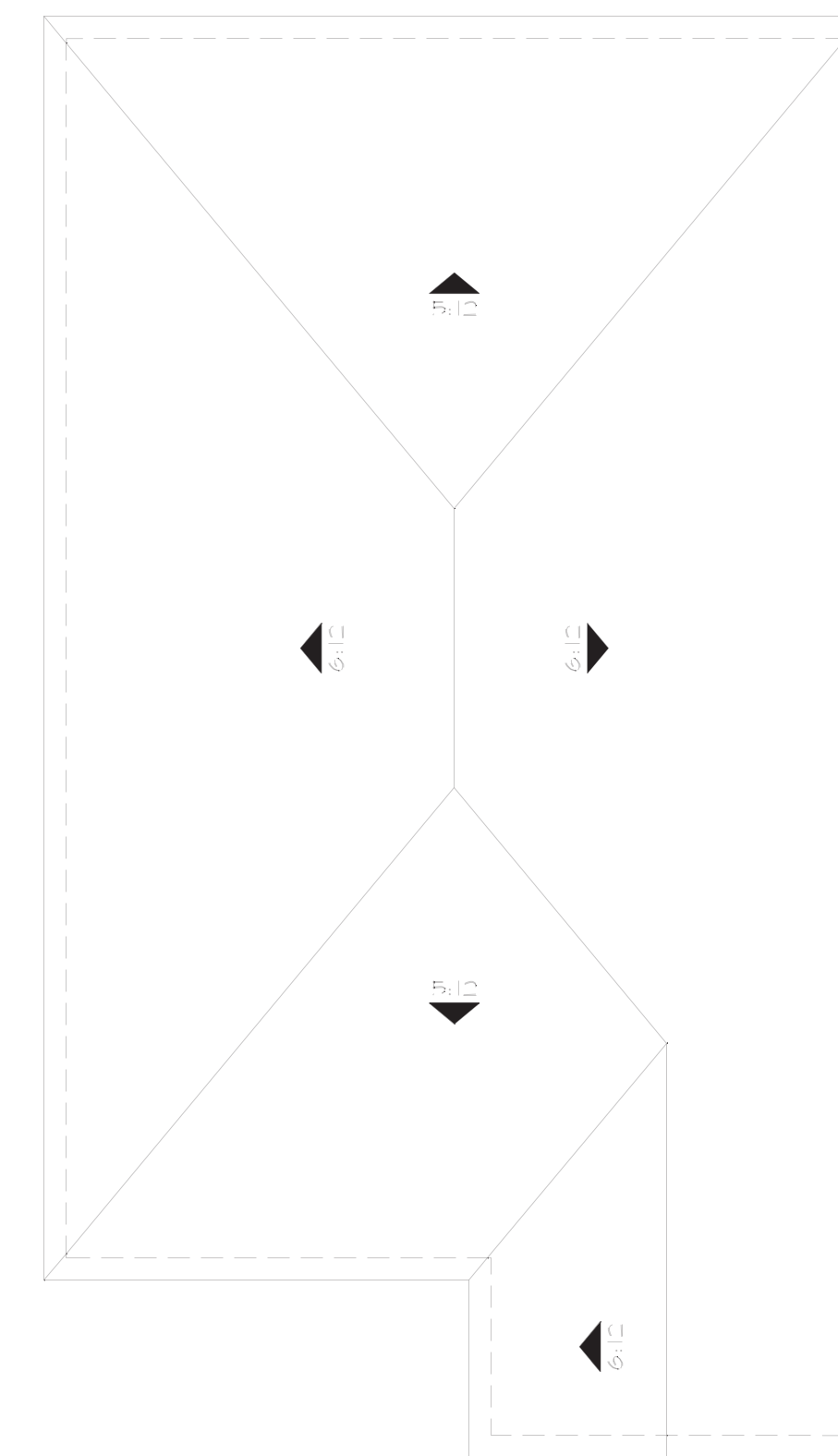
Floor Plan 'D'



'A'



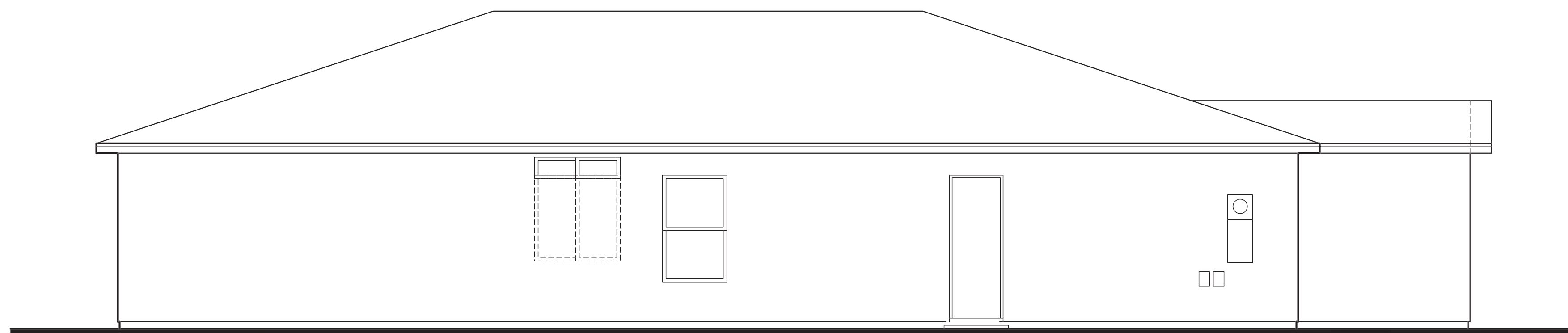
'B'



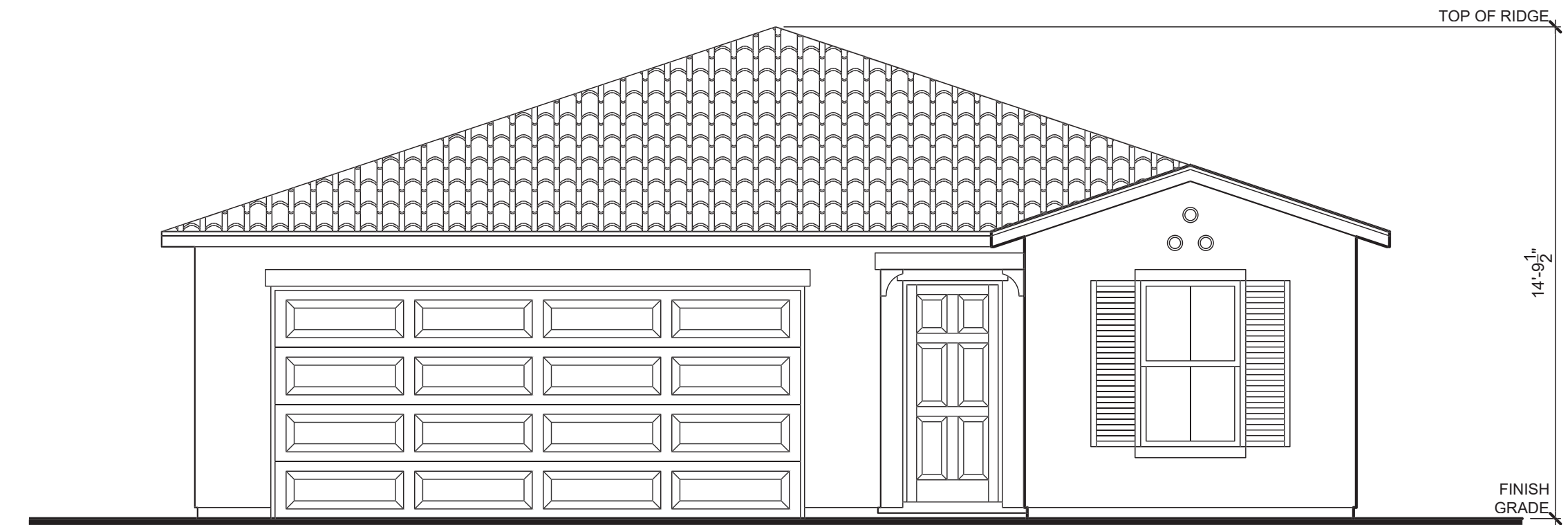
'D'

Roof Plans

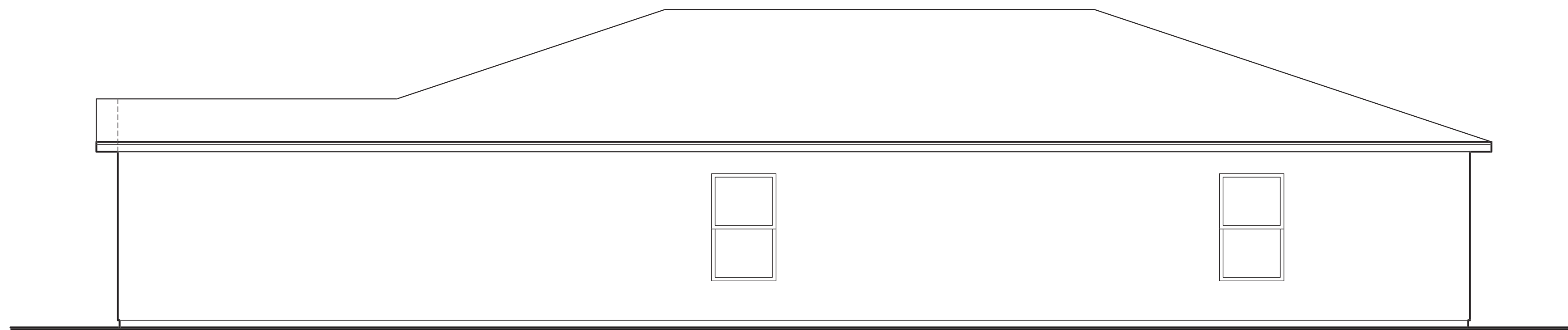
Colett Martin



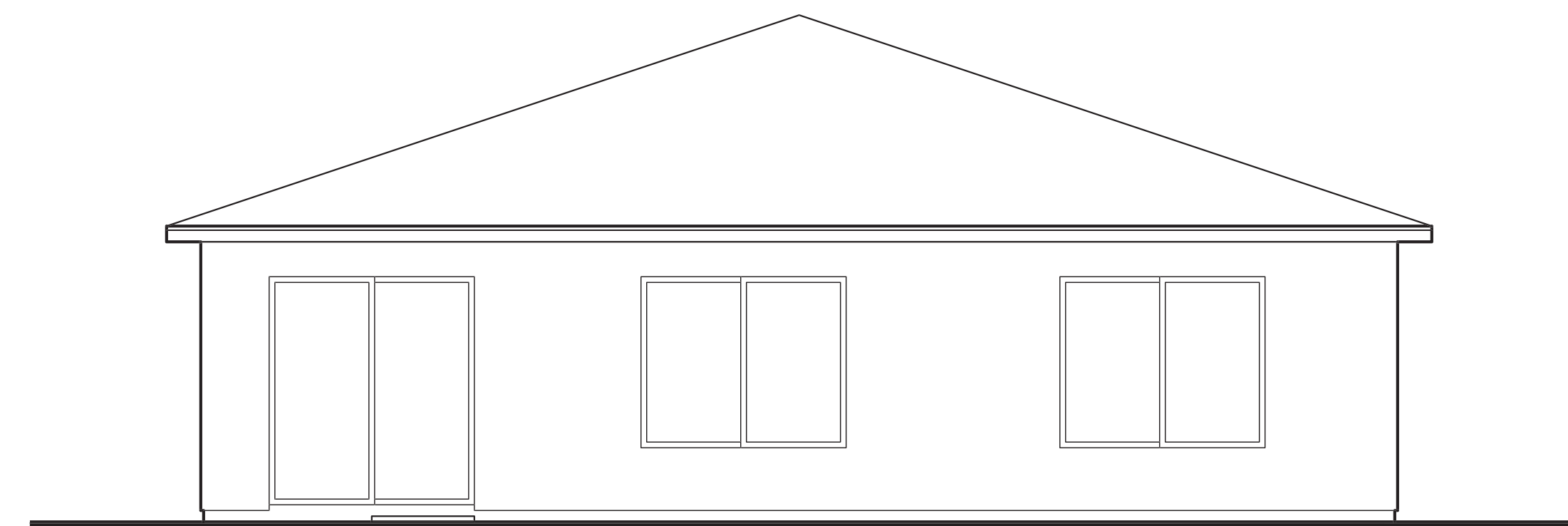
Left Elevation 'A'



Front Elevation 'A' - Spanish

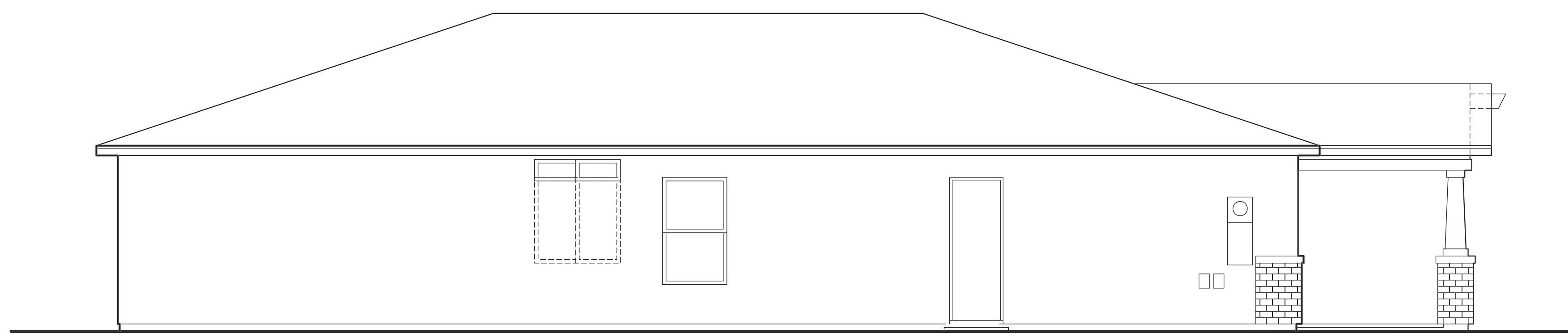


Right Elevation 'A'

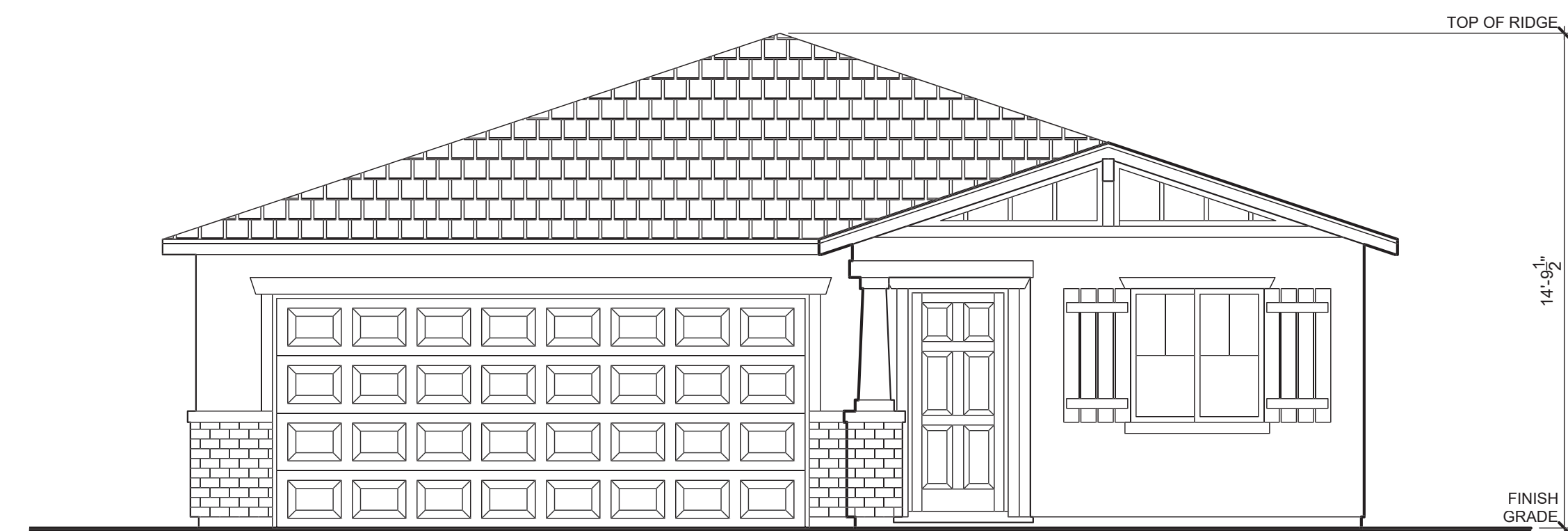


Rear Elevation 'A'

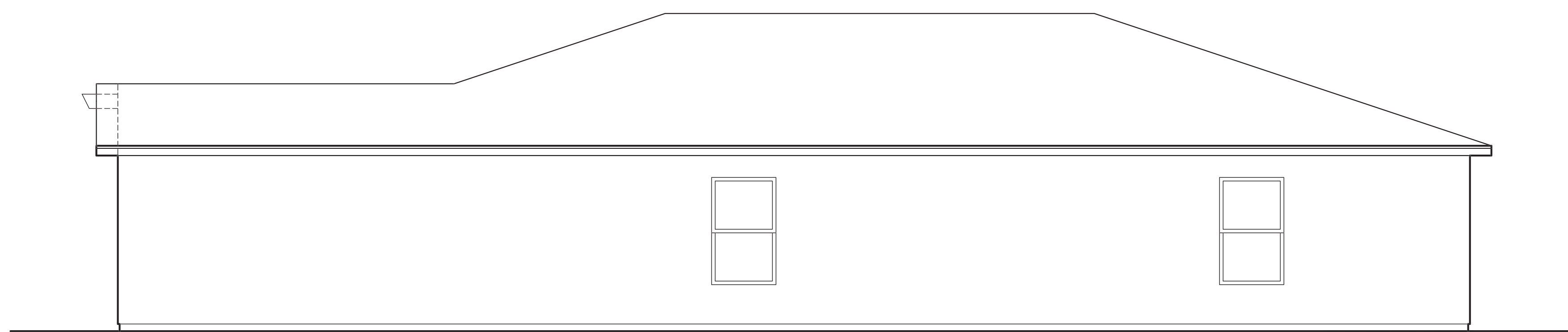
Colett Martin



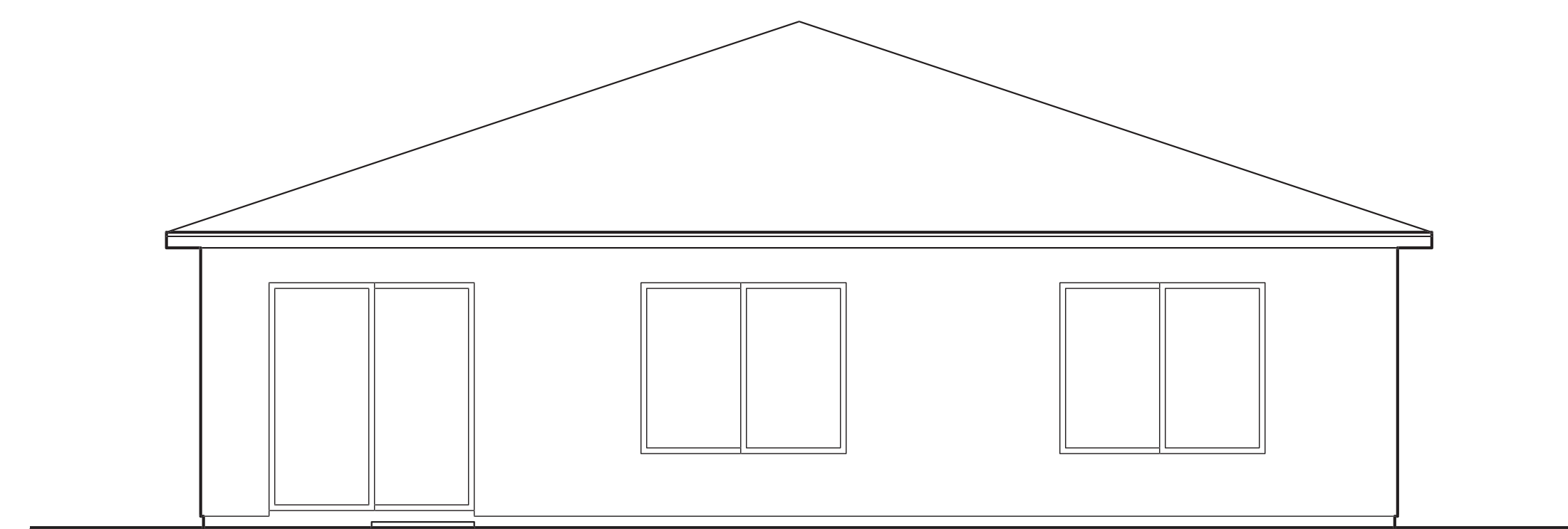
Left Elevation 'B'



Front Elevation 'B' - Craftsman



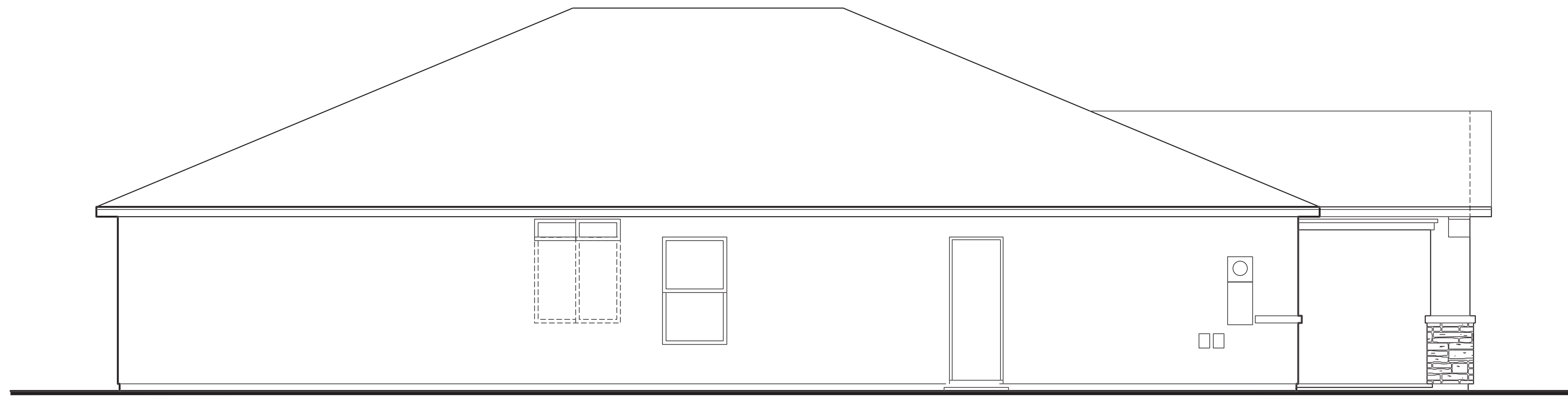
Right Elevation 'B'



Rear Elevation 'B'

Colett Martin

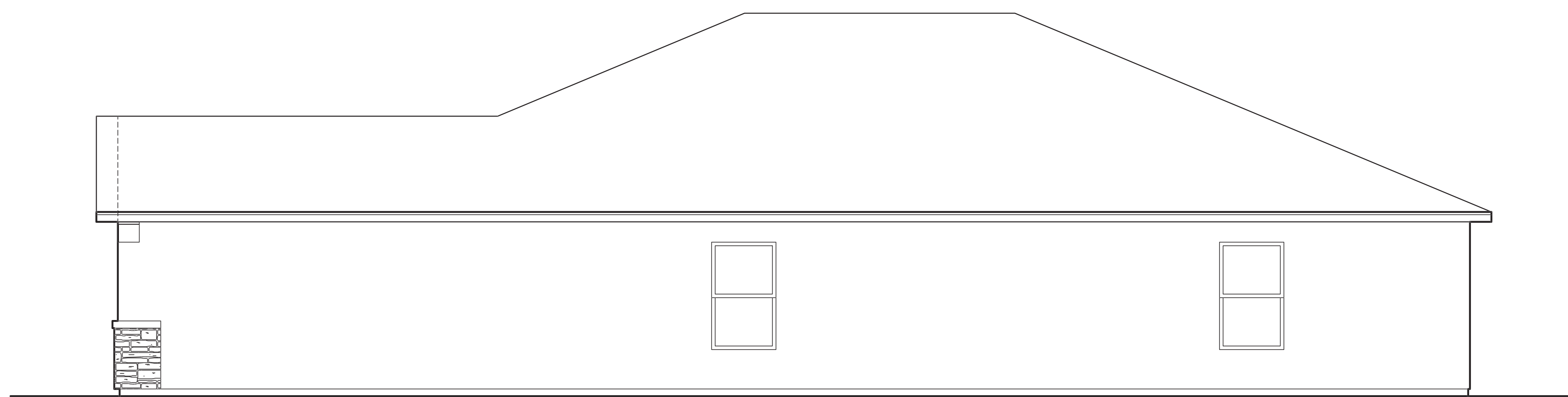
PLAN 2



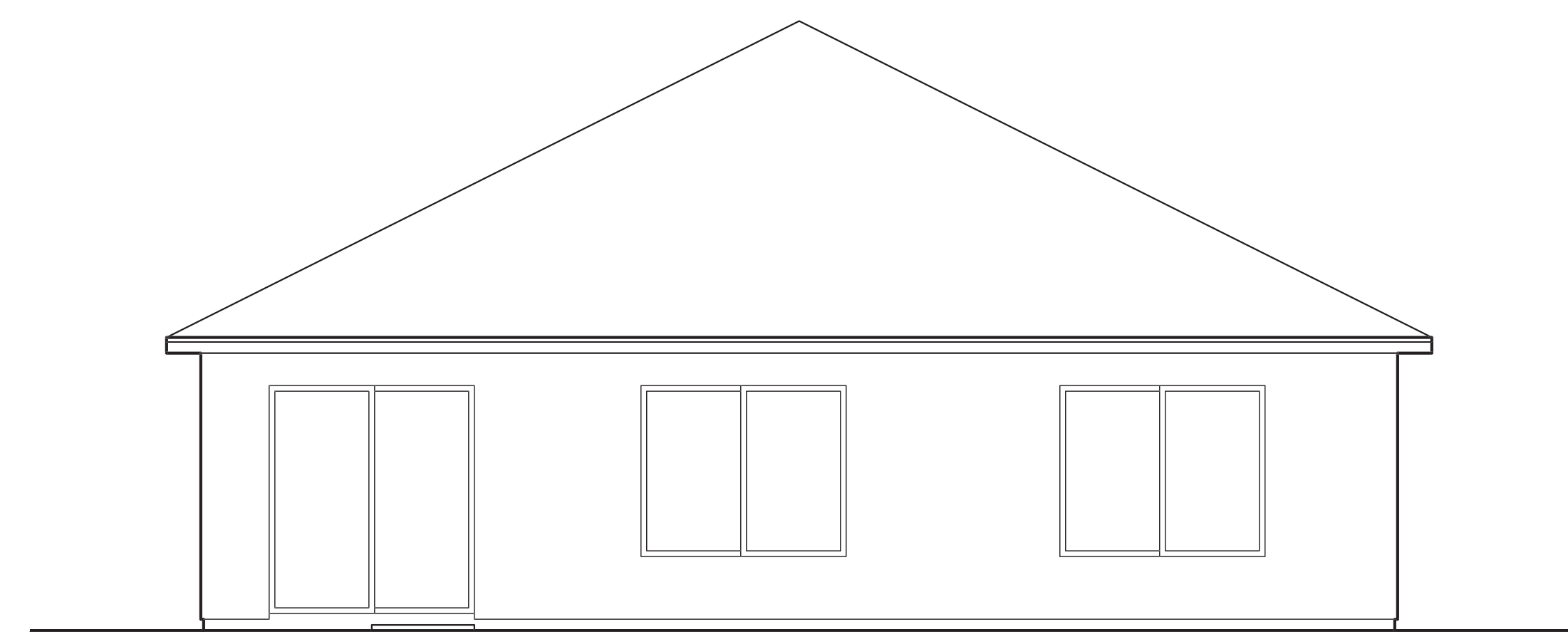
Left Elevation 'D'



Front Elevation 'D' - French Cottage



Right Elevation 'D'



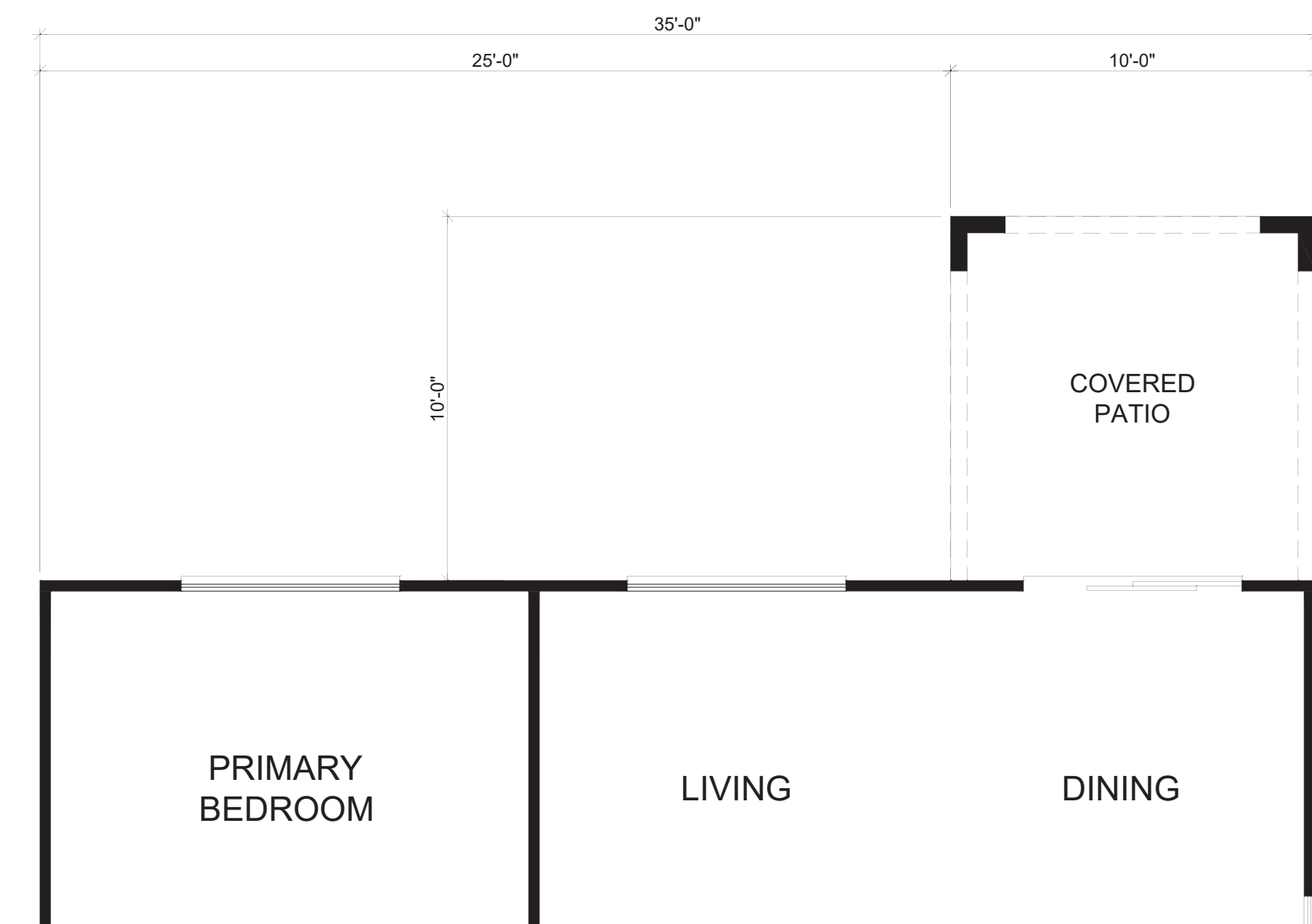
Rear Elevation 'D'

Colett Martin

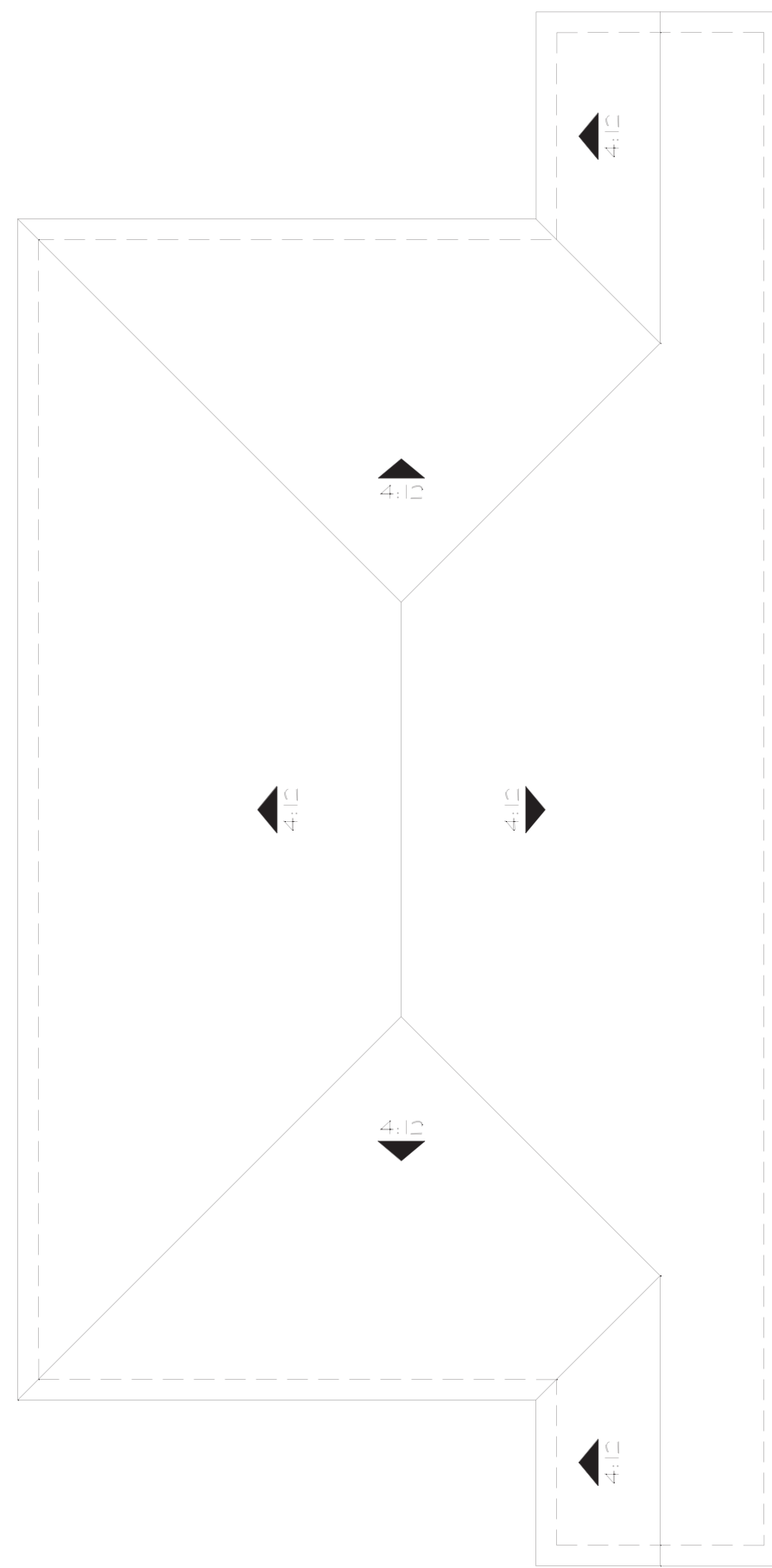
PLAN 2



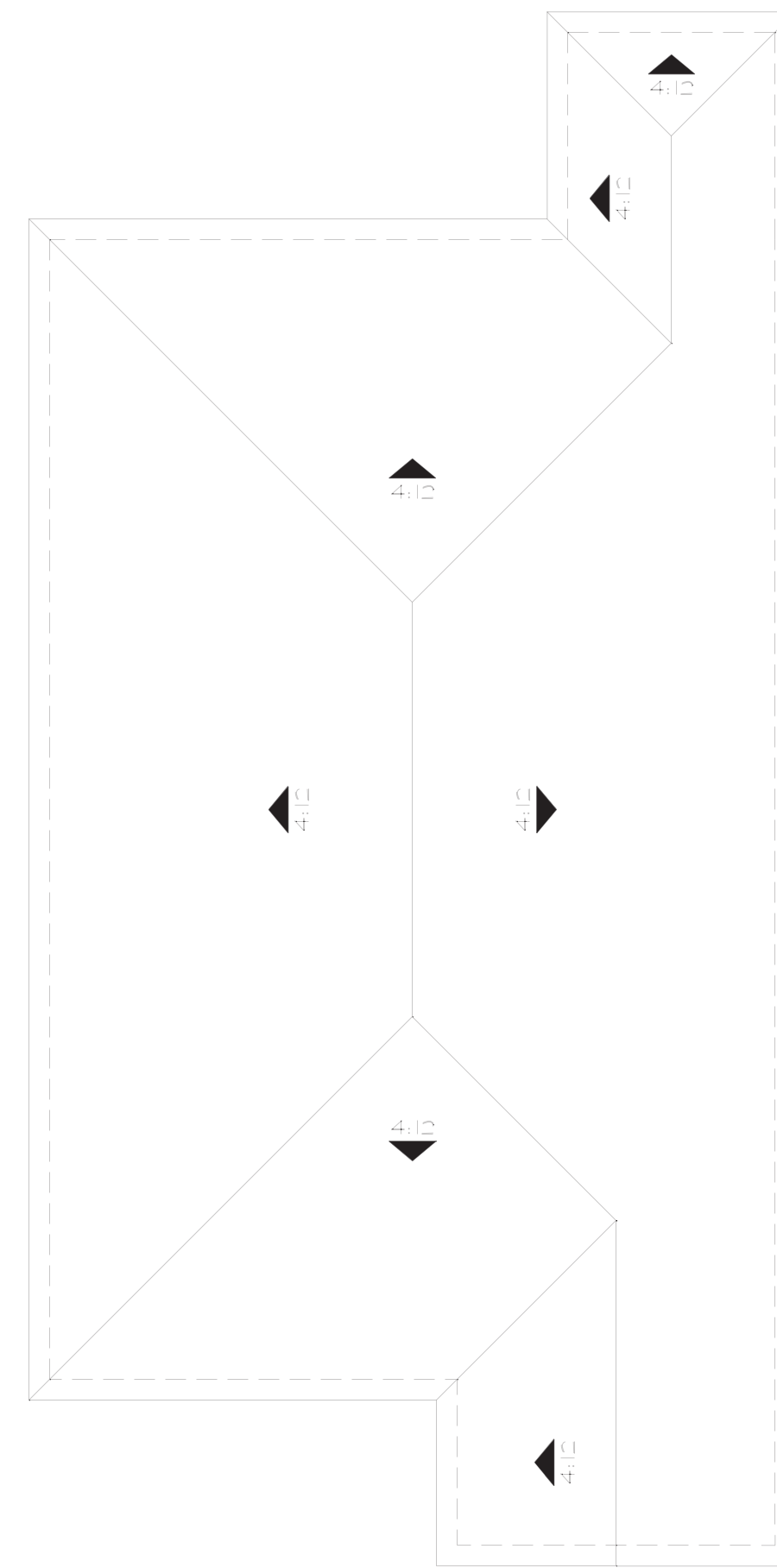
Floor Plan at Enlarged Covered Patio Option



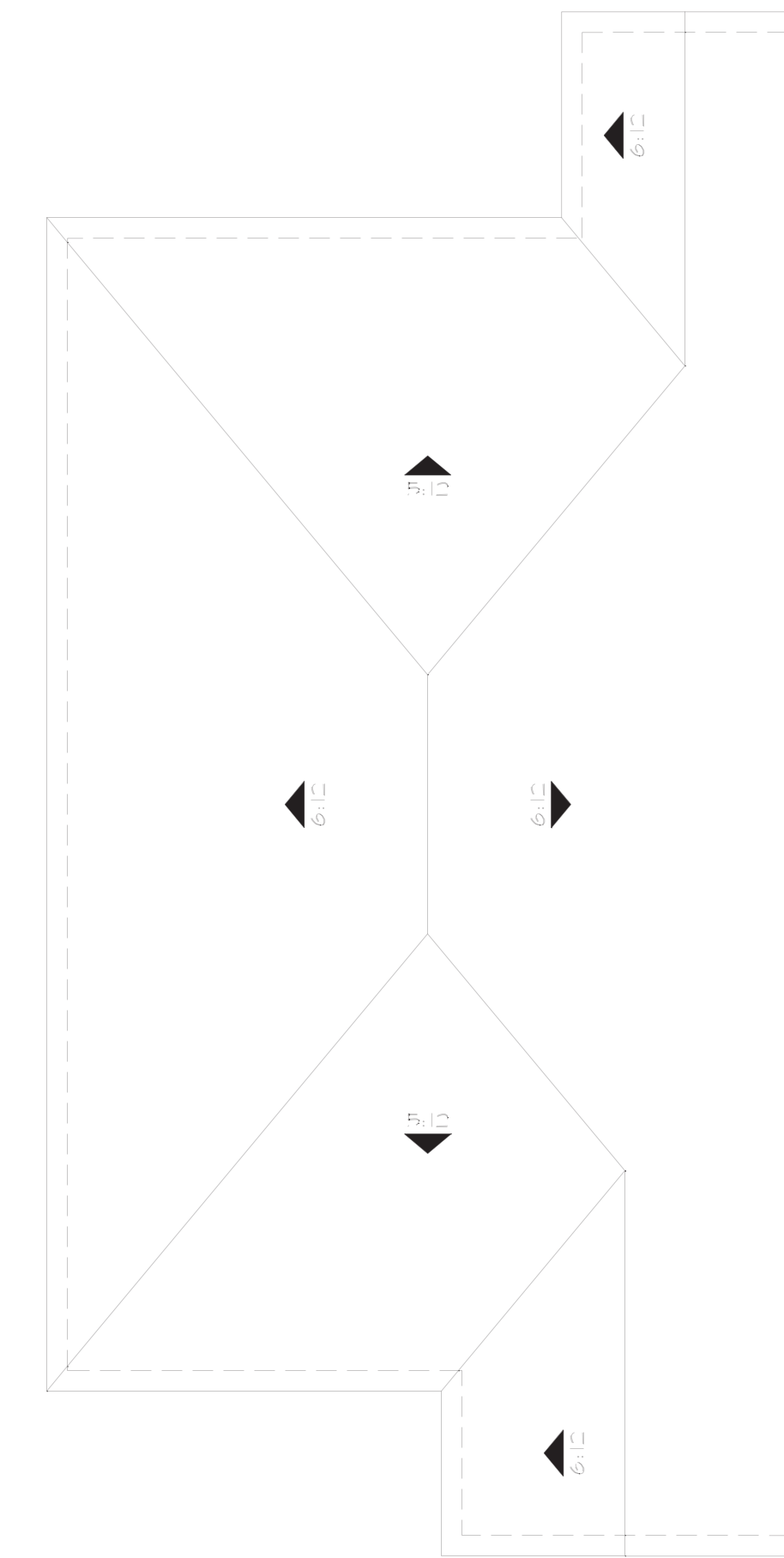
Floor Plan at Covered Patio Option



'A'



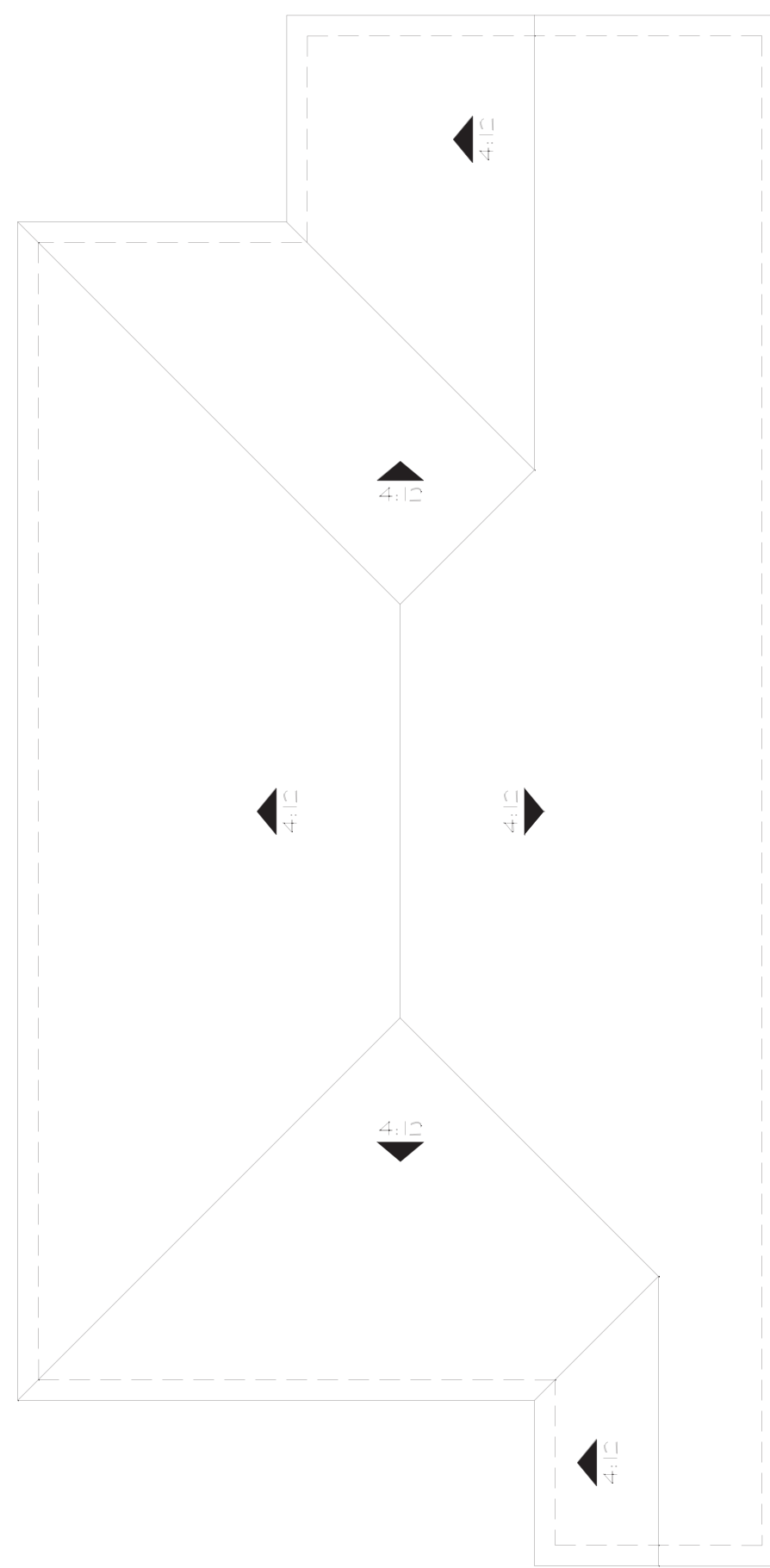
'B'



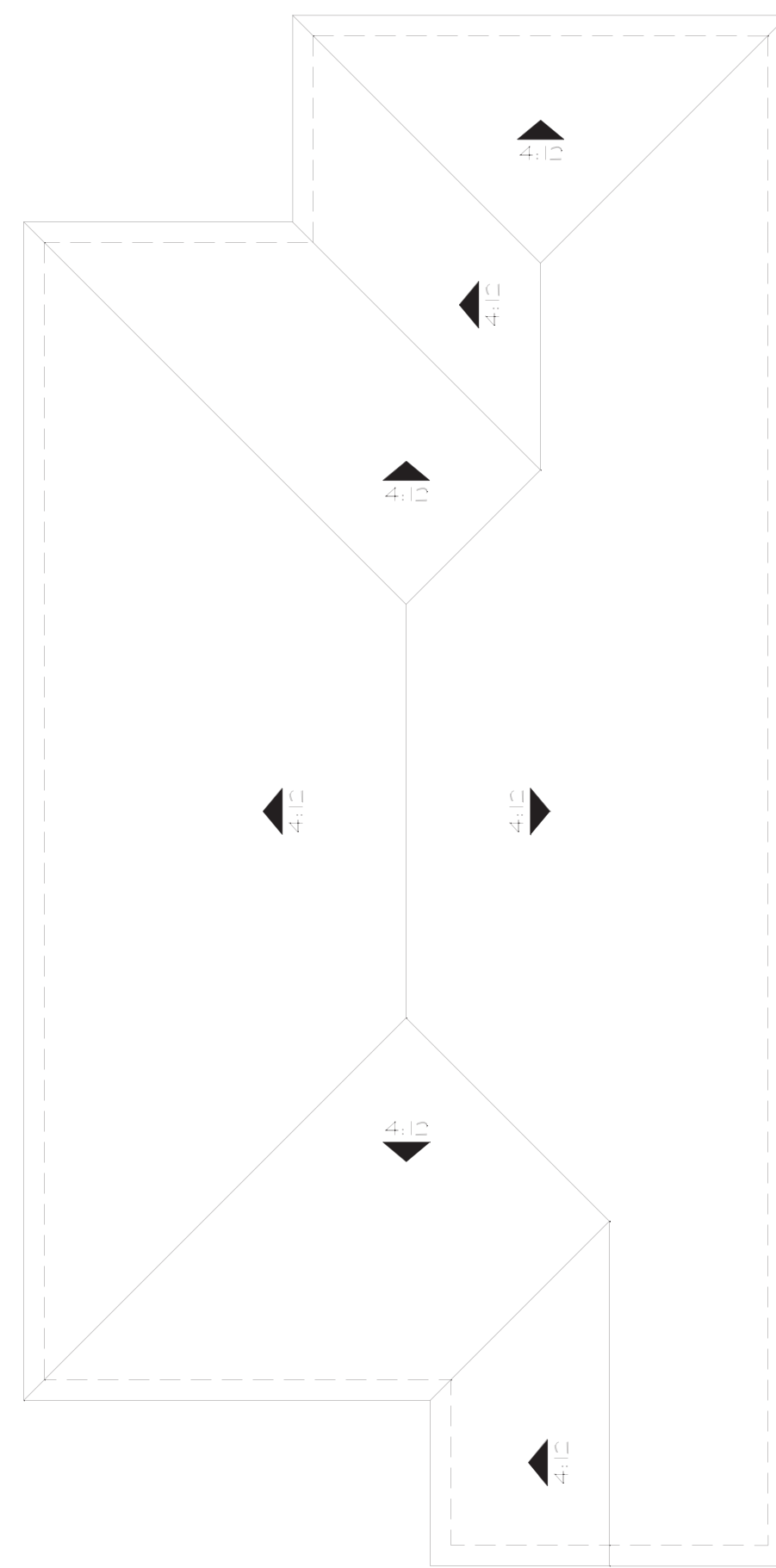
'D'

Roof Plans at Covered Patio Options

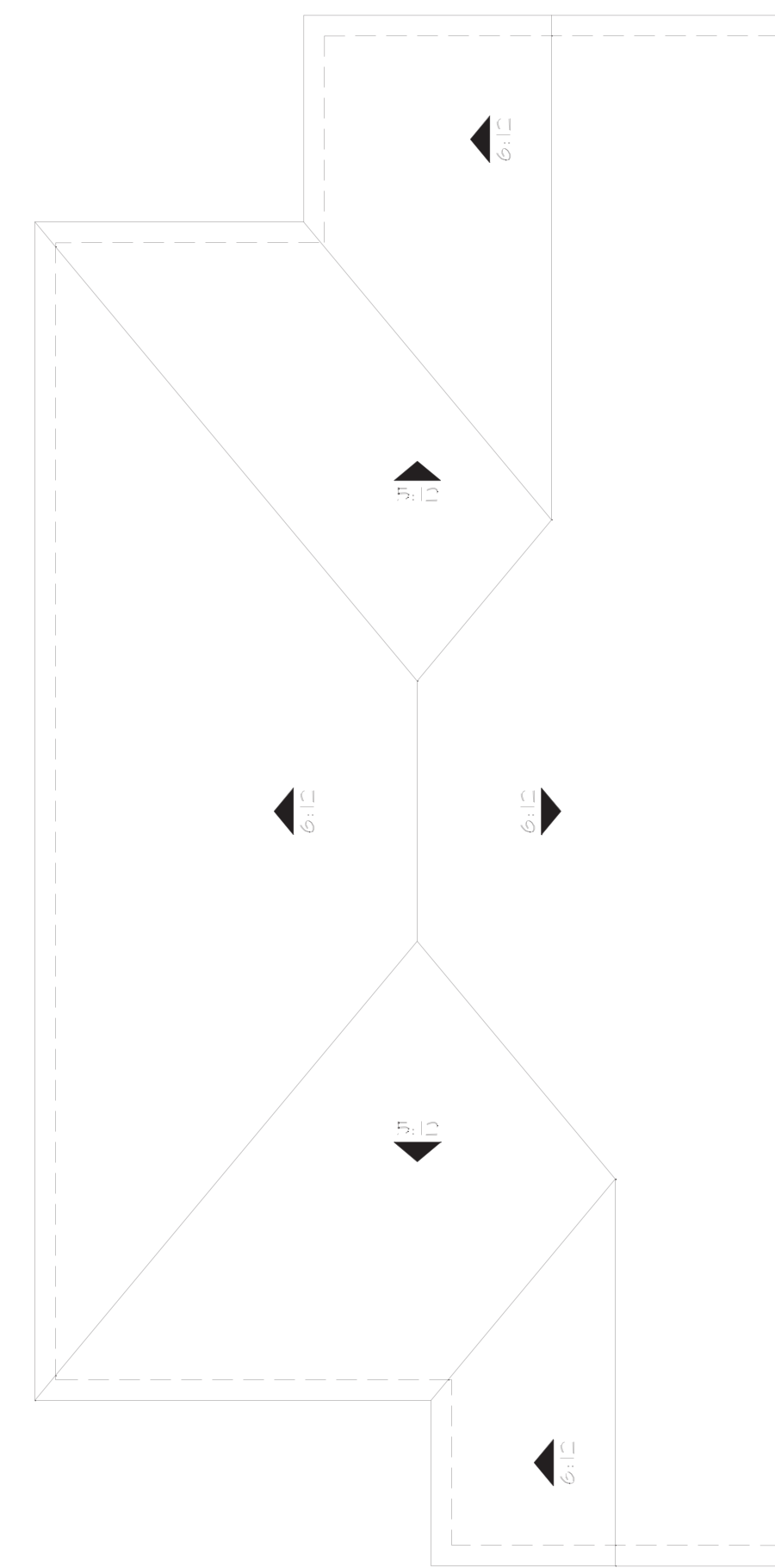
Colett Martin



'A'



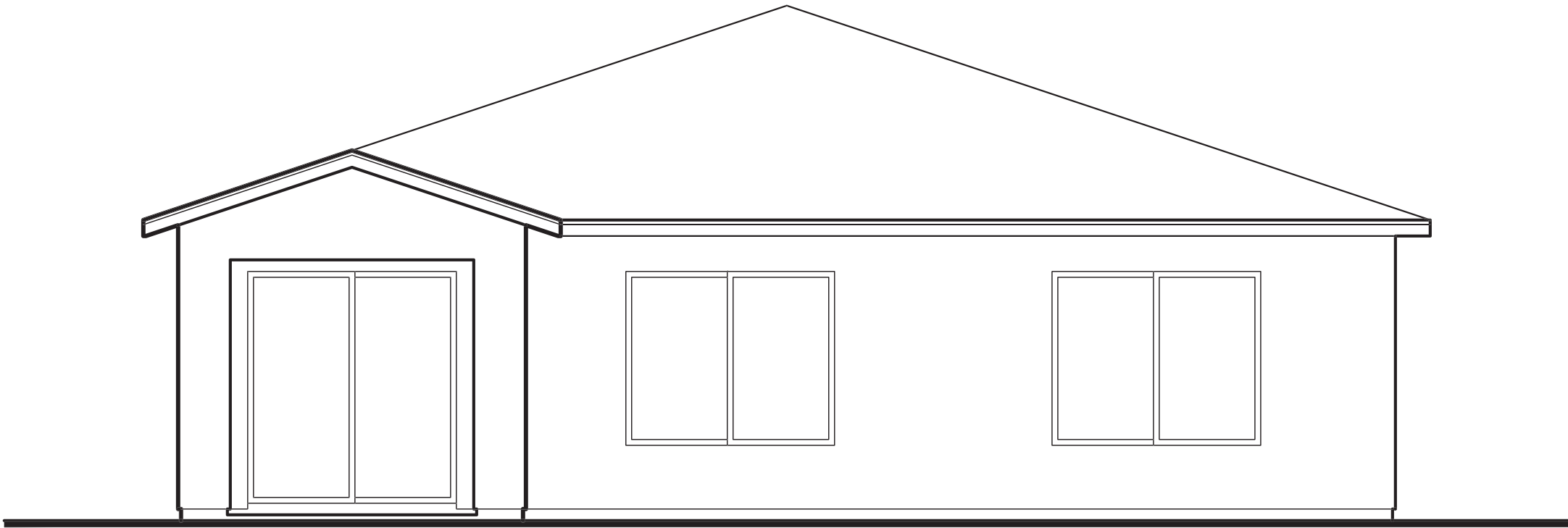
'B'



'D'

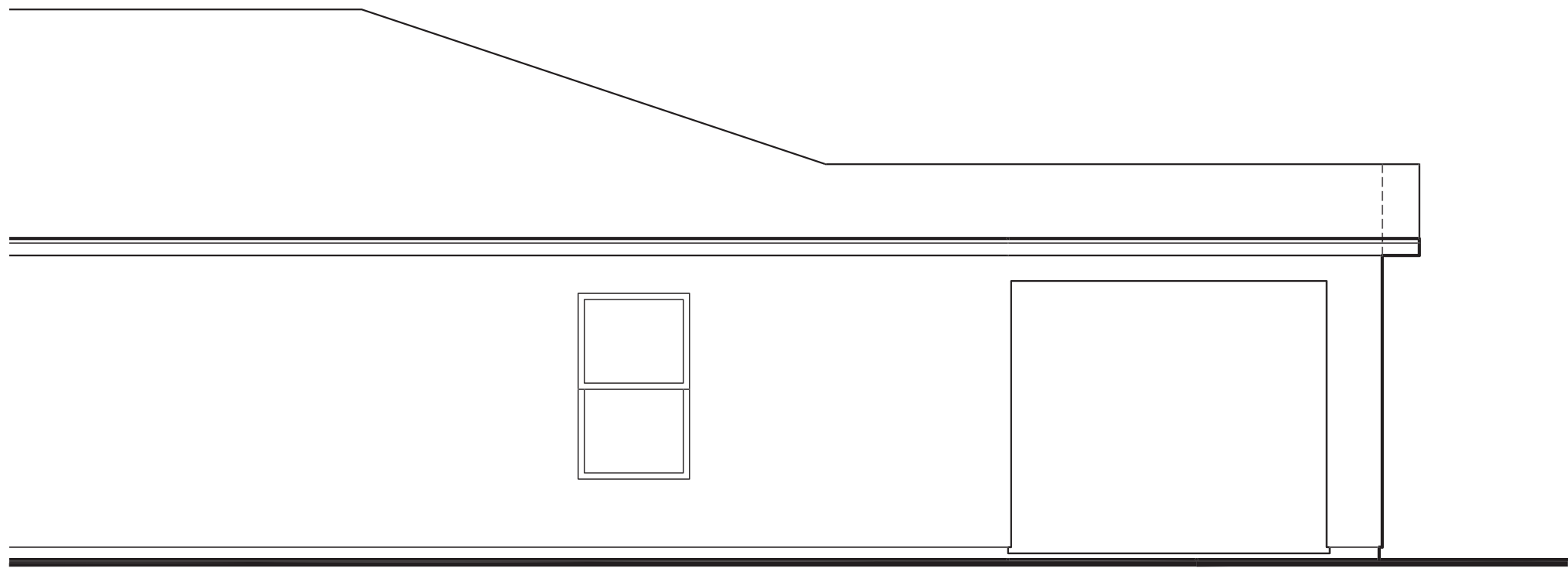
Roof Plans at Enlarged Covered Patio Options

Colett Martin

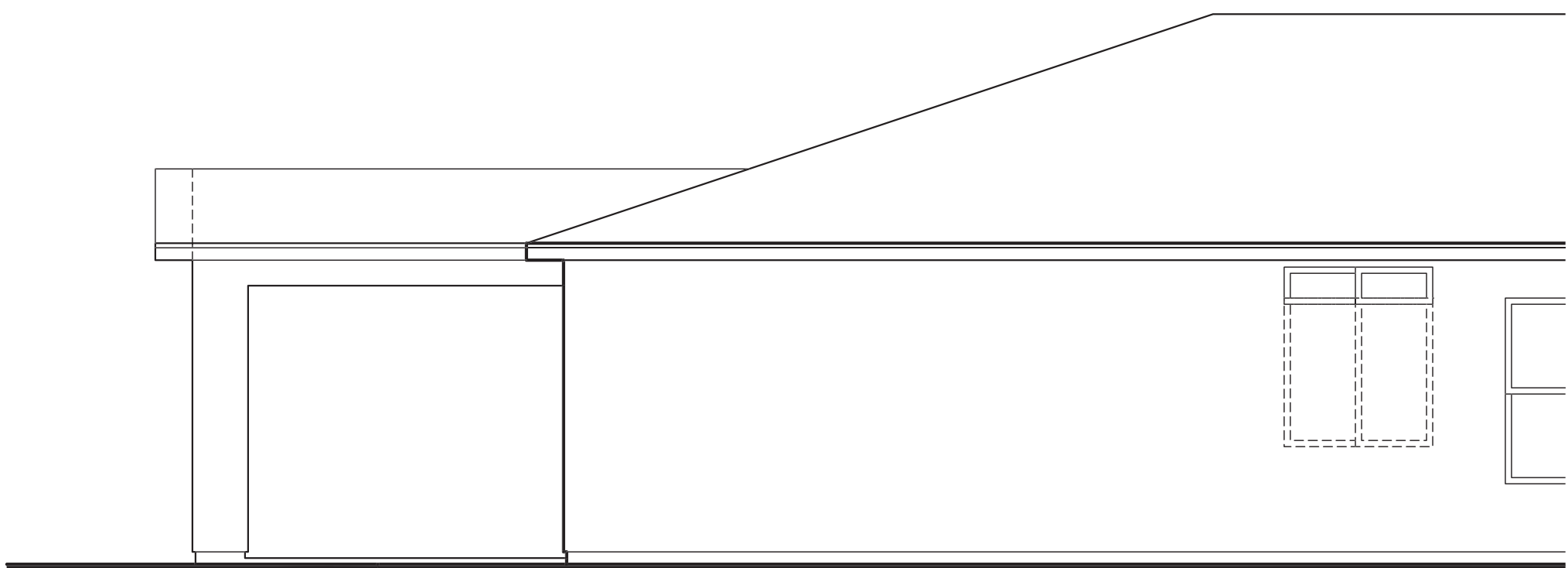


Rear Elevation 'A'

FENCE LOCATION & MATERIAL TO MATCH EXISTING APPROVED PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'A'

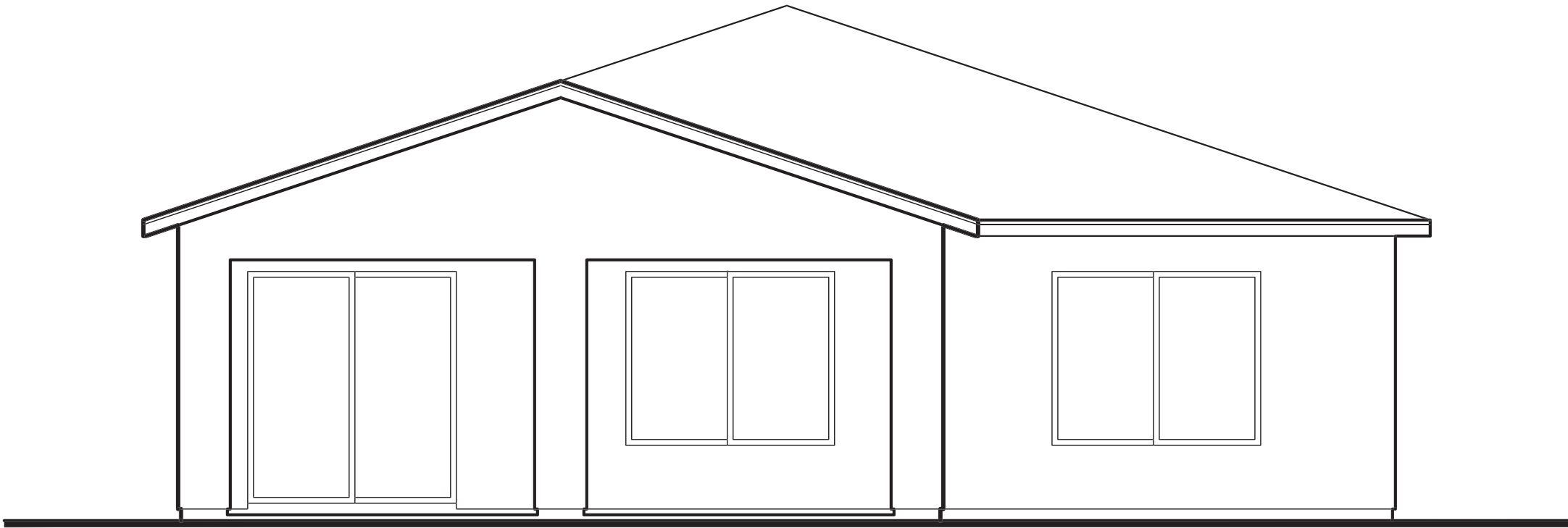


Left Elevation 'A'

Optional Covered Patio

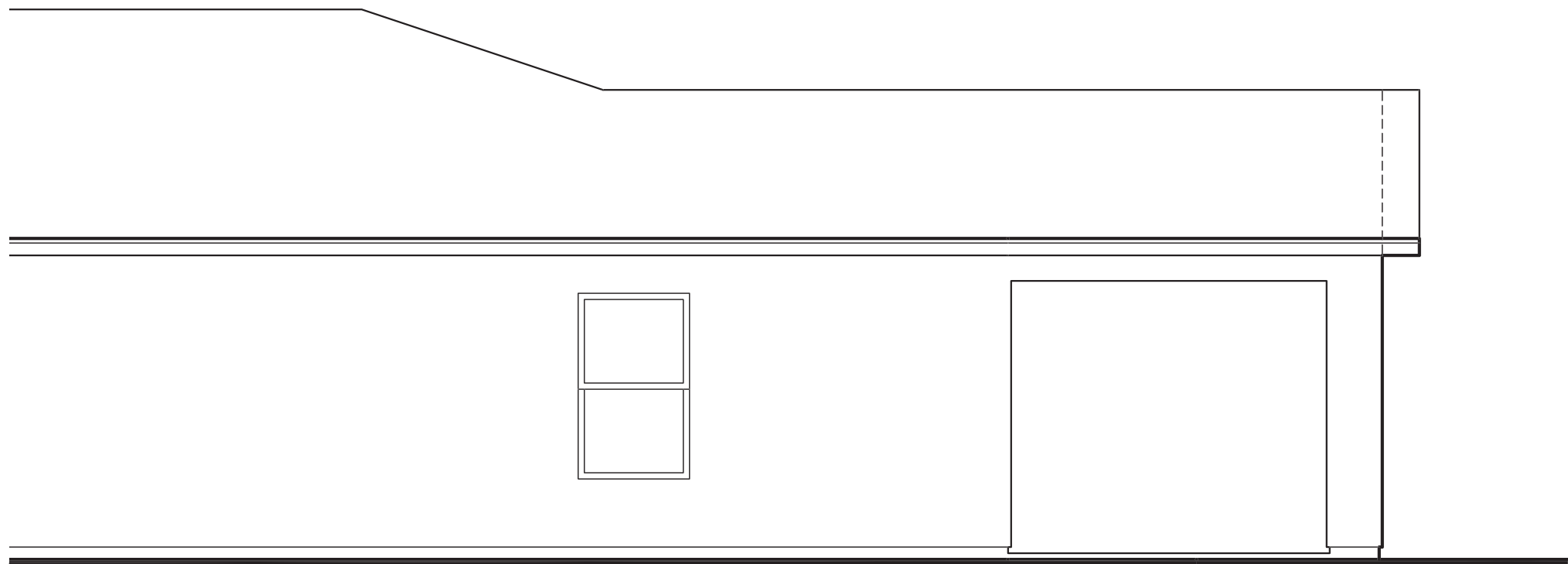
Colett Martin

PLAN 2



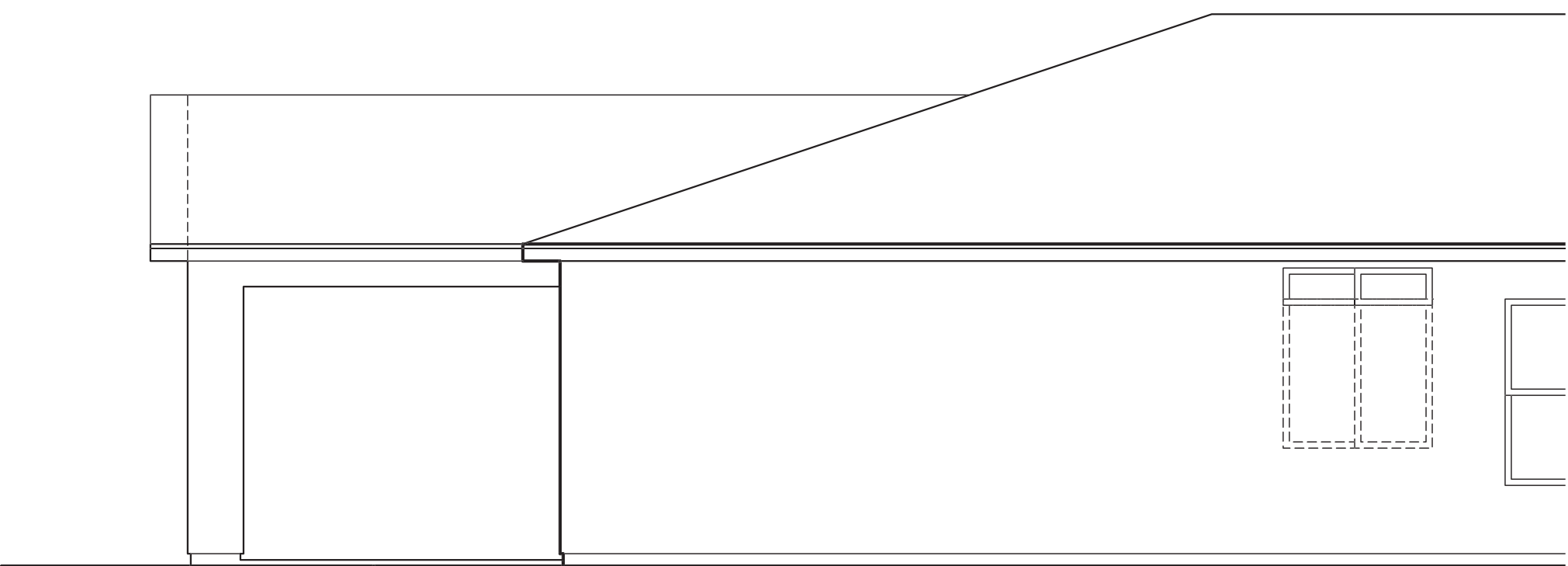
Rear Elevation 'A'

FENCE LOCATION & MATERIAL TO MATCH EXISTING APPROVED PLANS - REFER TO LANDSCAPE PLANS

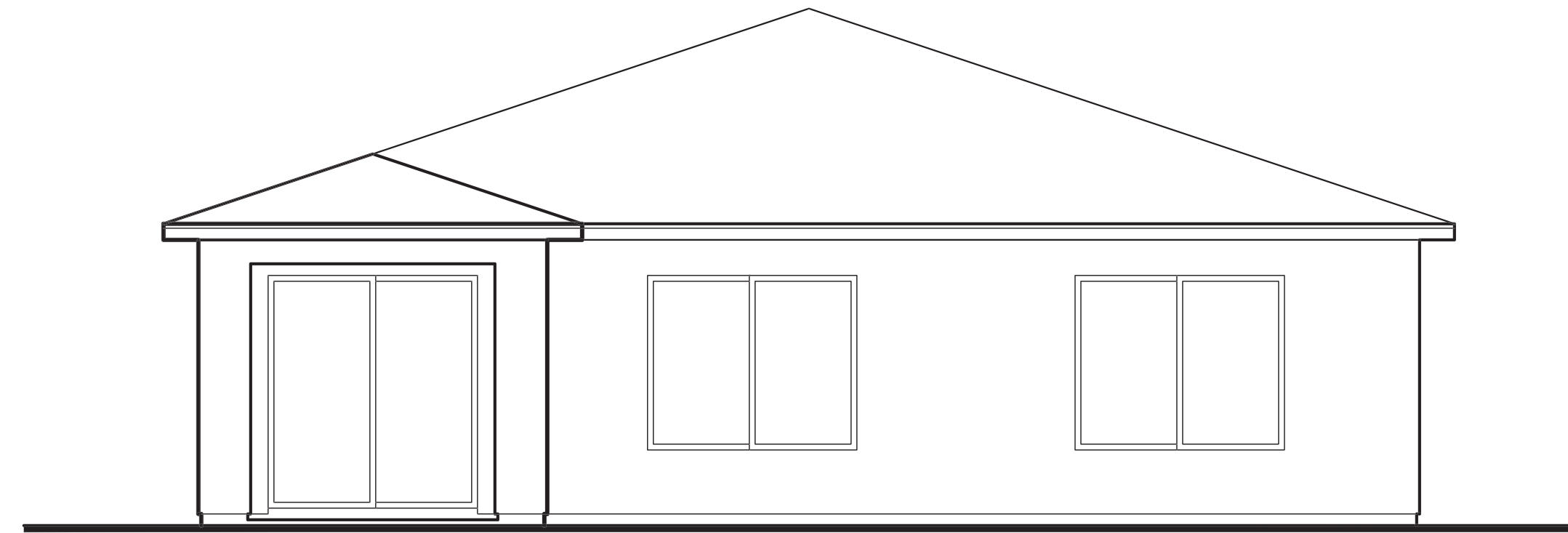


Right Elevation 'A'

Optional Enlarged Covered Patio

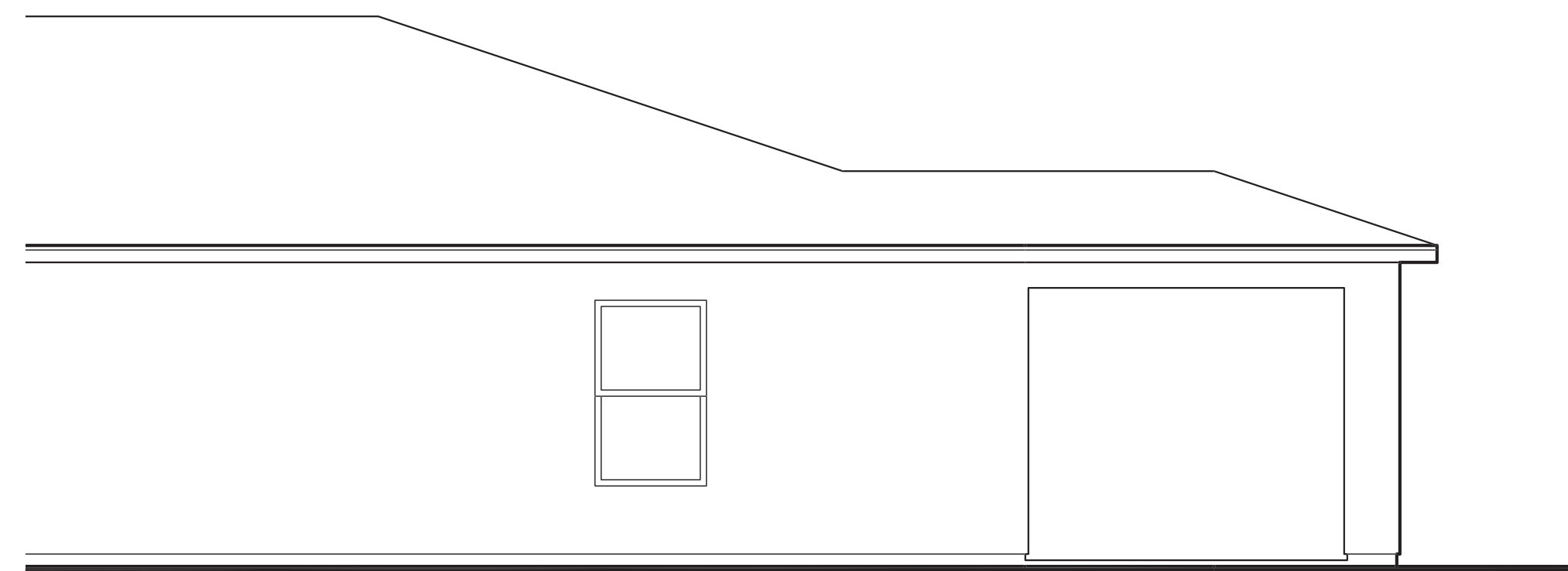


Left Elevation 'A'

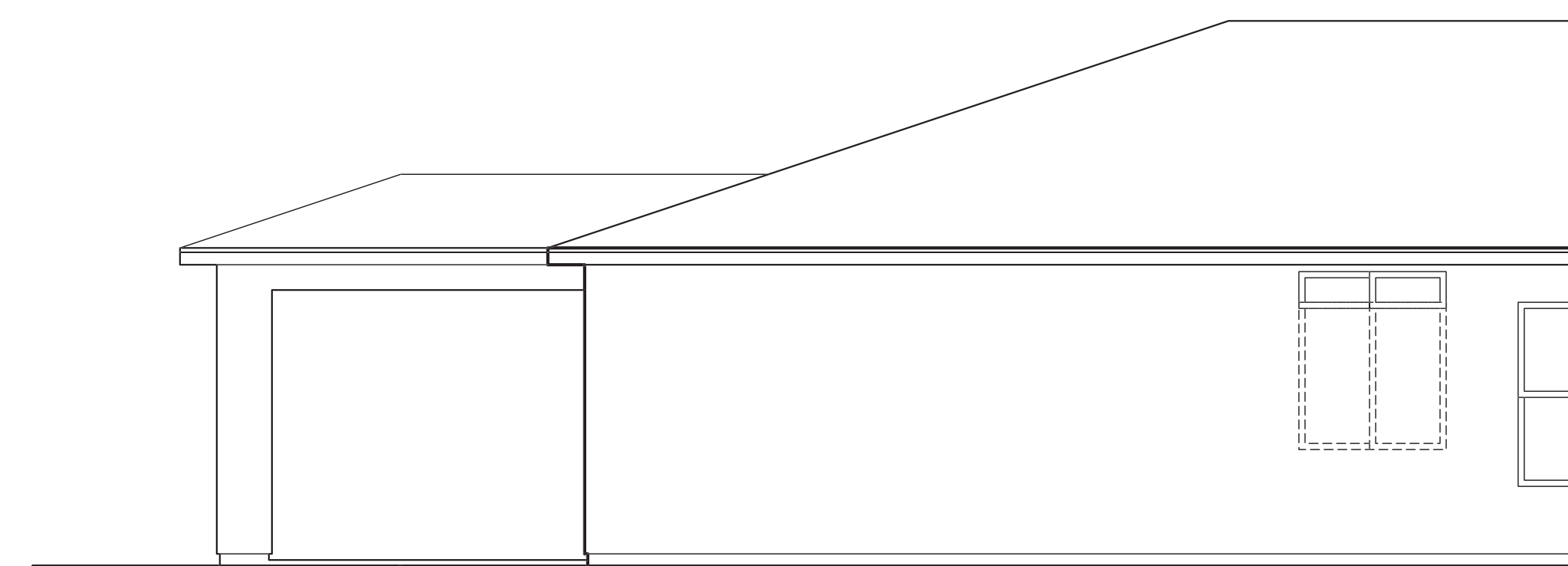


Rear Elevation 'B'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'B'



Left Elevation 'B'

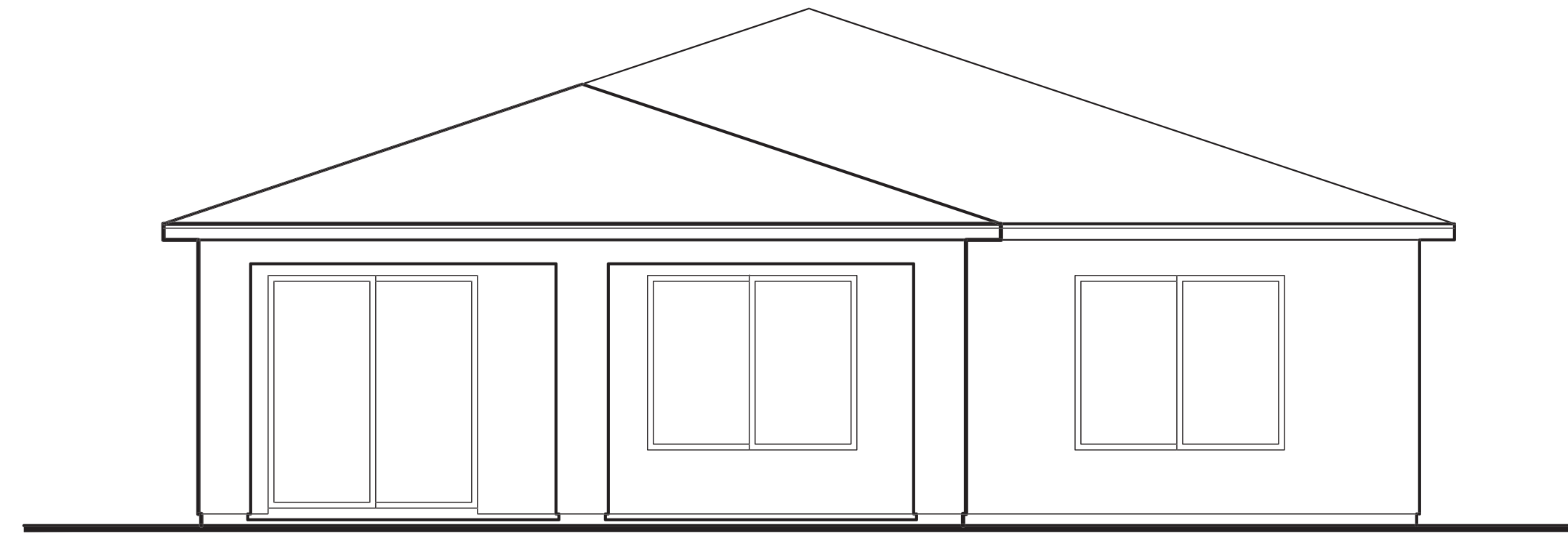
Optional Covered Patio

Colett Martin

PLAN 2

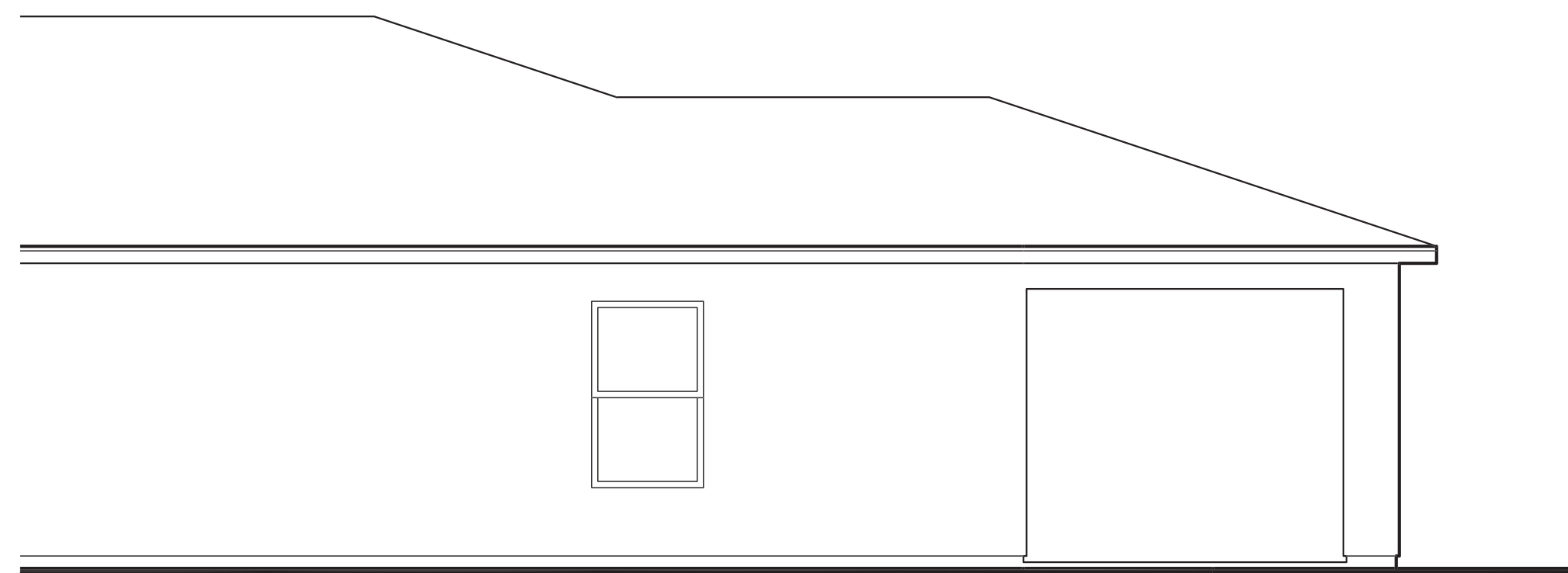
135.1562

JOB No. : 3026-999875
STORY: One
April 1, 2024

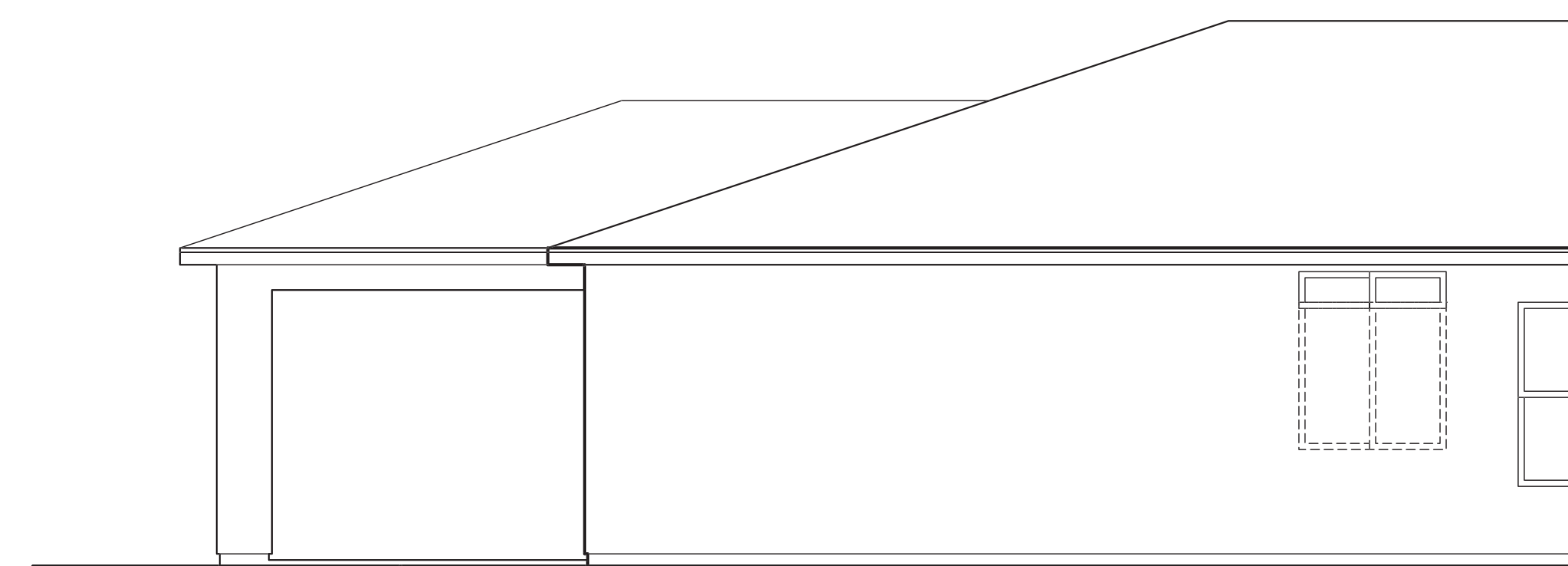


Rear Elevation 'B'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'B'



Left Elevation 'B'

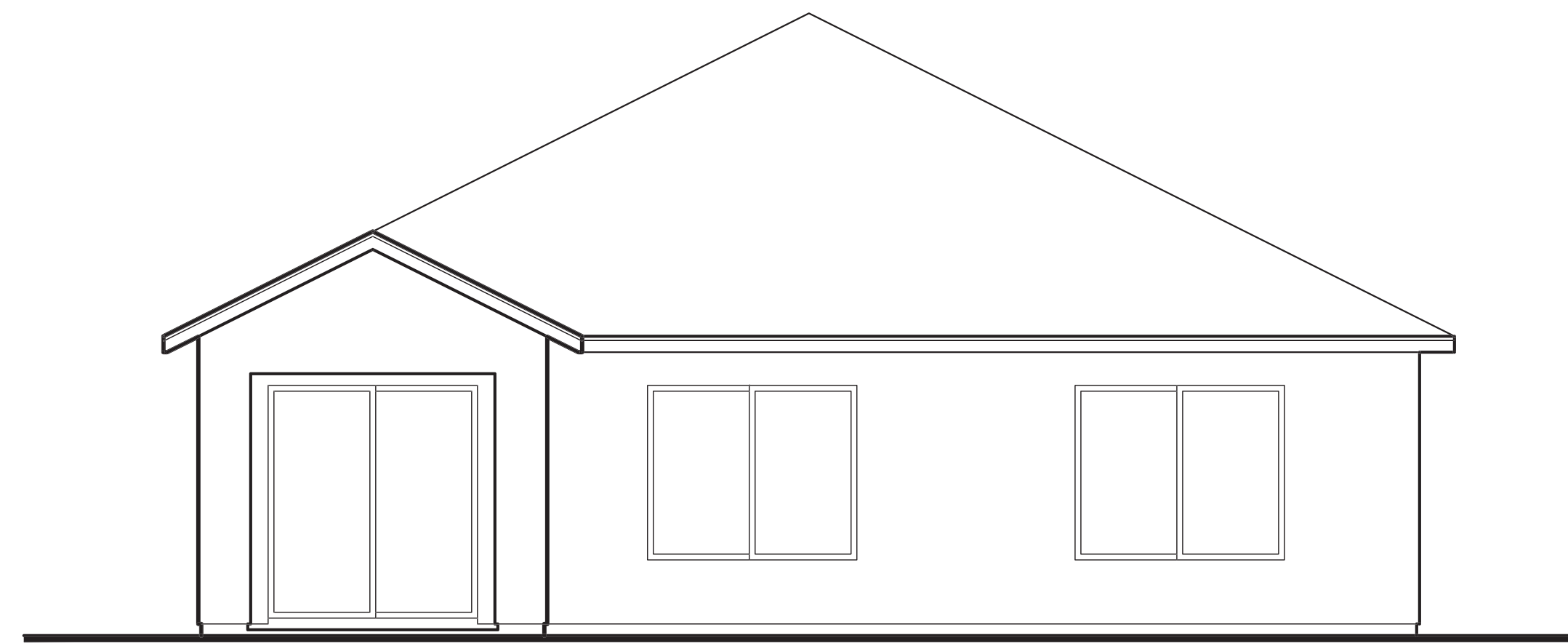
Optional Enlarged Covered Patio

Colett Martin

PLAN 2

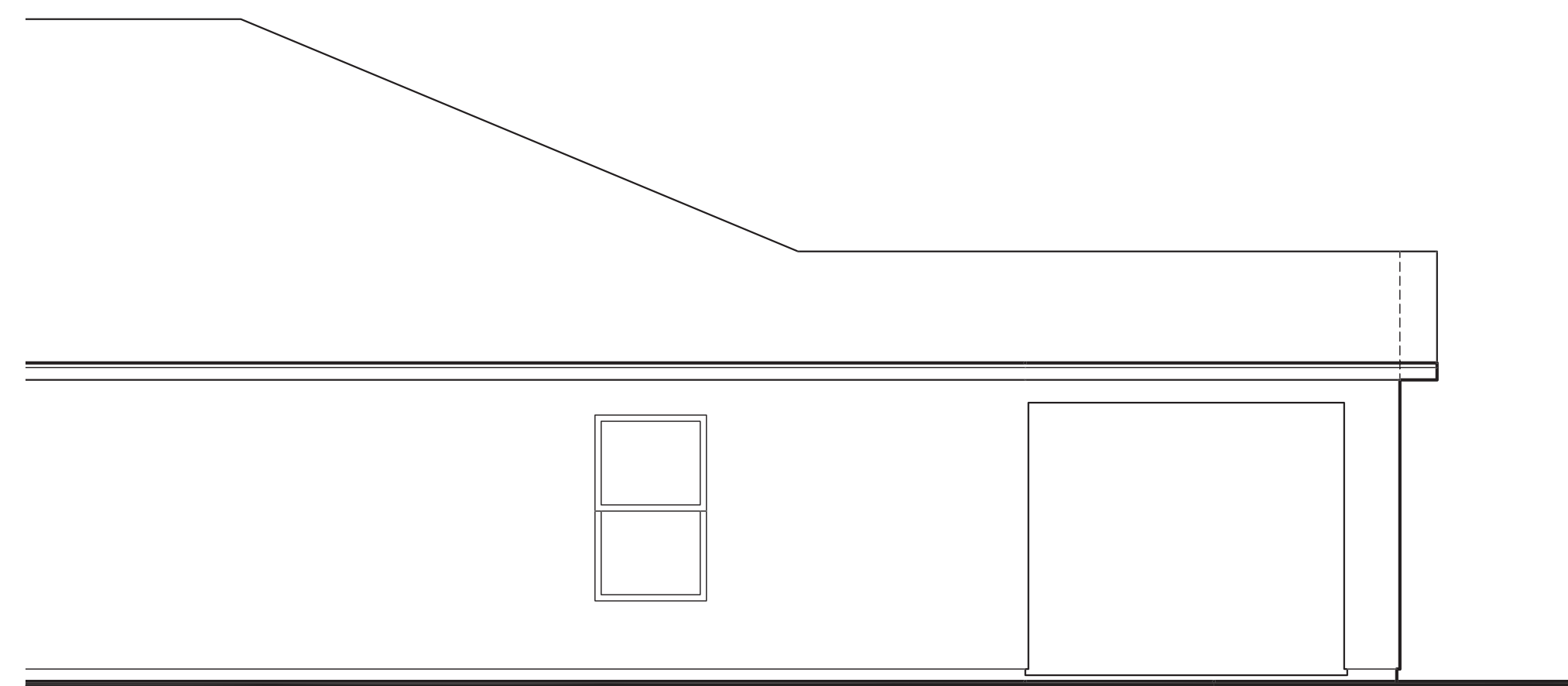
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JOB No. : 3026-999875
STORY: One
April 1, 2024

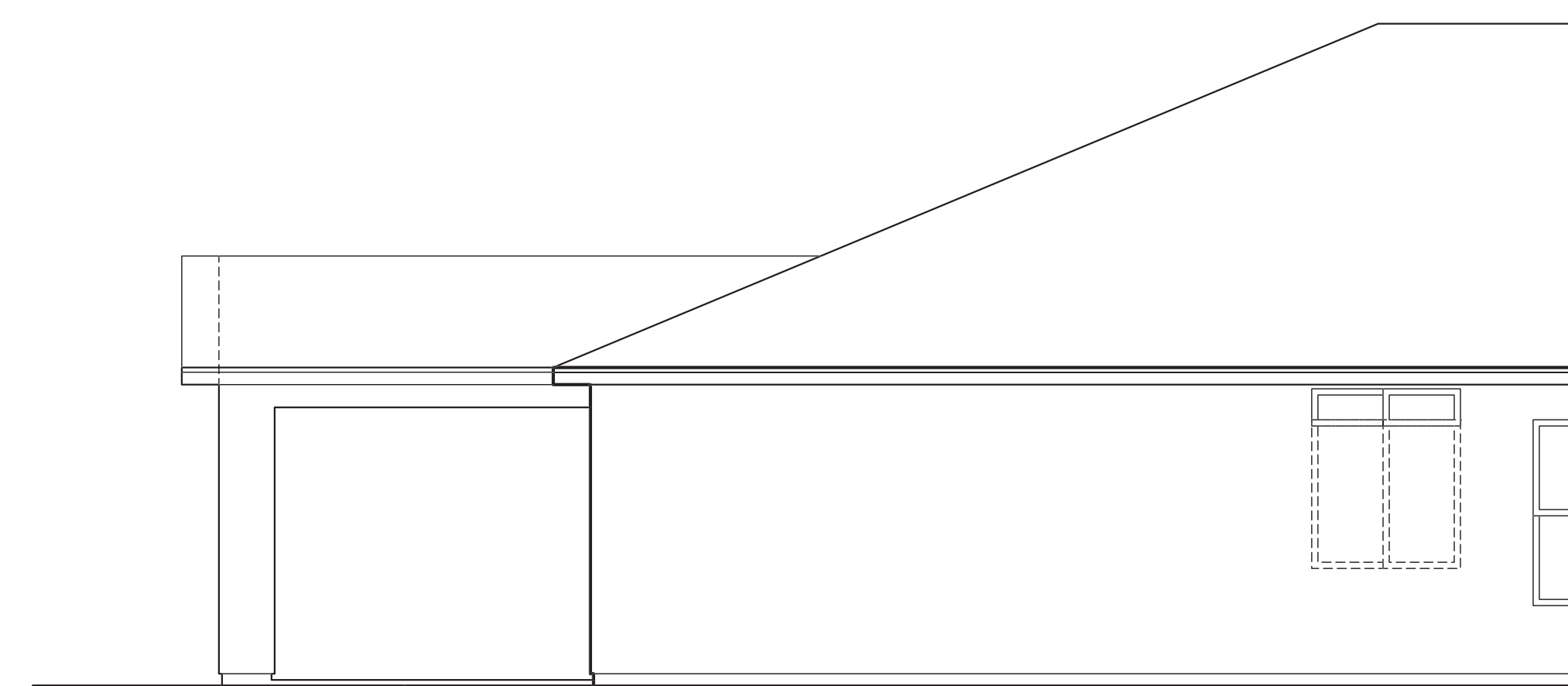


Rear Elevation 'D'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'D'



Left Elevation 'D'

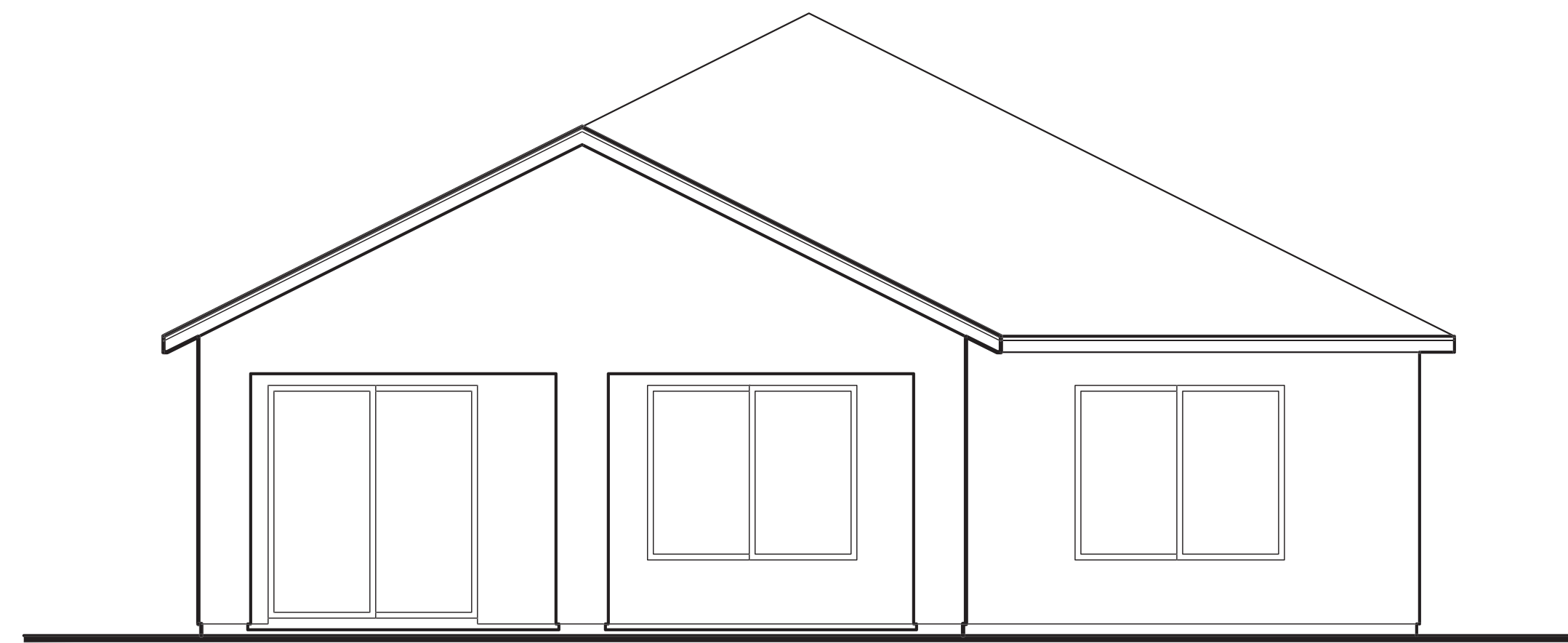
Optional Covered Patio

Colett Martin

PLAN 2

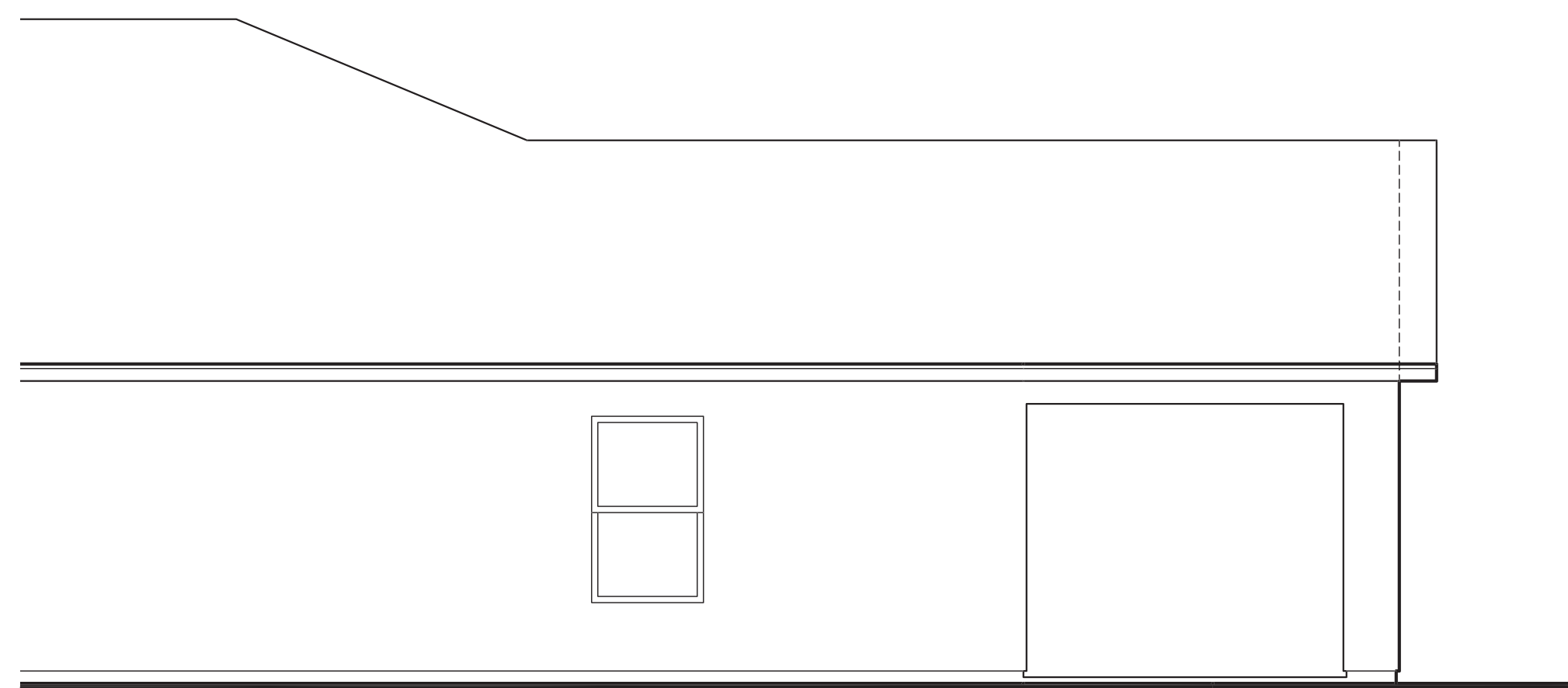
135.1562

JOB No. : 3026-999875
STORY: One
April 1, 2024

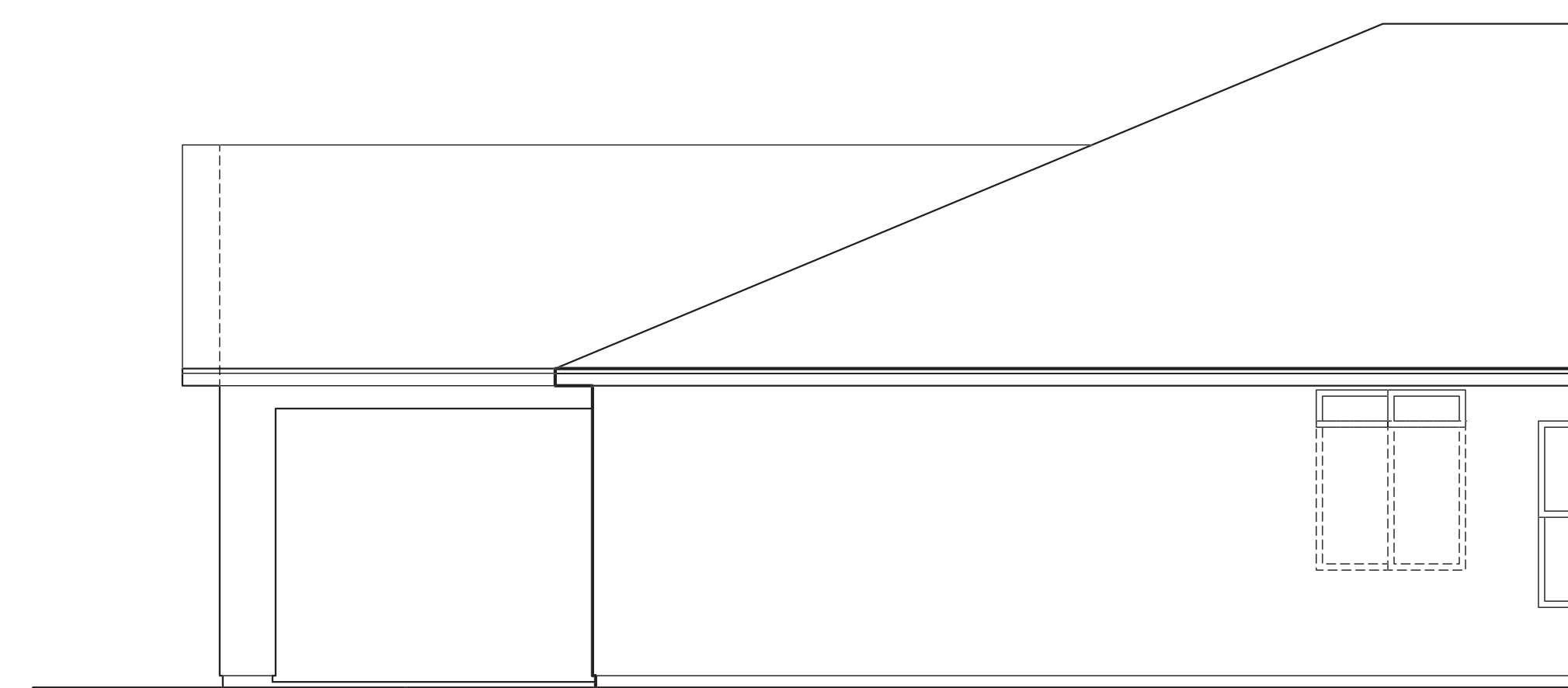


Rear Elevation 'D'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'D'



Left Elevation 'D'

Optional Enlarged Covered Patio

Colett Martin

PLAN 2

135.1562

JOB No. : 3026-999875
STORY: One
April 1, 2024

ELEVATION LEGEND

- 1 CONCRETE 'S' TILE ROOFING
- 2 CONCRETE FLAT TILE ROOFING
- 3 WOOD FASCIA BOARD
- 4 STUCCO FINISH
- 5 STUCCO OVER FOAM TRIM
- 6 STUCCO OVER FOAM CORBELS
- 7 DECORATIVE STUCCO COLUMNS (STUCCO OVER WOOD FRAMING)
- 8 PRE-FAB WINDOW SYSTEM
- 9 COMPOSITE ENTRY DOOR
- 10 METAL ROLL-UP GARAGE DOOR
- 11 DECORATIVE FOAM SHUTTERS
- 12 STUCCO OVER SHAPED FOAM TRIM
- 13 DECORATIVE STUCCO RECESS
- 14 FIBER CEMENT SIDING
- 15 DECORATIVE CLAY PIPES
- 16 STONE VENEER
- 17 DECORATIVE FOAM VENTS
- 18 COACH LIGHT
- 19 DECORATIVE BOARD & BATTEN
- 20 WOOD POST
- 21 BRICK VENEER
- 22 DECORATIVE OUTLOOKER



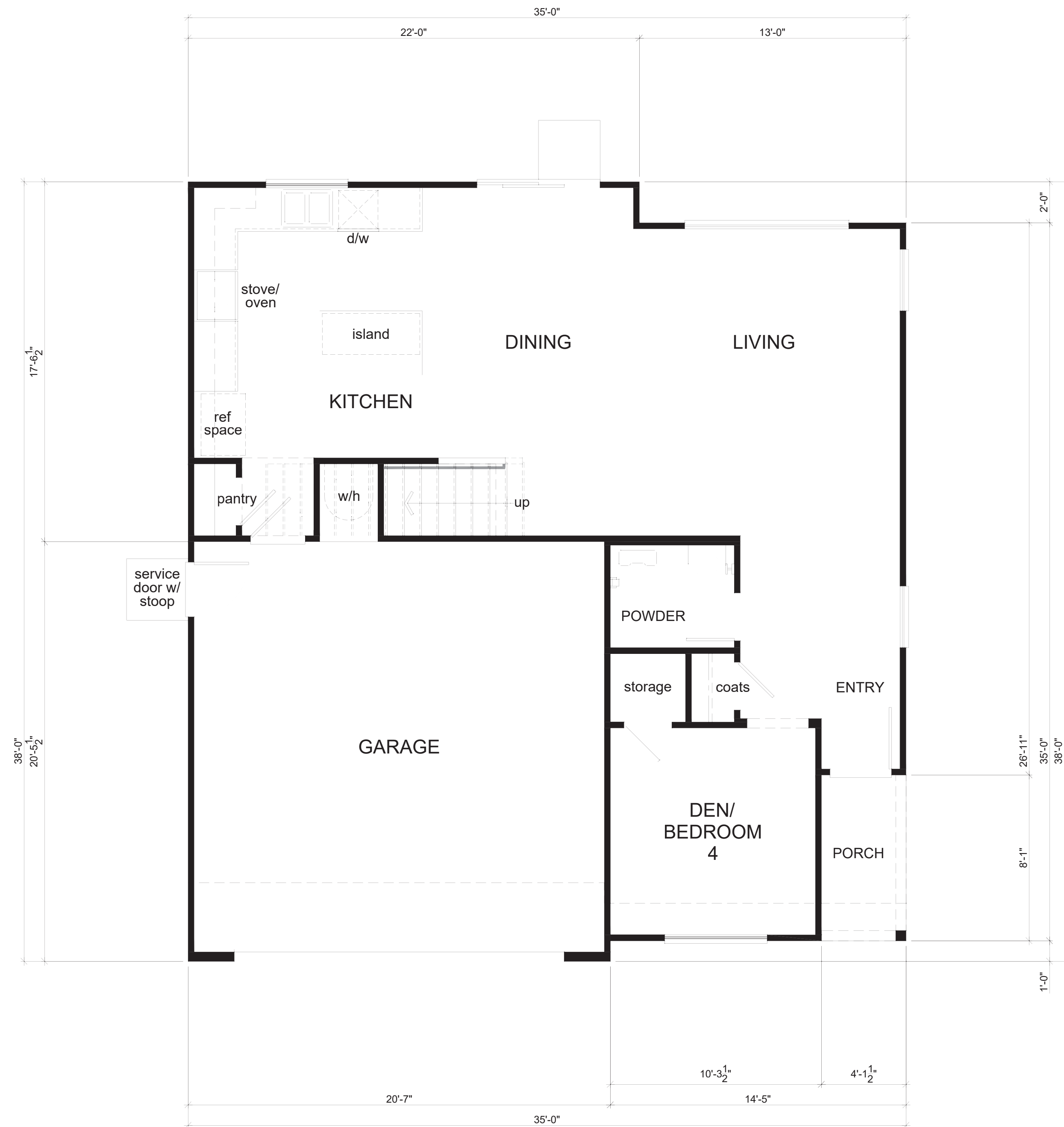
Elevation 'A' - Spanish



Elevation 'B' - Craftsman



Elevation 'D' - French Cottage



First Floor Plan 'A'

SQUARE FOOTAGE				
PLAN 235.1963				
	A	B	D	
FIRST FLOOR AREA	841	841	841	Sq. FT.
SECOND FLOOR AREA	1122	1122	1124	Sq. FT.
TOTAL AREA	1963	1963	1965	Sq. FT.
GARAGE AREA	415	415	415	Sq. FT.
POWDER AREA	33	33	33	Sq. FT.
LOFT AREA	113	113	113	Sq. FT.
COVERED PATIO AREA	256	256	256	Sq. FT.
UNCOVERED PATIO AREA	256	256	256	Sq. FT.

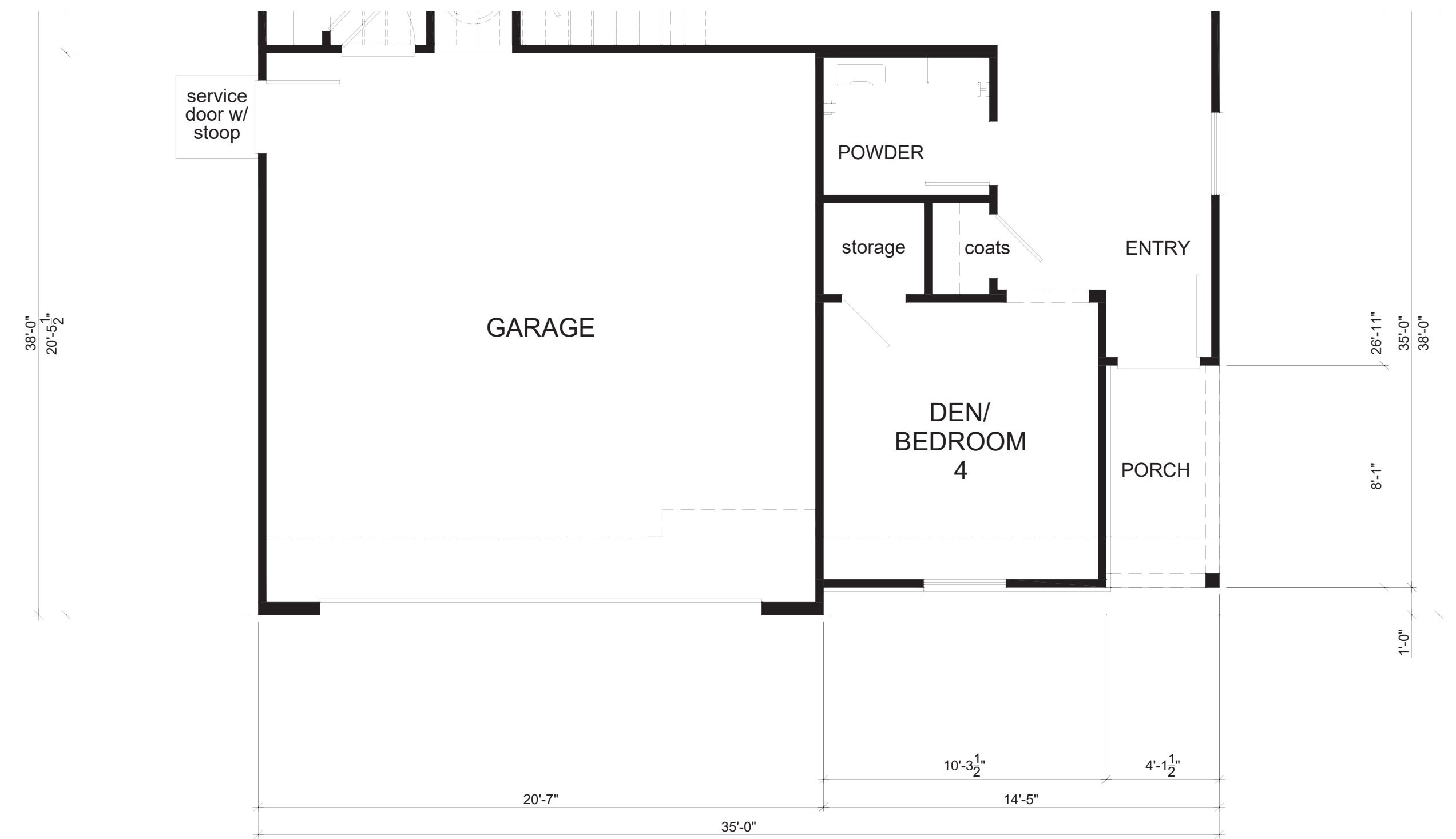
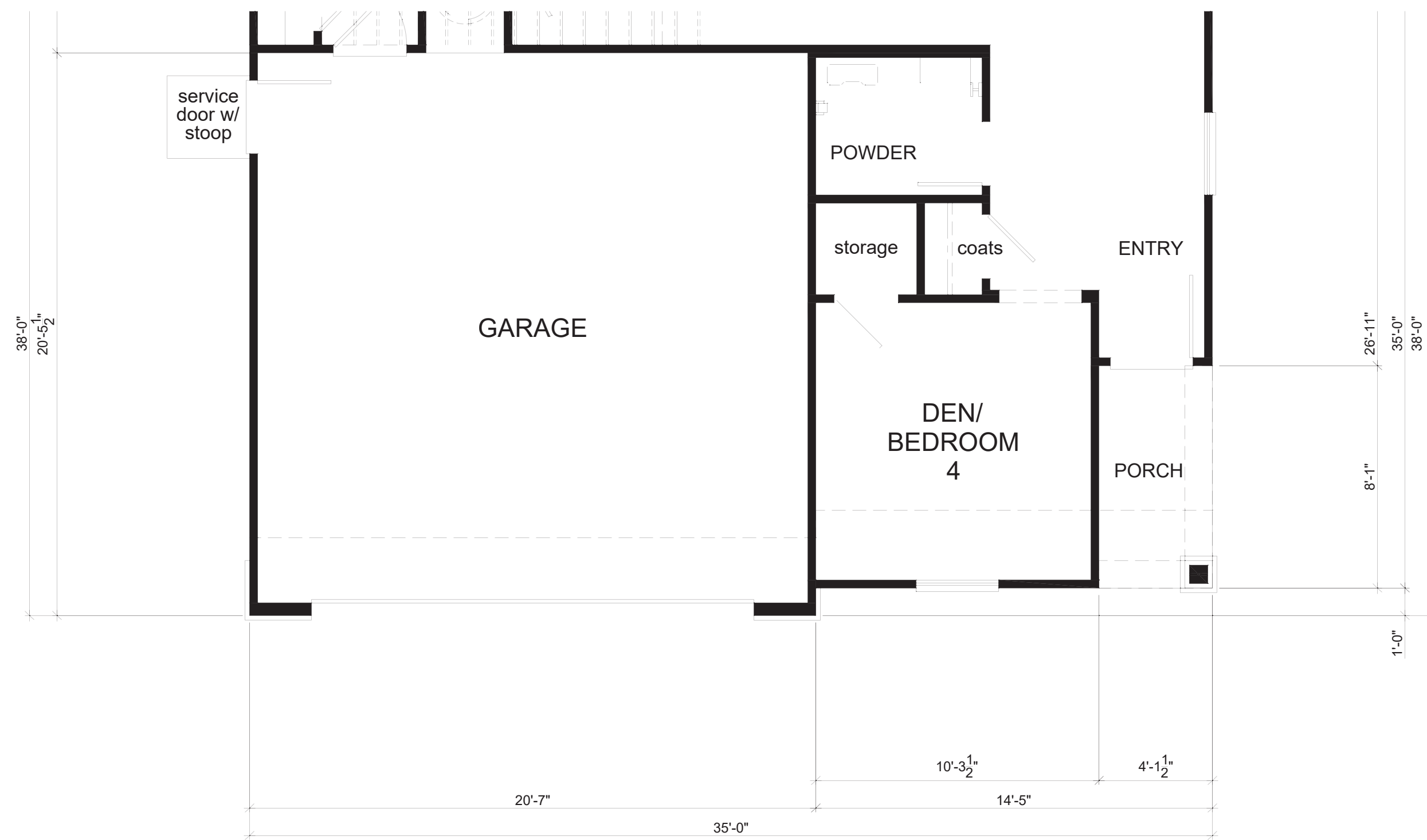


Second Floor Plan 'A'



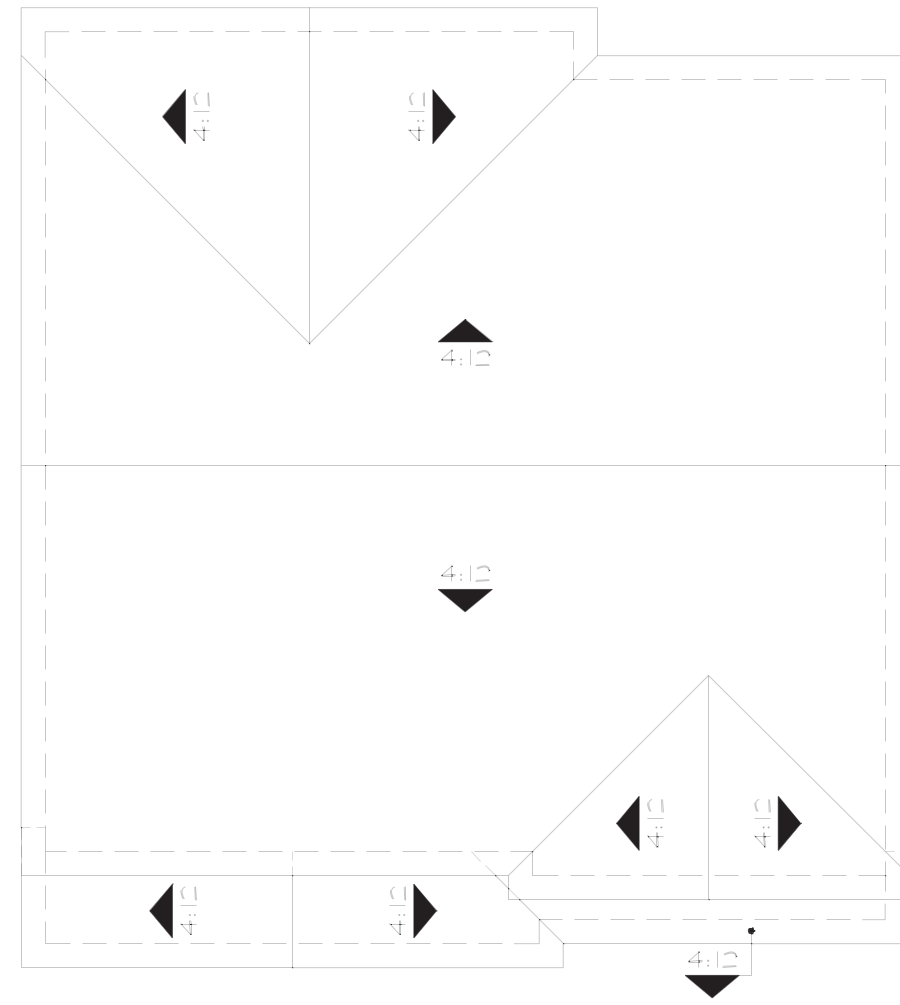
Second Floor Plan 'B'

Second Floor Plan 'D'

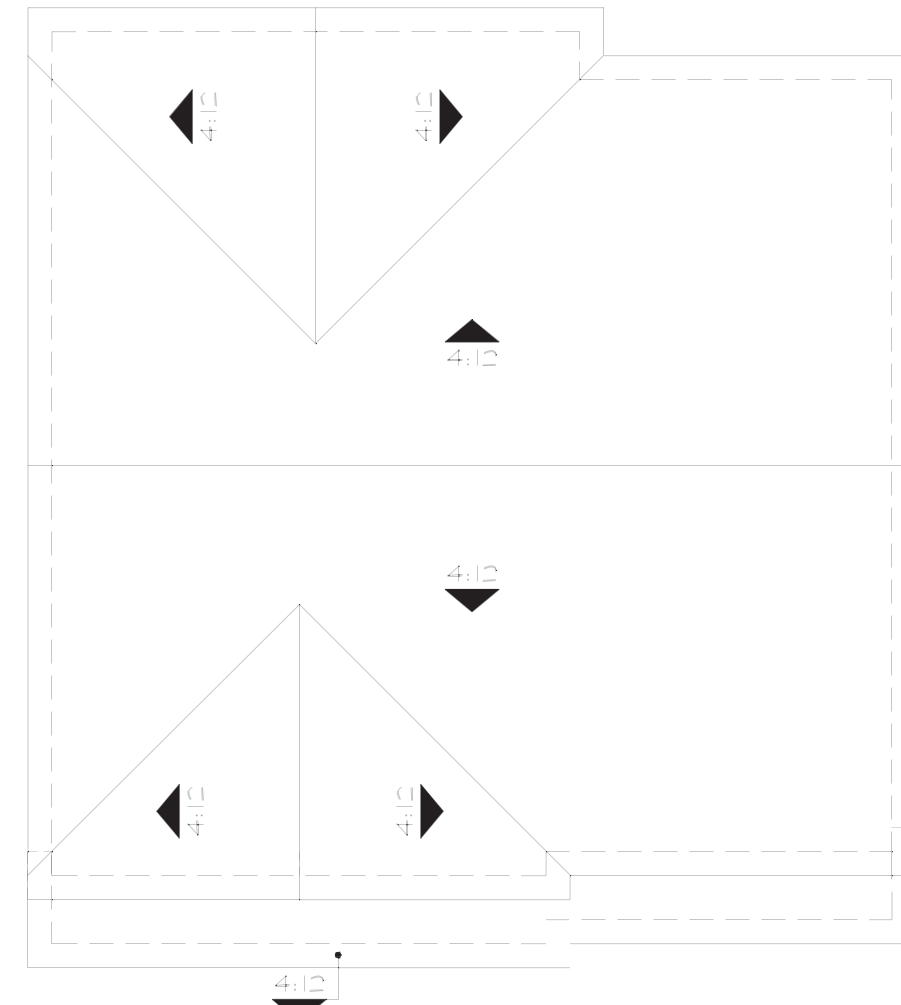


First Floor Plan 'B'

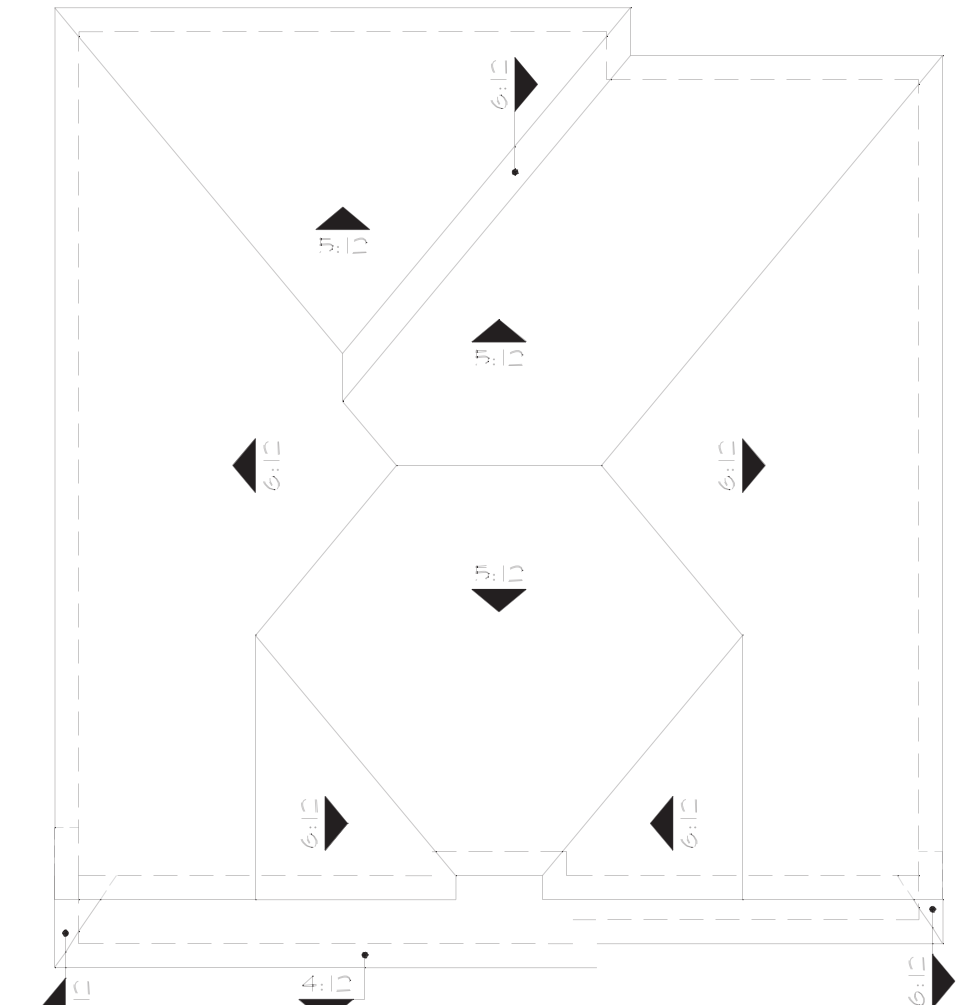
First Floor Plan 'D'



'A'



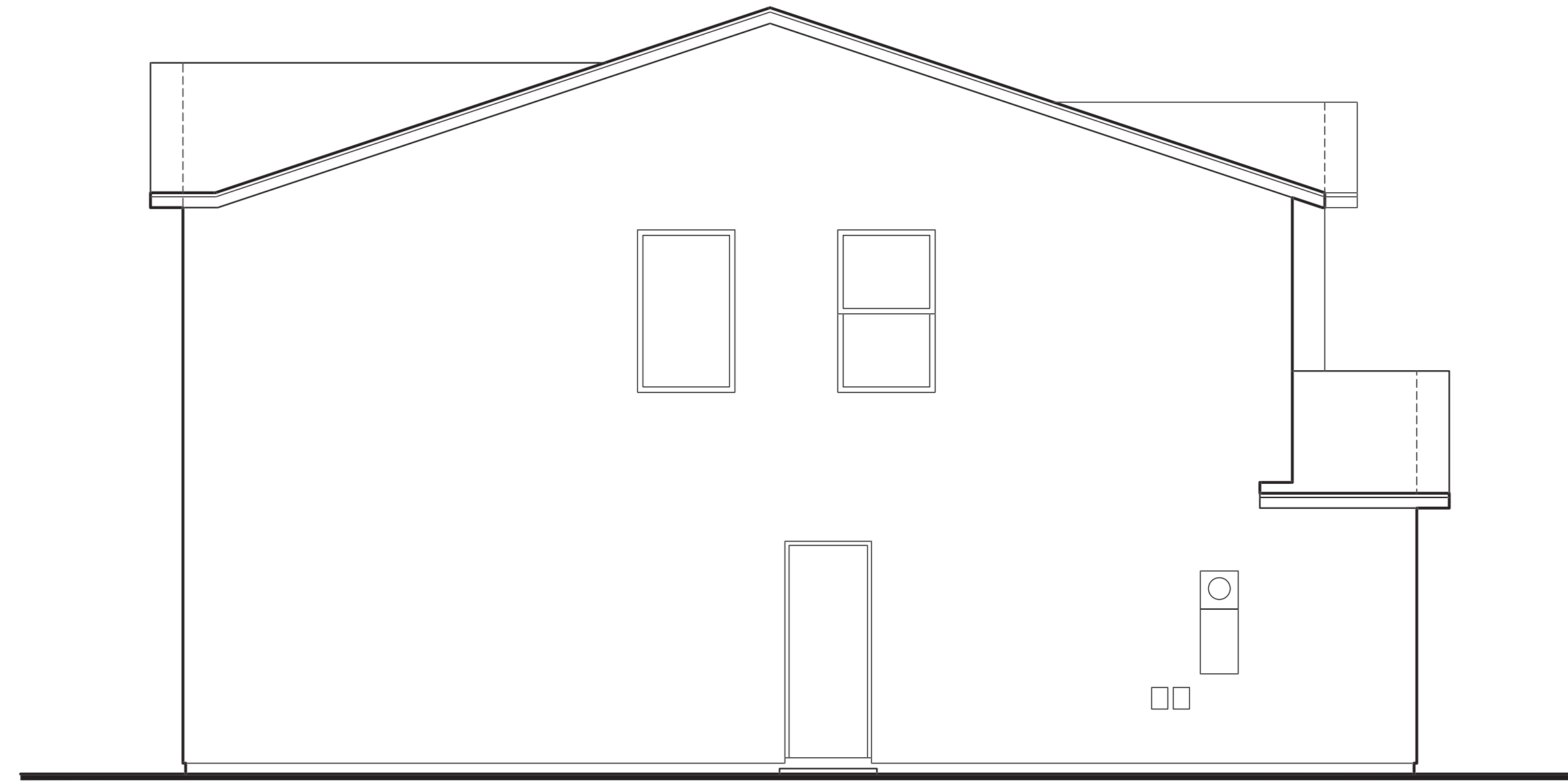
'B'



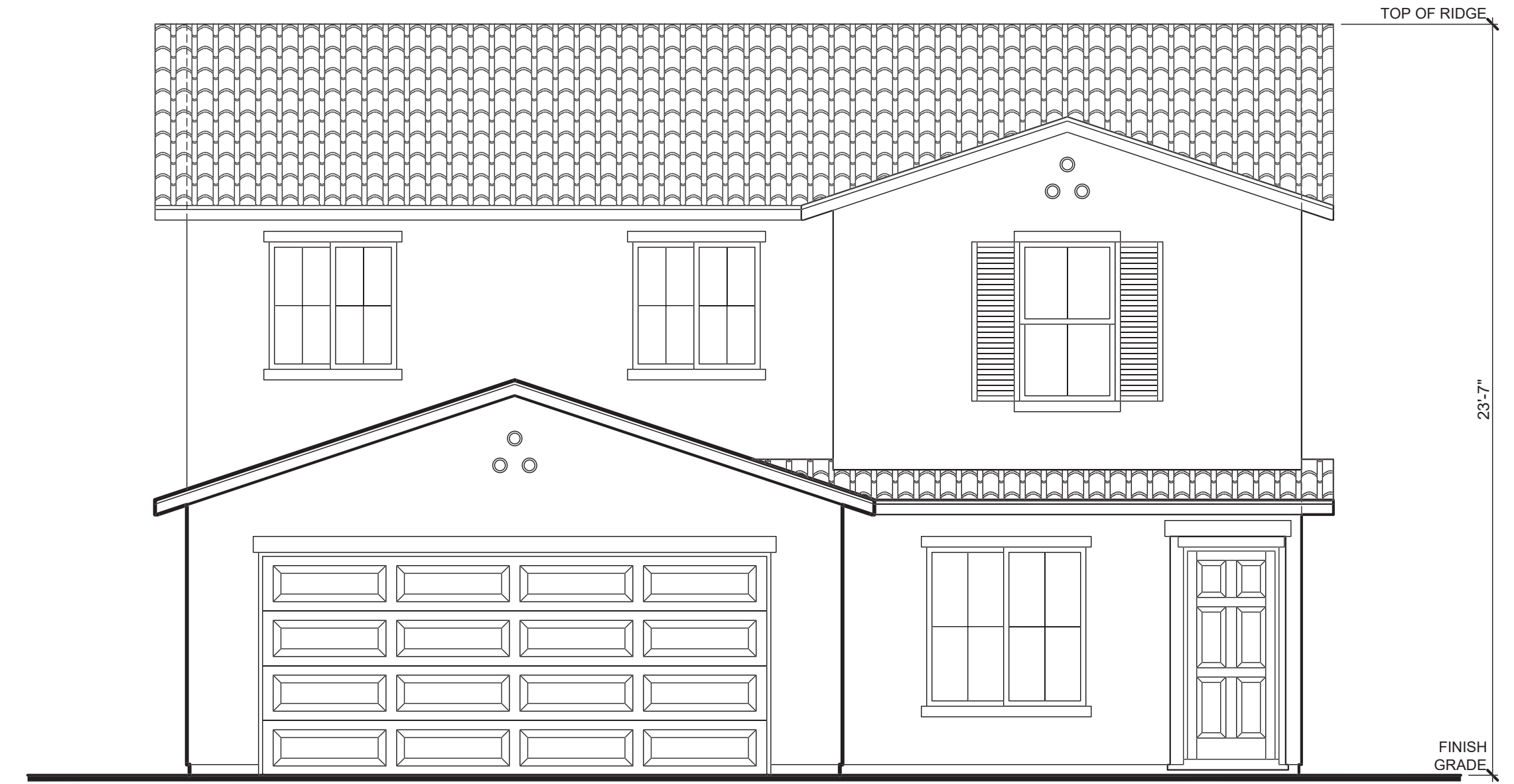
'D'

Roof Plans

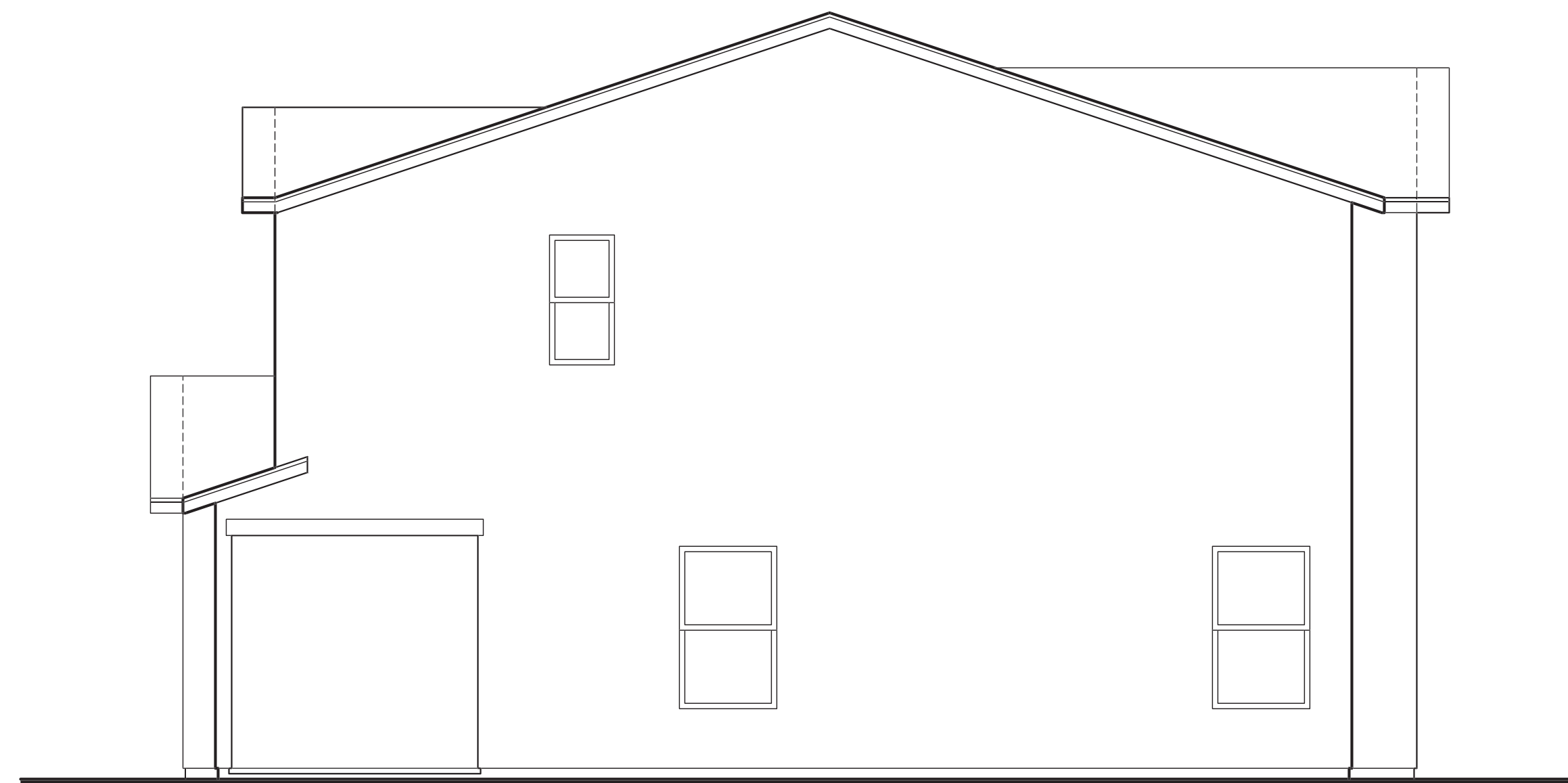
Colett Martin



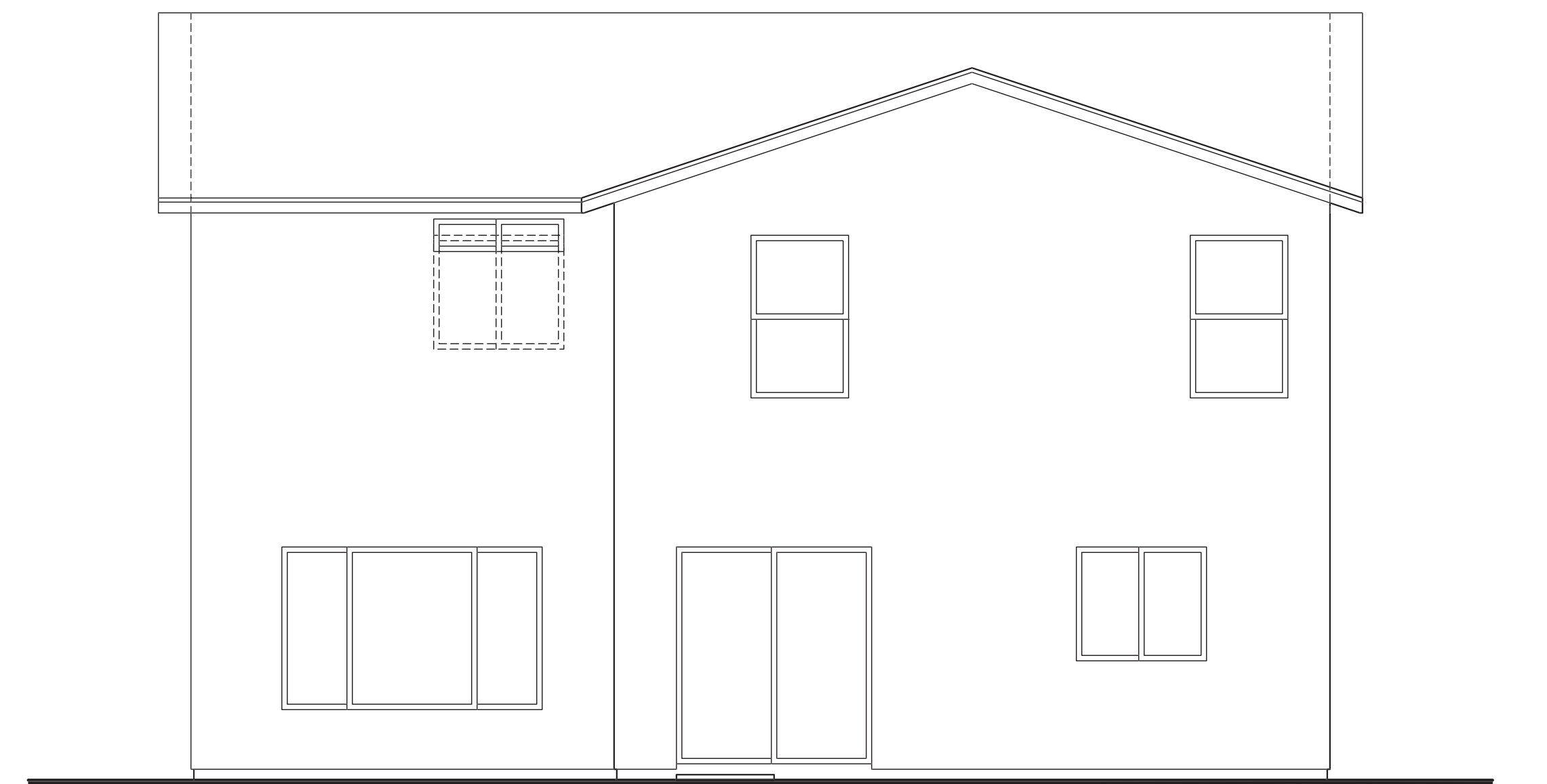
Left Elevation 'A'



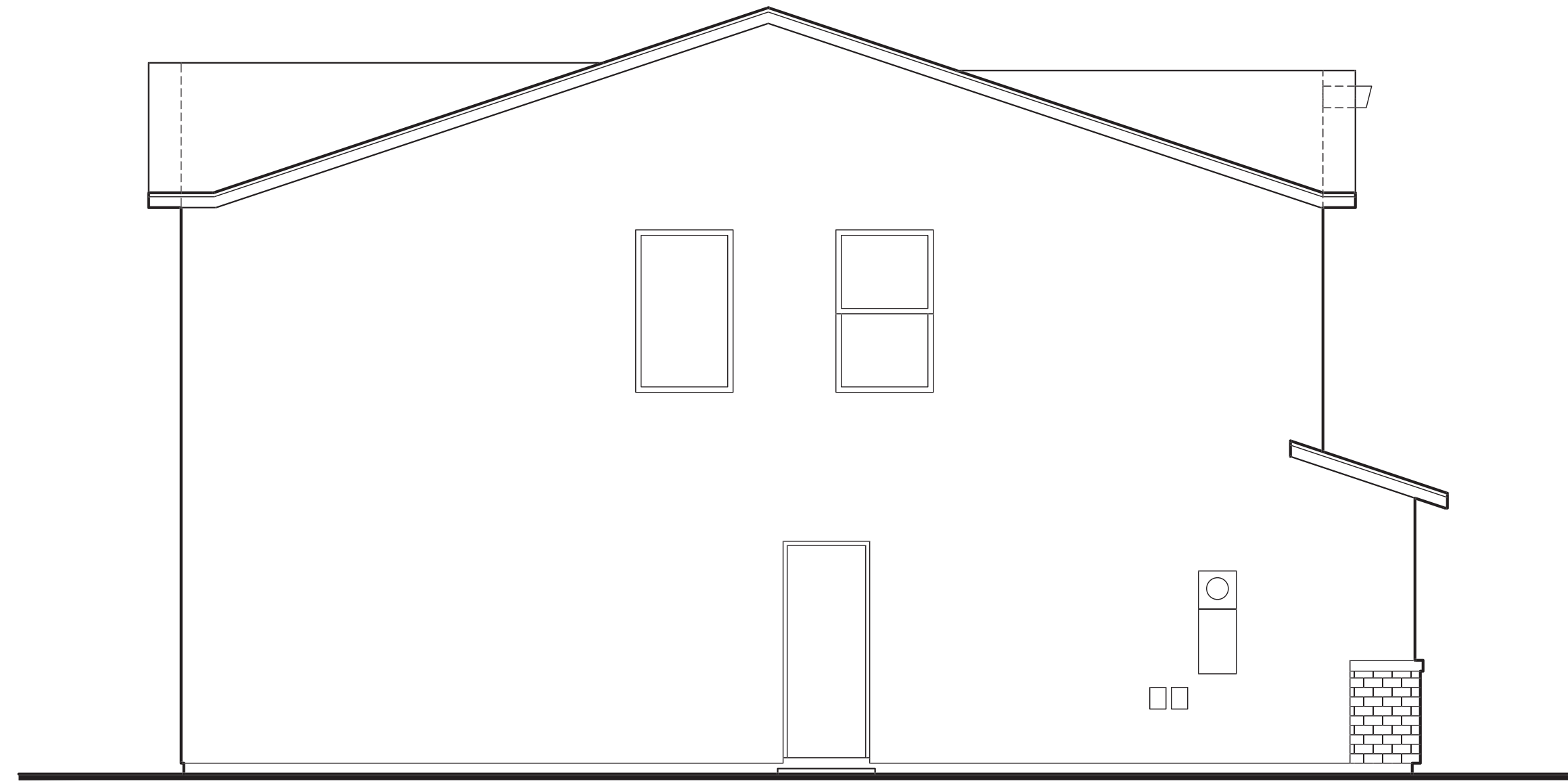
Front Elevation 'A' - Spanish



Right Elevation 'A'



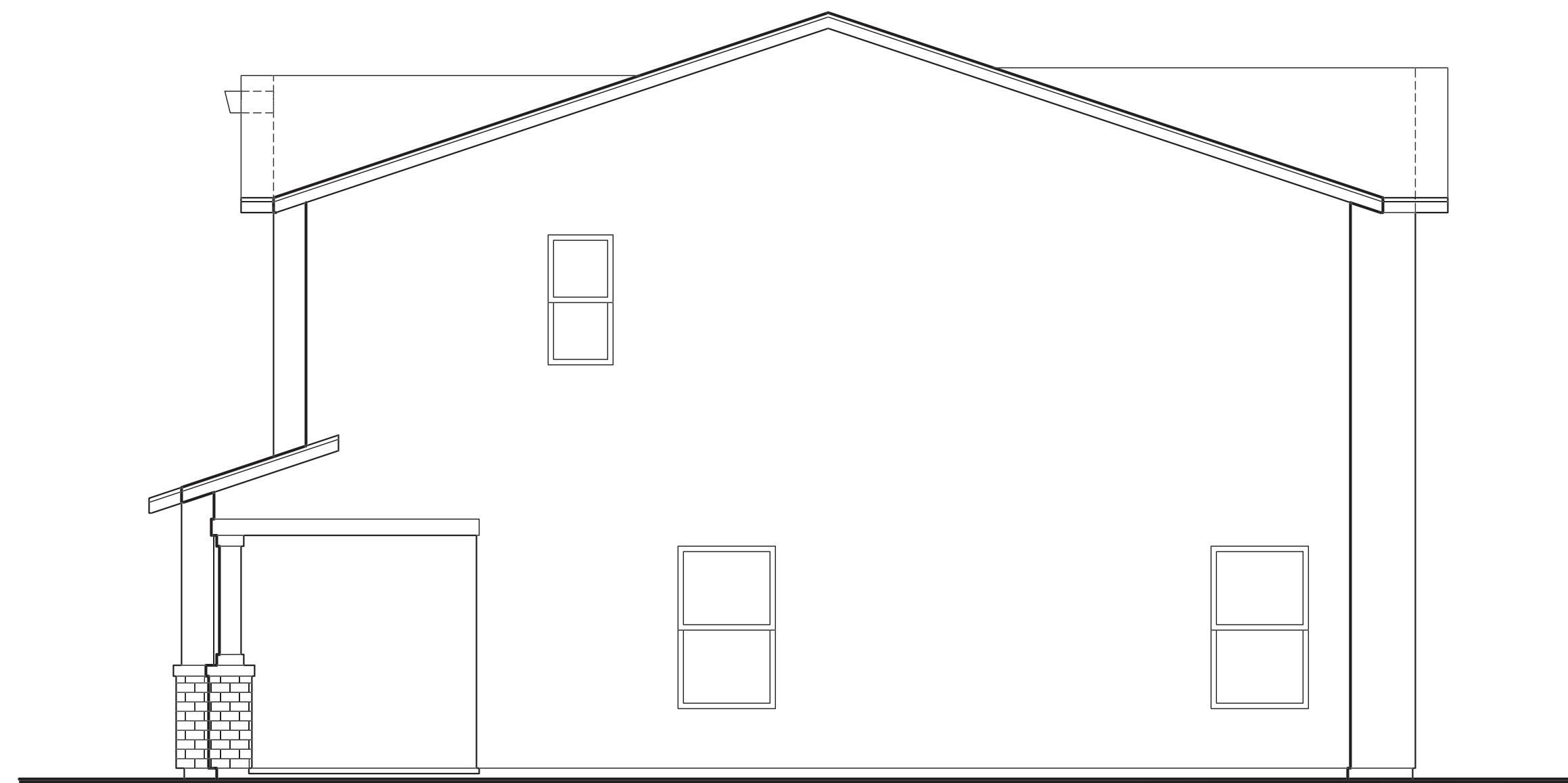
Rear Elevation 'A'



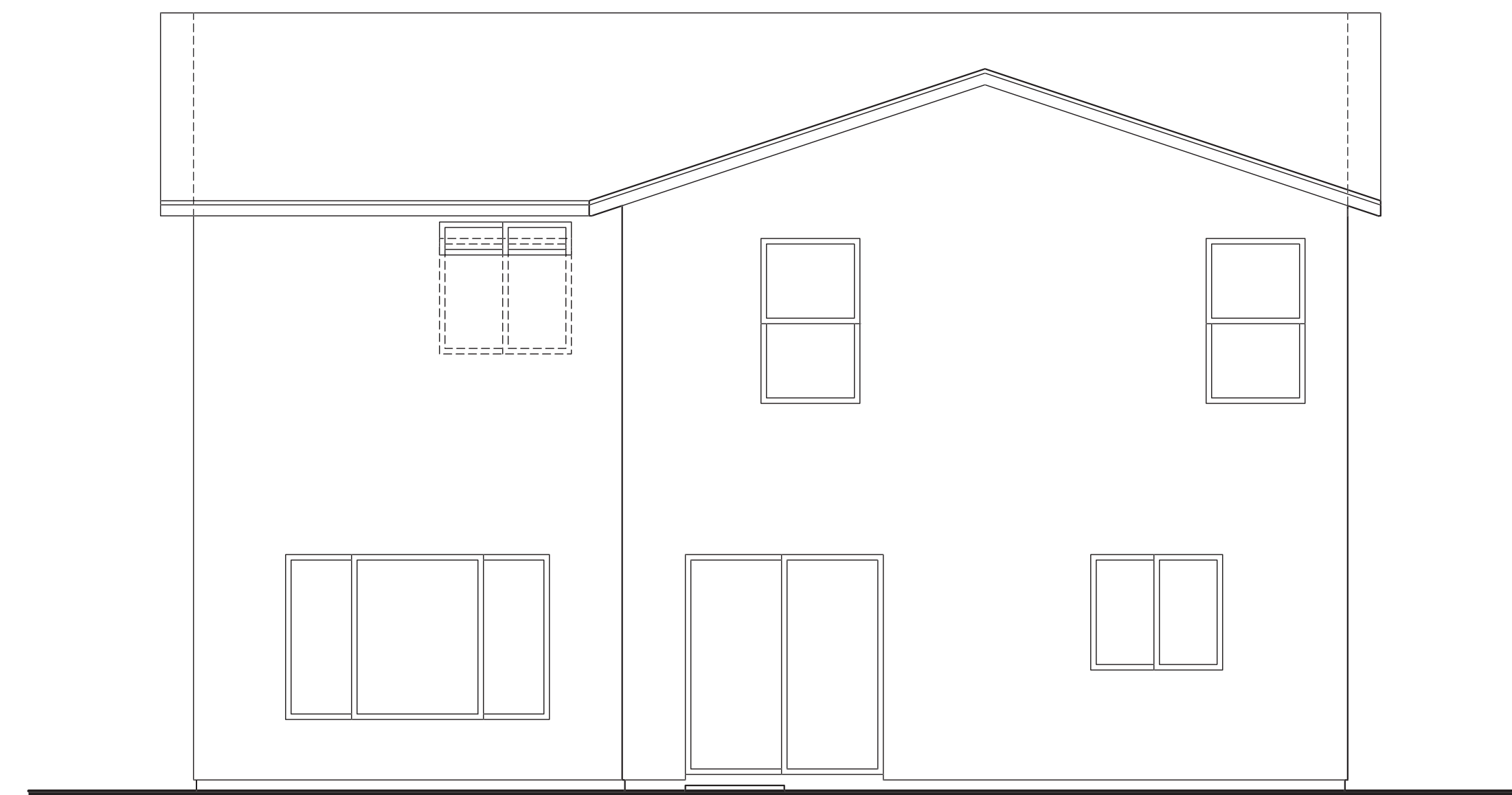
Left Elevation 'B'



Front Elevation 'B' - Craftsman



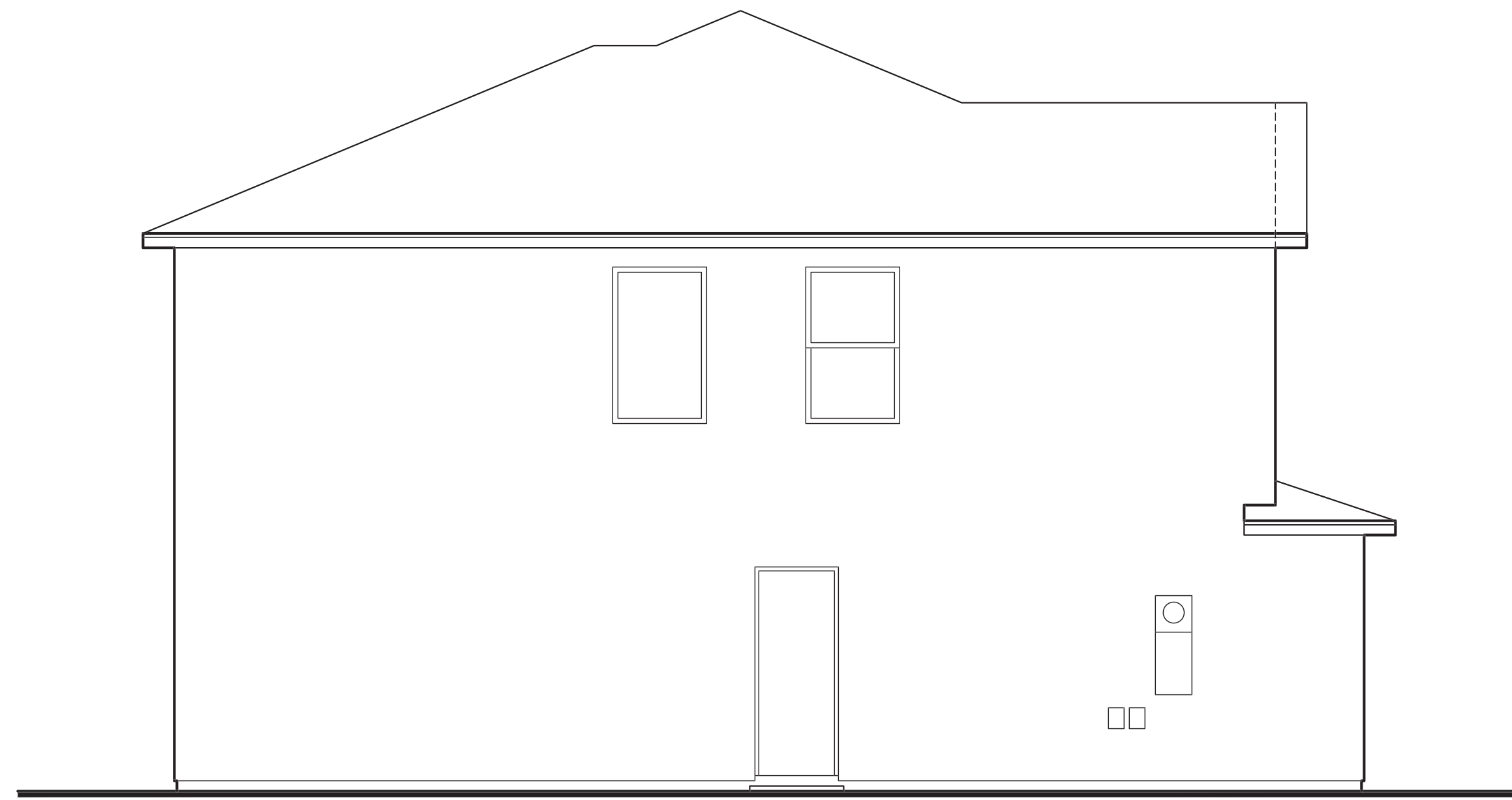
Right Elevation 'B'



Rear Elevation 'B'

Colett Martin

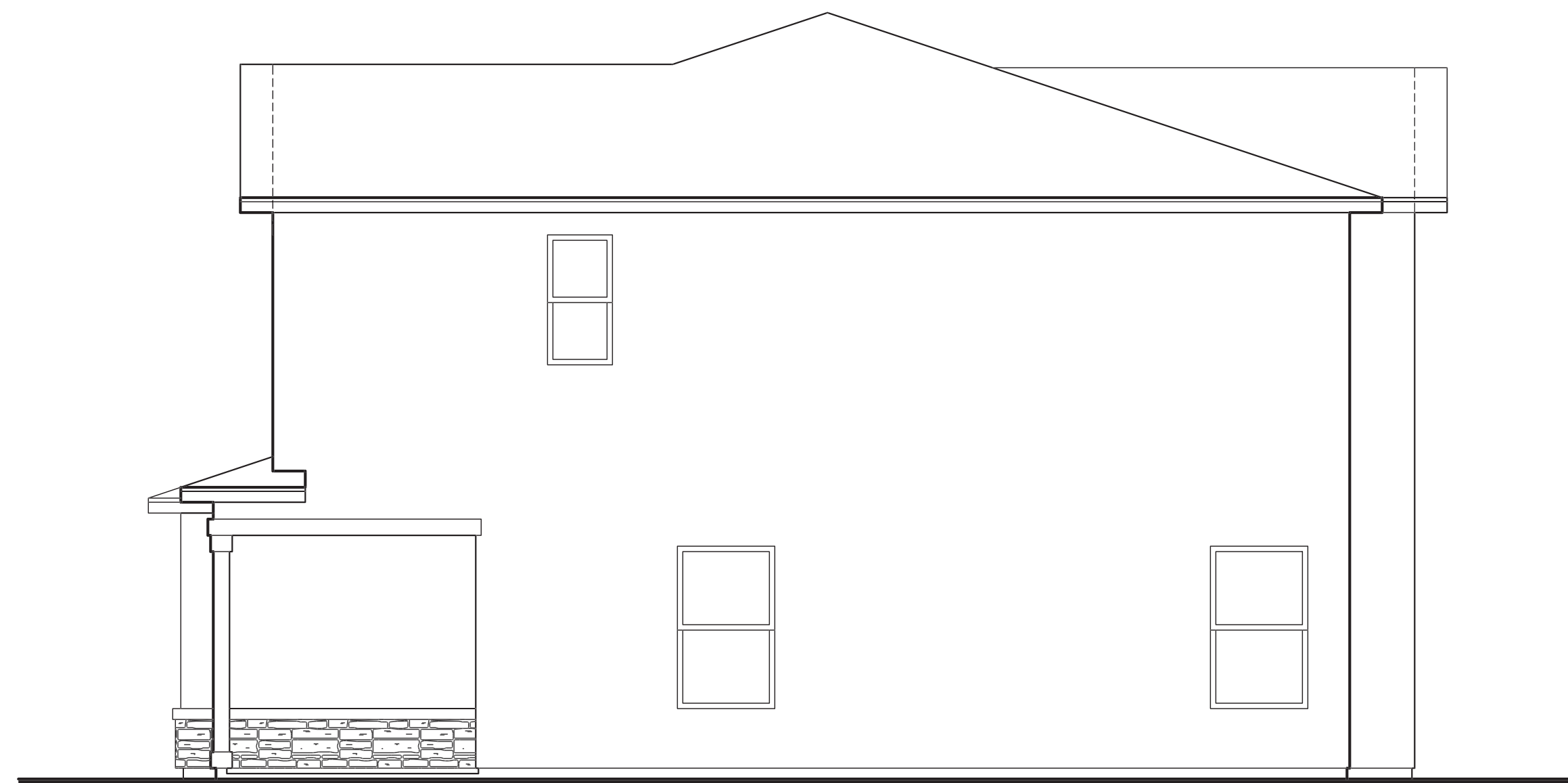
PLAN 3



Left Elevation 'D'



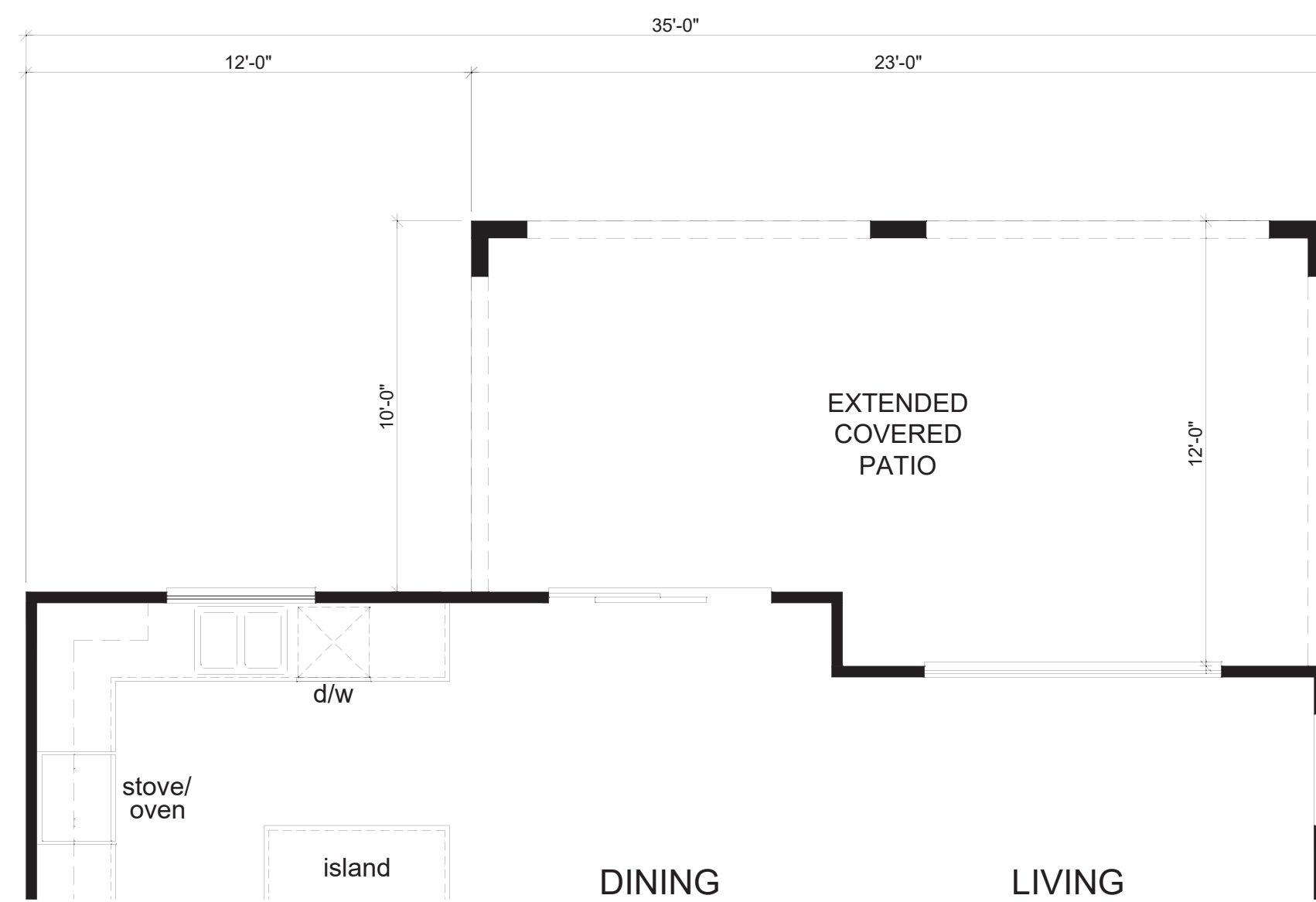
Front Elevation 'D' - French Cottage



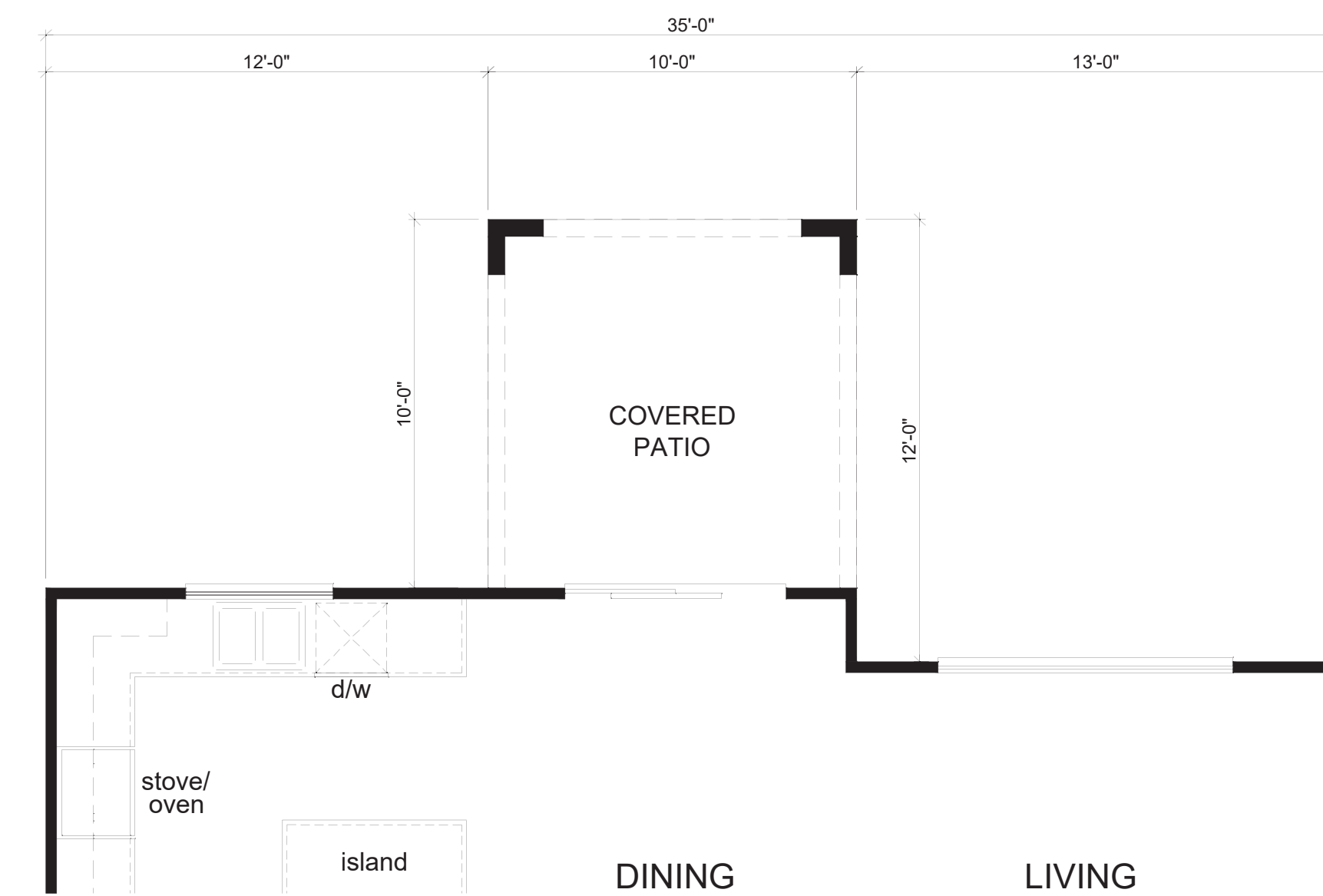
Right Elevation 'D'



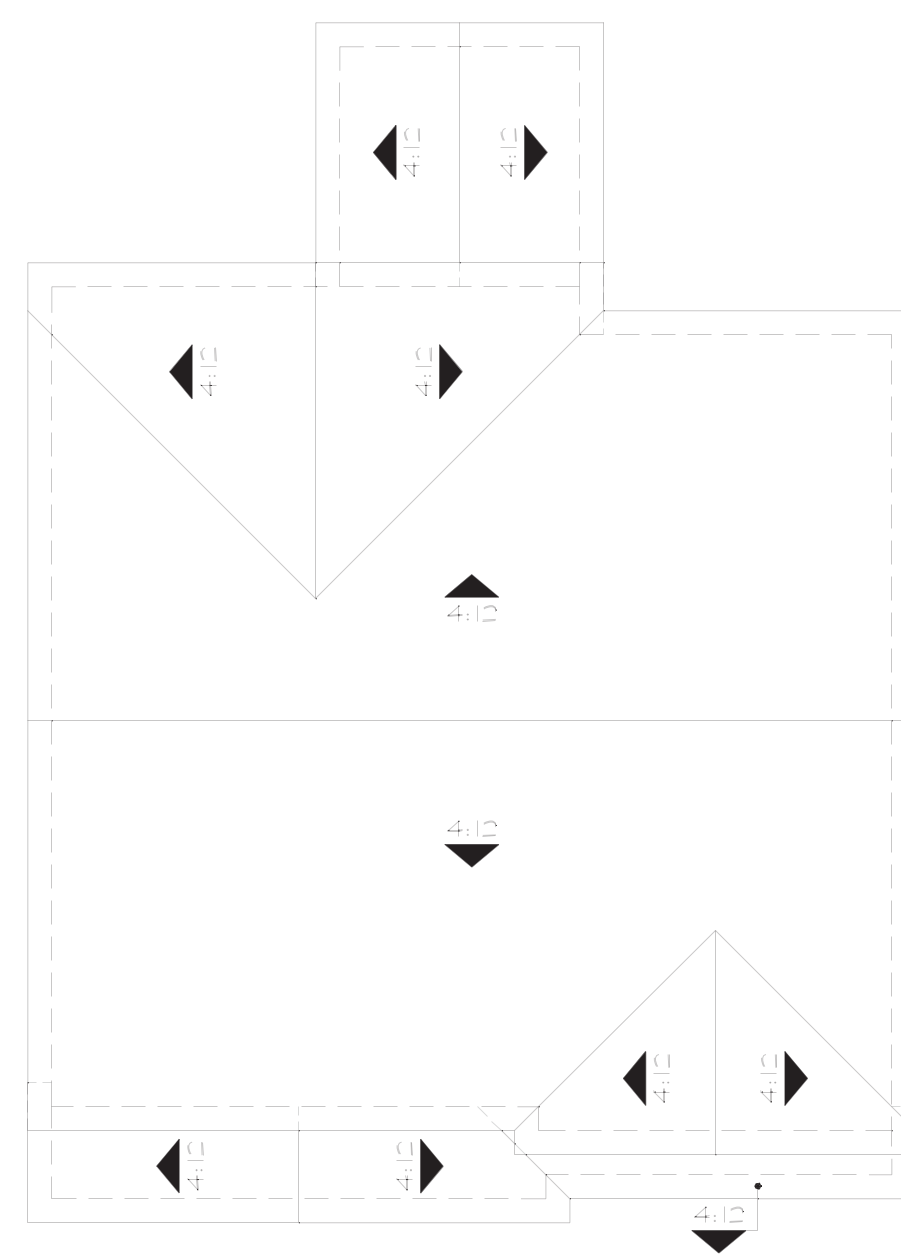
Rear Elevation 'D'



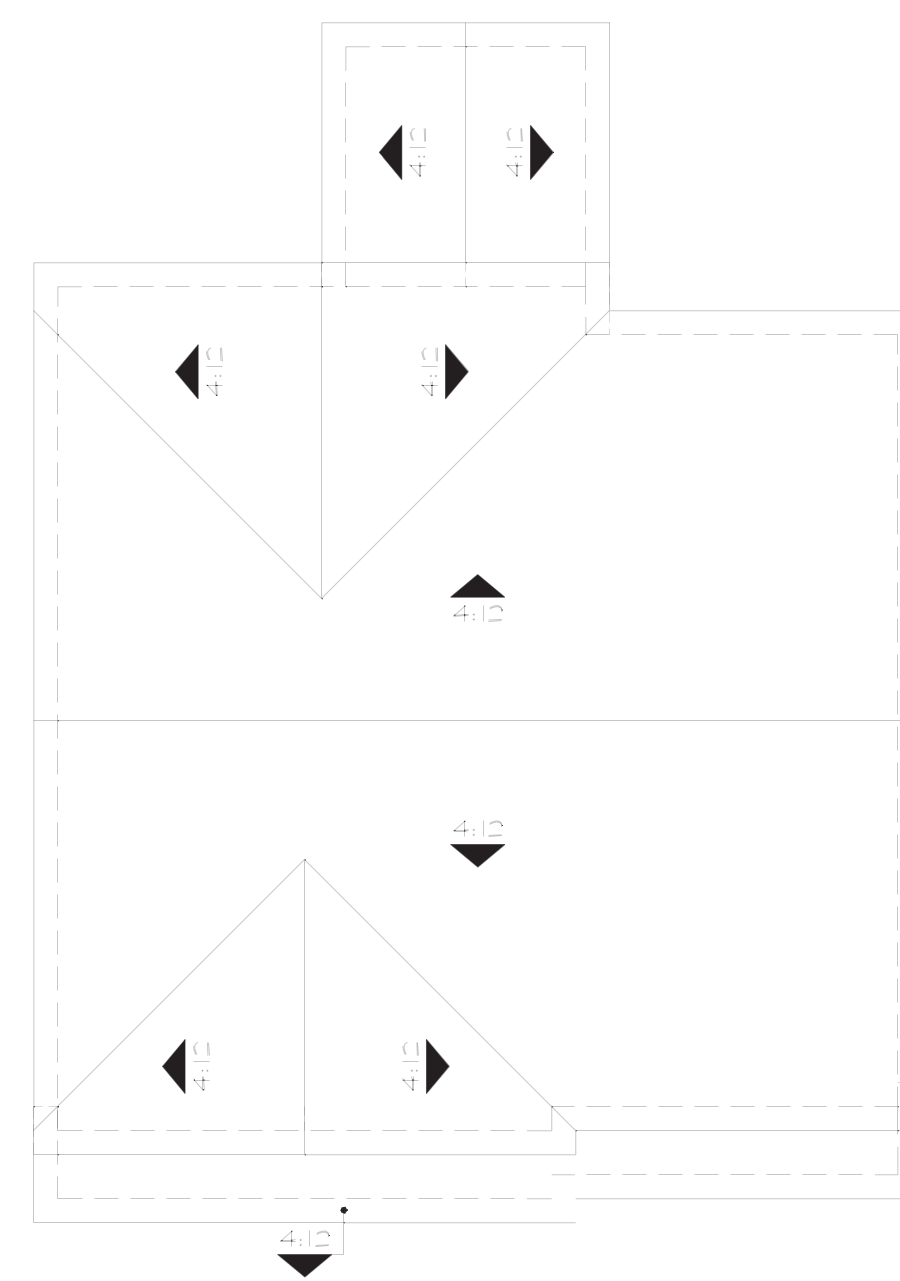
Floor Plan at Enlarged Covered Patio Option



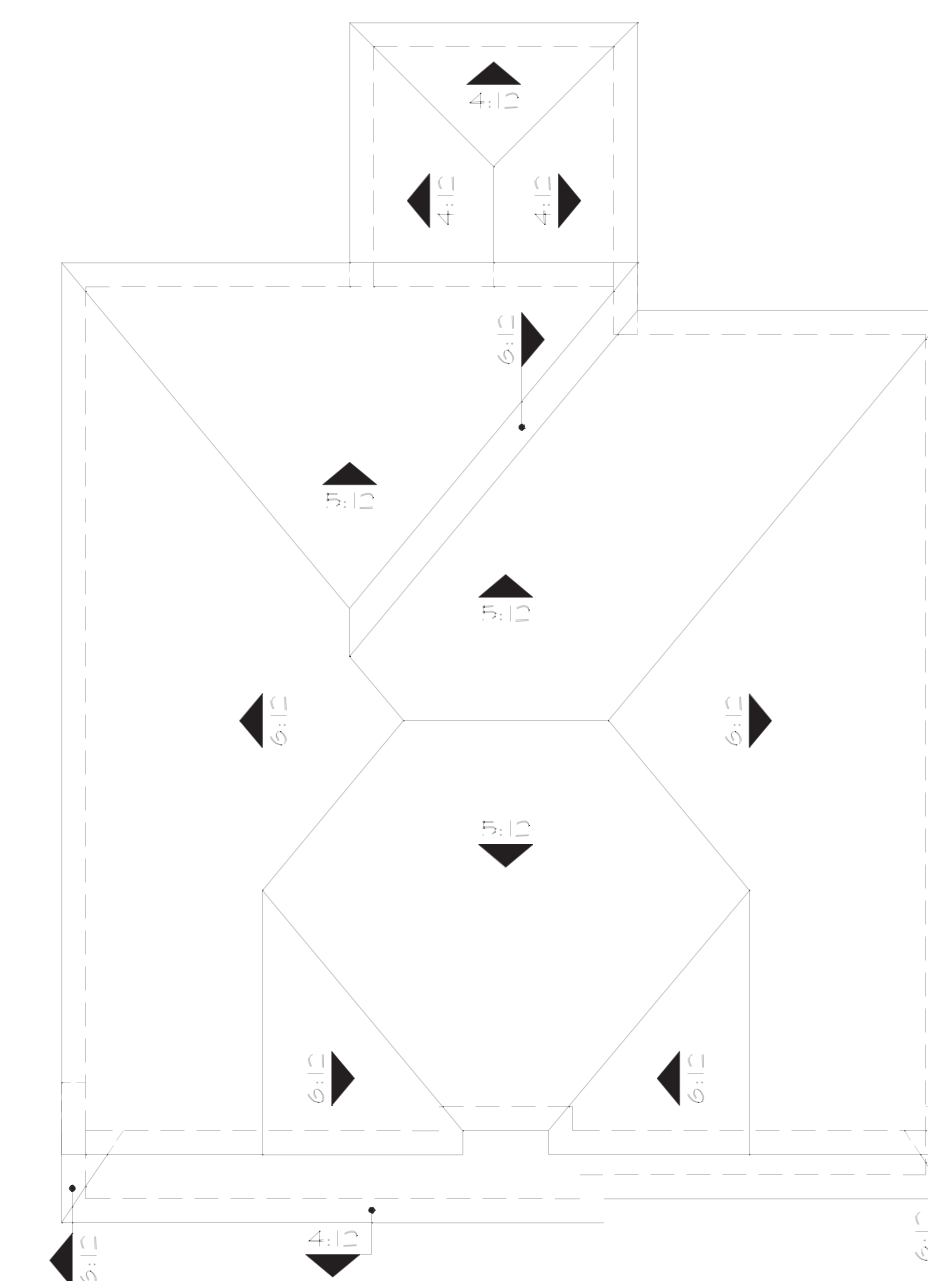
Floor Plan at Covered Patio Option



'A'



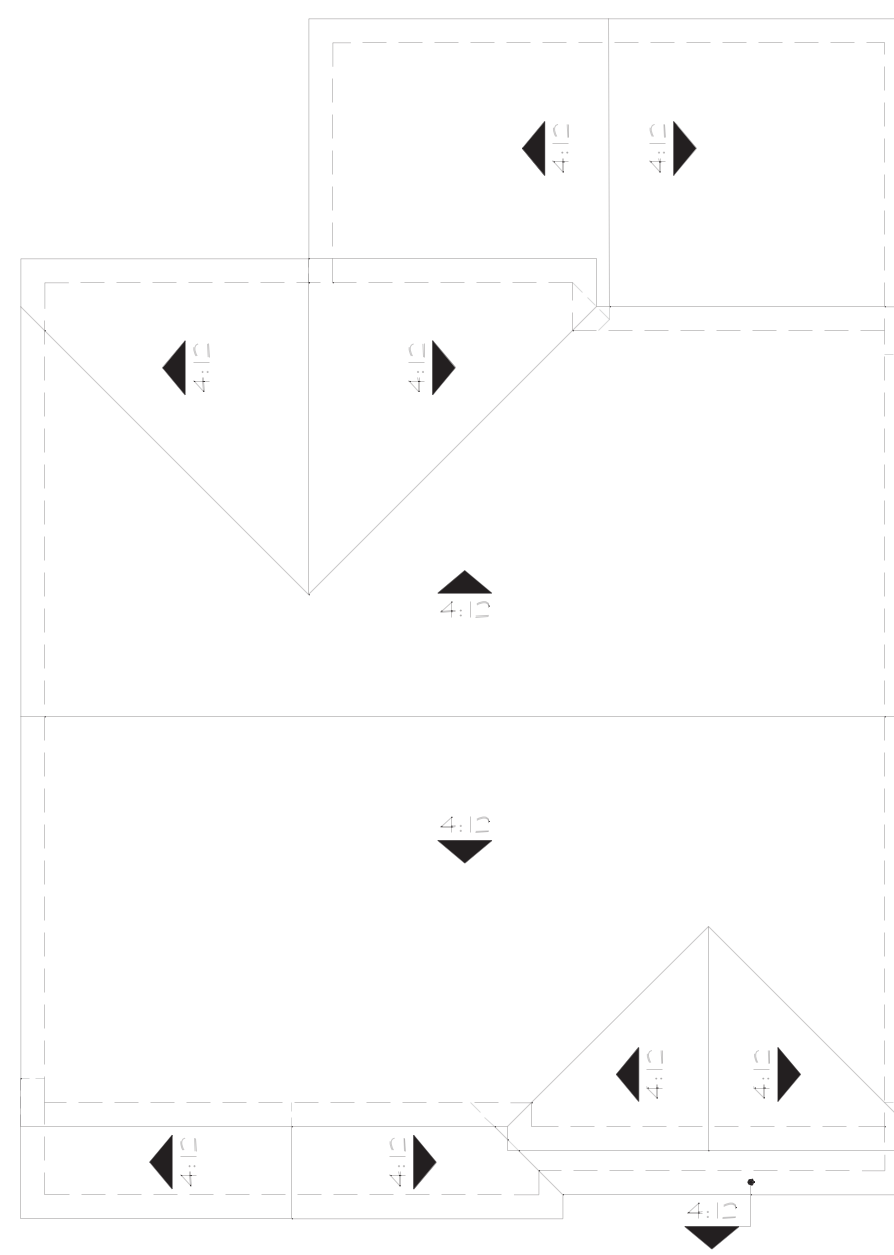
'B'



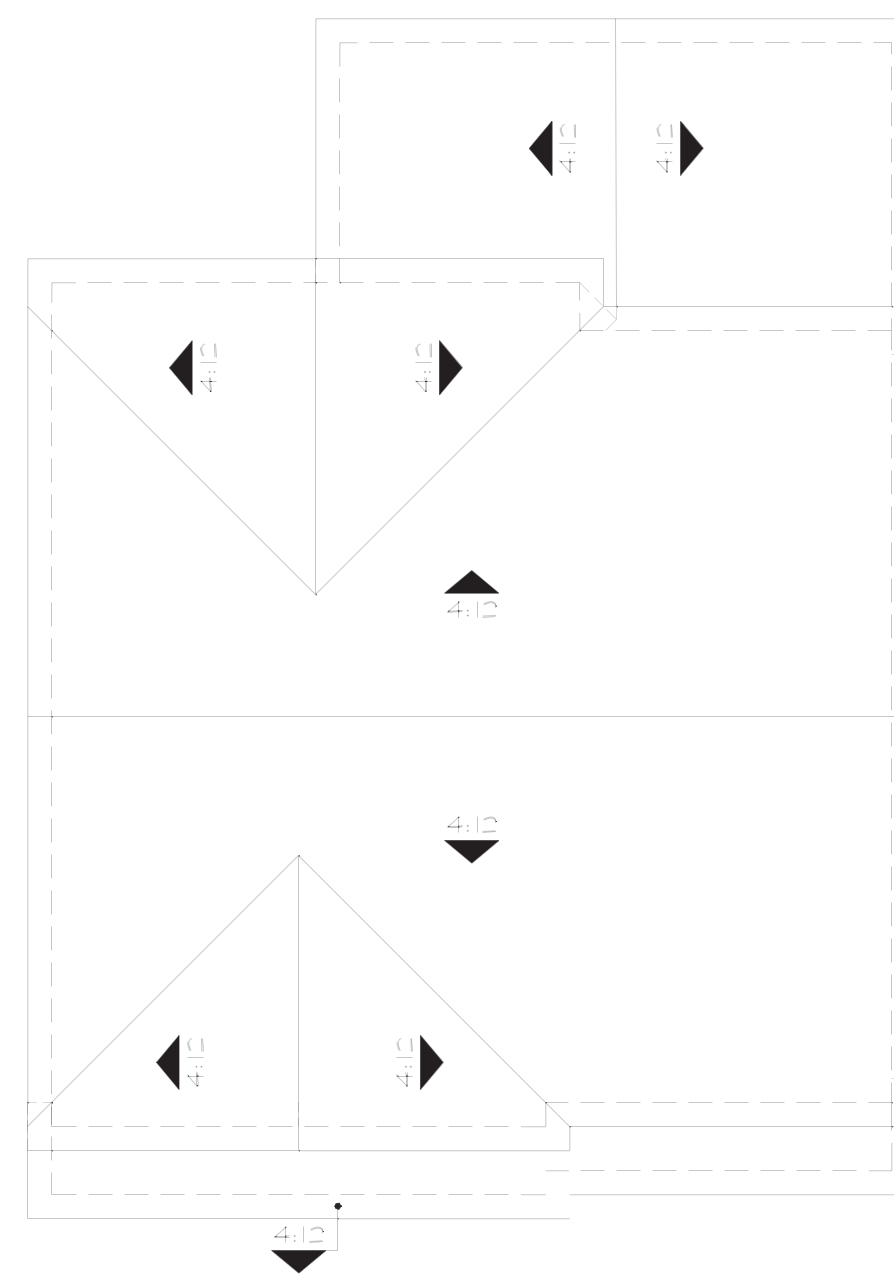
'D'

Roof Plans at Covered Patio Options

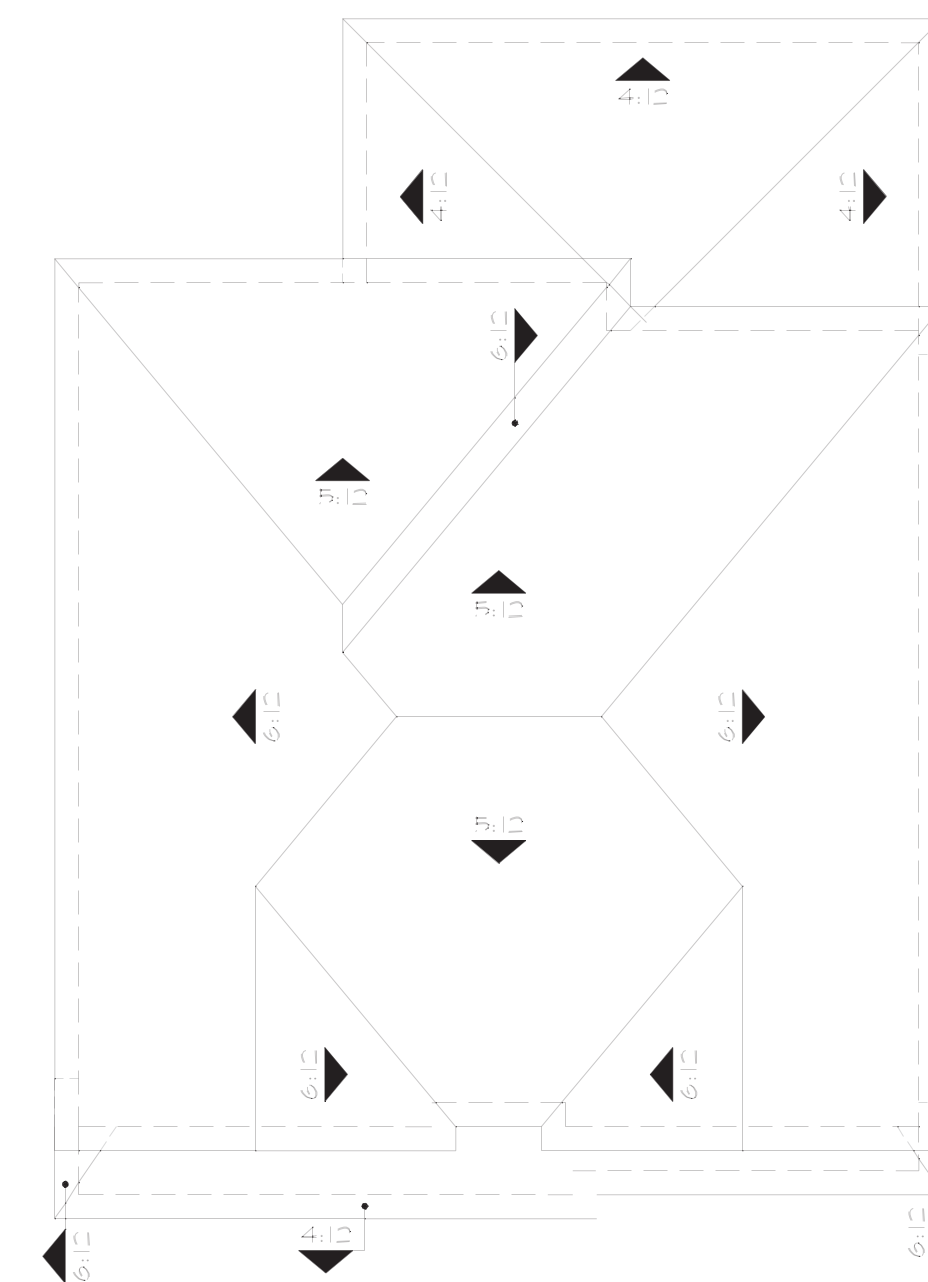
Colett Martin



'A'



'B'

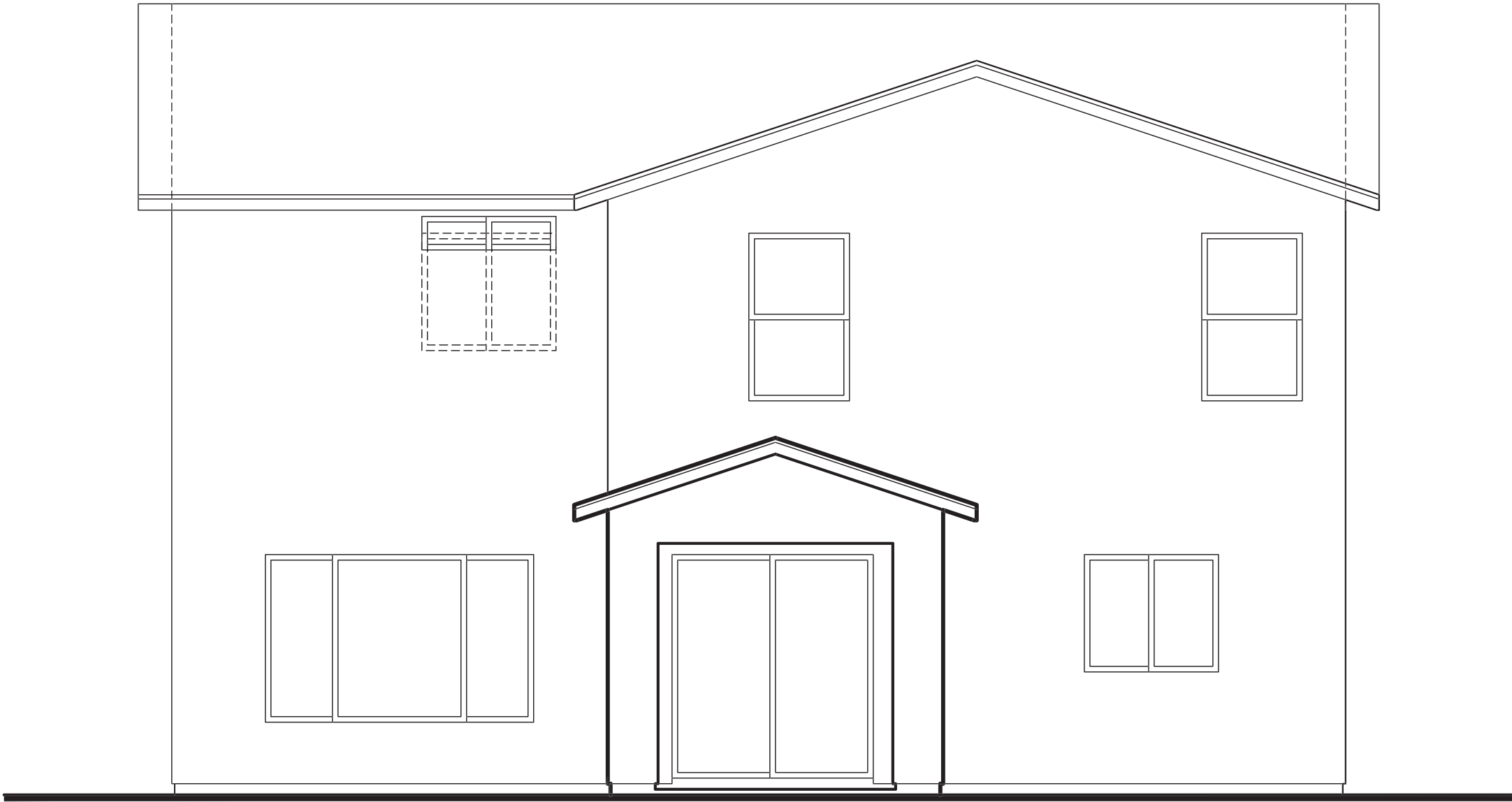


'D'

Roof Plans at Enlarged Covered Patio Option

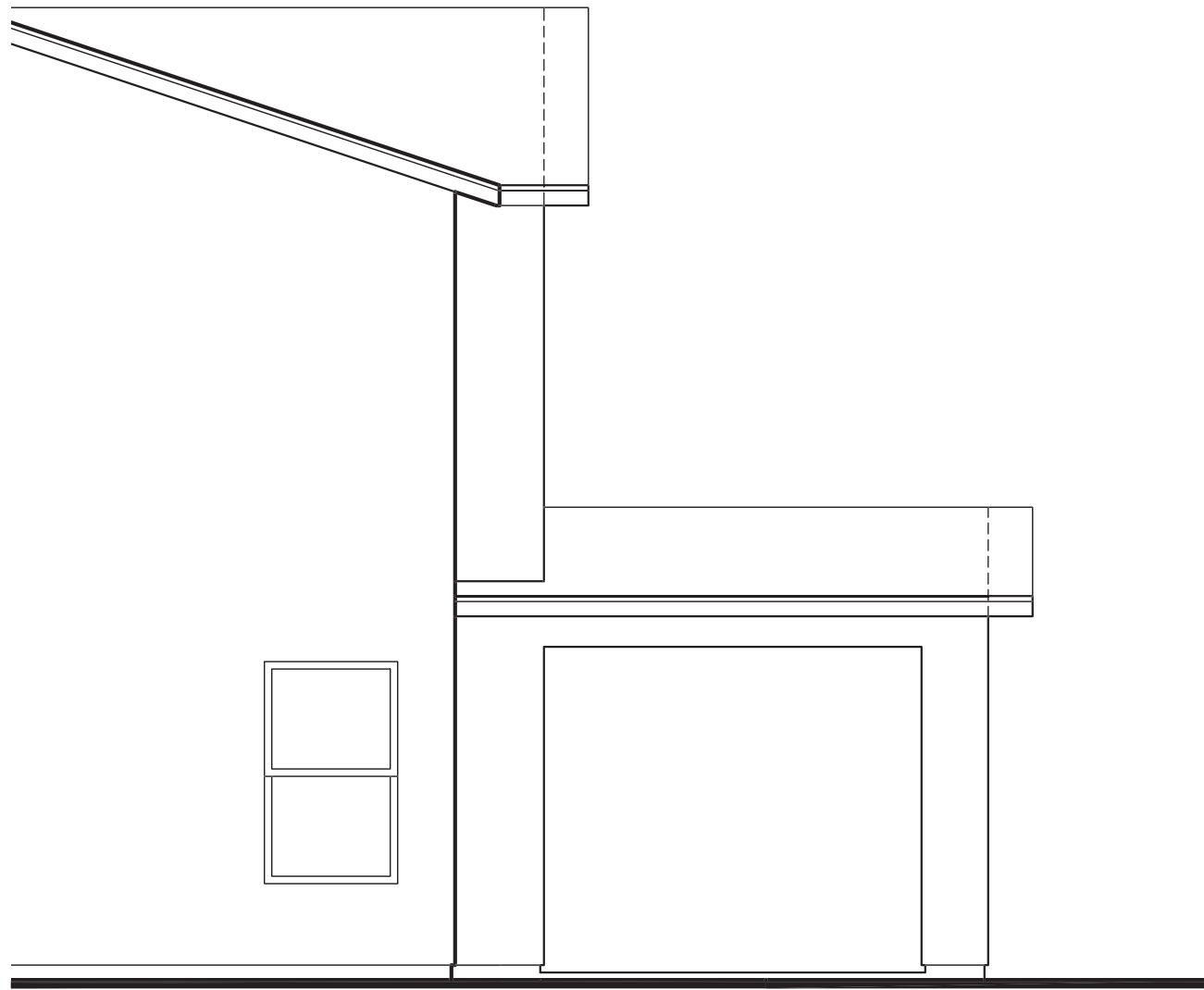
Colett Martin

PLAN 3



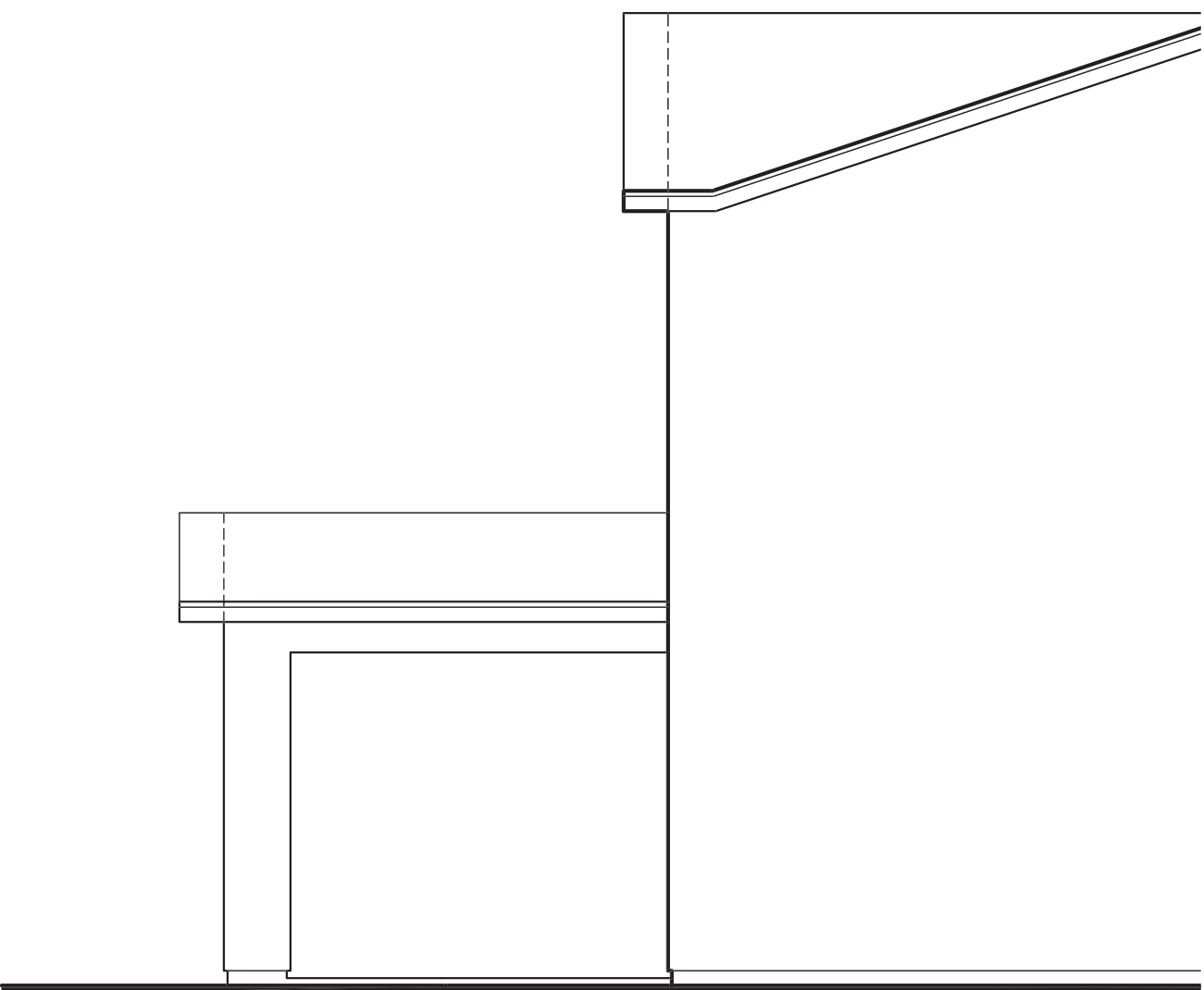
Rear Elevation 'A'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'A'

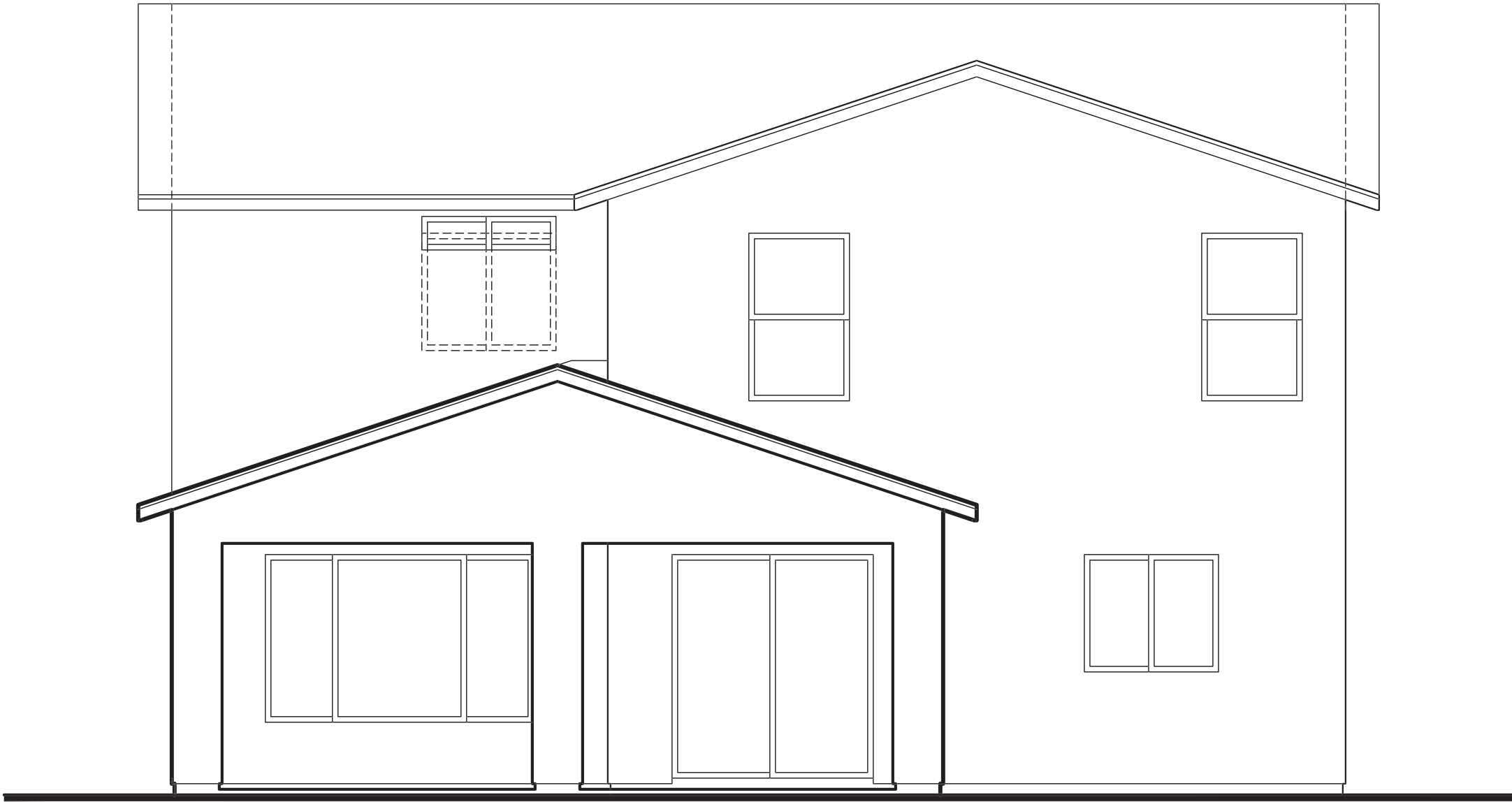
Optional Covered Patio



Left Elevation 'A'

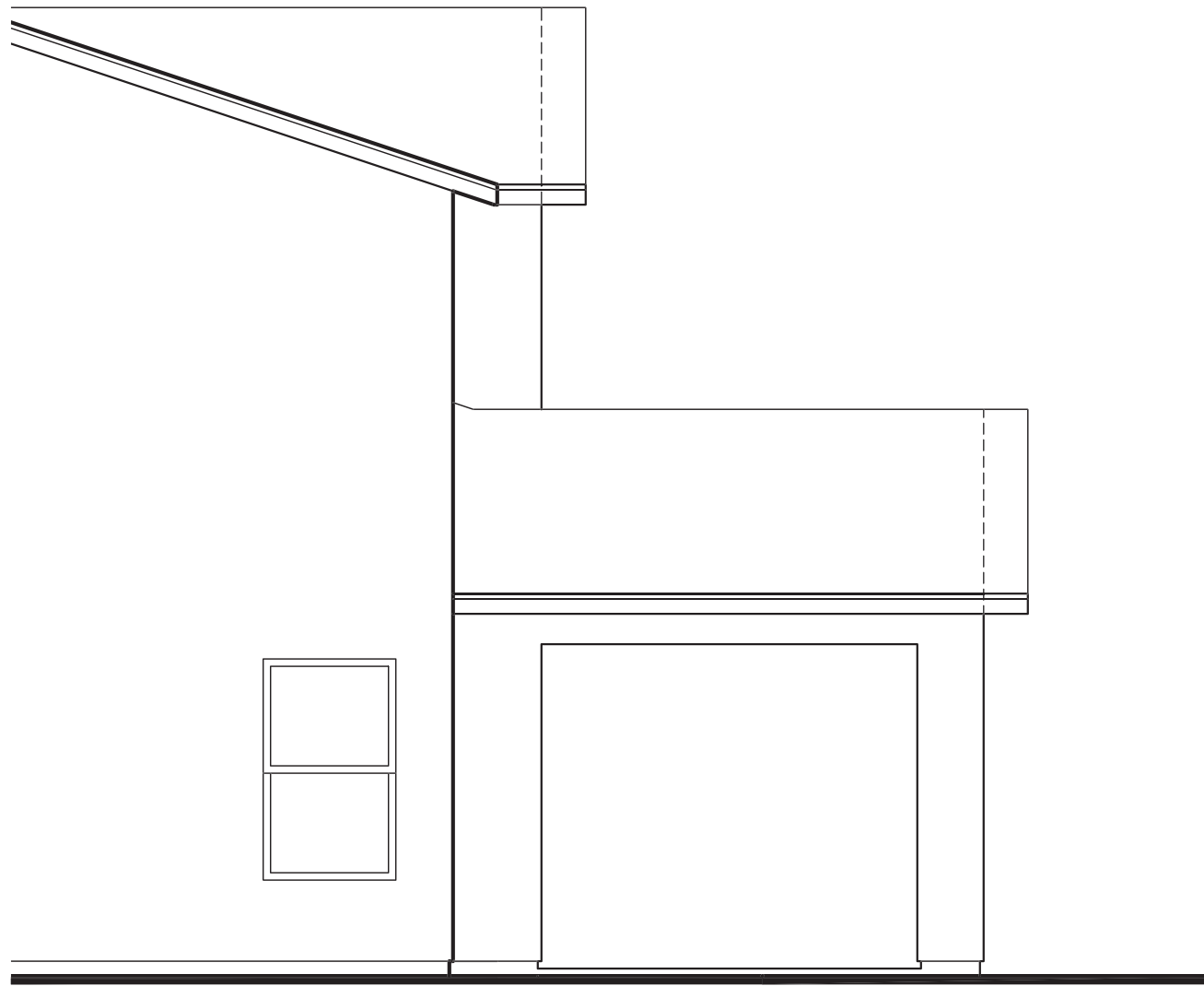
Colett Martin

PLAN 3



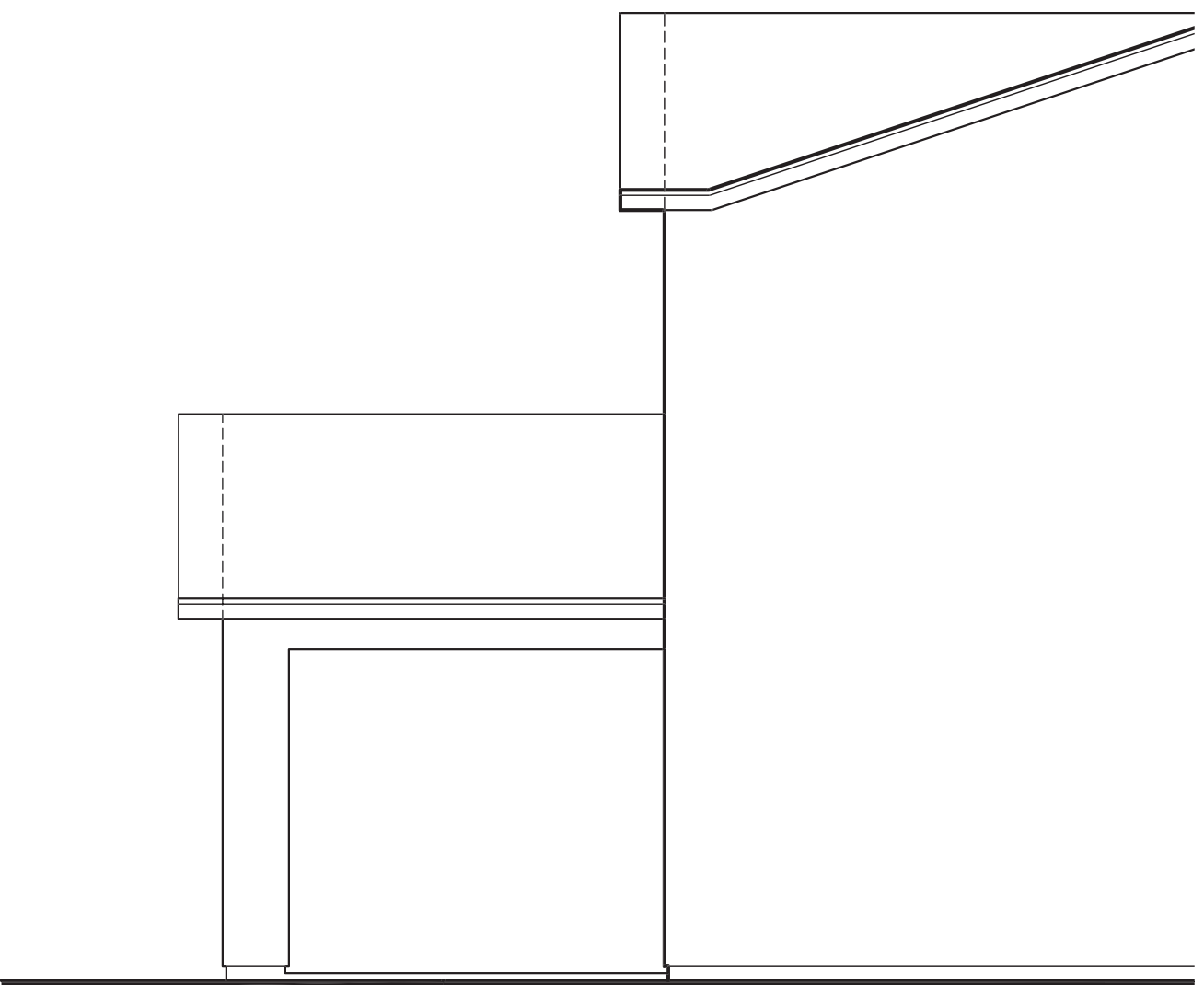
Rear Elevation 'A'

FENCE LOCATION & MATERIAL TO MATCH EXISTING APPROVED PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'A'

Optional Enlarged Covered Patio



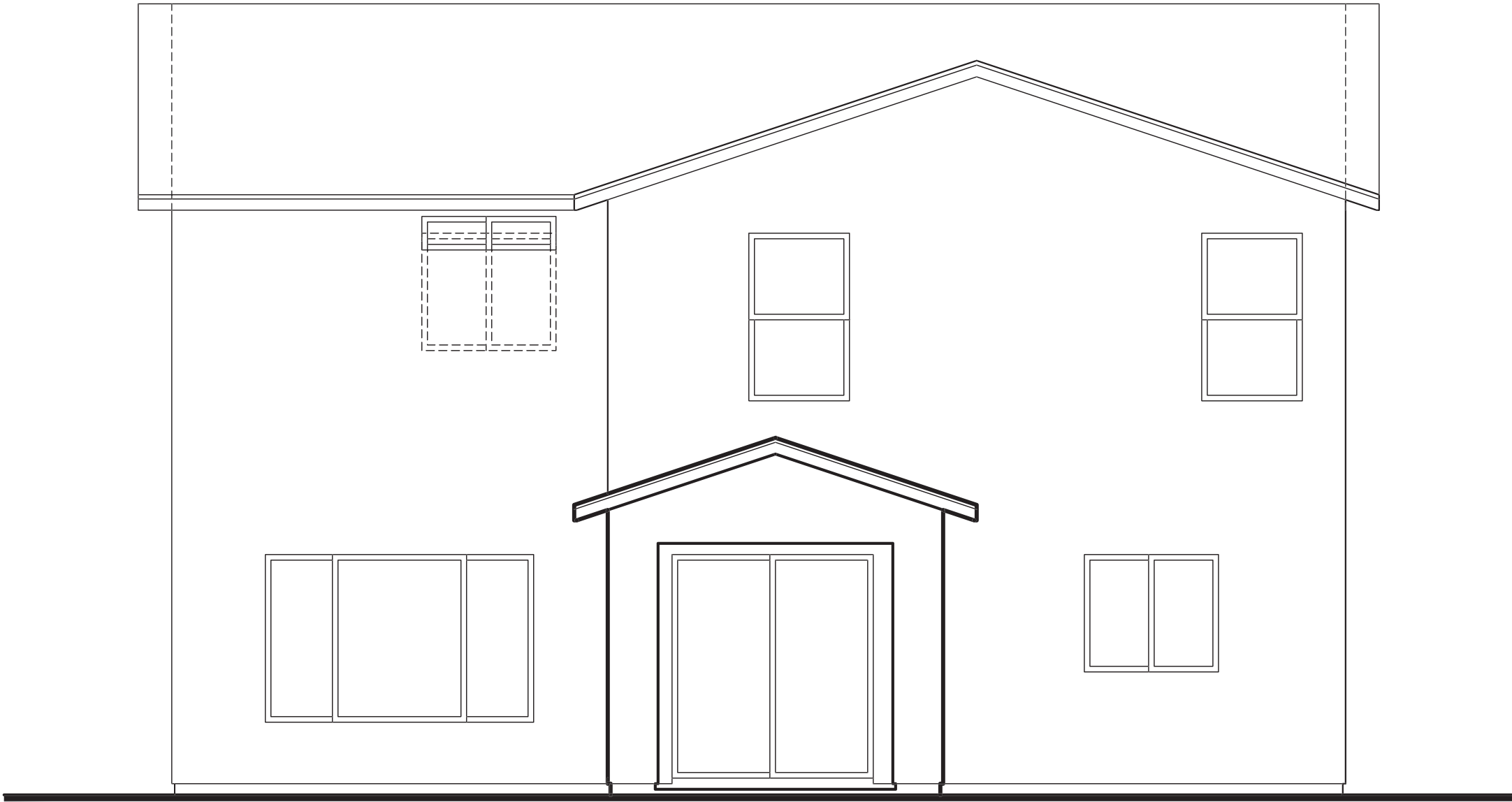
Left Elevation 'A'

Colett Martin

PLAN 3

235.1963

JOB No. : 3026-999875
STORY: Two
April 1, 2024



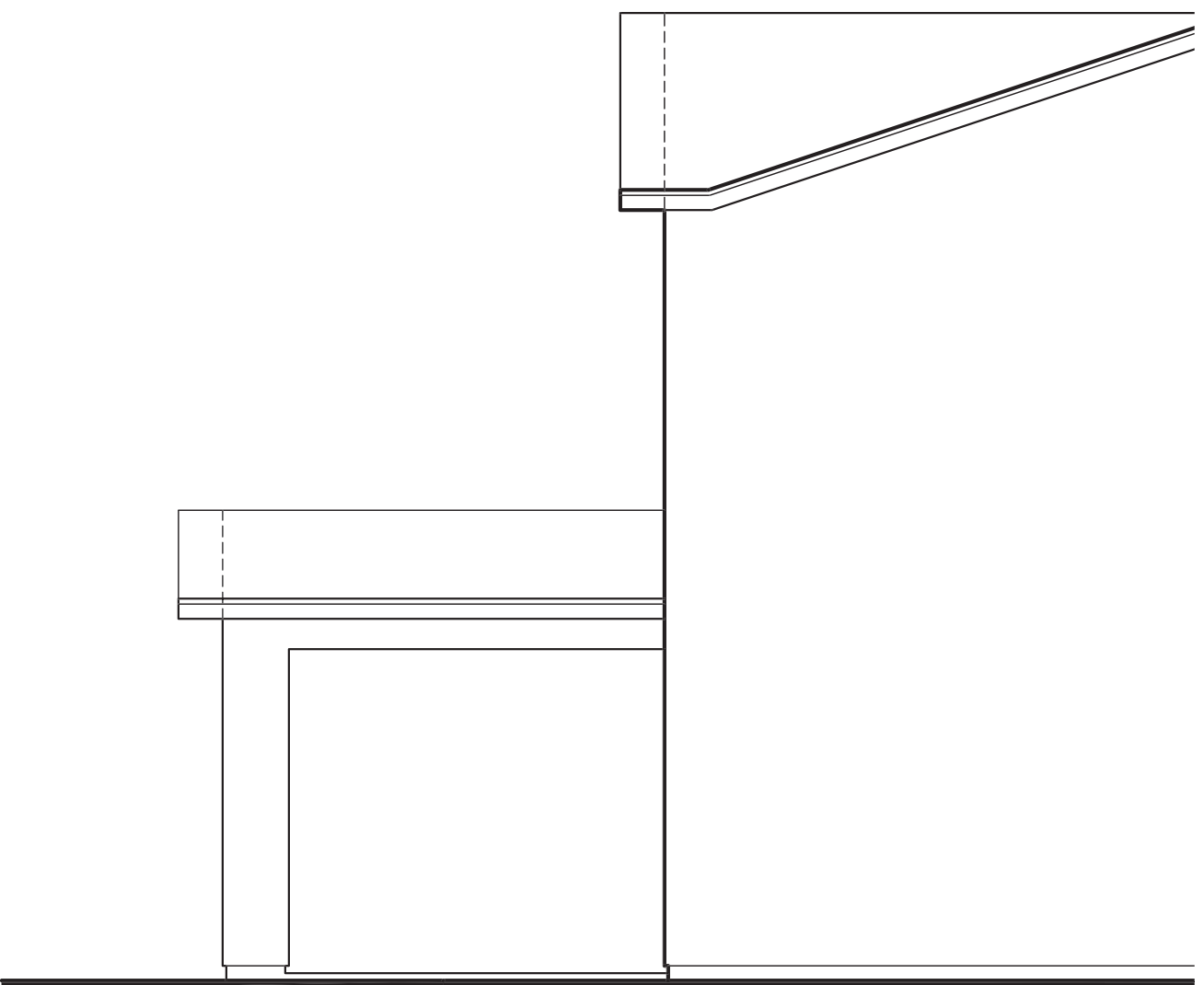
Rear Elevation 'B'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'B'

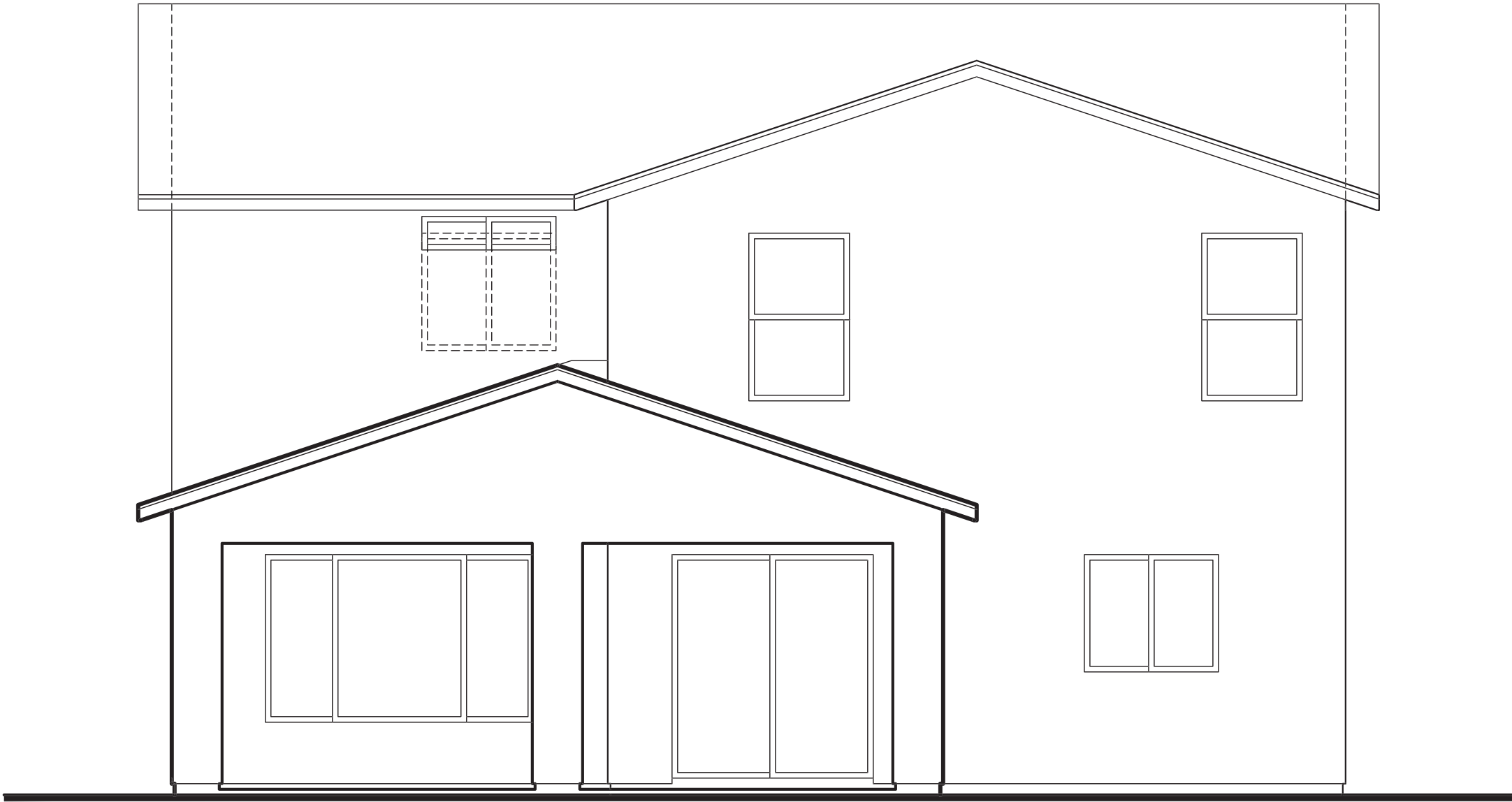
Optional Covered Patio



Left Elevation 'B'

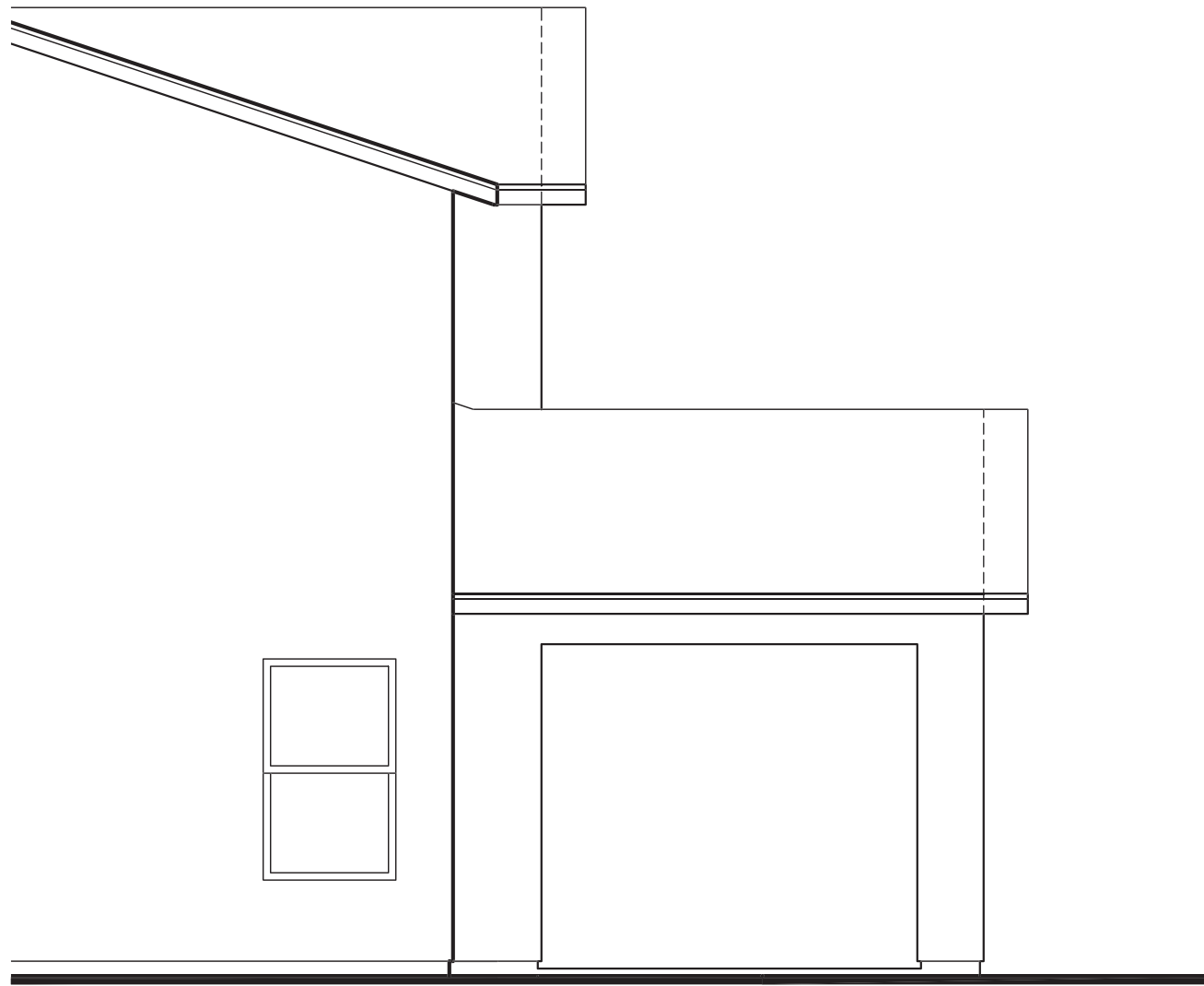
Colett Martin

PLAN 3



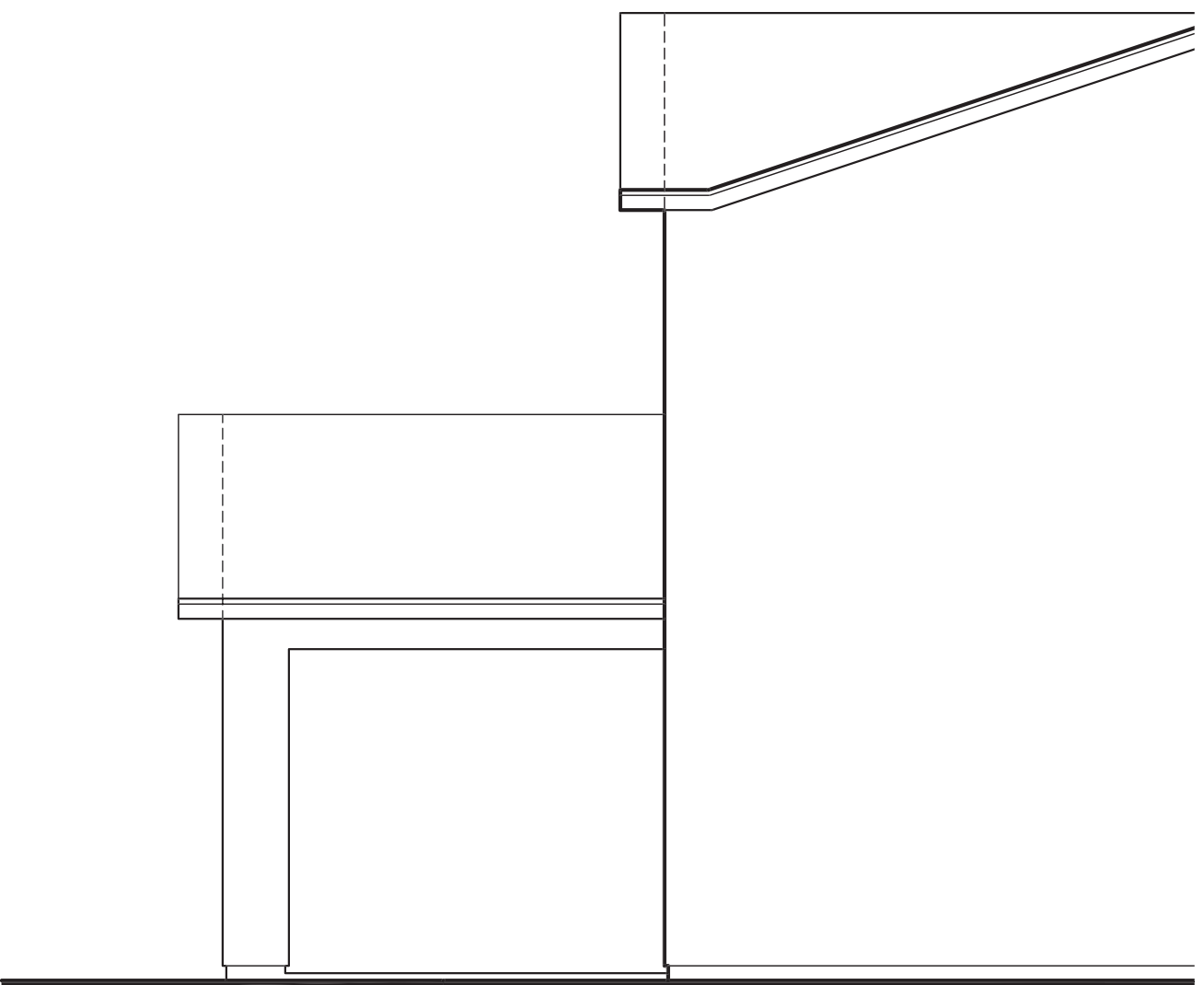
Rear Elevation 'B'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'B'

Optional Enlarged Covered Patio



Left Elevation 'B'

Colett Martin

PLAN 3

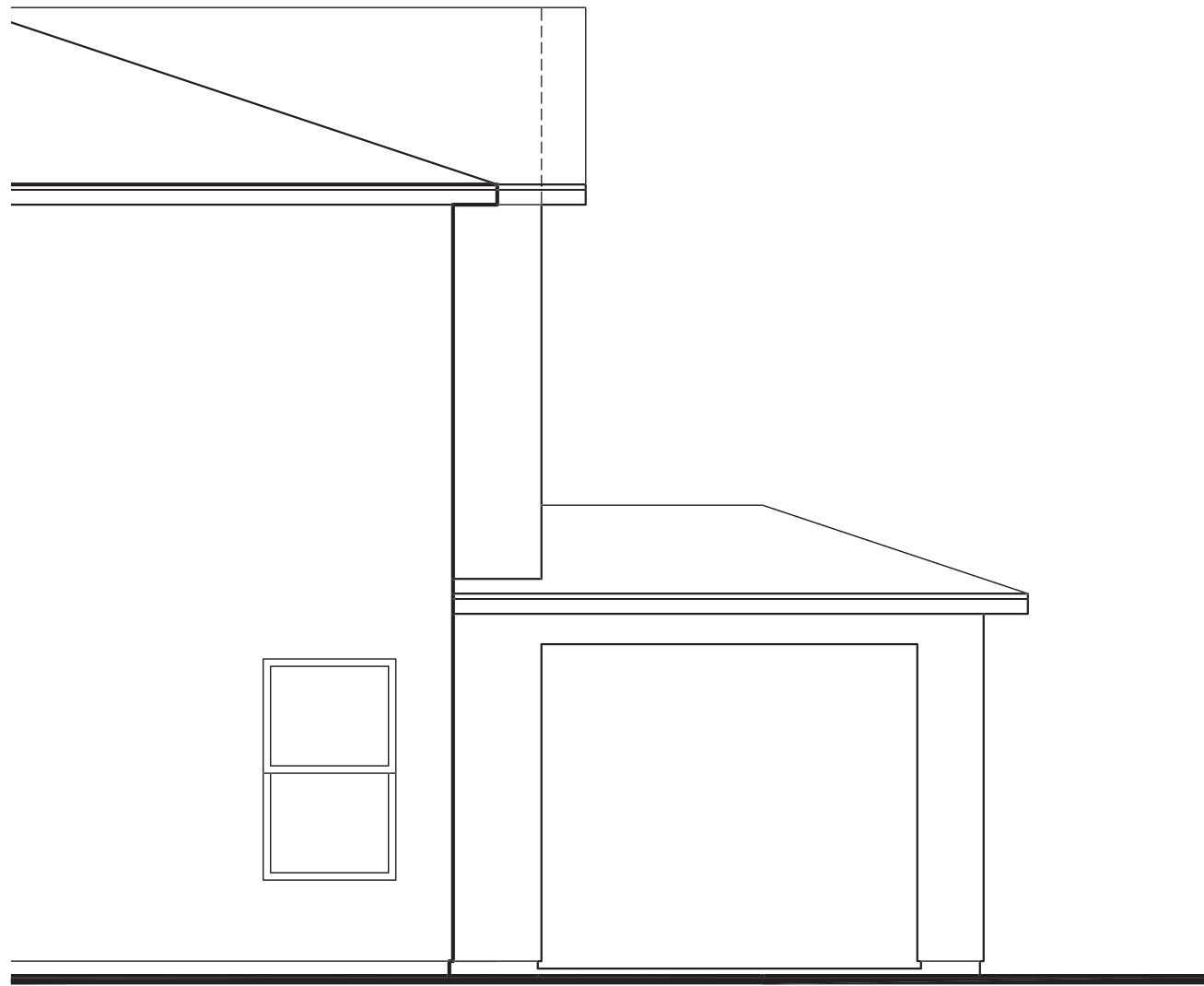
235.1963

JOB No. : 3026-999875
STORY: Two
April 1, 2024



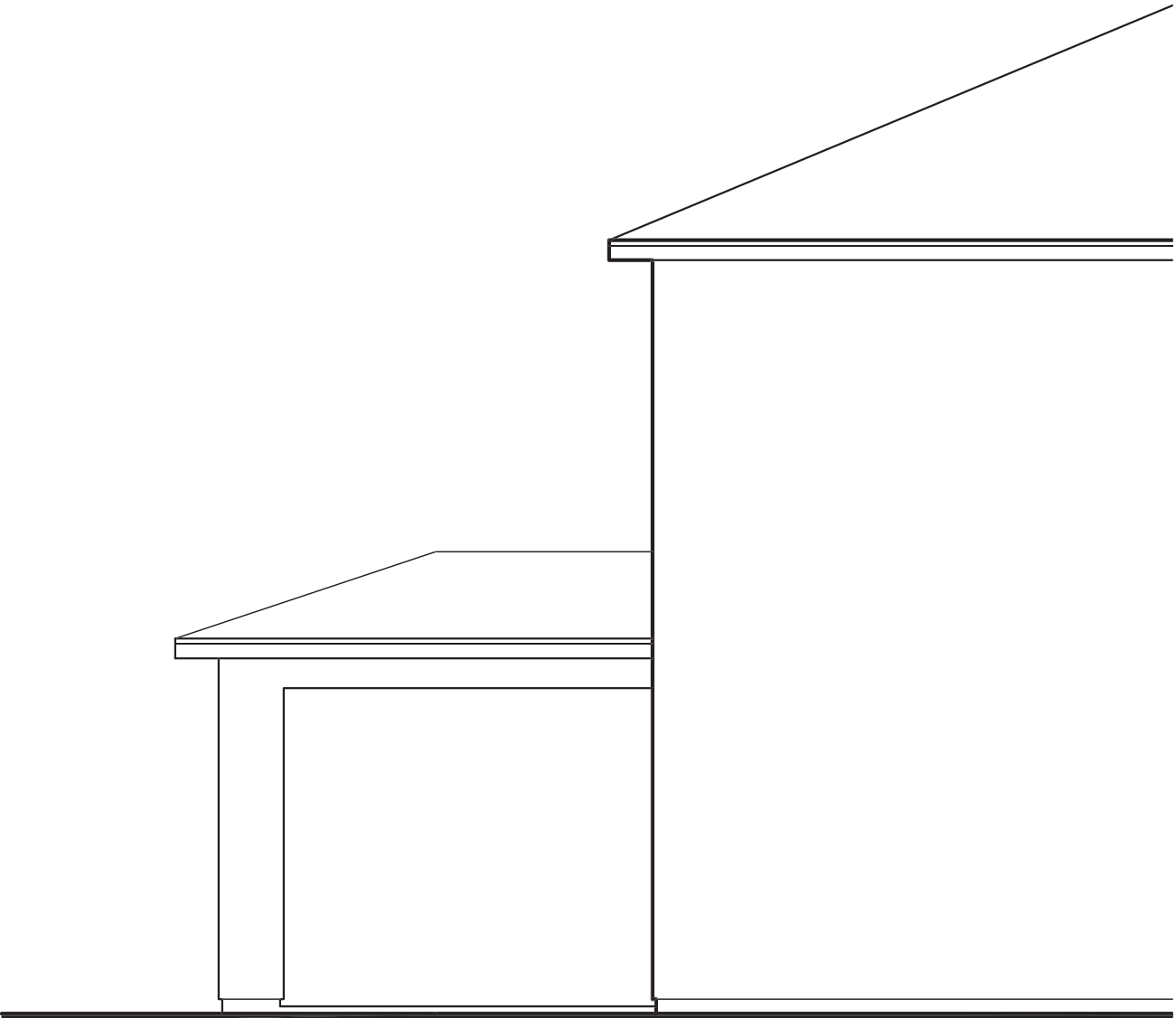
Rear Elevation 'D'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'D'

Optional Covered Patio

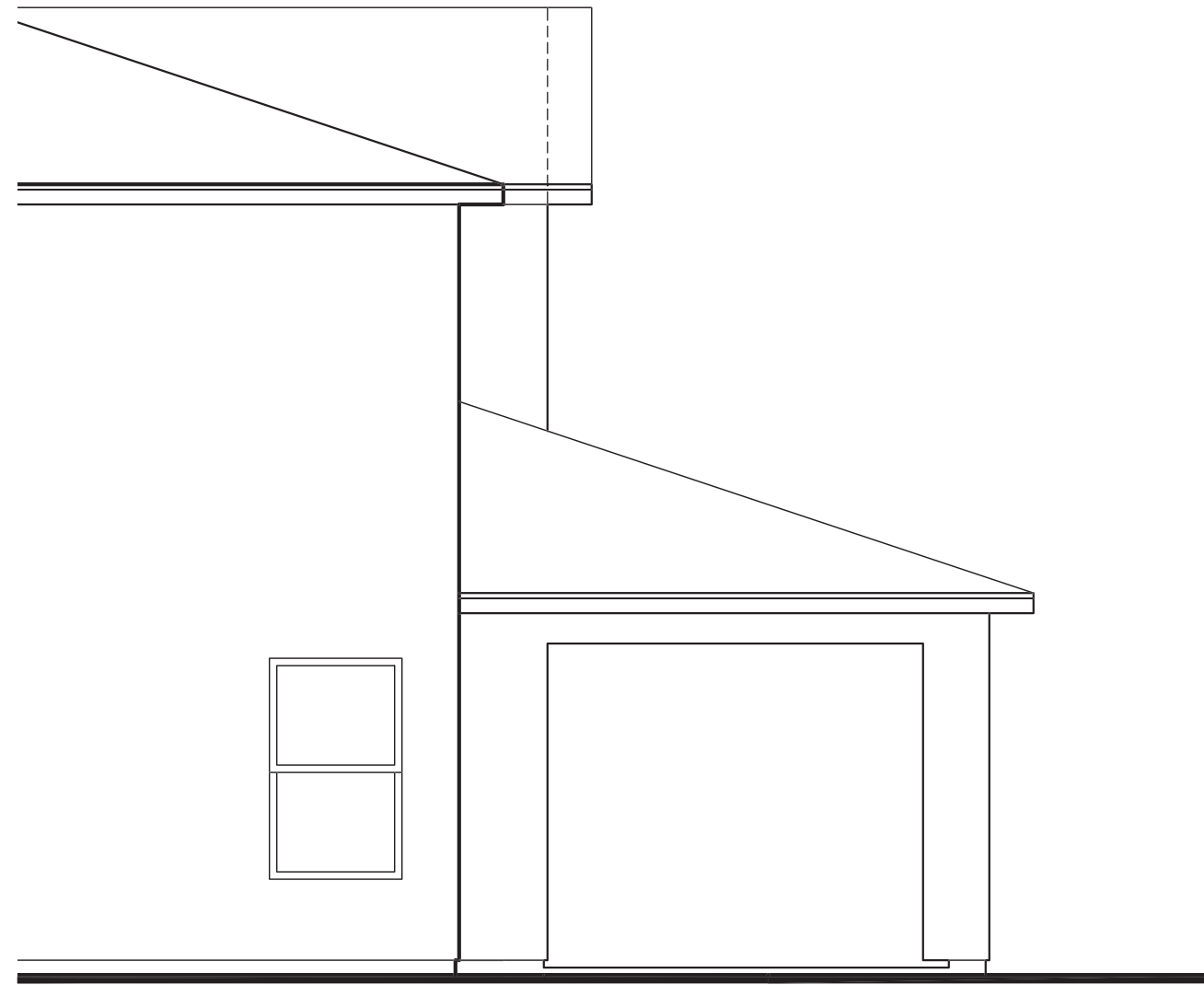


Left Elevation 'D'

Colett Martin

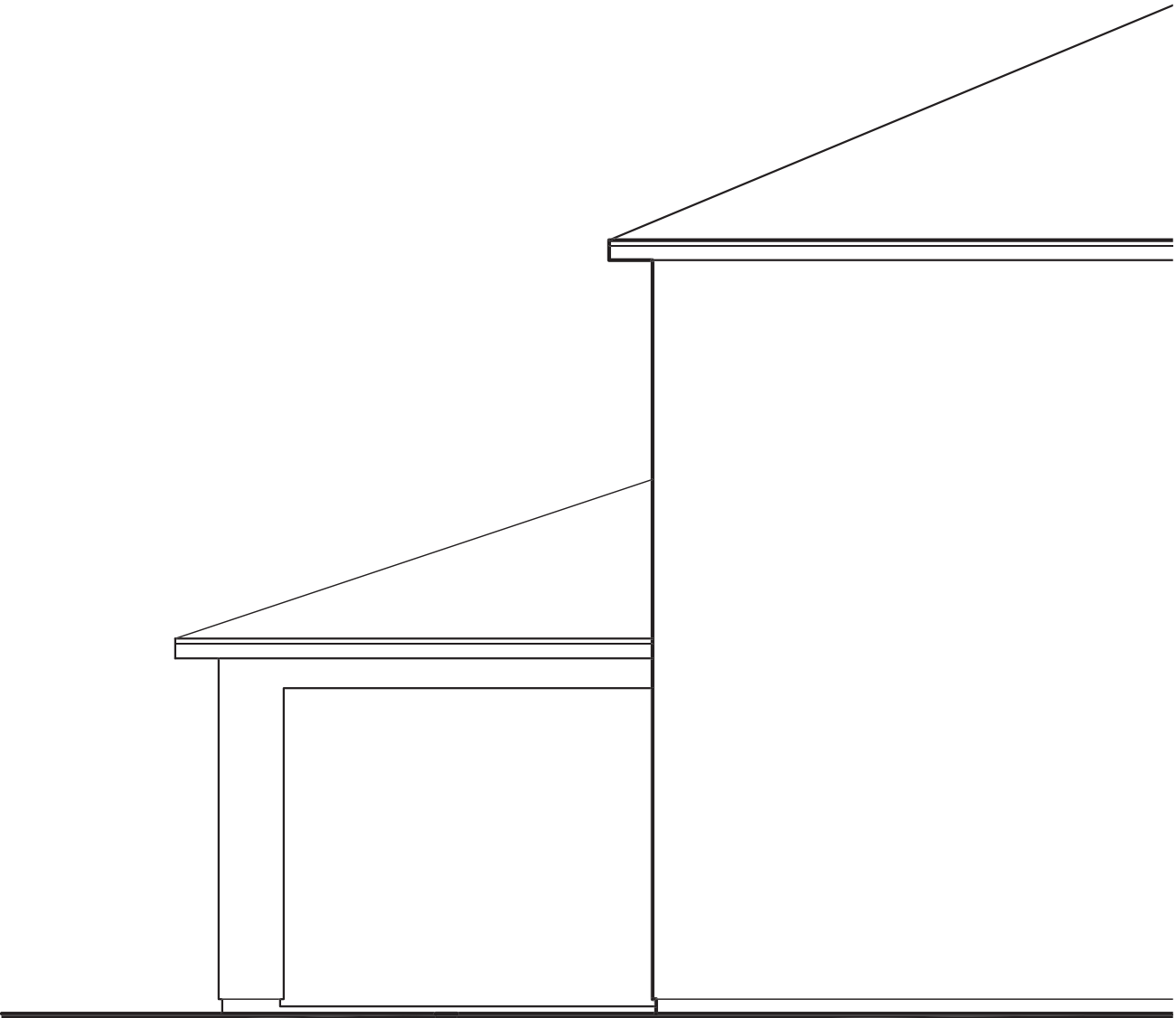


Rear Elevation 'D'



Right Elevation 'D'

Optional Enlarged Covered Patio



Left Elevation 'D'

Colett Martin

PLAN 3

235.1963

JOB No. : 3026-999875
STORY: Two
April 1, 2024

ELEVATION LEGEND

- 1 CONCRETE 'S' TILE ROOFING
- 2 CONCRETE FLAT TILE ROOFING
- 3 WOOD FASCIA BOARD
- 4 STUCCO FINISH
- 5 STUCCO OVER FOAM TRIM
- 6 STUCCO OVER FOAM CORBELS
- 7 DECORATIVE STUCCO COLUMNS (STUCCO OVER WOOD FRAMING)
- 8 PRE-FAB WINDOW SYSTEM
- 9 COMPOSITE ENTRY DOOR
- 10 METAL ROLL-UP GARAGE DOOR
- 11 DECORATIVE FOAM SHUTTERS
- 12 STUCCO OVER SHAPED FOAM TRIM
- 13 DECORATIVE STUCCO RECESS
- 14 FIBER CEMENT SIDING
- 15 DECORATIVE CLAY PIPES
- 16 STONE VENEER
- 17 DECORATIVE FOAM VENTS
- 18 COACH LIGHT
- 19 DECORATIVE BOARD & BATTEN
- 20 WOOD POST
- 21 BRICK VENEER
- 22 DECORATIVE OUTLOOKER



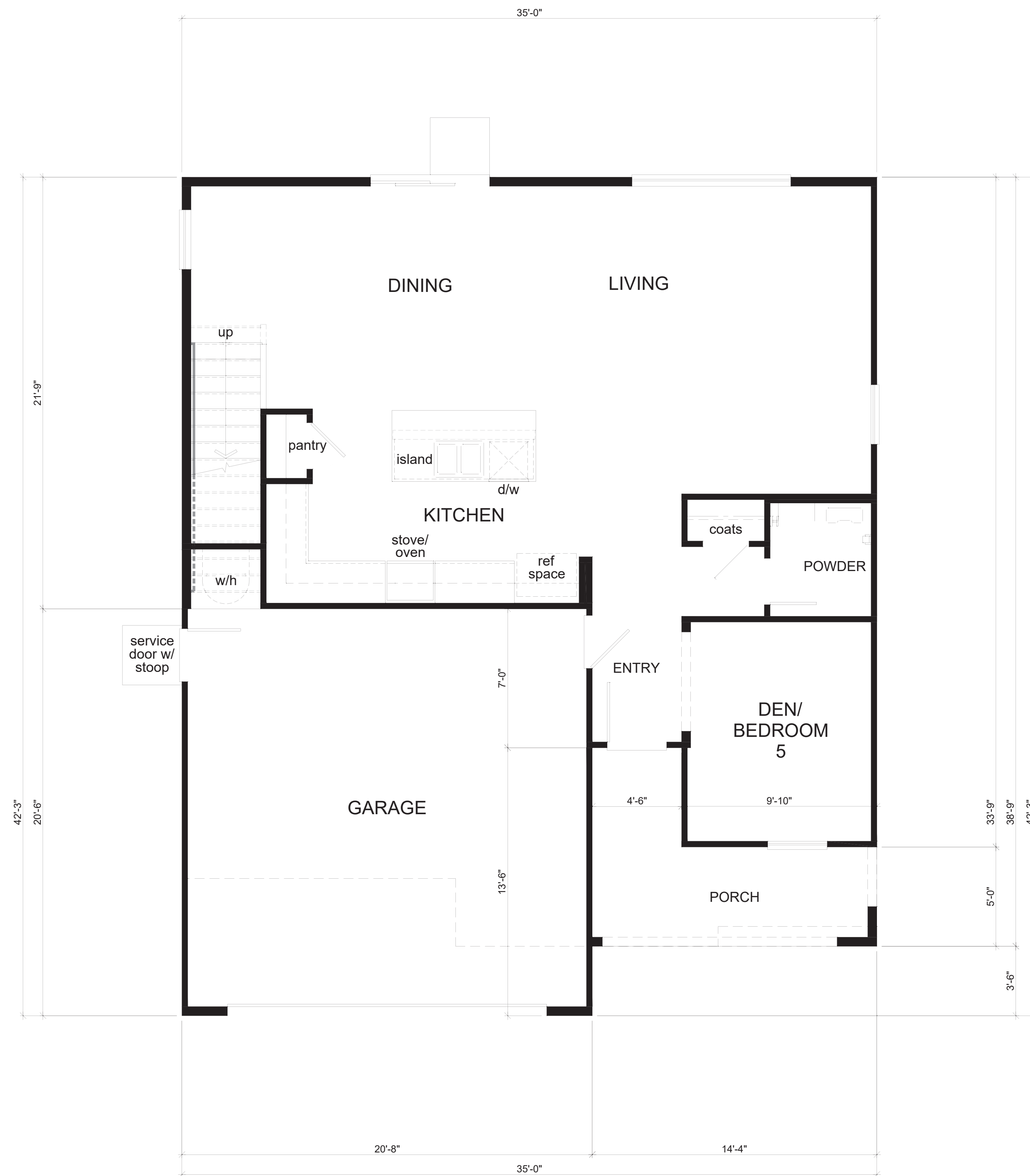
Elevation 'A' - Spanish



Elevation 'B' - Craftsman



Elevation 'D' - French Cottage



First Floor Plan 'A'

SQUARE FOOTAGE				
PLAN 235.2162				
	A	B	D	Sq. FT.
FIRST FLOOR AREA	110	110	110	Sq. FT.
SECOND FLOOR AREA	1250	1250	1250	Sq. FT.
TOTAL AREA	2160	2160	2160	Sq. FT.
GARAGE AREA	434	434	434	Sq. FT.
PORCH AREA	114	114	114	Sq. FT.
LOFT AREA	115	115	115	Sq. FT.
COVERED PATIO AREA	175	175	175	Sq. FT.
UNCOVERED PATIO AREA	175	175	175	Sq. FT.

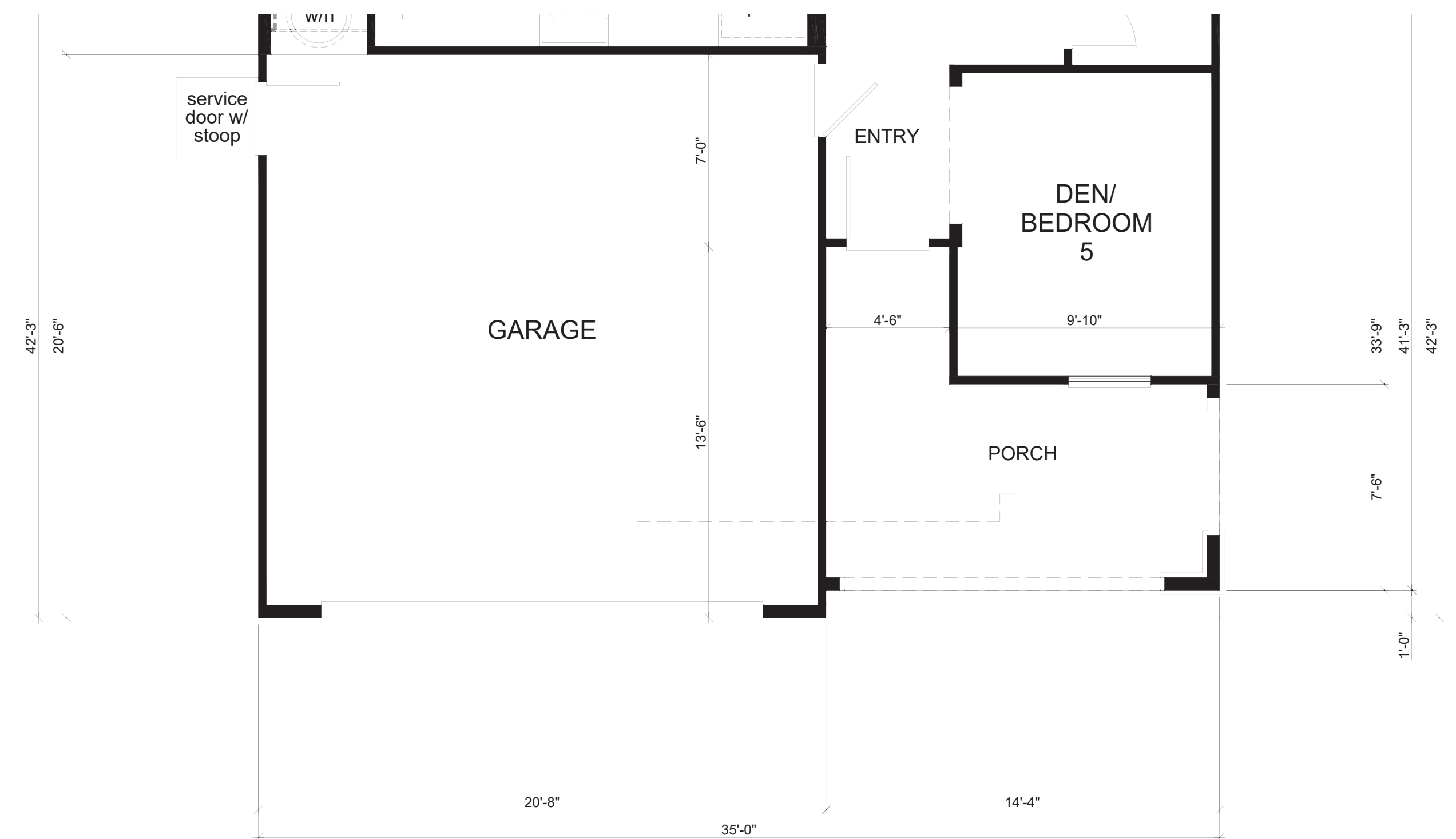
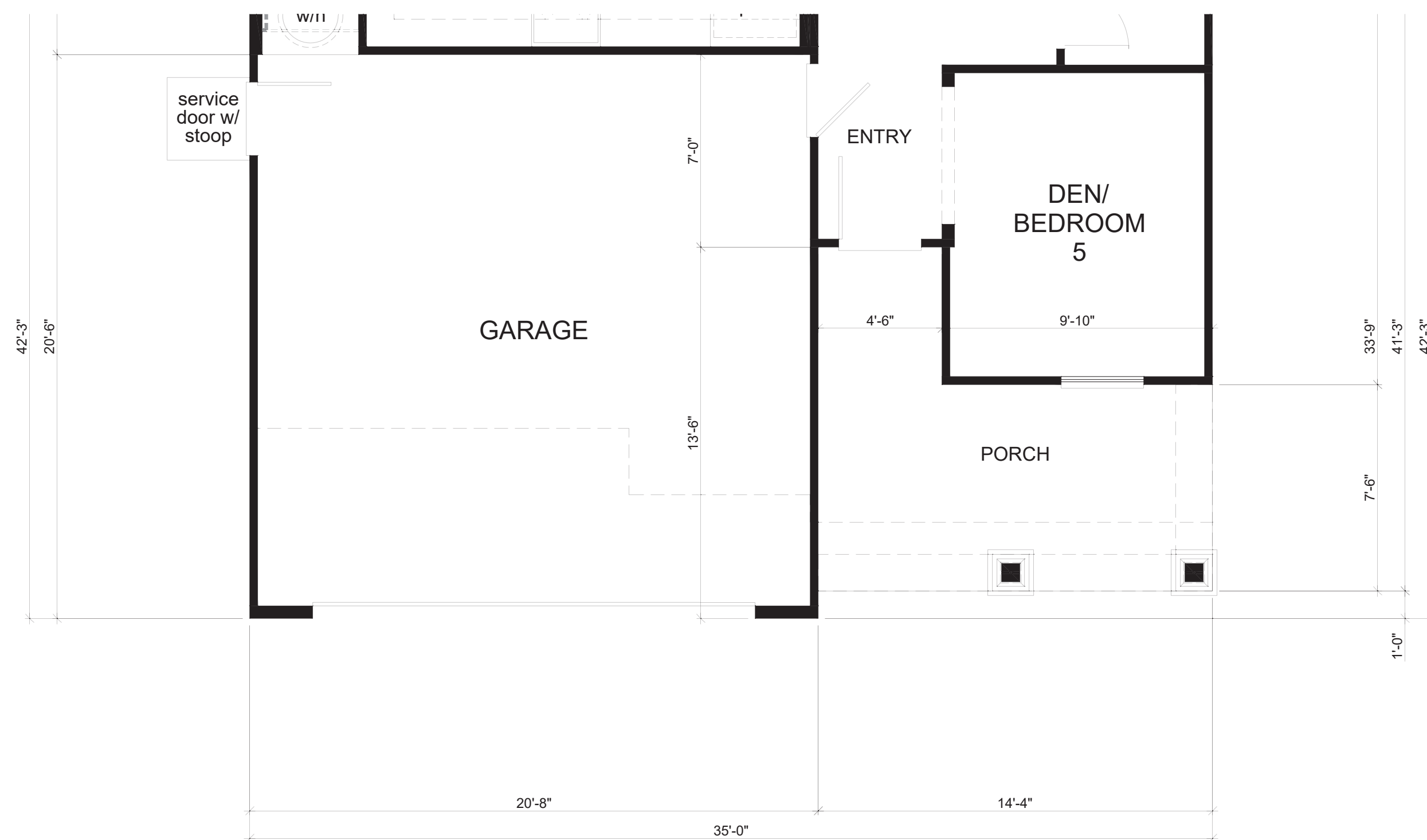


Second Floor Plan 'A'



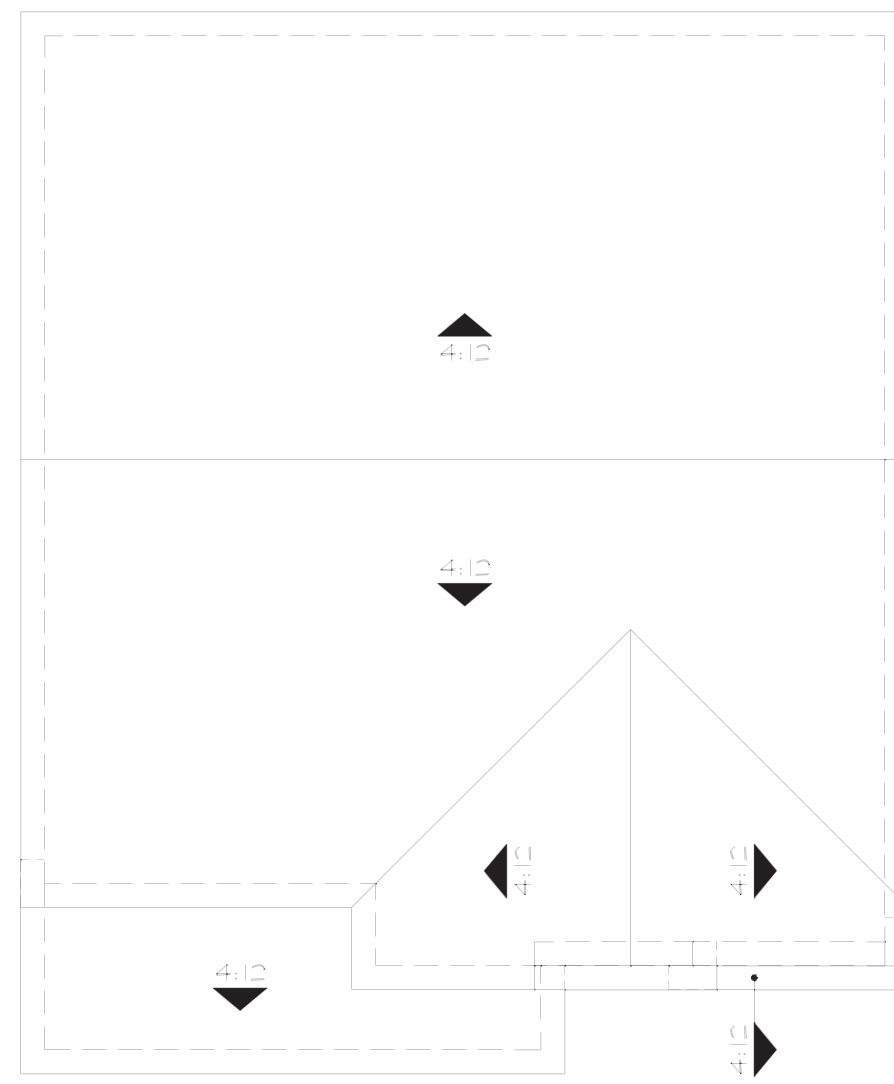
Second Floor Plan 'B'

Second Floor Plan 'D'

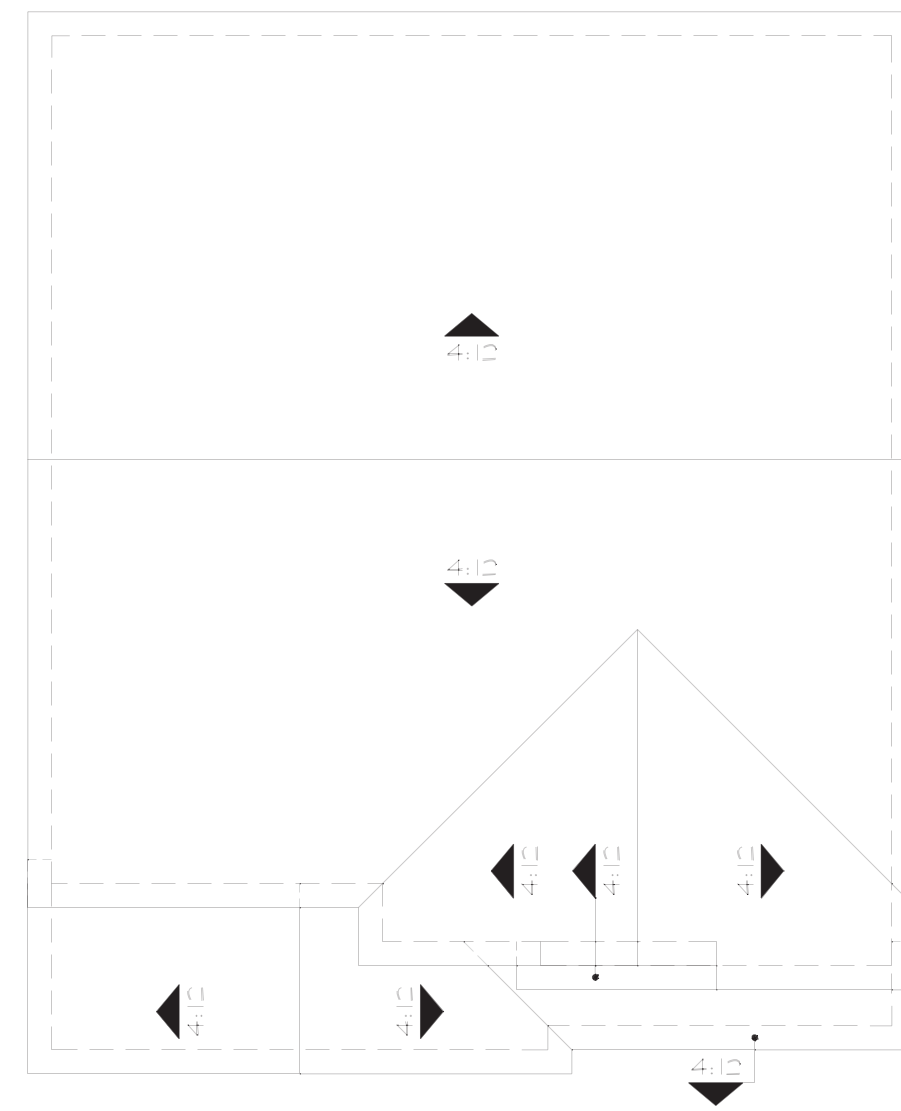


First Floor Plan 'B'

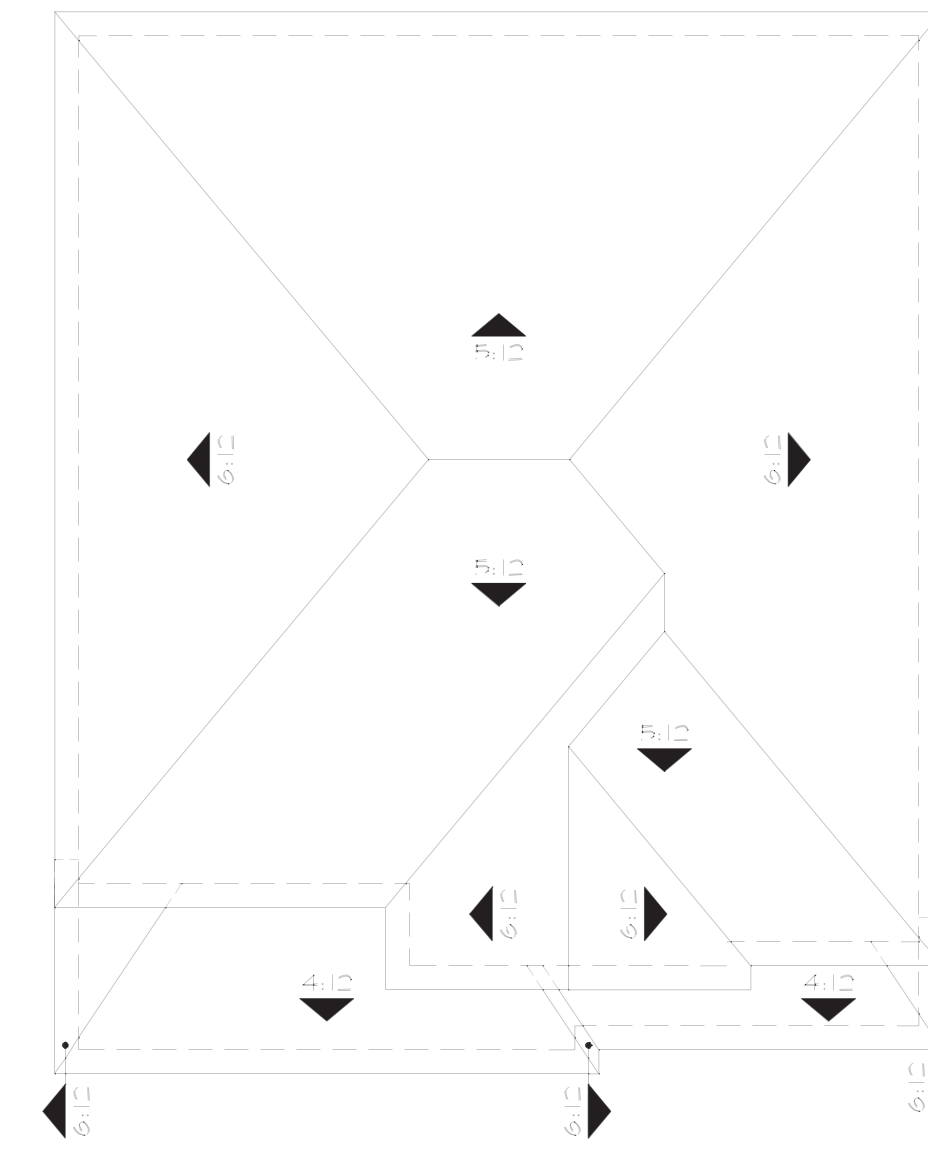
First Floor Plan 'D'



'A'



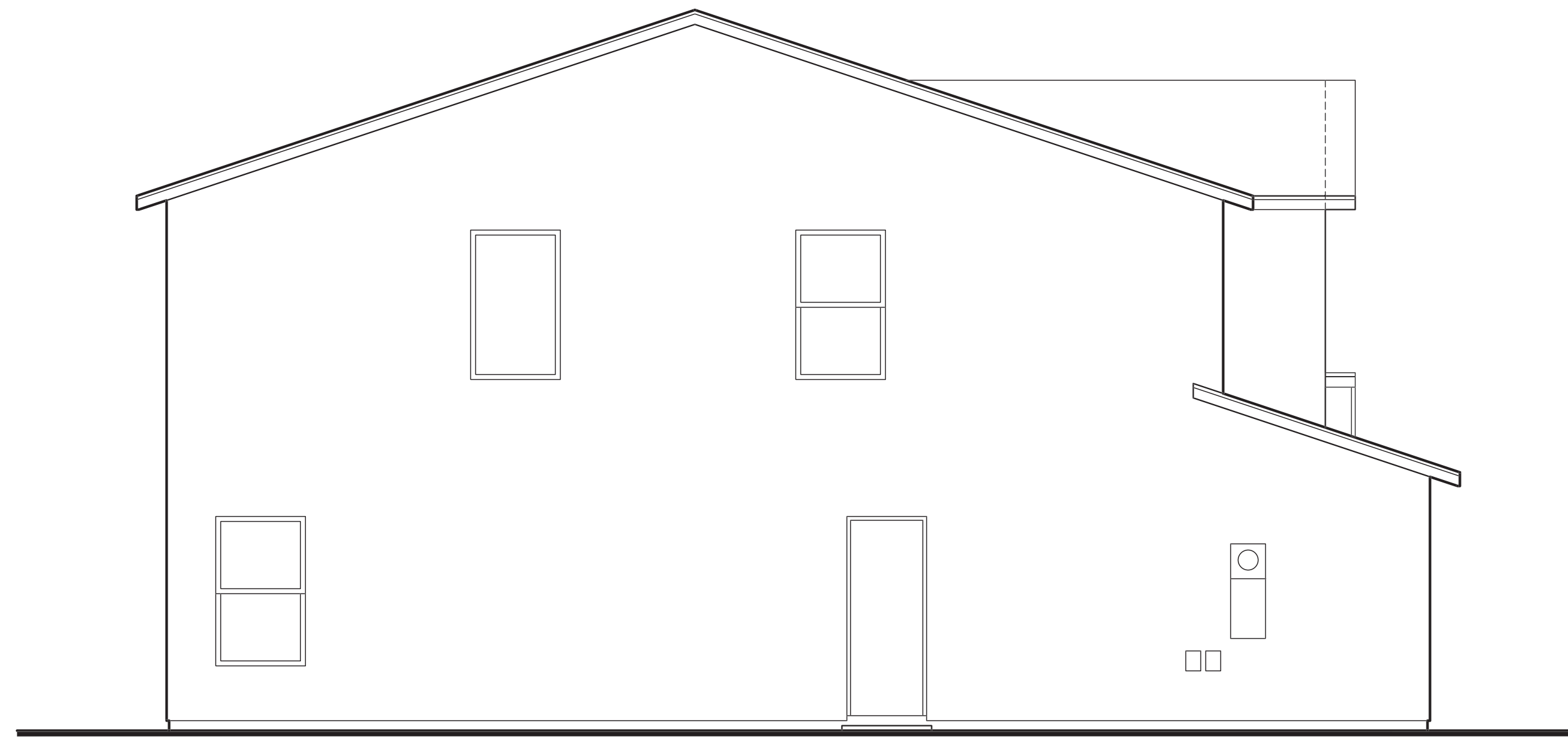
'B'



'D'

Roof Plans

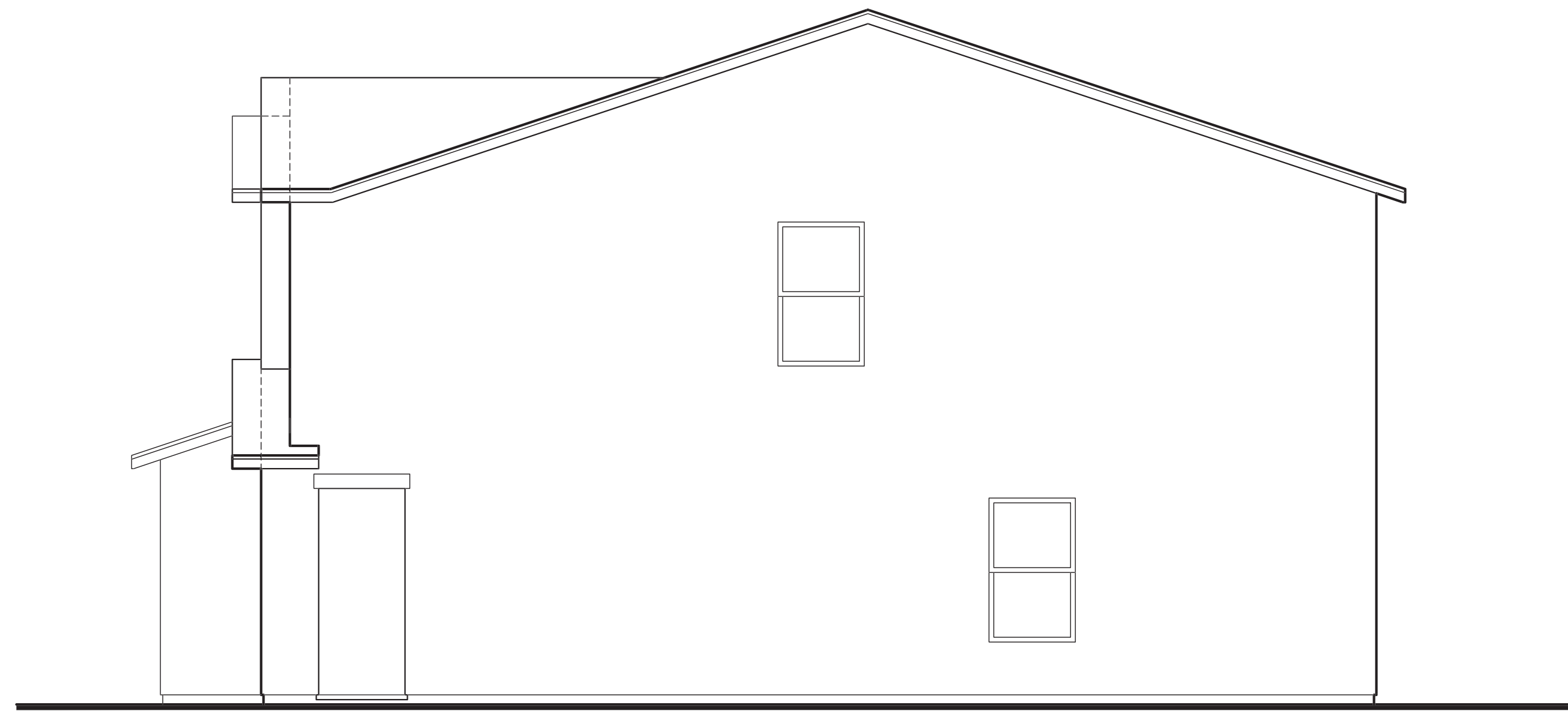
Colett Martin



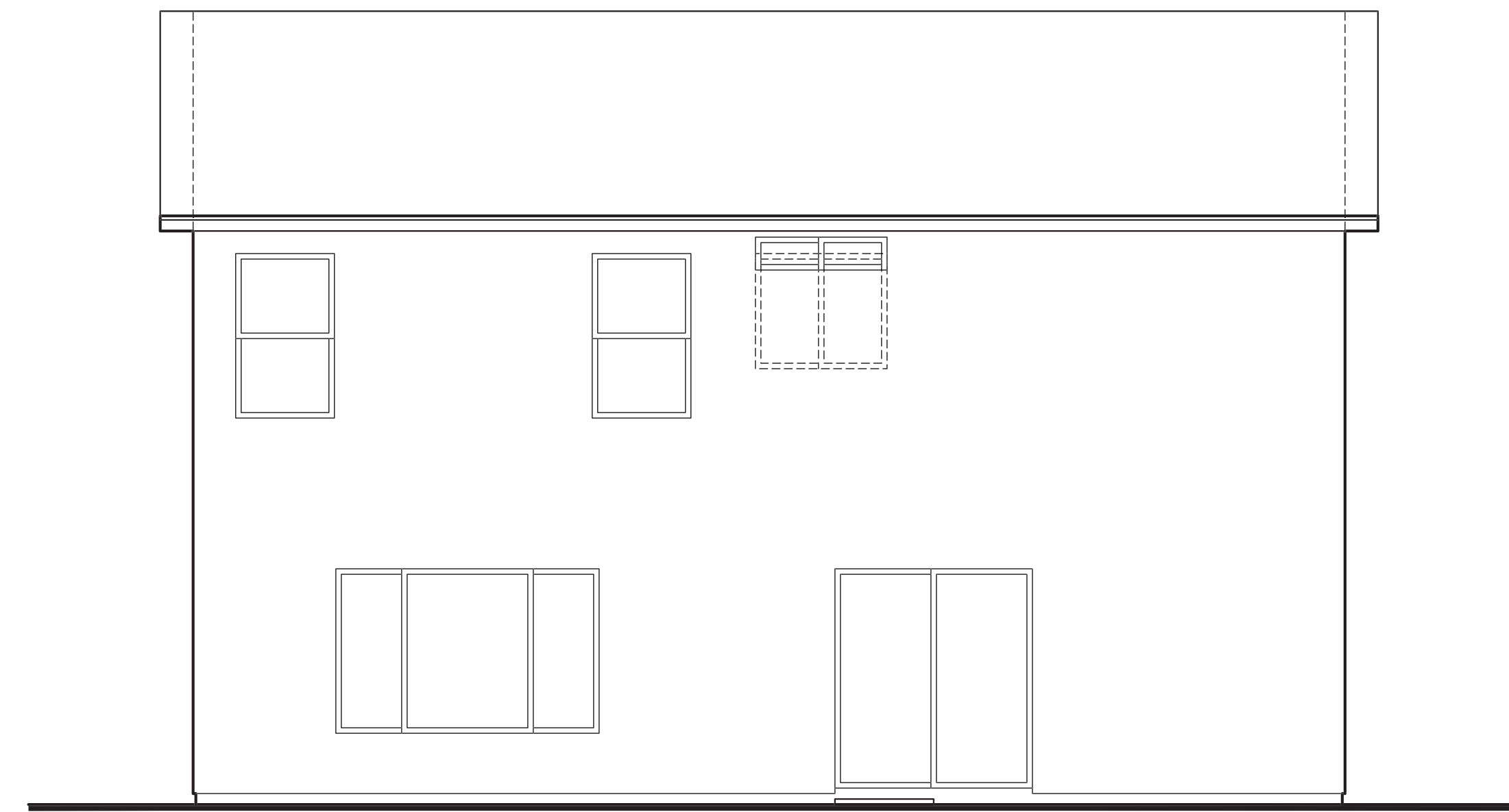
Left Elevation 'A'



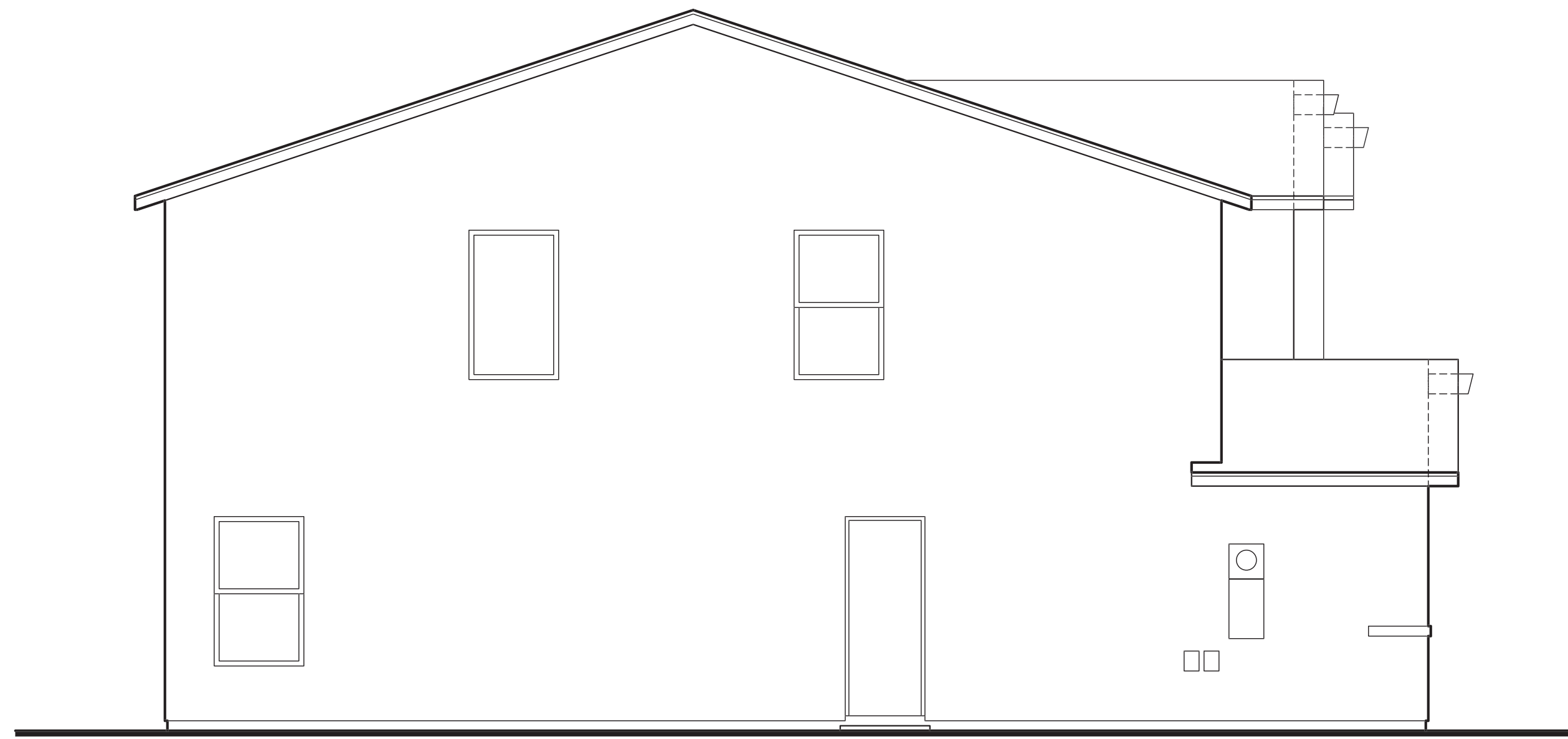
Front Elevation 'A' - Spanish



Right Elevation 'A'



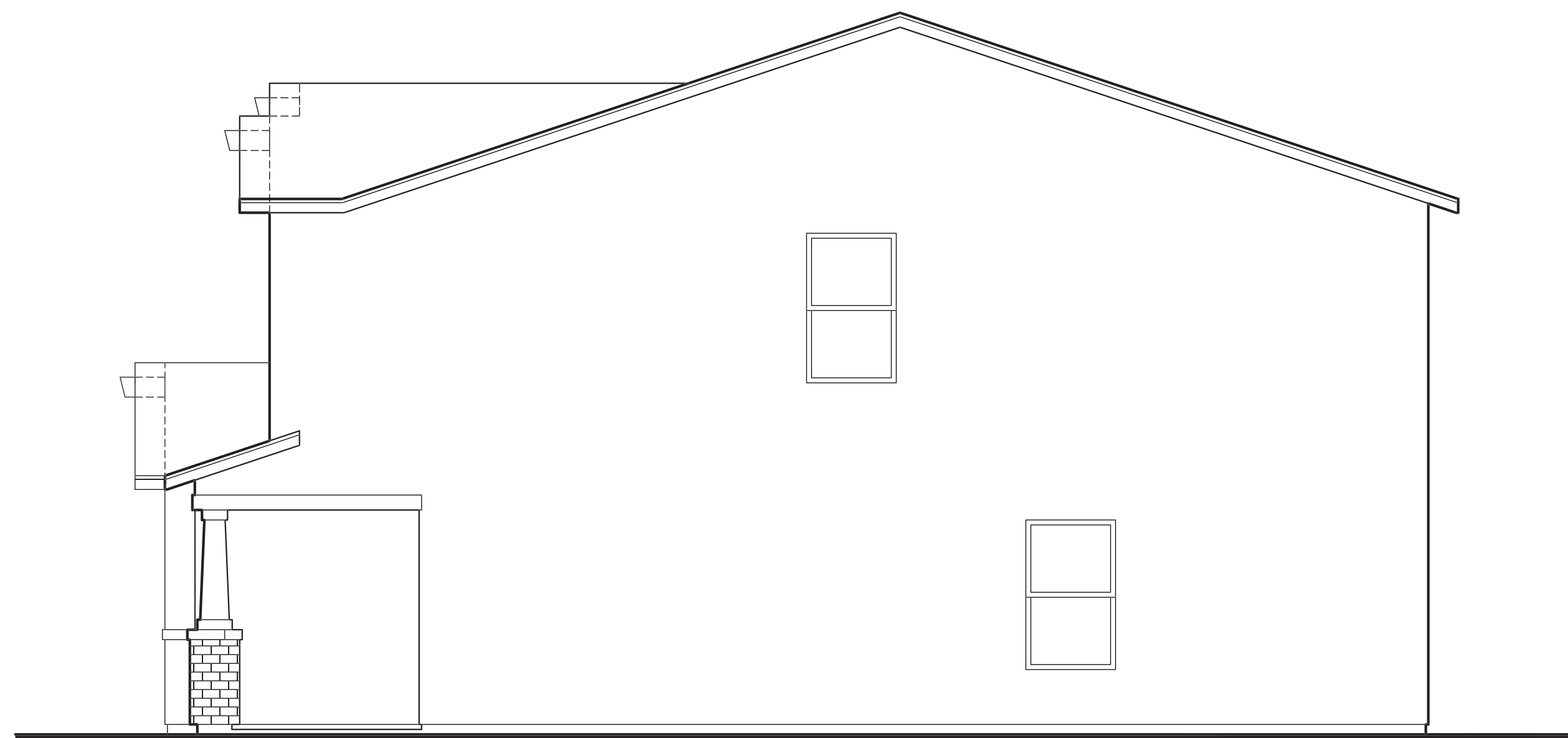
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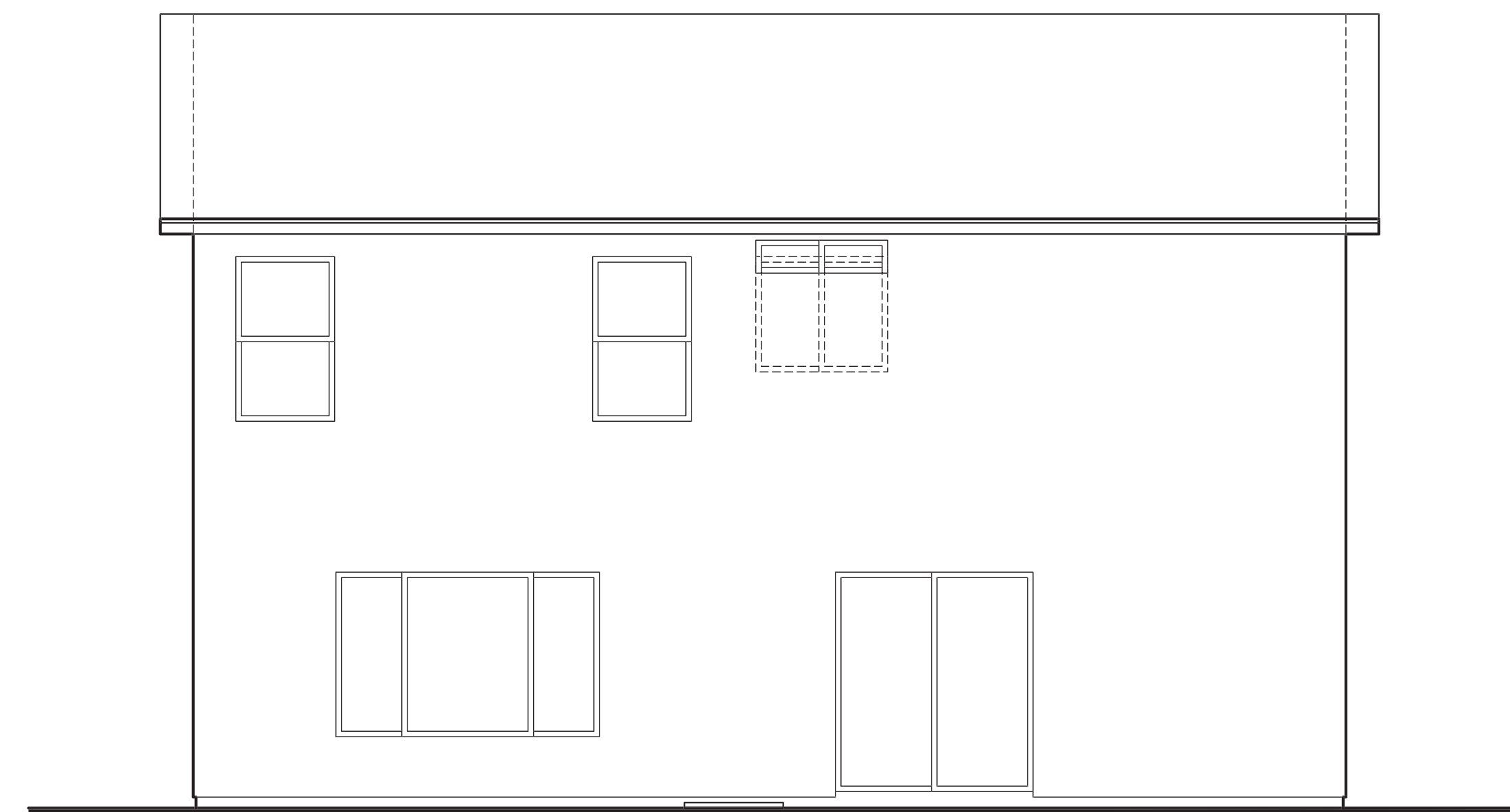
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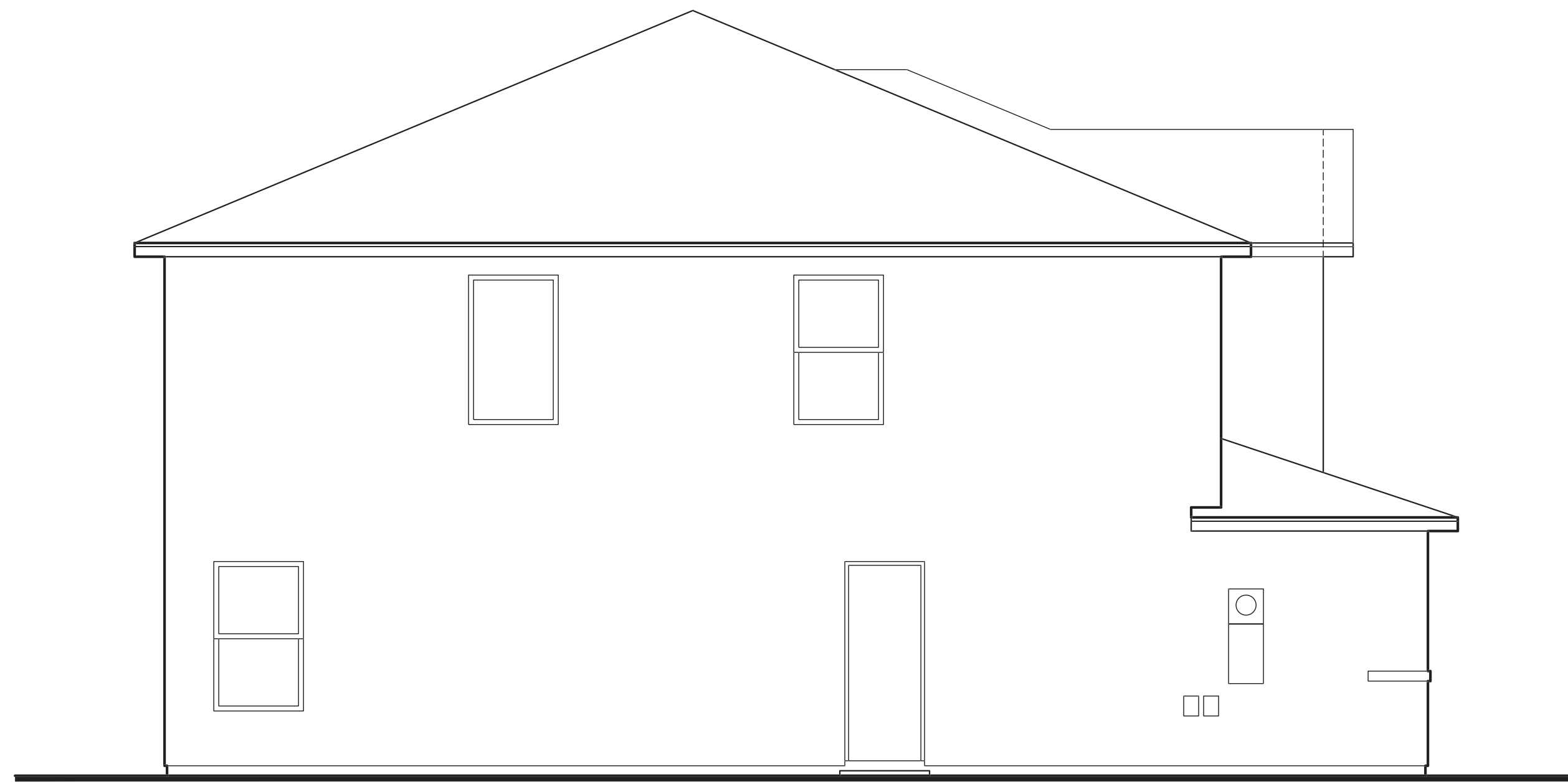
Front Elevation 'B' - Craftsman



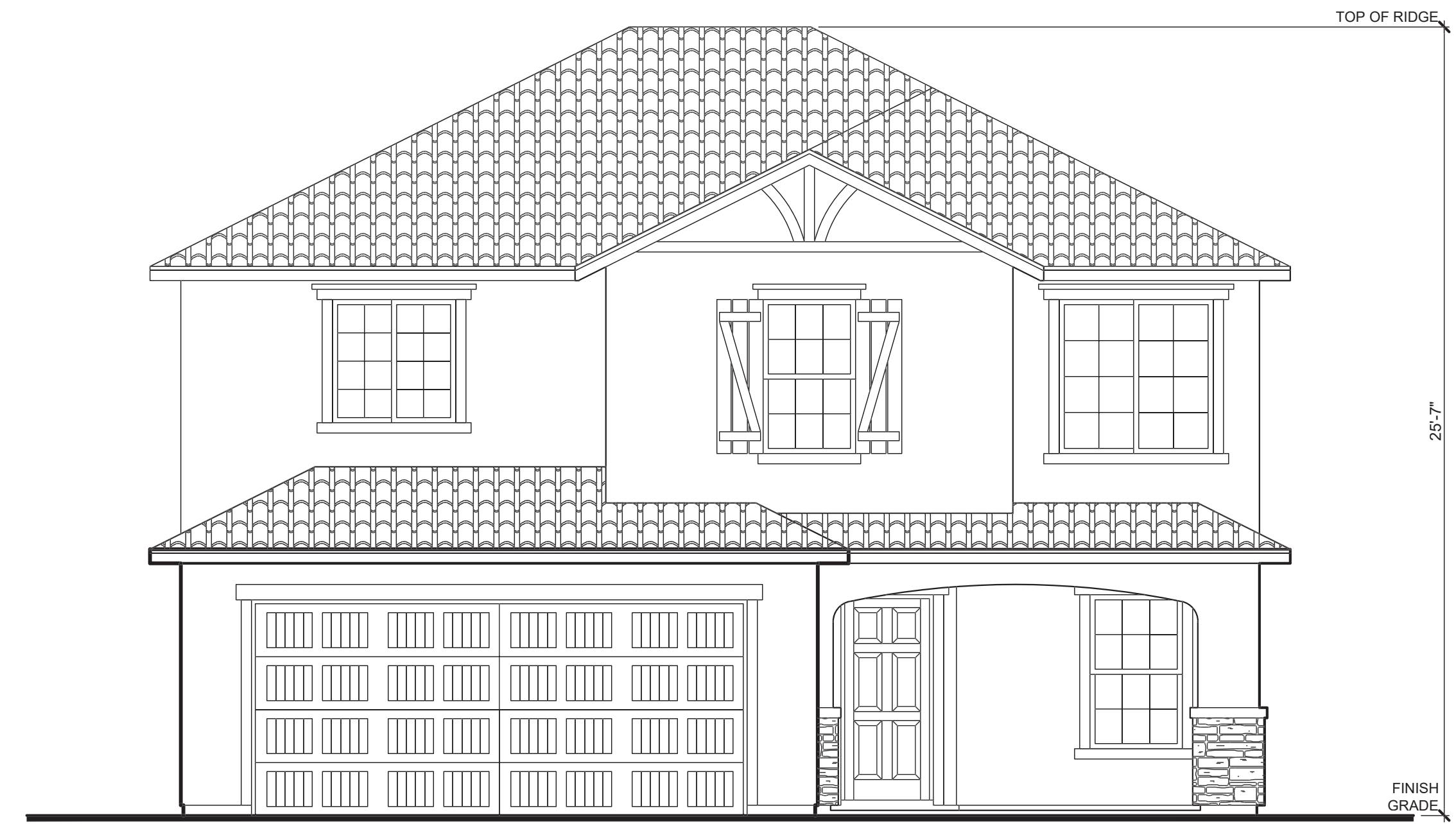
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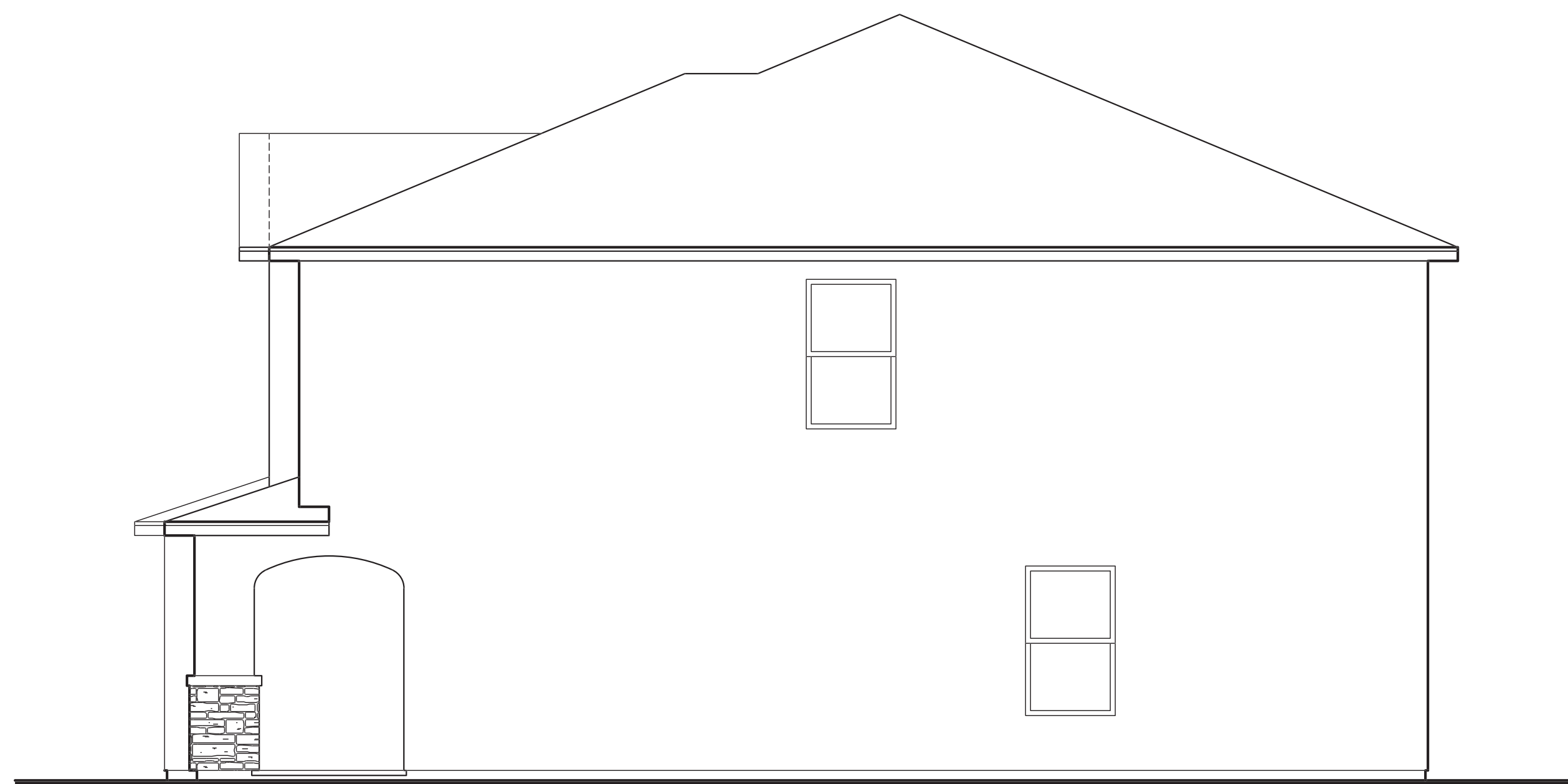
Rear Elevation 'B'



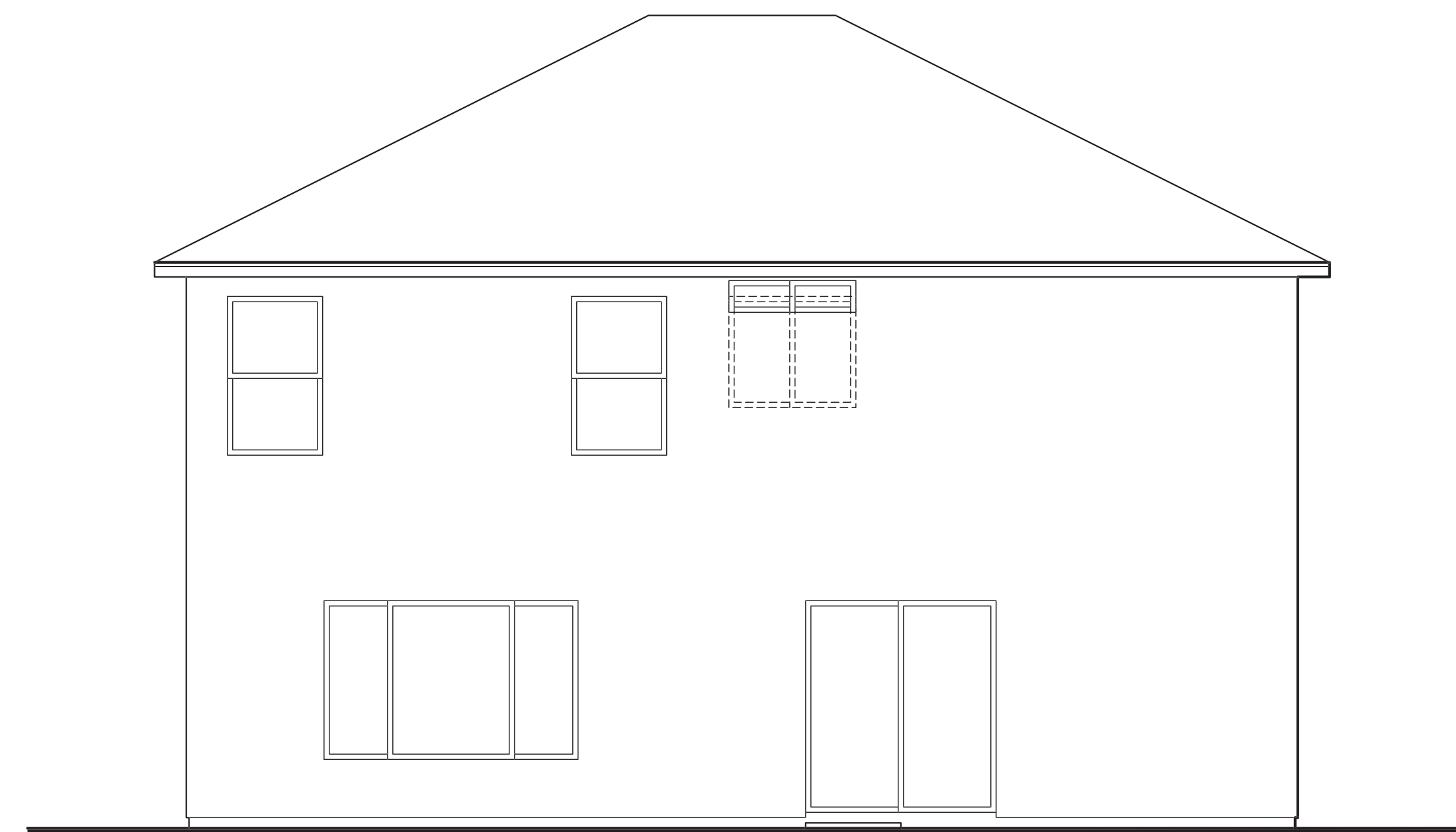
Left Elevation 'D'



Front Elevation 'D' - French Cottage



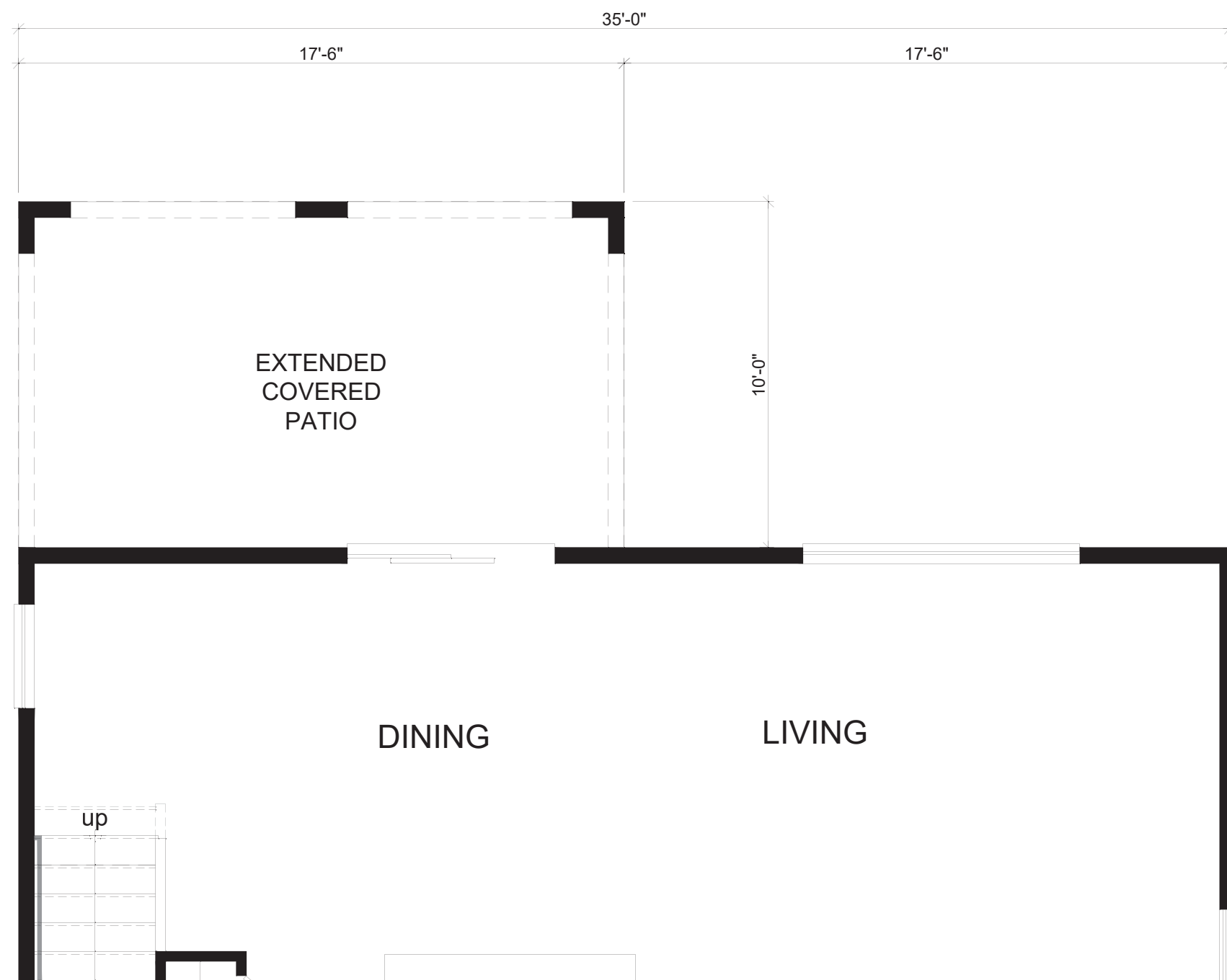
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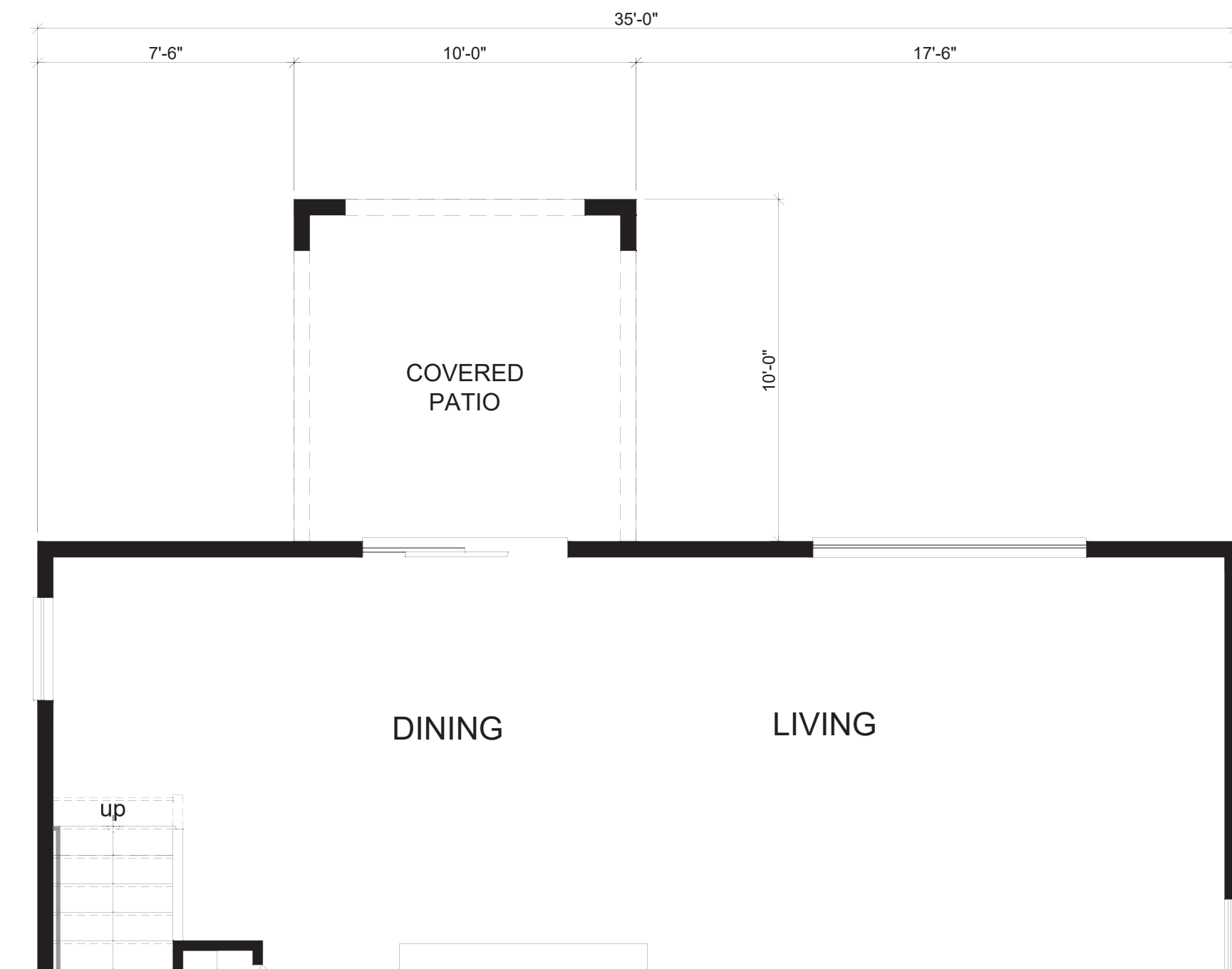
Rear Elevation 'D'

Colett Martin

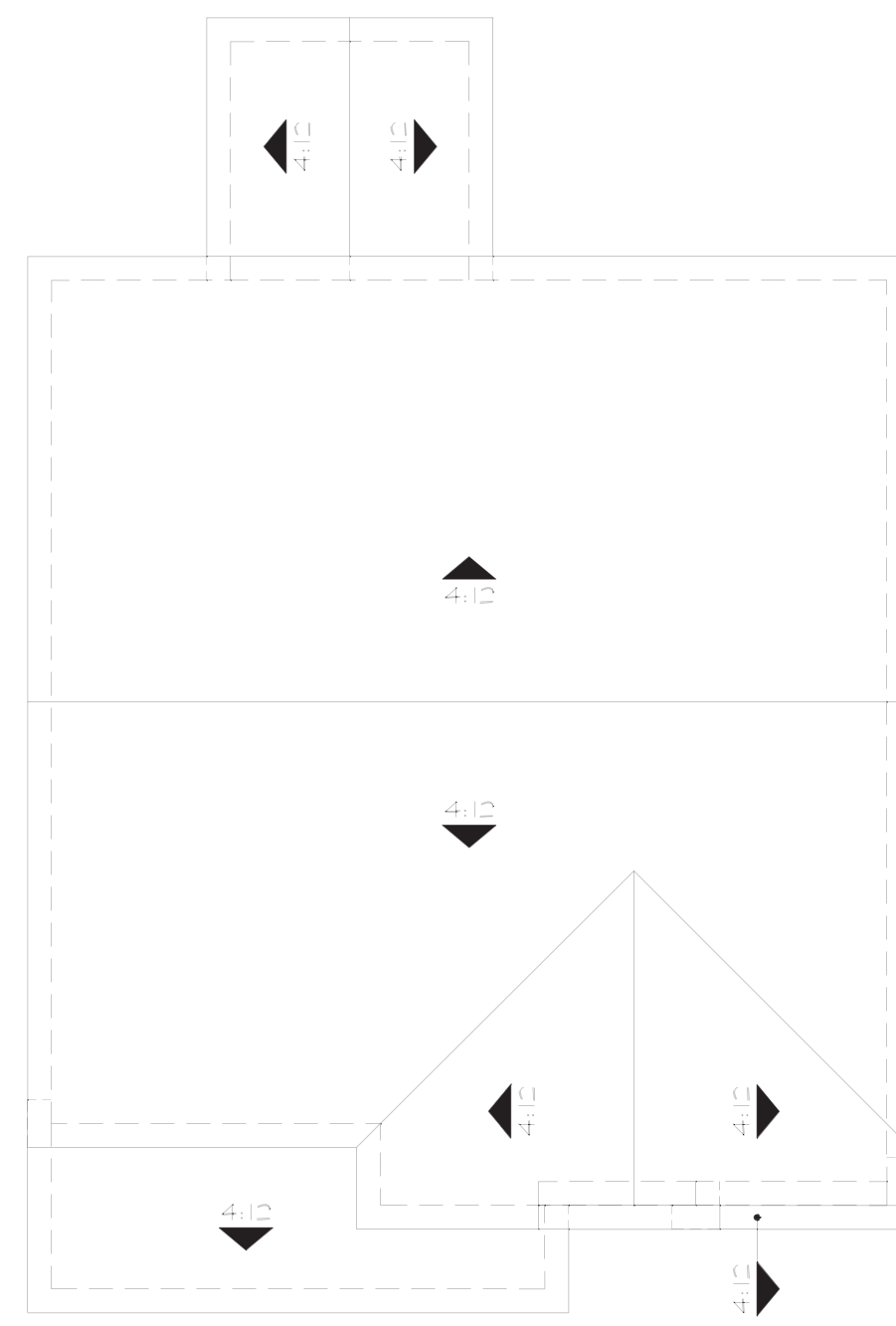
PLAN 4



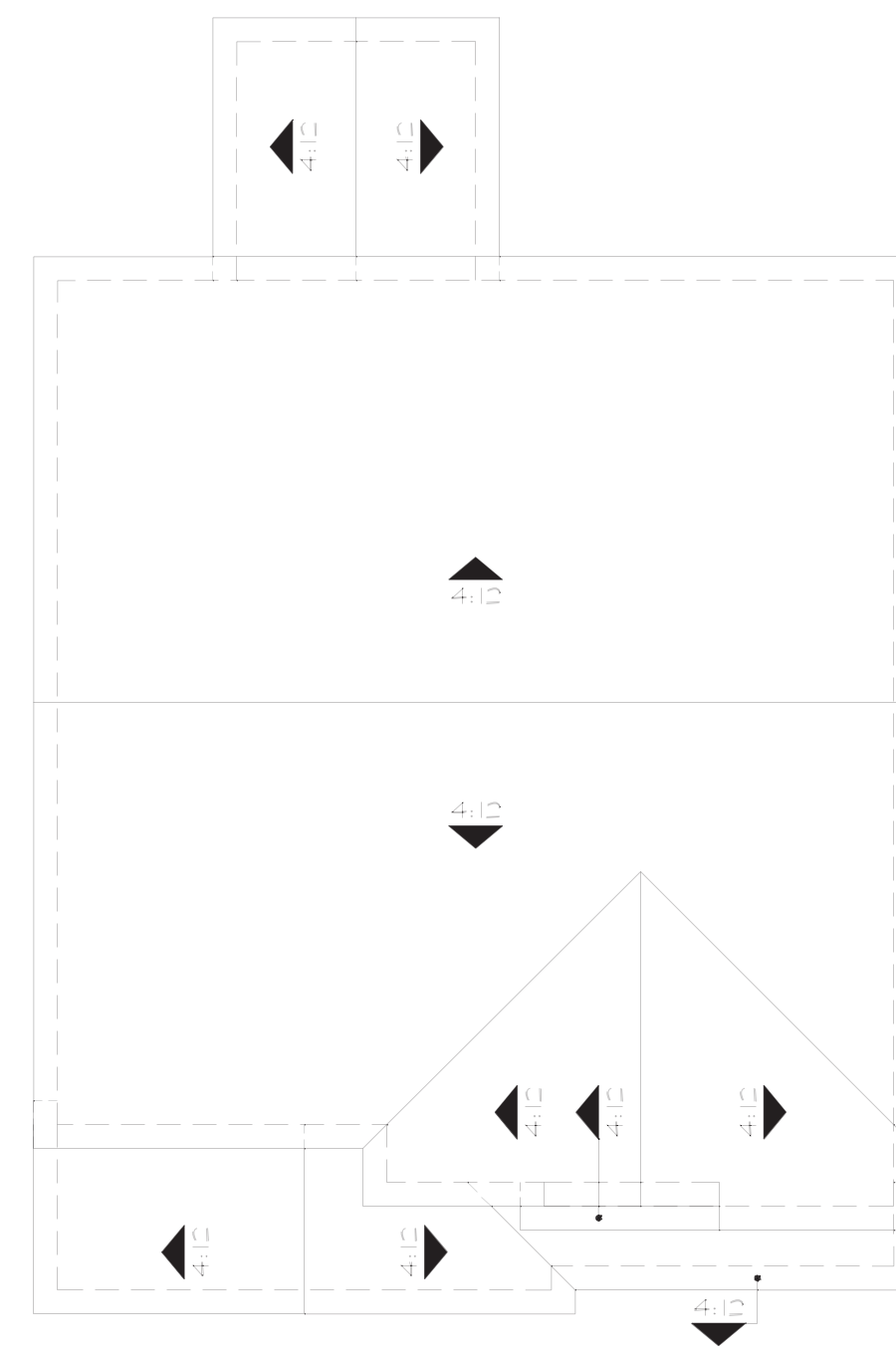
Floor Plan at Enlarged Covered Patio Option



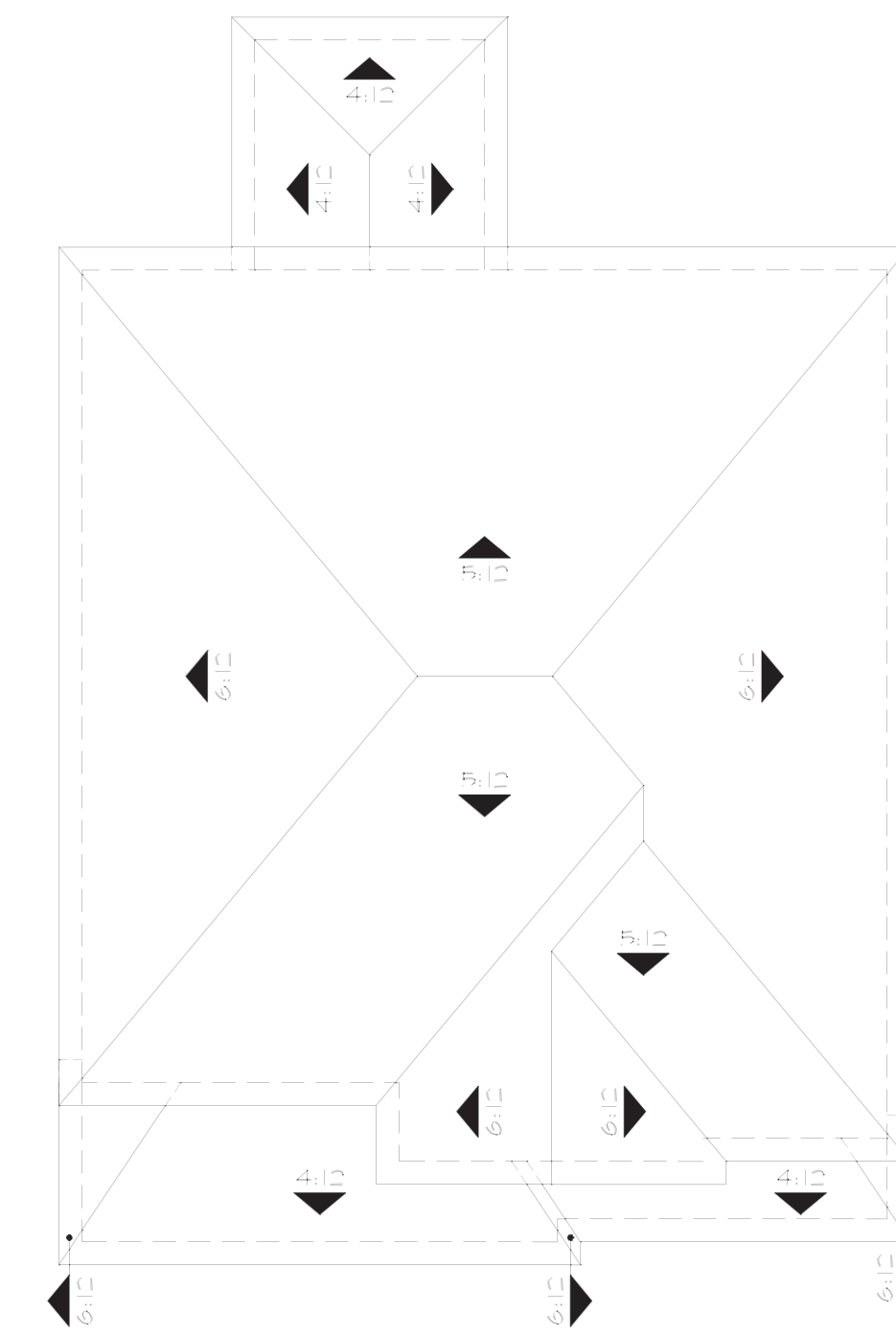
Floor Plan at Covered Patio Option



'A'



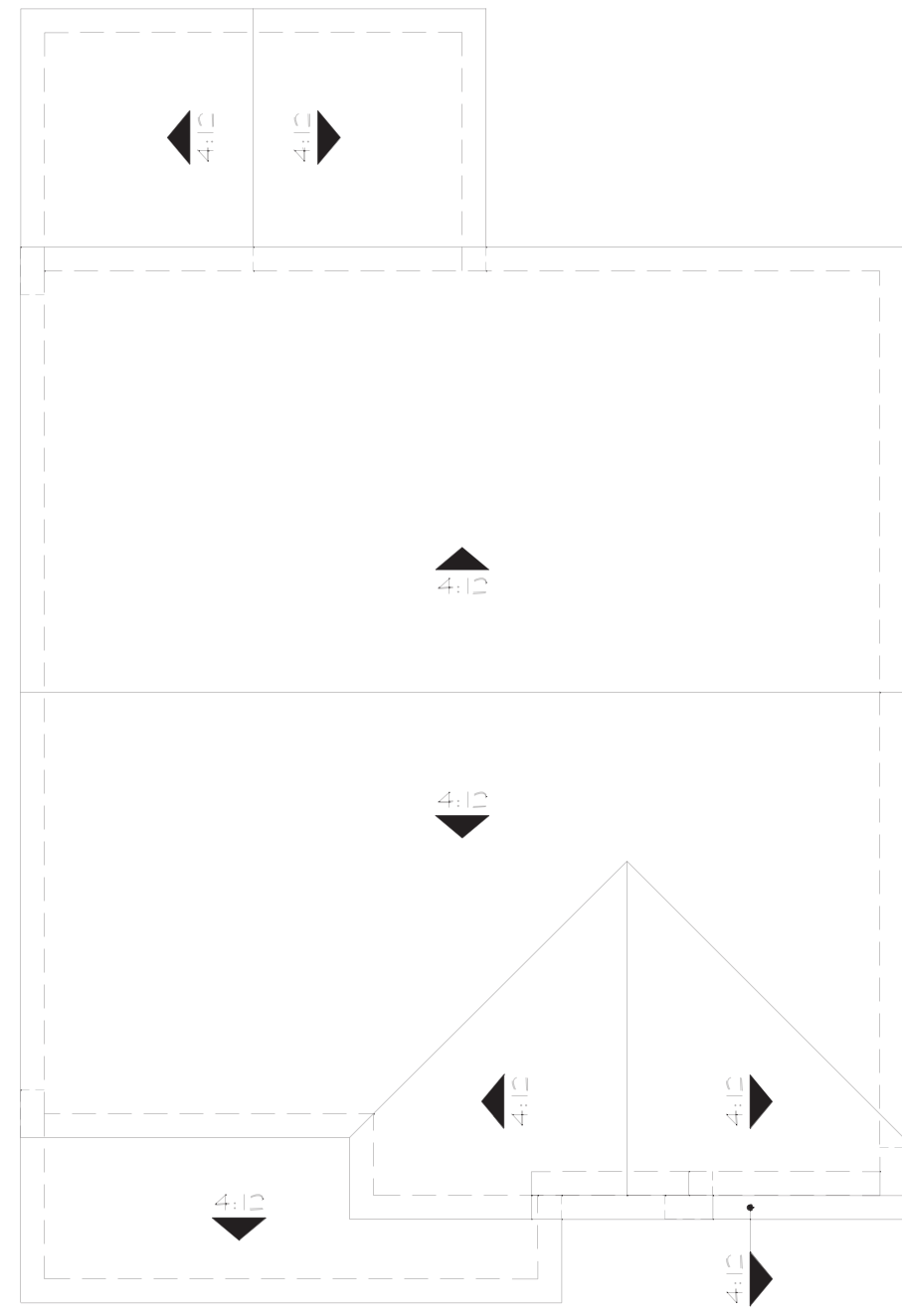
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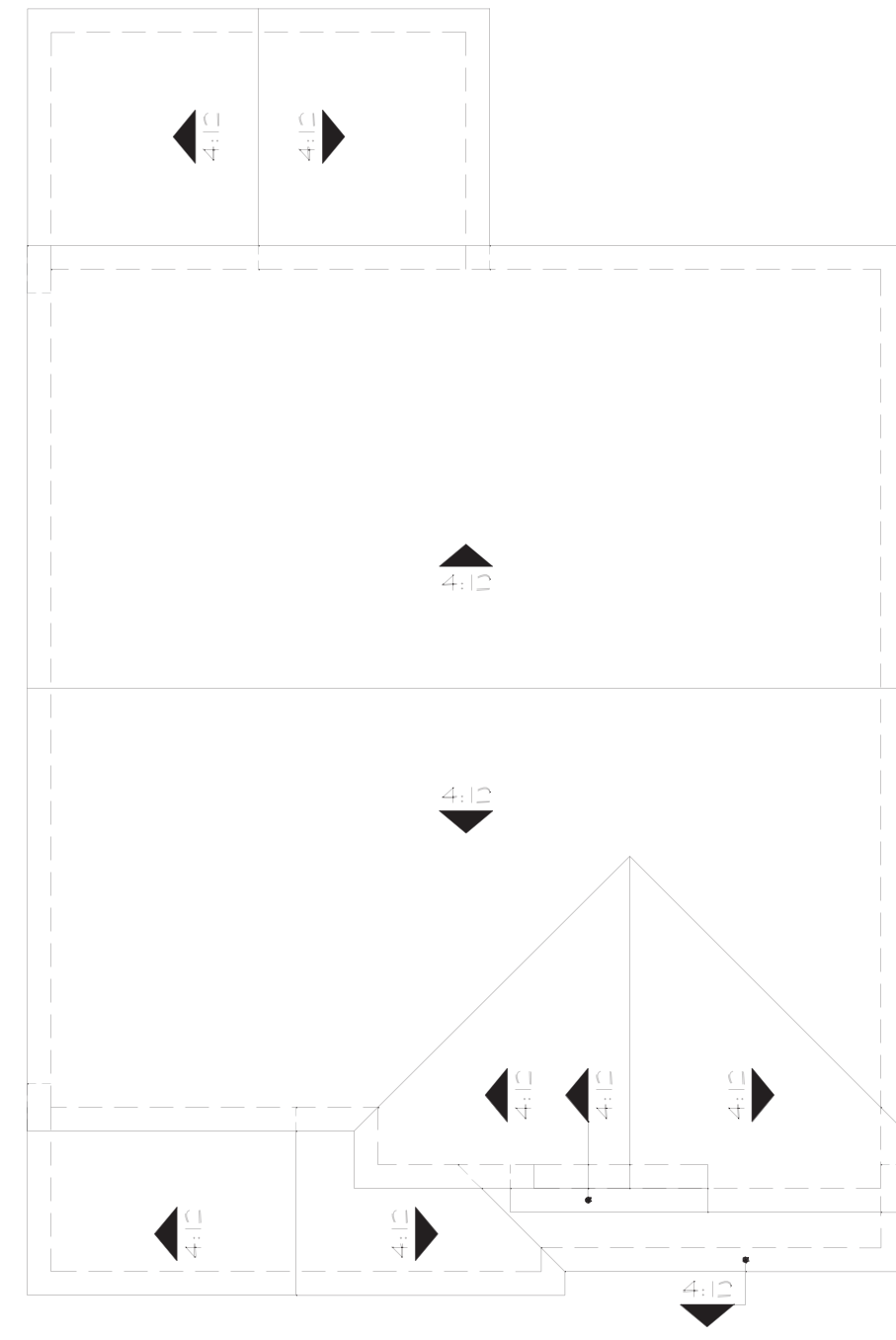
'D'

Roof Plans at Covered Patio Options

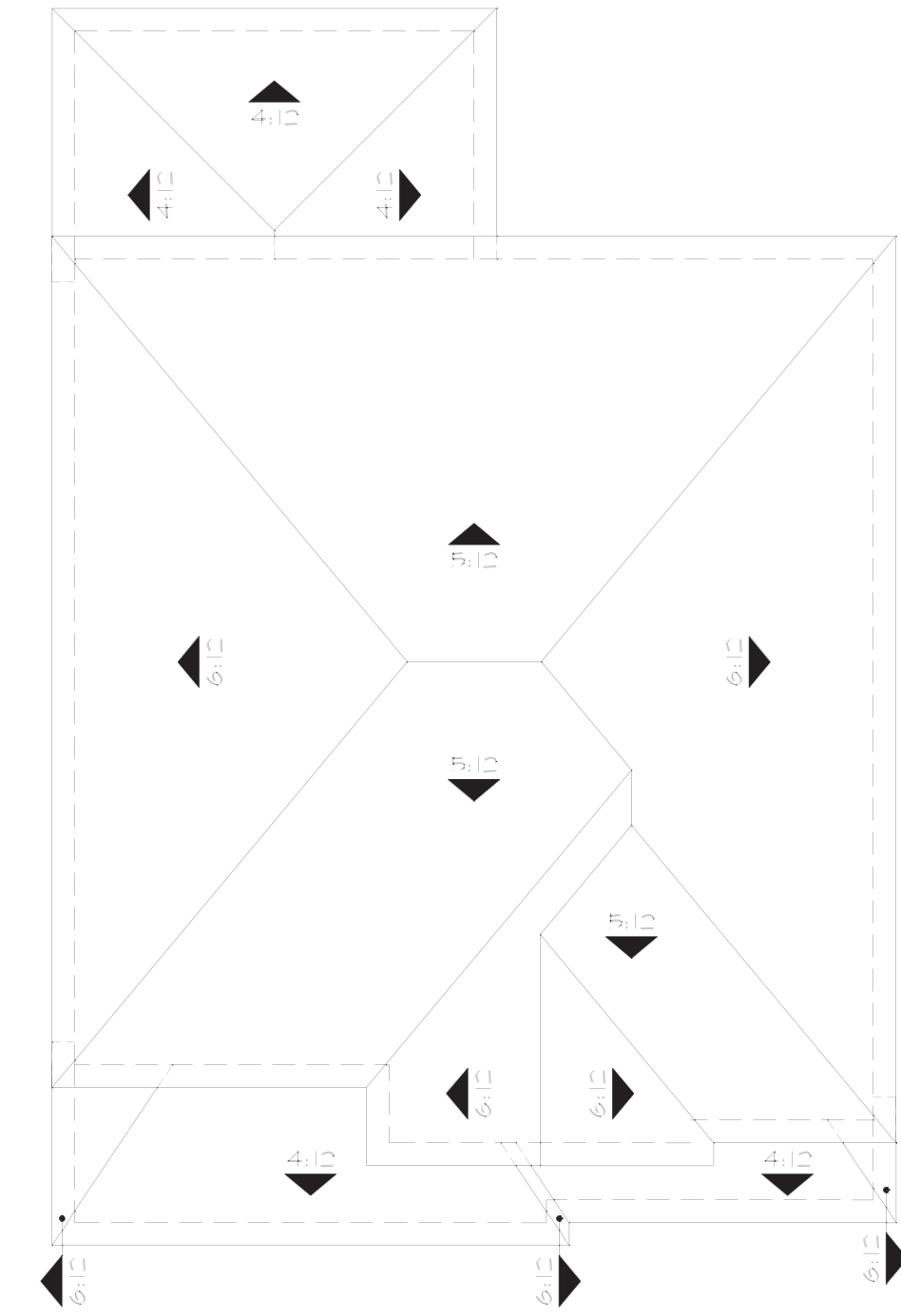
Colett Martin



'A'



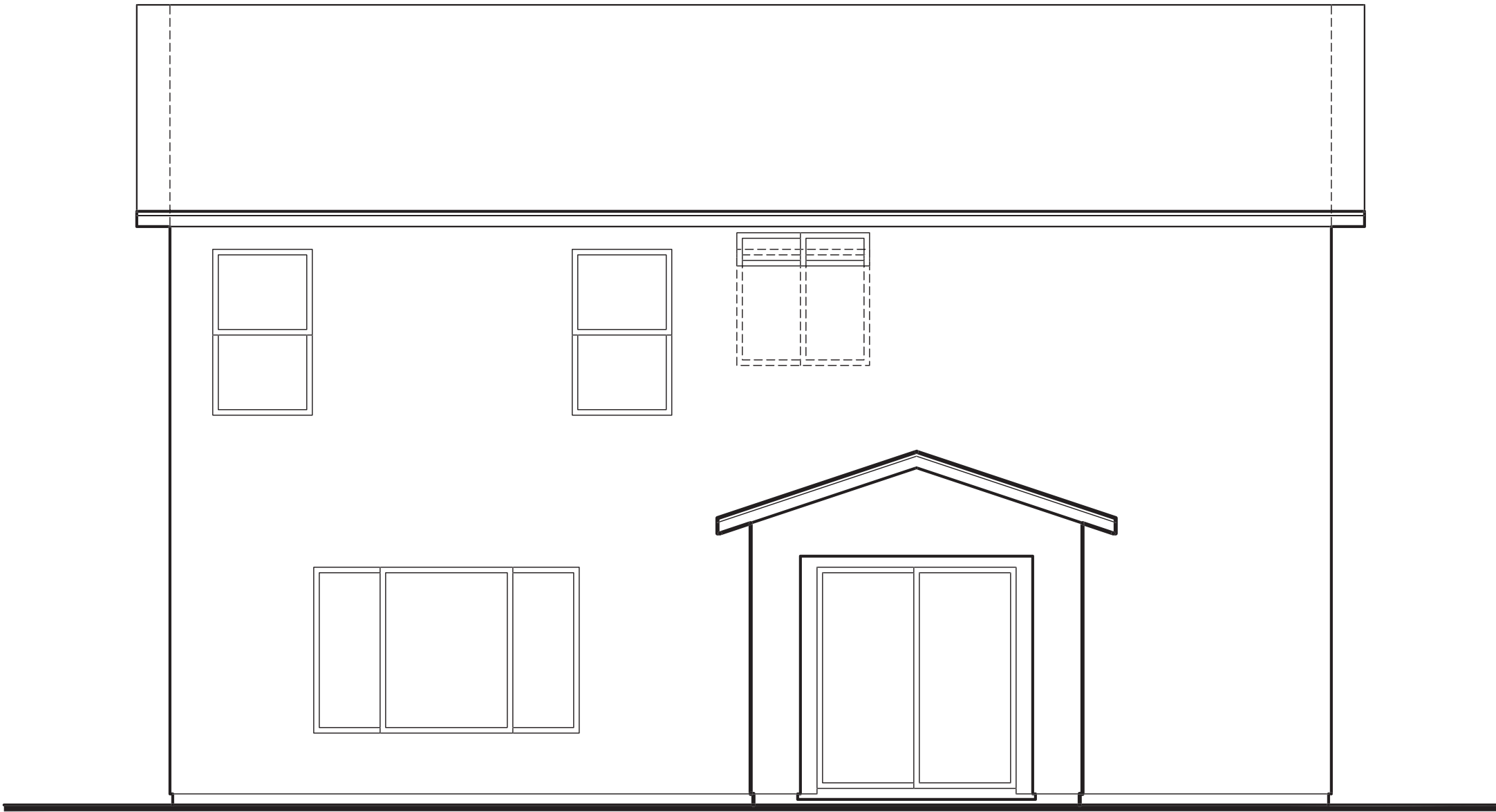
'B'



'D'

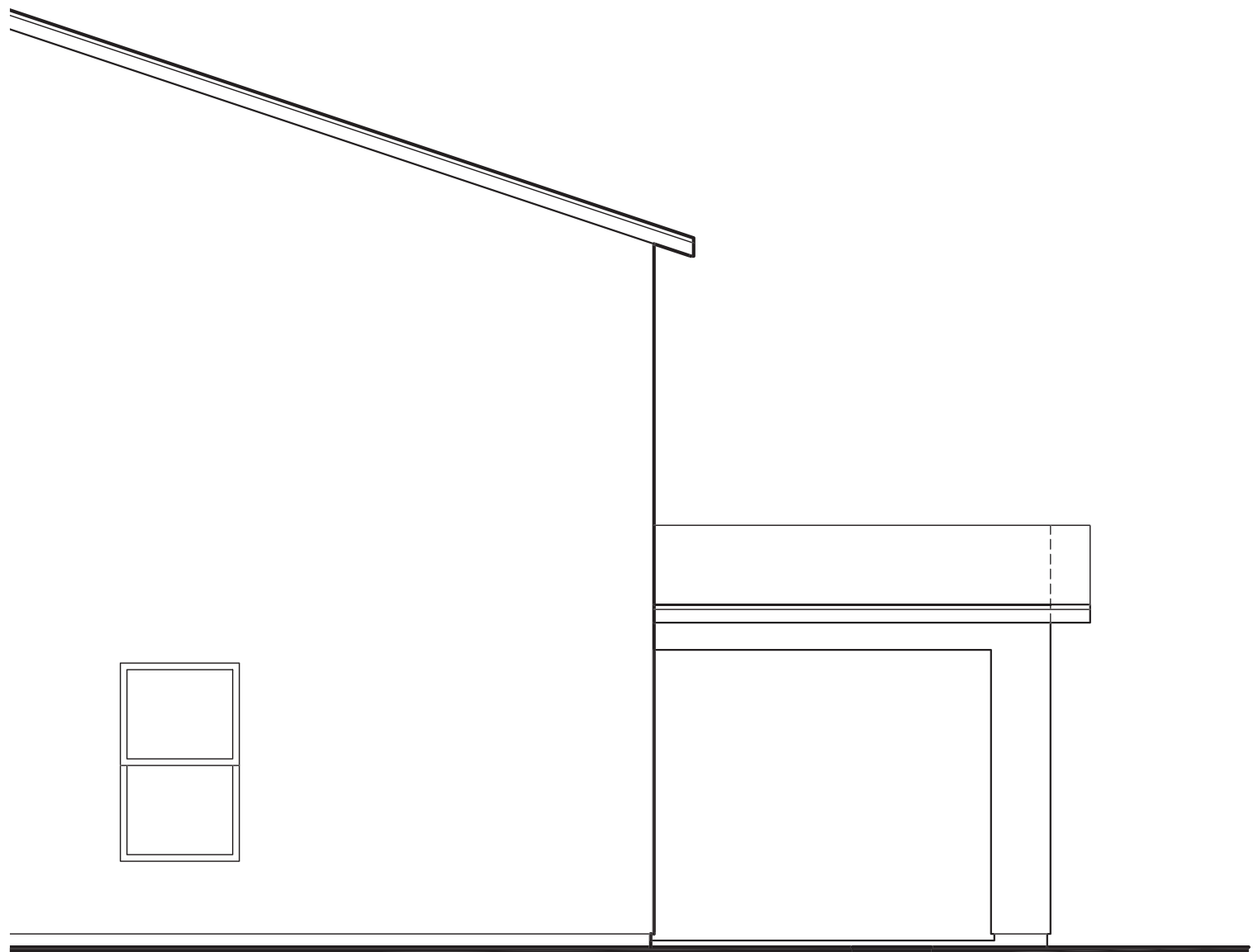
Roof Plans at Enlarged Covered Patio Option

Colett Martin



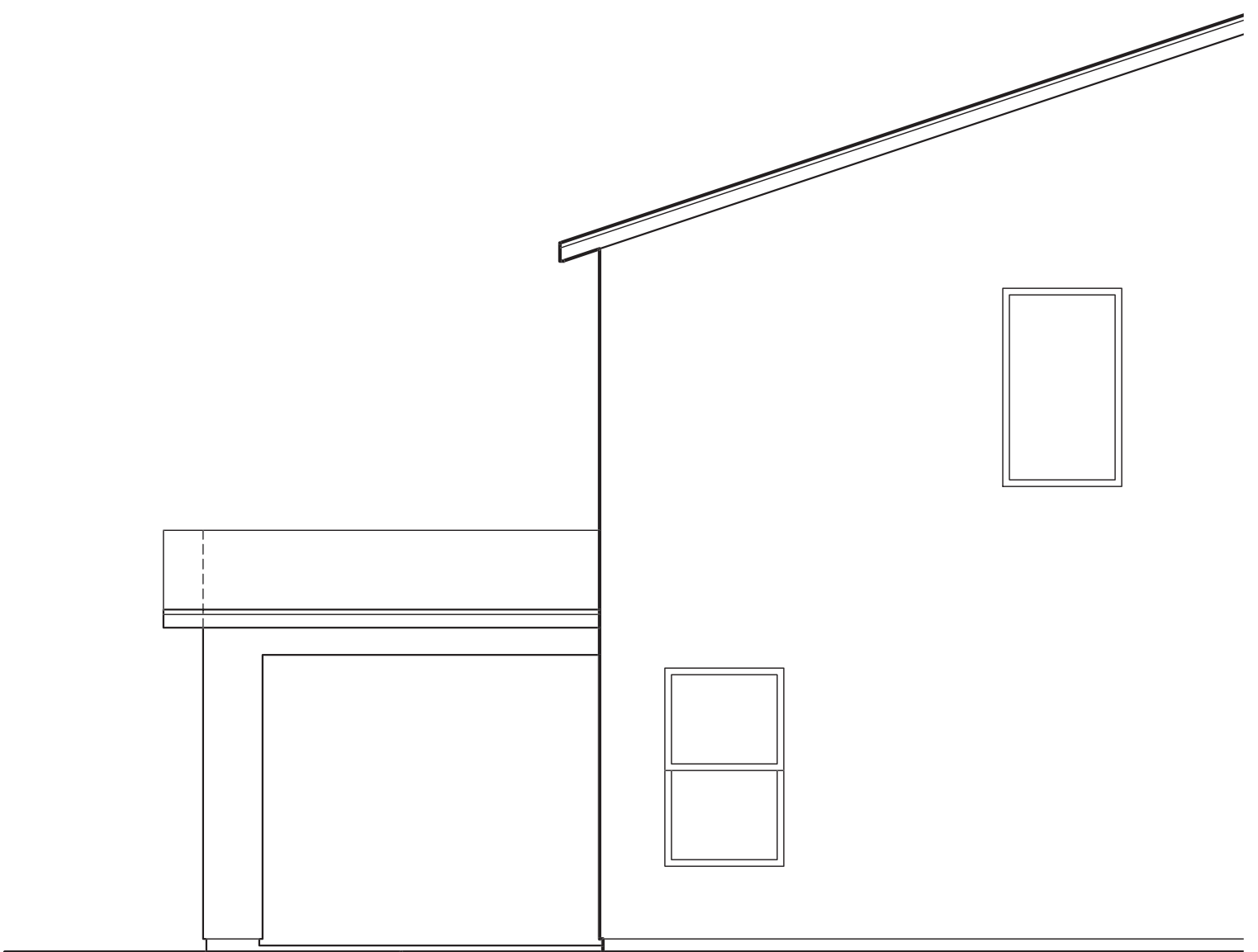
Rear Elevation 'A'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
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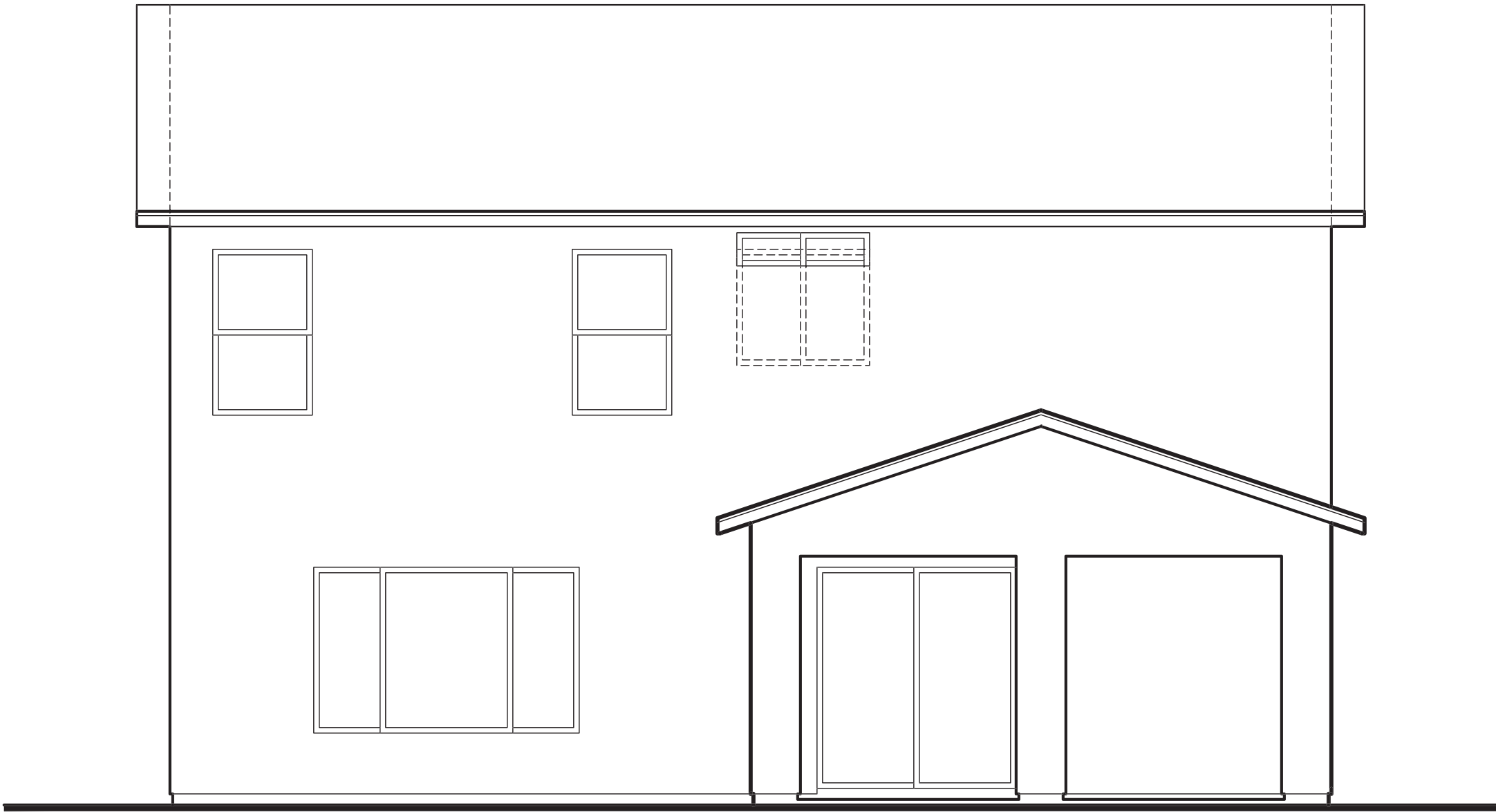
Right Elevation 'A'

Optional Covered Patio



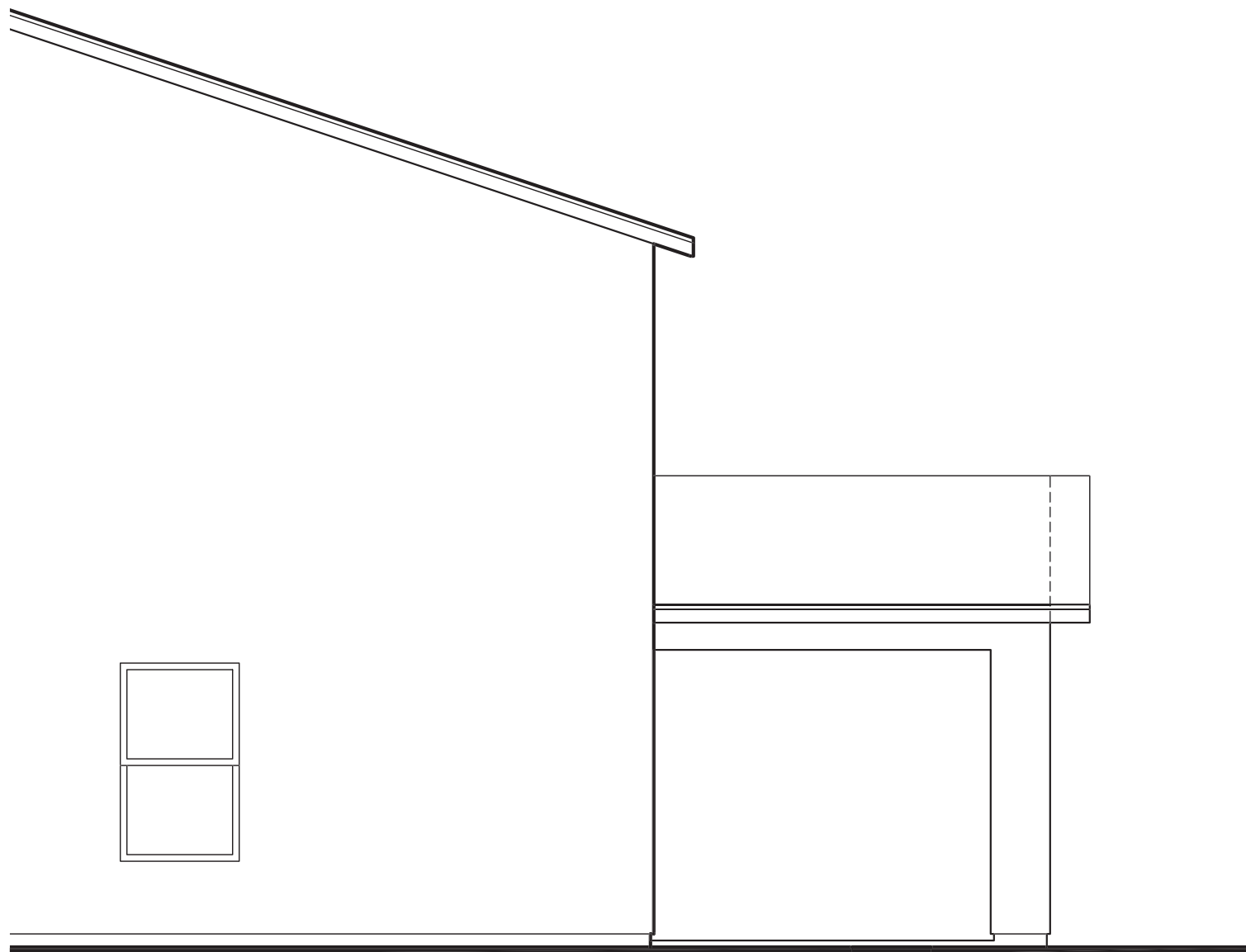
Left Elevation 'A'

Colett Martin



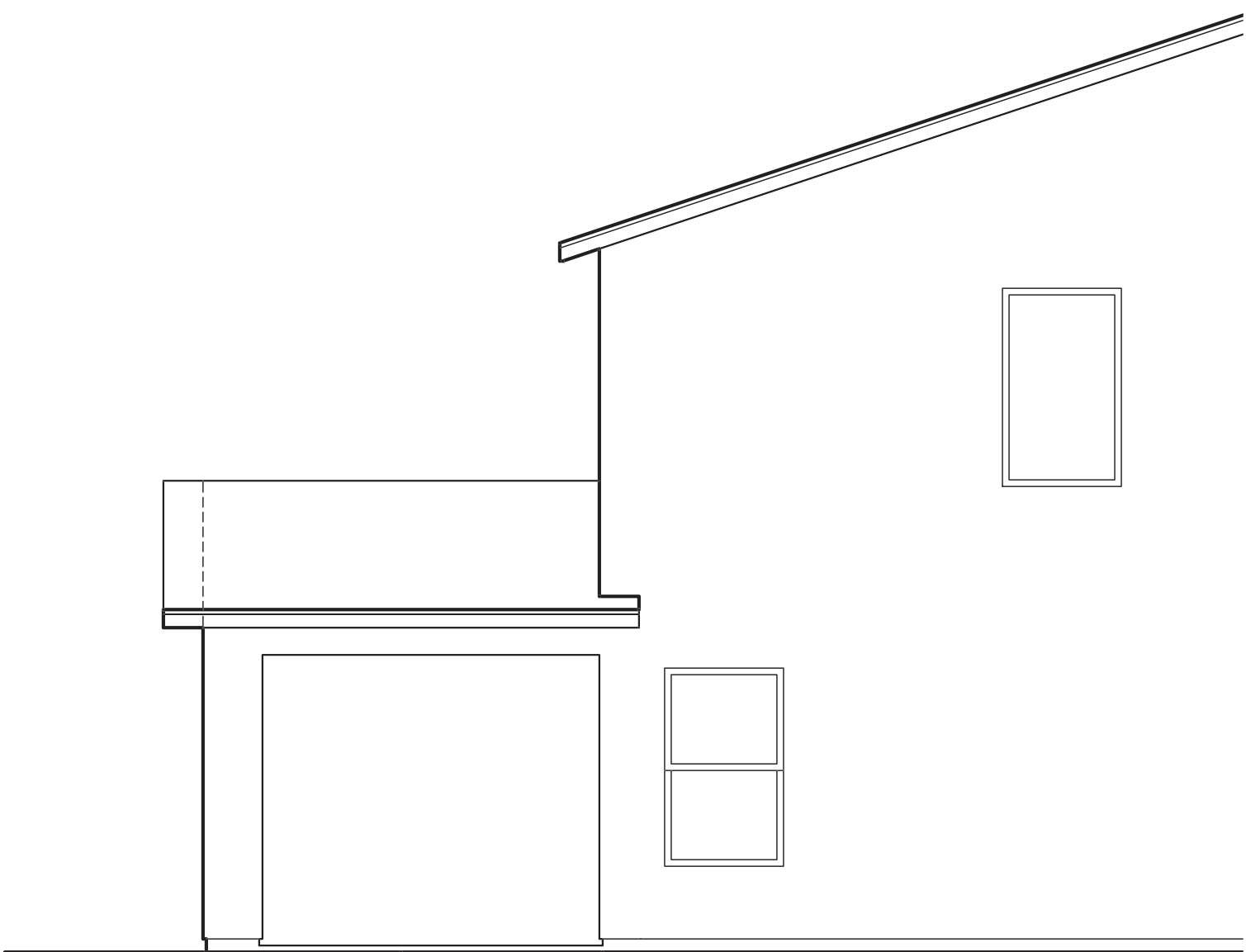
Rear Elevation 'A'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'A'

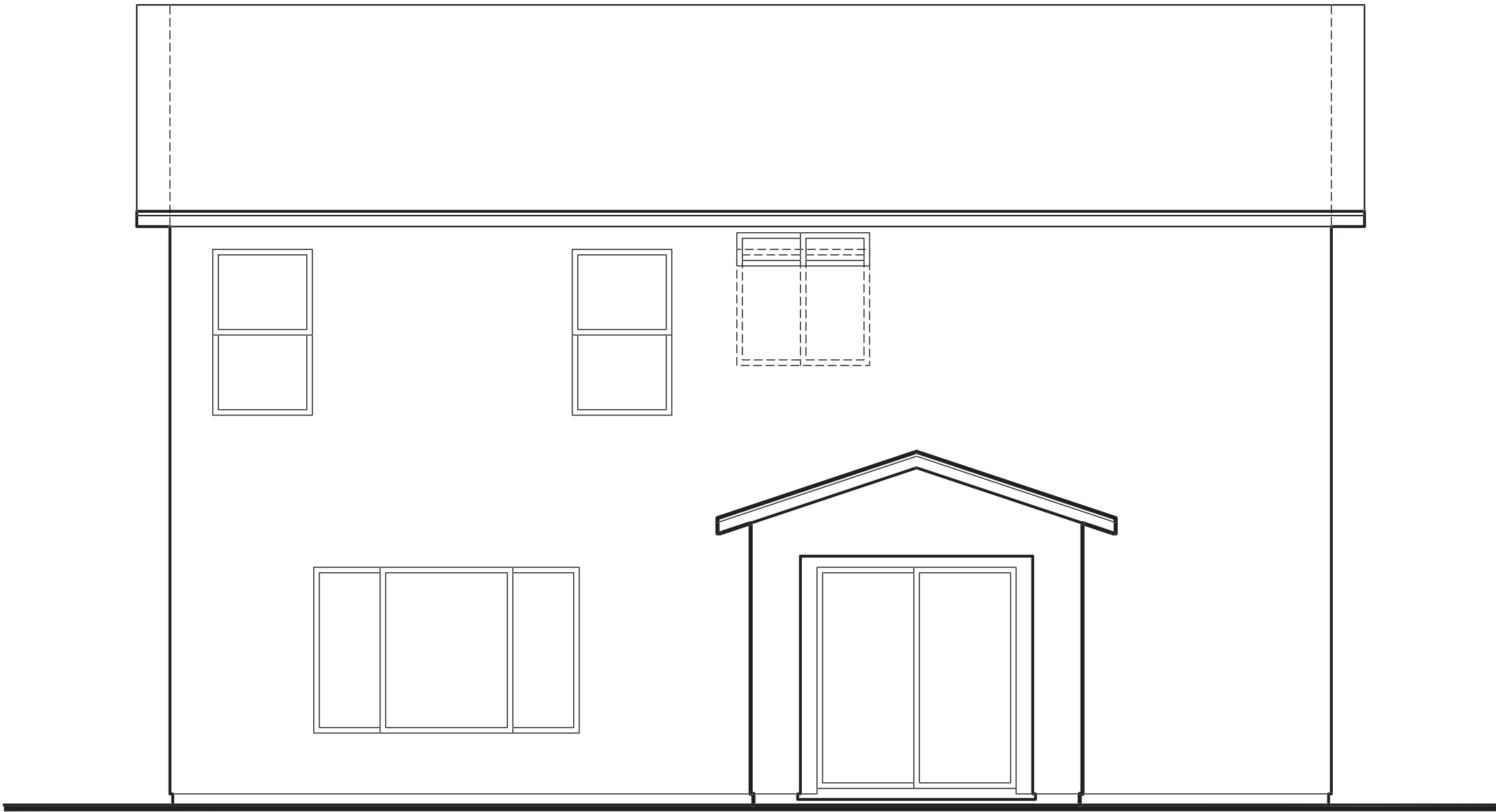
Optional Enlarged Covered Patio



Left Elevation 'A'

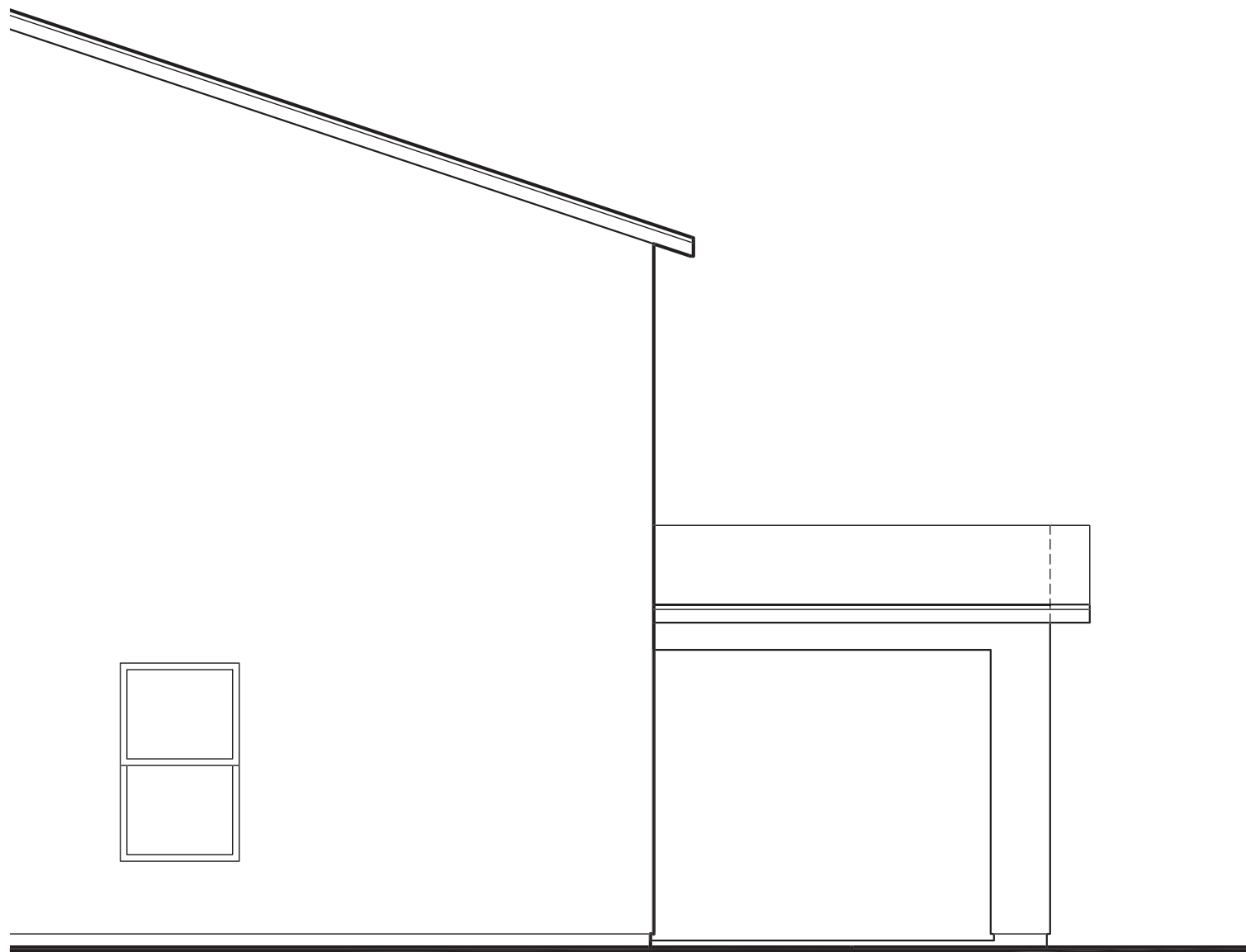
Colett Martin

PLAN 4



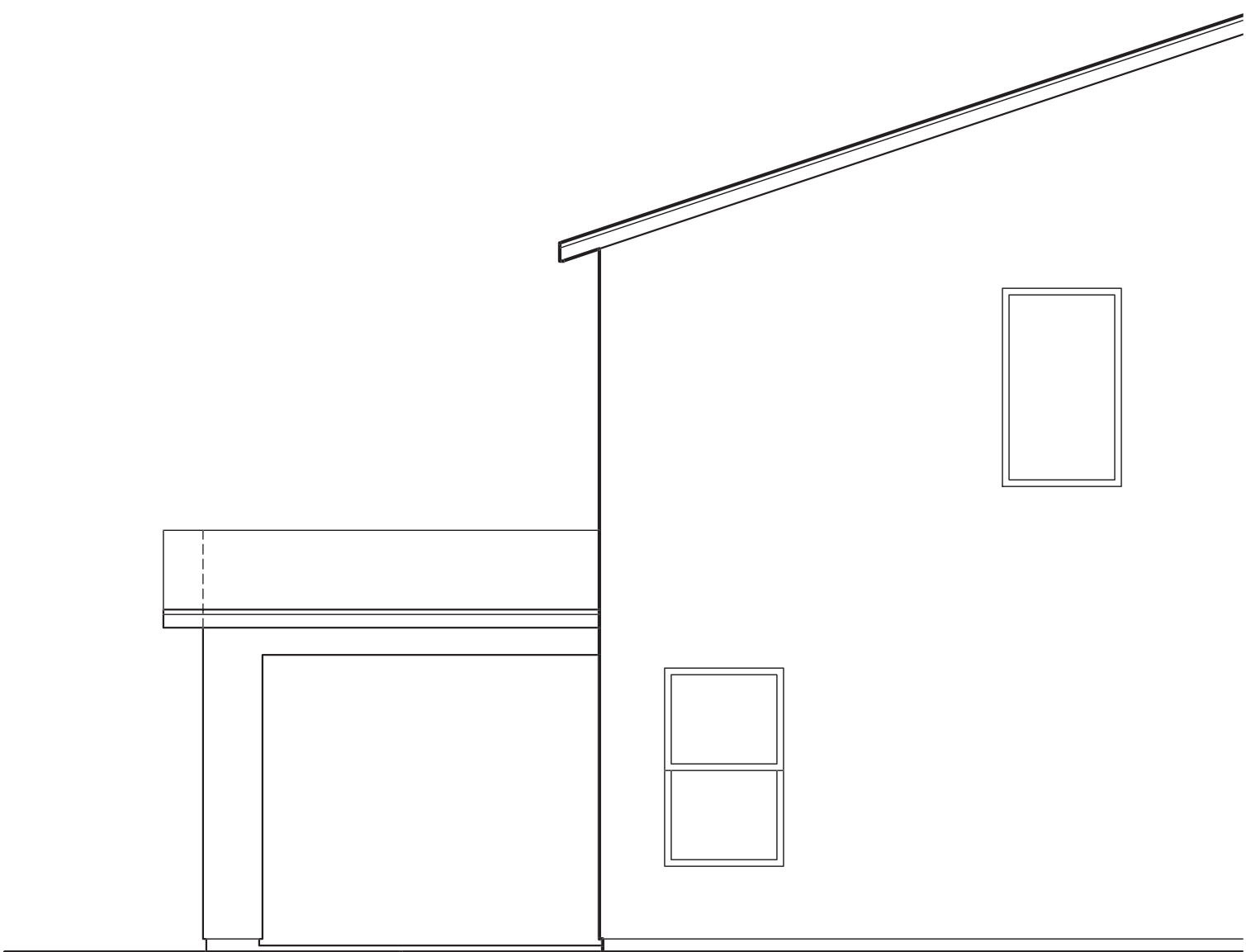
Rear Elevation 'B'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



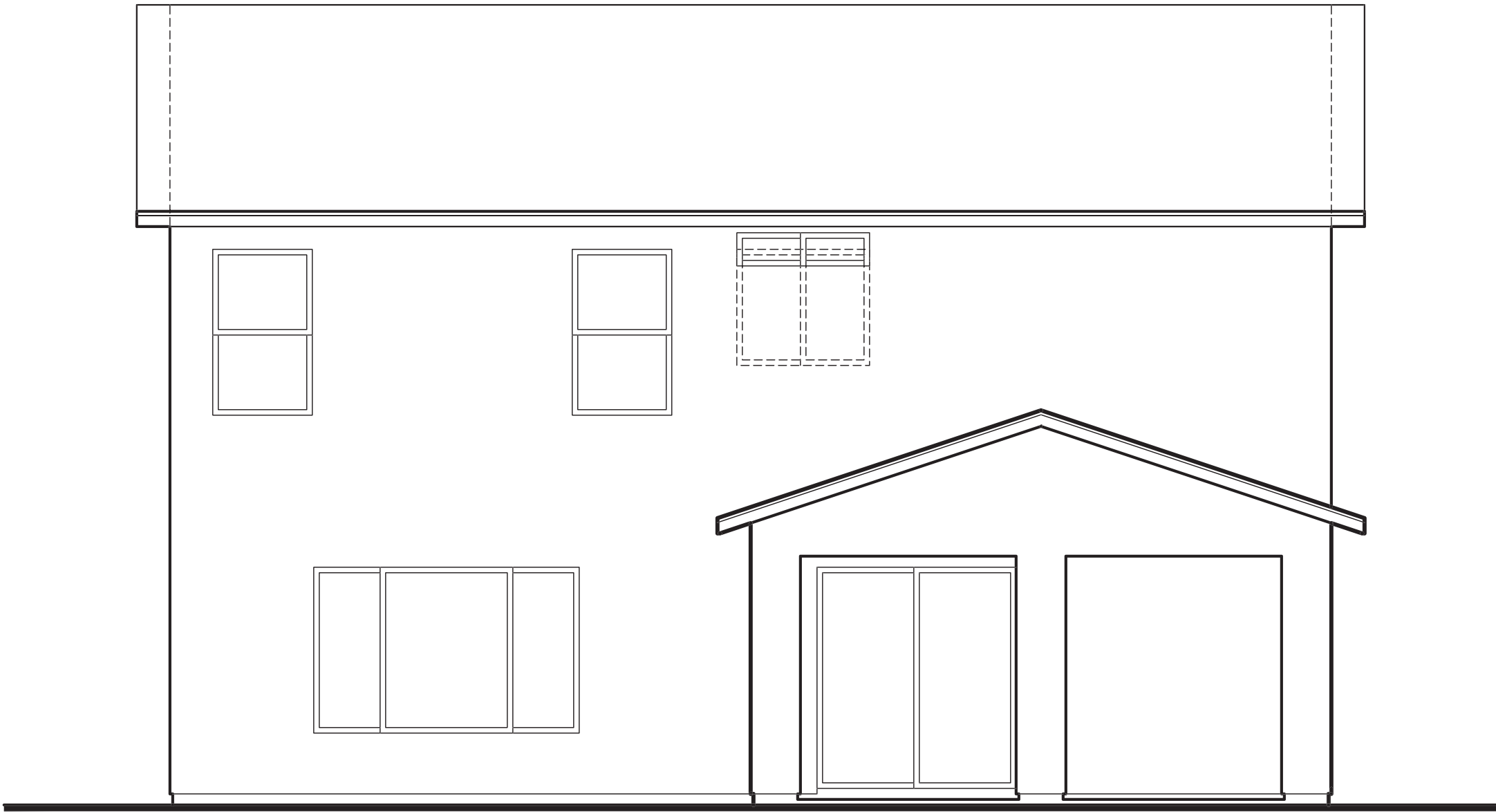
Right Elevation 'B'

Optional Covered Patio



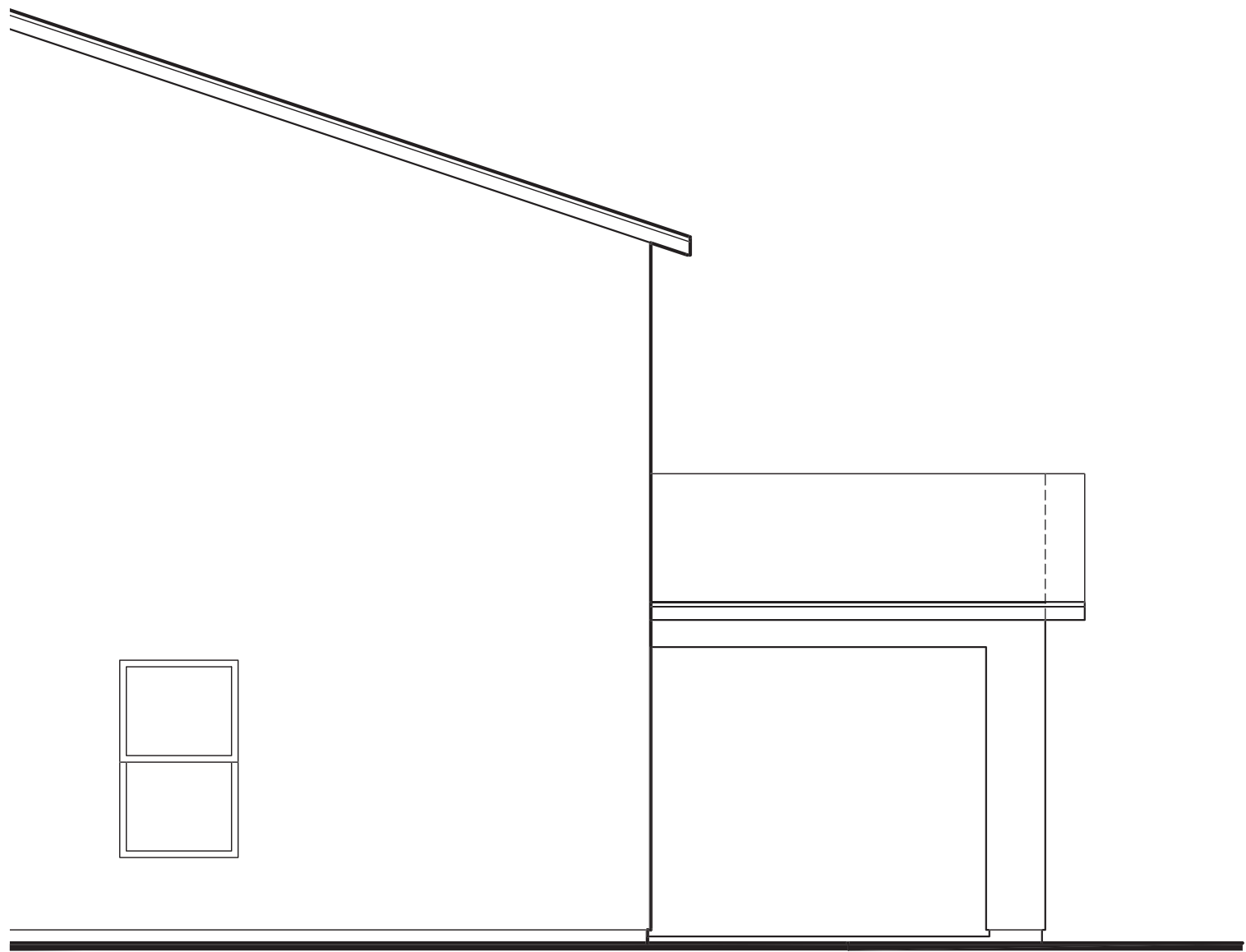
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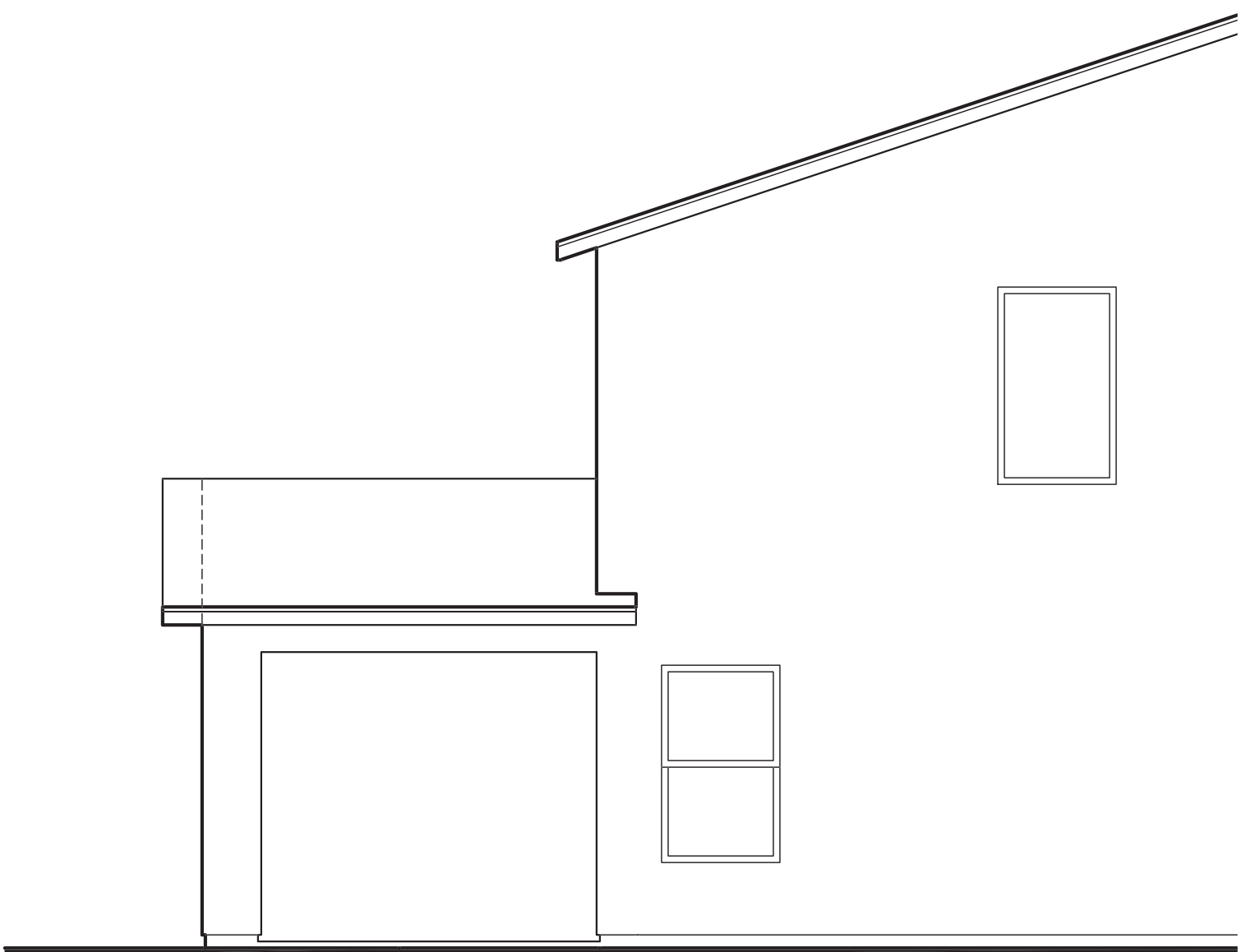
Rear Elevation 'B'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



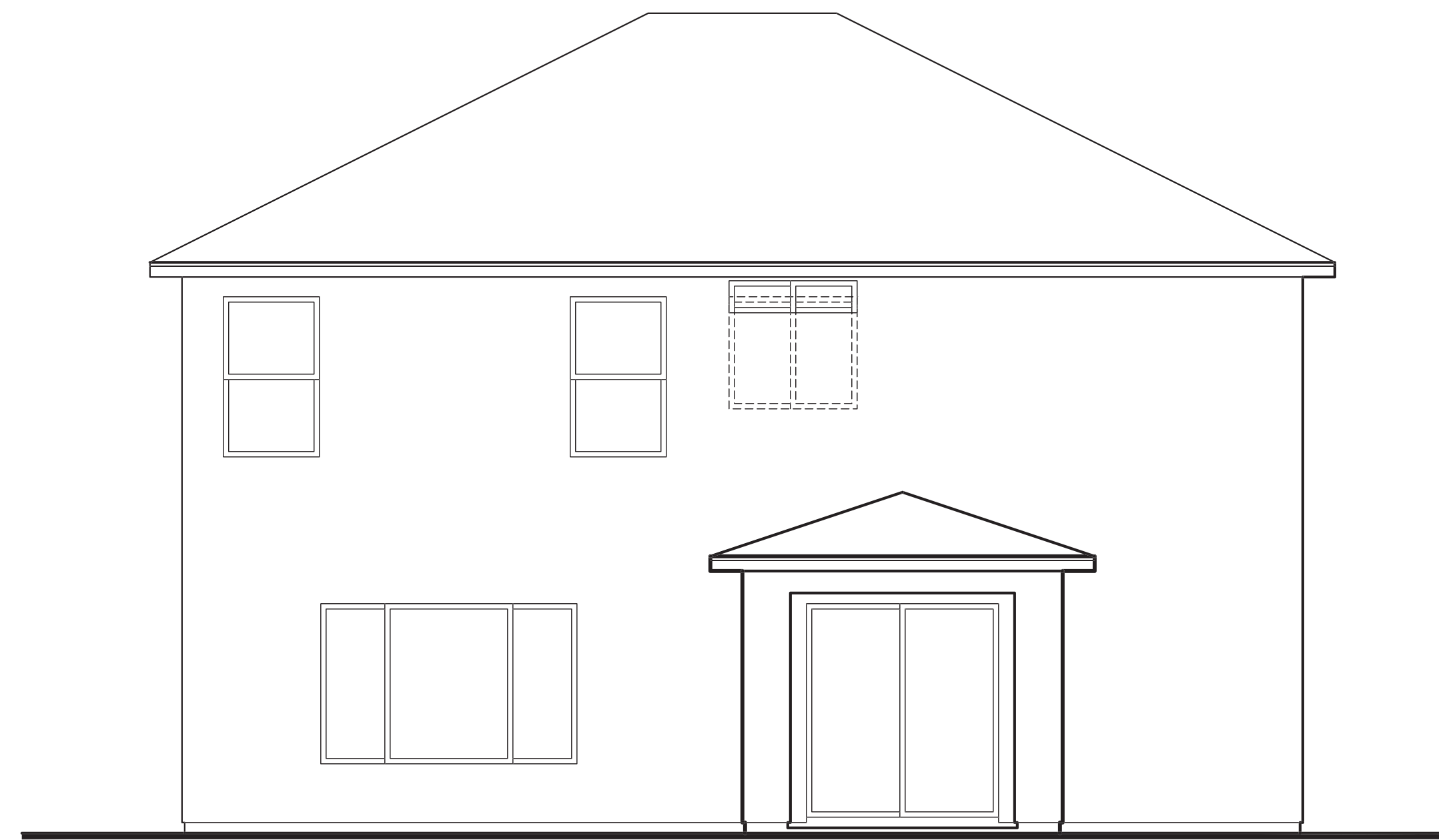
Right Elevation 'B'

Optional Enlarged Covered Patio



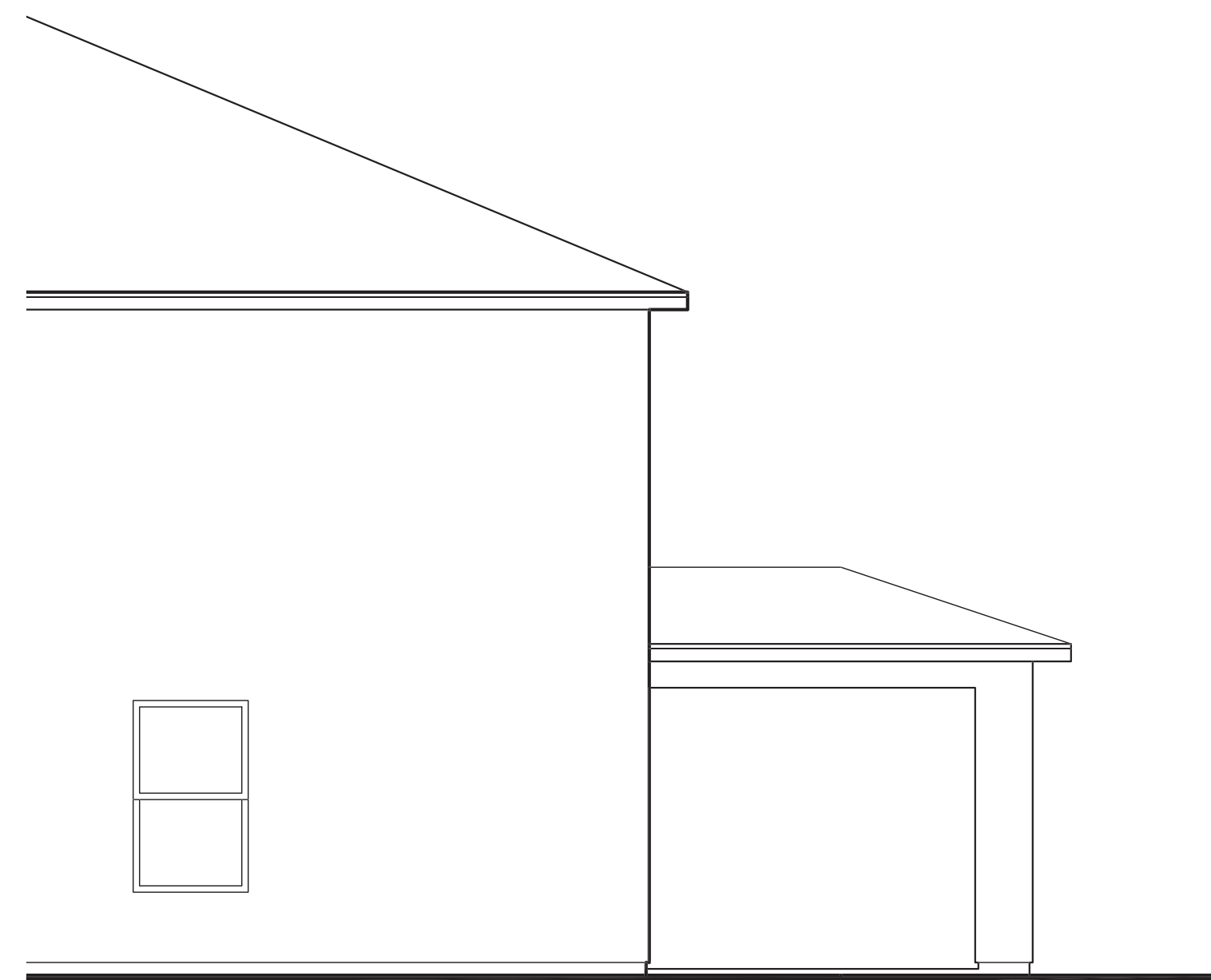
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Colett Martin



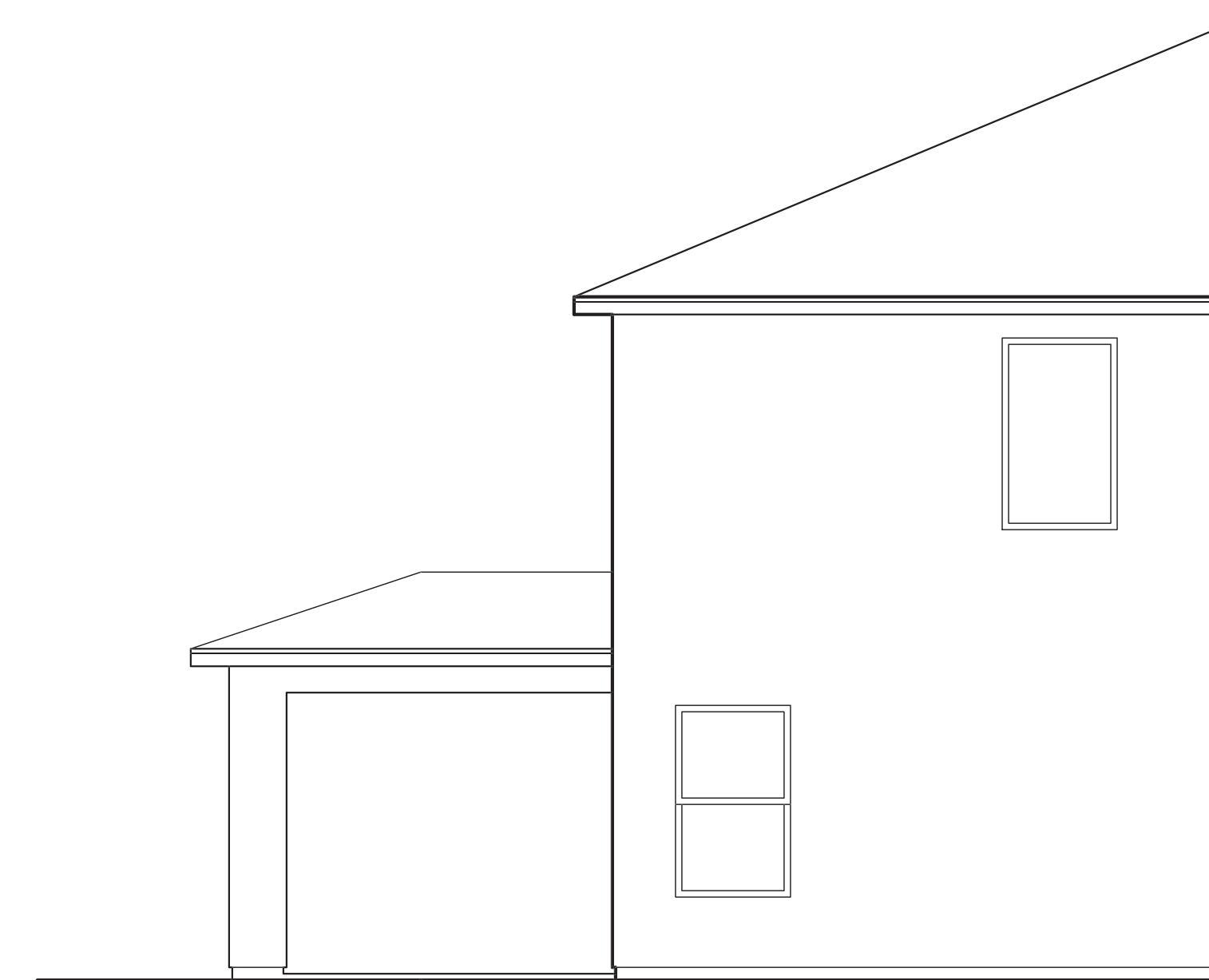
Rear Elevation 'D'

FENCE LOCATION & MATERIAL TO
MATCH EXISTING APPROVED
PLANS - REFER TO LANDSCAPE PLANS



Right Elevation 'D'

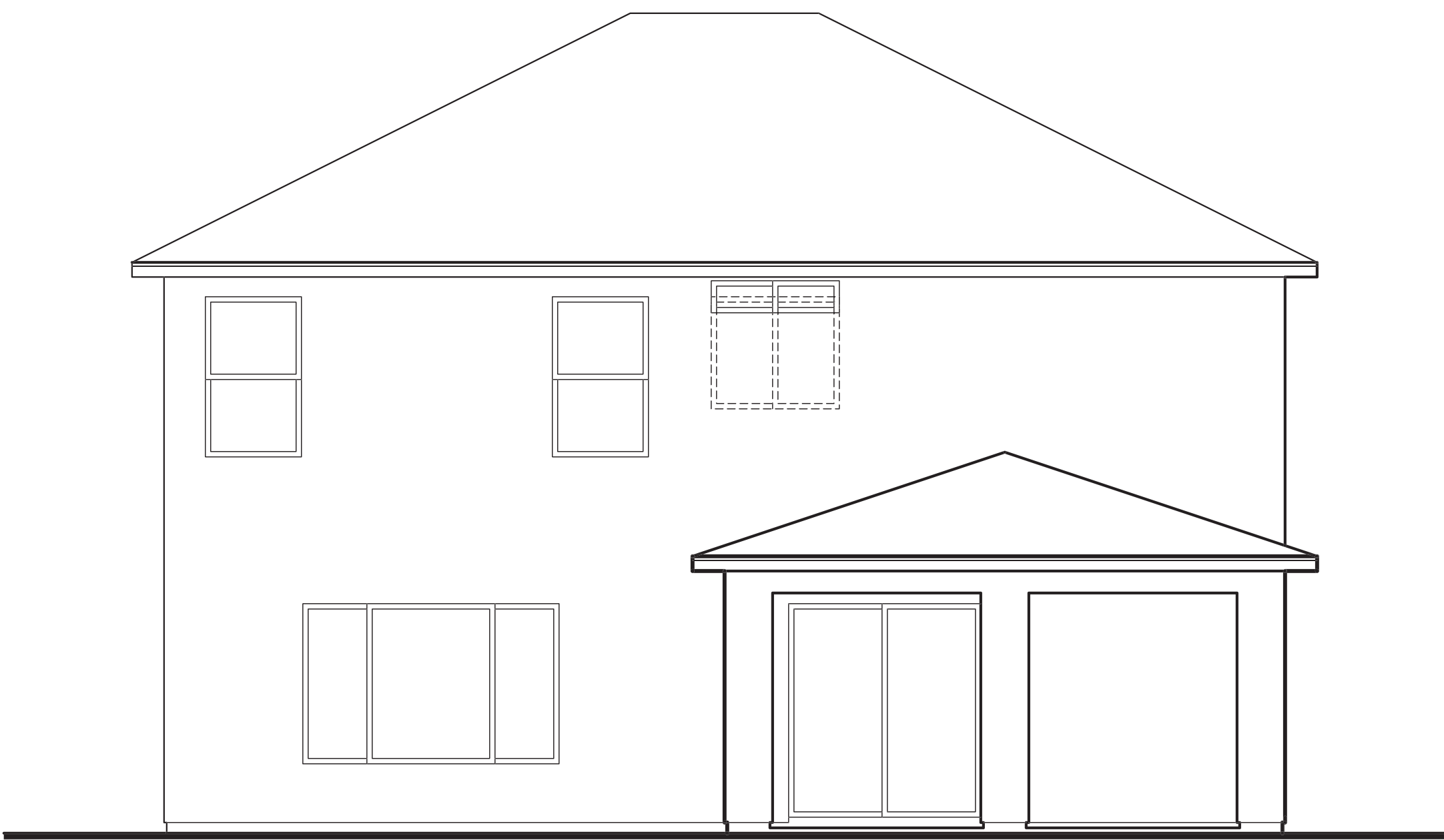
Optional Covered Patio



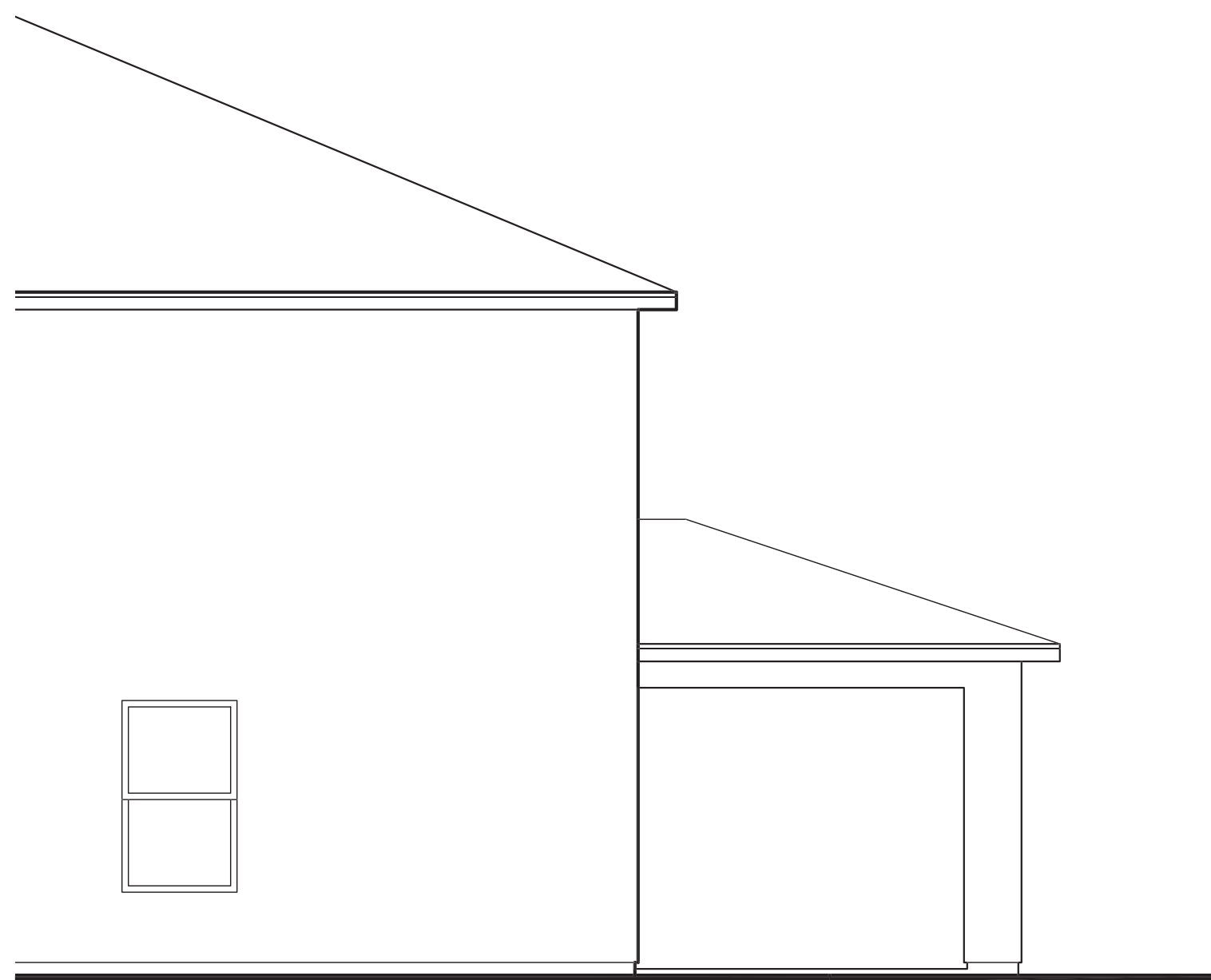
Left Elevation 'D'

Colett Martin

PLAN 4

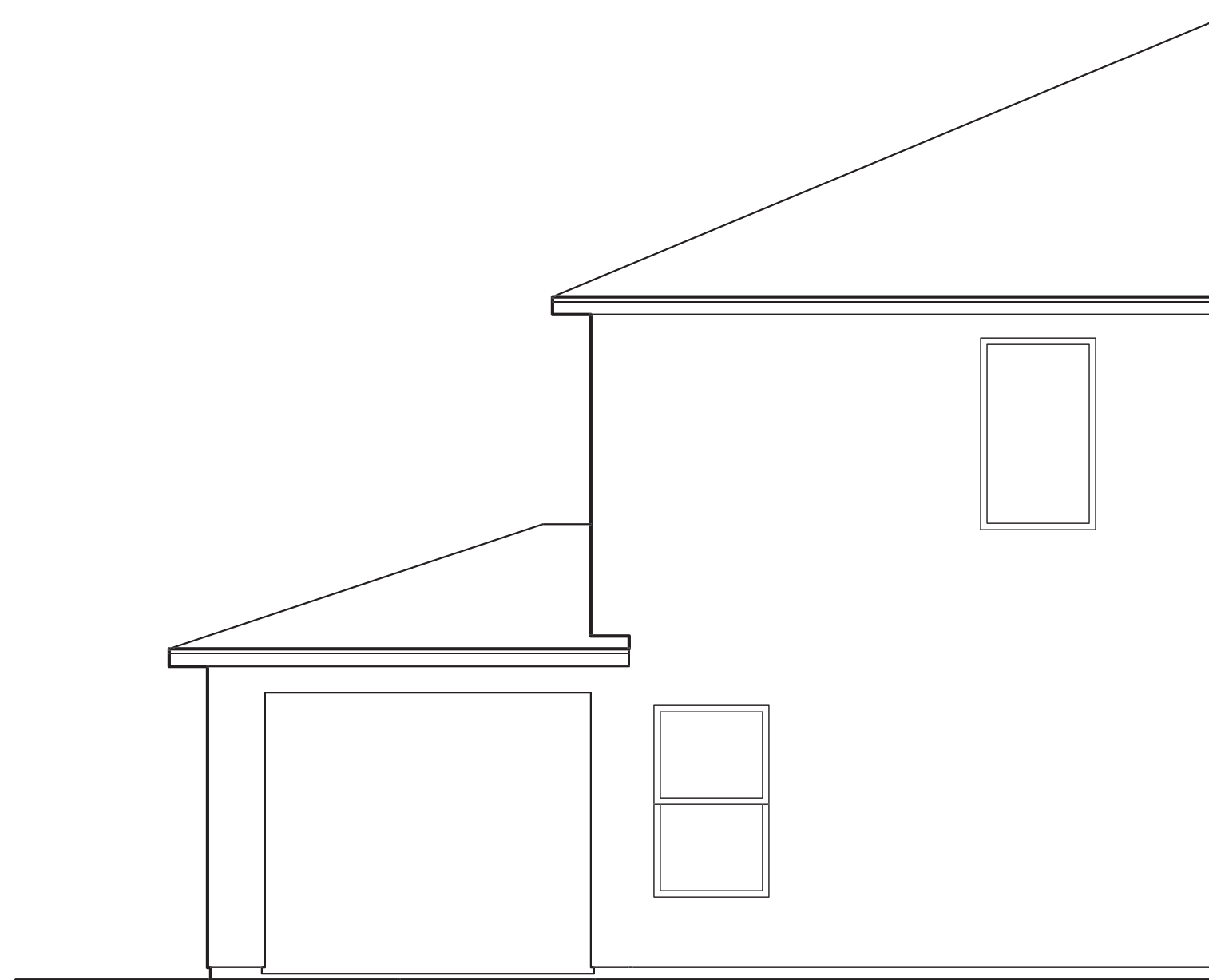


Rear Elevation 'D'



Right Elevation 'D'

Optional Enlarged Covered Patio



Left Elevation 'D'

Colett Martin

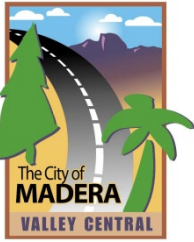
PLAN 4

235.2162

JOB No. : 3026-999875
STORY: Two
April 1, 2024

ATTACHMENT 6
Mitigated Negative Declaration

<https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011>



REPORT TO THE PLANNING COMMISSION

Prepared by:

Will Tackett, Community Development Director

Meeting of: August 13, 2024

Agenda Number: 5

SUBJECT:

Consideration of applications for Conditional Use Permits (CUP 2024-13 & CUP 2024-14) pertaining to ±5.08 acres of property located on the southwest corner of the Intersection of Olive Avenue and Tozer Street/Rd. 28 (APN: 011-330-016).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the Planning Commission of the City of Madera determining the project was previously assessed for compliance with the requirements of the California Environmental Quality Act (CEQA) and no further documentation is required; and, approving Conditional Use Permits (CUP) 2024-13 and CUP 2024-14.

SUMMARY:

The property owner/applicant, Charanjit Singh (Himat Investments, LLC), has filed Conditional Use Permit (CUP) Application Nos. 2024-13 and 2024-14 pertaining to ±5.08 acres of property located on the southwest corner of the intersection of Olive Avenue and Tozer Street/Rd. 28 (APN: 011-330-016), the "Project Site."

CUP 2024-14 was filed requesting authorization to allow a service station use (with convenience store) and a drive-through car wash use to be established on the project site. CUP 2024-13 was filed requesting authorization for the sale of tobacco and authorization to obtain a Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer & Wine) License in conjunction with the proposed convenience store. These CUP applications were filed as a request for renewal of prior approved conditional use permits for the same purpose which have expired.

The Project Site is planned for Commercial uses by the Madera General Plan and is zoned CN (Neighborhood Commercial) by the City of Madera Zoning Ordinance. City Municipal Code (CMC) § 10-3-9.203(4) & (12) provide that service stations, which include automobile fueling (gas) stations but excludes automotive engine repair services, along with an ancillary drive-through car wash facility (as a use similar in character to other permissible commercial services) are permissible in the CN (Neighborhood Commercial) zone district with a Conditional Use Permit.

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

Table 1 below provides a brief overview of the entitlement request, project applicant, project location and site characteristics.

Table 1: Project Overview	
<i>Project Number(s):</i>	CUP 2024-13 & CUP 2024-14
<i>Agent:</i>	Scott Vincent, Architect (The Vincent Company, Architects)
<i>Applicant/Property Owner:</i>	Charanjit Singh (Himat Investments, LLC)
<i>Location:</i>	Southwest corner of the intersection of Olive Avenue and Tozer Street/Rd. 28; APN(s): 011-330-016
<i>Project Area:</i>	±5.08 acres
<i>Planned Land Use:</i>	Commercial
<i>Zoning District:</i>	CN (Neighborhood Commercial)
<i>Site Characteristics</i>	Commercial (Vacant) North: Low Density Residential East: Public Facility & Low Density Residential South: Low Density Residential West: Low Density Residential

BACKGROUND:

On April 14, 2020, the Planning Commission, following a public hearing, approved CUPs 2019-26 through 29 approving the same uses and operations requested to be authorized with approval of CUPs 2024-13 & 14. At the same hearing, the Commission also approved Site Plan Review (SPR) 2019-29 to authorize development of a ±2.5-acre portion of the project site with a ±4,000 square-foot. commercial building intended for use as a convenience store, a second ±2,500 sq. ft. shell commercial building for future commercial &/or retail purposes; these uses (sans tobacco and alcohol sales) are permissible in the CN zone district by-right. The site plan also included the proposed service (gas) station canopy and islands with twelve fueling stations as well as the ±2,100 sq. ft ancillary drive-thru car wash building; approval of these facilities and operations were made contingent upon approval of the related conditional use permits authorizing their respective uses.

The approval of SPR 2019-29 has been renewed/extended through administrative Director approval (with approval of the service station and drive-through car wash facilities contingent upon approval of a CUP). However, the conditional use permits for the service station and drive-through car wash facilities as well as the tobacco and alcohol sales have expired and are subject

to Planning Commission approval. The applicant has reapplied for this purpose. No changes are proposed to the site plan, proposed operations, or to the prior conditions of approval.

ANALYSIS:

Site Characteristics:

The project site remains vacant. Single family residential (SFR) homes are located to north across Olive Avenue and single-family residential homes abut the property to the west and south. The Madera County public facilities complex is located to northeast on the northwest corner of the intersection. The Apollo Campus (Madera County Superintendent of Schools and Steve Carney Career Technical Education Center) occupies a portion of the parcel across Tozer Street (Rd. 28) to the east on unincorporated lands located within the County of Madera along with three rural residential single-family homes.

Surrounding Land Uses:

The Madera General Plan Land Use Map designates the project site for Commercial land uses. All surrounding properties are planned for Low Density Residential (2.1-7.0 dwelling units acre) uses with the exception of the northeast corner and the southeast corner of the intersection of Olive Avenue and Tozer Street (Rd. 28), which are designated for Other Public and Semi-Public uses.

Table 2 below summarizes the existing development/uses, and the General Plan land use designations and zoning districts surrounding the proposed project site. The General Plan designations identified in Table 2 represent the City’s General Plan land use designations surrounding the project site.

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Single Family Residential	Low Density Residential	R1 (Residential, one unit for each 6,000 sq. ft. of site area)
<i>East</i>	Apollo Campus & Rural Residential	Othe Public & Semi-Public Uses	County of Madera RRS (Residential, Rural, Single Family District)
<i>South</i>	Single Family Residential	Low Density Residential	R1 (Residential, one unit for each 6,000 sq. ft. of site area)
<i>West</i>	Single Family Residential	Low Density Residential	R1 (Residential, one unit for each 6,000 sq. ft. of site area)

Operations:

The neighborhood commercial plaza is proposed to operate within the hours of 5 AM and 11 PM seven days a week, with an anticipated number of 500 to 1,000 patrons per day. The proposed hours will be generally associated with the service (gas) station. The applicant has not identified a tenant for the secondary 2,500 square foot building; however, the building may be used by any number of retail and/or office uses.

Beer and Wine Sales

The California Department of Alcoholic Beverage Control (ABC) administers and issues licenses that allow establishments to serve alcohol. The applicant has applied for a Type 20 license, which would authorize the off-site sales from the retail outlet.

In January of 1998, Section 23817.5 of the State of California Business and Professions Code was amended to permanently establish a moratorium on the issuance of California State Department of Alcoholic Beverage Control (ABC) licenses for the off-site consumption of beer and wine (Type 20 ABC license) in cities and counties where the ratio of Type 20 licenses exceeds one for every 2,500 inhabitants. The most recent moratorium list of cities and counties was updated on January 30, 2017, which includes all of Madera County. The moratorium specifically prohibits the purchase of a new Type 20 ABC license or transfer of a Type 20 license from any city or county outside of Madera County. The moratorium does not apply to transferred licenses from within Madera County.

The project site is located within Census Tract 9.02, which has an estimated population 2,999 and therefore allows for one ABC license specific to off-site consumption of alcohol. The census tract is currently over-concentrated with a total of 4 active ABC licenses for off-site sales. As a component of the CUP approval, the benefactor is required to obtain an intra County Type 20 ABC transfer license, unless otherwise permitted by the State Department of ABC.

The City Council has directed staff to evaluate every application for the sale of alcohol on a case-by-case basis. The business model for convenience stores typically includes alcohol sales for off-site consumption. The Madera Unified School District (MUSD) previously stated concerns regarding the establishment of alcohol sales as a component of the convenience store. The MUSD comment letter has been included here again as Attachment 7. Concerns provided by MUSD do not specify what the impacts of alcohol sales will be, however, the letter does identify two elementary schools within a 1,500-foot radius of the project site. It should also be noted that Madera County public facilities are located on the northeast corner of the project intersection, as shown on Attachment 2.

Staff has provided recommended conditions of approval conclusive to the site's proximity to residential uses, elementary schools, and other public facilities. The purpose and intent of the conditions of approval are to prohibit the sale of single item alcohol purchases. The sale of alcohol should be in quantities of no less than factory packaging. As an example, the business owner would be permitted to sell beer and/or wine coolers in factory packages of no less than four but not be permitted to sell single beer products less than or equal 40-ounce. Conditions of approval are intended to provide "convenience" while ensuring the sale of beer and wine will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the project site.

Tobacco Sales

In September 2015, the Commission determined the sale of tobacco and tobacco-related products and sundries would require the approval of a conditional use permit. The Commission

acknowledged concerns that tobacco sales be located sensibly within the commercial areas of the City, mindful of surrounding land uses. Schools are a primary land use that is negatively affected by the sale of tobacco.

The closest schools in the area are Sierra Vista Elementary School and Virginia Lee Rose Elementary School. Both schools are approximately 1,500 feet from the project site (west and north, respectively) using the closest route. The City has not adopted an ordinance that specifies the length of distance a tobacco retailer should be from any school or other sensitive use. Staff recommends that the benefactor of the use permit be limited to the sale of cigarettes and tobacco only, consistent with the recommended conditions of approval. Staff also recommends the sale of e-cigarettes, vape paraphernalia (including juices) and/or marijuana paraphernalia, such as pipes and “bongs”, not be permitted.

Traffic Impact Study

As part of the environmental review process, a traffic impact study was completed. The traffic study analyzed the circulation needs of the project proposal and future surrounding development, which indicated the need and number of appropriate access points onto the project site. Conditions of approval are conducive to the circulation need and implement recommended mitigation measures as identified in the traffic study. Mitigation measures includes the placement of a single drive approach on Olive Avenue to be located as far as possible from the intersection with right in and right-out only access. Additionally, the project site is limited to two drive approaches on the Tozer Street frontage with minimum separation requirements between drive approaches.

Other Department and Agency Comments

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

General Plan Conformance

Though the approval of a neighborhood commercial shopping plaza and associated alcohol sales, tobacco sales, the establishment of a service gas station and drive-thru carwash is not specifically addressed in the vision or action plans, the overall project does directly support Action 115.2 of the Vision Madera 2025 Plan, which states, “As a component of the General Plan Update, increase retail outlets and promote Shop Madera...”

The sale of beer, wine and tobacco for off-site consumption, the establishment of a service (gas) station, and drive-thru car wash in conjunction with a convenience store is consistent with the purposes of the General Plan Commercial land use designation and the CN (Neighborhood Commercial) Zone District which provide for the proposed uses may be permissible through the approval of a use permit.

As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies and the Design and Development Guidelines.

ENVIRONMENTAL REVIEW:

The proposed project has been reviewed for compliance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

An initial study was previously prepared which included environmental analyses as necessary to evaluate the project in accordance with the provisions and criteria of the California Environmental Quality Act (CEQA) Guidelines. The conclusions and findings resultant from these environmental studies, analyses and an evaluation of the proposed project determined that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures were identified to reduce the significant direct, indirect or cumulative effects on the environment. Accordingly, on April 14, 2020, the Planning Commission, following a public hearing, determined that a Mitigated Negative Declaration was appropriate for this project and adopted a Mitigation and Monitoring Reporting Program.

In compliance with Section 21152 of the Public Resources Code, a Notice of Determination was filed with the Madera County Clerk on May 1, 2020.

In accordance with CEQA Guidelines Section 15162(a), when a (mitigated) negative declaration has been adopted for a project no subsequent mitigated negative declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record one or more of the following:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous Mitigated Negative Declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous Mitigated Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Planning Commission with an action to adopt the attached Resolution will be making the determination that no changes to the project or its circumstances have occurred and no new information has become available, as described in Section 15162(a) et seq. of the CEQA Guidelines; and, that no further documentation is required.

COMMISSION ACTION:

The Commission will be acting on CUPs 2024-13 & 2024-14. Staff recommends that the Commission:

1. Adopt a Resolution of the Planning Commission of the City of Madera determining the project was previously assessed for compliance with the requirements of the California Environmental Quality Act (CEQA) and no further documentation is required; and, approving Conditional Use Permits (CUP) 2024-13 and CUP 2024-14.

ALTERNATIVES:

As an alternative, the Commission may elect to:

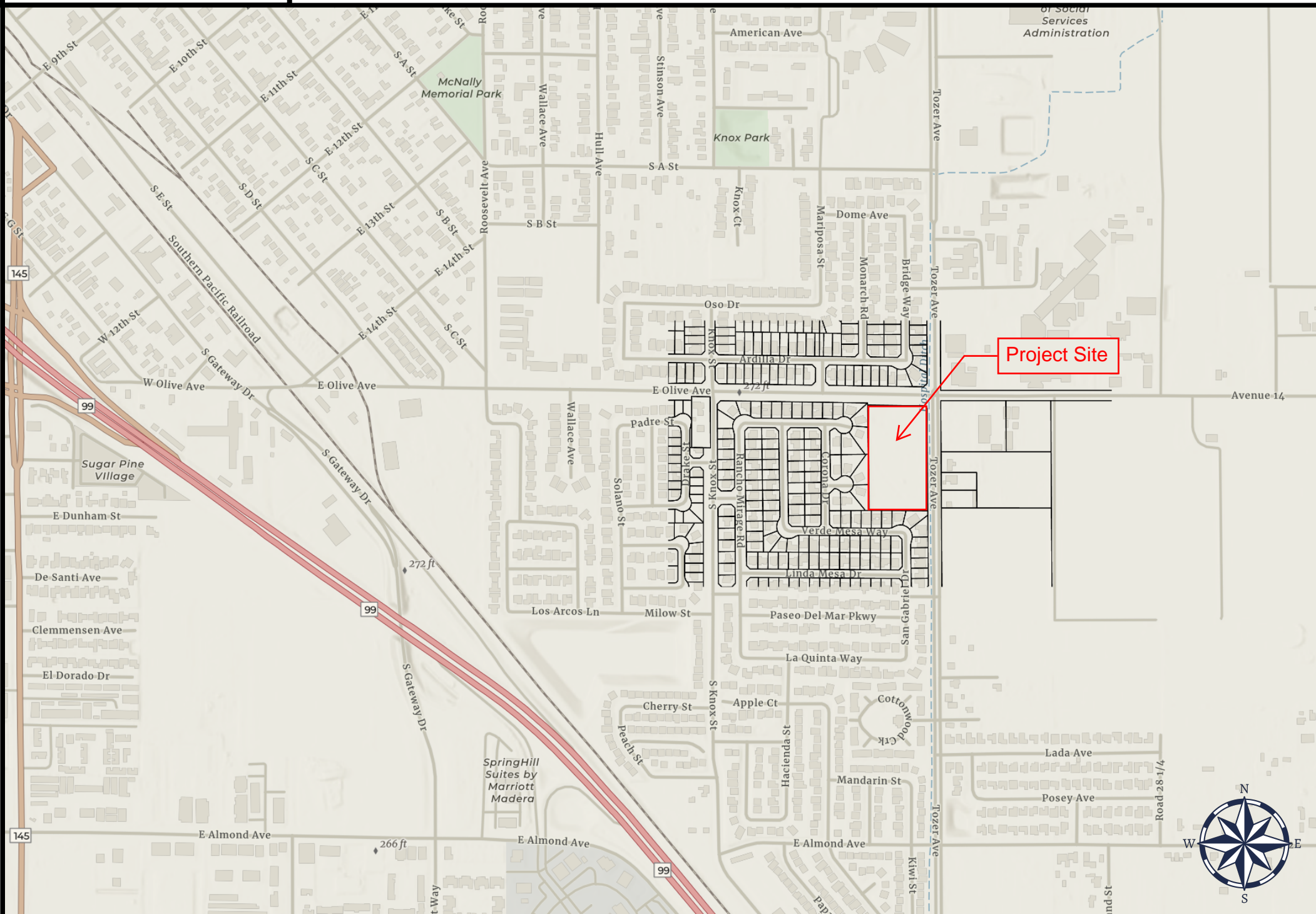
1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution (Commission to specify date and reasons for continuance).
2. Move to deny one more request based on specified findings: (Commission to articulate reasons for denial).
3. Provide staff with other alternative directives.

ATTACHMENTS:

1. Vicinity Map
2. Aerial Image
3. General Plan Land Use Map
4. Official Zoning Map
5. Site, Floor and Elevation Plans
6. Mitigated Negative Declaration
7. MUSD Comment Letter
8. Planning Commission Resolution
Exhibit "A" – Conditions of Approval

ATTACHMENT 1
Vicinity Map

Vicinity Map



Project Site



ATTACHMENT 2
Aerial Image

Aerial Image

2023

917 E Olive Ave

Project Site

Google Earth

1000 ft



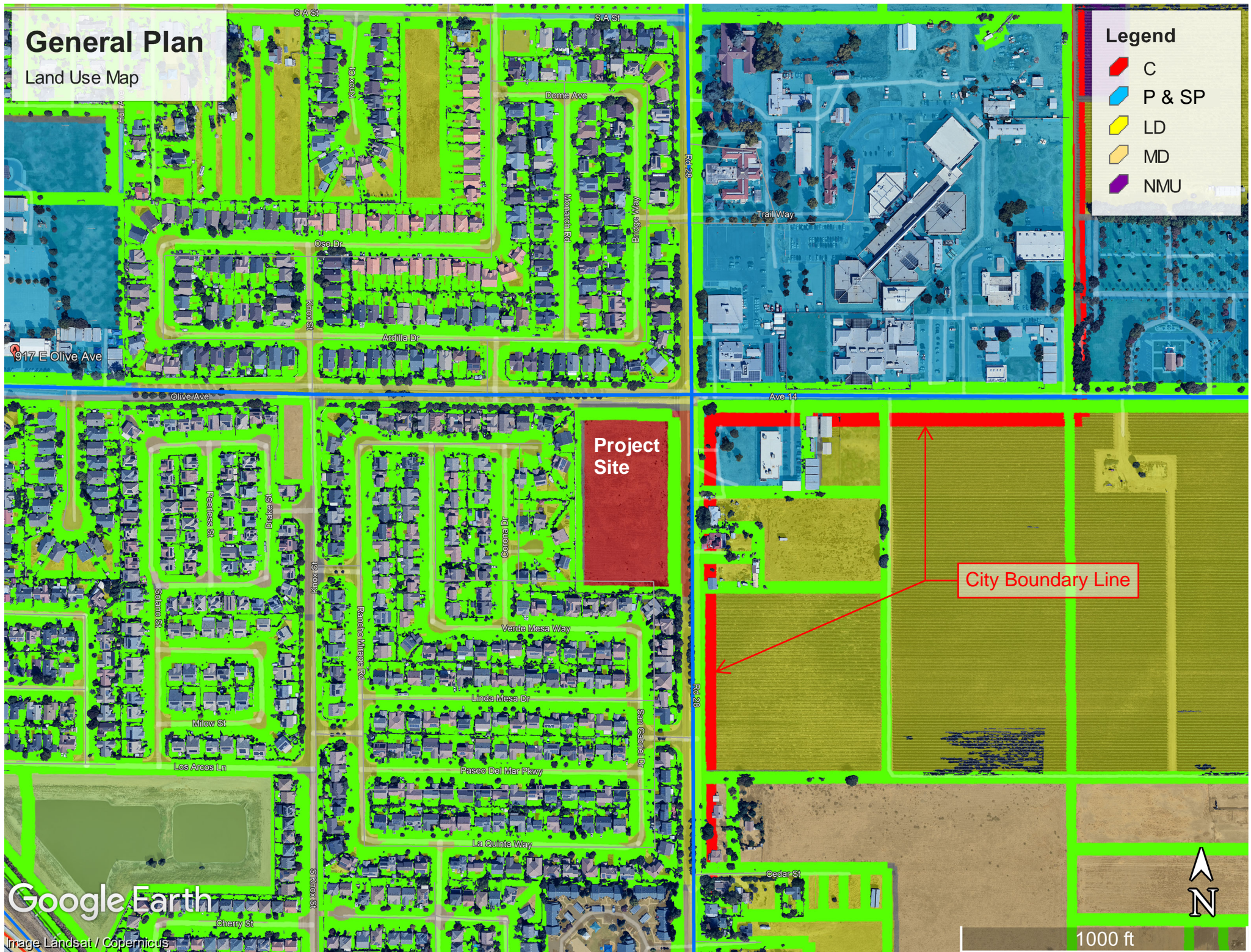
ATTACHMENT 3
General Plan Land Use Map

General Plan

Land Use Map

Legend

-  C
-  P & SP
-  LD
-  MD
-  NMU



Google Earth

Image Landsat / Copernicus

1000 ft








ATTACHMENT 4
Official Zoning Map

Zoning Ordinance

Official Zoning Map

Legend

-  CN
-  NMU
-  PD
-  PF
-  R1



Project Site

City Boundary Line

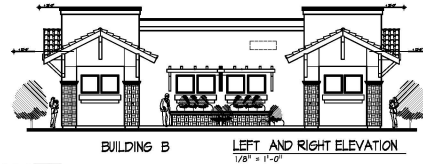
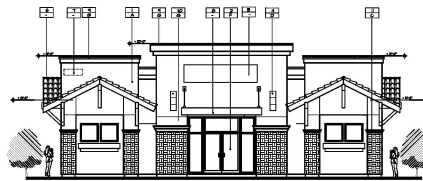
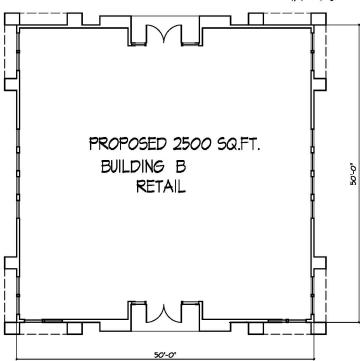
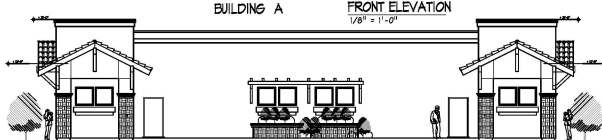
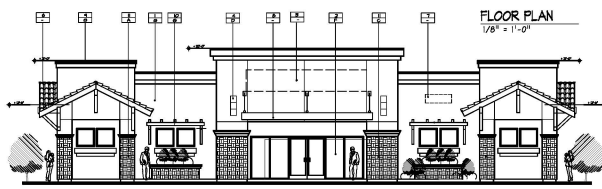
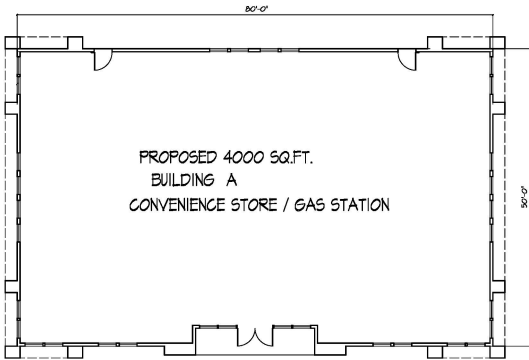
Google Earth

Image Landsat / Copernicus

1000 ft



ATTACHMENT 5
Site, Floor and Elevation Plans



SITE PLAN KEY NOTES

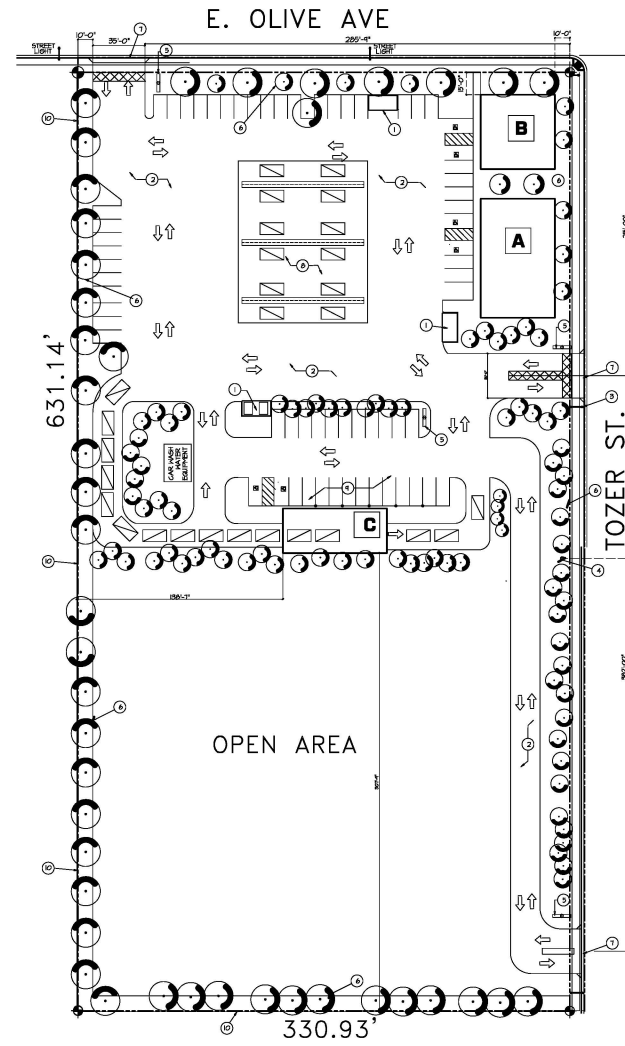
1. GRADE
2. ASPHALT PER CITY STD.
3. AC PAVING
4. EXISTING STREET LIGHT
5. EXISTING WATER
6. PROPOSED SIGN
7. LANDSCAPE
8. ASPHALT WASH PER CITY STD.
9. GAS STATION PUMPS TOP OF 12"
10. EXISTING 8'-0" CONC. FENCE

COLOR SCHEDULE

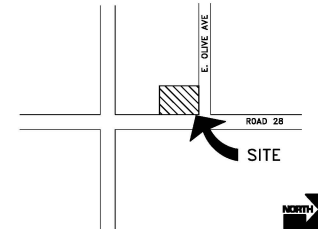
KEY	COLOR	REMARKS
1	DIRTY SAND (VERIFY W/ OWNER)	SEE COLOR ELEVATION
2	STONE	OUTSIDE PAINT
3	COMBUSTION (VERIFY W/ OWNER)	BY OWNER
4	EXT. LIGHT FIXTURE	
5	GLASS	TEmPERED GLASS
6	PAINT TO MATCH ADJACENT SURFACE	SEMI-GLOSS FINISH

MATERIAL & FINISH SCHEDULE

KEY	MATERIAL / FINISH	REMARKS
1	ALUMINUM EXTERIOR	OVER METAL LATH & BUILDING PAPER
2	WOODING / TRIM	1 1/2" x 3/4" CORNER MOLDFORM
3	DECORATIVE EXT. LIGHT FIXTURE	
4	SIGNAGE "IN CONFORMANCE WITH APPROVED SIGN PROGRAM"	
5	LIGHT CONC. TILE ROOF	
6	ADDRESS NUMBER	
7	METAL OVER WARE OR DRIVE	PAINT TO MATCH
8	METAL COATING	PAINT TO MATCH
9	WOOD FINISH	PAINT TO MATCH
10	COLOR STONE	



SITE PLAN
1" = 40'-0"



VICINITY MAP

ADDRESS: SOUTH WEST CORNER
E. OLIVE AVE AND TOZER ST.
MADERA, CA. 93638

OWNER:

DEVELOPER: HIMAT INVESTMENT, LLC
MADERA, CA. 93637

APN: 011 - 330 - 016

LOT AREA: 5.8 ACRES

PROJECT DATA

SCOPE OF WORK:

1. AS PER CUP 2019-26, THRU 29 & SPR 2019-29
E. OLIVE AVE AND TOZER ST. HIMAT INVESTMENTS
2. AS PER FIRE COMMENTS CUP 2019-26
E. OLIVE AVE AND TOZER ST. HIMAT INVESTMENTS

BUILDING AREAS:

Area	Description	Area (SQ. FT.)
A	ONE STORY CONVENIENCE STORE / GAS STATION	4000 SQ. FT.
B	ONE STORY RETAIL	2500 SQ. FT.
C	ONE STORY CAR WASH	2100 SQ. FT.

TOTAL AREAS: 8,600 SQ. FT.

PARKING REQUIRED: 35

PARKING PROVIDED: 64

PROPOSED DEVELOPMENT SOUTH WEST CORNER
HIMAT INVESTMENTS E. OLIVE AVE AND TOZER ST.
MADERA, CA. 93638

ProCad LLC. JOSEPH PEREYRA
DESIGNER
613 0271

DATE	REVISION	BY
4/3 /2020	Scale AS NOTED	J. PEREYRA
	Drawn	J. PEREYRA
	Checked	J. PEREYRA

Sheet 1 of 1

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ATTACHMENT 6
Environmental Review
Mitigated Negative Declaration

CITY OF MADERA
INITIAL STUDY / ENVIRONMENTAL CHECKLIST

I. BACKGROUND AND PROJECT DESCRIPTION

1. **Application No.:**
Conditional Use Permit 2019-26 thru 29 and Site Plan Review 2019-29
2. **Project Title:**
Himat Investments
3. **Lead Agency Name and Address:**
City of Madera, 205 W. 4th St., Madera, CA 93637
4. **Contact Person and Phone Number:**
Jesus Orozco – (559) 661-5436
5. **Project Location:**
Southwest corner of East Olive Avenue and Tozer Street/Road 28
6. **Project Applicant's/Sponsor's Name and Address:**
Applicant: Himat Investments – 1409 Pennyway, Madera, CA 93637
Property Owner: Ralph Kazarian Partners Ltd – 2416 W Shaw Avenue, Fresno, CA 93711
7. **General Plan Designation:**
C (Commercial)
8. **Zoning:**
CN (Neighborhood Commercial)
9. **Project Background:**
The proposal is an application for four use permits and a site plan review. There will be an individual use permit for the service (gas) station with twelve fuel stations, the off-site sales of beer and wine, the sale of tobacco products and a drive-thru car wash. The site plan review will guide the development on the project site on approximately 2.5-acres of a 5-acre property. The project proposal includes a building at approximately 4,000 square feet and a second building at approximately 2,500 square feet. The drive-thru car wash building is approximately 2,100 square feet. Hours of operations are anticipated to occur between 5AM and 11PM. The project also proposes on-and off- site improvements and other site appurtenances including parking and drive aisles, loading docks, landscaping, and walls and fences.
10. **Public Agencies Whose Approval or Review Is Required:**
Madera Irrigation District, Madera Unified School District, and San Joaquin Valley Air Pollution Control District.
11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is**

there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

California Native American tribes traditionally and culturally affiliated with the project area did not request consultation pursuant to Public Resources Code Section 21080.3.1.

II. ENVIRONMENTAL SETTING

The project site is vacant neighborhood commercial land. The immediate surrounding uses to the north, south and west are single-family residential homes, and rural residential homes and Madera County public facilities to the east.



III. ENVIRONMENTAL CHECKLIST


Environmental Factors Potentially Affected by the Project: Some of the environmental factors checked below would be potentially affected by this project, involving no impacts that are a “Potentially Significant Impact” as indicated by the checklist on the following pages.

	Aesthetics		Agricultural and Forest Resources		Air Quality
	Biological Resources		Cultural Resources		Energy
	Geology / Soils		Greenhouse Gas Emissions		Hazards and Hazardous Materials
	Hydrology / Water Quality		Land Use / Planning		Mineral Resources
	Noise		Population / Housing		Public Services
	Recreation	X	Transportation		Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

IV. DETERMINATION

On the basis of this initial evaluation:

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

Signature: 

Date: 3/19/2020

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) 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?				✓
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	
<p><u>Discussion</u> The project would not affect a scenic vista or have an overall adverse visual impact on the immediate area. The project would not affect a scenic highway and would not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light and the anticipated commercial development will add additional sources of light. The project would conform with and incorporate General Plan policies and requirements. No additional analysis is required.</p> <p><u>Less than Significant Impacts</u> d) There will be an increase in light and glare and other aesthetic impacts associated with the development as a result of the project, although it will be a less than significant impact upon implementation of City standards. Exterior lighting on building and in open areas will be shielded or muted by design of fixtures, surrounding buildings and substantial landscaping. The overall impact of additional light and glare will be minimal.</p> <p><u>No Impacts</u> a) The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks or formally classified scenic resources, such as a scenic highway, national or state scenic area, or scenic vista. b) The project will not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) The project will not substantially degrade the existing visual character or quality of the site and its surroundings. The project does not also conflict with applicable zoning and other regulations governing scenic quality.				
<p>2. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement Methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
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?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
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))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
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?				✓
<p>Discussion The project site is located on land identified as Vacant or Disturbed Land within the 2016 California Farmland Mapping and Monitoring Program.</p> <p>No Impacts</p> <p>a) The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency) to non-agricultural use. The project</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>site is identified as "Grazing Land" on the 2016 California Farmland Mapping and Monitoring Program map, which includes land on which the existing vegetation is suited to the grazing of livestock. The project site has been identified for commercial uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural or grazing purposes.</p> <p>b) The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property.</p> <p>c) The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production because the project property is not 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)).</p> <p>d) The project would not result in the loss of forest land or conversion of forest land to a non-forest use because the parcel is not defined as forest land (as defined by Public Resources Code Section 12220(g)).</p> <p>e) The project, which will develop an eight-unit apartment complex, will not involve other changes in the existing environment, due to the project property's location or nature, that would result in the conversion of Farmland to a non-agricultural use or conversion of forest land to non-forest use.</p>				
<p>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:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?			✓	
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?			✓	
c) Expose sensitive receptors to substantial pollutant concentrations?			✓	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			✓	
<p>Discussion The project site is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Air quality is determined by the type and amount 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 O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are “criteria pollutants.” The SJVAPCD also conducts monitoring for two other state standards: sulfate and visibility.</p> <p>The State of California has designated the project site as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.</p> <p>The project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.</p> <p>Similarly, the project will be evaluated to determine required compliance with District Rule 9510, which is intended to mitigate a project’s impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit and Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit would be made a condition of project approval.</p> <p>Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and the development will be subject to SJVAPCD review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.</p> <p>The proposed General Plan amendment and rezoning for the project site, and the development of the project site will not create impacts beyond those analyzed and addressed through the General Plan Update and the accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. All phases of development will similarly conform with and implement regional air quality requirements. No additional analysis is required. Any unique features or project impacts which are identified as specific projects are proposed within the project site will be evaluated and addressed on a project-by-project basis.</p> <p><u>Less than Significant Impacts</u></p> <p>a) According to the San Joaquin Valley Air Pollution Control District (SJVAPCD), the project is subject to some District Rules. The project will not conflict with or obstruct implementation of the applicable air quality plan.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) According to the SJVAPCD, the project would have a less than significant impact on air quality when compared to the significance thresholds of the following annual criteria pollutant emissions: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides in nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).</p> <p>c) The project would not expose sensitive receptors to substantial pollutant concentrations.</p> <p>d) The development of the project would not result in other emissions, such as those leading to odors adversely affecting a substantial number of people.</p>				
4. BIOLOGICAL RESOURCES. Would the project:				
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 Wildlife or U.S. Fish and Wildlife Service?				✓
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 Wildlife or U.S. Fish and Wildlife Service?				✓
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?				✓
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?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				
<p>Discussion</p> <p>With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. There is no record of special-status species in the project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore, impacts in this category are not anticipated to exceed the impacts addressed in those documents.</p> <p>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. 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.</p> <p>No Impacts</p> <p>a) The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.</p> <p>b) The project would not 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.</p> <p>c) The project would not 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.</p> <p>d) The project would not 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.</p> <p>e) The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p> <p>f) The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.</p>				
<p>5. CULTURAL RESOURCES. Would the project:</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				✓
c) Disturb any human remains, including those interred outside of formal cemeteries?				✓
<p>Discussion</p> <p>The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project would not disturb any archaeological resources. The project would not disturb any unique paleontological or geologic resources. The project would not disturb any human remains. In the event any archaeological resources are discovered during project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State law may be applied.</p> <p>No Impacts</p> <p>a) The project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 because there are no known historical resources located in the affected territory.</p> <p>b) The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 because there are no known archaeological resources located in the affected territory.</p> <p>c) The project would not disturb any human remains, including those interred outside of formal cemeteries, because there are no known human remains located in the affected territory. When development occurs in the future and if any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state, and federal regulations affecting archaeological and historical resources would be complied with.</p>				
6. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓
Less than Significant Impacts				
a) The project could utilize inefficient or unnecessary consumption of energy resources during project construction or operation, but because the project will be built to comply with Building Energy Efficiency of the California Building Code (Title 24), the project will not result in				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.				
No Impacts				
b) State and local authorities regulate energy use and consumption. These regulations at the state level 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, California Code of Regulations Title 24, Part 11 – California Green Building Standards. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.				
7. GEOLOGY AND SOILS. Would the project:				
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.				✓
ii. Strong seismic ground shaking?				✓
iii. Seismic-related ground failure, including liquefaction?				✓
iv. Landslides?				✓
b) Result in substantial soil erosion or the loss of topsoil?				✓
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?				✓
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?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
<p>Discussion</p> <p>There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in The Uniform Building Code that is utilized by the City of Madera Building Division to monitor safe construction within the City limits.</p> <p>No Impacts</p> <p>a)</p> <ul style="list-style-type: none"> i. 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 known faults with evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west and south of the project site. Due to the geology of the project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal. ii. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking. Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned. iii. 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. 				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>iv. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides.</p> <p>b) The project would not result in substantial soil erosion or the loss of topsoil. Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with the City of Madera ordinances and regulations, the California Building Code, and professional engineering designs approved by the Madera Engineering Department will mitigate any potential impacts from future urban development, if any.</p> <p>c) The project would not be located on a geologic unit or soil that is unstable as a result of the project, and not potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.</p> <p>d) The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), not creating substantial direct or indirect risks to life or property.</p> <p>e) The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. The City of Madera would provide necessary sewer and water systems upon project approval.</p> <p>f) The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>				
8. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	
<p>Discussion</p> <p>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.</p> <p>In 2006, the California State Legislature adopted AB32, the California Global Warming Solutions Act of 2006, which aims to reduce GHG emissions in California. GHGs, as defined by AB 32, includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
requires the California Air Resources Board (ARB), the State agency which regulates statewide air quality, to adopt rules and regulations that would achieve GHG emissions equivalent to 1990 statewide levels by 2020.				
As part of the 2011 City of Madera General Plan update, the Conservation Element includes several goals, policies and programs in the Air Quality, GHG Emissions and Climate Change sections which 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 private development integrate appropriate methods that reduce GHG emissions consistent with the Energy and Green Building sections of the Conservation Element, General Plan Policy CON-40 through 46.				
<u>Less than Significant Impacts</u>				
<p>a) The project would not, by itself, generate significant GHG emissions or contribute to global warming because the new development that is proposed will be required to adhere to local, regional and state regulations.</p> <p>b) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.</p>				
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
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?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school?				✓
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?				✓
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				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓

Discussion

The project will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be delineated with the accompanying site plan review. Numerous industrial and commercial operations, both past and present, have manufactured, handled, stored and disposed of hazardous materials in the City of Madera. Hazardous materials site includes manufacturing operations, agricultural chemical production, storage and transportation, facilities with underground storage tanks (USTs) and other materials. Hazardous materials are regulated by a variety of state and local agencies. Operation and maintenance of the gasoline underground storage tanks is regulated by the California Water Resources Control Board Underground Storage Tank Program. Installation and maintenance of the proposed USTs will be subject to CCR Title 23, Chapter 16 (Underground Tank Regulations). These regulations establish construction requirements for new underground tanks; establish separate monitoring requirements for new and existing underground storage tanks; establish uniform requirement for unauthorized release report and for repair, upgrade, and closure of underground storage tanks; and specify variance request procedures. The gas station operation will result in the regular transportation of gasoline to the project site. These deliveries will occur on designated truck routes in compliance with the California Department of Motor Vehicle standards.

Less than Significant Impact

a) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The transport use and storage of hazardous materials would be required to comply with all applicable state and federal regulations, such as requirements that spills would be cleaned up immediately and all wastes and spills control materials would be properly disposed of at approved disposal facilities. with CCR Title 23, Chapter 16 would also be required for maintenance and monitoring of the USTs for potential leaks.

No impacts

b) The project would not 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.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school.</p> <p>d) The project would not 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, it would not create a significant hazard to the public or the environment.</p> <p>e) The project site is not located within an airport land use plan and would result in a safety hazard or excessive noise for people residing or working in the project area.</p> <p>f) The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p> <p>g) The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires.</p>				
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				✓
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				✓
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;				✓
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				✓
iii. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?				✓
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓

Discussion

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

The project would not expose people or property to water-related hazards. Standard construction practices and compliance with City ordinances and regulations, The Uniform Building Code, and adherence to professional engineering design approved by the Madera Engineering Department would mitigate any potential impacts from this project. This development would be required to comply with all City ordinances and standard practices which will assure that storm water would be adequately drained into the approved storm water system. The project would not create any impacts on water quality.

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

No Impacts

a) The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The development of the project site will be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development will also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.

b) 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.

c)

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>i. The project would not 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 not result in substantial erosion or siltation on- or off-site.</p> <p>ii. The project would not 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 not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.</p> <p>iii. The project would not 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 not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.</p> <p>d) The project is not located in flood hazard, tsunami or seiche zones and it will not risk release of pollutants due to project inundation.</p> <p>e) The project does not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.</p>				
11. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				✓
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?				✓
<p>Discussion Development of the project site is consistent with the urbanization of the project site, as evaluated in the General Plan and its EIR; therefore, impacts in this category are avoided.</p> <p>No Impacts</p> <p>a) The project would not physically divide an established neighborhood. The project logically allows development to occur in an orderly manner, adjacent to future urban development.</p> <p>b) The project would not 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.</p>				
12. MINERAL RESOURCES. Would the project:				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless 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?				✓
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?				✓
<p>No Impacts</p> <p>a) 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.</p> <p>b) 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.</p>				
<p>13. NOISE: Would the project result in:</p>				
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?				✓
b) Generation of excessive ground borne vibration or ground borne noise levels?				✓
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?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><u>Discussion</u> These potential impacts were addressed in the General Plan EIR, and goals and mitigation measures were adopted to reduce potential impacts to a less than significant level. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan, and its EIR; therefore, impacts in this category are not anticipated to exceed the impacts addressed in these documents.</p> <p><u>No Impacts</u></p> <p>a) The project would not generate 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.</p> <p>b) The project would not generate excessive ground borne vibration or ground borne noise levels.</p> <p>c) The project site is not located within the vicinity of a private airstrip or an airport land use plan and would not expose people residing or working in the project area to excessive noise levels.</p>				
<p>14. POPULATION AND HOUSING. Would the project:</p>				
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)?			✓	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓
<p><u>Discussion</u> The proposed project would not induce additional substantial growth in this area. The project site would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.</p> <p><u>Less than Significant Impacts</u></p> <p>a) The project does induce unplanned population growth in the area directly with the construction of the commercial development, growth, if any will not be substantial.</p> <p><u>No Impacts</u></p> <p>b) The project will not displace substantial numbers of existing people or housing which will not necessitate the construction of replacement housing elsewhere.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical 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:				
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓
<p>Discussion</p> <p>The development of the project site would not result in substantial adverse physical impacts from new or altered public facilities. As development occurs, there would be a resultant increase in job opportunities, and a greater demand placed upon services, such as fire and police protection, and additional park and school facilities. This additional demand is consistent with the demand anticipated in the General Plan and evaluated in the General Plan EIR.</p> <p>The project would not bring about the need for new wastewater treatment facilities. The project would not significantly increase the demand on water supplies beyond the levels anticipated in the General Plan and the Water Master Plan. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project would not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project area. The project area would be required to provide additional facilities within the development, and comply with the City's Master Plan, ordinances and standard practices. The project would not bring about a significant increase in the demand for solid waste disposal services and facilities.</p> <p>No Impacts</p> <p>a) The project would not result in substantial adverse physical impacts to fire protection services.</p> <p>b) The project would not result in substantial adverse physical impacts to fire protection services.</p> <p>c) The project would not result in substantial adverse physical impacts to school services. The Madera Unified School District levies a school facilities fee to assist defraying the impact of residential development.</p> <p>d) The project would not result in substantial adverse physical impacts to park facilities.</p> <p>e) The project would not result in substantial adverse physical impacts on other public facilities.</p>				
16. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓
<p>Discussion Commercial development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.</p> <p>No Impacts</p> <p>a) The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.</p> <p>b) The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</p>				
17. TRANSPORTATION. Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?		✓		
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				✓
c) Substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				✓
d) Result in inadequate emergency access?				✓
<p>Discussion The project site was included in the General Plan and its accompanying EIR and the potential traffic generated from the eventual development of this land is considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development.</p> <p>Potentially Significant Unless Mitigation Incorporated Mitigation Measure 17(a)-1: The off-site improvements relative to traffic impacts shall be consistent with the recommendations of the traffic impact study and resulting City requirements in the</p>				

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attached document dated January 24, 2020, as well as any modifications to the requirements contained therein as part of the final traffic study approval.				
No Impacts				
b) The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The project is not located within one-half mile of an existing major transit stop or along an existing high-quality transit corridor.				
c) The project would not substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment).				
d) The project would not result in inadequate emergency access.				
18. Tribal Cultural Resources. Would the project:				
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:				✓
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe				✓
No Impacts				
a) 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,				

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<p>or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).</p> <p>b) The project 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.</p>				
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				
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 which could cause significant environmental effects?			✓	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				✓
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?				✓
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?				✓
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✓
<p>Discussion</p> <p>The City's community sewage disposal system would continue to comply with Discharge Permit requirements. The project would not bring about the need for new wastewater treatment facilities. The project would not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There would not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project would not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project. The project site would be required to comply with the City's Master Plan, ordinances and standard practices. The</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
project would not bring about a significant increase in the demand for solid waste disposal services and facilities.				
<u>Less than Significant Impacts</u>				
a) The project would require the construction of new water and storm water drainage facilities, but the construction would not cause significant environmental effects.				
<u>No Impacts</u>				
b) The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.				
c) The project would 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.				
d) The project would not 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.				
e) The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.				
20. WILDFIRE. 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?				✓
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?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Discussion</p> <p>The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The project will be developed consistent with all regulations of the California Fire Code and would provide no impact to wildfire hazards.</p> <p>No Impacts</p> <p>a) The project would not substantially impair an adopted emergency response and or emergency evacuation.</p> <p>b) The project would not, 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.</p> <p>c) The project would not require the installation or maintenance of roads and will not exacerbate fire risk or result in temporary or ongoing impacts to the environment as the project is also not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.</p> <p>d) The project would not 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.</p>				
<p>21. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:</p>				
<p>e) 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?</p>				<p style="text-align: center;">✓</p>
<p>f) 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 the past projects, the effects of other current projects, and the effects of probable future projects.)</p>				<p style="text-align: center;">✓</p>

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓
<p>Discussion</p> <p>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, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials Population and Housing, and Utilities and Service Systems.</p> <p>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 Mitigated Negative Declaration is the appropriate level of documentation for this project.</p> <p>No Impacts</p> <p>a) The project would not 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.</p> <p>b) The project would not have cumulatively considerable impacts that are beyond less than significant.</p> <p>c) The project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.</p>				

**CITY OF MADERA
MITIGATION MONITORING PROGRAM**

Project Name and/or File Number: Conditional Use Permits 2019-26 thru 29 and
Site Plan Review 2019-29

Project Description: An application for four use permits and a site plan review. There will be an individual use permit for the service (gas) station with twelve fuel stations, the off-site sales of beer and wine, the sale of tobacco products and a drive-thru car wash. The site plan review will guide the development on the project site. The project proposal includes two approximately 4,000 square foot buildings (buildings A and D), two approximately 2,500 square foot buildings (buildings C and B) and an approximately 2,100 square foot drive- thru car wash, on approximately 3.33-acres of a 5-acre property. Hours of operations are anticipated to occur between 5AM and 11PM. The project also proposes on-and off- site improvements and other site appurtenances including parking and drive aisles, loading docks, landscaping, and walls and fences.

Monitoring Phase:

Pre-construction ___; Construction X ; Pre-occupancy X ; Post-occupancy ___

Public Resources Code 21081.6 requires public agencies to adopt mitigation reporting and monitoring programs for all projects for which a mitigated negative declaration has been prepared. This law is intended to ensure the implementation of all mitigation measures incorporated into the project as set down in the California Environmental Quality Act (CEQA) process.

The Mitigation Monitoring Program for the proposed project will be in place through all phases of implementation for the project. The City of Madera will have the primary enforcement role for mitigation measures that are the responsibility of the City of Madera to implement. The “Environmental Monitor” (EM) is the Planning Manager, who will be responsible for operation of the program. The EM is responsible for managing and coordinating monitoring activities with City staff and for managing City reviews of the proposed project.

During site development, site visitations, construction management and permit inspections by City staff assure that mitigation measures and conditions are being met. Failure to meet any condition of development may lead to a suspension of construction activities and code enforcement action.

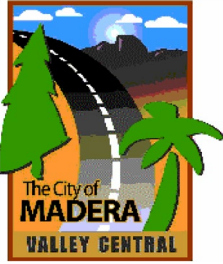
Conditional Use Permits 2019-26 thru 29 and Site Plan Review 2019-29 Mitigation Measures

17. Transportation/Traffic

17(a)-1 The on- and off-site improvements relative to traffic impacts shall be consistent with the recommendations of the traffic impact study, City requirements, and resulting condition of approval in the attached document(s) as well as any modifications to the requirements contained therein as part of the final traffic study approval.

ATTACHMENT 7

**Madera Unified School District (MUSD)
Comment Letter**



CITY OF MADERA PROJECT REVIEW

205 W. Fourth Street
Madera CA 93637
(559) 661-5436
jorozco@madera.gov

From: Planning Division

Date: January 27, 2020

To: **City Departments/Division**

Chief Building Official
 City Engineer
 Interim Fire Official
 Police Chief
 Public Works Director
 Parks & Community Services Director

Airport Director
 EDC Director
 Successor Director
 Neighborhood Revitalization Coordinator
 Other

Outside Agencies:

PG&E
 AT&T
 CalTrans
 County Assessor's Office
 Madera Unified School District
 Madera County LAFCO
 Madera Downtown Association
 Air Pollution Control
 Madera Irrigation District

Madera County RMA
 County Transportation Commission
 Crop Duster's Association
 U.S. Army Corps of Engineers
 Department of Fish & Game
 Madera County LAFCO/Olivia
 U.S. Fish and Wildlife Service
 Environmental Protection Agency
 San Joaquin Valley Information Center

The following project is being distributed for your review and comment. Return comments to project manager, Jesus Orozco.

**CUP 2019-26 thru 29 & SPR 2019-29 – Himat Investments
SWC/o E Olive Ave & Tozer**

An application for multiple conditional use permits and a site plan review to allow for development of an approximately 15,100 sq. ft. commercial plaza to include: 3 standalone retail/office buildings, a convenience store proposing the sale of off-site alcohol and tobacco sales in conjunction with 12 fuel stations, and a drive-thru car wash located on property on the southwest corner of the East Olive Avenue and Tozer Road in the CN (Neighborhood Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 011-330-016). A copy of the Initial Traffic Study will be sent via email.

Comments (written response or emailed) due by February 11, 2020

The Madera Unified School District does have concerns regarding the sale of alcohol and tobacco products down the street and on the walking routes of students from two nearby elementary schools (Rose and Sierra Vista). Each school is located approximately 1,500 feet from the proposed project. We are also concerned about the impact the projects driveways pose for our students who will be walking by the site daily.

ATTACHMENT 8

Planning Commission Resolution

Including:

Exhibit "A": Conditions of Approval

RESOLUTION NO. 2001

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
DETERMINING THE PROJECT WAS PREVIOUSLY ASSESSED FOR
COMPLIANCE WITH THE REQUIREMENTS OF THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) AND NO FURTHER
DOCUMENTATION IS REQUIRED; AND, APPROVING CONDITIONAL USE
PERMITS (CUP) 2024-13 AND CUP 2024-14.**

WHEREAS, Charanjit Singh (“Owner”), submitted an application for Conditional Use Permits (CUP 2024-13 & CUP 2024-14), collectively “the project,” pertaining to ±5.08 acres of property located on the southwest corner of the intersection of Olive Avenue and Tozer Street/Rd. 28 (APN: 011-330-016), Madera, CA (“site”); and

WHEREAS, the site is designated for Commercial (C) planned land uses on the General Plan Land Use Map and is zoned CN (Neighborhood Commercial) by the Zoning Ordinance; and

WHEREAS, CUP 2024-14 was filed to request authorization to allow a service station use (with convenience store) and a drive-through car wash use to be established on the site; and

WHEREAS, CUP 2024-13 was filed to request authorization for the sale of tobacco as well as authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer & Wine) License issued to retail stores and authorizing the sale of beer and wine for consumption off the premises where sold, in conjunction with the proposed convenience store; and,

WHEREAS, operations proposed in accordance with CUP 2024-13 and CUP 2024-14 have been determined to be able to occur on the site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

WHEREAS, this project was assessed in accordance with the provisions of the California Environmental Quality Act (“CEQA”) resulting in preparation of a Mitigated Negative Declaration including a Mitigation Monitoring and Reporting Program, which has been circulated, and made available for public review pursuant to CEQA and the City of Madera Municipal Code (CMC); and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve conditional use permits and environmental assessments for associated projects 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 CUP 2024-13 and CUP 2024-14 at a duly noticed meeting on August 13, 2024; and

WHEREAS, a public hearing was held, 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 adopt this Resolution approving CUP 2024-13 and CUP 2024-14.

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: This project has been previously assessed. The Planning Commission finds that pursuant CEQA Guidelines § 15162 subsequent environmental review is not required for CUP 2024-13 and CUP 2024-14 based on the following:

a. No substantial changes are proposed in the project which will require major revisions of the previous mitigated negative declaration due (MND) to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the Planning Commission approved the MND prior to the adoption of this Resolution. CUPs 2024-13 & 14 are consistent with the same intensity, uses, operations and is exactly as contemplated by the MND. As such, proposed CUPs 2024-13 & 14 have the same environmental impacts as assessed in the MND.

b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, CUPs 2024-13 & 14 are exactly consistent with the MND and were specifically contemplated by it. Additionally, CUPs 2024-13 & 14 allows for the implementation of the site plan review contingently approved by the Planning Commission as part of the approval of the MND, property will continue to be used for the commercial uses as originally contemplated by the MND, and there are no new substantial changes in the physical environment that were not anticipated in the MND, including its analysis in light of the development contemplated.

c. There is no new information, which was not known and could not have been known at the time of the previous mitigated negative declaration that the project will have significant effect not discussed in the MND. CUPs 2024-13 & 14 will not have any more significant effects than that already discussed and assessed in the MND, and was specifically contemplated by the MND. Furthermore, since a MND was previously adopted for the project, the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, the Planning Commission determines that this project has already been environmentally assessed and no further environmental documentation is required for CUPs 2024-13 & 14.

3. Findings to Approve CUPs 2024-13 & 14: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permits, as conditioned. 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:

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

The sale of beer, wine and tobacco for off-site consumption, the establishment of a service (gas) station, and drive-thru car wash in conjunction with a convenience store is consistent with the purposes of the General Plan Commercial land use designation and the CN (Neighborhood Commercial) Zone District which provide for the proposed uses may be permissible through the approval of a use permit.

As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies and the Design and Development Guidelines.

Finding b: The proposed use will be compatible with the surrounding properties.

As conditioned, the sale of beer, wine and tobacco for off-site consumption, the establishment of a service (gas) station, and drive-thru car wash in conjunction with a convenience store will be compatible with the surrounding land uses and the established codes, standards and policies relating to traffic safety, street improvements and environmental quality.

The project site is planned and zoned for neighborhood commercial uses. The site is proposed to be developed with a service (gas) station, adjacent to an existing residential neighbor and the nearest other service (gas) station is approximately two-thirds of a mile away. The car wash and vacuum stations will provide a proximate location where neighborhood residents can both fuel and/or wclean their automotive vehicles. The Type 20 ABC license authorizes the sale of alcohol for consumption off the premises (no consumption on the premises is permitted). As conditioned, the use will be compatible with surrounding residential properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

The proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned with limitations on: nighttime operational hours (5:00 a.m. to 11:00 p.m., seven day a week, excepting car wash will operate 7:00 a.m. to 9:00 p.m.); the types of tobacco/nicotine products permitted to be sold (no vape, hookah, E-cigarettes, pipe tobacco or pipes of any kind); the types and size of alcoholic containers or packages which may be sold; as well as prohibition of advertisements or promotions for tobacco or alcoholic on the exterior. A digital security camera surveillance system is also required. The general welfare and safety of the surrounding uses and the City at large are not negatively impacted.

4. Approval of CUP 2024-13 and CUP 2024-14: Given that all findings can be made, the Planning Commission hereby approves the use permits as conditioned and set forth in the Conditions of Approval attached as Exhibit "A".
5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of August 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

Exhibit "A": Conditions of Approval for CUP 2024-13 and CUP 2024-14

Exhibit "A"
CUP 2024-13 and CUP 2024-14
Conditions of Approval
August 13, 2024

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval of this permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the zoning ordinance, and all City standards and specifications. This permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions

to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made. All discretionary conditions of approval for CUP 2024-13 and CUP 2024-14 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 15 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this permit.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize CUP 2024-13 & CUP 2024-14 within one year following the date of this approval shall render use permit(s) null and void unless a written request for an extension has been submitted to and approved by the Commission.
3. CUP 2024-13 & CUP 2024-14 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of use permit(s) and owners of the property voluntarily submitting to the City a written request to permanently extinguish CUP 2024-13 & CUP 2024-14.
4. SPR 2019-29 shall expire one year from date of issuance unless positive action is taken on the project as provided in the MMC or a request to extend the approval is received before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval). This approval does not modify the anniversary/expiration date.
5. The project site and facilities shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, staff may schedule a public hearing before the Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.

6. All plans submitted for on-site construction or building permits must incorporate and reflect all requirements outlined in the herein listed conditions of approval. Should the need for any deviations from these requirements arise, or for any future changes or additions not considered by the Planning Commission, they may be requested in writing for consideration of approval by the Planning Manager and/or City Engineer. The Planning Manager may determine that substantive changes require formal modification to the conditional use permit and/or site plan review by the Commission.
7. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
8. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to any building permit final issuance.

Building Department

9. At the time of submittal for building permit plan check, a minimum of three (3) sets of the following plans to the Building Department is required. Plans shall be prepared by an individual licensed to practice architecture and include the following required drawings drawn to an appropriate scale:
 - a) Site plan bearing City approval or a plan incorporating all site-related conditions
 - b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c) Floor plan - The uses of all rooms and activity areas shall be identified on the plans
 - d) All exterior elevations
 - e) Site utility plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities
10. Current State of California and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

Engineering Department

General

11. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
12. Impact fees shall be paid at time of building permit issuance.
13. The developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.

14. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Department in accordance with the submittal process.
15. The improvement plans for the project shall include the most recent version of the City's General Notes.
16. In the event archeological resources are unearthed or discovered during any construction activities on-site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
17. Improvements within the City right-of-way shall require an encroachment permit from the Engineering Division.
18. All on-site and off-site improvements shall be completed prior to the issuance of final occupancy.
19. The applicant and/or developer shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Sewer

20. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
21. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
22. Sewer main connections 6" and larger diameter shall require manhole installation.
23. Prior to issuance of an encroachment permit, the developer shall reimburse their fair share cost to the City for the previously constructed sewer main along the entire project frontage(s).
24. Existing septic tanks, if found, shall be removed, permitted and inspected by the City of Madera Building Department.

Storm Drain

25. Storm runoff from this project site is planned to go to Las Palmas Basin located southwest of this project. Runoff volume calculations shall be provided, and the Developer shall excavate basin to an amount equivalent to this project's impact on the basin.
26. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For this proposed development, post-development runoff shall match or be less than pre-development runoff. The development shall be subject to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

Streets

27. Development of the entire 5-acre parcel shall be limited to one driveway approach on East Olive Avenue and no more than two on Tozer Street in accordance with criteria contained in the General Plan. Driveways shall be constructed to street-type entrance with a minimum face curb radius of 15 feet and be constructed to current City and ADA standards. Driveway approaches shall be located as far as possible from the intersection of East Olive Avenue and Tozer Street.
28. Throat lengths for driveways shall be sufficient in length as to eliminate the possibility of vehicles queuing into the City right-of-way.
29. Based on the preliminary review of the traffic study and left-turn storage requirements for this development, a median opening on East Olive Avenue will not be permitted.
30. If a median opening is permitted on Tozer Street, it shall be located generally at the south edge of the existing parcel and/or a minimum of 400 to 500 feet from the nearest site driveway.
31. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk to current City of Madera and ADA standards.
32. "No Stopping" signs shall be installed along East Olive Avenue and Tozer Street project frontages per City standards.
33. The developer has submitted a traffic study dated January 24, 2019. The developer shall implement mitigation measures as determined as part of the traffic study review and approval process.
34. The developer shall dedicate a Public Utility Easement 10-foot wide along the entire project parcel frontage on East Olive Avenue and Tozer Street. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
35. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 43C for the purposes of participating in the cost of maintaining landscape improvements within said zone.
36. In addition to standard City impact fees, the developer shall also pay the proportionate cost of a future traffic signal at East Olive Avenue & Knox Street, in the amount of \$69,731.00 for the entire 5.08-acre parcel.

Water

37. Existing or new water service connection(s) shall be upgraded or constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.
38. A separate water meter and backflow prevention device shall be required for landscape areas.
39. Fire hydrants shall be installed along Tozer Street and East Olive Avenue frontages in accordance with City standards.

40. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
41. The developer shall reimburse its fair share cost to the city for previously constructed water main along the entire project frontage(s).
42. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with State standards.

Fire Department

43. All improvements on/to the property shall require a building permit. A separate permit shall be required for each structure. A separate permit shall be required for the vehicle fueling system.
44. Fire access shall comply with the California Fire Code. Signage to identify fire lanes and the placement of a knox box shall be required for each structure.
45. 2A10BC-rated fire extinguishers shall be required for the retail area at a ratio of one for each 3,000 square feet of floor area. The maximum travel distance to reach a fire extinguisher shall be 75 feet. A minimum of two fire extinguishers shall be required. At least one 40BC-rated fire extinguisher is required for the fueling canopy. One K-class fire extinguisher may be required for the cooking operation.
46. The address shall be posted for each structure and be plainly visible from the street.
47. Plans submitted for a building permit shall include complete information demonstrating adequate separation between the various structures on the plans.
48. A minimum of two exits shall be provided for the convenience store servicing the fueling island.
49. One or more on-site fire hydrants may be required per the final review and determination from the Fire Marshal.

Planning Department

General

50. Vandalism and graffiti shall be corrected per the MMC.
51. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster on the project site.
52. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.

53. The property owner and/or benefactor of the use permit(s) shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use(s) may be cause for revocation of said use permit(s).

Beer and Wine Sales

54. Conditional Use Permit 2024-13 allows for the sale of beer and wine for off-site consumption in conjunction with a convenience store. This entitlement requires a Type 20 ABC transfer license be obtained. The license shall only be transferred from another location within the boundaries of Madera County. Modification of this license type shall require an amendment of CUP 2024-13.
55. The sale of alcoholic beverages in conjunction with the convenience store shall be restricted to off-site consumption only. No sale of alcoholic beverages for on-site consumption shall be allowed in or occur as a component of the convenience store.
56. There shall be no exterior advertisement or signs of any kind or type placed on the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
57. All indoor display(s) of alcoholic beverages shall be located at least five feet away from the store entrance.
58. The business owner and/or manager shall regularly monitor the area under its control to prevent the loitering of persons about the premises.
59. The business owner and/or manager shall post signs in the area under its control prohibiting open containers and loitering at the location and stating that no loitering will be tolerated.
60. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco-related products shall be utilized in any way on the exterior of the convenience store.
61. There shall be no coin-operated video or arcade games. No adult magazines or videos shall be allowed to be sold.
62. Digital security cameras shall be installed to monitor the interior and exterior of the premises. The footage shall be maintained in a digital format of no less than thirty days. Footage will be shared with law enforcement upon request.
63. Cooler doors for alcoholic beverage products shall be locked during hours when alcoholic beverages may not be sold.
64. The sale of beer shall occur in packs of six or greater. However, 24-ounce bottled imported and/or specialty craft beers not normally sold in multi-package containers may be sold individually.
65. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
66. The sale of wine coolers shall occur in no less than packs of four.

67. The sale of wine shall not be sold in containers less than 750 ml.
68. No malt liquor or fortified wine products shall be sold.
69. No display of alcohol shall be made from an ice tub, barrel or similar container.
70. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.

Tobacco Sales

71. Conditional Use Permit 2024-13 allows for the sale of cigarettes in either single packs or cartons of ten or fewer packs. Other tobacco and tobacco-related products allowed for sale at the convenience store shall be as follows:
 - Smokeless tobacco
 - Roll-your-own pouched/canned cigarette tobacco
 - Cigars and cigarillos (except for any flavored products such as grape, watermelon, bubble gum and fruit punch flavored products)
 - Rolling papers
72. Other tobacco and tobacco-related products not allowed for sale at the convenience store shall be as follows:
 - Vape products, including juices
 - Hookah products, including hookah tobacco/charcoal
 - E-cigarettes
 - Pipes and pipe tobacco
73. Drug-related paraphernalia, such as bong, pipes and other products meant for use with non-tobacco substances, as determined by the Planning Manager, is strictly prohibited.
74. All tobacco and tobacco-related products shall be secured behind a counter or other fixture, unavailable to the public except with the assistance of a store employee.
75. There shall be no exterior display of signage advertising the sale of cigarettes and/or tobacco products on the project site.
76. The property/business owner shall post "No Smoking" signage to the extent required by law.

Service (Gas) Station

77. Conditional Use Permit 2024-14 allows for the establishment of a service (gas) station use consistent with the proposed site plan, not to exceed twelve fuel pumps.
78. Hours of operations for the service gas station in conjunction with the convenience store shall be between 5 AM and 11 PM, seven days a week.

79. Lighting emitted from the service station canopy shall be installed to be down shielded to the extent possible to reduce glare on the surrounding residential uses.

Drive-thru Carwash

80. Conditional Use Permit 2024-14 allows for the establishment of a drive-thru carwash use to include no more than fourteen (14) vacuum stations. The proposed use shall be limited to self-service drive-thru car washing, drying, and vacuuming; there shall be no outdoor repairs, storage/display of goods or other services, or vehicles for sale.
81. The carwash hours of operations shall be between 7 AM and 9 PM, seven days a week.
82. The drive-thru car wash shall have a reclamation or recycling water system.
83. The vacuum canopy stations shall be incorporate three or fewer complementary colors to the car wash building and/or signage.

Building and Site Aesthetics

84. The construction and placement of all buildings approved as part of SPR 2019-29 shall be in close conformance with the elevation drawings, as reviewed and approved by the Commission.
85. The applicant/developer shall provide the Planning Department with a final color and materials board and representative color section rendering of the proposed buildings.
86. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for Planning Department review and approval:
- The location of all-natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
87. All electrical/mechanical equipment shall be located within an electrical/mechanical room in the interior of the structure, with exception to transformers.
88. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to the issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
89. All parking lot lighting shall be incorporated into landscaped areas.
90. The developer shall contact the City Engineer when all site lighting is operational. Additional light screening may be required.
91. Roof access ladders shall be located within the interior of the building.

Landscaping

92. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect and submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
- Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.
 - Landscaped areas shall be developed along all street frontages and within parking fields.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - Shade trees shall be planted every 45 feet in the landscaped area along the Almond Avenue and Gateway Drive frontages.
 - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
93. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Engineering Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
94. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the city. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

Parking

95. Parking stalls shall be developed in close conformance with the approved site plan drawings.
96. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degrees) parking spaces shall measure a minimum of nine feet wide by nineteen feet deep. No compact stalls shall be incorporated into the parking field. The minimum drive aisle/backing/maneuvering space is 26 feet.
97. On-site parking shall be provided at all times in conformance with the MMC. Further expansion of the use or additional or accessory uses may require the provision of additional parking spaces in compliance with City standards prior to the establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.

Signage

98. Signage shall be in accordance with City standards, and all signs shall be reviewed and approved by the Planning Department prior to the issuance of a separate sign construction permit which may be required by the Building Department.

99. Address sign designs shall be approved by the Planning Department prior to the issuance of building permits.
100. All proposed construction announcement sign uses shall conform to the sign ordinance.

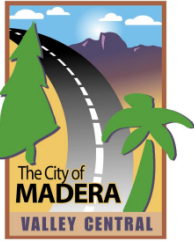
Walls and Fences

101. All trash enclosures shall be constructed of masonry block consistent with City standards with a stucco finish and color to match the primary structure. The location of the trash enclosure shall be located at the eastern-most section of the eastern parking area.
102. Perimeter masonry fencing with a minimum height of eight feet shall be installed along the west property line abutting the residential land use to match the extent of the project proposal.

San Joaquin Valley Air Pollution Control District

103. The applicant shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District.

END OF CONDITIONS



REPORT TO THE PLANNING COMMISSION

Prepared by:

Ellen Bitter, Deputy City Engineer

Meeting of: August 13, 2024

Agenda Number: 6

SUBJECT:

Evaluation of the City of Madera Capital Improvement Program (CIP) for Fiscal Year (FY) 2024/25 through FY 2028/29 to determine conformity with the City of Madera General Plan.

RECOMMENDATION:

Evaluate Capital Improvement Plan for FY 2024/25 to 2028/29 to determine conformity with City of Madera Capital Plan.

SUMMARY:

The City Council of the City of Madera (Council) has reviewed the active and proposed projects in the CIP and forwards the CIP to the Commission for determination of conformance with the City General Plan pursuant to Government Code Section 65401. It is recommended that the Commission adopt a resolution finding the CIP in conformance with the General Plan and Specific Plans of the City of Madera.

ANALYSIS:

Site Characteristics:

The projects included in the CIP are located within the urbanized area of the City of Madera. Surrounding land uses vary depending upon the individual project, but are typically commercial, residential, or industrial in nature.

Land Use and Zoning:

Under the terms of Section 65401 of the Government Code, the Commission of each city or county is required to review any CIP and the projects contained therein, within that jurisdiction as to conformance with that agency's General Plan.

The proposed projects are for new major infrastructure improvements and reconstruction of existing facilities. The projects in the five-year window are divided into categories as shown in Table 1:

Table 1: <i>Improvement Categories</i>	
Improvement Type	Number of Projects
Airport Operations	1
Alley Improvements	3
Bicycle/Pedestrian Improvements	3
Bridges	4
Park & Recreation	6
Public Facility	4
Redevelopment Agency	1
Sewer System	9
Storm Drain System	6
Streets & Sidewalks	22
Studies & Reports	7
Traffic Signal/Traffic Safety	6
Transit	4
Transportation Planning	4
Water System	22
Wastewater Treatment Plan	4

A brief description of the projects in each category is listed below:

Airport Operations – Updating of the airport layout plan and a Geographic Information System (GIS) survey.

Alley Improvements – Provide paved surfacing on travel way in alleys in compliance with Air District requirements to mitigate particulate matter (dust).

Bicycle/Pedestrian Improvements – Installation of sidewalks, bicycle lanes, and multi-use pathways. Proposed projects are consistent with the Active Transportation Plan.

Bridges – Construct new bridges where none currently exist. Replace and rehabilitate existing bridges.

Park Development – Construction projects include new trails and improvements to various Parks and Recreation facilities, facility improvements to various parks, as well as design and preliminary engineering on two new parks. Proposed projects are consistent with the City’s Park and Recreation Element of the General Plan.

Public Facility – Projects conclude updating of the former Redevelopment Agency sign in front of the Engineering office, as well as improvements to Fire Stations 56, 57, & 58

Redevelopment Agency – Construction of storm drainage, & water/sewer mains along the Adell Street alignment

Sewer System – Construction of trunk sewer pipelines, replacement and up-grading of sewer main pipelines and rehabilitation of sewer lift stations. Many projects are being funded with American Rescue Plan (ARPA) funding this fiscal year.

Storm Drain System – Construction of storm drain pipelines and drainage basins and enhancements to the existing drainage system. Includes a new project for planning and design for construction of a storm drain pipeline on Howard Road.

Streets & Roads – Improvements include widening existing streets and shoulder paving, reconstruction, restoration, and rehabilitation (3-R) of existing streets to extend useful life and pavement resurfacing. Certain 3-R projects take place on arterials and collectors as designated by the General Plan Circulation Element. Other projects capture the local and residential streets. Complete Streets projects are included in this category.

Study/Report – Studies include a Master Utility Plan update, Almond/Pine/Stadium traffic study, as well as assessments of the sewer & water system.

Traffic Signal/Safety Improvements – Installation of traffic signals, pedestrian beacons, and rapid rectangular flashing beacons at various locations throughout town.

Transit – Projects include installation of a canopy and other enhancements at the transit center, design for a transit center charging station, and the completion of the bus shelter relocation project.

Transportation Planning – Funding for various activities that do not relate to specific Capital Improvement Program projects but support overall transportation planning.

Water System – Construction of new water wells, replacement of water distribution systems components, replacement or rehabilitation of water mains, and construction of water storage infrastructure, rehabilitation of the City's existing water tower, and construction of a new water tank. Many projects are being funded with American Rescue Plan (ARPA) funding this fiscal year.

Wastewater Treatment Plans – Projects include rehabilitation of the plants pump headworks and piping, installation of new fencing around the plant, and various rehabilitation and equipment replacements.

GENERAL PLAN CONFORMITY

If a project identified in the proposed CIP would implement or generally support attainment of a General Plan goal, policy or action item, staff recommends that a finding of conformance be made. Where the linkage between the General Plan and a CIP is less direct, a finding of conformance is recommended to the extent that no conflicts are identified, and the project will not obstruct attainment of General Plan goals, policies, and action items. If adopted policies do not support a project, or the project prevents attainment of an adopted policy, a conformity determination should not be made.

A screening level analysis was completed for each CIP project against the goals, policies, and action items in all ten elements of the General Plan. No conflicts were identified between any proposed project and any feature of the adopted General Plan.

In general, capital projects identified in the CIP are consistent with the General Plan's intent to provide adequate circulation and utilities, and to support enhanced transit, walkability, and recreational opportunities. Airport related projects are consistent with the General Plan policy supporting the Airport in its role as an important part of the local commercial economy.

The Commission's finding that a proposed CIP item conforms with the General Plan does not necessarily mean that the Commission or the City endorses the project in a particular form. Individual capital projects must undergo environmental review and receive approval prior to being carried out. As projects proceed from concept to final design and construction, individual projects are commonly modified. Where the General Plan points to specific features that affect design, these features will be incorporated. The Council will continue to have full discretion in deciding to move forward with CIP items.

ENVIRONMENTAL REVIEW:

The proposed project is a finding of conformance and supporting resolution regarding the CIP for FY 2024/25 through FY 2028/29. The CIP identifies proposed capital improvements and preliminary budgets for capital improvements throughout the City. Projects in the CIP include a range of public works and infrastructure projects to improve the quality of life for residents and visitors alike. The project has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA if "the activity is covered by the general rule that the CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The resolution of finding of conformance under review by the Planning Commission (Commission) currently does not have the possibility of having a significant effect on the environment. The individual projects, proposed within the CIP are subject to CEQA analysis individually, on a project-by-project basis.

COMMISSION ACTION:

The Commission will be acting on the adoption of a resolution, included herein as an attachment.

ALTERNATIVES:

The Planning Commission may return the CIP to staff with comments or requests.

ATTACHMENTS:

1. CIP Projects by Category
2. Planning Commission Resolution

City of Madera, California
Capital Improvement Program
'24/'25 thru '28/'29

PROJECTS BY CATEGORY

Category	Project #	'24/'25	'25/'26	'26/'27	'27/'28	'28/'29	Total
Airport							
AIR-0001 - T-Hangar Development Phase 1	AIR-0001				0		0
AIR-0002 - Tee Hangar Development Const-II	AIR-0002	0	0	0	0		0
AIR-0003 - Commercial Hangar Develop Extend-III	AIR-0003				0		0
AIR-0004 - Runway 12-30 Mill & Fill	AIR-0004		330,000		5,683,000		6,013,000
AIR-0005 - Taxiway Mill & Fill	AIR-0005				1,617,000		1,617,000
AIR-0006 - Airport Layout Plan & GIS Survey	AIR-0006	250,000					250,000
AIR-0007 Pavement Maintenance Management Plan	AIR-0007				0		0
Airport Total		250,000	330,000	0	7,300,000		7,880,000
Alleys							
ALY-0004 ALLEY PAVING 2024 - NORTHWEST	ALY-0004	111,000	614,000				725,000
ALY-0005 - ALLEY PAVING 2024 - SOUTHWEST	ALY-0005	111,000	614,000				725,000
ALY-0006 - ALLEY PAVING 2024 - NORTHEAST	ALY-0006	140,000	800,000				940,000
Alleys Total		362,000	2,028,000				2,390,000
Bike/Ped							
B-000005 Granada Pedestrian Bridge	B-000005	180,000	2,090,000				2,270,000
PK-00001 Ped/Bike Facilities	PK-00001	100,000	40,000	50,000	50,000	100,000	340,000
PK-00048 Tulare/Cleveland/Raymond Bike Path	PK-00048	30,000	315,000				345,000
PK-00056 Bike/Ped Path, FRT-Cleveland Ave	PK-00056		45,000	339,000			384,000
PK-00058 FRT-Granada to MID, North Bank	PK-00058		40,000	156,000			196,000
Bike/Ped Total		310,000	2,530,000	545,000	50,000	100,000	3,535,000
Bridges							
B-000002 Westberry Bridge Construction	B-000002	145,000				16,600,000	16,745,000
B-000004 BPMP Rehab/Repair of 3 Bridges	B-000004	396,000					396,000
B-000006 CLARK STREET BRIDGE	B-000006	84,000	583,000				667,000
RM-00001 Rtne Maint City Bridges Fresno RVR	RM-00001	80,000	80,000	80,000	80,000	80,000	400,000
Bridges Total		705,000	663,000	80,000	80,000	16,680,000	18,208,000
Designated for Funding							
ENG A Federal/State-Local Match	ENG A	80,000	80,000	80,000	80,000	80,000	400,000
ENG F CIP Engineering	ENG F	598,800	611,000	629,000	648,000	668,000	3,154,800
PWTRANS - PUBLIC WORKS STREETS DEPT. ACTIVITY	PWTRANS	2,781,975	2,970,000	3,070,000	3,170,000	3,170,000	15,161,975
SS-00000 Engineering Support for Sewer Projects	SS-00000	25,000	25,000	25,000	25,000	25,000	125,000
W-000000 Engineering Support for Water Projects	W-000000	25,000	25,000	25,000	25,000	25,000	125,000
Designated for Funding Total		3,510,775	3,711,000	3,829,000	3,948,000	3,968,000	18,966,775
Parks							
PK-00013 Sunrise Rotary Sports Complex	PK-00013	150,000		1,700,000			1,850,000

Category	Project #	'24/'25	'25/'26	'26/'27	'27/'28	'28/'29	Total
PK-00064 India Park	PK-00064			200,000			200,000
PK-00067 James Taubert Park	PK-00067	1,917,254					1,917,254
PK-00068 North/West Land Acquisition	PK-00068				300,000		300,000
PK-00069 South/East Land Acquisition	PK-00069				300,000		300,000
PK-00070 Sunset Park Development	PK-00070		725,000				725,000
PK-00071 Town & Country Connectivity Project	PK-00071	1,663,750					1,663,750
PK-00073 McNally Park Rehabilitation	PK-00073	50,000					50,000
PK-00074 Parkwood Park Rehabilitation	PK-00074		100,000				100,000
PK-00078 REHABILITATION AT PAN AMERICAN CENTER	PK-00078		100,000				100,000
PK-00079 TOWN & COUNTRY PARK BATTING CAGES	PK-00079	70,000					70,000
PK-00081 Parks & Rec Facilities Paving Project	PK-00081	642,172					642,172
Parks Total		4,493,176	925,000	1,900,000	600,000		7,918,176
Public Facility							
CD-00001 City Hall Relocation & Expansion	CD-00001					500,000	500,000
CD-00003 - ENGINEERING DIVISION SIGN REHAB	CD-00003	30,644					30,644
FD-00004 Fire station 56 Upgrades & Improvements	FD-00004	100,000					100,000
FD-00005 Fire station 57 Upgrades & Improvements	FD-00005	100,000					100,000
FD-00006 Fire station 58 Upgrades & Improvements	FD-00006	134,340					134,340
Public Facility Total		364,984				500,000	864,984
RDA							
RDA-16-01 Adell St Utility Project	RDA-16-01	50,000	1,735,000				1,785,000
RDA-16-07 Adelaide Subdivision	RDA-16-07			1,598,478			1,598,478
RDA-17-02 Yosemite Lot Development	RDA-17-02		550,970				550,970
RDA-18-02 Adell St Interconnect, Kennedy & Adell	RDA-18-02		265,000				265,000
RDA Total		50,000	2,550,970	1,598,478			4,199,448
Reimbursements							
CURRENT DEVELOPER REIMBURSEMENTS	DEVREMCUR	218,218					218,218
FUTURE DEVELOPER REIMBURSEMENTS	DEVREMFUTURE		3,867,009				3,867,009
S-000995 Road 28 Sewer Loan Repayment	S-000995	4,000	4,000	4,000	4,000	4,000	20,000
Reimbursements Total		222,218	3,871,009	4,000	4,000	4,000	4,105,227
Sewer							
R-000097 CLINTON AVE SEWER & WATER IMPROVEMENTS	R-000097	985,000					985,000
S-000012 Schnoor Ave Trunk Sewer Rehab	S-000012	1,150,000					1,150,000
S-000996 Southeast Quad Sewer Improvement	S-000996					455,000	455,000
S-000997 Northeast Quad Sewer Improvement	S-000997					208,602	208,602
S-000998 Northwest Quad Sewer Improvement	S-000998					352,000	352,000
SS-00006 Fairgrounds Liftstation-VFD	SS-00006	2,005,000					2,005,000
SS-00008 2018 Sewer Manhole Project	SS-00008	130,000					130,000
SS-00009 2018 Sewer Repairs	SS-00009	4,174,000					4,174,000
SS-00010 Airport Lift Station Pumps Replacement	SS-00010		170,000				170,000
SS-00011 Mainberry Sewer - Howard to Sunset	SS-00011	105,000	640,000				745,000
SS-00012 Doubletree Sewer - Westberry to Liberty	SS-00012	175,000					175,000
SS-00013 Pecan Ave Parallel Sewer Main	SS-00013		2,046,700				2,046,700
SS-00014 Avenue 13 Sewer Trunk Main Rehabilitation	SS-00014	14,420,000				7,150,000	21,570,000
SS-00015 SEWER LIFT STATION R&R	SS-00015	200,000					200,000
Sewer Total		23,344,000	2,856,700			8,165,602	34,366,302

Category	Project #	'24/'25	'25/'26	'26/'27	'27/'28	'28/'29	Total
Storm Drain							
SD-00017 G St Storm Drain Improvements	SD-00017		118,410	51,590	1,361,500		1,531,500
SD-00018 Sunset Avenue Pipeline	SD-00018	287,500			3,162,800		3,450,300
SD-00019 Lake Street Pipeline Clark to Wessmith	SD-00019	40,000	210,000				250,000
SD-00020 Lake St Pipeline 80' n/o Kennedy to Clark	SD-00020	30,000	150,000				180,000
SD-00021 HOWARD ROAD STORM DRAIN PIPE	SD-00021	670,000	140,000	7,119,250			7,929,250
SD-00097 NW Quad Storm Drain Improvement	SD-00097					7,400,000	7,400,000
SD-00098 SE Quad Storm Drain Improvements	SD-00098				17,500,000		17,500,000
SD-13-PX Retention Basin Land Acquisition	SD-13-PX	40,000	70,000	40,000	40,000		190,000
SD-14-P11 Granada Dr/Ave 12.5 Retention Basin	SD-14-P11		100,000				100,000
SD-15-P7 Ellis St/Krohn St Retention Basin	SD-15-P7	100,000					100,000
Storm Drain Total		1,167,500	788,410	7,210,840	22,064,300	7,400,000	38,631,050
Street 3R							
R-000032 UPPR Crossing - Street Approach	R-000032	80,000	80,000	80,000	80,000	80,000	400,000
R-000079 RMRA Seals/Overlays 2021-22	R-000079	2,260,000					2,260,000
R-000080 RMRA Seals/Overlays 2022-23	R-000080	2,050,000					2,050,000
R-000081 2022-23 City Streets 3R & ADA Project	R-000081	1,387,000					1,387,000
R-000098 - RMRA Seals/Overlays 2023-24	R-000098	1,595,479					1,595,479
R-000099 - FY24 STREET REHAB AND RECON PROJECT	R-000099	2,400,000					2,400,000
R-000104 - RMRA SEALS/OVERLAYS 2024-25	R-000104	1,700,000					1,700,000
Street 3R Total		11,472,479	80,000	80,000	80,000	80,000	11,792,479
Street Construction							
ENG S LTF FAIR SHARE AVE 17 vicinity SR99	ENG S		524,296				524,296
R-000010 Olive Ave Widening-Gateway to Knox	R-000010	1,140,000	5,958,000				7,098,000
R-000046 Lake St Widening-Fourth to Cleveland	R-000046		400,000	400,000	7,200,000		8,000,000
R-000050 Pine St Reconstr-Howard to Fourth St	R-000050		50,000	540,000			590,000
R-000054 Cleveland Ave Widen-Schnoor to SR99	R-000054		360,000		4,000,000		4,360,000
R-000057 Lake-Fourth-Central Intersection	R-000057	1,043,500					1,043,500
R-000082 Almond Ave Extension - Pine to Stadium	R-000082	605,000	200,000	6,100,000			6,905,000
R-000096 Caltrans Downtown Madera CAPM Project	R-000096	1,000,000	2,000,000				3,000,000
Street Construction Total		3,788,500	9,492,296	7,040,000	11,200,000		31,520,796
Street/Shoulder Paving							
R-000037 Raymond Rd Shoulder-n/o Cleveland	R-000037	274,500					274,500
R-000060 Storey Rd Shoulder Paving	R-000060	438,300					438,300
R-000067 Pecan Ave Shoulder Paving	R-000067	535,100					535,100
Street/Shoulder Paving Total		1,247,900					1,247,900
Street/Sidewalk							
R-000041 Concrete Projects - Share Program	R-000041	20,000	20,000	20,000	20,000	20,000	100,000
R-000058 Schnoor Ave Sidewalk-Sunset to River	R-000058	527,600					527,600
R-000064 ADA Walkability Sidewalks Program	R-000064	80,000	80,000	80,000	80,000	80,000	400,000
R-000093 Washington School Sidewalks CMAQ	R-000093	678,000					678,000
R-000094 Sidewalk Improvements Var Locations	R-000094	3,375,000					3,375,000
R-000100 Clinton Street Ped Facilities	R-000100	30,000	170,000				200,000
R-000101 D Street and Clark Street Ped Facilities	R-000101	35,000		195,000			230,000
R-000102 Howard & Granada Ped Facilities	R-000102	39,000	221,000				260,000
Street/Sidewalk Total		4,784,600	491,000	295,000	100,000	100,000	5,770,600

Category	Project #	'24/'25	'25/'26	'26/'27	'27/'28	'28/'29	Total
Study/Report							
MUP-UDII Master Utility Plan Update, II	MUP-UDII	973,333					973,333
R-000087 Almond/Pine/Stadium Traffic Study	R-000087	83,950					83,950
S-STDY-1 Sewer System Assess/Rehab Phase 2	S-STDY-1	140,563					140,563
S-STDY-2 Sewer Asset Mgmt Software	S-STDY-2	75,000					75,000
S-VI-002 Sewer Main Video Inspection Phase 2	S-VI-002	695,000	150,000	150,000	150,000	150,000	1,295,000
W-STDY-2 Water System Condition Assess/Rehab	W-STDY-2	296,000					296,000
W-STDY-3 Water Asset Mgmt Software	W-STDY-3	150,000					150,000
Study/Report Total		2,413,846	150,000	150,000	150,000	150,000	3,013,846
Traffic Signal/Traffic Safety							
TS-00023 HOPYQ Intersection Traffic Signals	TS-00023	297,000					297,000
TS-00024 Cleveland/Granada Dr Traffic Signal	TS-00024	549,000					549,000
TS-00030 Miscellaneous Traffic Safety Items	TS-00030	20,000	20,000	20,000	20,000	20,000	100,000
TS-00032 D St/South St Traffic Signal	TS-00032	613,250					613,250
TS-00034 Granada Dr Pedestrian Improvements	TS-00034	304,240					304,240
TS-00035 LAKE & SHERWOOD TRAFFIC SIGNAL	TS-00035	750,000					750,000
Traffic Signal/Traffic Safety Total		2,533,490	20,000	20,000	20,000	20,000	2,613,490
Transit							
TRANS-01 Madera Transit Center	Trans-01	85,526					85,526
Trans-10 AHSC Transit Developments	Trans-10	642,928					642,928
TRANS-11 Transit Center Charging Station Project	TRANS-11	67,118	599,667				666,785
TRANS-12 BUS SHELTER RELOCATION	TRANS-12	400,000					400,000
Transit Total		1,195,572	599,667				1,795,239
Transportation Planning							
ENG-000C Traffic Warrants	ENG-000C	25,000	25,000	25,000	25,000	25,000	125,000
ENG-000G Pavement Management Program (PMP)	ENG-000G	70,000		100,000			170,000
R-000031 Misc. Transportation Projects/Planning	R-000031	188,000	194,000	200,000	206,000	212,000	1,000,000
R-000103 - LOCAL ROADWAY SAFETY PLAN DEVELOPMENT	R-000103	423,150					423,150
Transportation Planning Total		706,150	219,000	325,000	231,000	237,000	1,718,150
Water							
W-000004 Water Main Upgrades - Locations 13-23	W-000004	2,415,000					2,415,000
W-000006 H St-Water Main Upgrades	W-000006	50,000	650,000				700,000
W-000008 10th St-Water Main Upgrades	W-000008	50,000	1,600,000				1,650,000
W-000009 Gateway-Riverside River Crossing	W-000009	460,000					460,000
W-000026 Frank Bergon Water Tower	W-000026	60,000	660,000				720,000
W-000029 Downtown Valve Replacement	W-000029	390,000					390,000
W-000031 Manual Read Water Meter Replacements/AMR	W-000031	214,796					214,796
W-000032 2018-19 New Water Meter Installations	W-000032	3,000,000					3,000,000
W-000033 Residential AMR Water Meter Replacements	W-000033	604,000	1,040,000	1,040,000	575,000		3,259,000
W-000034 South St Water Tower Exterior Rehab	W-000034	134,030					134,030
W-000036 4th/Gateway Line and Valve	W-000036	80,000	990,000				1,070,000
W-000038 Well 27 Rehabilitation	W-000038	165,000	1,810,000				1,975,000
W-000039 2022 Year 2 Pipeline Replacements	W-000039	2,130,000					2,130,000
W-000040 2021 Year 1 Pipeline Replacements	W-000040	2,420,000					2,420,000
W-000041 2021 Leak Detection CIP	W-000041	255,000					255,000
W-000042 Chlorine Analyzers & Generators	W-000042	481,000	175,000				656,000
W-000043 SR145 WATER MAIN REPLACEMENTS	W-000043	5,703,000					5,703,000
W-000044 WELL 16 DEMOLITION	W-000044	95,000					95,000

Category	Project #	'24/'25	'25/'26	'26/'27	'27/'28	'28/'29	Total
W-GW-001 Water Well 37-Install Pump	W-GW-001	2,770,000					2,770,000
W-GW-003 Water Well 36- SR145/Indigo	W-GW-003	120,000	2,600,000				2,720,000
W-PSW-45 Almond Ave Water Main, Pine-Stadium	W-PSW-45	88,000	188,000				276,000
W-T-0001 Water Storage Tank Installation	W-T-0001	2,550,000	25,280,000				27,830,000
Water Total		24,234,826	34,993,000	1,040,000	575,000		60,842,826
WWTP							
WWTP23-01 - WWTP CENTRIFUGE UNITS	WWTP23-01		1,266,000				1,266,000
WWTP23-02 - HEADWORKS & PIPELINE CIPP LINING	WWTP23-02	1,198,000					1,198,000
WWTP23-03 - SLUDGE BELT THICKENER	WWTP23-03		777,000				777,000
WWTP23-04 - WWTP PERIMETER FENCING	WWTP23-04	348,000					348,000
WWTP23-05 - WWTP WASTE GAS FLARE UNIT (DIGESTOR)	WWTP23-05	115,000	548,000				663,000
WWTP24-01 - 2024 Improvement Project	WWTP24-01	8,460,000					8,460,000
WWTP Total		10,121,000	2,591,000				12,712,000
GRAND TOTAL		97,278,016	68,890,052	24,117,318	46,402,300	37,404,602	274,092,288

RESOLUTION NO. 2002

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA FINDING THAT THE PROPOSED 2024/25 TO 2028/29 CAPITAL
IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE GENERAL
PLAN AND SPECIFIC PLANS OF THE CITY OF MADERA AS REQUIRED BY
SECTION 65401 OF THE GOVERNMENT CODE.**

WHEREAS, Section 65401 of the Government Code requires the Planning Commission of cities and counties to review any Capital Improvement Program in its jurisdiction for conformance with the agency's adopted General Plan and Specific Plans; and

WHEREAS, the City Council of the City of Madera reviewed the active and proposed projects in the Fiscal Year (FY) 2024/25 to 2028/29 Capital Improvement Program; and

WHEREAS, the proposed projects reflect the major need for airport, streets, public utilities, parks and other community facilities during the next five years in concert with the provisions in the adopted General Plan and Specific Plans; and

WHEREAS, the City Council of the City of Madera has forwarded the FY 2024/25 to 2028/29 Capital Improvement Program to the Planning Commission for determination of conformance with the City General Plan and Specific Plans pursuant to Government Code Section 65401; and

WHEREAS, the Planning Commission reviewed the active and proposed projects in the FY 2024/25 to 2028/29 Capital Improvement Program, evaluated all attached supporting documents and considered testimony received as part of the public hearing process at their meeting on August 13, 2024.

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

1. The above recitals are true and correct.
2. In the independent judgement of the Planning Commission, and based upon the whole of the record before the Commission, the Commission finds that the resolution of finding of conformance under review by the Commission at this time does not have the possibility of having a significant effect on the environment and has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA when the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.
3. The Planning Commission hereby finds the updated FY 2024/25 to 2028/29 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.

4. This resolution is effective immediately upon adoption.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of August 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director