

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
APRIL 10, 2018
6:00 pm**

CALL TO ORDER

ROLL CALL

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

INTRODUCTION OF STAFF

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

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

MINUTES:

CONSENT ITEMS:

PUBLIC HEARING ITEMS:

1. CUP 2011-17 MOD2 and SPR 2018-01 – Valleywide Recycling

A continued noticed public hearing to consider the modification of a conditional use permit and site plan review to amend conditions of approval for the recycling business operations of the existing drive-thru recycling center located on the southeast corner of the intersection of Tozer Street and East Yosemite Avenue (1502 East Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 008-110-009). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

2. CUP 2018-01 and SPR 2018-03 – Singh Trucking Company

A continued noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a trucking company which will accommodate a fleet of approximately sixty (60) semi-trucks on an approximately 6.60 acre parcel located on the north side of West Kennedy Street, approximately 450 feet east of the intersection of West Kennedy Street and Condor Drive (2185 West Kennedy Street) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. A Mitigated Negative Declaration will also be considered by the Planning Commission (APN: 013-260-002).

3. CUP 2018-05 and SPR 2018-07 – Burger King

A noticed public hearing to consider a conditional use permit and site plan review to allow for the development of an approximately 2,700 sq. ft. Burger King restaurant with a drive thru component, located approximately 300 feet south of the southwest corner of the intersection of South Madera Avenue and Gary Lane in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. A Negative Declaration will also be considered by the Planning Commission (APN: 012-320-006).

4. VAR 2018-01 – Barsotti West Yosemite Sign Variance

A noticed public hearing to consider a sign variance from the signage requirements of the WY (West Yosemite Overlay – Professional Office) Zone District. The property is located at the northwest corner of the intersection of West Yosemite Avenue and North K Street (601 and 609 West Yosemite Avenue) in the WY (West Yosemite Professional Office) Zone District with an O (Office) General Plan land use designation (APNs: 010-081-003, 004 and 005). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15311(a), (Accessory Structures).

5. CUP 2018-06 – Born 2 Rise Ink Studio

A noticed public hearing to consider a conditional use permit to allow for the establishment of a tattoo parlor in an approximately 830 square foot tenant suite within the Yosemite Plaza, located on the southwest corner of East Yosemite Avenue and Vineyard Avenue (632 East Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-173-024). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

6. PPL 2018-01 – Eagle Meadows Precise Plan Amendment

A noticed public hearing to consider an amendment to the Eagle Meadows Precise Plan which provides for the residential development of the 38-lot Eagle Meadows (Phase 2) subdivision, located approximately 100 feet south of the southwest corner of the intersection of Merced Street and Ellis Street, in the PD-1500 (Planned Development) Zone District with an HD (High Density Residential) General Plan land use designation. The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

7. CUP 2018-07 and SPR 2018-09 – Cunningham Diagnostics, LLC

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a large engine diagnostics service company, located approximately 280 feet north of the intersection of Gill Avenue and Noble Street (528 Noble Street) in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 012-401-010). The project has been determined to be categorically

exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

NON-PUBLIC HEARING ITEMS:

PUBLIC WORKSHOP:

1. OTA 2018-01 – Zoning Ordinance Update Workshop

A noticed public workshop to provide for public input on the proposed comprehensive update of Title X, Chapter 3: Zoning, last updated in 1992, in order to provide for consistency with the General Plan.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

The next regular meeting will be held on May 8, 2018.

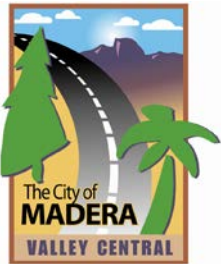
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. If you need special assistance to participate in a City meeting or other services offered by this City, please contact the Planning Department office at (559) 661-5430. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services. Any and all persons interested in this matter may provide comments.

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

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

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

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Valley Wide Recycling
CUP 2011-17 MOD2 & SPR 2018-01
Item #1 – April 10, 2018**

PROPOSAL: An application for modification of an existing conditional use permit and a site plan review to allow for expansion of operations at an approved recycling center.

APPLICANT:	Garth Zambrana	OWNER:	Jasbinder & Harjinder Singh
ADDRESS:	1502 E. Yosemite Avenue	APN:	008-110-009
APPLICATIONS:	CUP 2011-17 MOD2 & SPR 2018-01	CEQA:	Categorical Exemption

LOCATION: This project site is located on the southeast corner of East Yosemite Avenue and Tozer Street.

STREET ACCESS: The site is accessed from both East Yosemite Avenue and Tozer Street.

PARCEL SIZE: The project site encompasses approximately 1.38 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C-1 (Commercial)

SITE CHARACTERISTICS: The commercial property is currently fully developed, including a gas station, mini-market, drive-thru restaurant and multiple retail businesses. The recycling center currently occupies a former automated drive-thru car wash on the site. There are commercial uses to the north, south and west, with a vacant parcel to the east.

ENVIRONMENTAL REVIEW: This project is categorically exempt under §15301(a) (Existing Facilities) of the CEQA Guidelines.

SUMMARY & RECOMMENDATION: The recycling center has occupied a repurposed drive-thru car wash since early 2012. The recycling center's success has caused the operator to expand the use beyond the originally approved conditional use permit. The amended conditions of approval facilitate solutions to operational shortcoming that will allow the operator to maintain compliance without reducing the operation's compatibility with surrounding uses.

APPLICABLE CODES AND PROCEDURES

MMC§ 10-3.405(I) CUP requirements for Recycling Facilities
MMC §10-3.1301 Use Permits
MMC § 10-3.54.0101 Site Plan Review

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

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

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial activities. The City's Zoning Ordinance also allows for a variety of retail uses in the C1 (Light Commercial) Zone District, including a recycling center, subject to the approval of a conditional use permit by the Planning Commission.

PRIOR ACTION

The site was fully developed in 1994 as part of Conditional Use Permit 1994-21, with a gas station, mini-mart, car wash and additional retail commercial space. Conditional Use Permit 1995-28 allowed for a laundromat.

Approved by the Planning Commission on December 13, 2011, Conditional Use Permit 2011-17 and Site Plan Review 2011-17 allowed for the establishment of the recycling center in the former drive-thru car wash structure. The conditional use permit was later amended and approved on May 14, 2013, to allow for the expansion of operations.

ANALYSIS

Current Entitlement

Valley Wide Recycling refurbished a drive-thru car wash structure into a drive-thru recycling center in early 2012. The original conditions of approval for the use allowed the recycling center to only accept California Redemption Value (CRV) glass bottles, aluminum cans and plastic. No bulk material was to be accepted at this location. Operations were also approved to occur entirely within the drive-thru car wash structure. Purchased materials were required to be relocated daily to a bulk storage yard located off-site, and no materials were to be stored inside or outside of the existing structure for any overnight period.

The operator initially demonstrated compliance with the original set of approved conditions. However, the increase in volume and demand lead the operator to amend the conditional use permit in 2013. The amendment provided for three (3) operational requests that ultimately addressed the recycling center's increasing volume and provided for operational compliance.

The first component of the amendment allowed for a walk-up redemption and sorting area in two converted parking stalls. The walk-up stations allowed to better service walk-up customers without slowing the line of drive-up customers and/or causing vehicle/pedestrian traffic conflicts.

The second component allowed for the outdoor storage of glass recyclables as a component of operation on the site. The applicant constructed an eight-foot, solid, split-faced masonry block storage enclosure that screens the placement of a roll-way bin used for the storage of redeemed glass.

The last component to the amendment allowed for the purchase of dead car batteries. Although not a large part of the recycling center's business, the operator is able to provide a greater service to the community.

Operational Nuisances

As noted in previous staff report discussions, recycling centers can be the source of nuisances if not operated accordingly. For Valley Wide Recycling, the volume of business has forced recycling operations to expand beyond the approved conditions of approval.

The recycling center has expanded its operations to include drop-off and redemption services to both vehicles and walk-up customers in all sections of the car wash vacuum area. Although the operator has mitigated circulation issues between car wash and recycling center customers, the recycling use has distressed the utilization of the car wash bays and vacuums on the site during peak hours.



Aesthetics on the site have also become a noncompliance issue for Valley Wide Recycling. The outdoor vacuum isles have become a staging area for 32 gallon recycling containers with multiple weighing stations within the vacuum isles. During peak hours bulk recycling bags can be seen from the public right-of-way. The current conditional use permit does not allow for the outdoor storage of bulk recycle material for any period of time.

With more recycling activities occurring outside the drive-thru structure, noise volumes have become an additional source of concern for the use. The handling of aluminum cans and glass within the outdoor vacuum isles has caused noise volumes to increase throughout the southern section of the shopping center. No measures have been implemented to mitigate noise levels caused by the recycling center's outdoor operations.

Request for Modification

The applicant has demonstrated the ability to operate a clean, efficient operation that is an asset to the neighborhood it serves. It has, though, exceeded a volume of business where it cannot operate in full compliance with the previously adopted conditions of approval. Approval of the modification of Conditional Use Permit 2011-17 MOD2 will allow the operator to address operational shortcomings and maintaining compliance with amended conditions of approval without reducing the operation's compatibility with its surrounding neighbors.

The recycling center will be required to redevelop the site to better reflect the existing daily operations and resolve the resulting nuisances on the site. In order to provide for operational compatibility on the site, additional vacuum stations associated with the car wash business will be removed, allowing for parking stalls to be dedicated for recycling center use. As a result, three (3) new stalls for recycling center use will be created as an addition to the existing customer walk-up station and the drive-thru recycling structure. Recycling customers will no longer be permitted to double-park which eliminate the circulation issue on the site. The remaining vacuums on the site will continue to be utilized by car wash customers only.

An eight (8) foot tall masonry wall will be built as a mitigation measure for both aesthetics and sound attenuation. The noise caused by glass tilting currently occurring in the vacuum isles will be absorb by the wall. The concrete wall will also allow for screening of the bulk recycling bags temporarily stored during peak hours of operation.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of recycling centers is not specifically addressed in the vision or action plans, the overall project does indirectly support Action 115.2 – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*; and also Good Jobs and Economic Opportunity which focuses in part on creating “*Abundant Commercial Opportunity*”.

SUMMARY OF RECOMMENDATIONS

The information presented in this report along with the proposed conditions allows favorable findings of fact to be made which could support approval of the modification of the existing use permit and site plan review.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Conditional Use Permit 2011-17 MOD2 and Site Plan Review 2018-01, determining to either:

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

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

Motion 1: Move to approve Conditional Use Permit 2011-17 MOD2 and Site Plan Review 2018-01 with the findings and conditions as stated below:

Findings

- The proposed modification to the recycling center is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking and site features to allow for the proposed use permit modification.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the area.
- This project is categorically exempt under §15301(a) (Existing Facilities) of the California Environmental Quality Act.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2011-17 MOD2 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2011-17 MOD2 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Site Plan Review 2018-01 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Conditional Use Permit 2011-17 MOD2 and Site Plan Review 2018-01 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.

7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2018-01.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

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

Engineering Department

General

12. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
13. The developer shall pay all required fees for the completion of the project prior to the commencement of any work. Fees due may include but shall not be limited to the following: encroachment permit processing and improvement inspection fees.
14. Improvements within the City right-of-way require encroachment permit(s) from the Engineering Division.
15. Improvements within the State of California right-of-way require encroachment permit(s) from Caltrans.

Water

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

Sewer

17. Existing sewer service connection(s) shall be upgraded to include a cleanout per City standards.

Fire Department

18. One, 2A10BC-rated portable fire extinguisher is required for the main building. The fire extinguisher must be mounted in a visible and accessible location between 3-5 feet above the floor. Additional fire extinguishers will be required if the exterior canopy areas

at the east side of the property are to be used. The maximum travel distance permitted is 75 feet along an approved path of travel.

19. The method and storage arrangement of the recycled products must be within the allowance of the California Fire Code, including storage height. No products may be stored higher than 12 feet at any time.
20. Physical alteration to the existing existing(s) require a building permit. If the existing canopies are to be used for storage they must be classified as S1 occupancies, presuming they comply with condition No. 19. This means that the buildings must be analyze for allowable area, fire resistive separations, etc.

Planning Department

Recyclable Redemption Component

21. Conditional Use Permit 2011-17 MOD2 allows for the expansion of recycling operations into three (3) vacuum stall areas that will be converted to be used exclusively by the recycling center. In addition, the construction of an eight (8) foot tall masonry wall along the southern section of the vacuum area will be constructed so as to address noise and aesthetic issues associated with the recycling center operations.
22. Conditional Use Permit 2011-17 MOD shall remain effective and not revised in any way by this approval except as modified herein.
23. The first and second vacuum stations closest to the existing customer walk-up station shall be removed of vacuums, as approved by the site plan.
24. The repurposed vacuum stations as stipulated by Condition No.23, shall only be utilized by the recycling center for vehicle queuing and redeeming recyclable materials. The utilization of the remaining three (3) car wash vacuums shall remain for car wash customers.
25. Recyclable material unloading shall only occur within the existing drive-thru structure and/or the former covered vacuum area. Unloading areas shall be clearly marked on the pavement and with signage. Employees shall provide plastic containers for unloading purposes to customers parked in this area.
26. All weighing of recyclable materials and transfer of those materials into bulk storage bins shall occur within the structure or former vacuum area as approved by the site plan. Redeemed glass shall be transferred to the roll-off storage bin located in the storage enclosure as needed.
27. Except for glass that is stored in the roll-off storage bin within the storage enclosure, all recyclables shall be stored within the interior of the existing structure and removed to an off-site facility daily. The roll-off bin shall be changed out on an as-needed basis.
28. The operator shall utilize the existing walk-up area for walk-up customers only. Recyclables may be sorted and weighed in the walk-up area. Vehicle queuing shall not occur within this stall.
29. No vehicle shall double-park in the drive isle between the hand carwash bays and the covered vacuum area.

30. All redeemed materials shall be transferred into the interior of the drive-thru structure or temporarily stored behind the constructed concrete wall. No redeemed material shall be visible from the public right-of-way.

Masonry Unit

31. An eight-foot, solid, split-faced masonry block wall shall be constructed along the back curb of the former vacuum stalls. The wall shall be closed at both ends and shall not be used for the overnight storage of recyclable materials.
32. Prior to construction, the applicant shall secure a building permit from the Building Department. The exact location and design of the wall shall be approved by the Planning Director.

Operational Requirements

33. Hours of operation for the center shall not be earlier than 8:00 am or later than 6:00 pm daily. The recycling operation shall accept only California Redemption Value (CRV) plastic, glass, and aluminum bottles and cans, and recyclable automobile batteries.
34. Metal roll doors shall be maintained at the vehicular entrance and exit to the drive-thru structure. Those doors shall be painted in a color approved by the Community Development Director.
35. Loitering shall be prohibited in, and upon the premises, and in adjacent and nearby areas both public and private. A prominent, permanent sign or signs stating "no loitering is allowed on or in front of these premises" shall be posted in a place(s) that is clearly visible to patrons of the recycling center.
36. An adult operator/employee, 18 years of age or older, shall be on site during all hours of operation and shall be responsible for adherence to these conditions of approval.
37. All recyclable materials shall be maintained in proper containers at all times.
38. The property owner and/or operator shall keep the property clear of all trash, rubbish and debris at all times.
39. It shall be the responsibility of the applicant to gather and return any shopping carts discarded by patrons of the recycling center to the point of origin of the shopping carts. Carts discarded in proximity to the recycling center shall be assumed to be discarded by patrons of the recycling center and cart return shall be the responsibility of the applicant.
40. It shall be the responsibility of the operator to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
41. All signage shall be in accordance with the Municipal Sign Ordinance, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.
42. Vandalism and graffiti on the site shall be corrected per the Madera Municipal Code.
43. Issues identified by Neighborhood Preservation Department inspections to be nuisances to the public shall be corrected consistent with the Madera Municipal Code.

44. Improvements specified within the original entitlement shall be maintained. All improvements required as part of this modification shall be installed and operational by August 31, 2018. All improvements shall be approved by the Planning Department, and Planning Department staff shall inspect the site for compliance with these conditions of approval on or before August 31, 2018.
45. Conditional Use Permit 2011-17 MOD2, Site Plan Review 2018-01 shall be subject to annual reviews or as determined necessary by the Planning Manager.

Motion 2: Move to continue the application for Conditional Use Permit 2011-17 MOD2 and Site Plan Review 2018-01 to the May 8, 2018 Planning Commission:

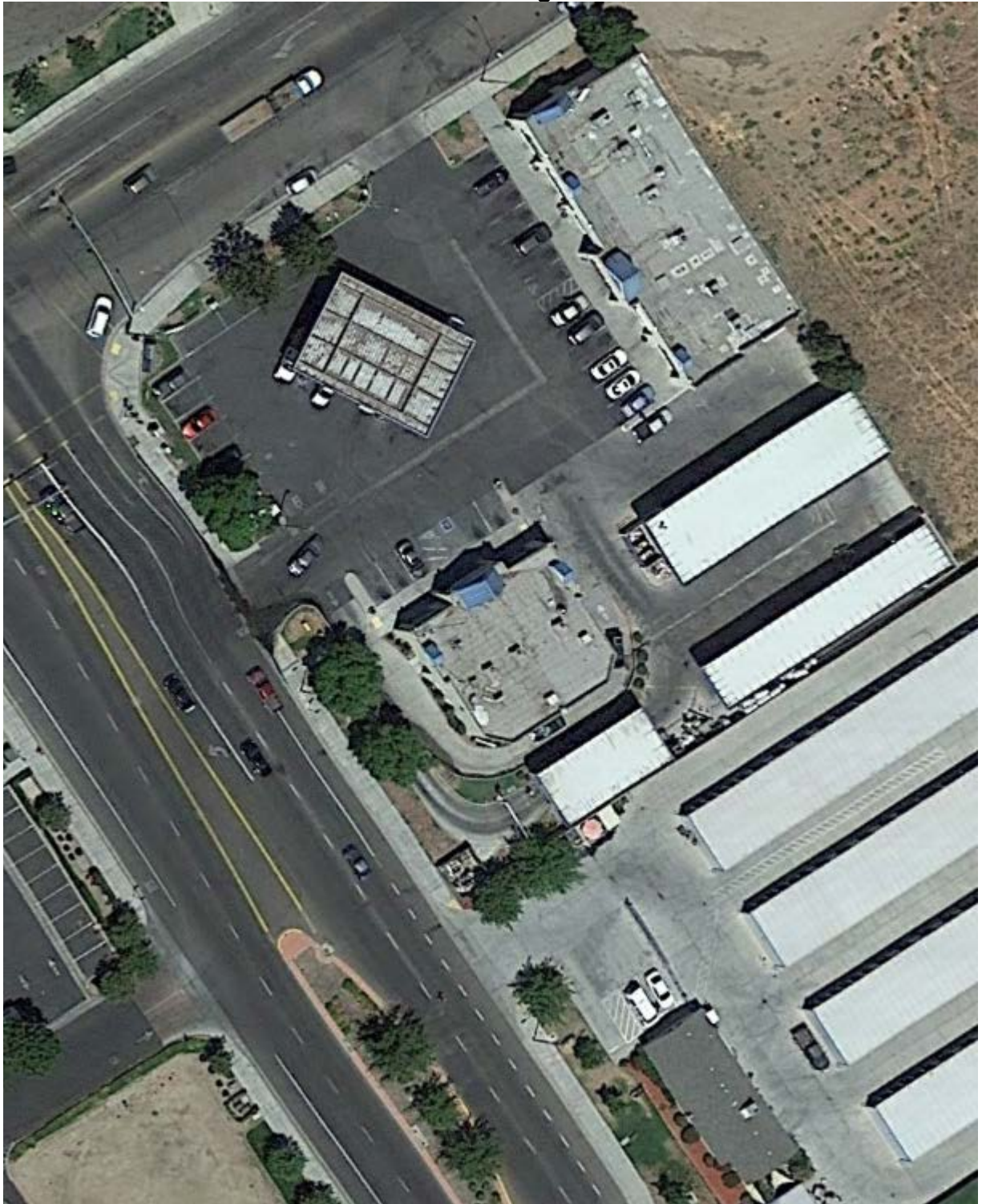
(OR)

Motion 3: Move to deny Conditional Use Permit Conditional Use Permit 2011-17 MOD2 and Site Plan Review 2018-01, based on and subject to the following findings and conditions of approval (specify):

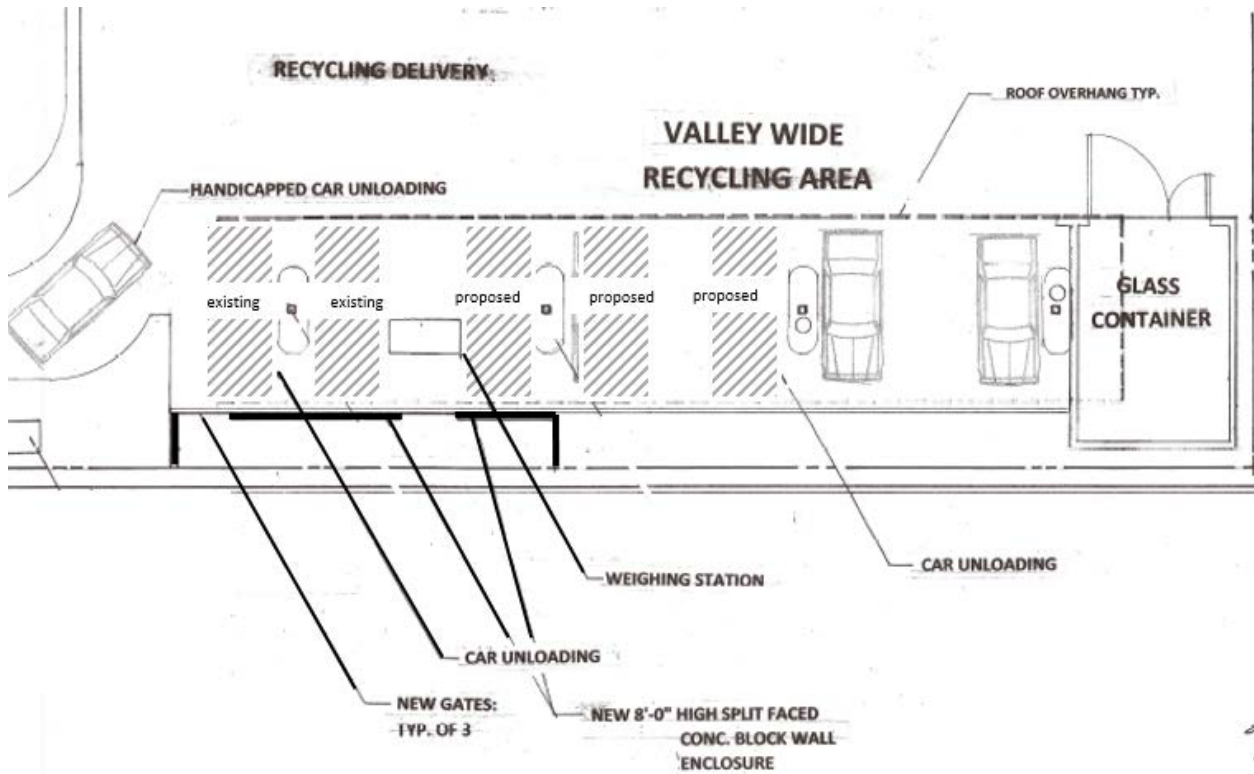
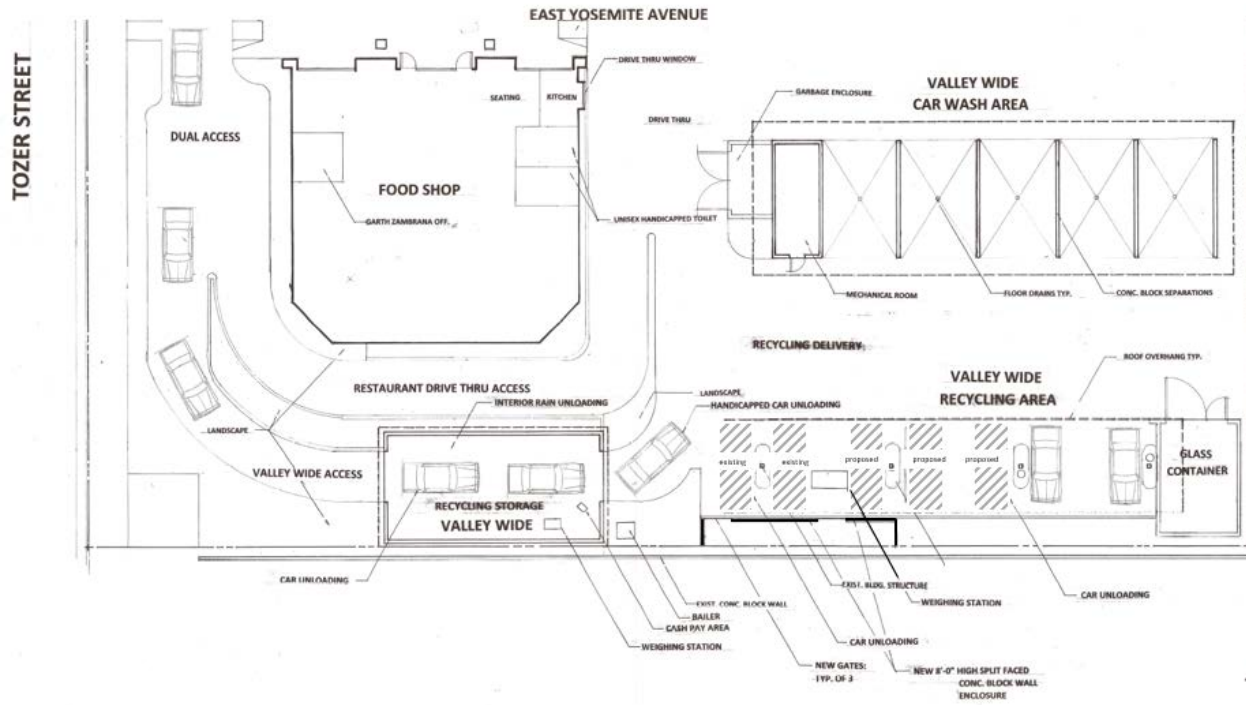
ATTACHMENTS

Aerial Photo
Site Plan
Split Face Wall
Photographs

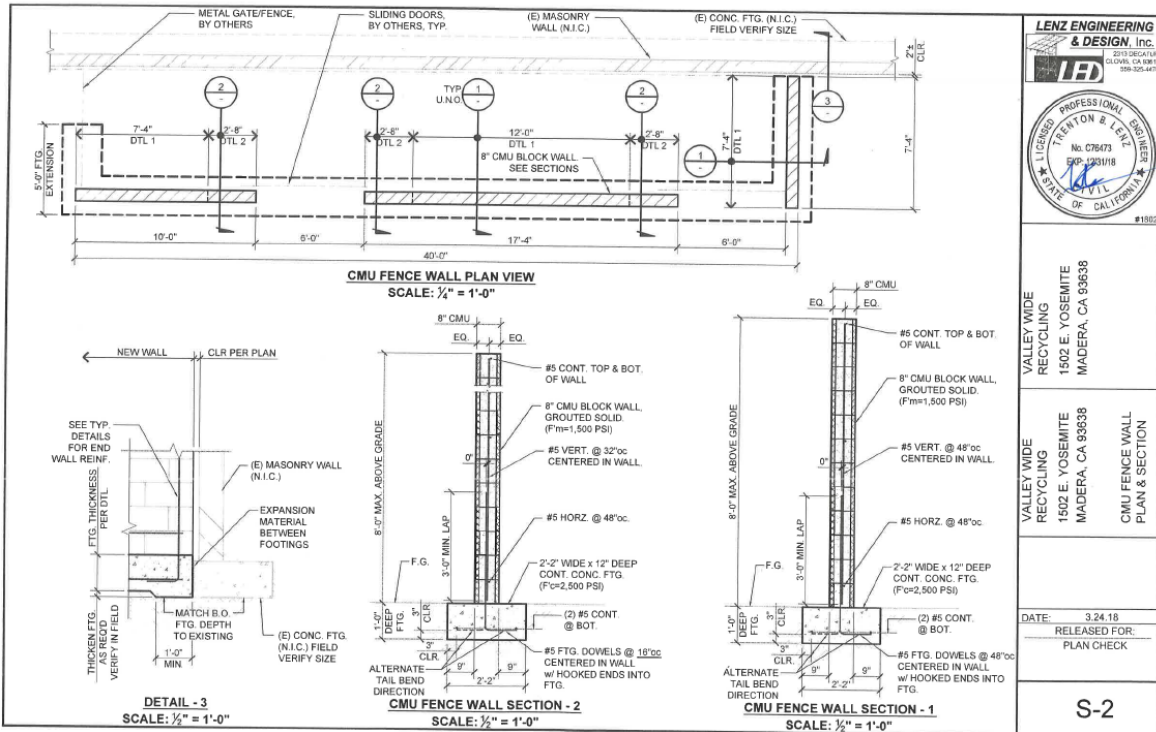
Aerial Image



Site Plan



Existing and proposed recycling center redemption areas.



Proposed eight (8) foot tall split face wall.



Entrance to Valley Wide Recycling Center.



Interior of drive-thru recycling center.



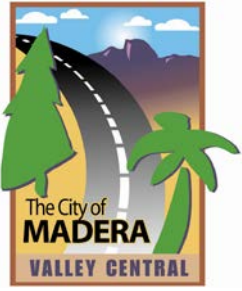
Location of existing walk-up and sorting station. The proposed split face wall to be placed along the rear curb of the two closest vacuum stations on this photo.



Three proposed vacuum stalls to be repurposed for recycling center use.



Existing glass container per CUP 2011-17 MOD.



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Singh Trucking Company
CUP 2018-01, SPR 2018-03 & Categorical Exemption
Item #2 – April 10, 2018**

PROPOSAL: An application for a conditional use permit to allow for the establishment of a trucking company that will accommodate approximately seven (7) semi-trucks as well as on-site overnight parking for other truckers. An application for site plan review accompanies the conditional use permit to guide the on- and off-site improvements for the project site.

APPLICANT:	Gurjit Singh Dhaliwal	OWNER:	Ed Bass
ADDRESS:	2185 West Kennedy Street	APNs:	013-260-002
APPLICATION:	CUP 2018-01 & SPR 2018-03	CEQA:	Mitigated Negative Declaration

LOCATION: The project site is located north on West Kennedy Street, approximately 450 feet east of the northeast corner of West Kennedy Street and Condor Drive.

STREET ACCESS: The site has access to West Kennedy Street and Condor Drive.

PARCEL SIZE: Approximately 6.7 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is east of the Airport Industrial Park. It is primarily surrounded by vacant commercial and industrial land to the north, south and west of the project site. Immediately east is an existing non-conforming “grandfathered” mobile home park.

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

SUMMARY: The applicant proposes the establishment of a trucking company with a fleet of approximately seven (7) trucks and a truck parking storage area. The applicant will be required to comply with the development standards of the Airport Business Park and the requirements of the Madera Countywide Airport Land Use Compatibility Plan. The anticipated number of trips generated at peak hour on-site does not exceed the requirement for a traffic impact study. Paved parking fields and wheel stops will provide drive aisles for trucks and separation from the adjacent parcels to the north and east. The applicant will be required to comply with the mitigation measures provided by the San Joaquin Valley Air Pollution Control District. On- and off-site improvements will provide compliance with current City standards.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.902 Uses Permitted; Heavy Commercial Zones
MMC § 10-3.4.0102 Site Plan Review Applicability
MMC § 10-3.1202 Parking Spaces Required
MMC § 10-3.1301 Use Permits

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

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

PRIOR ACTION

None.

ANALYSIS

Background

The property has been in use by Bass and Sons, a septic tank company, for over 65 years. The property was annexed into the City in 2009 as part of an island annexation. The site has never seen site plan review with the City.

Proposal

The applicant proposes to re-establish the property as a hub for their trucking company as well as an area for overnight parking of semi-trucks. The trucking company owns and operates approximately thirty-five (35) semi-trucks. Because most trucks will be on the road at any one time, only approximately seven (7) will be stored on-site at any one time. The applicant will utilize the existing office as the trucking company's office. The trucking company will only dispatch from the site and no pickup or deliveries will occur. The existing residence at the southwest corner of the site will be retrofitted and used as a sleeping quarters for the employees and other truckers. The existing repair shop will be used to perform minor repair work on only the trucking company's semi-trucks. The applicant proposes to demolish the existing residence and detached garage at the northwest corner of the site, as well as a modular residence at the southeast corner of the site. The proposed hours of operation will occur twenty-four hours, seven (7) days per week.

Specific Plan No. 1

The project site is located within Specific Plan No. 1. Specific Plan No.1 was originally adopted in 1981 and has twenty-four (24) subsequent amendments, most recently in 2011. Within Specific Plan No. 1 is the Airport Business Park, which the project site also lies within. The Airport Business Park has specific development standards that apply to all developments in the area.

• Setbacks

All properties in the Airport Business Park shall have a front yard setback of no less than twenty-five (25') feet extending the full width of the parcel. Interior side yard setbacks shall be no less

than ten (10') feet and exterior side yard setbacks shall be no less than fifteen (15') feet. Rear yard setbacks shall be no less than ten (10') feet. The proposal does not include any new construction. Because trucks will continuously move on and off the site, there is no requirement for parking trucks within the setbacks.

- **Landscaping**

Each site is required to be landscaped in the front and exterior side yard area. Open areas between property lines and street improvements shall be landscaped, including parkstrips, if applicable. The minimum perimeter landscape area in the front yard adjacent to the property line shall be ten (10') feet, but in no case may the combined perimeter landscape area, on-site and in public right-of-way be less than twenty (20') feet. The street side yard shall have a minimum landscape width of five (5') feet adjacent to the side property line, but in no case may the combined perimeter landscape area be less than fifteen (15') feet. Trees shall be planted along street frontages at a minimum ratio of one tree per thirty (30') feet of frontage. Seventy (70%) percent of the required landscape area shall be planted/covered in vegetative materials. All installation of landscaping shall be compliant with the State of California Model Water Efficient Landscape Ordinance (MWELO).

- **Outside Storage and Trash Areas**

Outside storage and trash areas shall be located outside of the required front and street side yard setback areas and shall be screened from view from public rights-of-way. Screening shall consist of solid wood or masonry fence or dense shrubbery.

The project will be developed consistent with the requirements of Specific Plan No. 1.

Madera Countywide Airport Land Use Compatibility Plan (ALUCP)

The project site is also located within the Madera County ALUCP and is split between two (2) zones. The majority of the parcel (lower portion) which encompasses the sleeping quarters and office is in the C1 (Outer Approach/Departure) Zone. The C1 Zone is conditionally compatible with both short-term lodging (sleeping quarters) and an office use. The maximum number of people allowed in conjunction with short-term lodging is thirty-seven (37). The maximum number of employees allowed in the office structure is thirteen (13). This intensity criteria is required to be met by the ALUCP. A portion of the truck storage area is in the C1 Zone and the remaining portion is in the D (Other Airport Environs) Zone. Both zones are normally compatible with an automobile parking surface lot.

Truck Parking

The site plan shows specific areas as to where the trucks are allowed to park. In total, there is enough area to park a total of sixty (60) semi-trucks. The applicant does not anticipate more than twenty-five (25) semi-trucks parked on the site at one time. The applicant informed staff that at peak hour there would be no more than twelve (12) trips generated on-site. A traffic impact study is not required until more than one-hundred (100) trips are generated at peak hour on-site. Staff recommends any future expansion or intensification of the site that would generate more than 100 trips at peak hour require an amendment to the site plan review and mitigated negative declaration. Staff also recommends the parking field for the semi-trucks to be paved and striped with parking stalls at fourteen (14') feet wide by sixty (60') feet long.

Mobile Home Park

The site is adjacent to the mobile home park to the east that is separated by a chain link fence. The mobile home park was annexed into the City as part of an island annexation and is in the C2 (Heavy Commercial) Zone District. It is currently a "grandfathered" existing non-conforming use. In order to provide separation from the adjacent properties, staff recommends a six (6') foot tall

slatted chain link fence along the eastern and northern boundaries. Staff also recommends the installation of curb stops for each striped parking space.

Mitigation Measures

The air quality of the project requires mitigation measures to ensure that emissions from the diesel vehicles do not provide a detriment to the safety of residents in the immediate area. The applicant shall comply with all requirements of the comment letter provided by the San Joaquin Valley Air Pollution Control District.

Site Improvements

On-site improvements of the project include the retrofitting of the existing residence, a paved parking field with striping for semi-trucks, installation of curb stops, installation of a slatted chain link fence along the eastern and northern property lines and installation of landscaping consistent with the Airport Business Park standards and MWELo. Off-site improvements for the project include construction of utility services and construction of sidewalk along the Condor Street frontage.

The proposed conditional use permit and site plan review were reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of the establishment of a trucking company is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.1** – *As a component of the General Plan Update, encourage viable economic development.*”

RECOMMENDATION

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2018-01 and Site Plan Review 2018-03 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be taking action regarding Conditional Use Permit 2018-01 and Site Plan Review 2018-03, determining to either:

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

Any action by the Planning Commission approving or denying the applications is subject to appeal to the City Council within fifteen (15) calendar days of the Planning Commission’s action.

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

- An initial study and mitigated negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment with mitigation measures, and that the document reflects the independent judgement of the Planning Commission

of the City of Madera after considering all of the information in the whole of the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

(AND)

Motion 1b: Move to approve Conditional Use Permit 2018-01 and Site Plan Review 2018-03, based on and subject to the following findings and conditions of approval:

Findings

- An initial study and mitigated negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgement of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with CEQA.
- The establishment of a trucking company is consistent with the purposes of the C (Commercial) General Plan land use designation and the C2 (Heavy Commercial) Zone District, which provide for the use subject to the issuance of a conditional use permit.
- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City. The use is deemed to be a compatible use that is consistent with the zoning for the site.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize Conditional Use Permit 2018-01 within one year following the date of this approval shall render the conditional use permit(s) null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2018-01 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit(s) and owners of the property voluntarily submitting to the City a written request to permanently extinguish the Conditional Use Permit(s).
4. Site Plan Review 2018-03 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)

5. Conditional Use Permit 2018-01 and Site Plan Review 2018-03 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding revocation of the permit.
6. The project shall be developed in accordance with the site plan drawings, as reviewed and approved with Site Plan Review 2018-03. Minor modifications to the site plan necessary to meet regulatory or engineering constraints may be made with approval from the Planning Manager.
7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
8. 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 and/or issuance of a business license.

Building Department

9. Site development shall be consistent with the approved site plan. The use of activity areas shall be identified on plans submitted for issuance of building permits. If no plans are to be submitted, uses shall be as stated on plans submitted for site plan approval.
10. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.
11. Additional items identified as not complying with current codes and ordinances, which require correction or attention, may be identified. Any item not in conformance with current codes and ordinances shall be corrected.

Engineering Department

General

12. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
13. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, the following; easement acceptance, encroachment permit processing and improvement inspection fees.
14. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
15. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.

Sewer

16. Sewer service connection(s) shall be constructed to current City standards.

17. Sewer main connection(s) six (6") inches and larger in diameter shall require manhole installation.
18. Existing septic tanks, if found, shall be removed and inspected through the permitting process by the City of Madera Building Department.
19. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage.

Streets

20. The developer shall construct ADA-accessible concrete sidewalk along the entire project parcel frontage on Condor Street per City standards.
21. An Irrevocable Offer of Dedication shall be made to dedicate twenty (20') feet of right-of-way along the entire project parcel frontage on West Kennedy Street to provide a half-street width of fifty (50') feet, north of the center line.
22. The developer shall dedicate a Public Utility Easement ten (10') feet wide along the entire project parcel frontage on West Kennedy Street. A \$452.00 fee or the fee in effect at that time shall be paid with the Engineering Department.
23. In accordance with Madera Municipal Code 10-3.1206, the proposed parking field shall be paved. Any proposed reduction in paving limits shall be justified subject to implementing measures that eliminate dust and mud, or in accordance with the San Joaquin Valley Air Pollution Control District standards.

Water

24. Water service connection(s) shall be 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.
25. A separate water meter and backflow prevention device will be required for landscaped areas.
26. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.
27. The developer shall reimburse its fair share cost to the City for previously constructed water main along the entire project frontage.

Fire Department

28. All shop areas of 2,500 square feet or greater servicing commercial vehicles shall be equipped with fire sprinklers.
29. 2A10BC-rated fire extinguishers are required in each commercial shop and/or garage building. A minimum of one for each 3,000 square feet of area of the building or fraction thereof.
30. A key box shall be required for rapid entry by emergency services personnel.

Planning Department

General

31. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
32. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
33. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.
34. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of Conditional Use Permit 2018-01.

Use Permit Allowance

35. Conditional Use Permit 2018-01 allows for the establishment of a trucking company and on-site parking of no more than sixty (60) full-size diesel semi-trucks.
36. Minor repair work shall only be allowed on vehicles used as part of the business. Changes or expansions in the use shall require an amendment to Conditional Use Permit 2018-01 and/or Site Plan Review 2018-03.
37. Any outdoor display of merchandise shall require approval of a new conditional use permit.
38. No vehicular sales shall occur on the project site.
39. The overnight parking of semi-trucks shall be allowed within the designated areas on the approved site plan.
40. At such time as the number of trips generated at peak hour exceeds one-hundred (100), an amendment to Site Plan Review 2018-03 and Mitigated Negative Declaration shall be approved by the Planning Commission. A traffic study shall be completed as a component of the amendment.
41. In order to comply with the Madera Countywide Airport Land Use Compatibility Plan, the sleeping quarters shall not house more than thirty-seven (37) people at one time. The office shall not house more than thirteen (13) people at one time.

Fences and Walls

42. The developer shall ensure that a six (6') foot tall slatted chain link fence be in place along the eastern and northern property lines. The slat color shall be approved by the Planning Manager.
43. The developer shall construct a single bin trash enclosure consistent with Engineering Department specification/detail shell No. E-7. The location of the trash enclosure shall be approved by the Planning Manager.

Landscaping

44. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped, submitted to and approved by the Planning Department prior to issuance of building permits, business license and occupancy. The plan shall include:

- Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO).
 - Open areas between property lines and street improvements shall be landscaped, including parkstrips.
 - The minimum perimeter landscape area in the front yard (Kennedy Drive frontage) adjacent to the property line shall be ten (10') feet, but in no case may the combined perimeter landscape area, on-site and in the public right-of-way, be less than twenty (20') feet.
 - The street side yard (Condor Drive frontage) shall have a minimum landscape width of five (5') feet adjacent to the exterior side property line, but in no case may the combined perimeter landscape area be less than fifteen (15') feet.
 - Trees shall be planted along street frontages at a minimum ratio of one tree per thirty (30') feet of street frontage.
 - All landscape and irrigation shall be approved and installed prior to occupancy of the site.
45. 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.

Parking

46. The parking requirements of the use shall be provided at the following ratio(s):
- Office use: Nine (9) parking stalls, including one (1) ADA accessible parking stall
 - Sleeping quarters: One (1) parking stall for each sleeping room
47. The area designated for semi-truck parking on the approved site plan shall have all primary drive aisles paved, at a minimum, with asphalt. Parking spaces for the semi-trucks may have, at a minimum, a gravel ground cover that is placed consistent with the dust control requirements of the San Joaquin Valley Air Pollution Control District.
48. All parking and loading areas for the office and sleeping quarters shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep, or seventeen (17') feet deep when abutting a landscape planter with minimum of two (2') foot overhang. No compact stalls shall be incorporated into the parking field. No wheel stops shall be incorporated into the parking field/parking stall layout except where required for compliance with ADA requirements. Minimum drive aisle width shall be twenty-six (26') feet for primary drive aisles.
49. All parking areas for the semi-trucks shall be marked and striped as perpendicular (90 degree) parking spaces that shall measure a minimum of fourteen (14') feet wide by sixty (60') feet deep. Wheel stops shall be incorporated for each semi-truck parking stall along the eastern and northern property lines.

Signage

50. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

51. The applicant shall comply with all requirements of the comment letter by the SJVAPCD dated February 9, 2018.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2018-01 and Site Plan Review 2018-03 to the May 8, 2018 Planning Commission hearing for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2018-01 and Site Plan Review 2018-03, based on and subject to the following findings: (specify)

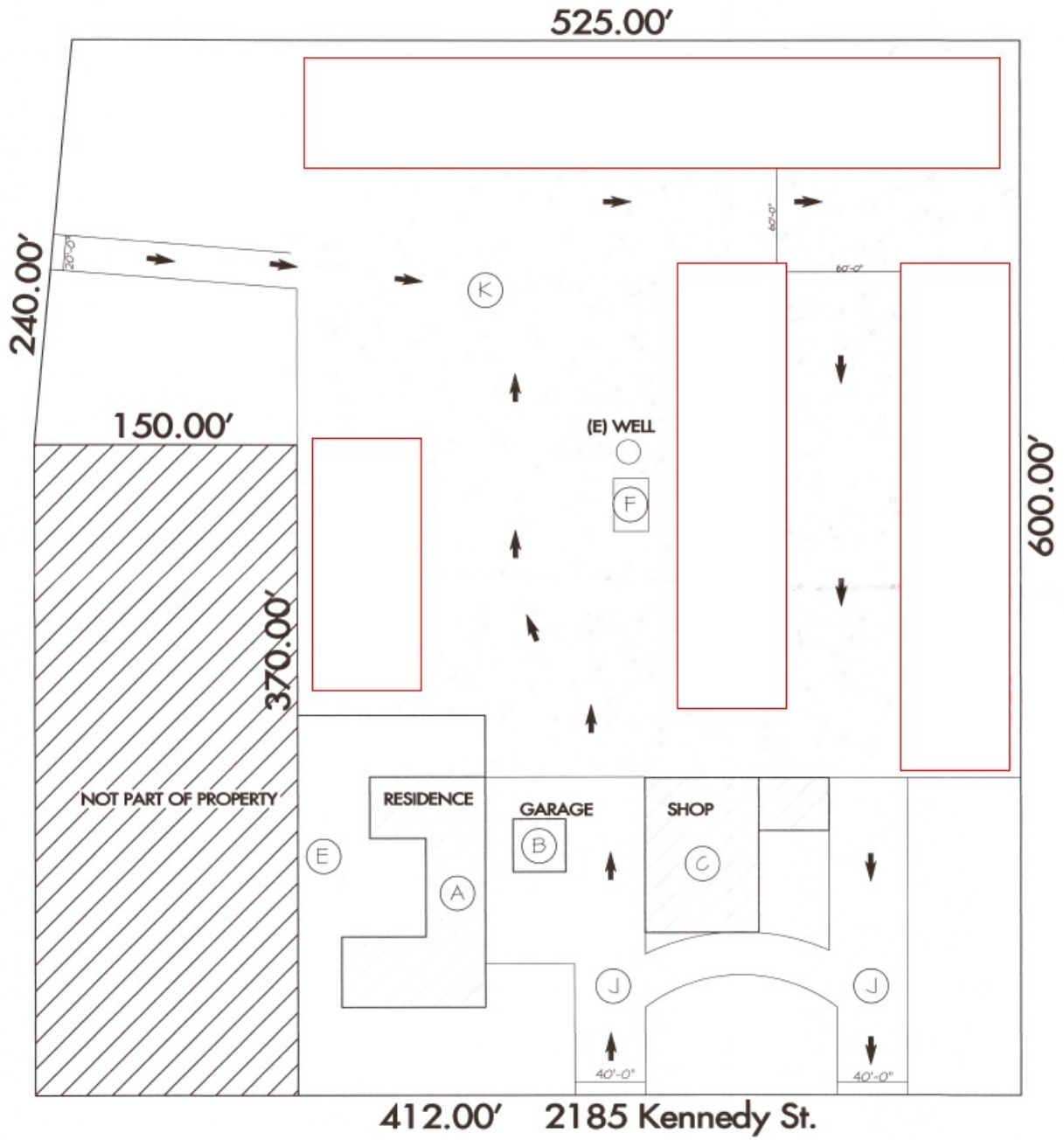
ATTACHMENTS

Aerial Photo
Site Plan
Environmental Assessment & SJVAPCD Comment Letter

Aerial Photo



Site Plan



INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

Singh Trucking Company Conditional Use Permit (CUP) 2018-01 Site Plan Review (SPR) 2018-03

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

Project: Conditional Use Permit 2018-01 and Site Plan Review 2018-03

Applicant: Gurjit Singh Dhaliwal
1369 Kenton Way
Madera, CA 93637

Owner: Ed Bass
2185 West Kennedy Drive
Madera, CA 93637

Location: The approximately 6.70 acre project site is located north on West Kennedy Street, approximately 450 feet east of the intersection of West Kennedy Street and Condor Drive (APN: 013-260-002).

Proposal

The applicant proposes to repurpose a former septic tank company property into a hub for their trucking company as well as an area for overnight parking of semi-trucks. The trucking company will accommodate a fleet of approximately thirty (30) semi-trucks in association with the trucking company and an additional approximately twenty-five (25) semi-trucks for overnight truck parking. It is anticipated that no more than 25 percent of the company fleet will be stored on the property at any one given time since the majority of trucks will be on the road at any one given time. The applicant will utilize the existing office as the trucking company's office. The existing repair shop structure will function as a maintenance and repair facility for the company's truck fleet. Paving of the site will occur as a component of its conversion to the trucking company. The trucking company will only dispatch from the site and no pickup or deliveries will occur. The existing residence at the southwest corner of the site will be retrofitted and used as a sleeping quarters for the employees and other truckers. The applicant will demolish the existing residence and detached garage at the northwest corner of the site, as well as a modular residence at the southeast corner of the site. The proposed hours of operation will occur twenty-four hours, seven (7) days per week.

CUP 2017-36: An application for a conditional use permit would allow for the establishment of a trucking company in the C2 (Heavy Commercial) Zone District.

SPR 2017-53: An application for a site plan review which will guide the development of the trucking company on the project site.

Off-site improvements for the project include the following:

- Construction of a new sewer service connection.
- Construction of a new water service connection and subsequent installation of a water meter and backflow prevention device.
- Installation of a separate water meter and backflow prevention device for landscape area.
- Installation of a fire hydrant on West Kennedy Street.
- Construction of new ADA-accessible concrete sidewalk along the entire project parcel frontage on Condor Street.
- Undergrounding of public utilities.
- Installation of street lights along the West Kennedy Street frontage.
- Irrevocable Offer of Dedication for twenty (20') feet of right-of-way along the entire project parcel frontage on West Kennedy Street.
- Dedication of a ten (10') foot Public Utility Easement across the entire project parcel frontage on West Kennedy Street.

Zone District (APN: 013-260-002): C2 (Heavy Commercial)

General Plan Land Use Designation: C (Commercial)

Surrounding Land Uses and Zoning:

- South – Vacant industrial land
- North – Vacant commercial land
- West – Vacant commercial land
- East – Mobile home park

Responsible and Interested Agencies:

- Madera Irrigation District
- San Joaquin Valley Air Pollution Control Board

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages:

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

DETERMINATION:

On the basis of this initial evaluation:

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

Signature: _____

Date: February 15, 2018

Printed Name: Robert Holt, Assistant Planner

Explanation of Environmental Checklist

I. AESTHETICS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- a. **No Impacts.** The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The project will not have a substantial adverse effect on a scenic vista. The City of Madera is located in a predominantly agricultural area near the base of the Sierra Nevada Mountain Range, which provides for aesthetically pleasing views and open spaces. By developing land within the city's sphere of influence, the proposed project will reduce development pressure on rural lands.
- b. **No Impacts.** The project will not damage scenic resources, including, but not limited to, rock outcroppings, and historic buildings within a state scenic highway.
- c. **Less than Significant Impacts.** The project will not substantially degrade the existing visual character or quality of the site and surroundings under examination. The proposed project would not alter the landforms, view sheds, and overall character of the area.
- d. **Less than Significant Impacts.** There will be an increase in light and glare and other aesthetic impacts associated with the addition of sixty (60) semi-trucks as a result of the project, although it will be a less than significant impact because lighting will be down shielded and directed per the approval of the City Engineer.

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

Would the project:

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

Discussion: The project area is located on land identified as Urban and Built-Up Land within the 2016 California Farmland Mapping and Monitoring Program.

- a. **No Impacts.** The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California resources agency) to non-agricultural use. The project site is identified as Urban and Built-Up Land on the 2016 Madera County Important Farmland Map. The project site has been identified for urban uses within the City of Madera General Plan, and the land has not being utilized for any agricultural purposes for an extended length of time.
- b. **No Impacts.** The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts in the affected territory. The City of Madera General Plan identifies this site for commercial uses.
- c. **No Impacts.** The development of this property will not influence surrounding properties to convert from farmland to non-agricultural uses since this property is surrounded by property designated for industrial and commercial development, consistent with the Madera General Plan.

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

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project area is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by San Joaquin Valley Air Pollution Control District (SJVAPCD).

For reference, the District's annual criteria thresholds of significance for construction, operational permitted (stationary) and operational non-permitted (mobile) sources are: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of 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).

At the federal level for the National Ambient Air Quality Standards (NAAQS), the District is currently designated as extreme nonattainment for the 8-hour ozone standards; nonattainment for the PM2.5 standards; and attainment for the 1-Hour ozone, PM10 and CO standards. At the state level, the District is currently designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 California Ambient Air Quality Standards (CAAQS). The SJAVPCD cannot determine if the project-specific emissions exceed the District's significance thresholds without specific analyses being completed.

A Health Risk Screening/Assessment (HRA) identifies a potential Toxic Air Contaminant's (TAC) impact on surrounding sensitive receptors, such as hospitals, daycare centers, schools, work-sites and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard

to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. Industry-specific TACs generated must also be identified. In order to determine if TACs will impact the adjacent mobile home park residents to the east, a screening analysis will need to be conducted by the applicant. If a prioritization score of 10 or greater is a result of the analysis, then a refined HRA will need to be performed.

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emission increases from a project will cause or contribute to a violation of the ambient air quality standards. The District recommends that an AAQA be performed for the project if emissions exceed 100 pounds per day.

The project is not subject to Rule 9510 (Indirect Source Review) by the SJVAPCD because no new construction of structures is proposed. The project is subject to Rule 4002 (National Emission Standards for Hazardous Air Pollutants) for the demolition of a single-family residential unit, detached garage and a modular residential unit. The project will not create any objectionable odors.

The project will be required to comply with all applicable rules and regulations of the SJVAPCD, including but not limited to Rules 4102 and 4641.

The proposed project would not create any new/permanent objectionable odors affecting a substantial number of people.

Mitigation Measure III(a-d)-1: The applicant shall comply with the requirements of the SJVAPCD comment letter provided to staff on February 9, 2018. The letter will be attached as Exhibit 1 in the Mitigation Monitoring Program.

IV. BIOLOGICAL RESOURCES.

Would the project:

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

Discussion: With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. The project area has been subjected to urbanization in the past, resulting in a highly maintained and disturbed habitat. There is no record of special-status species in this project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore, impacts in this category are not anticipated to exceed the impacts addressed in those documents.

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

V. CULTURAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project will not disturb archaeological resources. The project will not disturb any unique paleontological or geologic resources. The project will not disturb any human remains. Prior clearances have been granted to the City of Madera relative to archeological surveys conducted in the same area. In the event any archeological resources are discovered with project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State Law may be applied.

- a. **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. There are no known historical resources located in the affected territory.
- b. **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines. There are no known archaeological resources located in the project area.
- c. **No Impacts.** The proposed project would not directly or indirectly destroy unique paleontological resources or sites or unique geologic features. There are no known paleontological resources or sites or unique geologic features located in the affected territory.
- d. **No Impacts.** The project would not likely disturb any human remains, including those interred outside of formal cemeteries. If development occurs in the future and any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state and federal regulations that regulate archaeological and historical resources would be complied with.

VI. GEOLOGY AND SOILS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in *The Uniform Building Code* that is utilized by the Madera Building Division to monitor safe construction in the City.

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

VII. GREENHOUSE GAS EMISSIONS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

VIII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project will not bring about a direct increase in the risk of accidental explosion or release of hazardous substances. The project site has not been identified as a hazardous material site. The project will not result in a substantial air safety hazard for people residing in the area or future residents of the project. The project site is not within a quarter mile of any existing or proposed school. The project site is within the C1 (Outer Approach/Departure) Zone and the D (Other Airport Environs) Zone boundaries of the Madera Countywide Airport Land Use Compatibility Plan. The C1 Zone is “Conditionally Compatible” with short-term lodging and office uses so long as the intensity criteria is met. The site area encompassed in the C1 Zone includes an office and short-term lodging residence. The D Zone is considered “Normally Compatible” with auto parking surface lots and does not provide any airspace hazards. The project will not result in any hazards to air traffic or be a substantial air safety hazard. The project will not interfere with any emergency response or evacuation plans. Traffic generated with development is not expected to be substantially higher than current volumes. The project will not bring about an increase in fire hazards in areas from flammable brush, grass, or trees.

- a. **No Impacts.** The proposed project would not create any hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b. **No Impacts.** The proposed project would not create any hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- c. **No Impacts.** The project would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. **No Impacts.** The land within the project site is not included on a list of hazardous materials sites and, as a result, would not create a significant hazard to the public or the environment.
- e. **Less than Significant Impacts.** The project site is located within the C1 (Outer Approach/Departure) Zone and D (Other Airport Environs) Zone of the Madera Countywide Airport Land Use Compatibility Plan (ALUCP). The risk concern with the C1 Zone is moderate and includes areas where aircraft turn from the base to the final approach legs of the standard traffic pattern and descend from the traffic pattern altitude. The C1 Zone also includes areas where departing aircraft normally complete their transition from takeoff power and flap settings to climb mode and have begun to turn to their en-route heading. Four (4%) percent of off-runway general aviation accidents near airports occur here. Object heights are restricted to as little as seventy (70') feet. The risk concern with the D Zone is occasional overflights that are intrusive to some outdoor activities. The risk concern is only with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area). The proposed project site does not propose any objects with heights greater than 150 feet and the use does not provide very-high-intensity activities in a confined area. Cumulatively, the project would not bring about a safety hazard related to the airport or aviation activities for people residing or working in the project area.
- f. **No Impacts.** The project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project vicinity related to an airstrip or aviation activities.
- g. **No Impacts.** The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

- h. **No Impacts.** The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

IX. HYDROLOGY AND WATER QUALITY.

Would the project:

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

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

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

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

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

- a. **No Impacts.** Development of the project site would be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development would also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.
- b. **No Impacts.** The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- c. **No Impacts.** The proposed project would not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- d. **No Impacts.** The proposed project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site.

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

X. LAND USE AND PLANNING.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but no limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a. **No Impacts.** The project would not physically divide an established community. Rather, it logically allows development to occur in an orderly manner, adjacent to and within the urbanized area of the City.
- b. **No Impacts.** The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The proposed project is consistent with the requirements.
- c. **No Impacts.** The project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. No Impacts. The project would not result in the loss or availability of mineral resources.				
b. No Impacts. The proposed project would not result in the loss of availability of any locally important mineral resource recovery sites.				

XII. NOISE.

Would the project result in:

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

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

- a. **No Impacts.** The proposed project would not result in exposure of persons to or the generation of noise levels in excess of standards established in the City's General Plan.
- b. **Less than Significant Impacts.** The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.

- c. **Less than Significant Impacts.** The proposed project would result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project, but the noise levels will not be substantial.
- d. **Less than Significant Impacts.** The proposed project may result in some temporary increase in ambient noise levels in the project vicinity during demolition of the existing residences on the site.
- e. **Less than Significant Impacts.** The proposed project site is located within an airport land use plan or within two miles of a public airport or public use airport. Figure 14 of the Madera Municipal Airport Master Plan Report demonstrates that all 60 and 65 CNEL noise contours are contained entirely within the boundaries of the airport.
- f. **No Impacts.** The project will is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING.

Would the project:

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

Discussion: The proposed project will induce minor additional growth in this area, but not enough growth to be considered substantial. The property involved has one existing single-family residence and one modular residential unit that will be displaced. The property is within a commercial zoning district and general plan land use designation that does not anticipate residential uses for future development. This results in less than significant impacts because of the low number of residential units (2) and people (6) that will be displaced.

- a. **Less than Significant Impacts.** The proposed project will provide employment opportunities which may induce a minimal growth in population by individuals and/or families who move to Madera in response to opportunities for employment.
- b. **Less than Significant Impacts.** The proposed project will displace two existing single-family residential units and one modular residential unit. The existing residential units were grandfathered on the commercial site. Conditions of approval extinguish the nonconforming status and require the removal of the homes.
- c. **Less than Significant Impacts.** The proposed project will displace approximately six (6) people, which cannot be considered substantial necessitating the construction of replacement housing elsewhere.

XIV. PUBLIC SERVICES.

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

Discussion: The project will not result in substantial adverse physical impacts from new or altered public facilities. As development occurs, there will be a resultant increase in job opportunities, and a greater demand placed upon services, such as fire and police protection, and additional park and school facilities. There will be an increase in street, and water and sewer system maintenance responsibility because of this project. However, based on the nature of the proposal, the increase in manpower requirements for the Public Works Department will be minimal.

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

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

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

XV. RECREATION

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: 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.

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

XVI. TRANSPORTATION/TRAFFIC.

Would the project:

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

Discussion: 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.

- a. **Less-Than-Significant Impacts.** The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system that would result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections.
- b. **No Impacts.** The project would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

- c. **Less-Than-Significant Impacts.** The proposed project would not result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The applicant provided staff the maximum number of trips generated at the peak hour would be twelve (12). In order to require a traffic impact study, a minimum of one-hundred (100) trips would need to be generated at peak hour.
- d. **No Impacts.** The proposed project would not increase hazards to transportation systems due to design features such as sharp curves, dangerous intersections, or incompatible uses.
- e. **No Impacts.** The proposed project would not result in inadequate emergency access.
- f. **No Impacts.** The proposed project would not result in inadequate parking capacity.
- g. **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

XVII. TRIBAL CULTURAL RESOURCES

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

Discussion: The project site location is not listed or eligible for listing in the California Register of Historical Resources. It does not provide any significance of resource to a California Native American tribe. Cumulatively, the project proposal and site will not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in the Public Resources Code Section 21074.

- a. **No Impacts.** The project will not cause a substantial adverse change in the significance of a tribal cultural resource. As defined in the Public Resources Code Section 21074, the project site is not 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.

- i. **No Impacts.** The proposed project site is not 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).
- ii. **No Impacts.** The proposed project is not a resource that is of significance to a California Native American tribe, as defined in Public Resources Code 5024.1(c).

XVIII. UTILITIES AND SERVICE SYSTEMS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
b. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

to comply with the City's Master Plan, Ordinances, and standard practices. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

- jj. **No Impacts.** The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- kk. **No Impacts.** The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- ll. **No Impacts.** The proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- mm. **No Impacts.** There will be sufficient water supplies available to serve the project.
- nn. **No Impacts.** The project would not require a determination by a wastewater treatment provider.
- oo. **No Impacts.** The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- pp. **No Impacts.** Any development project that might be proposed on the project site would be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE.

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

Determination:

Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Population and Housing, Public Services, and Transportation and Traffic. Air Quality require recommendations from the San Joaquin Valley Air Pollution Control District (SJVAPCD) that satisfy the District’s significance thresholds for emissions.

The air quality impacts identified in this Initial Study are considered to be less than significant with recommendations from the SJVAPCD. Therefore, a Mitigated Negative Declaration is the appropriate level of documentation for this project.

**CITY OF MADERA
MITIGATION MONITORING PROGRAM**

Project Name and/or File Number: Conditional Use Permit 2018-01
Site Plan Review 2018-03

Project Description: An application for a conditional use permit to allow for the establishment of a trucking company that will accommodate a fleet of approximately sixty (60) semi-trucks on-site. An application for site plan review accompanies the conditional use permit which will guide the development of the property. The project proposes the demolition of one single-family residential unit, detached garage and one modular residential unit. The project also proposes the retrofit of an existing single-family residential unit that will be used as sleeping quarters for the truck drivers. The project site appurtenances will include a repave of the parking field.

Monitoring Phase:

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

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.

CUP 2018-01 and SPR 2018-03 Mitigation Measures

III. Air Quality

III(a-d)-1: The applicant shall comply with the requirements of the SJVAPCD comment letter provided to staff on February 9, 2018. The letter will be attached as Exhibit 1 in the Mitigation Monitoring Program.

Exhibit 1



February 9, 2018

Jesus Orozco
City of Madera
Planning division
205 West Fourth Street
Madera, CA 93637

Project: CUP 2018-01 and SPR 2018-03 – Singh Trucking Company

District CEQA Reference No: 20180094

Dear Mr. Orozco:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project consisting of an application for a Conditional Use Permit and Site Plan Review to allow for the development of a trucking company, for approximately 60 semi-trucks on approximately 247,000 square feet, to include resting quarters for truck drivers and a minor repair shop for company trucks only (Project), located at 2185 West Kennedy Street, in Madera, CA. (APN: 013-260-002) The District offers the following comments:

Emissions Analysis

- 1) At the federal level for the National Ambient Air Quality Standards (NAAQS), the District is currently designated as extreme nonattainment for the 8-hour ozone standards; nonattainment for the PM2.5 standards; and attainment for the 1-Hour ozone, PM10 and CO standards. At the state level, the District is currently designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 California Ambient Air Quality Standards (CAAQS). The District recommends that the Air Quality section include a discussion of the following impacts:
 - a) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separately from operational emissions. For reference, the District's annual criteria thresholds of significance for construction are: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx),

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

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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).

- i) *Recommended Mitigation Measure if needed:* To reduce impacts from construction related exhaust emissions, the District recommends feasible mitigation for the Project to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier III emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.
- b) **Operational Emissions:** Operational Emissions: Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. For reference, the annual criteria thresholds of significance for operation of permitted and non-permitted sources each are: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of 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).
 - *Recommended Mitigation Measure (if needed):* Project related impacts on air quality can be reduced through incorporation of design elements, for example, that increase energy efficiency, reduce vehicle miles traveled, and reduce construction exhaust related emissions. However, design elements and compliance with District rules and regulations may not be sufficient to reduce project related impacts on air quality to a less than significant level. Another example of a feasible mitigation measure is the mitigation of project emissions through a Voluntary Emission Reduction Agreement (VERA). The VERA is an instrument by which the project proponent provides monies to the District, which is used by the District to fund emission reduction projects that achieve the reductions required by the lead agency. District staff is available to meet with project proponents to discuss a VERA for specific projects. For more information, or questions concerning this topic, please call District Staff at (559) 230-6000.
- ii) **Recommended Model:** Project related criteria pollutant emissions from construction and operation non-permitted (limited to equipment not subject to District permits) should be identified and quantified. Emissions analysis should be performed using CalEEMod (**C**alifornia **E**mission **E**stimator **M**odel), which uses the most recent approved version of relevant Air Resources Board (ARB)

emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

- c) **Nuisance Odors:** The Project should be evaluated to determine the likelihood that the Project would result in nuisance odors. Nuisance odors are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of Project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.
- d) **Health Risk Screening/Assessment:** A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TAC's) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) (<https://www.arb.ca.gov/toxics/healthval/healthval.htm>) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. Industry specific TACs generated must also be identified and quantified.

The District recommends the Project be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

- i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed. The prioritization calculator can be found at: http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.
- ii) The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. It is recommended that the Project proponent contact the District to review the proposed modeling protocol. The Project would be considered to have a significant health risk if the HRA demonstrates that the Project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the Districts website (Modeling Guidance) at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm

- e) **Ambient Air Quality Analysis:** An ambient air quality analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of the ambient air quality standards. The District recommends that an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

If an AAQA is performed, the analysis should include emissions from both Project specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis. Specific information for assessing significance, including screening tools and modeling guidance is available online at the District's website www.valleyair.org/ceqa.

- 2) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:
- a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the Project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.
 - b) A discussion of the components and phases of the Project and the associated emission projections, including ongoing emissions from each previous phase.
 - c) A discussion of Project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the Project.
 - d) A discussion of whether the Project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at:

<http://valleyair.org/aqinfo/attainment.htm>.

District Rules and Regulations

- 3) The proposed Project may be subject to District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). Current District rules can be found online at the District's website at: www.valleyair.org/rules/1ruleslist.htm.
- 4) Based on information provided, the proposed Project would equal or exceed the relevant District Rule 9510 (Indirect Source Review) applicability threshold of 2,000 square feet of commercial space. Therefore, the District concludes that the proposed Project is subject to District Rule 9510.

Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

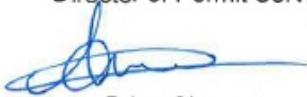
- 5) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-6000. Current District rules can be found online at the District's website at: www.valleyair.org/rules/1ruleslist.htm.

The District recommends that a copy of the District's comments be provided to the Project proponent. If you have any questions or require further information, please call Georgia

Stewart at (559) 230-5937 or email georgia.stewart@valleyair.org. When calling or emailing the District, please reference District CEQA number 20180094.

Sincerely,

Arnaud Marjollet
Director of Permit Services

A handwritten signature in blue ink, appearing to be 'Arnaud Marjollet', written over a horizontal line.

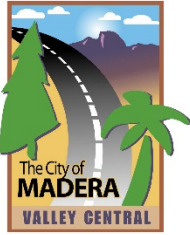
For: Brian Clements
Program Manager

AM: gs

[Return to Agenda](#)

Item #3
CUP 2018-05 and SPR 2018-07
Burger King

Staff will be requesting a continuance to the May 8, 2018 Planning Commission meeting on behalf of the applicant.



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: West Yosemite Sign Variance
VAR 2018-01 and Environmental Determination
Item #4 - April 10, 2018**

PROPOSAL: An application for a variance from the sign standards of the Madera Municipal Code pertaining to signage in the West Yosemite Professional Office Overlay District to allow for 116.25 square feet of on-building signage where six square feet of on-building signage is allowed.

APPLICANT:	Mark Barsotti	OWNER:	QB Eleven LLC
ADDRESS:	601 and 609 West Yosemite Avenue	APN:	010, 081-003, 004 and 005
APPLICATIONS:	VAR 2018-01	CEQA:	Categorically Exempt

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

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

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

GENERAL PLAN DESIGNATION: O (Office)

ZONING DISTRICT: WY (West Yosemite Professional Office Overlay)

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

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15311(a) (Accessory Structures).

SUMMARY: Two office structures are nearing completion. Where the West Yosemite Overlay provides for a total of six square feet of on-building signage, the applicant has requested a total of 116.25 square feet of on-building signage. Where the West Yosemite Overlay does not allow illuminated signage, the applicant has requested an allowance for illuminated signage. The requests cumulatively require approval of a variance from the requirements of the West Yosemite Overlay Zone and the Sign Regulations of the Madera Municipal Code by the Planning Commission.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1401 Variances
MMC § 10-3-9.401 West Yosemite Overlay Zone
MMC § 10-6.01 Sign Regulations – Purpose and Intent
MMC § 10-6.19 Minor Adjustments and Variances

The sign ordinance can have an obvious impact on the character, quality, and economic health of the City of Madera. As a prominent part of the scenery, signs may attract the viewing public, help set the visual tone of the community, and affect the safety of vehicular and pedestrian traffic. Application of the sign ordinance prevents the degradation of the visual quality of the City which can result from the proliferation of excessive amounts of signage, poorly designed signage, inappropriately located signage, and/or signage maintained in a hazardous or unsightly fashion.

A sign variance may be granted by the Planning Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict and literal application of any of the provisions of the ordinance. If the Commission cannot make the appropriate findings, the variance request should be denied. Conditions may be attached to the approval of the variance to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses.

PRIOR ACTION

The Planning Commission and City Council approved Rezone (REZ) 2017-01 on July 19, 2017. In conjunction with the rezone, Conditional Use Permits 2017-13 and 14 and Site Plan Review 2017-19 were approved by the Planning Commission on July 11, 2017, allowing for the construction of two office structures encompassing approximately 7,700 total square feet.

ANALYSIS

Justification Letter

The applicant's justification letter describes that "clean professional signage is a key tool for local establishments to attract customers." The applicant also states that illuminated signage is important, since "customers must be able to find you morning, noon and night." The applicant believes that the current ordinance that governs signage in the West Yosemite Avenue corridor is outdated and needs updating in order to allow businesses to advertise successfully.

Sign Ordinance

The sign ordinance for the West Yosemite Overlay is adopted both in the Zoning Ordinance and the Sign Regulations. In the Zoning Ordinance, it is located within the development standards for the West Yosemite Overlay Zone. In the Sign Regulations, it is found in the Design District. The West Yosemite Overlay is currently the only design district in the Sign Regulations.

Both locations provide that wall signage in the West Yosemite Overlay Zone be restricted to "One wall sign not exceeding three square feet in area for each business at each major business entrance door." No other on-building signage is allowed. The overlay zone does allow for freestanding signage at a similar scale. Each parcel is allowed one ground sign not to exceed eight square feet in area, with a vertical height of two feet (a two by four foot sign), not to exceed four feet in height above the ground, perpendicular to the street, three feet behind the sidewalk.

No illuminated signage is allowed.

The West Yosemite Overlay sign regulations were adopted with the remainder of the overlay code in 1961. The ordinance for the zone has not been amended since its adoption.

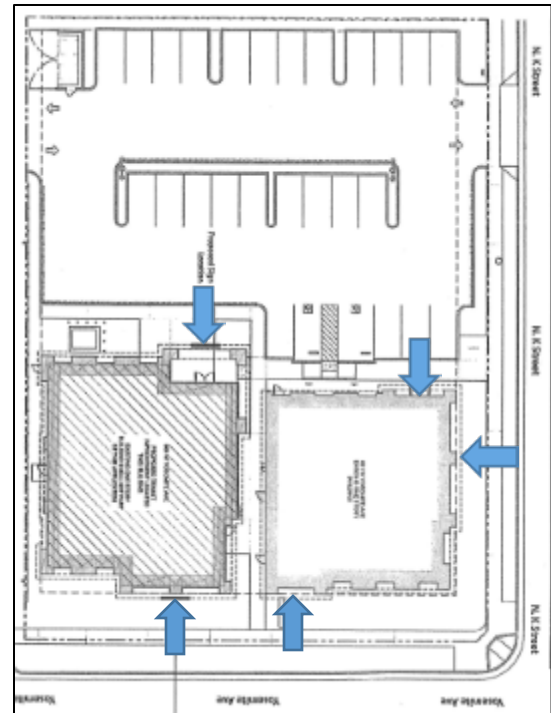
Proposed On-Building Signage

The applicant is nearing completion of the two approved office structures. They will be occupied by two separate tenants, Chicago Title and Noble Credit Union. Chicago Title will occupy the structure on the corner, while Noble Credit Union will front only onto West Yosemite Avenue.

Chicago Title proposes a total of three signs. The signs measure 18.85 square feet each, for a total of 56.55 square feet. The signs are proposed on the West Yosemite frontage, the North K Street frontage and on the north elevation, facing the parking lot. All signs are proposed to be illuminated.

Noble Credit Union proposes a total of two signs. The signs measure 29.85 square feet each, for a total of 59.70 square feet. The signs are proposed along the West Yosemite Avenue frontage and on the north elevation, facing the parking lot. Both signs are proposed to be illuminated.

No exhibits for any freestanding signage have been received and no request for variance from the standards for ground signs has been received by the applicant.



Variance Applicability

The table to the right delineates the amount of requested signage proposed within the variance request. If compared to the current West Yosemite Overlay sign regulations, roughly 20 times the amount of allowable signage is proposed. When compared to the PO

Comparison of Allowed Signage			
	WY Zone	PO Zone	Proposed
Chicago Title	3 sf	30 sf	56.55 sf
Noble Credit Union	3 sf	30 sf	59.70 sf

(Professional Office) Zone District sign regulations, regulations that are applicable to the vast majority of office development in the city, approximately twice the amount of signage is proposed.

Purpose of West Yosemite Overlay

Adopted in 1961, the stated purpose of the West Yosemite Overlay Zone was/is:

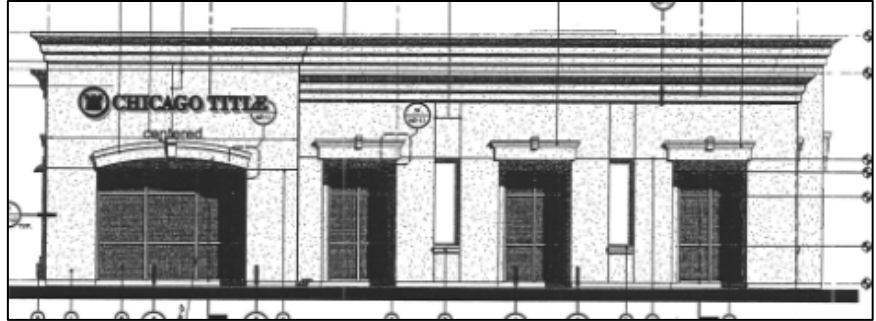
- (A) To provide for the orderly transition of the West Yosemite Avenue area from residential to nonresidential uses consistent with the General Plan.
- (B) To recognize, maintain, and enhance the West Yosemite Avenue streetscape and architectural character of the neighborhood.
- (C) To maximize the compatibility of uses and maintain the value of property during the transition period through the establishment of development standards and review procedures.

Although the stated purposes are worthy goals to guide in the conversion of former residential properties into a corridor of professional offices compatible within the surrounding fabric of an established neighborhood, fifty-seven years later, the full transition of West Yosemite Avenue has not occurred.

However, signage has changed both in purpose and scale. Signage in 1961 served a different purpose. In 1961, there were the Yellow Pages to first provide direction to a given service and subsequent to a telephone call, direction to the address of the service desired. This explains the lack of on-building

signage to provide recognition for a business. Too, the lack of signage provided better compatibility with the surrounding residential properties. In essence, in 1961, the ordinance made good sense.

Today is 2018 and three square feet of on-building signage does not make sense. Although the streetscape is one that is still in transition, fifty seven years has arguably been a sufficient transition period, at least as it relates to signage. Other development standards incorporated into the West Yosemite Overlay should remain and serve to guide the transition of residential uses to office development. The exhibits to the right illustrate components of the requested signage.



Variance Necessity

There are two (2) findings that need to be made in order to be able to grant a variance. The ordinance states those findings as follows:

1. Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted as provided in this subchapter.
2. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Justification for Variance

Continuing to allow only three square feet of signage for each structure amounts to a significant hardship in today's marketplace. Additional signage is warranted. Although the amount of requested signage is still twice the amount allowed in a typical PO (Professional Office) Zone District development, the proposed signage matches the scale on the building such that it does not appear large, but instead appears appropriately scaled to the structure.

Moreover, the development standards of the General Plan and the zone place buildings close to the public right-of-way while requiring parking to the rear of the project site. This required placement means that additional signage is necessary so as to allow signage that is visible from the street and signage visible from required parking fields. The net result is a need for additional signage.

The request for illuminated signage is only a natural expectation of signage today. Therefore, although the potential to create conflicts with surrounding residential properties is heightened, illuminated signage

is an expected occurrence in development today. It is recommended that illuminated signage be on timers so that no signs will be illuminated between 8:00 PM and 8:00 AM to reduce the potential for conflict while still providing appropriate signage during normal business hours.

Staff supports approval of the variance based on the aforementioned difficulties, hardships and special circumstances. Staff is in the process of bringing a comprehensive ordinance amendment to the Planning Commission so as to better define an appropriate amount of signage for offices within the West Yosemite Overlay Zone.

RECOMMENDATION

The information presented in this report supports approval of the variance. It is recommended that the Planning Commission consider the information in this report, together with testimony provided during the public hearing, and approve Variance 2018-01 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION:

The Planning Commission will be acting on the request for Variance 2018-01, determining to either:

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

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

Motion 1: Move to approve the application for Variance 2018-01 based on and subject to the findings and conditions of approval as listed.

Findings:

- This project is categorically exempt under Section 15311 (Accessory Structures) of the California Environmental Quality Act (CEQA) which specifically exempts on-premises signs.
- As conditioned, an allowance for additional signage in WY (West Yosemite Professional Office Overlay) Zone District will be compatible with the surrounding properties because its placement will not negatively impact adjoining residential properties.
- Current ordinance which requires only three square feet of signage for each structure amounts to a significant hardship in today's marketplace. An allowance for additional signage in WY (West Yosemite Professional Office Overlay) Zone District is warranted.
- Current ordinance which prohibits illuminated signage amounts to a significant hardship in today's marketplace. With the requirement that illuminated signage be allowed only between 8:00 AM and 8:00 PM, there is compatibility with the surrounding residential properties.
- The development standards of the General Plan require the placement of buildings close to the public right-of-way while requiring parking to the rear of the project site. This required placement means that additional signage is necessary so as to allow signage visible from the street and signage visible from required parking fields. Additional signage is warranted.

- Because of the special circumstances of the site, practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted to allow for additional signage.
- As conditioned, the establishment, maintenance or operation of the proposed signage will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

CONDITIONS OF APPROVAL

Planning Department

General

1. All approved conditions previously set for Conditional Use Permit 2016-28 and Site Plan Review 2016-44 are still in effect and shall be met.

On-Building Signage

2. Signage shall be consistent with the elevations included as part of the application for a variance.
3. Illuminated signage shall be on timers such that no signage shall be illuminated between 8:00 PM and 8:00 AM to reduce to potential conflicts with surrounding residential properties.

(OR)

Motion 2: Move to continue the public hearing for Variance 2018-01 to the May 8, 2018 Planning Commission hearing, to allow the following information to be provided or for the following reason(s): (specify)

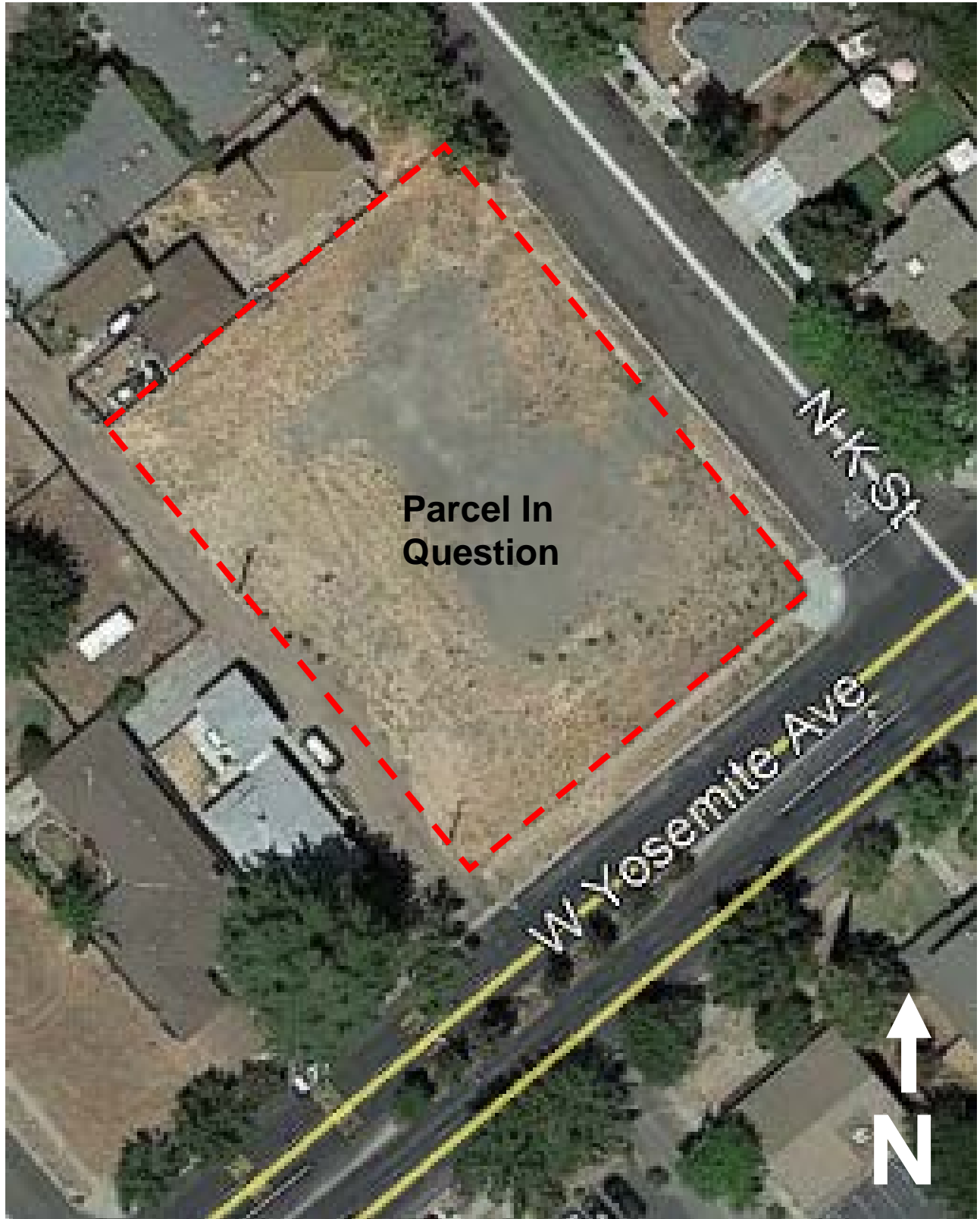
(OR)

Motion 3: Move to deny the application for Variance 2018-01 based on the following findings: (specify)

ATTACHMENTS

- Aerial Imagery
- Applicant Justification Letter
- Elevations with Signage

Aerial Photo



Mark W. Barsotti
QB ELEVEN, LLC
543 W. Muncie Avenue
Clovis, CA 93619

February 27, 2018

Christopher Boyle
Planning Manager
Madera City Planning Department
205 West 4th Street
Madera, CA 93637

RE: Request for Change in Sign Variance

Dear Mr. Boyle

On behalf of QB ELEVEN, LLC and its tenants, Chicago Title and Noble Credit Union, we are requesting a change in the sign ordinance/variance that was established 57 years ago. The subject property is 601 W. Yosemite Avenue and 609 W. Yosemite Avenue. We are seeking approval to allow illuminated signage as well as an increase in sq. footage allowed per building. We have enclosed the proposed signage for both buildings, which we feel would create acceptable standards for both the City of Madera and the tenants of this new project at the corner of Yosemite and K. Street. We are looking to keep the addition of these new buildings professional and first class. Under the current ordinance, the City of Madera maximum sign allowance would not be enough to accommodate both front door signage as well as building street signage. In addition, it does not allow for illumination.

This request is crucial to the businesses mentioned above for the following reasons.

- This ordinance has been in place for approximately 57 years and needs updating to allow those along the West Yosemite corridor to advertise their business successfully. Illumination 57 years ago may have not been a big deal, however, today, it is very important. You see it as close as a block away, as is demonstrated by businesses in and around the city.
- What makes a good sign? Clean, professional signage is a key tool for local establishments to attract customers. As people drive by your business, an effective and well-placed sign quickly conveys what your business is all about. The best signs are oversized so that people can easily spot you while driving.
- **Illumination** is also important. Signage should be well-lit and visible after dark. Customers must be able to find you morning, noon and night.

- The graphic presentation of your business sign is both an important first impression for new customers and a marketing tool that brands a consistent image into the mind of your repeat customers.
- Your business sign is your salesperson on the street.
- Front Door signage is necessary for any business. With multiple tenants, customers need to know where the entrance is which allows them to choose a parking spot close to the front door.

These are just some of the important reasons why we are asking for a variance change on allowable signage along the West Yosemite corridor. Two beautiful buildings have been constructed and we are now seeking the approval of the beautifully designed and well-represented signage to be approved to continue to keep the professional image this project is portraying.

Lastly, to address the illumination aspect of this request. The City of Madera has requested that parking lot lights be installed on this project, which we complied. These poles put out far more illumination than that of a business sign. Today's signs typically only illuminate the sign itself without pushing lumens further out toward the street. I hope I have provided you enough information that will have you vote in favor of this change as presented. If you have any questions, please call me at 559-259-0608.

Respectfully,



Mark Barsotti
Owner and Tenant

Client Information

Contact Mark Barsotti
 Company Chicago Title
 Address 7330 N. Palm Ave.
 Fresno, CA 93711
 Phone 559-259-0608
 Fax
 email barsottim@ct.com

Description

Manufacture and install internally illuminated channel letters flush mounted to building fascia. Sign to connect to existing customer supplied 120V power at sign location.

Materials

- .040" aluminum backs
- .040" black aluminum returns
- 3/16" white acrylic faces
- 1" black trim cap
- white LED illumination
- 3M translucent vinyl

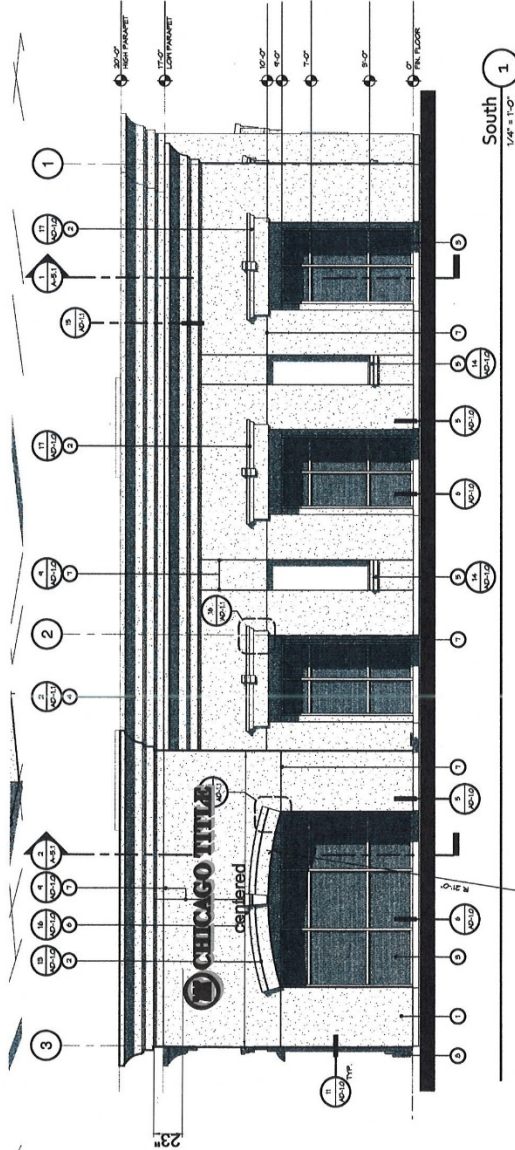
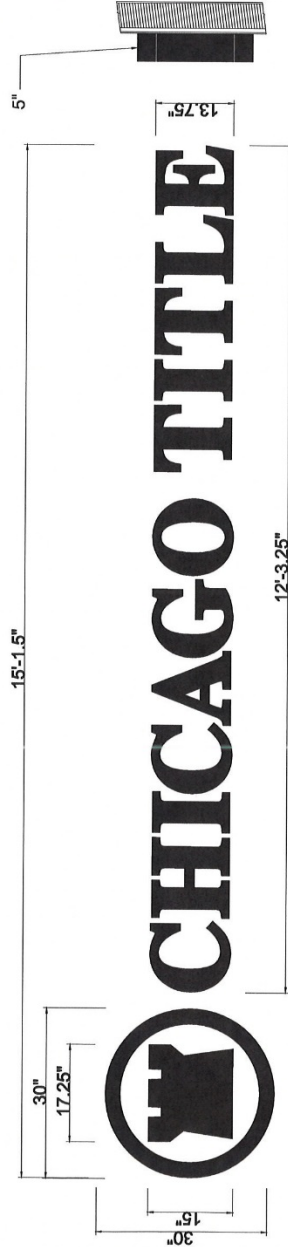
★ 3M Day/Night Vinyl

★ If specific colors have not been provided, colors will be matched to the closest equivalents. By signing you confirm that you have reviewed and agree to the color callouts.

Each sign must have:
 - A dedicated branch circuit
 - Three wires, Line, Ground and Neutral
 - Wire Size: Min 12 GA THHN Copper Wire
 Note: The gauge of the wire is dictated by the length of the run.
 - Power to the sign must be done by a licensed contractor or licensed electrician

ATTENTION: Before signing please review all details of this drawing, including (but not limited to) spelling, colors, and placement. By signing you confirm that you have reviewed and agree to all specifics shown in this drawing.

approved _____ date _____
 As Is Without Change
 With Changes Noted



Proposed

	4270 N. Brawley Ave. Fresno, CA 93722 Ph: (559) 275-0700 Fax: (559) 275-7482 design@a-plus/signs.com	Building Fascia - South Chicago Title 601 W. Yosemite Ave., Madera, CA 93637	Drawn by RC Date 1/19/18 Scale NTS	File Chicago Title_Building Fascia_South_1A Rep LG
	This drawing is proof of concept only. Due to construction constraints, sizes and/or layouts are subject to change. All dimensions are in feet and inches, and may not be reproduced, displayed or distributed without express written consent.			

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 - Wire Size: Min 12 GA THHN Copper Wire
 Note: The gauge of the wire is dictated by the length of the run.
 - Power to the sign must be in accordance with the National Electrical Code (NEC) Article 300.
 - Power to the sign must be done by a licensed contractor or licensed electrician

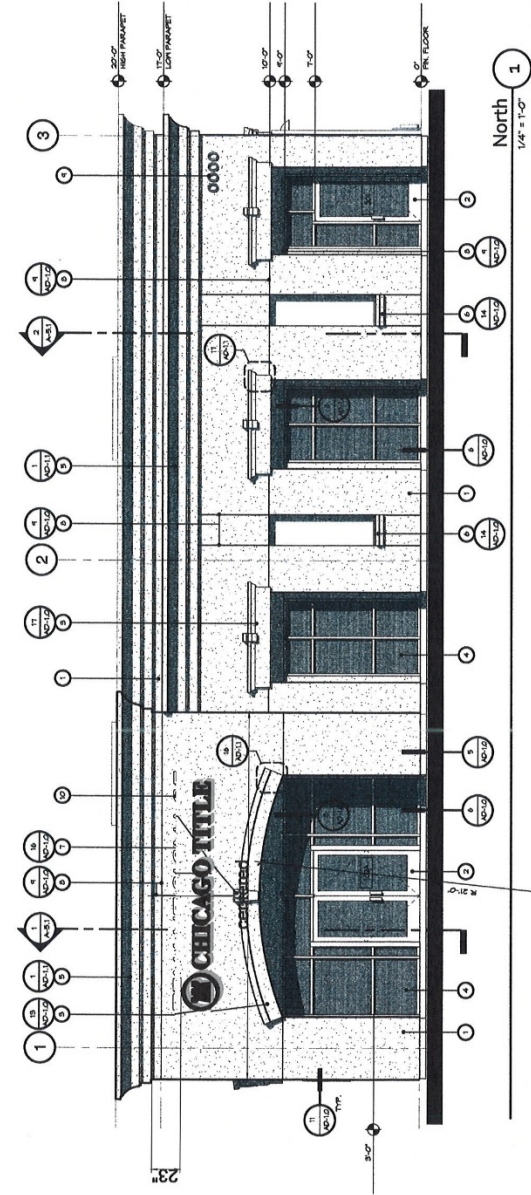
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approved _____ date _____
 As Is Without Change
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This drawing is a plan of coverage only. Due to construction constraints, sizes and/or layouts are subject to change. The drawings are the property of A-Plus Signs, Inc. and may not be reproduced, displayed or distributed without express written consent.

Rep LG



Proposed

Drawn by _____ Date 1/19/18
 RC _____ Scale NTS
 File Chicago Title_Building Fascia_North_1A

Building Fascia - North
 Chicago Title
 601 W. Yosemite Ave., Madera, CA 93637



4270 N. Brawley Ave.
 Fresno, CA 93722
 Ph: (559) 275-0700
 Fax: (559) 275-7482
 design@a-plus-signs.com

Client Information

Contact Mark Barsotti
 Company Chicago Title
 Address 7330 N. Palm Ave.
 Fresno, CA 93711
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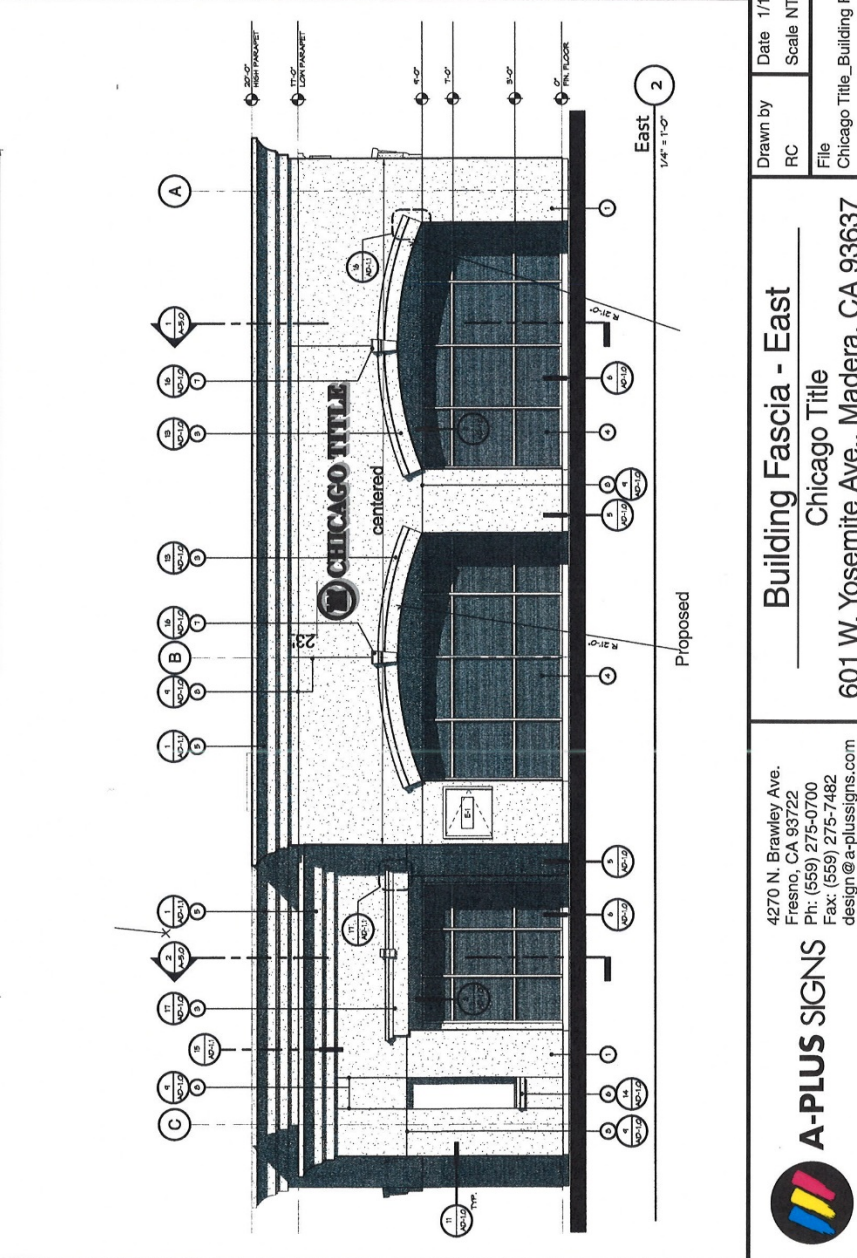
- A dedicated branch circuit
- Three wires: Line, Ground and Neutral
- Wire Size: Min 12 GA THHN Copper Wire
- Note: The gauge of the wire is dictated by the length of the run.
- All work must be done in accordance with the NEC
- Power to the sign must be done by a licensed contractor or licensed electrician

ATTENTION: Before signing please review all details of this drawing, including (but not limited to) spelling, colors, and placement. By signing you confirm that you have reviewed and agree to all specifics shown in this drawing.

X approved _____ date _____
 As Is Without Change
 With Changes Noted



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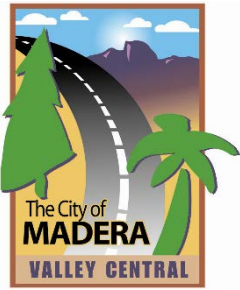
Drawn by RC
 Date 1/19/18
 Scale NTS

File Chicago Title_Building Fascia_East_1A
 Rep LG

Building Fascia - East
 Chicago Title
 601 W. Yosemite Ave., Madera, CA 93637

A-PLUS SIGNS
 4270 N. Brawley Ave.
 Fresno, CA 93722
 Ph: (559) 275-0700
 Fax: (559) 275-7482
 design@a-plusigns.com





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Born 2 Rise Ink Studio
CUP 2018-06
Item #5 - April 10, 2018**

PROPOSAL: An application for a conditional use permit to allow for the establishment of a tattoo and body piercing business in a newly developed tenant suite in the C1 (Light Commercial) Zone District.

APPLICANT:	Ector Carranza	OWNER:	Yosemite Plaza LLC
ADDRESS:	632 East Yosemite Avenue	APN:	007-173-024
APPLICATION:	CUP 2018-06	CEQA:	Categorical Exemption

LOCATION: The property is located on the southwest corner of East Yosemite Avenue and Vineyard Avenue at 632 East Yosemite Avenue.

STREET ACCESS: The site has access to East Yosemite Avenue.

PARCEL SIZE: The project site is approximately 0.41 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The project site is surrounded by government offices to the north and east, residential development to the south and the downtown business corridor to the west.

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

SUMMARY: Born 2 Rise Ink Studio is proposing to establish a tattoo and body piercing business in a recently constructed 828 square foot tenant suite located in the Yosemite Plaza shopping center. Personal service uses like tattoo and body piercing establishments are not called out as a permitted use in the C1 (Light Commercial) Zone District. The use can be permitted when in the opinion of the Planning Commission, the use would not be more obnoxious or detrimental to the welfare of the community than other permitted uses. Currently, there are no active permitted and licensed body art uses within the City. Approval of the conditional use permit would make Born 2 Rise Ink Studio the only tattoo and body piercing business within the City. A site plan review is normally required in conjunction with the conditional use permit. However, in April of 2016, a site plan review was completed which facilitated all the required improvements on the site.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.801 Light Commercial Uses
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review Applicability
MMC § 10-3.1202 Parking Requirements

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

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

PRIOR ACTION

On November 3, 2009, Site Plan Review 2009-17 was completed which allowed for the reestablishment of an office use in an existing former health services office. The site plan review also allowed for the establishment of a beauty parlor in a former general office structure.

On January 22, 2013 Site Plan Review 2012-17 was completed which allowed for the rehabilitation and expansion of the existing retail commercial office complex. Following the site plan review, on February 6, 2013, three parcel properties were merged to create a single parcel, now known as Yosemite Plaza.

In April, 2016, Site Plan Review 2016-10 was completed which allowed for the construction of two tenant suites, one 1,041 square foot structure and one 828 square foot structure. As part of the most recent site plan review, site improvements were conditioned to be completed prior to the establishment of new businesses on the project site.

ANALYSIS

What is Tattooing & Body Piercing?

Tattooing is the process in which the outer layer of the skin is permanently marked with ink or dye using a machine guided needle. Body piercing is the puncturing or cutting of a part of the human body to create an opening in which jewelry may be worn. Body modifications such as tattooing and body piercing have become a popular method of personal artistic expression. Body modification has developed to include tattooing for cosmetic and medical reasons.

Operations

The applicant is proposing to provide a personal service type currently not being offered within the City. Approval of the conditional use permit will allow for clients to procure tattoo and body piercing services for decorative and non-decorative purposes. As part of the business model, the applicant is proposing to do cover-up tattoos at a discounted rate for any gang related symbols. The applicant is anticipating to accommodate three work stations within the newly constructed 828 square foot tenant suite. The tattoo parlor is proposed to operate by appointment only, with

hours of operation occurring from 9:00 am to 8:00 pm, six (6) days a week. No individuals under the age of 18 will be allowed within the tattoo parlor without a legal parent or guardian.

Use Permit Applicability

The Zoning Ordinance calls out that uses not specifically mentioned as a permitted use in a zone may be allowed when in the opinion of the Commission a use is “not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned for [a] respective zone”. Though body art establishments are not specifically addressed as a permitted personal service use in the C1 (Light Commercial) Zone District, tattooing and body piercing may be permitted through the approval of a conditional use permit when in the opinion of the Commission a use is of similar nature.

Compatibility

Analysis would show surrounding municipalities have integrated body art establishments as an acceptable use in commercial zone districts through a conditional use permit process. Neighboring cities have determined compatibility of body art businesses by placing operational requirements on such businesses that do not hinder success or the ability to operate in compliance. Body art establishments are also required to adhere to the California Health and Safety Code known as the Safe Body Art Act.

In reviewing the use compatibility within the Yosemite Plaza, the tattoo and body piercing business can be expected to present minimal impacts to surrounding uses. The plaza currently includes a smoke shop, a barbershop and a multiservice office business. The plaza is located on a commercial corridor surrounded primarily by commercial uses, with one nonconforming residential use to the immediate south. As proposed, the tattoo and body piercing business is not anticipated to negatively impact the surrounding neighborhood.

Parking

The shopping plaza is composed of mixed uses to include general retail and personal service businesses. The proposed tattoo and body piercing use will not impact the overall parking requirements. The following matrix illustrates site parking requirements for each tenant within the plaza.

Business	Square Feet		Required Parking	
No Limit Smoke Shop	1,125 sq. ft.	(1 stall/300 sq.ft.)	4	3.75
Lavish Barber Shop	1,165 sq. ft.	(1 stall/300 sq.ft.)	4	3.88
Vacant Suite	1,041 sq. ft.	(1 stall/300 sq.ft.)	3	3.47
Fast Action Services	1,795 (2 stories) sq. ft.	(1 stall/300 sq.ft.)	6	5.98
Born 2 Rise Ink Studio	828 sq. ft.	(1 stall/300 sq.ft.)	3	2.75
Total Required	5,954 sq. ft. / 300		20 parking stalls	
ADA Stall Required			1 ADA stall	
ADA Stalls Provided			3 ADA stalls	
Onsite stalls provided			23 parking stalls	

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a tattoo and body piercing business is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...;*

RECOMMENDATION

The Yosemite Plaza shopping center can accommodate the establishment of a tattoo and body piercing business. Staff recommends conditional approval of Conditional Use Permit 2018-06.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2018-06, determining to either:

- approve the applications
- continue the hearing, or
- deny the applications

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

Motion 1: Move to approve the request for Conditional Use Permit 2018-06 based on and subject to the findings and conditions of approval as listed:

Findings

- This project is categorically exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.
- The operation of a tattoo and body piercing business is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

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 (30) days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for an extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2018-06 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of

the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit

4. Conditional Use Permit 2018-06 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Conditional Use Permit 2018-06 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
6. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.

Building Department

7. A building permit is required for all tenant improvements. The tenant space must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act prior to occupancy.
8. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage and shall be confirmed at final inspection.

Environmental Health

9. The applicant will need to contact Madera County Environmental Health to obtain an Operating Permit for a body art facility and register as a small quantity medical waste generator.

Fire Department

10. Provide a 2A10BC-rated fire extinguisher.
11. Provide a key for key box if door is re-keyed.

Planning Department

General

12. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
13. Any vandalism and graffiti on the project site shall be corrected per the Madera Municipal Code.
14. The property owner, manager and the applicant shall keep the property clear of all trash, rubbish and debris at all times; dumping of refuse shall be restricted to the dumpster/refuse containers belonging to the subject property.

15. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.

Tattoo and Body Piercing Operations

16. Conditional Use Permit 2018-06 allows for the establishment of a tattoo and body piercing business within an existing 828 square foot tenant suite located at 632 East Yosemite Avenue.
17. The tattoo and body piercing business shall operate consistent with the approved floor plan and operational statement. Alterations to the approved floor plan and/or the approved operational statement shall require amendment of Conditional Use Permit 2018-06.
18. The hours of operation shall occur as early as 8:00 a.m. until as late as 10:00 p.m., seven (7) days a week.
19. Activities on the project site must be confined entirely within the building. Windows shall be screened or tinted so as to prevent public view into the tattoo and piercing areas.
20. The business owner shall be responsible for the conduct of persons employed or retained by the business while on the business premises or while otherwise providing services on behalf of the business.
21. The business shall comply with all federal, state and local laws and regulations, including, without limitation to provisions of the California Health and Safety Code section 119300.
22. Criminal acts occurring on the premises and/or related to the business, whether or not committed by the business owner and or employees of the business, shall be reviewed by the Police Department and shall be grounds for revocation of Conditional Use Permit 2018-06 by the Planning Commission.
23. It shall be a violation of the Conditional Use Permit to promote and/or affiliate with any member of a criminal gang. Members of a criminal gang shall not be permitted to stand, sit, walk, drive, gather or appear anywhere in the public view at or near the business with any other member of a criminal gang.

Landscaping

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

Signage

25. All signage shall be in compliance with the Madera Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.
26. On-building signage associated with the business shall be constructed of pan-channel lettering.

(OR)

Motion 2: Move to continue the request for Conditional Use Permit 2018-06 to the May 8, 2018 Planning Commission meeting: (specify)

(OR)

Motion 3: Move to deny the request for Conditional Use Permit 2018-06 based on the following findings: (specify)

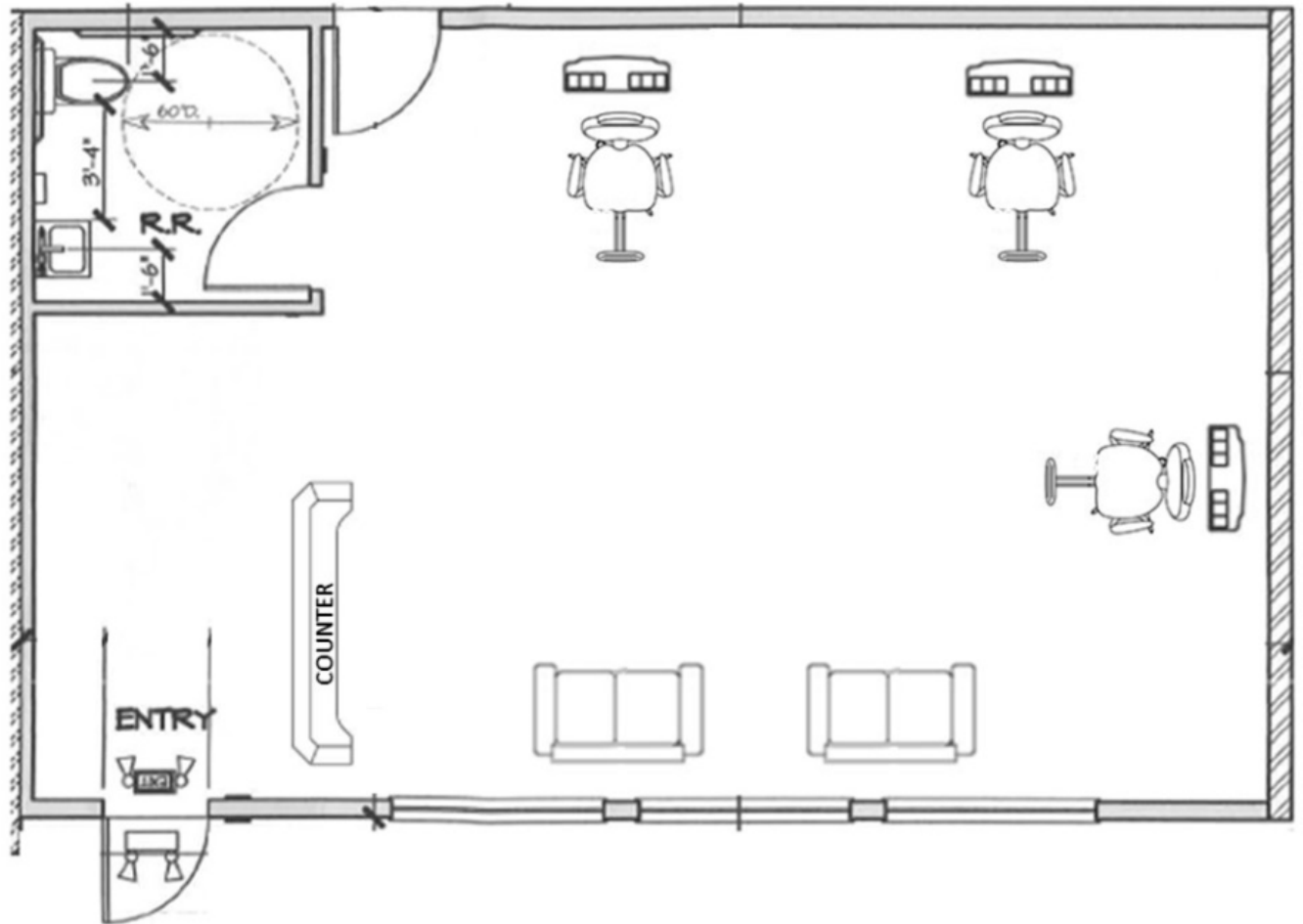
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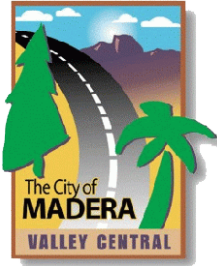
Aerial Photo
Site Plan

Aerial Photo



Site Plan





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Eagle Meadows Precise Plan Modification
PPL 2018-01 and Environmental Determination
Item #6 – April 10, 2018**

PROPOSAL: An application for modification of the Eagle Meadows subdivision Precise Plan to allow for a change in the home plans approved for construction within the subdivision, and to amend certain development standards applicable to the subdivision.

APPLICANT:	Ubaldo Garcia Hernandez	OWNER:	Navinder Bhandal
ADDRESS:	Ellis Street and Merced Street	APN:	Multiple APNs
APPLICATIONS:	PPL 2018-01	CEQA:	Negative Declaration

LOCATION: The project area is located west on Merced Street, approximately 100 feet south of the intersection of Ellis Street and Merced Street

STREET ACCESS: Access is provided from Merced Street.

PARCEL SIZE: Approximately 2.6 acres (37 parcels)

GENERAL PLAN DESIGNATION: HD (High Density)

ZONING DISTRICT: PD-1500 (Planned Development)

SITE CHARACTERISTICS: The project location is generally surrounded by single-family residential development in all directions. There is a multi-family complex to the south and the James Monroe Elementary School to the southwest. The City limits are adjacent to the north of the project area.

ENVIRONMENTAL REVIEW: A negative declaration was certified by the Planning Commission for the subdivision on April 12, 2005. The proposed modification is consistent with development anticipated in the Negative Declaration.

SUMMARY: The precise plan will guide the overall development of the Eagle Meadows Phase 2 subdivision. The proposal includes three (3) different home models with two (2) different elevations for each model and three (3) common open space areas that provide varied recreational activities. The proposed home models provide garage subordinate designs and exterior architecture that vary resulting in a visual interest to the streetscape. Cumulatively, the garage subordinate designs, architecture and common open space areas provide for conformance with the goals and policies of the General Plan.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101, Planned Development Zones

MMC §10-3-4.104, Precise Plan

California Public Resources Code §21000, California Environmental Quality Act "CEQA".

Precise plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, appearance, landscaping and open space.

The City's Zoning Ordinance allows for the granting of an amendment to a precise plan by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the development 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 development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

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

PRIOR ACTION

The project area subdivision and precise plan were originally approved in 2005. The subdivision included a total of sixty-four (64) lots across two (2) phases. Only the western half (Phase One) of the subdivision has been fully developed. Four model homes were built in the eastern half (Phase Two) of the subdivision, but due to the recession shortly thereafter the homes were never sold. Over time, the precise plan was amended on various occasions and was most recently extended in 2007.

ANALYSIS

Precise Plan

Precise Plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed residential project. Precise plans address site features such as infrastructure and services, circulation and access, architecture, landscaping and open space.

With this modification, all currently approved models will be replaced within the precise plan. The proposed new models are as follows:

Model	Floor Area	Bed/Bath	Garage	% Buildable Lots
Anders	1404 sq. ft.	4 bed / 2 bath	Subordinate	100%
Orel	1515 sq. ft.	4 bed / 2 bath	Subordinate	74%
Aras	1600 sq. ft.	4 bed / 2 bath	Neutral	88%

General Plan Conformance

Any project involving new construction requires findings of conformance with the General Plan. The following are the residential development standards of the General Plan:

- **Garage Subordinate Design**

General Plan policy CD-32 states, “Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street.” Two of the three proposed models fully satisfy CD-32 with living space extending in front of the garage. One model doesn’t necessarily satisfy Policy CD-32, although it is garage neutral and includes a front porch that extends beyond the garage, ultimately providing General Plan conformance for a garage subordinate design.

- **Architecture**

Policy CD-33 states, “The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape.” The proposed models include one- and two-car garages, window shutters, gable treatments, wooden corbels, foam pop-outs, decorative lighting and a stucco exterior with stone wainscoting which comply with Policy CD-33. The applicant also proposes front porches for all models, which complies with Policy CD-35. In order to comply with Policy CD-34, staff recommends that all proposed models on corner lots incorporate architectural treatments in keeping with the front elevation. Staff also recommends for all “standard” elevations, the developer incorporate window shutters for all second story windows.

- **Open Space**

Policy LU-22 states, “Single family developments need to provide functional outdoor recreational space.” There are three outlots that were created as part of the original subdivision map within the project area. The applicant has provided three common areas on these outlots which provide different outdoor recreational activities. Common Area ‘A’, which is located at the southeast corner of Blue Sky Lane and Robin Way, will include a tot lot and three benches surrounded by landscaping and shade trees. Common Area ‘B’, which is located on the southeast corner of Meadowlark Way and Condor Way, will include a covered patio seating and barbeque area, landscaping and shade trees. Common Area ‘C’, which is located at the southwest corner of Meadowlark Way and Hawk Lane, will include a large landscaped area with one large shade tree and three community parking stalls. Cumulatively, the proposed open space areas comply with Policies LU-20 and 22. The applicant has Covenants, Conditions and Restrictions (CC&R’s) within a Homeowner’s Association (HOA) that requires the association to maintain all common open space areas and front yard landscaping and irrigation.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan which reflect the desires of the community. An Action Plan was developed with specific ideas to implement the vision statements. The first of the four vision statements, “A Well-Planned City,” states “Madera promotes affordable, quality housing that is accessible to all its residents.” Action 101.8 states “Promote and encourage development and redevelopment of low- and moderate-cost housing.” Approval of this project is specifically consistent with the aforementioned vision statement and Action 101.8.

RECOMMENDATION

The Precise Plan modification allows for the development of a residential neighborhood in conformity with the General Plan. The information presented in this report supports a recommendation of approval for the Precise Plan modification, subject to the recommended

conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the modification to the precise plan.

PLANNING COMMISSION ACTION

The Commission will be acting on Precise Plan 2018-01.

Motion 1: Move to approve Precise Plan 2018-01 to allow for the modification of the precise plan for Eagle Meadows, based on and subject to the findings and conditions of approval:

Findings

- A negative declaration for the subdivision was certified by the Planning Commission on April 12, 2005. The proposed modification is consistent with development anticipated in the Negative Declaration.
- Precise Plan 2018-01 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the code.
- Precise Plan 2018-01 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- Precise Plan 2018-01 is consistent with the goals and policies of the General Plan.
- Precise Plan 2018-01 continues to implement the tentative map and conditions of approval for the Eagle Meadows Subdivision.
- The proposed modification is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.

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 Precise Plan 2018-01.
2. All conditions applicable to approval of Tentative Subdivision Map 2005-03, Precise Plan 2005-02 and subsequent modification (PPL 2007-04) shall remain effective and are not revised in any way by this approval, except as modified herein.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
4. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager, at a minimum.
5. Any substantial future modifications to the subdivision lots involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to the Precise Plan.

6. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
7. The project shall be developed in accordance with the site plan and elevation drawings, as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager, at a minimum. All on- and off-site improvements shall be completed in advance of any request for building permit final inspection.

Engineering Department

8. The applicant shall complete all the improvements as described in the *Agreement for the Construction of Improvements for Eagle Meadows Estates Phase II Subdivision* executed in December of 2007 to allow the City of Madera to accept the subdivision and maintain public improvements associated with the subdivision.
9. Landscape and irrigation improvements on Ellis Street and Merced Street shall be constructed per the approved plan set titled *Landscape and Irrigation Plans Eagle Meadows of Madera Phase-2* prepared by Reeve & Associates, Inc., approved by the City of Madera in July of 2007.
10. Water service connections, inclusive of any non-compliant materials that may have already been installed, shall be constructed per current City standards including water meters located within a public utility easement.
11. Sewer service connections inclusive of any non-compliant materials that may have already been installed shall be constructed per current City standards, including sewer cleanouts located within a public utility easement.

Fire Department

12. All dwellings shall be equipped with residential fire sprinklers.

Planning Department

Precise Plan

13. Three (3) models are approved as part of Precise Plan 2018-01. They are allowed to be constructed upon the 34 lots encompassed within the Eagle Meadows subdivision. They are as follows:

Plan	Sq. Ft.	Bedrooms	Bathrooms	Garage
Anders	1404	4	2	Subordinate
Orel	1515	4	2	Subordinate
Aras	1600	4	2	Neutral

14. Each proposed model shall include the following features as standard elements of construction:
 - three-color exterior painting
 - architectural treatments, including stone wainscot, wall sconces, window shutters, gable decorations, decorative moldings, and wood corbels consistent with the approved elevations for each model
 - front yard landscaping and irrigation

15. All standards for the location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R1 (Residential) zoning standards.
16. Except as noted above, all driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
17. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property.
18. The following criteria shall be applied to the location of homes on individual lots:
 - The appearance of a home is affected by at least three (3) primary features, including:
 - ✓ home plan
 - ✓ alternative elevations for each plan
 - ✓ color
 - Homes built on side-by-side lots shall not repeat more than one of these primary home features. The model floor plans shall not be repeated on more than two consecutive lots.
19. The following models shall be allowed on the following lots:

Lot Number	Ander (1404 Plan)	Orel (1515 Plan)	Aras (1600 Plan)
23	A	NA	A
24	A	A	A
25	A	NA	NA
26	A	A	A
27	A	NA	A
28	A	NA	NA
29	A	A	A
30	A	A	A
31	A	A	A
32	A	A	A
33	A	A	A
34	A	A	A
35	A	A	A
36	A	A	A
37	A	NA	NA
38	A	A	A
39	A	A	A
40	A	A	A
41	A	A	A
42	A	A	A
43	A	A	A
44	A	A	A
45	A	A	A
50	A	A	A
51	A	A	A
52	A	A	A
53	A	A	A
54	A	NA	A
55	A	A	A
56	A	NA	A

57	A	NA	NA
58	A	NA	A
59	A	A	A
60	A	A	A

A – Allowed
NA – Not Allowed

20. For lots 23 through 27, 37 through 40, and 50 through 52, the front yard structural setback shall be twenty (20') feet to garage. The interior side yard structural setback shall be five (5') feet. The minimum rear yard structural setback shall be ten (10') feet.
21. For lots 33 through 36 and 41 through 43, the front yard structural setback shall vary from the minimum twenty (20') feet to a maximum of twenty-three (23') feet. The minimum exterior street side yard structural setback shall be seven (7') feet. The minimum interior side yard structural setback shall be five (5') feet. The minimum rear yard structural setback shall be ten (10') feet. From these lots, at least a two (2') foot variation in depth shall be required amongst any two adjacent lots.
22. For lots 28 through 32, 44 and 45, and 53 through 60, the front yard structural setback shall vary from the minimum twenty (20') feet to a maximum of twenty-five (25') feet. The minimum exterior street side yard structural setback shall be seven (7') feet. The minimum interior side yard structural setback shall be five (5') feet. The minimum rear yard structural setback shall be ten (10') feet. From these lots, at least a two (2') foot variation in depth shall be required amongst any two adjacent lots.
23. For all lots, there shall be an allowance for a minimum rear yard structural setback of five (5') feet for attached patio cover structures.
24. There shall be no allowance for on-street parking at any time within Phase 2 of the Eagle Meadows subdivision, except for the three (3) parking stalls in Common Area 'C'. Overnight parking in the three (3) parking stalls in Common Area 'C' shall be consistent with the CC&R's provided by the applicant for the subdivision.
25. Any variation to the development standards of Precise Plan 2018-01 shall require approval of a Zoning Administrator's Permit.
26. Vandalism and graffiti on walls, fences and homes shall be corrected pursuant to the Madera Municipal Code.

Building Colors, Materials and Lighting Considerations

27. The applicant shall submit a color and materials presentation board as part of the Precise Plan. The color and materials presentation board shall be approved by the Planning Manager and shall be included in the Precise Plan.
28. The construction of buildings approved as part of the Precise Plan shall be consistent with the approved color and materials presentation board as reviewed and approved by the Planning Department. Any alteration shall require, at a minimum, approval by the Planning Manager.
29. For corner and reverse corner lots, where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation.
30. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.

31. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of building permits.

Construction Trailer & Sales Center

32. The development of any temporary construction trailer and/or materials storage yard on any lot in the subdivision requires the approval of a Zoning Administrator Permit in advance of installation/placement.
33. The development of any model home sales center on any lot in the subdivision requires the approval of a Zoning Administrator Permit.

Fences and Walls

34. Rear yard wood fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be split block masonry. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

35. 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.
36. All utility equipment and services shall be screened to the specifications of the Planning Department. The applicant shall show methods proposed to architecturally integrate equipment locations, or show methods proposed to screen equipment using landscaping. Any wall-mounted equipment shall be painted to match the exterior wall and screened when in predominant public views.
37. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed. All ground-mounted HVAC equipment shall be located in the side or rear yard behind six (6') foot tall fencing.
38. Natural gas meter placement shall be screened from public view per Planning Department approval.
39. The applicant shall coordinate the installation of utilities consistent with these conditions of approval with Pacific Gas and Electric Company. The applicant may contact David Vandergriff of PG&E at 2871 Airport Drive, Madera, CA 93637 or via telephone at (559) 675-2234.
40. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets are recommended in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.

Landscaping and Open Space

41. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted as part of the submittals for a building permit plan check. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. Landscape and irrigation plans shall be designed for front

yards for the entire subdivision as a whole, consistent with the CC&R's. Installation shall be completed in conjunction with occupancy of the individual homes. The plans shall:

- Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO).
- Landscaped areas shall be provided with permanent automatic irrigation systems.
- At least one City approved street tree planted in each front yard. Trees should be carefully selected and located to shade the buildings during the summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the buildings during winter months.
- 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.

42. Separate landscape and irrigation plans for all landscaping within the City's right-of-way on Merced Street and Ellis Street shall be approved by the Engineering Department prior to issuance of building permits. The landscape and irrigation plans shall be prepared by a licensed landscape architect.
43. The final selection and placement of playground equipment, barbeque features and outdoor furniture within the open space common areas (A, B and C), and supporting apparatus such as trash receptacles and light fixtures, shall be reviewed and approved by the Planning Department as a component of building permit plan check submittals. The tot lot area shall be clearly delineated with curbing and landscaping from walkways and lawn areas. The surface under the tot lot area shall be a material approved for use by the Parks Department. Minor alterations and/or amendments may be approve by the Planning Manager. Proposed changes deemed substantial by the Planning Manager shall require an amendment to the Precise Plan approved by the Planning Commission.
44. The tot lot equipment and all other site amenities shall be maintained in good working condition and appearance.
45. The property owner(s) 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 residential standards, and replacing dead or unhealthy vegetation.

(OR)

Motion 2: Move to continue the public hearing on Precise Plan 2018-01 to allow for the modification of the precise plan for Eagle Meadows, to the May 8, 2018 Planning Commission hearing, for the following reasons: (specify)

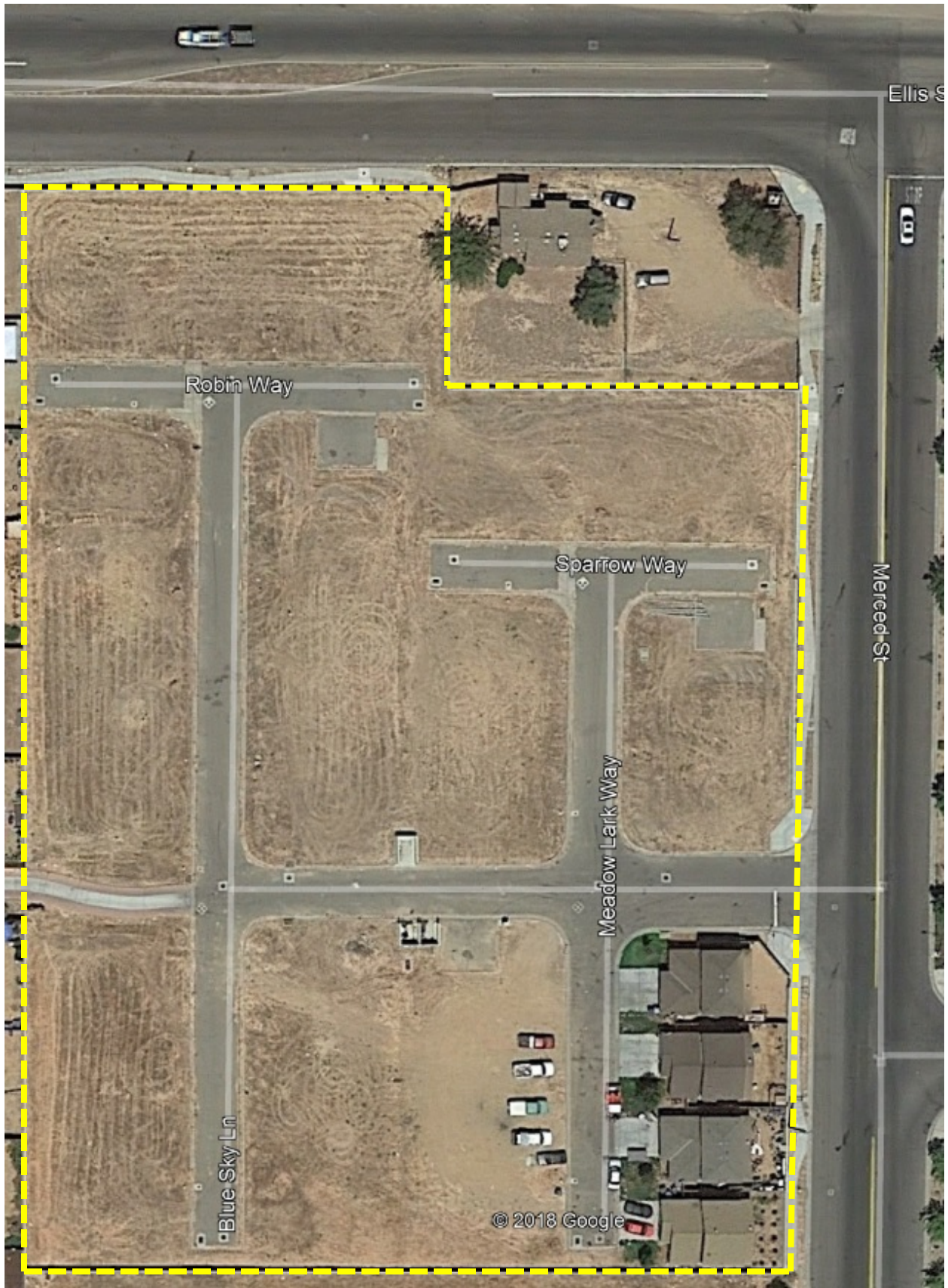
(OR)

Motion 3: Move to deny the application for Precise Plan 2018-01 to allow for the modification of the precise plan for Eagle Meadows, based on the following findings: (specify)

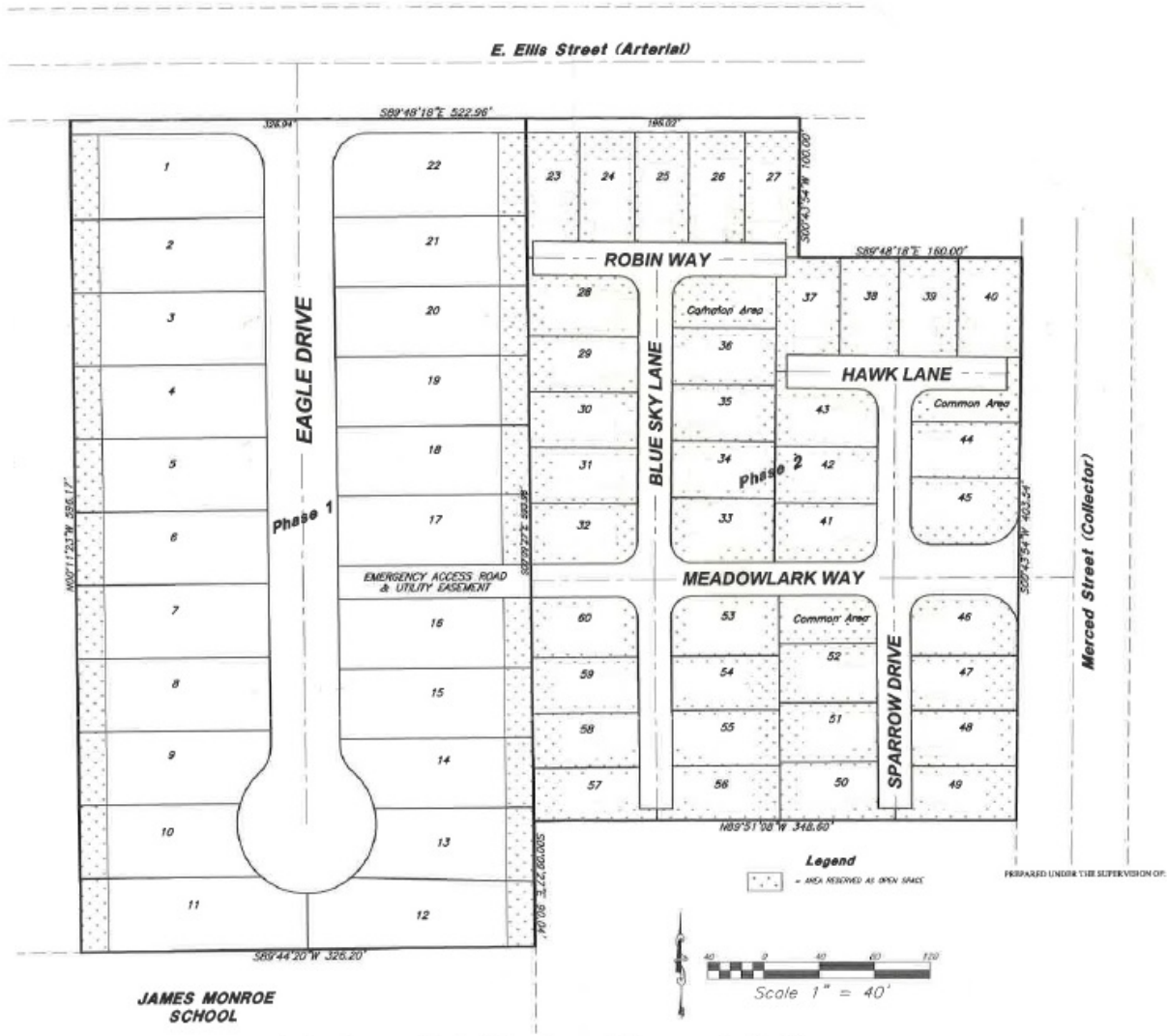
ATTACHMENTS

Aerial Map
Tentative Subdivision Map 2005-03
Precise Plan Exhibits

Aerial Photo

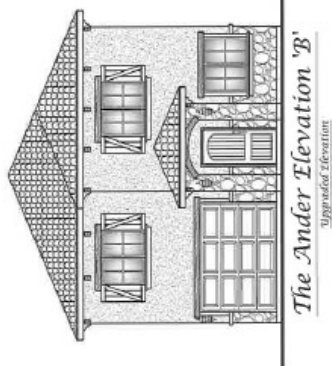


Tentative Subdivision Map 2005-03

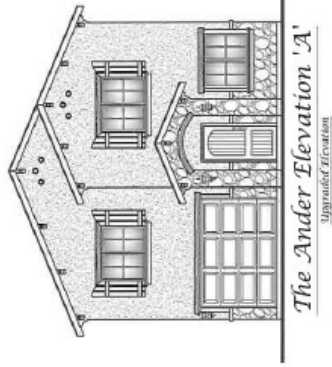


Madera Subdivision Phase 1 & 2

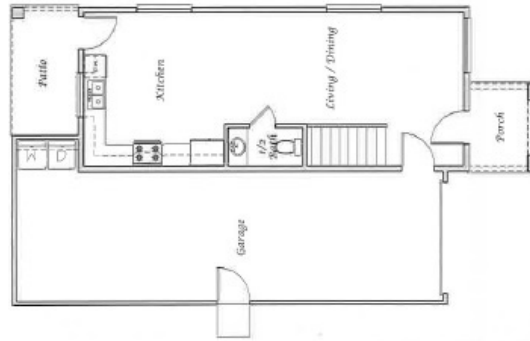
PRECISE PLAN AMENDMENT
The Ander 1404 Standard Plan



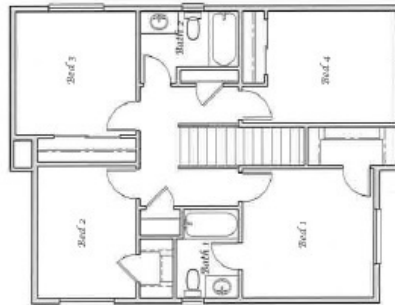
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 Upgraded Elevation



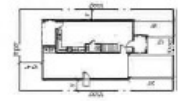
The Ander Elevation 'A'
 Upgraded Elevation



The Ander 1st Floor Plan



The Ander 2nd Floor Plan



Standard 1404 Plan

Area:

1st Floor	1,250
2nd Floor	1,250
Garage	1,250
Porch	100
TOTAL	3,850



The Ander Elevation 'B'
 Standard Elevation

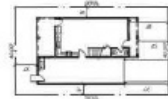
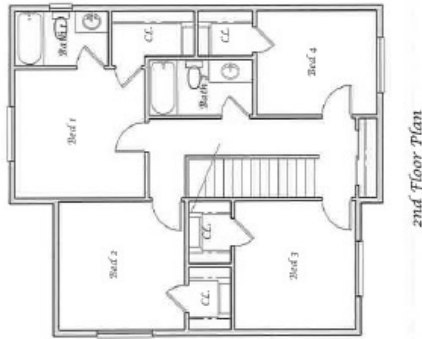
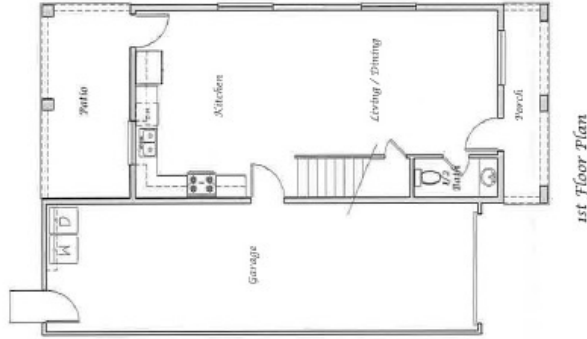
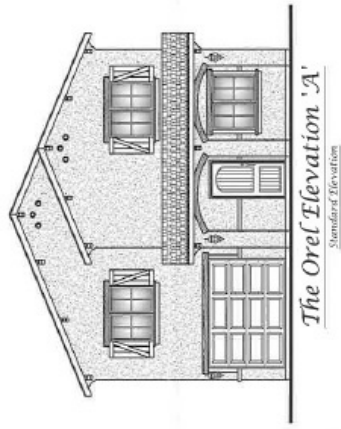
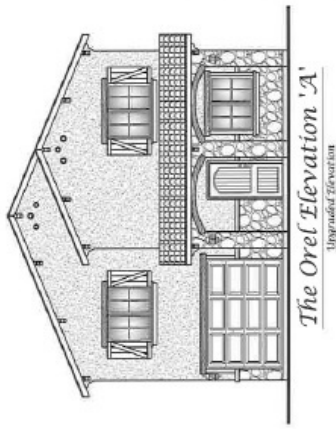
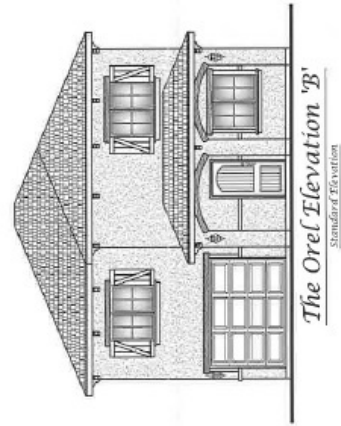
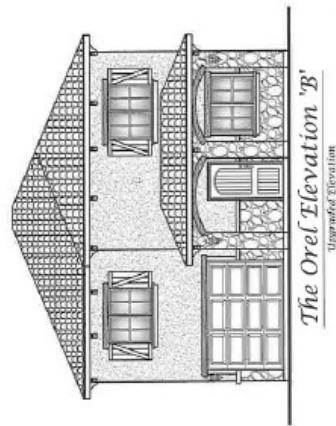


The Ander Elevation 'B'
 Standard Elevation

The Ander 1404 Standard Plan

PRECISE PLAN AMENDMENT

The Orel 1515 Standard Plan

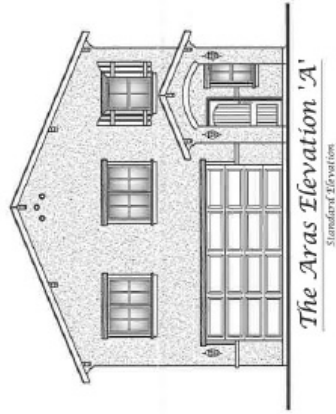
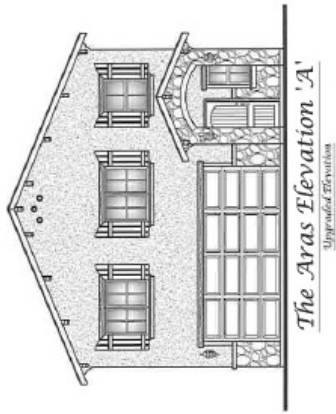
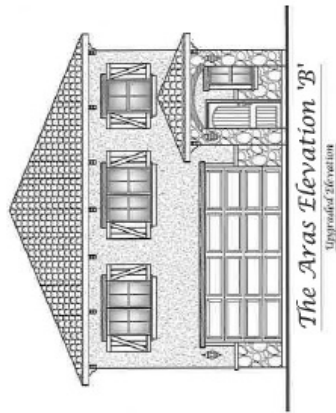


Area:
 1st Floor: 1,000 sq ft
 2nd Floor: 1,000 sq ft
 Total: 2,000 sq ft
 Garage: 400 sq ft
 Porch: 200 sq ft
 Total: 2,600 sq ft

The Orel 1515 Plan 1501 Plan

The Orel 1515 Standard Plan

PRECISE PLAN AMENDMENT The Aras 1600 Standard Plan

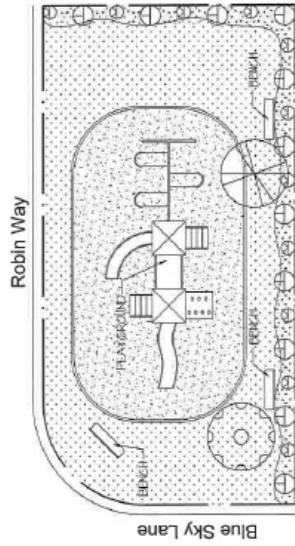


Area:

1st Floor	1,600 sq. ft.
2nd Floor	1,600 sq. ft.
Garage	1,600 sq. ft.
Porch	100 sq. ft.
Patio	100 sq. ft.
TOTAL	6,500 sq. ft.

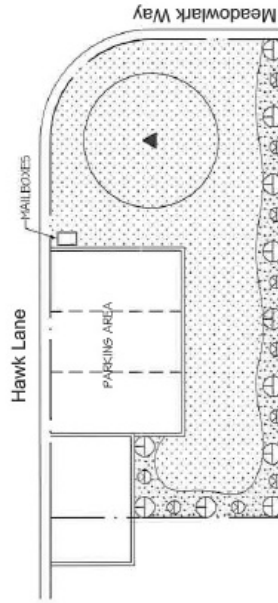
The Aras 1600 Standard Plan

PLANT SCHEDULE			
+	CERES CANADENSIS 15 GAL EASTERN REDBUD	⊕	RHAPHIDOLEPS I. 'BALLERINA' 1 GAL INCH 1/4" TYPHOON
○	CERES CANADENSIS 15 GAL EASTERN REDBUD	⊕	VERBENA T. 'COMPACTA' 1 GAL LARGESTRUIS
⊗	PISTACIA CHINENSIS 15 GAL CHINESE PRITCHIE	⊕	LIGUSTRUM J. 'TEKANAMI' 1 GAL TEXAS PRIVET
⊗	LAURUS ROBILIS 'SANTOGA' 15 GAL SWEET BAY - TREE FORM	⊕	HEMEROCALLIS 1 GAL DAILY LILY
▲	GINKGO BILOBA 'SANTOGA' 15 GAL MANDENHART TREE (MALE)	⊕	PLAYGROUND CHIPS
○	AGAPANthus 'RANCHO WHITE' 1 GAL LILY OF THE NILE	⊕	FESCUE LAWN
●	PHORUM 'MAORI QUEEN' 1 GAL FLAX	⊕	PLANTER AREA



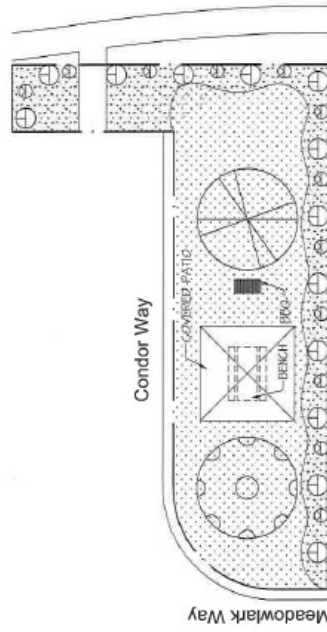
Common Area 'A'

SCALE: 1/8" = 1'-0"



Common Area 'C'

SCALE: 1/8" = 1'-0"

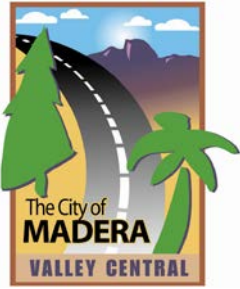


Common Area 'B'

SCALE: 1/8" = 1'-0"



PROPOSED COMMON AREA LANDSCAPE PLANS



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Cunningham Diagnostics LLC
CUP 2018-07, SPR 2018-09 & Categorical Exemption
Item #7 – April 10, 2018**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the establishment of an engine diagnostics and exhaust compliance business to include retail sales of engine exhaust related parts. The business will also include a mobile service component.

APPLICANT:	Destin Cunningham	OWNER:	Berry David & Patricia Trustee
ADDRESS:	528 Noble Street Suite 102	APN:	012-401-010
APPLICATION:	CUP 2018-07 & SPR 2018-09	CEQA:	Categorical Exemption

LOCATION: The site is located on the west side of Noble Street, approximately 200 feet north of its intersection with Gill Avenue. The proposed engine diagnostics business would occupy 5,000 square feet of a 37,500 square foot building.

STREET ACCESS: The site has access to Noble Street.

PARCEL SIZE: One parcel encompassing approximately 2.7 acres.

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The use is proposed in a portion of an existing industrial building in an industrial park. Other tenants in the building include mostly warehousing activities related to industrial uses.

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

SUMMARY: Cunningham Diagnostics is proposing to establish an engine diagnostics and exhaust services business within an existing 5,000 square foot industrial suite in conjunction with a mobile services component. The project site will be used for occasional diagnostic and repair services alongside storage of equipment and retail merchandise. A conditional use permit is required as a component of establishing an engine diagnostics and compliance use within the I (Industrial) Zone District. The site plan review will facilitate necessary on and off-site improvements.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802, Industrial Zone
MMC § 10-3.1202, Parking Regulations
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review

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

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

PRIOR ACTION

The project site is within a large industrial structure. Though the project site has allowed for uses through a conditional use permit, zoning administrator's permit and/or site plan review process, there has been no recorded entitlements for project site's individual suite.

Site Plan Review 2006-09 was completed to allow for the development of a 37,500 square foot shell building within an existing industrial complex. Conditional Use Permit 2014-02 and Site Plan Review 2014-02 were completed in February of 2014 to allow for the establishment of a 7,500 square foot gymnastics facility within suites 108 and 110. The amendment to the use permit to allow for the expansion of the facility into suite 112 was approved in May of 2014, but the anticipated expansion never was completed.

Suite 116 was later occupied by a fitness facility and frozen food warehouse for a smoothie business through the approval of Conditional Use Permit 2015-07, Zoning Administrator Permit 2015-07, and Site Plan Review 2015-16.

ANALYSIS

Operations

Cunningham Diagnostics is a service company that performs engine diagnostic work on large engines. The business specializes in exhaust treatment systems to ensure compliance with California's clean air regulations and initiatives. The work will take place at both the business location and off-site from a service truck or from a mobile service trailer. Although the conditional use permit is for the establishment of the business within the City, the applicant at times will be rendering services outside City limits.

The diagnostics service uses computer software to perform system checks on vehicles or equipment engines. When necessary engine sensors or exhaust sensors are replaced. Diesel engines may be serviced by cleaning the Diesel Particulate Filter (DPF). When necessary the DPF may be replaced. The replacement of a DPF is a similar process to replacing an exhaust muffler and can be performed either off-site or at the proposed project site. The applicant is also proposing "Snap Testing" which is a fifteen minute test, where a meter is placed in the exhaust stream to ensure a truck or equipment is meeting the required levels set by the State of California.

Being a service based business, the replacement and installation of any filters or testing will produce little to no waste product, though DPF filters will be treated as hazardous material per the State of California.

Hours of operation are proposed to occur as early as 8:00 am and as late as 5:00 pm, five (5) days a week. The average number of customer visits per day will vary from five (5) to ten (10) customers.

Project Site Compatibility

The project site is surrounded primarily by industrial uses which zoning allows for within an Industrial Zone without the requirement of any discretionary approval. As proposed, the use is analogous to the surrounding industrial warehouse uses. Cunningham Diagnostics will be utilizing part of the 5,000 square foot industrial suite for warehouse storage of equipment and sale supplies. Customer visits to the site will be limited and are expected to generate a low amounts of traffic to the industrial park. As previously mentioned, the applicant is proposing to render diagnostic services off-site in addition to on-site services. All business services will be by appointment and completely within the structure. There is no proposal for any outdoor activities. For on-site services, vehicles will ingress through the north side and egress through the south side of the suites bay.

Off-site Services

The applicant is anticipating at least half of the off-site mobile services will be located outside City limits. For services taking place within the City, all diagnostic, replacement and/or repair work will be done on private property. Off-site work will not require the storage of any equipment. All equipment or waste generated by the mobile service will be relocated to the home base on Noble Street after each service visit.

Parking

The project site is developed with seventy two (72) parking stalls including three (3) handicap accessible spaces. There is additional space on the parcel that could potentially be developed into parking stalls. Parking standards for the site as proposed call out for the following ratios:

Business	Ste. #	Size (sf)	Ratio	Parking Req.
Cunningham Diagnostics	102	5,000	Diagnostics Testing	4 stalls
Vacant	104	5,000	Warehouse	4 stalls
Vacant	106	5,000	Warehouse	4 stalls
Gymnastics students	108, 110, 112	12,500	1:3 students	42 stalls
Gymnastics employees			1:2 employees	3 stalls
State of California	114	5,000	Warehouse	4 stalls
Evolution Fitness students	116	5,000	1:3 students	5 stalls
Evolution Fitness employees			1:2 employees	2 stalls
Total		37,500 sf		68 stalls
Parking Provided:				72 Stalls

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of an allowance for the establishment of an engine diagnostics and exhaust compliance business is not specifically addressed in the vision or action plans, the overall project

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

RECOMMENDATION

The information presented in this report supports approval of the conditional use permit and site plan review request, subject to the recommended conditions of approval. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2018-07 and Site Plan Review 2018-09 subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the use permit and site plan review request.

Motion 1: Move to approve Conditional Use Permit 2018-07 and Site Plan Review 2018-09, based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
- The establishment of the engine diagnostics business is consistent with the propose of the I (Industrial) General Plan land use designation and the I (Industrial) Zone District which provide for the use, subject to the approval of a conditional use permit.
- There is adequate parking and site features to allow for the establishment of the engine diagnostics business.
- The establishment, maintenance and/or operation of the engine diagnostics, mobile service and retail sales, under the circumstances of this particular case, will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, and will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2018-07 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of

the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.

4. Conditional Use Permit 2018-07 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Site Plan Review 2018-09 will expire one year from the date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Conditional Use Permit 2018-07 and Site Plan Review 2018-09 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2018-09.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

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

Engineering Department

General

12. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
13. The developer shall pay all the required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.
14. Improvements within the City right-of-way require an encroachment permit from the Engineering Department.

Streets

15. Concrete sidewalk shall be constructed along the project parcel frontage on Noble Street, per current City standards.
16. If the applicant believes that a hardship waiver is applicable based on the cost of ADA improvements in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.

Madera County Environmental Health

17. The owners/operators of this facility must complete a Business Activities Declaration with the CUPA Program within the Environmental Health Division and may be required to obtain other related permit(s) due to the possible storage/handling of reportable quantities of hazardous material onsite of for any amounts of hazardous waste onsite at any time.

Fire Department

18. A minimum of two (2), 2A10BC rated fire extinguishers are required which are mounted in accessible locations 305 feet above finished floor.
19. A key box shall be required or new keys shall be provided if there is an existing key box.
20. Any alterations of the space will be subject to the building permit process. All building permit must be obtained before any work is performed.

Planning Department

Approved Business Operations

21. Conditional Use Permit 2018-07 allows for the establishment of an engine diagnostics and exhaust compliance business with a mobile services component and retail sales of engine exhaust related components.
22. Services being rendered off-site shall not occur on City right-of-away at any time. The applicant shall be responsible for adequately storing and disposing of any materials, equipment and/or waste when providing services at an off-site location.

Unpermitted Operations

23. Activities and uses not specifically approved by the above Condition No. 21 shall be prohibited, including but not limited to the following:
 - Major Mechanical/Electrical Repairs
 - Heavy Engine/Transmission Repair Services
 - General Repair & Maintenance: oil, lube & filter, tune-ups
 - Heating & Cooling
 - Steering & Suspension
 - Undercar Services: brakes, anti-lock brakes
 - Auto Detailing & Window Tinting
24. Except as noted herein, all on- and off-site improvements specified in these conditions of approval shall be made prior to occupancy and/or issuance of a business license.
25. Vandalism and graffiti on the site shall be corrected per the Madera Municipal Code.

26. No outdoor activities shall be allowed. Outdoor storage of material goods and/or equipment shall not be allowed.
27. The applicant shall operate in a manner that does not generate significant noise, odors, or vibration that adversely affects any adjacent uses.
28. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times.
29. The applicant shall comply with all federal, state and local laws and regulations. Material violation for any applicable laws concerning the use will be cause for revocation for this permit.
30. Hours of operation shall be allowed to commence as early as 7:00 am and as late as 7:00 pm, seven (7) days a week.

Landscaping

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

Signage

32. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2018-07 and Site Plan Review 2018-09 to the May 8, 2018 Planning Commission hearing for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2018-07 and Site Plan Review 2018-09, based on and subject to the following findings: (specify)

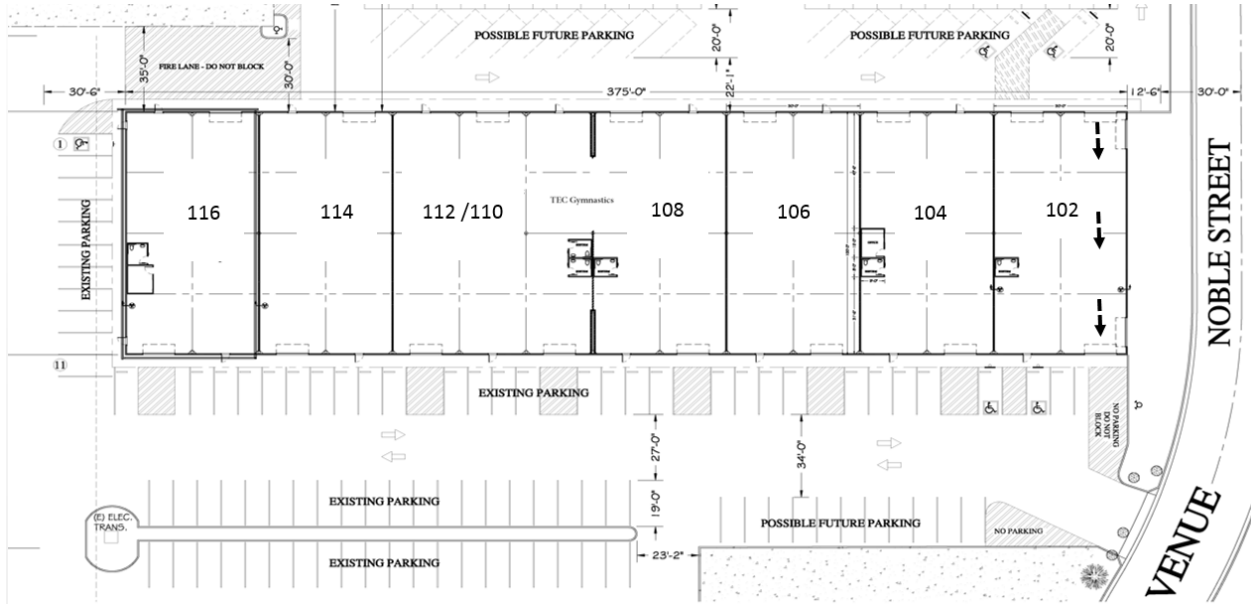
ATTACHMENTS

Aerial Photo
Site Plan
Equipment Photos

Aerial Photo



Site Plan



Proposed ingress and egress through the suite's bay.



Diagnostics station within project suite.



Service trailer to be used for off-site services.

Equipment Photos



Wager is proud to introduce our new wireless opacity meter. Wager is an industry leader in opacity measurement and the Remote Handheld Wireless Opacity Meter Series 2 is the culmination of years of experience in developing rugged, accurate and easy to use inspection equipment for diesel emissions testing.

The RHW PF series 2 meets the SAE J1667 emission protocol and uses full flow measurement technology in order to obtain the opacity readings. The unit can store up to 128 test records. Operation of the meter is through an easy to use menu system and the meter is self-calibrating upon power up. A verification filter is supplied with the system to assure continuous accuracy.

The RHW wireless system can be set to measure atmospheric temperature, relative humidity, and barometric pressure for ambient corrected opacity measurements or this feature can be disabled.

All system components fit neatly into the storage case for easy transportation.



- A large bright graphics color display (320 x 240 pixels) is easy to read in all environments.

- Wireless channels are used during communication between the Hand Controller, the Sensor Head, and the printer for optimum data transmission.

- All devices are battery powered for complete wireless testing.

- A "power off" feature saves battery life on both the hand controller and sensor head during user-defined period of inactivity.

- Data of stored tests can be sent to a portable printer or to a pc. Records can be selected by vin, customer name, license number and more.



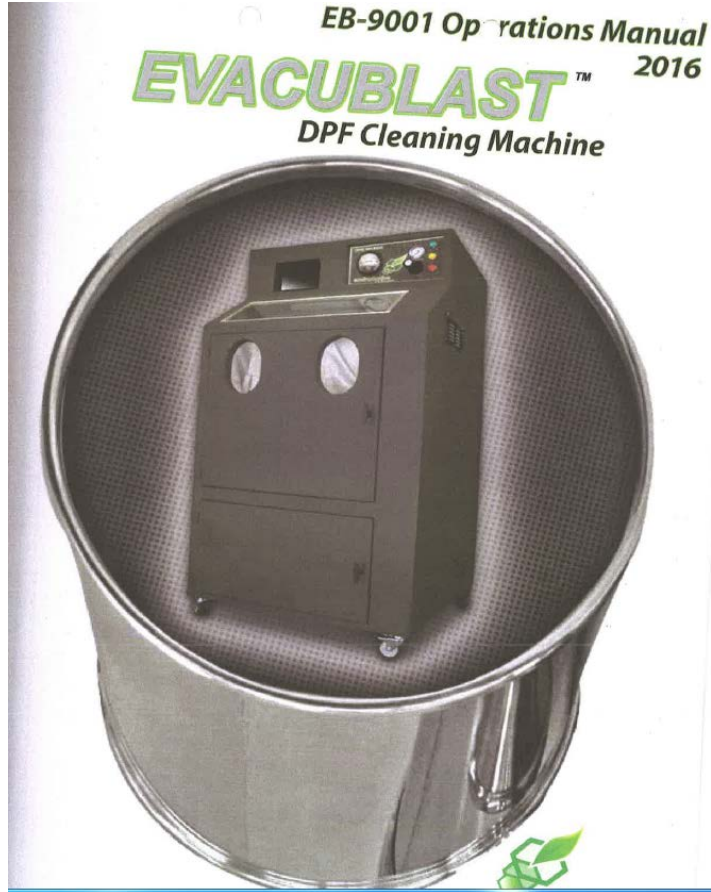
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OTA 2018-01
ZONING ORDINANCE UPDATE
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