

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
MAY 8, 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: March 13, 2018

CONSENT ITEMS:

C1. GPC 2018-01 – 320 South C Street

Consideration of findings of General Plan Conformance and an Environmental Determination for one 0.35-acre property located at the southwest corner of the intersection of South C Street and East 7th Street (320 South C Street) in the C1 (Light Commercial) Zone District and the C (Commercial) General Plan land use designation (APN: 007-191-017).

PUBLIC HEARING ITEMS:

1. TSM 2018-01 and TSM 2018-02 – Ventana

A continued noticed public hearing and consideration of approval for two tentative subdivision maps proposing to subdivide approximately 250.9± acres located at the

southwest corner of the intersection of Avenue 13 and Road 28 ¼. TSM 2018-01 proposes the creation of 19 large lots to be developed in multiple individual phases. TSM 2018-02 proposes the creation of 857 residential lots which provide for the development of approximately 1000 residential dwelling units. The project site is within the Ventana Specific Plan, in the PD (Planned Development), CN (Neighborhood Commercial) and PF (Public Facilities) Zone District within the LD (Low Density), MD (Medium Density), P&SP (Public & Semi-Public) and C (Commercial) General Plan land use designations. (APNs: 012-490-002, 012-490-004, 012-490-005, 012-490-006). An environmental impact report (EIR) for the Ventana project was certified by the City Council of the City of Madera on March 7, 2007.

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

A continued 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).

3. REZ 2018-01, TSM 2018-03 and PPL 2018-02 – Adelaide Subdivision

A noticed public hearing to consider a rezone, tentative subdivision map and precise plan. The rezone will change the zoning of the project site from the R1 (Low Density Residential) Zone District to the PD 4500 (Planned Development) Zone District. The tentative subdivision map will subdivide three existing properties into nineteen (19) new properties. The precise plan will guide development of model homes upon the subdivided properties. The project site is located approximately 1,100 feet north of the intersection of Sunrise Avenue and Adelaide Street. A Negative Declaration will also be considered by the Planning Commission (APNs: 008-102-003, 007 and 008).

4. 2018 General Plan Amendments – Cycle I

A noticed public hearing to consider two applications to amend the General Plan of the City of Madera. The State Government Code limits the number of times a local General Plan can be updated to four “cycles” per year. There are two applications included in Cycle I. They are:

A. GPA 2018-01 – Parks and Recreation Element

An application to amend the Parks and Recreation Element in order to be consistent with recently adopted ordinance adding Title X, Chapter 2, Section 1300 et seq. to the Madera Municipal Code pertaining to acquisition of park lands as provided by the Quimby Act.

B. GPA 2018-02 – Circulation and Infrastructure Element

An application to amend the Circulation and Infrastructure Element's Figure C1-1: Circulation Master Plan, to correct omissions to and update the adopted circulation map. Impacted streets which will be added to the arterial street classification are a segment of Gateway Drive, north of Almond Avenue. Impacted streets which will be added to the collector street classification include a segment of Granada Drive, between Cleveland Avenue and Kennedy Street, and a proposed extension of Kennedy Street, between Lake Street and Austin Street.

The amendments proposed within the 2018 General Plan Amendments – Cycle One were contemplated and addressed within the 2009 Environmental Impact Report to the Madera General Plan.

NON-PUBLIC HEARING ITEMS:

1. Review of CUP 2015-27 and SPR 2015-31 – Frank’s Auto Repair

A review of the performance of Conditional Use Permit 2015-27 allowing for the establishment of an auto repair shop located approximately 100 feet south of the intersection of East 12th Street and South Gateway Drive (801 South Gateway Drive) in the C1 (Light Commercial) Zone District and the C (Commercial) General Plan land use designation to determine whether it is appropriate to schedule a hearing on revocation. The project is categorically exempt under 15321 (Enforcement Actions by Regulatory Agencies) of CEQA Guidelines.

2. Review of CUP 2007-16 – Flor Oaxaquena

A review of the performance of Conditional Use Permit 2007-16 allowing for the sale of alcohol for on-site consumption in conjunction with a restaurant located approximately 150 feet east of the intersection of South Lake Street and East Yosemite Avenue (608 East Yosemite Avenue) in the C1 (Light Commercial) Zone District and the C (Commercial) General Plan land use designation to determine whether it is appropriate to schedule a hearing on revocation. The project is categorically exempt under 15321 (Enforcement Actions by Regulatory Agencies) of CEQA Guidelines.

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 June 12, 2018.

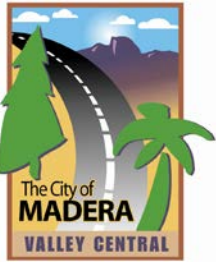
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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

General Plan Conformity 2018-01 Purchase of 320 South C Street Item #C1 – May 8, 2018

PROJECT: Finding of General Plan Conformity and Environmental Determination for the Potential Purchase of one (1) property.

APPLICANT: City of Madera

PROPERTY OWNER: SAMS PROP INV LLC

ADDRESS: 320 South C Street

PARCEL NUMBER: 007-191-017

LOCATION: The subject property is located at the southwest corner of South C Street and East 7th Street, immediately north of the City Police Department.

SITE CHARACTERISTICS: The 320 South C Street property is vacant land.

ADJACENT LAND USES AND ZONING:

South - Commercial / C1 (Light Commercial)
East - Commercial / C1 (Light Commercial)
North – Commercial / C1 (Light Commercial)
West – Commercial / C2 (Heavy Commercial)

GENERAL PLAN DESIGNATION: C (Commercial)

GENERAL PLAN CONFORMITY: The proposed purchase of property located at the southwest corner of South C Street and East 7th Street is consistent with the C (Commercial) General Plan land use designation on the parcel, and the goals and policies of the General Plan, specifically Policy HS-33, which states that “The City shall ensure the safety and protection of Madera and its community members by providing adequate first response capabilities to emergencies and by maintaining sufficient resources to expand protection as the community grows.”

SPECIFIC PLAN DESIGNATION: None.

ZONING: C1 (Light Commercial)

ZONING CONFORMITY: The purchase of the property is not in conflict with the Zoning Ordinance. Development of property as an integral part of the Police Department facility is consistent with the C1 (Light Commercial) Zone District applicable to both the subject parcel and the adjoining Police Department facility.

ENVIRONMENTAL DETERMINATION: This project qualifies as exempt under §15061 (Review for Exemption) of the CEQA Guidelines, which states that the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no

possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Such is the case in the purchase of this vacant lot.

RECOMMENDATION:

Based on the factors noted above, staff recommends that the proposed acquisition of property be found to be in conformance with the 2009 General Plan. The acquisition of the property should also be found exempt from further review under the California Environmental Quality Act.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on this matter in the form of findings.

MOTION 1A: Move to find that this project qualifies as being exempt under §15061 (Review for Exemption) of the CEQA Guidelines, which states that the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

(AND)

MOTION 1B: Move to find the proposed acquisition of the property at 320 South C Street is consistent with the 2009 General Plan, which states that "The City shall ensure the safety and protection of Madera and its community members by providing adequate first response capabilities to emergencies and by maintaining sufficient resources to expand protection as the community grows."

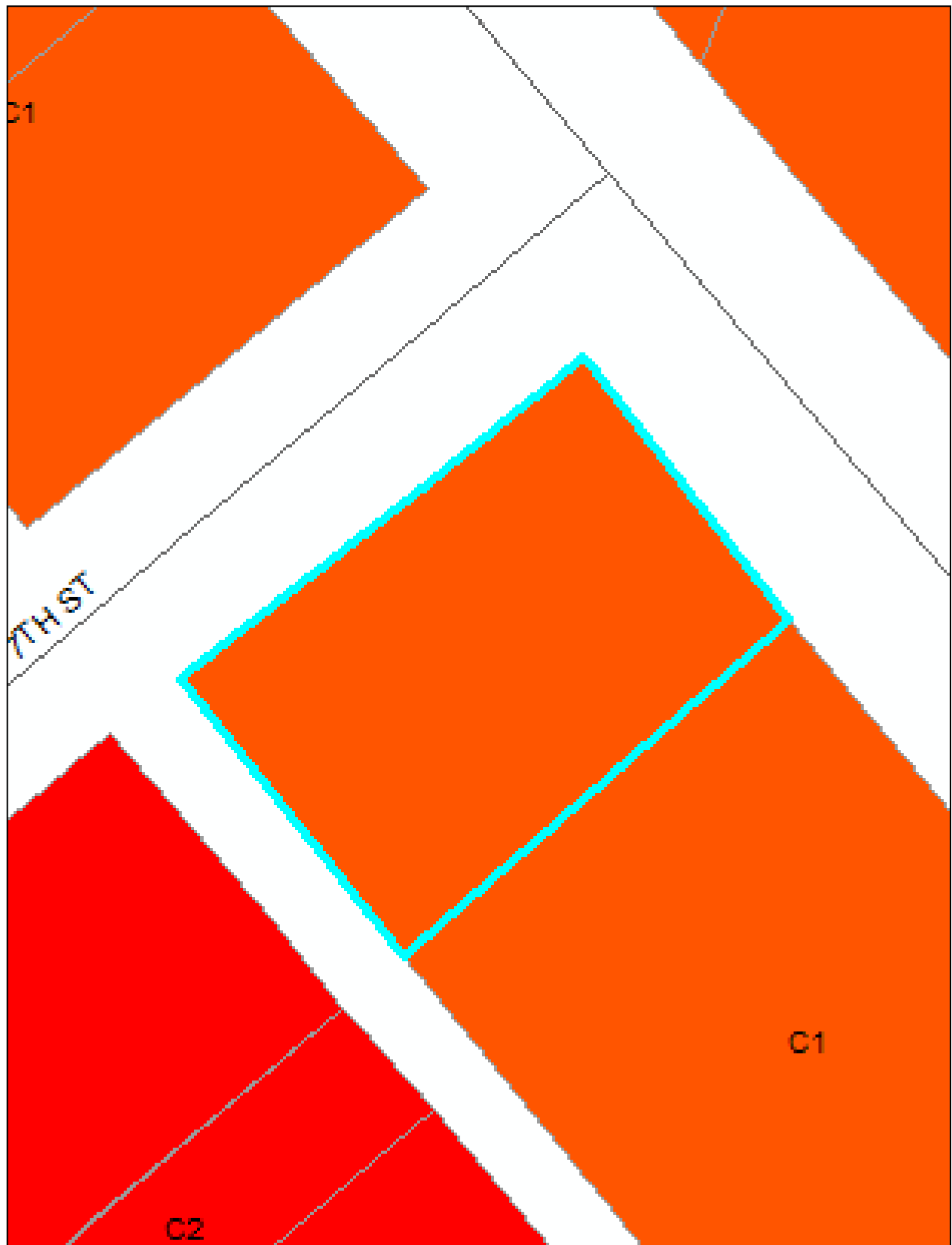
ATTACHMENTS

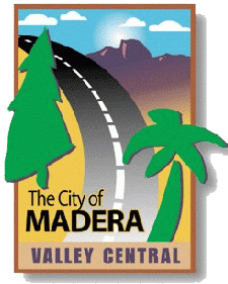
Aerial Imagery
Zoning Map

Aerial Imagery



Zoning Map





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Ventana Maps TSM 2018-01 and 2018-02 and Environmental Determination Item #1— May 8, 2018

PROPOSAL: An application for two tentative subdivision maps proposing to subdivide four parcels encompassing approximately 250.9 acres. TSM 2018-01 proposes the creation of a 857-lot residential subdivision. TSM 2018-02 divides the development area into 19 larger lots. The purpose of this map is to allow sections of the development to be sold to different builders.

APPLICANT:	Lakhwinder Singh Brar	OWNER:	Lakhwinder Singh Brar
ADDRESS:	None.	APN:	012-490-002, 004, 005, & 006.
APPLICATIONS:	TSM 2018-01 and 2018-02	CEQA:	Previously Adopted EIR

LOCATION: The project site is located at the southwest corner of East Pecan Avenue and Road 28 ¼.

STREET ACCESS: Access to project is proposed from East Pecan Avenue, Road 28 ¼ and a future Hazel Avenue.

PARCEL SIZE: Four parcels encompassing approximately 250.9 acres total.

GENERAL PLAN DESIGNATION: LD (Low Density), MD (Medium Density) C (Commercial) and P&SP (Public and Semi Public).

ZONING DISTRICT: PD-3000 (Planned Development), PD-4500 (Planned Development) PD-6000 (Planned Development), CN (Neighborhood Commercial) and PF (Public Facility).

SITE CHARACTERISTICS: The project site is currently in agricultural production. One rural residential structure with a supporting outbuilding is located in the southeast corner of the project site. Varying densities of residential development are located to the north and west. Vacant lands are to the south and west. The State Route 99 corridor is immediately east.

ENVIRONMENTAL REVIEW: An environmental impact report (EIR) for the Ventana project was certified by the City Council of the City of Madera on March 7, 2007.

SUMMARY: The original tentative subdivision maps for the Ventana development expired on April 10, 2016. Approval of the current request would provide new life to the original submittals. The proposed maps raise the overall dwelling units from 954 to 1000 providing consistency with the 2009 General Plan, the Ventana Specific Plan and the Subdivision Map Act.

APPLICABLE CODES AND PROCEDURES

MMC § 10-2.401 et. seq., Subdivisions

California Government Code §66410-66499.58, Subdivision Map Act

City of Madera General Plan, adopted October 7, 2009

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

PRIOR ACTION

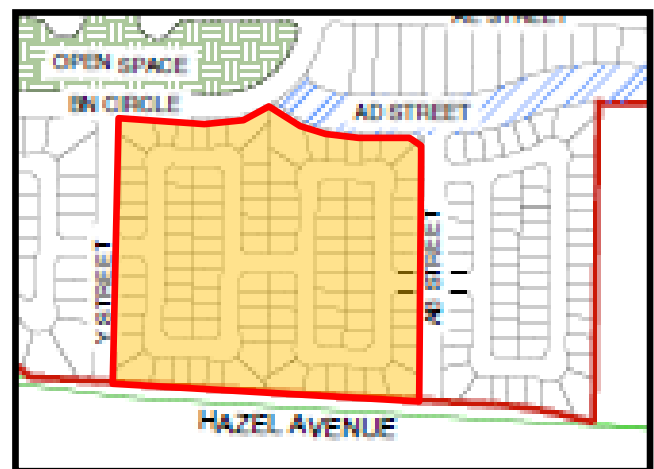
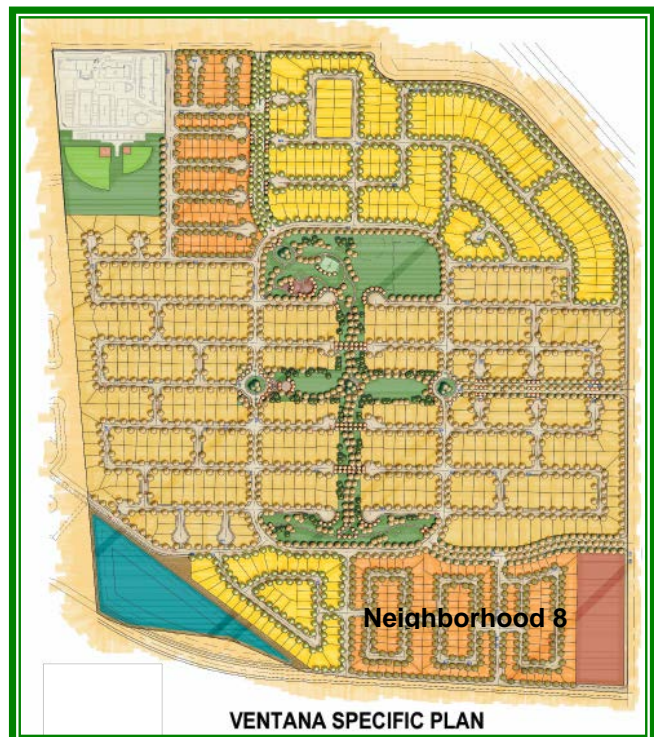
The Ventana project, approved on April 10, 2007, included annexation of land, a General Plan amendment, a specific plan, rezoning, precise plan and two tentative subdivision maps. The approved tentative maps were kept alive via a series of extensions, but ultimately the maps expired on April 10, 2016, nine years after the initial approval. The precise plans also expired as a result of the expiration of the maps. All other land use entitlements which cumulatively benefit the Ventana project area are still active.

ANALYSIS

Tentative Subdivision Maps

The two proposed maps are largely identical to the original submittals except for one significant alteration. The originally approved map subdivided the project site into 954 parcels. The map was reflective of the street and lotting patterns approved as part of the Ventana Specific Plan, which envisioned nine individual neighborhood phases of development. It includes approximately twenty (20) acres of park space which were distributed such that all parcels are in reasonable proximity to park areas.

The revised map converts a portion of Neighborhood 8 into two multifamily parcels which will be developed with no less than 144 residential dwelling units. The two multifamily parcels replace 103 single-family lots previously proposed. Also, five additional lots have been added, interspersed within the existing lotting pattern over the remaining. This subtle alteration increases the total number of dwelling units from 954 to approximately 1000 while reducing the parcel count to 857; 855 single family parcels and the aforementioned two multifamily lots. The alteration of a small portion of the map to provide an opportunity for multifamily development remains consistent with the Ventana Specific Plan, which describes development in Neighborhood 8 as 25.4 acres of "medium-density residential units." The graphic to the right identifies the area to be altered from the original map approvals.



The second map merely divides the development area into 19 large lots. The purpose of this map is to allow sections of the development to be sold to different builders. The street patterns and public facilities are consistent with Specific Plan. Conditions of approval have been provided for both of the maps.

In that the development of this large residential project will occur over time in a phased fashion, neither map is a vesting map. In advance of development on any lots, a precise plan or plans will be required so as to define the specifics of any construction on the parcels.

General Plan Conformity

With the subtle revisions to the originally approved map, the proposed density of the subdivision is approximately 5.26 units per acre. This density is in compliance with the 5.25 units per acre General Plan “target density” for the LD (Low Density Residential) land use designation. The intent of the “target density” General Plan policy (LU-7) is not to exclude residential development at lower densities within the various land use designations, but to instead promote an overall higher density within residential neighborhoods and villages envisioned by the General Plan’s Building Blocks concept. In the case of Ventana, distinctly different residential housing opportunities are integrated into one overall residential neighborhood design, providing a wide range of housing types within varying densities of development.

The proposed lotting pattern and density within the proposed subdivision demonstrates general consistency with the applicable goals and policies of the General Plan. The General Plan also provides direction for the development of homes within the subdivision. The development of homes on the individual lots is guided by Action Item CD33.1 which states that final home designs within the PD (Planned Development) Zone District are approved as part of a precise plan. Although the previous precise plans expired along with the tentative subdivision maps, a precise plan application does not accompany the map applications. Precise plans will be completed prior to any construction within the subdivision.

Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan will be constructed in support of the tentative subdivision map. Required infrastructure includes sewer, water, and storm drainage infrastructure consistent with the City’s master plans. Street improvements include the widening of East Pecan Avenue to complete the City’s half-street cross section for an arterial street, and the widening of Road 28¼ to collector status.

Street Names

The processing for naming streets calls for the Planning Manager to assign street names on the face of the tentative map which are reviewed and approved as part of the overall project. With exception to the existing perimeter streets, the proposed street names will be exclusive to the proposed subdivision. Upon approval, the Planning Manager will assign street names in anticipation of submittal of final subdivision maps.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATION

The information presented in this report supports a recommendation of approval of the proposed Tentative Subdivision Maps, subject to the recommended conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing,.

PLANNING COMMISSION ACTION

The Commission will be acting on adoption of the proposed Negative Declaration and approval of Tentative Subdivision Map 2018-01 and 2018-02.

Motion 1: Move to approve Tentative Subdivision Map 2018-01 and 2018-02 based on and subject to the findings and conditions of approval as listed below.

Findings

- An Environmental Impact Report was certified for the project by the City Council as part of the original approvals on April 10, 2007. The impacts of the proposed tentative subdivision map applications are consistent with impacts anticipated in 2007. Therefore, no additional environmental documentation is required.
- The proposed Tentative Subdivision Maps, as conditioned, are consistent with the purpose and intent of the General Plan, the Ventana Specific Plan and Zoning Ordinance.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- The proposed Tentative Subdivision Maps, as conditioned, are not likely to be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City.
- City services will be made available to serve the site.

Conditions of Approval

General

1. Prior to recording of the final map, all action necessary for the formation of a community facilities district shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
2. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required Lighting and Landscape Maintenance District zone" LLMD" zone of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the City-wide LLMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.

3. A final subdivision map shall be required per Section 10-2.502 of the municipal code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
4. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive phase number shall identify multiple final maps filed in accordance with an approved tentative map.
5. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The City Engineer shall designate the location or the project engineer shall make a recommendation for the designated location.
6. All construction vehicles shall access the site by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
7. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
8. Impact fees shall be paid at time of building permit issuance.
9. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
10. Developer shall pay all required fees for processing subdivision map and completion of project. Fees due include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, easement acceptance, and improvement inspection fees.
11. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
12. The improvement plans for the project shall include the most recent version of the City's General Notes.
13. Madera Irrigation District canal/pipeline on Hazel Avenue shall be placed underground or vacated as directed by Madera Irrigation District. Comments from M.I.D. shall accompany first engineering plan submittals.

Water

14. The water system shall be designed for the Ventana subdivision as a whole and for each proposed phase to meet the required fire flow for this type of development and shall be approved by the fire department, and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code appendix III-A. Copies of the water system analysis shall be reviewed and approved by the City Engineering Division and Fire Marshall.

15. Developer shall construct a 12-inch water main along Pecan Avenue from its current termination point at Parkwood Elementary School to the eastern property line of the proposed project site. Water main shall be constructed to current City standards.
16. Developer shall construct a 12-inch water main along Road 28 ¼ from Pecan Avenue to Hazel Avenue. Water main shall be constructed to current City standards.
17. Developer shall construct an 8-inch water main along Hazel Avenue from Road 28 ¼ and connect to existing water main from adjacent subdivision to the west. Water main shall be constructed to current City standards.
18. Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per city of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be paid by the Developer.
19. The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of these lines is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.
20. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect.
21. Pecan Avenue and Road 28 ¼ intersection requires installation of 12-inch cross with (4)12-inch valves and two stub outs, north past north right-of-way line and east approximately 40 feet.
22. Each phase of development requires in-line valve installation and blow-off assembly to be installed at terminus point of water line for future continuation of each water main.
23. Each phase of development shall have a looped water system, two points of connection to existing mains outside of phase being developed.
24. Applicant shall construct a new water well on a lot measuring 150 feet by 150 feet, within the project site or within the vicinity of the project site but as far geographically as possible from Well #33, and, shall be fully operational before approval of the first occupancy permit. Provisions for reimbursements from impact fees shall be included in the subdivision agreement.
25. A second water well may or may not be required dependent of the production rate of the first water well. That determination will be made the City Engineer.
26. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.

27. Water services shall be placed 3 feet from either property line, opposite of street light and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or street light locations.
28. One water quality sampling station shall be installed within the subdivision and approved by the water quality division of the Public Works Department.
29. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
30. Water service connections shall be constructed per current city standards including water meters located within city right-of- way.
31. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
32. Developer shall reimburse its fair share cost to the city for previously constructed water main along the Parkwood entry street project frontage.

Sewer

33. The existing sewer system that serves this section of the City is approaching capacity due to constricted sections of the sewer system on Pecan Avenue. Only 1/3 of the subdivision (318 units) will be allowed to discharge sewer into the Pecan main contingent upon design and construction the following master plan improvements:
 - a. A parallel 15-inch sewer main on Pecan Avenue from west of HWY 99 to 400 feet west of Golden State
 - b. A parallel 18-inch sewer main on Pecan Avenue from 400 feet west of Golden State to east end of Parkwood Elementary
 - c. A parallel 18-inch sewer main on Pecan Avenue from Raymond Thomas to Stadium Road

The construction of these lines is considered 100% reimbursable, subject to availability of funds, under the City's Development Impact Fee Program. Sections "a" and "b" listed above are currently under design by another developer and may be installed by the time this subdivision moves forward to construction.

34. The remainder 2/3 of the subdivision shall discharge sewer into the future master planned sewer main improvements on Hazel Avenue, Road 12 ½ and Road 25. The Developer shall design and construct the following improvements:
 - a. 42-inch sewer main on Hazel Avenue/ Burges Road from Road 28 ¼ to SR 145
 - b. 42-inch sewer main on SR 145 from Burges Road to Avenue 12 ½
 - c. 42-inch sewer main on Avenue 12 ½ from SR 145 to Road 25 (Granada Drive)
 - d. 42-inch sewer main on Road 25 (Granada Drive) from Avenue 12 ½ to Pecan Avenue across the railroad tracks

The oversize component (difference in cost between 42-inch and 8-inch pipe) of the construction of these lines is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.

Half of the 8-inch component reimbursable from adjacent properties as they develop and connect.

The Developer shall secure all required easements, acquisitions of right-of-way, fees and all other components required for the installation of a fully functional sewer main

capable of servicing this project and all other developable areas identified in the Sanitary Sewer Master Plan.

The sewer main shall be installed at the depth and slope necessary to serve the areas as delineated within the Sewer System Master Plan. Calculations shall be provided supporting the final design. Said analysis shall make use of the Sanitary Sewer Master Plan and various inputs (number of units, pipe slopes, etc.) utilized in sizing the pipeline. Said analysis shall also illustrate that future extensions of the sewer trunk main to the east side of the City will not be deleterious affected by the selection of pipe depths or slopes required to be constructed by this project.

35. All sewer mains shall be constructed per current City standards and specifications.
36. Sewer lines installed to serve this subdivision shall be sized accordingly, and shall be a minimum of 8 inches in diameter or as required per the pipe size calculations. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider.
37. Sewer services shall be located at the approximate centerline of each lot or as required for construction of commercial or industrial buildings with a clean-out installed per City Standards, and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
38. Calculations for sanitary sewer pipe size design of all proposed sewer mains, as a whole and for each proposed phase being developed, shall be submitted with first improvement plan submittal. Copies of the sewer system calculations shall be reviewed and approved by the City Engineering Division.
39. Prior to recording subdivision map, the developer shall reimburse City for half the cost of the 8-inch component of previously installed sewer mains on Pecan Avenue as determined by City Engineer, whose determination shall be final.
40. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

41. Storm runoff from this project site is planned to go to the Hazel basin located to the southwest of the proposed project site. The developer shall expand the existing basin and construct master planned storm drain pipes as necessary or as may be modified due to the layout of the subdivision to convey storm water runoff from the site and tributary drainage areas to basin.
42. Property for expansion of the existing basin as shown on tentative map shall be dedicated as part of the first phase of development. Basin shall be complete prior to first anticipated rainfall event in which storm runoff will occur. The Project Storm Water Pollution Prevention Plan (SWPPP) may serve to further dictate basin needs and timing.

43. Storm drainage system mains shall be installed to drain each phase being developed, into the basin, surface drainage or temporary basins will not be allowed without prior approval by city engineer.
44. Rear yards along basin fencing shall require cyclone fence and wood fence to be installed.
45. Grading and drainage plans shall include calculations for phase run-off and basin storage requirements.
46. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer. Detailed engineering calculations shall be provided to demonstrate to the satisfaction of the City Engineer that storm water runoff will be handled consistent with the master plan and City standards, prior to issuance of grading or building permits.
47. Prior to the approval of the civil improvement plans, a storm water pollution plan shall be prepared and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size. Plan and a copy of the permit and report shall be submitted to engineering division prior to issuance of any encroachment permits of plan approvals.

Streets

48. Pecan Avenue shall be developed to a 100-foot street with a 14-foot sidewalk pattern and a 16-foot landscape median across the frontage of the subdivision. South half shall include but not be limited to fire hydrants, streetlights, curb and gutter, sidewalk. The north side shall include one permanently paved 16-foot lane (12-foot lane and 4-foot shoulder). Asphalt curbing may be considered permissible if existing right-of-way precludes the ability to install a 4-foot shoulder. Adequate transition with the existing improvements relative to grade and alignment shall be provided. All improvements shall be constructed per current City standards. The center three lanes, which include the median island, are eligible for reimbursement through the City's Impact Fee program, subject to funds being available.
49. All existing driveways located along the north side of Pecan Avenue fronting the subdivision shall be paved with asphalt or concrete apron a minimum of 6 feet from the edge of the paved shoulder subject to maximum reasonable approach slopes to match existing driveways. All improvements should fully account for existing drainage and new drainage needs as part of the design.
50. Temporary pavement shall be constructed to provide for two-way traffic during all phases of construction along Pecan Avenue.
51. Road 28 ¼ shall be developed to an 80-foot street with a 10-foot sidewalk pattern. West half shall include but not be limited to curb and gutter, sidewalk, street lights, fire hydrants. East side shall include but not be limited to a full 16-foot lane and edge swale grading for drainage storage as required. All improvements shall be constructed per current City standards. The center three lanes are eligible for reimbursement through the City's Impact Fee Program, subject to funds being available.
52. Hazel Avenue shall be developed to an 80-foot street with a 10-foot sidewalk pattern. North half shall include but not be limited to curb and gutter, sidewalk, street lights, fire hydrants. South side shall include but not be limited to a full 16-foot lane and edge swale grading for drainage storage as required. All improvements shall be constructed

per current City standards. The center three lanes are eligible for reimbursement through the City's Impact Fee Program, subject to funds being available.

53. Park strip and median island on Pecan Avenue and park strips on Road 28 ¼ and Hazel Avenue shall be landscaped and provided with an automatic irrigation system. A minimum of one city approved street tree every 50 feet shall be provided, along with root guards. No trees shall be planted within 30 feet of any street light, or 5 feet from any fire hydrant. Each street tree shall be planted with a city approved root barrier. Detailed landscaping, irrigation, and maintenance plans shall be submitted with the first public improvement plans.
54. Direct residential access to Pecan Avenue, Hazel Avenue and Road 28 ¼ other than those access point approved on the Tentative Map shall be prohibited and shall be noted on the final map.
55. Deceleration and acceleration lanes shall be constructed at the main entrance to the subdivision along Pecan Avenue. An east bound right turn lane shall be constructed at Road 28 ¼.
56. A traffic signal shall be constructed at the intersection of Pecan Avenue and Golden State when warrants for east bound left turn movements along Pecan Avenue are met. The intersection shall be widened along all 4 approaches to include left turn lanes in all four directions. This traffic signal shall be interconnected with the traffic signal to be constructed at the main entrance into the subdivision.
57. A traffic signal shall be constructed at the intersection of Pecan and the main entrance into the subdivision, when warrants are met.
58. Traffic signal warrants shall be checked by the developer prior to commencement of each subsequent phase of construction.
59. The Developer shall implement mitigation measures and contribute its fair share to the cost of the improvements as outlined in the traffic study for Ventana subdivision prepared by kdAnderson Transportation Engineers.
60. Developer shall dedicate a 10-foot Public Utility Easement (PUE) along Pecan Avenue, Road 28 ¼, Hazel Avenue adjacent to entire project site as well as all internal publicly dedicated streets.
61. Developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Pecan Avenue to provide an ultimate right-of-way width of 100 feet to accommodate for an arterial standard roadway.
62. Developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Road 28 ¼ to provide an ultimate right-of-way width of 80 feet to accommodate for a collector standard roadway.
63. Developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Hazel Avenue to provide an ultimate right-of-way width of 80 feet to accommodate for a collector standard roadway.
64. Interior streets shall be constructed in accordance with the Ventana Specific Plan prepared by Quad Knopf which include:
 - a. 100-foot residential project entryway

- b. 65-foot loop road
- c. 60-foot minor streets
- d. 50-foot residential streets

Interior streets shall be constructed per current City standards to include curb, gutter, sidewalk, curb ramps, street lights, and fire hydrants.

65. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents.
66. Developer shall be a proponent of annexing into existing Landscape Maintenance District Zone 31A or 31B to include the median island and landscape improvements. If the expansion of the existing Landscape Maintenance District Zone 31A or 31B is not attainable, the developer shall at their sole expense form a Lighting and Landscape Maintenance District zone for the street median landscaping and landscaping adjacent to subdivision along park strip. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map.
67. "No Parking" signs shall be installed along Pecan Avenue, Road 28 ¼ and Hazel Avenue frontages per City standards.
68. Access ramps shall be installed at all curb returns per City Standards.
69. Driveways shall be built per current City standards.
70. The developer shall be required to install street lights along Pecan Avenue, Road 28 ¼ and Hazel Avenue frontage and interior subdivision streets in accordance with current City standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
71. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
72. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "B" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
73. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with city of Madera logo on bottom right corner. The cover sheet shall indicate

the total lineal feet of all streets, fire hydrant and street water main lineal feet, and sewer line lineal feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the city of Madera title block and following:

- a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
 - b. Street plans and profiles;
 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 2. Streetlights
 3. Traffic signals
 4. Construction details including traffic signage and striping plan.
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
 - d. Grading plan indicating flood insurance rate map community panel number and effective date;
 - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer.
 - f. Storm water pollution control plan and permit.
 - g. Itemized quantities of the off-site improvements to be dedicated to the City.
74. Submittals shall include:
- a. Engineering Plan Review Submittal Sheet
 - b. Civil Plan Submittal Checklist – all required items shall be included on the drawings
 - c. Four copies of the final map
 - d. Two sets of traverse calculations
 - e. Two preliminary title reports
 - f. Two signed copies of conditions
 - g. Six sets of complete improvements plans
 - h. Three sets of landscaping plans
 - i. Two sets of drainage calculations
 - j. Two copies of the engineers estimate
- Partial submittals will not be accepted by the engineering department.
75. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a 3-sack sand slurry mix extending one-foot past curb and gutter in each direction.
76. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages.
77. All public utilities shall be underground, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the public utilities Commission Regulations or operating at 70,000 volts or greater.
78. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.

79. A final soils report including “R” values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
80. The sub-divider shall enter a subdivision agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
81. Sub-divider may commence off site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, provided that an encroachment permit has been issued and improvement plans have been submitted and approved. As a component of the encroachment permit, the applicant shall submit a 100% performance bond, additional bond (50% labor & material), Storm Water Pollution Prevention Plan (SWPP), and insurance certificate prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council and shall be paid at the time of permit.
82. The developer's engineer, upon completion of subdivision related improvements, shall certify to the City Engineer that the improvements are made in accordance with city requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.

Subdivision improvement inspections

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

Special engineering conditions

87. Project grading shall not interfere with the natural flow or adjacent lot drainage, and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls if required shall be approved as to design and calculations prior to issuance of a grading permit therefore.

88. Lot fill in excess of 12 inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 12 inches or more will require construction of a retaining wall.
89. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
90. Prior to the approval of off-site improvement plans and any construction on the subdivision, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and a storm water permit obtained as required by the state regional water quality control board for developments of over one acre in size.
91. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID facilities, the sub-divider must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion as built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.
92. Prior to recording the subdivision map, any current and/or delinquent MID. assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.
93. The developer of the property shall pay all applicable development impact fees at the time building permits are issued.
94. Final street names shall be approved by the Planning Manager prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing county roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts should utilize the name of the nearest subdivision street.
95. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

Planning Department

96. Conformance with the goals and policies of the General Plan shall be facilitated through the precise plan application process. Prior to any construction, grading, or development activity, the applicant shall submit an application for precise plan with submittals sufficient to make findings of General Plan conformance. The applicant shall submit proposed model floor plans and elevations as a component of the application.
97. Park lands shall be dedicated to the City at time of final subdivision map.

(OR)

Motion 2: Move to continue the public hearing on Tentative Subdivision Map 2018-01 and 2018-02 to the April 10, 2018 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Tentative Subdivision Map 2018-01 and 2018-02, based on the following findings: (specify)

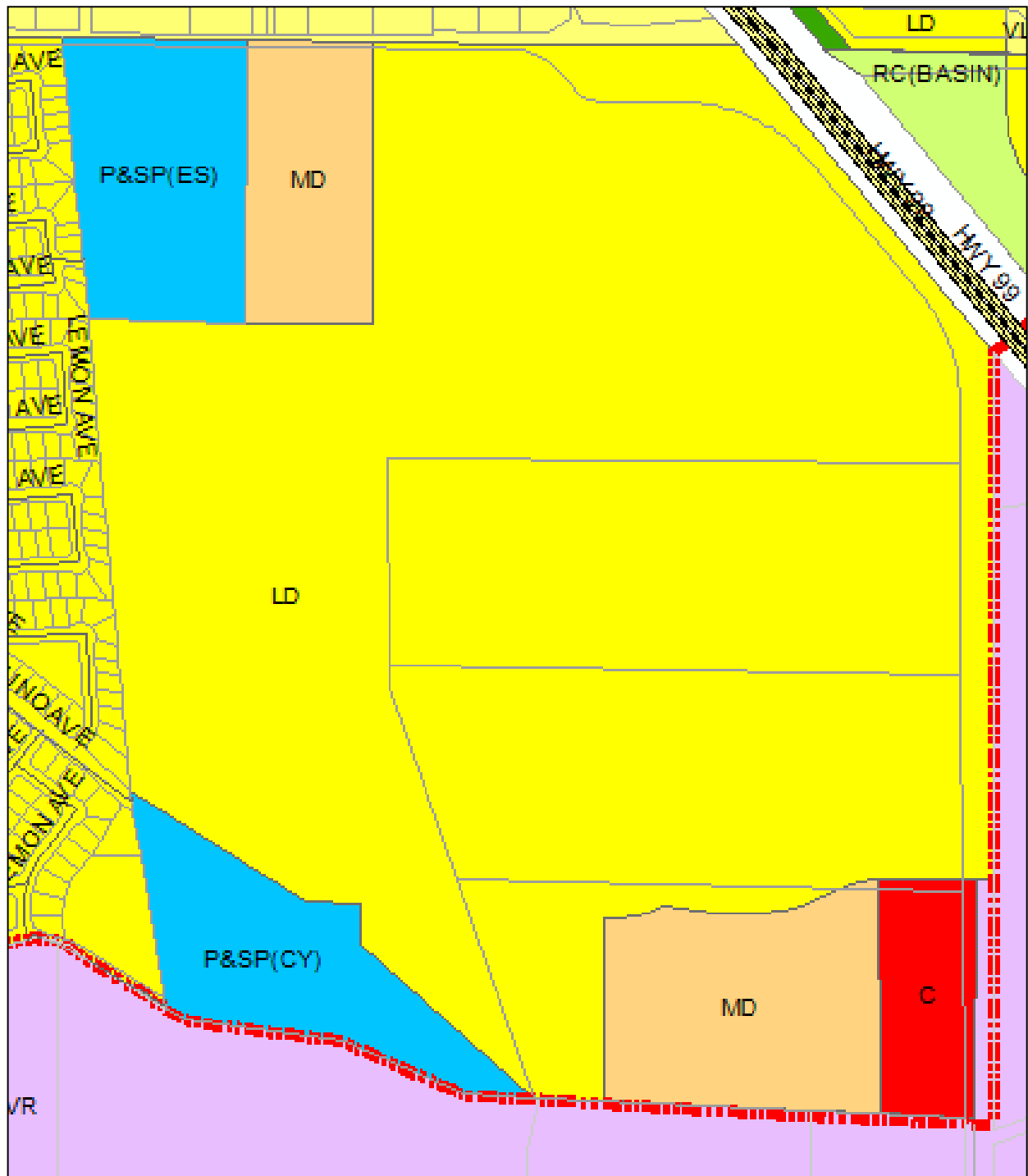
ATTACHMENTS

Aerial Map
General Plan Map
Zoning Map
Tentative Subdivision Maps

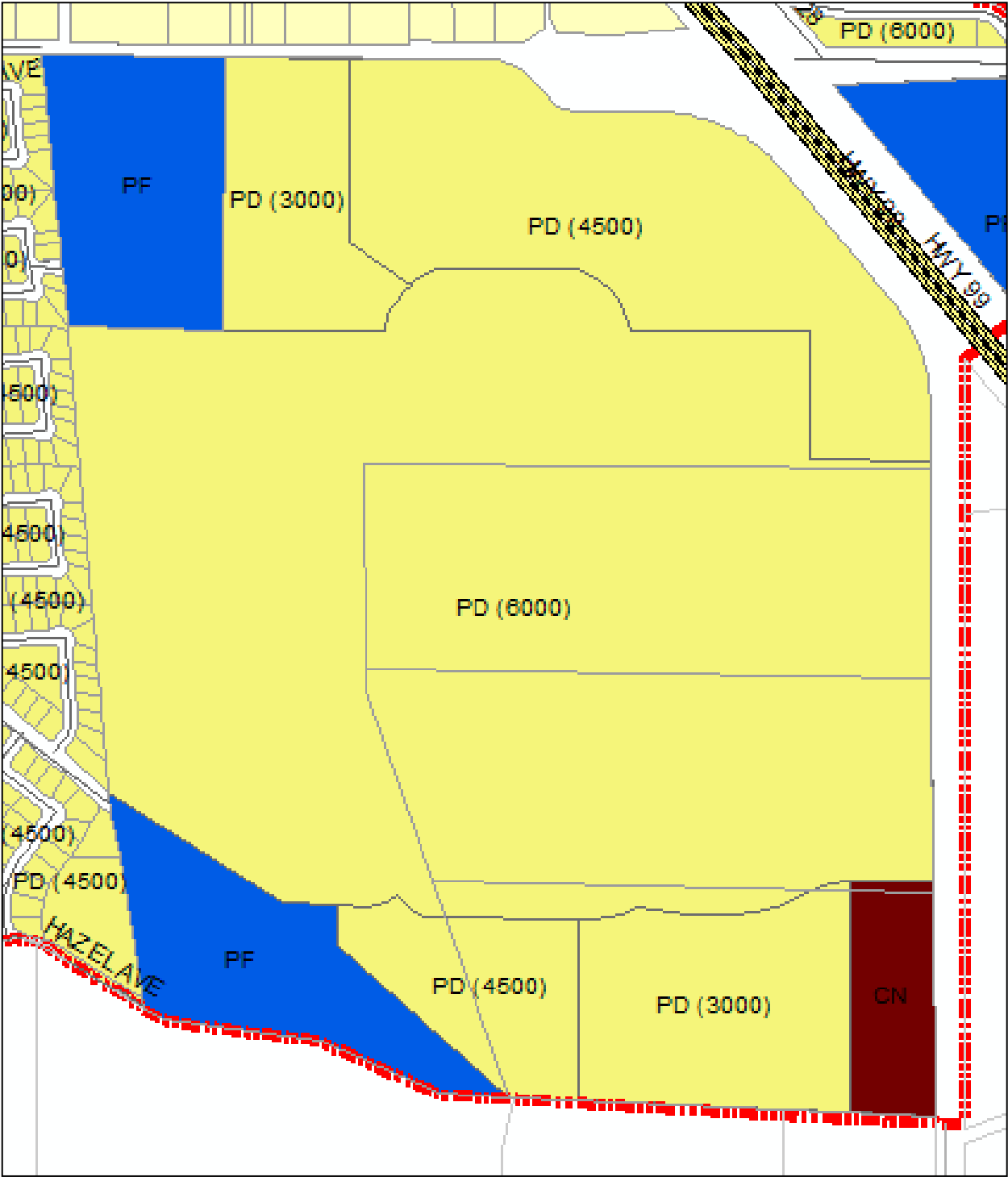
Aerial Photo



General Plan Map



Zoning Map



AVENUE 18 (PECAN)

PARKWOOD ELEMENTARY SCHOOL

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

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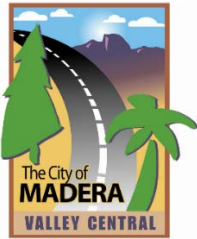
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CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Burger King CUP 2018-05, SPR 2018-07 & Negative Declaration Item #2 – May 8, 2018

PROPOSAL: An application for a conditional use permit and site plan review to allow for a drive-through window in conjunction with the construction of an approximately 2,700 square foot Burger King fast food restaurant.

APPLICANT:	Sunny Ghai/Joe Guagliardo	OWNER:	Pat DeSantis
ADDRESS:	Madera Avenue	APN:	012-320-006
APPLICATION:	CUP 2018-05 and SPR 2018-07	CEQA:	Negative Declaration

LOCATION: The property is located on the west side of Madera Avenue, approximately 200 feet south of the intersection of Madera Avenue and Gary Lane.

STREET ACCESS: The site has access to Madera Avenue and Gary Lane.

PARCEL SIZE: Approximately 0.43 acres (portion of 6.2 acre parcel).

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: Single-family residential development is located immediately west of the project site. Commercial development is located both north and south along the Madera Avenue commercial corridor, including a Dollar General and Dodge/Chrysler dealership. The Madera County Office of Education center and a self-storage facility are located east of the project site, across Madera Avenue. The recently approved Arco gas station is proposed southeast of the project site.

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

SUMMARY: Burger King proposes the construction of a new restaurant with a drive-thru window, which requires approval of a use permit. The building will encompass approximately 2,700 square feet and include a drive-thru stacking lane capable of queueing eleven (11) vehicles. The proposed location of the building is moved forward to provide better street presence and circulation. The site has adequate parking to serve the restaurant with attractive landscaping throughout the parking lot and site overall. Cumulatively, the proposal complies with the goals and policies of the General Plan. Conditions of approval will guide the development of the site.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.901 Heavy Commercial Zones

MMC § 10-3.405 Uses

MMC § 10-3.1301 Use Permits

MMC § 10-3.4.0102 Site Plan Review Applicability

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

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

PRIOR ACTION

None.

ANALYSIS

Drive-Through Facility

New construction of a restaurant with a proposed drive-through lane (drive-through facility) requires conformance with the goals and policies of the General Plan and the Design and Development Guidelines. The proposal provides conformance with the goals, policies and guidelines of those documents, as follows:

- **Building Design and Location**

The proposed location of the building provides a presence along the street frontage without hindering egress towards Madera Avenue. The building has public entrances that face the main public boulevard (Madera Avenue) and the parking lot, serving as a connection with the pedestrian sidewalk. The building's connection with the street is enhanced through the use of windows that face Madera Avenue. The drive-through entrance, exit and stacking lane is contained within the interior of the site. Vehicles will not enter or exit the drive-through directly from or to the public right-of-way.

- **Stacking Lanes and Driveways**

The proposed stacking lane is located along the southern property line, between the building and the adjacent property to the south. The stacking lane is twelve feet (12') wide and provides enough stacking spaces for eleven (11) vehicles with a measurement of each stacking space at ten (10') feet in width and twenty (20') feet in length. The entrance to the stacking lane is located at the back of the building out of public view, ensuring clear, safe and attractive pedestrian access. The proposed building will utilize two (2) windows to reduce idling time during peak business hours. A three (3') foot tall decorative block wall is proposed between the stacking lane and the public right-of-way, which results in a reduction of headlight glare towards pedestrians. The decorative wall will also help define and shield the stacking lane from future development to the south.

- Pedestrian Safety and Circulation

All proposed access points for pedestrians will not cross over stacking lanes. Two (2) bike racks will be incorporated into the site design for multi-modal pedestrian access. The only access point to allow for access towards future development to the south is at the back (west) of the site. The drive aisle will be consistent with the existing drive aisle constructed as part of the Dollar General. There will be no access point at the front of the site as it will only provide an egress point for drive-through customers of the business. The General Plan policy to require that new commercial development front or have a presence along the street frontage removes any possibility of having a cross access point at the front of the site.

- Architecture

The proposed building elevations provide an attractive, contemporary commercial architecture. The structure includes large windows along the primary building frontages, wall sconces and pop-outs that break up the mass of the structure. There is a variety of different exterior building textures, including stucco, brick and wood panels that cumulatively provide for the highest architectural value. The building textures and their combinations add continuity and do not conflict or detract from each other. The building is distinguished by its architectural features and not its color. The proposed color scheme only enhances the architectural features, tying them together.

- Landscaping

Landscaping is proposed to enhance and embellish the appearance of the project site. Landscape planters and peninsulas are proposed to break up potential heat islands in the parking lot. Shade trees are proposed within the landscaped peninsulas and other larger landscape areas throughout the site to provide greater shade for pedestrians.

Parking

The City's parking standards for a restaurant require one space for each three (3) seats of a fixed nature, plus one space for each fifty (50) square feet of net floor area available for non-fixed seating. The restaurant proposes the utilization of forty-nine (49) seats available and no proposed area for non-fixed seating. This would equate to a parking requirement of sixteen (16) total parking stalls, including one (1) handicap parking stall. With twenty-eight (28) total parking stalls including two (2) handicap parking stalls proposed, there is adequate parking to serve the proposed Burger King fast food restaurant.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though a restaurant with a drive-thru use 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. 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 2018-05 and Site Plan Review 2018-07 subject to the findings outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Conditional Use Permit 2018-05 and Site Plan Review 2018-07, determining to either:

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

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

Motion 1a: Move to adopt a Negative Declaration, consistent with Section 15070(a) of the California Environmental Quality Act (CEQA), with the following findings:

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent 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.

Motion 1b: Move to approve the application for Conditional Use Permit 2018-05 and Site Plan Review 2018-07, based on and subject to the following findings and conditions of approval:

- An initial study and 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 the California Environmental Quality Act.
- The establishment of a drive-through restaurant 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 development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City. The use is deemed to be a compatible use that is consistent with the zoning for the site.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions of Approval within thirty days of the date of approval for these use permits.
2. The applicant's failure to utilize the use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2018-05 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permits and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.

4. Site Plan Review 2018-07 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
5. Conditional Use Permit 2018-05 and Site Plan Review 2018-07 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.
6. The project shall be developed in accordance with the site plan drawings, as reviewed and approved with Site Plan Review 2018-07. 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- and off-site improvements 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. A building permit is required for all improvements. The tenant space must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act prior to occupancy.
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 the permit stage and confirmed at final inspection.

Engineering Department

General

11. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
12. Impact fees shall be paid at the time of building permit issuance.
13. The developer shall reimburse the City for improvements previously installed, as calculated by the City Engineer, whose determination shall be final. Reimbursements for previously installed improvements shall be paid prior to issuance of a Business License.
14. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
15. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.

16. The improvement plans for the project shall include the most recent version of the City's General Notes.
17. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
18. Improvements within the City's right-of-way require an Encroachment Permit from the Engineering Division.
19. Improvements within the State of California's right-of-way require an Encroachment Permit from Caltrans.

Sewer

20. A sewer service connection shall be constructed to current City standards.
21. Sewer main connection(s) six (6") inches and larger in diameter shall require manhole installation.
22. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage, as determined by the City Engineer.

Storm Drain

23. Storm runoff from the project site is planned to go to the Agajanian Basin located southwest of the project site. The developer shall construct sufficient facilities, as determined by the drainage study, to convey storm runoff to the existing basin and excavate the basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided to support the design of the conveyance facilities. The drainage study shall take into account impacts of the ultimate build-out of the entire 6.21 acre parcel. Contact the City of Madera Engineering Department at (559) 661-5418 for drainage study scope.

Streets

24. Access to the site shall be limited to the existing shared driveways, as shown in the approved site plan.
25. Future access to the remainder of the parcels shall be master planned as part of this application as only one additional driveway shall be permitted for future uses between the existing Dollar General driveway and Shell station. Said access shall also take into account future access to undeveloped land on the east side of Madera Avenue if access is proposed to include full vehicular movements from all directions. Said access shall occur subject to review and approval by Caltrans.
26. The west half of Madera Avenue (SR 145) along the entire project parcel frontage (0.43 acres) shall be improved to a one-hundred (100') foot arterial street per City of Madera standards or in accordance with that required by Caltrans, including but not limited to sidewalk, curb, gutter, curb returns, travel lanes, striping, signage, street lights and park strip. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
27. An Irrevocable Offer of Dedication shall be made to dedicate twenty (20') feet of right-of-way along the entire project parcel frontage (0.43 acres) on Madera Avenue to provide a half-street width of fifty (50') feet, west of the center line.

28. The developer shall dedicate a Public Utility Easement ten (10') feet wide along the entire project parcel frontage (0.43 acres) on Madera Avenue. A \$452.00 fee or the fee in effect at that time shall be paid to the Engineering Department.
29. The developer shall record reciprocal ingress/egress, utility and parking easements acceptable to the City of Madera across the entire project site and applicable to all existing and future parcels between Pecan Avenue and Gary Lane. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall pay associated fees with the Engineering Department.
30. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District (LMD) Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.

Water

31. Water service connection(s) shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way and a backflow prevention device installed within private property.
32. A separate water meter and backflow prevention device shall be required for landscape area.
33. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage, as determined by the City Engineer.

Fire Department

34. One 2A10BC-rated fire extinguisher shall be required.
35. One or more K-Class fire extinguisher(s) shall be required for protection of the cooking equipment.
36. A kitchen hood duct suppression system shall be required.
37. A Knox Box shall be required.
38. Interior finishes shall comply with the California Building Code (CBC) Chapter 8.
39. Panic hardware shall be required at egress doors.
40. Exit signs and emergency lighting shall be required.
41. The occupant load sign shall be posted and plainly visible.
42. The address shall be posted and plainly visible from Madera Avenue.
43. If the occupant load is determined to be 100 or more, then automatic fire sprinklers shall be required, as well as a fire sprinkler monitoring alarm (fire alarm).

Planning Department

General

44. Vandalism and graffiti shall be corrected per the Madera Municipal Code.

45. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
46. 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. Outdoor storage of goods or materials shall not be allowed.
47. 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 these permits.

Operations

48. Allowed hours of operation for the Burger King restaurant and drive-thru shall be twenty-four (24) hours per day, seven (7) days a week.
49. No outdoor display of merchandise shall be allowed.
50. Any future expansion of the structure shall require an application for an amendment of Conditional Use Permit 2018-05 and approval by the Planning Commission.
51. There shall be no special events that would cause overflow parking conditions to occur.

Site Data

- | | |
|-------------------------------|----------------------|
| • Burger King Structure | 2,700 square feet |
| • Burger King Seat Count | 49 seats for dining |
| • Parking Stalls Required | 19 parking stalls |
| • Parking Stalls Provided | 28 parking stalls |
| • ADA Parking Stalls Required | 1 ADA parking stall |
| • ADA Parking Stalls Provided | 2 ADA parking stalls |
| • Loading Spaces Required | 0 loading spaces |

Drive-Thru Window & Stacking Lane

52. Conditional Use Permit 2018-05 allows for a drive-thru window in conjunction with the construction of a new Burger King fast food restaurant.
53. The measurement for a single stacking space in the drive-through lane shall be ten (10') feet in width by twenty (20') feet in length. The drive-thru stacking lane shall be designed to queue no less than ten (10) stacking spaces.

Building Colors, Materials and Lighting Considerations

54. The construction of buildings approved as part of Site Plan Review 2018-07 shall be consistent with the approved colors and materials board and representative color section rendering of the proposed building as reviewed and approved by the Planning Commission approval. Any alteration shall require, at a minimum, approval by the Planning Manager.
55. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
56. All exterior lighting shall be directed away from residential properties and not interfere with the driving safety of vehicular traffic.
57. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department as a component of building permit

issuance. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.

Fences and Walls

58. A three (3') foot tall split-face masonry block wall shall be constructed adjacent to the south of the drive-through stacking lane, sufficient to screen headlight glare from future development to the south and vehicles traveling on South Madera Avenue. Plans shall be approved by the Planning Department prior to issuance of a building permit.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

59. Prior to the issuance of building permits, the applicant shall identify the following information on the site plan 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.
60. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department.
61. Electrical/mechanical equipment shall be located in the interior of the structure within an electrical/mechanical service room(s).
62. HVAC equipment shall be roof mounted and all equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening.
63. Natural gas meter placement shall be screened from public view per Planning Department approval.
64. Roof access ladder(s) shall be located within the interior of the building.
65. All exposed downspouts shall be screened by the building with the exception of the ends. The ends of the downspouts shall be painted to match the exterior of the building.
66. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
67. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements are preferred at rear sides of roof ridges. All roof-mounted ducts and vents are to be painted matte black or with a color better suited to minimize their appearance.
68. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.

Landscaping

69. 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. The plan shall include:

- Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance.
 - Landscaped areas shall be developed along all street frontages and within the parking field.
 - On-site landscaping shall meet the minimum standards of five percent (5%) of the parking lot in permanent landscaping.
 - Shade trees shall be planted throughout the parking lot, with a minimum of one tree per five parking spaces.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - Landscaped areas shall be protected by raised six-inch (6") concrete curbing, except where a reduced standard is allowed by the Planning Manager.
 - 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.
70. 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.

Parking

71. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by nineteen feet (19') deep. 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 is twenty-six feet (26') for primary drive aisles.
72. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses may require the provision of additional parking spaces in compliance with City standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require amendment of the site plan review.
73. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

Signage

74. The maximum allowable on-building sign area for the approved structure shall be 110 square feet. If any change in length or width of the structure changes, this sign area may be altered.
75. All on-building signage shall be of pan channel letter quality or better and in compliance with the Sign Ordinance at all times.
76. The maximum allowable freestanding signage shall be limited to one (1) freestanding sign no taller than six (6') feet in height and no more than twenty (20) square feet in sign face area.
77. The Planning Department shall specifically authorize the size and location of directional, preview and menu signs related to the drive-thru use. Directional signs shall be textual in nature with no branding and/or logos incorporated into the sign design so as to direct (as opposed to distract) the motoring public.

78. The drive-thru shall be allowed one preview board and one menu board. The preview board and menu board shall be separated by no less than twenty-five feet (25'). The preview board and menu board shall be consistent with the sign ordinance except that, if additional freestanding signage is available, that signage may be transferrable to the preview and/or menu board as allowed by the Planning Manager.
79. All signage shall have an approved sign permit issued by the Planning Department per Madera Municipal Code Chapter 10-6.
80. All proposed construction announcement signage shall conform to the Municipal Sign Ordinance.

Tentative Parcel Map

81. Prior to the submittal of any permits for on- and/or off-site improvements, the applicant shall submit an application for and receive approval of a Tentative Parcel Map with the Planning Department.

Outside Agency Conditions

California Department of Transportation (CalTrans)

82. The applicant shall construct concrete curb, gutter and sidewalk consistent with the existing curb, gutter and sidewalk to the north (Dollar General) of the project site. The applicant shall apply for an Encroachment Permit for CalTrans for these improvements.

Madera County Environmental Health Division (MCEHD)

83. The applicant shall comply with the rules and regulations of the Madera County Environmental Health Division. The applicant shall comply with all directives included in the attached February 15, 2018 comment letter.

Madera Irrigation District (MID)

84. Madera Irrigation District (MID) has a thirty-six (36") inch cast-in-place non-reinforced pipe that flows from north to south on the east side of the project. The applicant shall replace this pipe with thirty-six (36") inch rubber gasketed reinforced concrete pipe (RGRCP). MID shall require plan review and signature block for plan approval. MID record drawings and easements will be provided upon request.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

85. The applicant shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District. The applicant shall comply with any directives included in the attached March 1, 2018 comment letter.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2018-05 and Site Plan Review 2018-07 to the May 8, 2018 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2018-05 and Site Plan Review 2018-07, based on and subject to the following findings (specify):

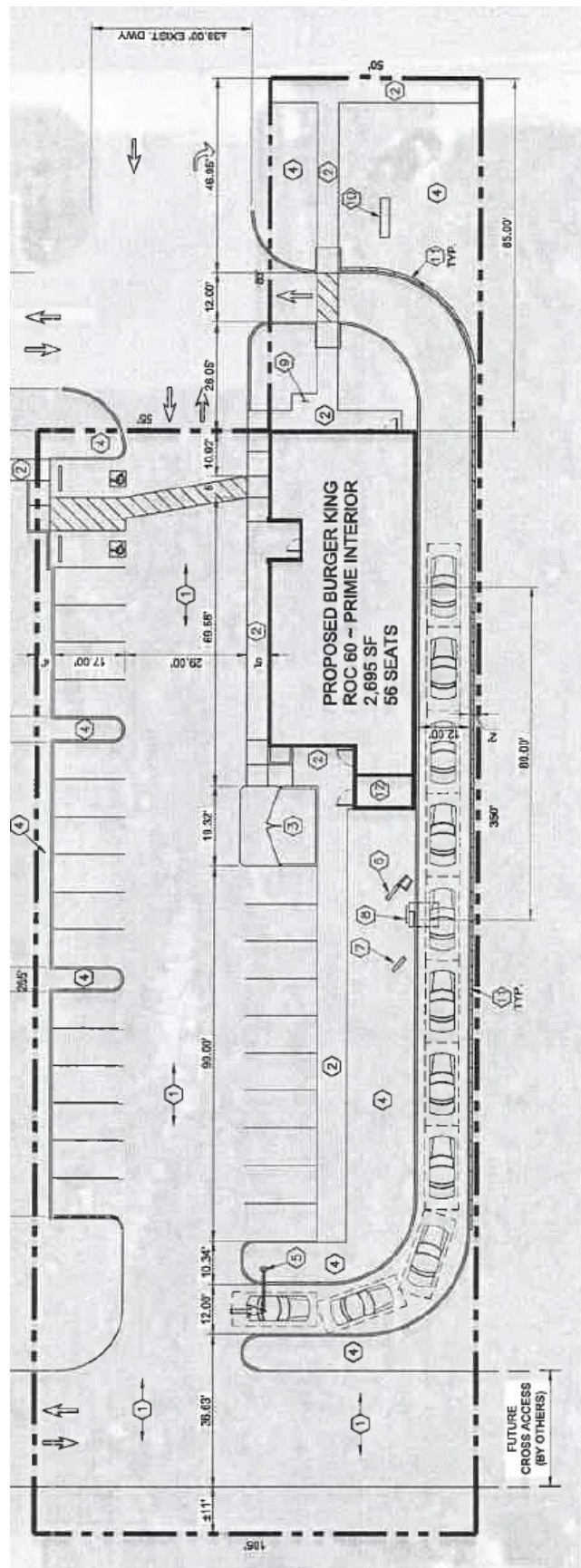
ATTACHMENTS

Aerial Photo
Site Plan
Seating Plan
Elevations
Colored 3D Rendering

Aerial Photo

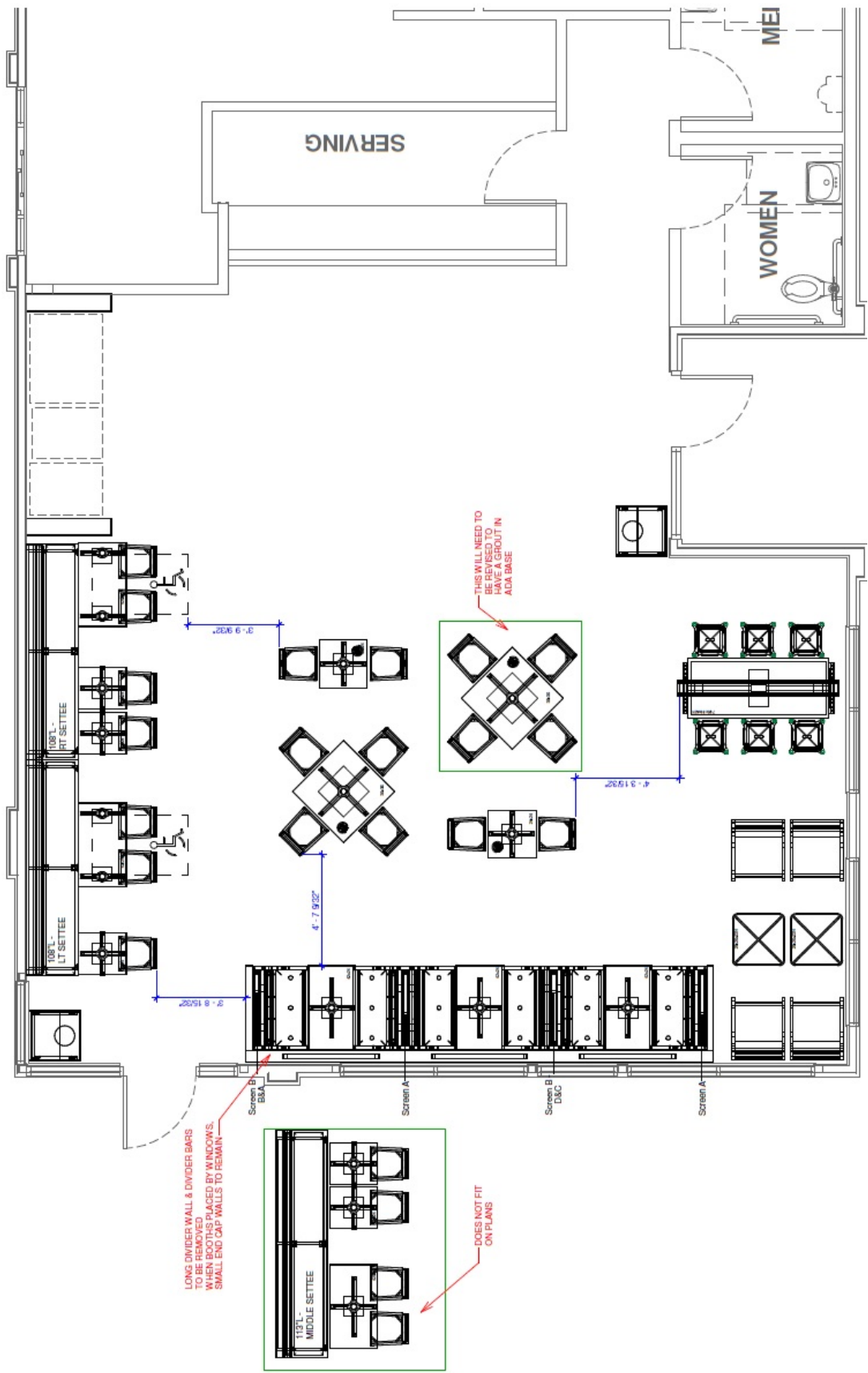


Site Plan

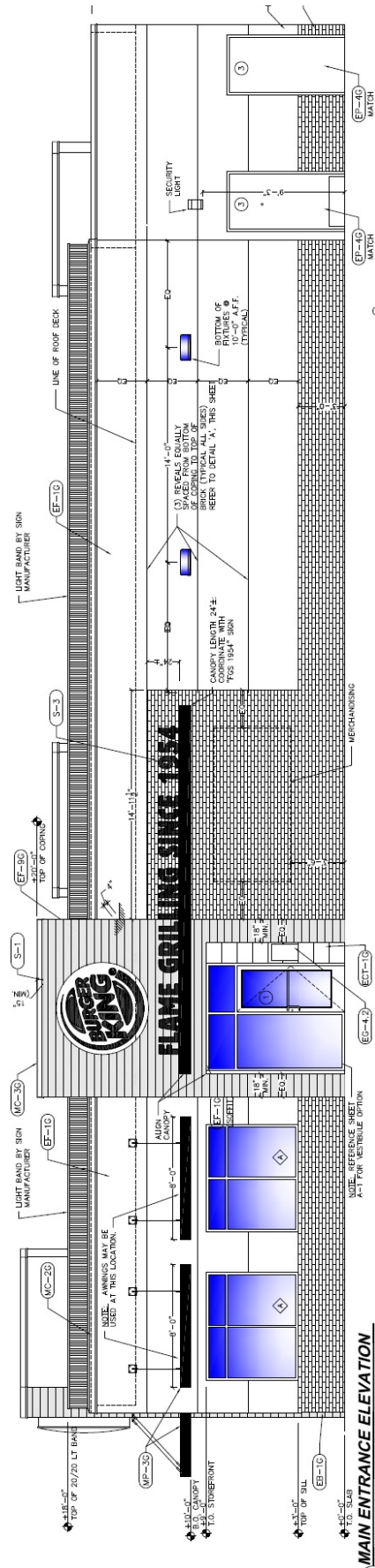


SITE PLAN

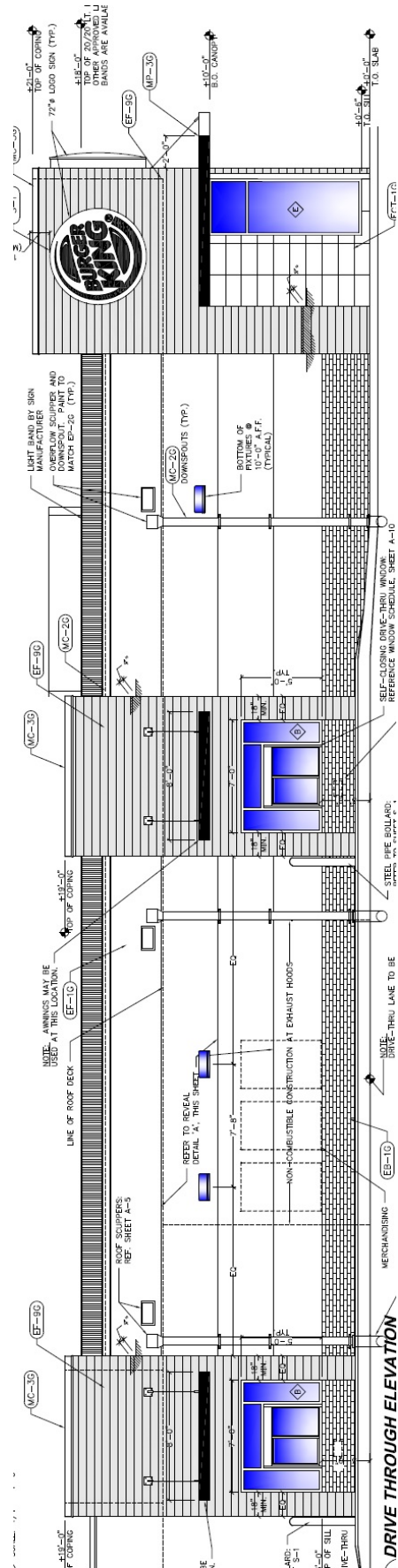
Seating Plan



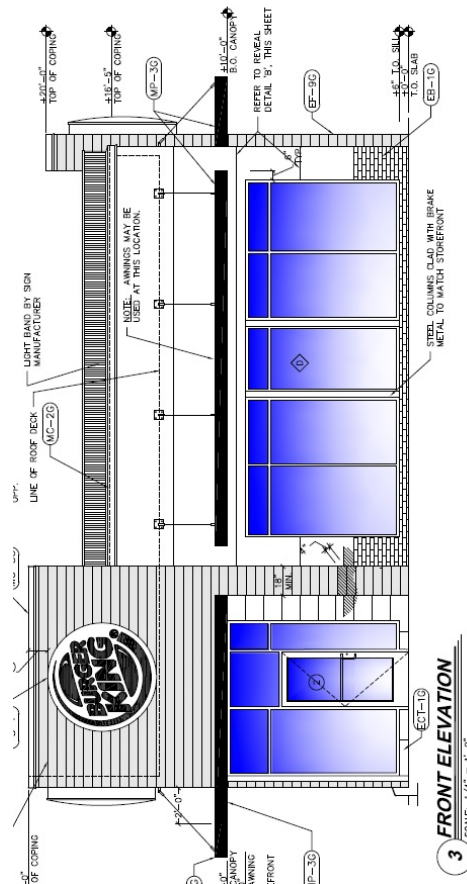
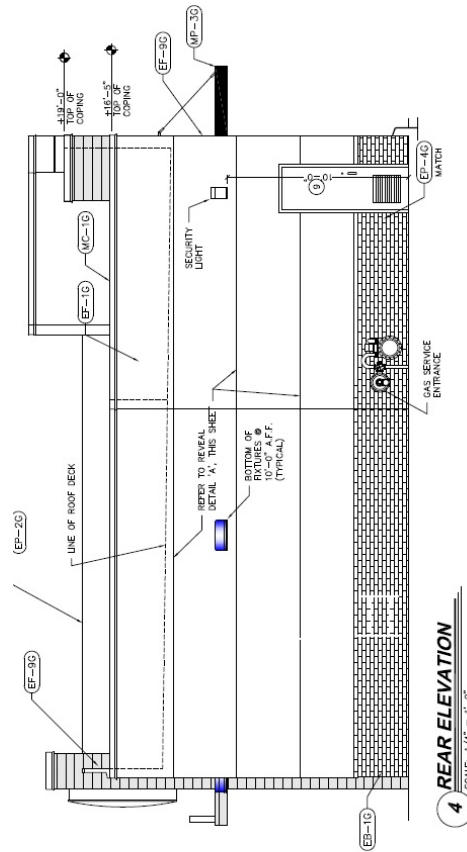
Elevations



Elevations



Elevations



Colored 3D Rendering



INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

Burger King Conditional Use Permit (CUP) 2018-05 Site Plan Review (SPR) 2018-07

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 2018-05 and Site Plan Review 2018-07

Applicant: Sunny Ghai
25 E. Airway Blvd.
Livermore, CA 94551

Owner: Pat DeSantis
PO Box 3377
Fresno, CA 93650

Location: The applicant proposes to split an existing approximately 6.2 acre parcel and utilize a portion (approximately 0.43 acres) of the parcel which is located west on South Madera Avenue (State Route 145), approximately 200 feet south of the intersection of South Madera Avenue and Gary Lane (APN: 012-320-006). The property is located within the C2 (Heavy Commercial) Zone District and the C (Commercial) General Plan land use designation.

Proposal

CUP 2018-05: An application for a conditional use permit to allow for the establishment of a drive-thru window in conjunction with the construction of a fast food restaurant (Burger King) within the C1 (Light Commercial) Zone District.

SPR 2018-07: An application for a site plan review which will guide the development of the property. The project site will be improved with the construction of a fast food restaurant encompassing approximately 2,700 square feet of gross floor area and a drive-thru stacking lane. The project site will also be improved to include a paved parking field and landscaping along the property frontages and throughout the site. Off-site improvements will be required as a component of the project proposal.

Zone District (APN: 012-320-006): C2 (Heavy Commercial)

General Plan Land Use Designation: C (Commercial)

Surrounding Land Uses and Zoning:

- South – Vacant commercial land and Shell gas station with retail shops
- North – Dollar General and Dodge/Chrysler/Jeep auto center
- West – Single-family residential neighborhood
- East – Madera County Office of Education center and Stormax mini storage facility

Responsible and Interested Agencies:

California Department of Transportation (Caltrans)

Madera County Environmental Health Division (MCEHD)

Madera Irrigation District (MID)

San Joaquin Valley Air Pollution Control Board (SJVAPCD)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. None of these factors represents a "Potentially Significant Impact" as indicated by the checklist on the following pages

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input 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 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: Robert Holt

Date: March 12, 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 type="checkbox"/>	<input checked="" 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. **No Impacts.** The project would not substantially degrade the existing visual character or quality of the site and surroundings under examination. The proposed project would not alter the landforms, view sheds, and overall character of the area.
- d. **Less than Significant Impacts.** There will be an increase in light and glare and other aesthetic impacts associated with urban development as a result of the project, although it will be a less than significant impact because lighting will be down shielded and directed per the approval of the City Engineer.

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

Would the project:

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

Discussion: The project area is located on land identified as 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 residential 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project area is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by San Joaquin Valley Air Pollution Control District (SJVAPCD). The region is classified as a State and Federal non-attainment area for PM₁₀ (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O₃).

Air quality is determined primarily by the type and amount of contaminants emitted into the atmosphere, the size and topography of the Basin, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O₃, CO, nitrogen dioxide (NO₂), PM₁₀, sulfur dioxide (SO₂) and lead (Pb). These are "criteria pollutants." The SJVAPCD also conducts monitoring for two other state standards: sulfate and visibility.

The State of California has designated the project area as being a severe non-attainment area for 1-hour O₃, a non-attainment area for PM₁₀, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O₃, a serious non-attainment area for 8-hour O₃, a serious non-attainment area for PM₁₀, and a moderate maintenance for CO.

The project will not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans. The SJVAPCD has determined that project specific emissions are not expected to exceed District significance thresholds of 10 tons/year NO_x, 10 tons/year ROG, and 15 tons/year PM₁₀. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

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

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

- a. **Less than Significant Impacts.** The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
- b. **Less than Significant Impacts.** The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- c. **Less than Significant Impacts.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors.
- d. **No Impacts.** The proposed project would not expose sensitive receptors to substantial pollutant concentrations.
- e. **No Impacts.** The proposed project would not create any new/permanent objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 will not result in any hazards to air traffic or be a substantial air safety hazard. The project will not interfere with any emergency response or evacuation plans. Truck traffic generated with construction of the project is expected to be insignificant. Traffic generated with development is not expected to be substantially higher than current volumes. The project will not bring about an increase in fire hazards in areas from flammable brush, grass, or trees.

- a. **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. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazard waste and substance sites within the City of Madera (www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm).
- e. **No Impacts.** The project site is not located within an airport land use plan or, within two miles of a public airport or public use airport. The proposed project would not bring about a safety hazard related to an 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 within a 100-year flood hazard area structures that would impede or redirect flood flows.
- i. **No Impacts.** The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- j. **No Impacts.** The project would not have any potential to be inundated by a seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not 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 type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a. **No Impacts.** The proposed project would not result in exposure of persons to or the generation of noise.
- b. **No Impacts.** The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.

- c. **Less than Significant Impacts.** The proposed project would result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project. These noise levels were anticipated as part of the development of the project site, consistent with the Madera General Plan.
- d. **Less than Significant Impacts.** The proposed project may result in some temporary increase in ambient noise levels in the project vicinity during construction of the site.
- e. **No Impacts.** The proposed project site is not located within an airport land use plan or within two miles of a public airport or public use 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The proposed project will not induce additional substantial growth in this area. The property involved does not have any existing residential uses and the project would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

- a. **Less than Significant Impacts.** The proposed project will provide employment opportunities which may induce a minimal growth in population by individuals and/or families who move to Madera in response to opportunities for employment. Roads and other infrastructure will be improved to handle the proposed development.
- b. **No Impacts.** The proposed project would not displace any existing housing, thereby necessitating the construction of replacement housing elsewhere, since the site is vacant.
- c. **No Impacts.** The proposed project would not displace any people.

XIV. PUBLIC SERVICES.

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

Discussion: The project will not result in substantial adverse physical impacts from new or altered public facilities. As development occurs, there will be a resultant increase in job opportunities, and a greater demand placed upon services, such as fire and police protection, and additional park and school facilities. 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.
- 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).
- a) **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
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **No Impacts.** The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- b) **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.
- c) **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.
- d) **No Impacts.** There will be sufficient water supplies available to serve the project.
- e) **No Impacts.** The project would not require a determination by a wastewater treatment provider.
- f) **No Impacts.** The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g) **No Impacts.** Any development project that might be proposed on the project site would be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

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

Determination:

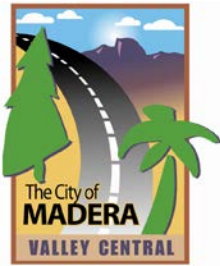
Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Greenhouse Gas Emissions, Noise, Population and Housing, Public Services, and Transportation and Traffic.

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

[Return to Agenda](#)

Item #3
REZ 2018-01, TSM 2018-03 and PPL 2018-02
Adelaide Subdivision

This item is being continued to the June 12, 2018 Planning Commission meeting.



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: General Plan Amendment – Cycle One Update of the General Plan Parks and Recreation and Circulation and Infrastructure Elements Item #4 May 8, 2018

PROPOSAL: A noticed public hearing to consider adoption of a resolution recommending to the City Council amendment of the Parks and Recreation and Circulation and Infrastructure Elements of the Madera General Plan.

APPLICANT:	City of Madera	OWNER:	Citywide
ADDRESS:	N/A	APN:	N/A
APPLICATION:	GPA 2018-01 & 02	CEQA:	2009 Madera General Plan EIR

LOCATION: Citywide

PARCEL SIZE: Not Applicable

GENERAL PLAN DESIGNATION: Not Applicable

ZONING DISTRICT: Not Applicable

ENVIRONMENTAL REVIEW: The amendments proposed within the 2018 Cycle One General Plan Amendments were contemplated and addressed within the 2009 Environmental Impact Report to the Madera General Plan.

SUMMARY: The proposed amendments to the General Plan's Parks and Recreation Element provide for consistency between the element and the recently adopted Quimby Act Ordinance. Amendments to the Circulation and Infrastructure Element correct omissions in the City of Madera General Plan Circulation Master Plan map.

APPLICABLE CODES AND PROCEDURES

Gov. Code §65358 General Plan Amendments

PRIOR ACTION

The City of Madera General Plan and its supporting Environmental Impact Report were adopted by the City Council on October 7, 2009.

ANALYSIS

Parks and Recreation Element

Recently, the City adopted an ordinance to provide for the acquisition of park lands. This ordinance was required as part of Action Item PR-10.1, which directed staff to “evaluate and implement, if adopted, a Park Impact and Parkland Dedication Ordinance consistent with the Quimby Act.” With adoption of the ordinance, certain edits reflective of the implementation of the new Quimby Act ordinance are necessary within the Parks and Recreation Element in order to provide consistency between the General Plan element and the new ordinance.

Although dispersed throughout the element, the majority of edits within the document address the question of what lands may be counted toward the required three acres of park space per each one thousand residents as required within the recently adopted Quimby Act ordinance. In the 2009 General Plan Parks and Recreation Element, a policy was put in place where all land less than three acres in size could not be counted toward satisfying the three acres per thousand requirement. That policy is not consistent with the Quimby Act, thus requiring amendment of the element. Those areas once considered ineligible for park dedication had been named “Non-Park Public Areas” within the element. Those titles have been changed to “Other Park Areas” since, in many instances, these less-than-three-acre properties may be counted toward the three acres per one thousand resident requirement. Excerpts of the General Plan Parks and Recreation element are included as Exhibit A.

Circulation and Infrastructure Element

The proposed update to the Circulation and Infrastructure Element changes the street classification of three street segments in the City. The purpose for the proposed changes is to correct omissions and update the adopted circulation map. The following street segments are proposed for reclassification:

- 1.) Granada Drive, between Cleveland Avenue and Kennedy Street – from Local to Collector Street
- 2.) Kennedy Street, between Lake Street and Austin Street – from Local to Collector Street
- 3.) Gateway Drive, north of Almond Avenue to the State Route 99 off-ramp onto Gateway Drive –from Local to Arterial Street.

In each case, these changes are corrections to the adopted map, which is attached as Exhibit B. The City Engineer has identified the need to make these corrections so as to accordingly reflect each road segments function within the City’s network of streets, protecting the capacity of the roadway and the speed of traffic, subsequently providing suitable street facilities into the future.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is “a well-planned city.” The maintenance of the General Plan actively implements this key concept of the Vision Plan.

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports a recommendation to the City Council to approve the proposed amendments to the Parks and Recreation and Circulation and Infrastructure Elements of the General Plan. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and adopt a resolution making such recommendations to the City Council.

PLANNING COMMISSION ACTION

The Commission will be making a recommendation to the City Council regarding the proposed amendments to the City's General Plan.

Motion 1: Move to adopt a resolution recommending to the City Council adopt a resolution approving amendment of the Parks and Recreation and Circulation and Infrastructure Elements of the Madera General Plan.

(OR)

Motion 2: Move to continue amendment of the Parks and Recreation and Circulation and Infrastructure Elements of the Madera General Plan to the June 12, 2018 Planning Commission hearing, based on the findings: (specify reason)

Motion 3: Move to deny the application: (specify reason)

Attachments

Planning Commission Resolution
Exhibit A – Amended Parks and Recreation Element
Exhibit B – Amended General Plan Master Circulation Map

RESOLUTION NO. 1828

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA APPROVAL OF AMENDMENTS TO THE GENERAL PLAN PARKS AND RECREATION ELEMENT NECESSARY TO PROVIDE CONSISTENCY WITH THE ZONING ORDINANCE AND THE GENERAL PLAN CIRCULATION AND INFRASTRUCTURE ELEMENT IN ORDER TO CORRECT OMISSIONS IN THE CIRCULATION MASTER PLAN MAP

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

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

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

WHEREAS, the City has recently adopted a Park Impact and Parkland Dedication Ordinance consistent with the Quimby Act; and

WHEREAS, adoption of the Park Impact and Parkland Dedication Ordinance necessitates certain amendments to the Parks and Recreation Element of the General Plan be completed in order to provide consistency between the Ordinance and the Parks and Recreation Element, as shown in the attached Exhibit A; and

WHEREAS, the City recently discerned certain omissions in the City of Madera General Plan Circulation Master Plan map contained within the Circulation and Infrastructure Element of the General Plan; and

WHEREAS, the aforementioned omissions to the City of Madera General Plan Circulation Master Plan map have been addressed in the amended map, as shown in the attached Exhibit B; and

WHEREAS, the proposed amendments to the General Plan will provide consistency between the General Plan, Zoning, and existing and future land uses; and

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

WHEREAS, the proposed amendments to the General Plan were contemplated and addressed within the 2009 Environmental Impact Report to the Madera General Plan.; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information, and considered testimony received as a part of the public hearing process.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.
2. The Planning Commission has considered and confirmed that the proposed amendments to the General Plan were contemplated and addressed within the 2009 Environmental Impact Report to the Madera General Plan; and
3. Based upon the testimony and information presented at the hearing, and all evidence in the whole record pertaining to this matter, the Planning Commission hereby recommends the approval of the proposed amendments to the General Plan.
4. The proposed amendments are hereby found consistent with all elements of the Madera General Plan.
5. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of May, 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr., Chairperson
Planning Commission

Attest:

Christopher F. Boyle
Planning Manager



CHAPTER 11: PARKS AND RECREATION ELEMENT

PURPOSE

This Element establishes goals and policies that plan for the existing and future parks and recreation needs of the community. While not as specific as the Parks and Recreation Master Plan, this Element establishes a framework to ensure adequate public parks, trails and recreation facilities as the city grows and changes.

INTRODUCTION

The City of Madera recognizes the importance of quality recreation and parks in making Madera a great place to live and do business. As described in Vision Madera 2025, the community envisions safe, well-maintained parks and recreational centers conveniently located and accessible throughout the community. Residents expressed a strong desire for every neighborhood to have a park within safe and easy walking distance.



The City's existing parks system serves thousands of residents and visitors each year and plays an important role in the physical, mental, social, and environmental health of the Madera community. Civic leaders understand that a quality park, recreation, and open space system strengthens the community through improved quality of life, economic development, cultural unity, human development and health and wellness.

This Element of the General Plan works in concert with the **Parks and Recreation Master Plan** (adopted separately) to identify existing facilities and programs, assess how they are used, identify where additional park facilities and/or programs are needed, and provide guidelines to best meet these needs. Both documents serve as a framework of goals and policies to assure efficient stewardship of the City's parks and public spaces, recreation facilities, and natural resources. This Parks and Recreation Element provides more general guidance; the Parks and Recreation Master Plan, by comparison, is a detailed action plan for the Department of Parks and Community Services.

Madera's parks and recreation facilities are thoroughly enjoyed by residents, with sports fields and picnic areas often at capacity. While there are more than 320 acres¹ of parks and recreation, there are not currently (2008) enough fields for popular sports such as soccer and baseball. The City's neighborhood parks are predominately located in the eastern half of the city.

¹ Note: This figure includes the City's 180-acre golf course. Public parks total approximately 143 acres.

CITY PARK AND RECREATION FACILITIES

Open Space in Madera



The Fresno River is a major open space resource for Madera.

The issue of Open Space is closely related to Parks and Recreation. While open spaces are not “parks,” they can provide important benefits for both Madera residents and the natural systems that still exist in the Planning Area. *The City’s goals and policies for the preservation of open space for a variety of uses (protecting natural open areas, watersheds, and environmentally sensitive areas such as creeks and riparian areas; preserving farmland; and ensuring the safety of persons and property) are addressed in the Conservation, Land Use, and Health and Safety Elements of this General Plan. The reader is invited to consult those Elements for detailed policies and actions dealing with open space in all its forms.*

The City provides extensive recreation and community facilities for its residents. Madera manages eight community centers in the city, as well as an additional five senior centers in the unincorporated area outside the city. One of the most popular destinations in the hot summer months is the aquatic center at Centennial Park.

In addition to Madera’s Municipal Golf Course, a full range of recreational opportunities are offered in the park system including soccer fields, baseball and softball fields, volleyball and basketball courts, tournament-level horse-shoe pits, an outdoor amphitheater, playgrounds, a skate park, a community garden, and the Vern McCullough Fresno River trail.

Existing (2008) parks in Madera are shown in **Table PR-A**, on the following page.

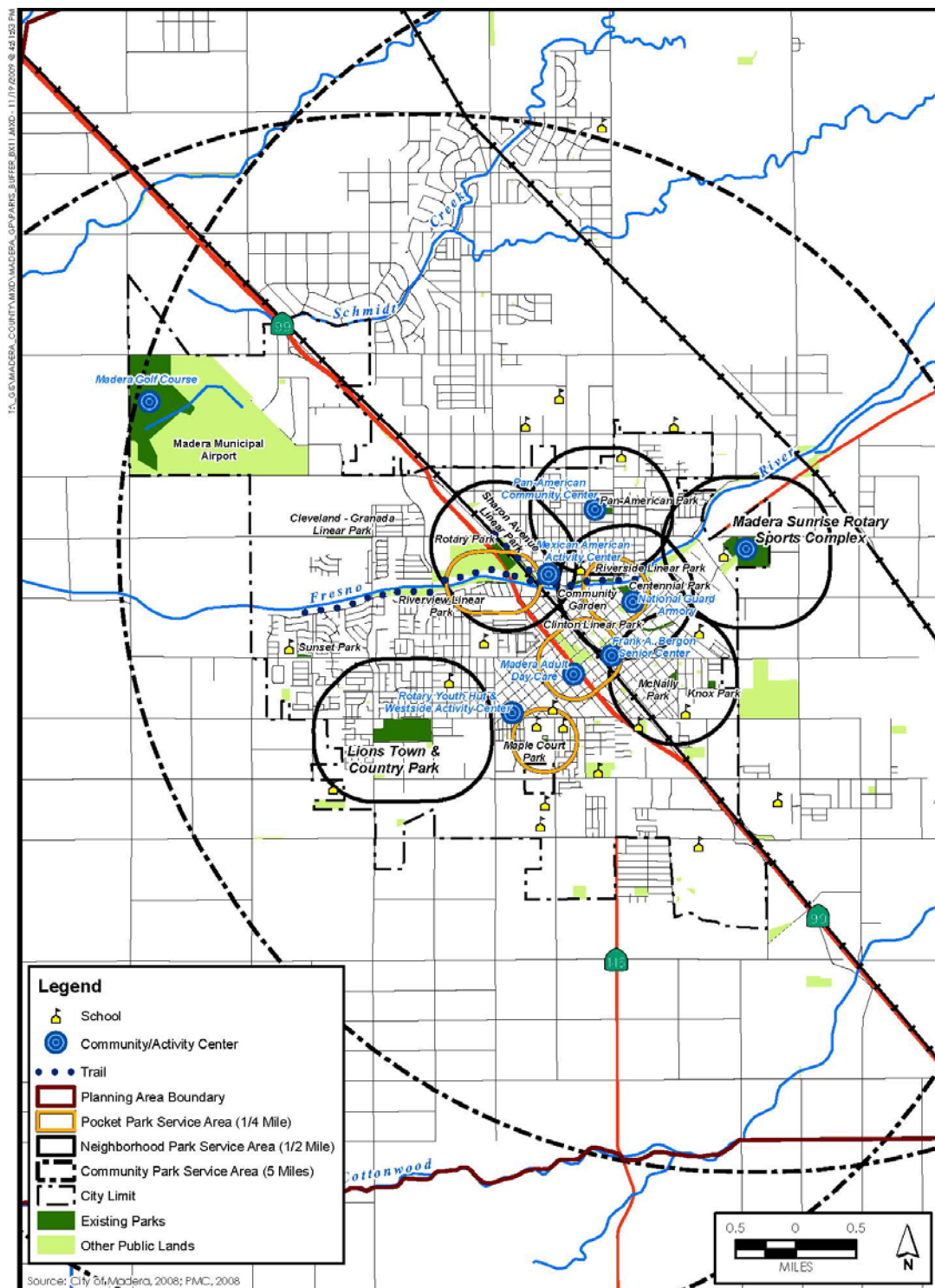
Another notable feature of Madera’s parks system is the Vern McCulloch Fresno River Trail. Vision Madera 2025 describes the River Trail as a recognized feature of the city, providing valued recreation, access and mobility opportunities for pedestrians, runners and bicyclists.

TABLE PR-A: EXISTING (2009) PUBLIC PARKS IN MADERA

Parks by Classification	Acres
Community Parks	
Lions Town & Country Community Park	50.36
Madera-Sunrise Rotary Sports Complex	48.94
Rotary Park	9.67
Total Community Park Acreage	108.97
Neighborhood Parks	
Centennial Neighborhood Park	3.53
Knox Neighborhood Park	2.09
McNally Neighborhood Park	1.93
Pan-American Neighborhood Park	4.66
Total Neighborhood Park Acreage	12.21
Pocket Parks	
Community Garden (Pocket Park)	0.31
Maple Court Pocket Park	0.41
Riverview Pocket Park	0.65
Sunset Park	1.40
Total Pocket Park Acreage	2.77
Linear Parks	
Cleveland-Granada Linear Park	2.24
Clinton Linear Park	2.07
Riverside Linear Park	3.31
Sharon Avenue Parkway	1.50
Total Linear Park Acreage	9.12

Parks by Classification	Acres
Trails	
Vern McCullough Fresno River Trail	12.45
Total Trails Acreage	12.45
Special Use Facility	
Madera Municipal Golf Course	179.95
Total Special Use Facility Acreage	179.95
County Parks	
Parkwood Neighborhood Park (not in City boundary)	2.24
Courthouse Park	3.25
Total County Acreage in Madera	5.49
Total Acreage	
Total Parkland within City	325.47
Total City of Madera Developed Parkland	145.52

FIGURE PR-1: EXISTING PARKS



PARKS AND RECREATION GOALS

The City's Parks and Recreation Goals, shown below, are based on the outcomes of Madera Vision 2025, which set out a number of specific steps that would be followed to create an enhanced parks and recreation system. These goals (and the policies and actions that follow) define in broad terms **what** the City desires for its parks and recreation system and **how** it will be implemented.

The goals, policies, and actions in this Element provide guidance to Madera's decision-makers, residents, and staff on how to achieve the City's future park and recreation system.

GOAL PR-1

Park Facility Goal: A system of parks and recreation facilities and programs that enhance quality of life; improve public health and safety; are distributed throughout the city; and are responsive to the needs and interests of the people who live and work in Madera.

GOAL PR-2

Recreation Goal: Recreation programs and community services that respond to resident needs, promote community, strengthen neighborhoods, and encourage healthy lifestyles.

GOAL PR-3

Implementation Goal: Adequate and reliable funding for the acquisition, development, rehabilitation, and maintenance of parks, community facilities, recreation facilities, trails, and other park-related facilities.

PARKS AND RECREATION POLICIES

The policies and actions below are arranged into categories, based on their focus. Policies are provided for:

- Parks and Facilities;
- Implementation;
- Connectivity and Access to Trails and Parks;
- Neighborhood Park Distribution and Planning;
- Recreation Facility Uses and Distribution;
- Recreation Program Types And Distribution;
- Park and Green Space Design.

Goals, policies, and actions related to Open Space are found in the Conservation Element of this General Plan and in the Land Use Element.

PARKS AND FACILITIES POLICIES

The following policies define the City's overall standards for the physical facilities that make up the parks system. These policies implement the **Park Facility Goal** and, by providing areas for recreation, help implement the **Recreation Goal**.

Policy PR-1►

The City shall endeavor to develop and maintain a complete system of public parks distributed throughout the City that provides opportunities for passive and active recreation at a minimum of 3 (three) acres per 1,000 (one thousand) residents.

Policy PR-2►

The following are the City's Park and Landscape Area Classifications. These Classifications are described in more detail in the City's Parks and Recreation Master Plan, which should be consulted for in-depth information on the features that may be provided in each type of facility.

The Classifications below cover two general types of facilities:

- **Public Parks** are those areas which the City considers to be part of the parkland area requirement stated in Policy PR-1. These include Neighborhood, Community, and Regional Parks, together with Sports Complexes and Special Use Facilities.
- ~~[Non-Park Public Other Park Areas~~ which are not "parks," but which serve other,] parks-related functions. These include Paseo/greenbelt areas and Linear Landscape Areas, Pocket Parks, open space, etc.

Descriptions of each type of facility are provided below. Expanded descriptions and requirements are included in the City's Parks and Recreation Master Plan.

PUBLIC PARK TYPE: NEIGHBORHOOD PARK

Neighborhood Parks are the most important type of park in Madera. Neighborhood Parks are large enough to include both passive and active facilities (including sports fields), but are small enough to be placed in neighborhoods, where they serve the needs of residents in a local setting.

Neighborhood Parks are typically five (5) to ten (10) acres size, but must be at least three (3) acres.

Neighborhood Parks serve the recreation needs of their neighborhood, including limited organized/league use. Because they are usually located in neighborhoods, Neighborhood Parks are designed and operated to minimize use, noise, and traffic impacts.

Locations for Neighborhood Parks will be based on a variety of factors, including the population and demographics of residents in the park's service area and major physical boundaries. Neighborhood Parks should generally be located with a $\frac{1}{4}$ - $\frac{1}{2}$ mile walk from the neighborhood it serves, uninterrupted by arterial roads or other physical barriers.

PUBLIC PARK TYPE: COMMUNITY PARKS

Community Parks are intended to serve the recreational needs of several neighborhoods. Where possible, they should be developed in a coordinated fashion with adjoining schools and are best located on/or near arterial streets.



Pan-American Park in Madera is an example of a Neighborhood Park.



The Pan American Community Center is one example of a facility that could be provided at a Community Park.



This open space area shows the kind of Regional Park that could be established in the Madera Planning Area.



In the aerial photo above, a sports complex that includes sports fields, baseball diamonds, running tracks, and track & field facilities has been built in conjunction with a high school/middle school.

Community Parks are within 1-3 miles of every residence. Community Parks are generally twenty (20) to fifty (50) acres in size.

A Community Park may serve as the Neighborhood Park for the neighborhood in which it is located.

PUBLIC PARK TYPE: REGIONAL PARK (LARGE URBAN PARK)

Regional Parks are the largest type of park. Regional Parks serve the population of several urban areas, providing a respite from urban lifestyles. Regional Parks may feature wooded areas and varying topography.

Regional Parks are generally built by counties or other agencies with a regional scope. In Madera, the City may participate in the development and operation of Regional Parks, but will likely not take the lead, focusing instead on serving the needs of City residents.

Because of the number of persons they serve, Regional Parks are generally at least fifty (50) acres and are optimally seventy-five (75) acres in size or larger.

PUBLIC PARK TYPE: SPORTS COMPLEX

A Sports Complex is a large facility consolidating heavily programmed athletic fields and associated facilities. Sports Complexes are devoted to providing fields and facilities for active sports, and will generally include only limited passive facilities (such as picnic areas and playgrounds).



Enjoying a round of golf at Madera's municipal course.



In order to accommodate enough fields and facilities, Sports Complexes will generally be at least twenty-five (25) acres in size, with 40-50 acres being optimal.

PUBLIC PARK TYPE: SPECIAL USE FACILITY

A Special Use Park includes a broad range of parks and recreation facilities oriented toward single-purpose use. These parks may provide a recreational facility or amenity unique to a community or site and may include active and/or passive activities.

Special Purpose Parks are designed to meet the needs of the facility, site and users. They should be strategically located in the community and easily accessible.

The City has one special-use facility: an 18-hole municipal golf course immediately west of the airport. The public facility is owned by the City and is operated as a daily fee course. In addition to golf, the facility also offers banquet facilities on a rental basis.

Additional special-use facilities would be planned, acquired, or developed at the discretion of the City to meet needs identified in the Parks and Recreation Master Plan. Examples of other special-use facilities include nature or environmental education centers, aquatic parks, tennis complexes, stadiums, dog parks, and off-road BMX and bicycle complexes.

Special use facilities will be planned and developed consistent with the Parks and Recreation Master Plan. *The City will determine on a case-by-case basis whether special use facility counts toward the City's parkland standard in Policy PR-1.*

~~[NON-PARK PUBLIC OTHER PARK]~~ AREA: TRAILS



Trails provide for recreation, bring people into open space areas, and can provide an alternative to motor vehicle use.

Trails are a multi-purpose facility that will generally be located in a park or open space area, although they may also be built on private lands or on lands controlled by another agency (such as a flood control agency).

Trails emphasize safe travel for pedestrians and (where appropriate) bicyclists. Trails serve to connect parks in the City's system or to provide a pleasant means of travel in the city and outlying areas.

Trails are different from on-street bike paths in that they are separate from a roadway. *(For information on bike paths located within the road right-of-way, please see the Circulation/Infrastructure Element of this General Plan.)*

The City's standard is to provide 0.5 linear miles of trail per 1,000 population, or as needed to provide adequate connections to parks and other centers of activity. Generally, all homes should be located within reasonable walking distance of a trail access point, which may include a paseo/greenbelt, a linear landscape area, or a park.

~~[Trails are important facilities, but do not count toward the City's parkland standard in Policy PR-1. The City will determine on a case-by-case basis whether a trails facility counts toward the City's parkland standard in Policy PR-1.]~~



In the photo above, a paseo/greenbelt passes through a neighborhood. A trail in the paseo/greenbelt connects with a public park (upper right) and to a larger trail system.



This utility corridor includes a walking trail.

[NON-PARK PUBLIC OTHER PARK] AREA: PASEOS/GREENBELT

“Paseos” or “greenbelts” are linear open space areas which provide pedestrian connections between neighborhoods and open space, and can be a buffer between different land uses. They may include amenities similar to those commonly found in pocket parks.

Paseos/greenbelts differ from Linear Landscape Areas (described below) in that they generally are located within a residential or other area and are not adjacent to a roadway.

Paseos/greenbelts should be located to serve as connectors between parks, schools, residential and commercial areas, and should optimally be at least 100 feet wide (although narrower paseos/greenbelts may be provided where more land is not available).

Paseos/greenbelts can be designed and built as part of residential areas, or can make use of strips of public land next to canals or to creeks. Utility corridors within which other uses are not appropriate can also be used as paseos/greenbelts. *(In the photo at left, a trail is located in a greenbelt area located under high tension electrical lines, reclaiming this land for public use.)*

A typical design for paseos/greenbelts is to have these features run through residential areas where housing will front streets and back onto a paseo/greenbelt containing a trail, trees and grass.

Paseos/greenbelts may be an appropriate reuse of abandoned railroad right-of-way.

~~[Paseos/greenbelts are important facilities, but do not count toward the City's parkland standard in Policy PR-1. The City will determine on a case-by-case basis whether paseos/greenbelts count toward the City's parkland standard in Policy PR-1.]~~



In the photo above, linear landscape areas flank both sides of a roadway. A meandering trail is located in the linear landscape area, providing a safe place for walking and bicycling that is separated from vehicle traffic.

~~[NON-PARK PUBLIC OTHER PARK]~~ AREA: LINEAR LANDSCAPE AREAS

Linear Landscape Areas are areas adjacent to major roadways where a wider landscaped area is dedicated in order to allow the installation of pathways or simply to provide more landscaping.

The additional distance and landscaping in a Linear Landscape Areas can help provide a buffer between residential areas and the noise from major streets.

Linear landscape areas will most often be maintained through a homeowners association or lighting & landscape district, funded by property owners.

~~[Linear landscape areas are important facilities, but do not count toward the City's parkland standard in Policy PR-1. The City will determine on a case-by-case basis whether linear landscape area counts toward the City's parkland standard in Policy PR-1.]~~



Tot lots (shown above) are a common feature of pocket parks.

~~[NON-PARK PUBLIC OTHER PARK]~~ AREA: POCKET PARK

Pocket parks are typically built only to serve a specific need or where the development of a larger park (such as a Neighborhood Park) is not possible.

Pocket Parks are up to three (3) acres in size, and are often developed on unused or vacant lots.

Pocket parks will be located primarily based on the availability of land. A Pocket Park should be located in close proximity to the neighborhood it is intended to serve, so that residents can easily walk to the park.

~~[Pocket parks built after 2009 will be maintained through a private entity such as a homeowners association or through a landscape, lighting, and maintenance district.]~~

~~The City no longer accepts Pocket Parks for dedication as public parks. Pocket Parks which existed prior to April 2009 do] count toward the City's parkland standard in Policy PR-1.~~

~~[NON-PARK PUBLIC OTHER PARK]~~ AREA: OPEN SPACE

Open Space is land that is set aside for a variety of reasons:

- Preservation of natural resources (e.g. vegetation communities, fish, wildlife, and associated habitats);
- Conservation of the managed production of resources (e.g. agriculture lands, rangelands, woodlands, aggregate deposits);
- Public health and safety (e.g. water quality basins, flood easements, river levees);



Open space areas can include a variety of resources. In the example above, forested areas have been set aside for the enjoyment of future generations.

- Public services (e.g. utility easements, community gardens); and
- Urban form/scenic resources (e.g. community separators/gateways, greenways/highway corridors, and urban reserves).

Open Space will generally be set aside as mitigation for impacts (such as the loss of wildlife habitat) or in connection with another facility (such as utility corridor). The size of the Open Space area will be based on the land's primary function.

Open Space set aside for mitigation or other public uses may be owned and/or maintained by a public agency (including the City of Madera) or by a land conservancy or trust set up for this purpose.

Open Space does not count toward the City's parkland standard in Policy PR-1.

The City's goals and policies for the preservation of open space for a variety of uses (protecting natural open areas, watersheds, and environmentally sensitive areas such as creeks and riparian areas; preserving farmland; and ensuring the safety of persons and property) are addressed in the Conservation, Land Use, and Health and Safety Elements of this General Plan. The reader is invited to consult those Elements for detailed policies and actions dealing with open space in all its forms.

Policy PR-3►

The following are the City's Park and Recreation Facility Service Level Standards. The City does not expect to construct or maintain all of the facilities needed to achieve these standards. Some facilities will be provided by other agencies (such as school districts) whose facilities are open to the public.

TABLE PR-B: PARK AND RECREATION FACILITY SERVICE LEVEL STANDARDS

Recreation Facility	Number of facilities per capita
Aquatic Facilities	
Play Pool/Water Spray Feature	1 per 15,000
Outdoor complex: swimming and wading pool	1 per 30,000
Miscellaneous Park Facilities	
Community Gardens	1 per 50,000
Dog Park (Off-leash)	1 per 60,000
Golf Course - 18-hole	1 per 50,000
Nature Interpretive Center	1 total
Playgrounds: Tot Lots, Play Areas	1 per 5,000
Picnic Areas (Large Group)	1 per 20,000
Skate Park	1 per 50,000
Trails (miles)	0.50 miles per 1,000
Fields	
Baseball, Softball – Adult	1 per 15,000
Baseball, Softball – Youth	1 per 5,000
Soccer Field - Adult	1 per 10,000

Recreation Facility	Number of facilities per capita
Soccer Field - Youth	1 per 3,500
Football Field	1 per 20,000
Courts	
Basketball Court- Outdoor	1 per 5,000
Basketball Court - Indoor	1 per 5,000
Tennis Court	1 per 7,500
Volleyball Court	1 per 7,500

IMPLEMENTATION POLICIES

The following policies define how the City will implement the parks system defined in this Element of the General Plan and in the City's Park and Recreation Master Plan. These policies are related to the **Implementation Goal** and, by extension, the **Park Facility Goal**.

Policy PR-4►

The City shall acquire, develop, and maintain parks and recreation facilities in accordance with the City's Park and Recreation Master Plan, and with the City's Park Classifications and the Park and Recreation Facility Service Level Standards. All lands offered for dedication must be of size, orientation, location, and suitability to provide park and recreation facilities consistent with this General Plan and the Park and Recreation Master Plan.

Note: Please see Policy PR-21, which establishes Neighborhood Parks as the City's first priority in new park development.

Policy PR-5►

Parks and other facilities will be accepted into the City's system at the City's sole discretion. Land which is proposed to be dedicated to the City will not be accepted if it does not meet the requirements of this Element and/or the Park and Recreation Master Plan.

Policy PR-6►

The City encourages the integration of parks and other facilities in the master-planning of development projects. Proposed parks on remnant parcels or otherwise unusable land which do not meet the City's standards will not be accepted by the City as a park by the City and do not count toward the City's parkland standard in Policy PR-1. They may become ~~[Non-Public~~ Other Park Area] facilities if there is a permanent maintenance mechanism provided, such as a landscape maintenance district.

Policy PR-7►

The development of parks in new growth areas of the City, where residential projects trigger the need for a new park(s), shall be phased and/or timed with the goal of meeting the standards of this Element and the Parks and Recreation Master Plan at all times. New development should be phased or timed in such a way as to avoid situations where insufficient park or other facilities are provided either permanently or temporarily. The City recognizes that this may require the development of parks or other facilities larger than will be needed at the time in order to ensure that standards will be maintained as future residential development occurs.

Note to the Reader: Please see the "Building Blocks" policies in the Land Use Element of this General Plan for additional information on the master-planning requirements that affect many new development areas in Madera.

Policy PR-8►

The City shall endeavor to acquire new parklands, expand existing parks, or otherwise make available local parkland and open spaces in sufficient quantity to meet community demand for facilities and programs identified in the Park and Recreation Master Plan.

Policy PR-9►

Action Item PR-8.1

Ensure that a plan is prepared for each new parkland development that includes a site development plan, phasing for development, estimated cost for each phase, long-term operation and maintenance, estimated revenue generation, and funding sources for development.

The City may use a broad range of funding and economic development tools to ensure high-quality development, maintenance, and programming of City parks and recreation facilities.

Policy PR-10►

The City shall require new residential development projects, including mixed-use projects with residential components, to dedicate land and/or pay in-lieu fees to contribute to the acquisition and development of parks or recreation facilities. The determination of which method (land dedication and/or payment of in-lieu fees) is appropriate shall be made at the City's sole discretion.

Action Item PR-10.1

Evaluate and implement, if adopted, a Park Impact and Parkland Dedication Ordinance consistent with the Quimby Act.

Policy PR-11►

The City will seek to provide park facilities in areas of Madera which do not meet current standards so that all areas of the city are equitably served. The City recognizes that building new or expanded parks in already developed areas may not occur at the same pace as the development of parks in newly developed areas, and that equity is a long-term goal.

Policy PR-12►

The City will seek to provide park and recreation programs in all areas of Madera. This may be accomplished in part by the use of public and private facilities where City-owned facilities are not available.

Policy PR-13►

The City encourages the co-location of new parks, and recreation facilities with schools, and other public facilities where feasible and consistent with the Parks and Recreation Master Plan.

Action Item PR-13.1

Work with the Madera Unified School District to establish a joint facility development agreement that includes opportunities to build new parks adjacent to or near school sites.

Note to the Reader: Several other important Parks and Recreation issues are addressed in the Land Use Element of this General Plan. The provision of open spaces in private development projects is addressed in Policies LU-16 and LU-17. The provision of parks as one potential “neighborhood center” is addressed in the “Building Blocks” policies in the Land Use Element.

Policy PR-14►

The City will collaborate with public and private agencies to jointly plan, develop, and manage a regional park in the Planning Area.²

CONNECTIVITY AND ACCESS TO TRAILS AND PARKS

The following policies define how the City will address the idea of “connectivity,” which simply put means that all parks should be connected to their neighborhoods and to each other via sidewalks, trails, and roadways to make it easier for Maderans to get to—and use—their parks. These policies primarily implement the Park Facility Goal.

Policy PR-15►

The City shall ensure that the design and location of parks and trails reflect that active living and walkability are important to Madera’s quality of life.

² The Planning Area is shown and described in the Land Use Element of this General Plan. It includes the existing (2008) city limits, the existing Sphere of Influence, and areas outside the Sphere of Influence.

Policy PR-16▶

The City shall endeavor to improve access and connectivity to parks through provision of sidewalks, bike paths, bike lanes, and bridges where appropriate.

Policy PR-17▶

Figure PR-2 illustrates the City's planned trail system.

Policy PR-18▶

The City shall expand its system of multi-use paths and trails available for transportation and recreation uses with the goal of achieving a service level of 0.5 linear miles of trails per 1,000 residents.

Policy PR-19▶

Priority shall be given to the expansion of the Vern McCullough Fresno River Trail and the Cottonwood Creek Trail.

Action Item PR-19.1

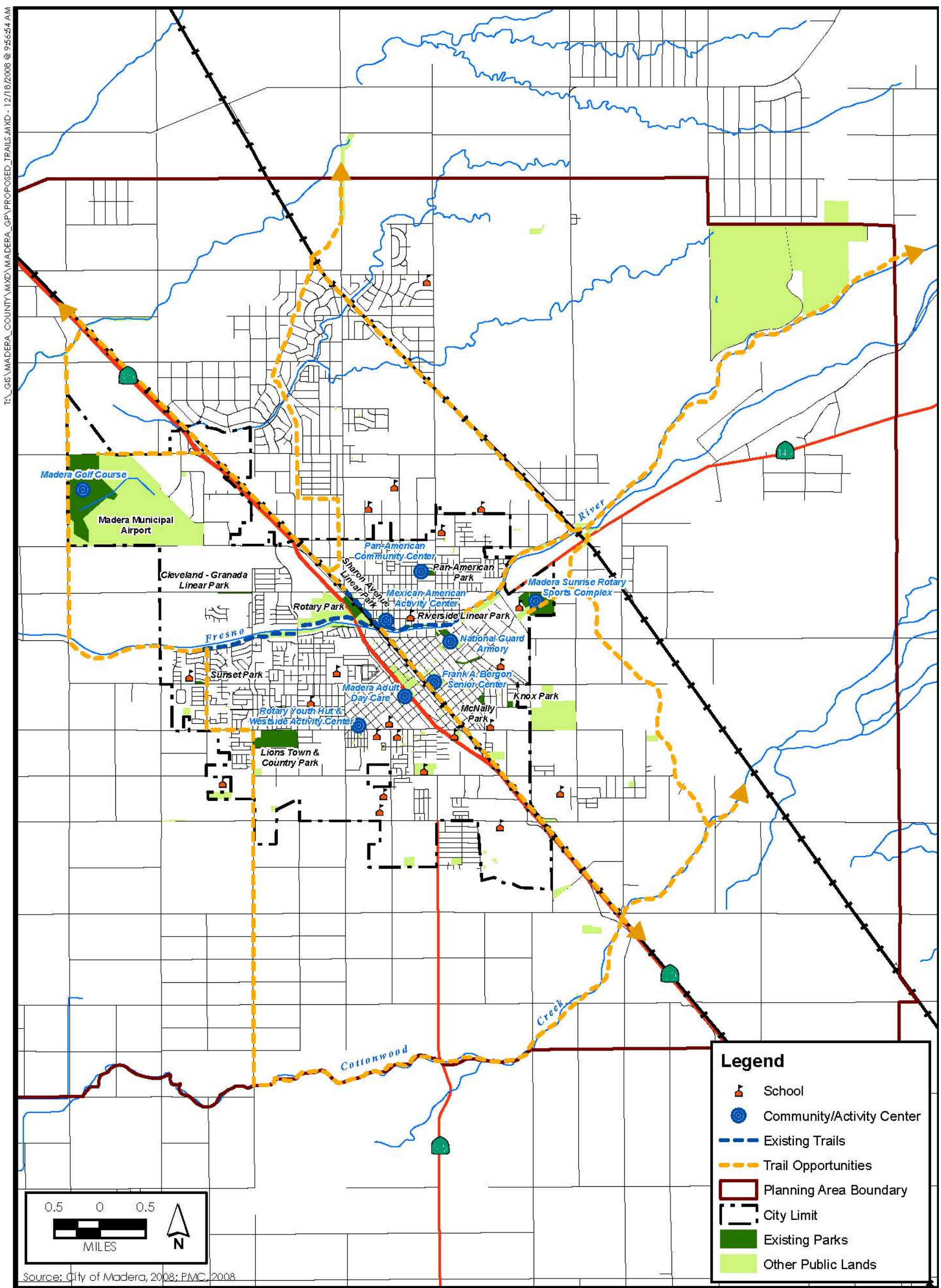
Pursue joint-use agreements to provide additional trails in conjunction with public utilities, irrigation districts, and mass transit right-of-ways and along future abandoned railroad corridors.

Policy PR-20▶

The City shall ensure that new parks provide adequate and secure onsite and offsite parking as identified in the Parks and Recreation Master Plan.

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FIGURE PR-2: TRAILS SYSTEM



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NEIGHBORHOOD PARK DISTRIBUTION AND PLANNING

The following policies define how the City will distribute Neighborhood Parks throughout Madera so that all residents have a park near them. These policies primarily implement the **Park Facility Goal**.

Policy PR-21►

The City's first priority shall be to provide Neighborhood Parks in residential areas, with emphasis on planning for and locating parks within a reasonable walking distance of established and new neighborhoods. The City will work to achieve the preservation, enhancement, and acquisition of neighborhood parks to implement this policy.

Policy PR-22►

New or renovated neighborhood parks shall provide amenities and recreation facilities consistent with the City's Park and Recreation Classifications and Level of Service Standards.

Policy PR-23►

The City shall evaluate all neighborhood parks for consistency with the City's park classifications and standards and for adequacy in meeting residents' demand through regular updates to the Parks and Recreation Master Plan and/or a Community Needs Assessment.

RECREATION FACILITY USES AND DISTRIBUTION

The following policies define how the City will ensure that parks and the facilities in them will meet the unique needs of every Madera neighborhood. These policies primarily implement the **Park Facility Goal**.

Policy PR-24►

The City shall continue private and public partnerships to provide and maintain a variety of public spaces, including community gardens where residents can plant and grow local fruit and vegetables or plant ornamental gardens that can be a source of pride and beauty in a neighborhood.

Policy PR-25►

The City shall seek to provide parks, facilities, and programs that match the needs of the population they serve. This will be done by providing a mix of passive and active recreation facilities and amenities at each park that is tailored to the needs of the park's users and by reviewing and adjusting facilities over time as the population and their needs change.

Policy PR-26►

The City shall continue to promote participation in a wide range of sports and recreation programs by utilizing fields and facilities for multiple-uses.

Policy PR-27►

The City shall collaborate with senior and youth organizations to develop recreation facilities and opportunities that foster intergenerational learning and connections.

RECREATION PROGRAM TYPES AND DISTRIBUTION

The following policies define how the City will provide recreation programs that meet the needs of Maderans in locations near them. These policies primarily implement the **Recreation Goal**.

Policy PR-28►

The City shall provide a range of recreation programs and activities to promote health and fitness among all Maderans. Examples of typical programs include:

- Preschool and elementary programs;
- Teen programs;
- Senior programs;
- Intergenerational programs;

Policy PR-29 ►

- Indoor and outdoor sports and fitness;
- Community education and recreation;
- Therapeutic recreation;
- Civic engagement;
- Arts and cultural activities;
- Drop-in activities, such as: computer lab, social lounge, and game room;
- Neighborhood development center;
- Community rentals;
- Information and referral; and
- Access to City departments and services.

The City will seek to provide recreation programs throughout the City, and will work with other public and private agencies whose meeting facilities can provide additional options for program locations.

PARK AND GREEN SPACE DESIGN

The following policies are related to the design of individual parks, and primarily implement the **Park Facility Goal**.

Policy PR-30►

The City shall implement the Recreation Facility Design Standards included in the Parks and Recreation Master Plan.

Policy PR-31►

The City shall ensure that parks are designed to meet the needs of all of its residents, including youth, seniors, and people with disabilities, and will regularly review the programs oriented toward groups with focused interests and special needs and revise them as appropriate.

Note to the Reader: The design of the City's parks is also addressed by policies in other Elements of this General Plan:

- *Parks will be subject to the requirements of Policy CON-45 in the Conservation Element, which supports “green” building practices at all City facilities.*
- *The design of parks to reduce crime and anti-social behavior is addressed in Policy HS-38 and Policy HS-39 in the Health and Safety Element, which calls for the use of crime-prevention techniques in all new development.*
- *The use of design elements reflective of Madera's unique character is addressed in Policy CD-2 in the Community Design Element, which provides for the creation of comprehensive Design Guidelines for all public and private development projects.*
- *The City's “urban forest” and the creation of a Master Tree Plan that would guide the planting of trees in parks and other public areas is addressed in Policy CON-31 in the Conservation Element.*

Policy PR-32►

The City will provide the resources (personnel and funding) necessary for the appropriate level of maintenance required for the success of all parks, recreational facilities, and natural open space areas.

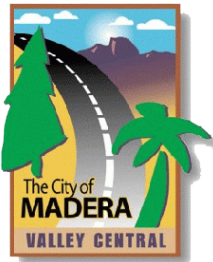


Policy PR-33►

The City shall consider operation and maintenance costs in the design of all park improvements and recreation facilities. These costs should be considered prior to acquisition and acceptance of new facilities.

NOTE REGARDING “OPEN SPACE”

The issue of Open Space is closely related to parks and recreation. While open spaces are not “parks,” they can provide important benefits for both Madera residents and the natural systems that still exist in the Planning Area. The City’s goals and policies for the preservation of open space for a variety of uses (protecting natural open areas, watersheds, and environmentally sensitive areas such as creeks and riparian areas; preserving farmland; and ensuring the safety of persons and property) are addressed in the Conservation, Land Use, and Health and Safety Elements of this General Plan. The reader is invited to consult those Elements for detailed policies and actions dealing with open space in all its forms.



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Frank's Auto Repair - Performance Review CUP 2015-27 & SPR 2015-31 NP #1 – May 08, 2018

PROPOSAL: A six-month performance review of Conditional Use Permit 2015-27 allowing for the establishment of an auto repair shop.

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

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

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

PARCEL SIZE: Approximately 15,000 square feet

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

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

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

SUMMARY: Approved in December of 2015, Conditional Use Permit 2015-27 allows for the establishment of an auto repair shop. In 2017, the Planning Department observed that the operator of Frank's Auto Repair shop was not operating consistent with the conditions of approval. Initial communication with the property owner and the operator went unanswered resulting in a performance review of the conditional use permit. The Planning Commission moved to approve monthly inspections of the project site for compliance for a period of six (6) months. During the six month period, the operator has resolved non-compliant issues on the site. It has have been observed that the property owner and the applicant are willing and able to operate consistent with the conditions of approval.

APPLICABLE CODES AND PROCEDURES

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

PRIOR ACTION

Site Plan Review 1985-01 allowed for the construction of the building, and Site Plan Reviews 1986-12 and 1987-19 were completed to allow for changes to the site to bring it to a current City standard during that time. Conditional Use Permit 2015-27 and Site Plan Review 2015-31 allowed for the establishment of an auto repair shop. Conditional Use Permit 2016-03 and Site Plan Review 2016-09 allowed for the establishment of a church.

ANALYSIS

History

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

In the months leading up to the October 10, 2017 review, staff received complaints from the neighboring church about Frank's Auto Repair's noncompliance with operational conditions of approval. According to the complaints, the business was storing vehicles overnight and working beyond the business' hours of operation. Staff visited the site during the early morning hours on various days and observed that cars were being stored overnight. Other issues of non-compliance were noted.

At the October 10, 2017 review, the Planning Commission approved a strategy calling for monthly inspections of the project site for a period of six (6) months. During that six month period, the property owner and applicant were required to comply with operational conditions of approval and outstanding site improvements.

Findings of Review

Both the applicant and the property owner have taken proactive steps to ensure compliance on the site. Staff has not observed any further overnight storage of vehicles related to the Frank's Auto Repair business. During the monthly inspections, there has been no indication that the applicant has continued to conduct repair work outside the structure. The property owner has implemented the same operational standards for all tenants on the project site as means of ensuring continued compliance on the site.

During the six month period, the applicant has also complied with the required on-site improvements. Frank's Auto Repair has secured the necessary sign permits and removed any unpermitted signage. The site has been rehabilitated with healthy landscaping and has generally been maintained clear of all trash, rubbish, and debris.

Attached is the matrix of the conditions of approval for Conditional Use Permit 2015-27. These conditions were evaluated by staff for compliance. During the most recent field inspection conducted on April 17, 2018, the site appears to be in full compliance with the conditions of approval. Frank's Auto Repair has been advised on multiple occasions to operate in compliance to avoid further action. Thus far, the applicant has been cooperative and proceeded to operate consistent with the conditional use permit.

RECOMMENDATION

It is recommended that at this time no further review of Conditional Use Permit 2015-27 be scheduled as determined to be appropriate by the Planning Commission.

PLANNING COMMISSION ACTION

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

- find that further review of the use permit is not warranted at this time; or
- extend the review process for an additional period of time

Motion 1: Based on the following findings, move to find that further review of Conditional Use Permit 2015-27 is not warranted at this time.

Findings

- Staff has observed compliance with the conditions of approval, warranting a no further action of Conditional Use Permit 2015-27 at this moment.

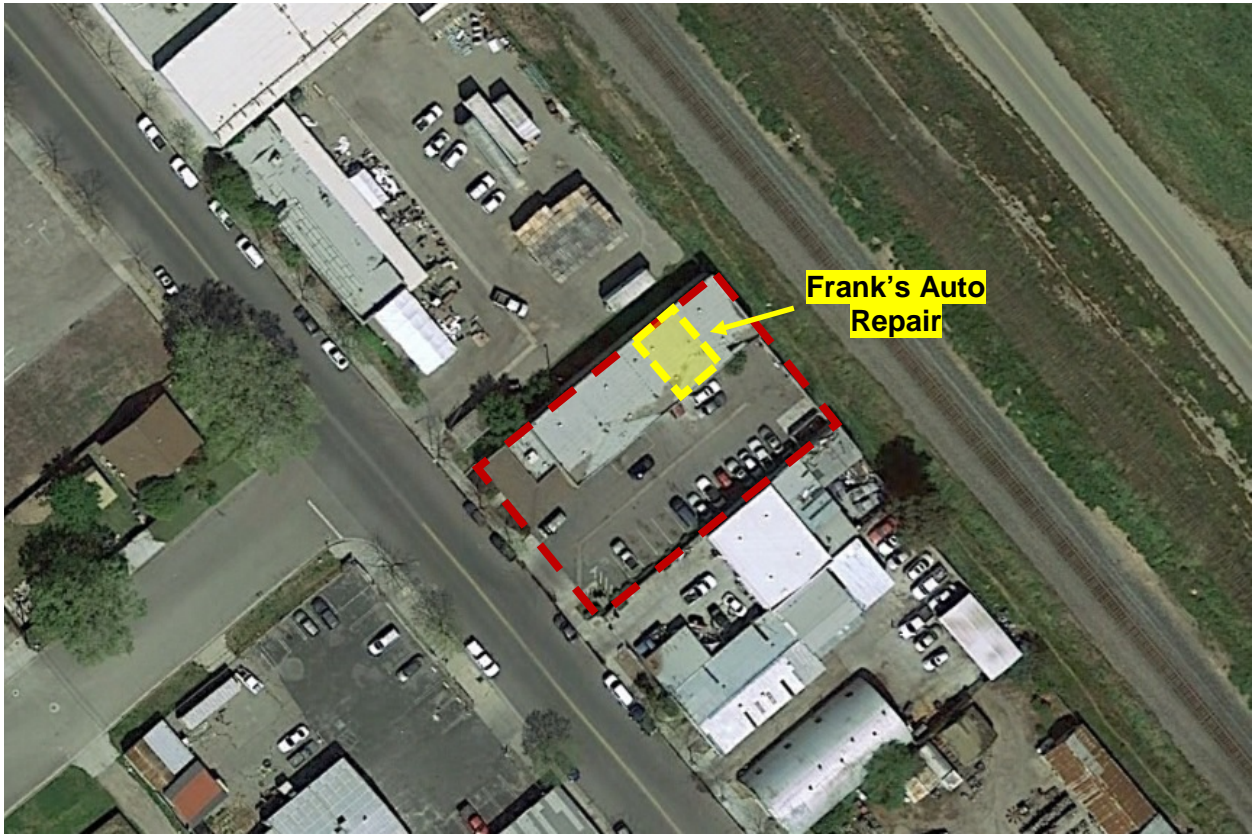
(OR)

Motion 2: Move to schedule a public hearing to consider a performance review of Conditional Use Permit 2015-27 at the June 12, 2018, Planning Commission regularly scheduled meeting: (specify)

ATTACHMENTS

Aerial Map
Site Photos
Conditions of Approval Compliance Matrix

Aerial Photo



Pre-Review Site Photos



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



This picture was taken at 7:30 a.m. on September 20, 2017. No employees were working at that time.



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



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

Post-Review Site Photos



Business frontage with a permitted sign



Rehabilitated landscaping on the site

Conditions of Approval Compliance Matrix

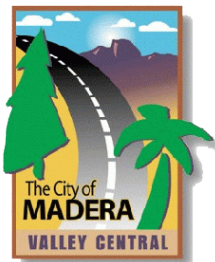
Condition No.	Condition Statement	Condition Status
1.	Project approval is conditioned upon acceptance of the conditions of approval, as evidenced by receipt in the Planning Department of the application's signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date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

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

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

24.	The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.	In compliance
25.	A new trash enclosure with a finish and color similar to the primary structure shall be built to City standards to hold two bins. The location of the trash enclosure shall be approved by the Planning Manager.	In compliance
26.	The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris, at all times; and dumping of refuse shall be restricted to the dumpster/refuse containers owned by the property owner.	In compliance
27.	The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.	In compliance
28.	The business may be open from as early as 7:00 a.m. in the morning to as late as 7:00 p.m. at night, seven days a week.	In compliance
29.	The property owner shall ensure the removal of all non-operative/abandoned vehicles from the site, prior to occupancy by Frank's Auto Repair.	In compliance
30.	On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan. Any modifications in the approved parking layout shall require approval by the Planning Commission.	In compliance
31.	The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plants.	In compliance
32.	The property owner shall ensure all non-permitted signage is removed from the site prior to occupancy by Frank's Auto Repair.	In compliance

33.	All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.	In compliance
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CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Flor Oaxaquena - Performance Review CUP 2007-16 NP #2– May 08, 2018

PROPOSAL: A performance review of Conditional Use Permit 2007-16 allowing for the sale of alcoholic beverage for on-site consumption in conjunction with an existing restaurant.

APPLICANT:	Atanacia Alavez	OWNER:	Biong Kim
ADDRESS:	612 E. Yosemite Ave.	APN:	007-173-002, 007-173-003
APPLICATIONS:	CUP 2007-16	CEQA:	Categorical Exemption

LOCATION: This project site is located on the south side of East Yosemite Avenue, between South Lake Street and Vineyard Avenue.

STREET ACCESS: The site has access from East Yosemite Avenue, and an alley, via Vineyard Avenue.

PARCEL SIZE: Approximately 12,544 square feet

GENERAL PLAN DESIGNATION: C (Community Commercial)

ZONING DISTRICT: C-1 (Light Commercial)

SITE CHARACTERISTICS: The project site is a 1,425 square foot suite, within an existing 7,150 square foot building, located at 612 E. Yosemite Avenue. The building has two other existing tenants, a convenience store, and a tax service office. The site has parking developed at the rear and at the front of the parcel, with access gained from East Yosemite Avenue and Vineyard Avenue, via a 20 foot-wide alley. The surrounding properties are commercially zoned.

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

SUMMARY: Flor Oaxaquena has been in noncompliance with the approved conditions of approval for an extended period of time. Outreach to assist the operator in attaining compliance on the site has been unsuccessful. The restoration of the restaurant's interior was initiated without approved building permits. As a result, the building was placed under a Cease and Desist Order for violations of fire, life, and safety on the site. As opposed to securing the required building permits, the applicant advised staff that they would be vacating the business site and seeking a new location for the restaurant. Staff recommends that a public hearing is scheduled to determine whether revocation of the use permit is appropriate.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses
MMC § 10-3.505 R; Conditional Uses; Commission Approval
MMC § 10-3.405(B) Liquor Sales
MMC § 10-3.1301 Use Permits
MMC § 10-3.1311 Termination and Revocation

PRIOR ACTION

No prior related Planning Commission actions are known for the project site. Building and Fire Code violations remain unresolved and the building cannot be utilized until those issues are reconciled with the Building and Fire Department.

ANALYSIS

History

The Flor Oaxaquena restaurant was established in September 2006. A conditional use permit was later approved on August 14, 2007, to allow for the sale of beer and wine for on-site consumption.

Background

The Flor Oaxaquena restaurant initially operated consistent with the approved conditions of approval. As time passed, the restaurant developed a successful business clientele. Although the use permit had specific restrictions on any expansion of the use because of limited parking on the site, the business owner nonetheless completed a non-permitted expansion of the restaurant into an adjoining space. As a result, staff initiated contact with the business owner more than two years ago to seek a resolution to the problem.

With the non-permitted expansion, the restaurant continued to operate in violation of the use permit's conditions of approval. The expansion ultimately nearly doubled the seating capacity of the restaurant, from the permitted thirty seats to as many as fifty-two seats during one inspection by staff. The additional seating then exacerbated parking to the degree that surrounding properties began complaining about their parking being used by the restaurant's patrons. Just as concerning, the restaurant's illegal expansion created fire and life safety issues within the restaurant. A short list of concerns included compromised sprinkler heads and non-permitted electrical, plumbing, mechanical and structural work.

More than six months ago, the Planning Manager, Fire Marshall, and Building Official met with the restaurant owner and gave direction to the business owner to complete the building permit process to return the restaurant to its original footprint while making the necessary fire, life, and safety improvements. The Planning Manager advised that the Planning Division would not take actions toward revocation if the owner initiated and maintained steady progress towards corrections being made. Alternatively, the business owner was advised that they could apply to amend the conditional use permit and apply for a parking variance, but that staff would not be able to make findings in support of the requests.

No action was taken by the owner in response to Staff's consultation. Approximately two months ago, Staff notified the business owner that the restaurant would be tagged if corrective steps were not initiated. In response to that notice, the property owner began making improvements to the structure, again without first securing building permits. With multiple events wherein non-permitted construction had/was occurring, the Building Official "red tagged" the site and closed the business. Shortly thereafter, the business owner advised staff that they would not be securing

building permits and the restaurant would remain closed while they sought a new location. Staff advised that the use permit in support of alcohol sales as a component of the restaurant would be subject to revocation and began the review for revocation process.

Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2007-16. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Of the twenty-three (23) total conditions of approval, nine (9) need attention in order to be in compliance with the conditions of approval. Compliance with fourteen (14) of the twenty-three (23) conditions of approval equates to a sixty-one (61%) percent compliance rate.

In light of the knowledge that the business owner will not be operating on the site, and mindful of the poor performance of the business owner while operating in violation of the conditions of approval for more than two years, staff considers this review a procedural pathway toward the logical revocation of the use permit in association with the closure of a business.

RECOMMENDATION

It is recommended that Conditional Use Permit 2007-16 be scheduled for a public hearing at the June 12, 2018, Planning Commission meeting to determine whether revocation is appropriate.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2007-16, determining to either:

- schedule a public hearing to consider revocation of the use permit, or
- find that the review of the use permit is not warranted at this time

Motion 1: Based on the following findings, move to schedule a public hearing to consider whether revocation of Conditional Use Permit 2007-16 is warranted at the June 12, 2018, regularly scheduled Planning Commission meeting.

Findings

- Staff has observed non-compliance with the conditions of approval, warranting a review of Conditional Use Permit 2007-16, as approved by the Planning Commission on August 14, 2007.

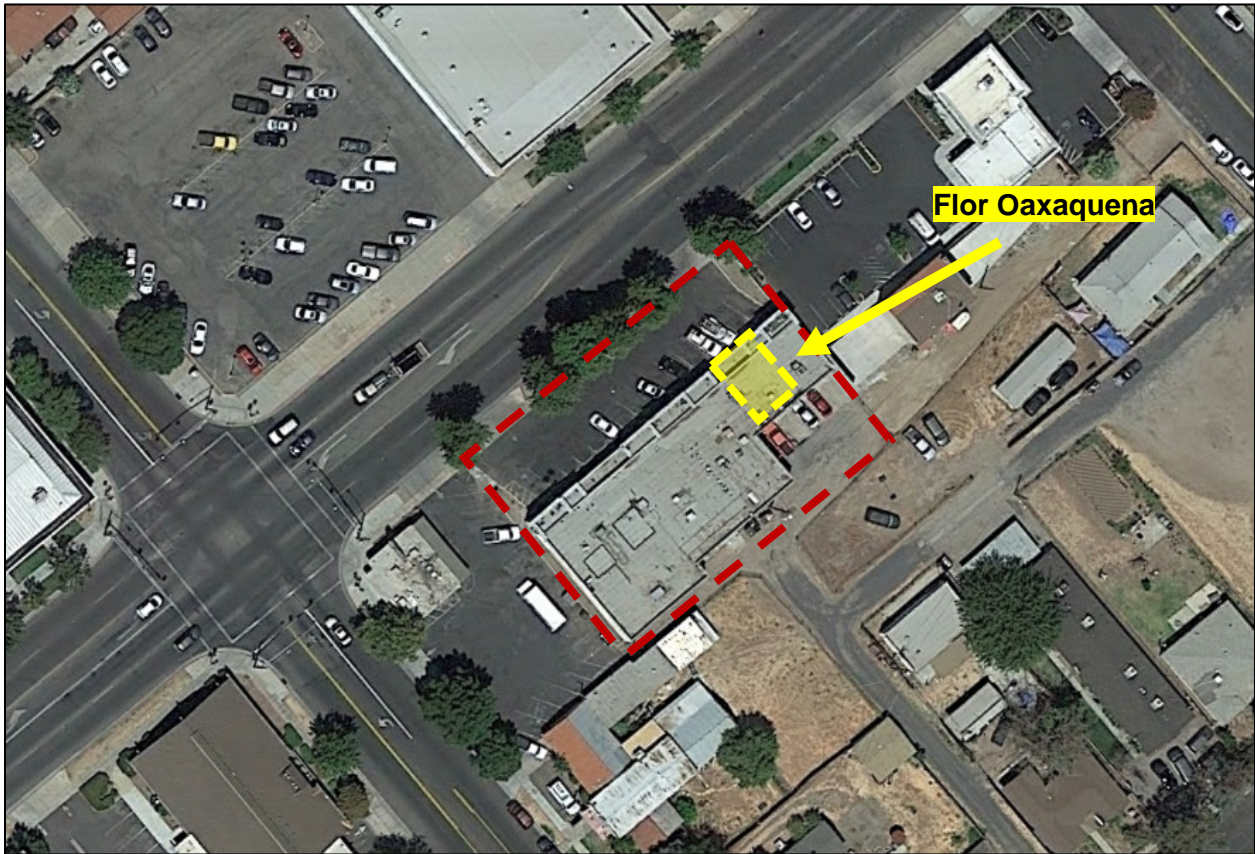
(OR)

Motion 2: Move to find that the review of Conditional Use Permit 2007-16 is not warranted at this time for the following reasons: (specify)

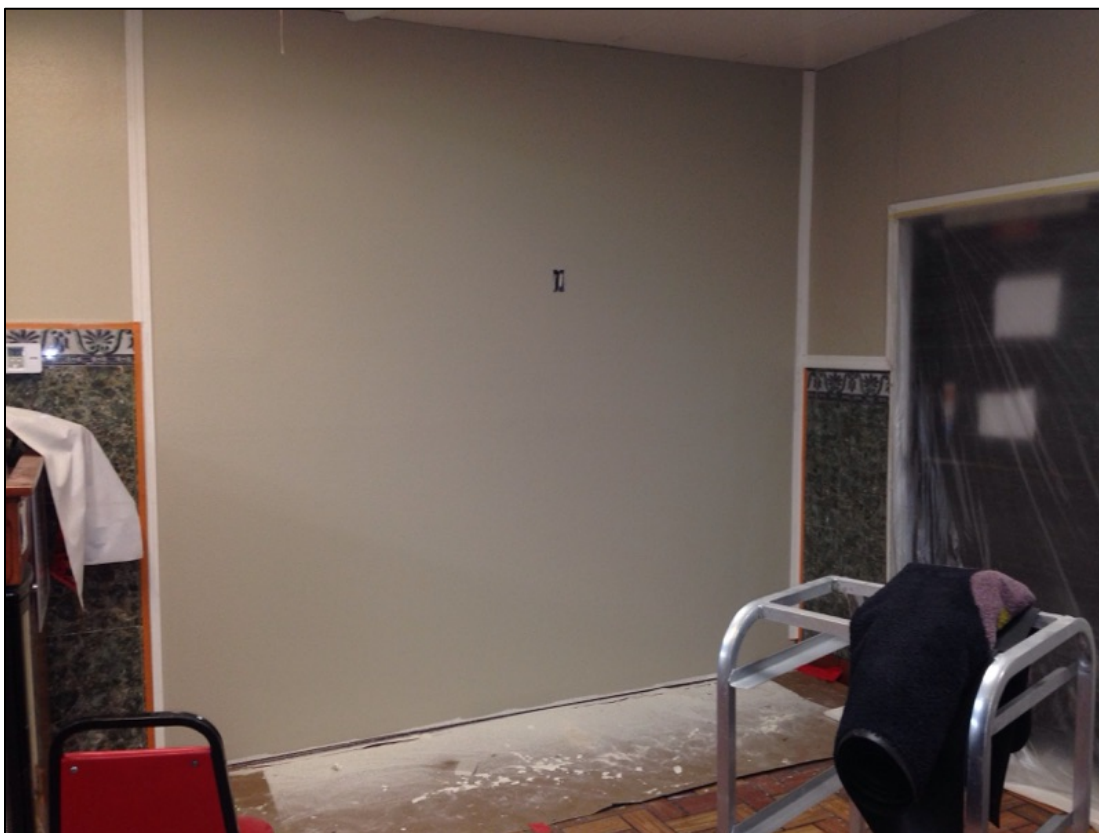
ATTACHMENTS

Aerial Photo
Site Photos
Conditions of Approval Compliance Matrix

Aerial Photo



Site Photos



Unpermitted wall enclosure of the unpermitted restaurant expansion.



Unpermitted interior remodeling.



Unpermitted work for reconfiguration of electrical and gas lines.

Conditions of Approval Compliance Matrix

Con. No.	Condition Statement	Condition Status	Corrective Action
1.	Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature thereon within thirty days of the date of conditional use permit approval. Please note this conditional use permit approval (CUP 2007-07) will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code, or the required action is taken to extend the approval before the expiration date.	Received	
2.	Hours of operation for the restaurant shall not be earlier than 5:00 a.m. or later than midnight.	Procedural	
3.	On-site signage shall be in accordance with City standards, and all signage shall be reviewed and approved by the Planning Department before issuance of a separate sign permit. Advertisement of alcoholic beverages shall not be visible from the outside of the building, including window signage, banners, and other such displays visible from the public right-of-way.	Procedural	
4.	Any remodeling of the building including but not limited to, new or upgraded electrical or plumbing, will require building permits prior to any work being undertaken.	No building permits were secured for the completed tenant improvements.	Submit plans to the Building Department with existing and proposed work prior to the issuance of a building permit.
5.	Music or obnoxious noise from the operation or business shall not be audible to persons in the public rights-of-way or on adjacent or nearby properties. This approval does not include any related uses such as dance floors, etc.	Procedural	
6.	Loitering shall be prohibited in, upon the premises and in adjacent, and nearby areas both public and private.	In Compliance	
7.	An adult operator or employee 21 years of age or older shall be on site during all hours of operation.	Procedural	

8.	Prior to the issuance of any business license or establishment of the use, any damaged or off-grade curb or gutter shall be replaced or repaired under an encroachment permit issued by the City Engineer.	No off-site improvements have been completed.	Secure the appropriate encroachment permits to complete the required off-site improvements
9.	It shall be the responsibility of the operator to ensure that any required permits, inspections, and approvals from any regulatory agency, including but not limited to the Department of Alcoholic Beverage Control, shall be obtained from the concerned agency prior to the establishment of the use.	Operator secured the appropriate ABC license, however, failed to secure building permits for on-site improvements.	Secure the appropriate permits to complete required improvements to be consistent with the conditions of approval.
10.	It shall be the responsibility of the owner to ensure that any outstanding building code violations be remedied prior to the sale of alcoholic beverages for consumption on the premises of the existing restaurant.	Building code violations were never fully completed nor the building permits secured.	Secure the appropriate permits to complete required improvements to be consistent with the conditions of approval.
11.	No temporary signage.	In compliance	
12.	All restaurant activities, including food and beverage sales /service, shall occur within the existing building; no outdoor seating, sales or serving of food or beverage shall be allowed without first securing approval of a separate use permit to allow outdoor operations. Seating for the restaurant shall be limited to no more than 30 seats.	In compliance	
13.	The sale of alcohol shall be ancillary to the sale of food at the restaurant, and shall not exceed 30 percent of total gross sales.	In compliance	
14.	Prior to the approval being effective the current remodeling of the building shall be completed and the building shall be maintained in good repair, and exterior colors and materials shall be aesthetically compatible with the surrounding businesses.	Interior remodeling was done without building permits, exterior aesthetics were left unattended.	Secure the appropriate permits to complete required improvements to be consistent with the conditions of approval.
15.	The applicants shall cause the owner of the business complex to submit a landscape and irrigation plan to be reviewed and approved by the City Planning Director. The landscape plan shall make maximum use of the existing planter areas	In compliance	

	and shall be augmented by the addition of a three-foot-high landscaping screen along the street frontage. Additional above ground planters or other means shall be used to increase the current landscaped area. A permanent irrigation system with automatic controllers shall be required for all of the required landscaping. The landscaping shall be installed and maintained by the property owner.		
16.	The property owner and/or operator shall keep the property clear of all trash, rubbish and debris at all times, and dumping of refuse shall be restricted to trash container provided by the operator, to be located within an enclosure approved by the City of Madera Solid Wastes Manager.	In compliance	
17.	Graffiti shall be removed from the premises and all parking lots under the control of the business owner, by the owner at the owner's sole expense, within 36 hours of occurrence.	In compliance	
18.	Odor control, dust control, noise level or nuisance lighting shall be corrected within 24 hours of notification by the City of Madera.	In compliance	
19.	The above-referenced project is protected by the Madera City Fire Department. Prior to approval of the business license or any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection development requirements. All new construction shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes, and ordinances.	Interior remodeling is in violation of the California Fire Code.	Secure the appropriate permits to complete required improvements to be consistent with the conditions of approval.
20.	The street address shall be appropriately displayed on the building per the City standards.	In compliance	
21.	The requirements and conditions approval noted above have been established based on the information submitted for review. Additional and/or modified conditions may be applied at such time as final development plans (including construction drawings for building permits) are submitted or if any changes are made to the project. Please submit constructions plans and final plot plans to ensure the proper application of codes.	Floor and site plans were never submitted to reflect the increase in seating capacity. No amendment to the conditional use permit was ever completed.	Submit an application to modify the originally approved Conditional Use Permit and a Variance from the parking requirements on the site.

22.	The use shall comply with all applicable City, State, and Federal requirements and standards.	The use is in violation of the conditional use permit, fire and building codes.	Comply with CUP Conditions of Approval and comply with CBC & CFC upon securing the appropriate building permits.
23.	This use permit shall be subject to annual review and may be modified or revoked by the City Council or Planning Commission should it be determined that the proposed use or conditions under which it is being operated or maintained are or may be detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.	Due to the extended noncompliance on the site, it is recommended that the approved conditional use permit be reviewed for revocation.	The business operator has advised Staff they will be relocating the business to a different location therefore, it is recommended the use be reviewed for revocation.

[Return to Agenda](#)

Public Workshop:
OTA 2018-01 – Zoning Ordinance Update