

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
OCTOBER 9, 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 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: None

CONSENT ITEMS: None

PUBLIC HEARING ITEMS:

1. REZ 2018-02 and TSM 2018-04 – Rancho Santa Fe Subdivision

A noticed public hearing to consider a rezone and tentative subdivision map of two existing parcels. The rezone will change the zoning of the properties from the PD-8000 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District. The tentative subdivision map will subdivide the two parcels into 180-lot single-family subdivision. The project site is located approximately 2,000 feet west of the southwest corner of the intersection of North Westberry Boulevard and West Cleveland Avenue (APNs: 006-380-027 & 028). A Negative Declaration will also be considered by the Planning Commission.

2. PPL 2018-03 – Downtown Residential Veteran’s Housing

A noticed public hearing to consider a precise plan to construct a three-story 28-unit residential building located on the northwest corner of the intersection of East 5th Street and North C Street in the PD-1500 (Planned Development) Zone District with a HD (High Density Residential) General Plan land use designation (APNs: 007-082-004 & 005). An initial study and Negative Declaration were adopted by the Planning Commission in August of 2018.

3. PPL 2018-04 – Downtown Residential Multifamily Housing

A noticed public hearing to consider a precise plan to construct a three-story 20-unit residential building located on the southeast corner of the intersection of East 5th Street and North C Street in the PD-1500 (Planned Development) Zone District with a HD (High Density Residential) General Plan land use designation (APNs: 007-112-014 and 015). An initial study and Negative Declaration were adopted by the Planning Commission in August of 2018.

4. CUP 2018-02 MOD – Singh Smog Shop

A noticed public hearing to consider an amendment to a conditional use permit to allow for automotive repair work in addition to an existing smog only business located on the southwest corner of the intersection of East 6th Street and South E Street in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-152-007). The project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

5. REZ 2018-05 – Joseph Crown Subdivision

A noticed public hearing to consider the rezoning of approximately twenty acres located on the southwest corner of the intersection of Almond Avenue and Stadium Road into the PD 6000 (Planned Development) Zone District. The project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15319 (Annexations of Existing Facilities and lots for Exempt Facilities. (APN: 034-070-011).

6. REZ 2018-06 – Stadium-Almond Rezoning

A noticed public hearing to consider the rezoning of approximately twenty acres located on the northwest corner of the intersection of Almond Avenue and Stadium Road into the PD 6000 (Planned Development) Zone District (APN: 034-070-067 & 068). The project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities).

7. CUP 2018-11 MOD – Praxair Amendment

A noticed public hearing to consider an amendment to Conditional Use Permit (CUP) 2018-11 to allow for changes to conditions of approval relative to pavement of the parking field and alleyway located on the southwest corner of the intersection of West Olive Avenue in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 012-053-016). This project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

8. GPA 2018-04 – Local Hazard Mitigation Plan Adoption

A noticed public hearing to consider adoption of a resolution recommending to the City Council of the City of Madera approval of a General Plan amendment incorporating by reference the Madera County Local Hazard Mitigation Plan into the Health and Safety

Element of the General Plan. This project is consistent with the Environmental Impact Report prepared in support of the 2009 General Plan.

9. CUP 2008-07 – Singh/7-11 Use Permit Revocation

A public hearing to consider revocation of Conditional Use Permit (CUP) 2008-07, allowing for the sale of alcoholic beverages for off-site consumption as a component of the operation of a convenience store located in the C2 (Heavy Commercial) Zone District (012-053-024). This project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies).

NON-PUBLIC HEARING ITEMS:

1. SPR 2018-20 – Mosquito Abatement Appeal

A public hearing to consider an appeal to Condition Nos. 13-19 of Site Plan Review (SPR) 2018-20 which allows for the construction of three (3) solar carports on property located at the northeast corner of the intersection of Yeager Drive and Airport Drive (3105 Airport Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-010-014). This project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies).

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

The next regular meeting will be held on November 13, 2018.

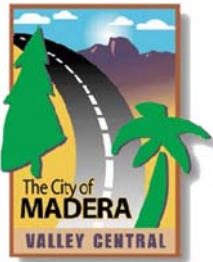
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation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

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

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

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

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



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Rancho Santa Fe Subdivision REZ 2018-02, TSM 2018-04 & Negative Declaration Item #1 – October 9, 2018

PROPOSAL: A rezone, tentative subdivision map, and negative declaration to allow for the development of a 180-lot single-family subdivision map.

APPLICANT:	Rick Telegan	OWNER:	BP Investors, LLC
ADDRESS:	No address currently assigned.	APN:	006-380-027 & 028
APPLICATIONS:	REZ 2018-02 and TSM 2018-04	CEQA:	Negative Declaration

LOCATION: The project site is located approximately 2,000 feet west of the intersection of North Westberry Boulevard and West Cleveland Avenue.

STREET ACCESS: The proposed subdivision will create nine (9) new streets that will provide direct access to West Cleveland Avenue, a future subdivision to the east, the Melanie Meadows subdivision to the south and a future collector street to the west.

PARCEL SIZE: The project site consists of two (2) parcels encompassing approximately 39.33 acres.

GENERAL PLAN DESIGNATION: LD (Low Density Residential)

ZONING DISTRICT: Current – PD-8000 (Planned Development)
Proposed – PD-6000 (Planned Development)

SITE CHARACTERISTICS: The project site is generally surrounded by vacant land. Adjacent land to the east and south is zoned for low density residential, land to the north is zoned for industrial and open space, and land to the west is outside of the current City limits.

ENVIRONMENTAL REVIEW: An initial study and a negative declaration have been prepared for consideration by the Planning Commission in conformity with the California Environmental Quality Act (CEQA) Guidelines.

SUMMARY: The proposed rezone from the PD-8000 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District allows for the creation of more lots and better consistency with the target density requirement. The tentative subdivision map proposes the creation of 180 single-family residential lots from two (2) existing parcels. A precise plan is required to address any subsequent development in the subdivision. The rezone and subdivision map are consistent with the General Plan's LD (Low Density) land use designation.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1501 Amendments

MMC § 10-2.401 Subdivision Maps (five or more parcels)

PRIOR ACTION

There has been no prior action on the project site.

ANALYSIS

Rezone

The project site is currently in the PD-8000 (Planned Development) Zone District. The proposal will rezone the subdivision into the PD-6000 (Planned Development) Zone District. The rezone allows for the creation of more lots that will reach closer to the target density requirement while providing consistency with the LD (Low Density) General Plan land use designation.

Tentative Subdivision Map

The project site consists of two (2) existing properties encompassing approximately 39.33 acres. The proposal will subdivide the existing properties into a 180-lot single-family subdivision. The parcels range in size from between 4,250 and 13,778 square feet, with the average lot size being 6,350 square feet. All interior streets of the subdivision will be local streets. Street connections to surrounding properties are provided.

Parkland Acquisition

The Quimby Act authorizes the City to require dedication of parkland or the payment of fees in-lieu of such dedication in set amounts to meet the needs of the citizens of the community for parkland and to further the health, safety and general welfare of the community. The Quimby Act has been in effect since May 21, 2018 and this is the first subdivision map that has been submitted after the effective date. The proposal of a 180-lot single-family subdivision would require a minimum park space size of 2.08 acres. The applicant proposes a 2.19-acre parcel that would serve as a public park to the subdivision. This park is consistent with the requirements of the City's parkland acquisition ordinance.

Density Requirements

The project consists of two (2) parcels that differ based on density calculation because of the target density requirement. The project site is located within the LD (Low Density) General Plan land use designation, which has a density requirement of between 2.1 and 7 units per acre. This calculation changes when a project consists of a parcel that is greater than 10 acres in size at time of the adoption of the General Plan, which requires the project to be consistent with the target density of the associated land use. The LD (Low Density) General Plan land use designation requires a target density of 5.25 units per acre.

Per the General Plan, calculating residential density consists of the gross acreage of the project parcels less any acreage required for the following:

- Collector and arterial street rights-of-way
- Public parks
- Public facilities
- Floodways or flood plains
- Protected biological habitats
- Other unique constraints applicable to the property, as determined by the City

Based on this calculation, the northern parcel equates to 6.5 acres requiring between 14 and 46 units. The southern parcel equates to 29.73 acres requiring a target density of 157 units. This equates to a requirement of between 171 and 203 units. The proposal of 180 lots provides consistency with Policy LU-7 and LU-19 of the General Plan.

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 completion of West Cleveland Avenue to the City's half-street cross section for an arterial street and the construction of nine interior local streets within the subdivision.

Rear property lines abutting West Cleveland Avenue and the proposed 2.19-acre park will be developed with a decorative split-faced masonry wall. The proposed lots will be included in the City's community facility district to collect assessments for increased demand on fire, police and storm water drainage. The property is required to annex into a lighting and landscape maintenance district.

Street Names

The process for naming streets calls for the applicant to propose 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 are largely exclusive to the proposed subdivision. The internal streets in the subdivision are as follows:

- Alamosa Drive
- Barranca Drive
- Encantada Avenue
- Fairway Avenue
- Hawks Peak Drive
- Monte Vista Avenue
- Morro Rock Place
- Rancho Santa Fe Avenue
- Rinconada Drive
- Taos Way
- Waterway Drive
- White Sands Drive

Precise Plan

The properties being subdivided are located within a PD (Planned Development) Zone District, which requires approval of a precise plan by the Planning Commission when development is proposed. Precise plans, when applicable, typically accompany subdivision maps as a component of the project. The property owner does not plan to construct homes as a component of the subdivision map. Staff recommends the approval of a precise plan by the Planning Commission prior to any construction occurring.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is "A Well-Planned City." The Planning Commission, by considering how this development connects to other future 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 will help provide consistency with Strategy 131, which states, "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 adoption of the Negative Declaration, adoption of a Resolution recommending to the City Council the adoption of an Ordinance to rezone the property, and approval of the Tentative Subdivision Map, subject to the recommended conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the Negative Declaration, Rezone 2018-02 and Tentative Subdivision Map 2018-04.

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

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 judgment 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.

Motion 1b: Move to adopt a Resolution recommending to the City Council the adoption of an Ordinance rezoning the subject property to the PD-6000 (Planned Development) Zone District, consistent with the findings as listed;

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 record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- The proposed rezone will provide the required consistency between the General Plan and zoning.
- The rezone is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.
- City services and utilities are available or can be extended to serve the area.

Motion 1c: Move to approve Tentative Subdivision Map 2018-04, subject to the findings and conditions of approval as listed.

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 record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

- Tentative Subdivision Map 2018-04 is consistent with the development standards of the PD-6000 (Planned Development) Zone Districts.
- The proposed 180-lot tentative subdivision does not conflict with City standards or other provisions of the code.
- City services and utilities are available or can be extended to serve the area.

CONDITIONS OF APPROVAL

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Any minor deviation from the approved map or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Engineering Department

General

4. Prior to recording of the final map, all action necessary for annexation into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
5. 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 (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 existing landscaping improvements and new improvements which are required to be constructed by the developer and included in the Citywide 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.
6. 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. All park lands shall be dedicated to the City in advance of or in conjunction with recordation of the final subdivision map.
7. 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.

8. 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.
9. No temporary turn-arounds shall be permitted.
10. 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.
11. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
12. Development impact fees shall be paid at time of building permit issuance.
13. Improvement plans shall be sealed by an engineer and shall be submitted to the Engineering Department according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
14. The developer shall pay all required fees for processing the subdivision map and completion of the project. Fees due include, but shall not be limited to, the following: subdivision map review and processing fee, plan review, easement acceptance, map recording and improvement inspection fees.
15. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
16. The improvement plans for the project shall include the most recent version of the City's General Notes.
17. Prior to the issuance of any building permits or any construction on the subdivision, a storm water pollution plan shall be prepared and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size.

Sewer

18. If not already installed by others, a sewer trunk main sized per the City master sewer plan shall be required to be installed in West Cleveland Avenue from the closest existing line on West Cleveland Avenue and along the entire frontage of the project past the section line on West Cleveland Avenue. The oversize component (difference in cost between the pipe installed and 8-inch pipe) of the construction of this line is considered reimbursable, subject to the availability of funds, under the City's Development Impact Fee Program. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect.
19. Sewer lines installed to serve this subdivision shall be sized accordingly and shall be a minimum of eight (8") inches in diameter. Sewer main connections to any existing City main six (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.
20. 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 ten (10') feet past the property line. Where contiguous sidewalks are installed, the four (4") inch sewer clean out shall be located eighteen (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 ten (10') feet beyond the property lines as a part of the sewer system installation for testing purposes.

21. Existing septic tanks, if found, shall be removed with the appropriate building permit(s) required by the City of Madera Building Department.

Storm Drain

22. Storm runoff from this project site is planned to go to the Westberry and Fresno River Basin located to the southeast of the proposed project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities. The proposed subdivision to the south currently has storm drainage facilities that, when constructed approximately ten (10) years ago, were designed to intercept runoff from development to the north of its limits.

Streets

23. West Cleveland Avenue shall be developed to a 100-foot street with a 10-foot sidewalk pattern and a 16-foot landscape median across the frontage of the subdivision. The southern half shall include, but not be limited to, fire hydrants, streetlights, curb and gutter, park strip and sidewalk. The northern half shall include one permanently paved 12-foot lane and 8-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 (40-feet total), which includes the median island, are eligible for reimbursement through the City's Impact Fee Program, subject to funds being available.
24. Interior streets shall be constructed in accordance with City standards for a 50-foot wide residential street including a 5-foot sidewalk, curb and gutter, street lights, fire hydrants and all other components necessary to complete construction per City standards.
25. The driveway currently proposed on West Cleveland Avenue shall be located, at a minimum, 450 feet from the western property line to the driveway's west curb line. The driveway shall be restricted to left-turn in, right-turn in and right-turn out movements.
26. An Offer of Dedication shall be made to dedicate sufficient right-of-way along the entirety of the parcel's frontage on West Cleveland Avenue to provide a half-street width of fifty (50') feet, south of the center line, to accommodate for an arterial standard roadway.
27. The developer shall dedicate a ten (10') foot wide Public Utility Easement (PUE) along the entirety of all parcel frontages on West Cleveland Avenue.
28. The developer shall dedicate a ten (10') foot wide Public Utility Easement (PUE) along all internal publicly dedicated streets.
29. Traffic-calming features, as approved by the City Engineer, shall be implemented throughout the interior subdivision streets. Maximum distance between calming devices shall be 300 feet. Increases in separation shall be adequately justified in the traffic study

cited in Condition No. 30.

30. The developer shall be a proponent of annexing into the existing Landscape Maintenance District (LMD) Zone 21D. If the expansion of LMD Zone 21D is not attainable, the developer shall, at their sole expense, form a Lighting and Landscape Maintenance District zone for West Cleveland Avenue. 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.
31. Access ramps shall be installed at all curb returns per current City Standards.
32. Driveway approaches shall be constructed per current City Standards.
33. "No Parking" signs shall be installed along the West Cleveland Avenue frontage per City standards.
34. The developer shall be required to install metered street lights along the West Cleveland Avenue frontage and interior subdivision streets in accordance with current City spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
35. 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 the front door to the nearest collector, arterial or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as 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.
36. 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 (2") inches of type "B" asphalt over six (6") inches of ninety (90%) percent compacted native soil or four (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.
37. 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 a 24" x 36" tracing with City of Madera logo on the bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, sewer main 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. The plans are to include the City of Madera title block and the following:
 - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
 - b. Street plans and profiles;
 - i. Drainage ditches, culverts and other structures (drainage calculations to be submitted with the improvement plans);
 - ii. Street lights;
 - iii. Traffic signals;

- iv. Construction details including traffic signage and striping plan.
- c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
- d. Grading plan indicating flood insurance rate map community panel number and effective date;
- e. Landscape and irrigation plans for off-site landscaping improvements 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.

38. 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 improvement plans.
- h. Three sets of landscaping plans.
- i. Two sets of drainage calculations.
- j. Two copies of the engineer's estimate.

Partial submittals will not be accepted by the Engineering Division.

- 39. 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 three-sack sand slurry mix extending one (1') foot past curb and gutter in each direction.
- 40. The applicant shall coordinate with the pertinent utility companies, as required regarding the establishment of appropriate easements and the under-grounding of service lines. A ten (10') foot public utility easement shall be required along all interior lot frontages.
- 41. All public utilities shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all street 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.
- 42. 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.
- 43. 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 shall 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.
- 44. 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.

45. The sub-divider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 of the Madera Municipal Code, 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 one-hundred (100%) percent performance bond, additional bond (50% of labor and 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 the City Council and shall be paid at time of permit.
46. The developer's engineer, upon completion of subdivision-related improvements, shall certify to the City Engineer that the improvements shall be 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.

Water

47. The water system shall be designed 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.
48. Unless the City Engineer or fire flow analysis specifies larger lines, water lines at a minimum of eight (8") inches in diameter shall be installed in all interior streets. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of eighteen (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 shall be a hot tap type connection to the existing City main. If the subdivision is constructed in phases, blow-offs shall be required at each termination point.
49. Prior to the beginning of 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.
50. Water services shall be placed three (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 the driveway approaches, sidewalk areas, or at fire hydrant or street light locations.
51. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks and/or storage tanks shall be inspected for proper air gaps or back-flow prevention devices.
52. Water service connections shall be constructed per current City standards including water meters located within the City right-of-way.
53. Water connections not serving a residence shall be constructed per current City standards

including water meters located within the City's right-of-way and backflow prevention device in private property.

54. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.
55. A minimum of one water quality sampling station shall be installed within the subdivision and approved by the Public Works Department.
56. If not already installed by others, a 12-inch water line shall be installed in West Cleveland Avenue from the closest existing line on West Cleveland Avenue and along the entire frontage of the project. An 8-inch water line shall be looped through the subdivision and be installed in all local streets. Water mains shall be constructed per current City standards. The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of this line is considered reimbursable, subject to the availability of funds, under the City's Development Impact Fee Program. Half of the 8-inch component is reimbursable from adjacent properties as the develop and connect.
57. A well site meeting the location and size requirements of the City Engineer and the Public Works Director and located to take access to a 12-inch water main shall be deeded to the City in conjunction with the first phase of the subdivision. A six (6') foot high masonry block wall with a gate on an interior street shall be constructed by the sub-divider in accordance with plans approved by the City Engineer. Construction of the well site is reimbursable from the City's Water Well Development Impact Fee Program, subject to funds being available.
58. If it is determined by the City Engineer, based on computer modeling analysis of the water system, that a well is necessary during development of this subdivision, the sub-divider shall drill and fully construct the new well site. Construction of the well site is reimbursable from the City's Water Well Development Impact Fee Program. If development impact fees collected to that point are not sufficient to pay the total cost of drilling a new well, the sub-divider shall front the cost for installation of the new well. Subject to the results of the previously mentioned analysis, the ability to incorporate other benefitting subdivisions and at the full discretion of the City Engineer, the developer may be provided the option of pre-payment of a proportionate cost share in completing a partially-developed City well rather than planning and/or construction within this subdivision. The method of participation shall be in a lump sum cash deposit with the City of the estimated cost of the well divided by the anticipated number of dwelling units for this and any other benefitting subdivision completed prior to the estimated timeframe in which the well would be brought into service. The cash deposit shall be for the total number of units within the then current phase seeking Final Map approval. Cash deposit for all lots is due prior to recordation of the Final Map. Dependent on the ability to fully fund the well in the time frame necessary, the City may elect to provide Development Impact Fee credits in conjunction with the receipt of individual building permits. If reimbursement of the cash deposit is not received at building permit, the reimbursement would occur as funding becomes available. It is anticipated that this option will be further clarified and within a separate Water Well Funding Agreement between this subdivision and any other benefitting subdivisions.

Subdivision Improvement Inspections

59. The 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.

60. Prior to installation of any improvements or utilities, the general contractor shall notify the Engineering Department 48 hours prior to construction. The inspector shall verify prior to inspection that the submitted plans from the contractor are signed by the City Engineer.
61. 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.
62. 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 (5) working days.

Special engineering conditions

63. 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.
64. Lot fill in excess of twelve (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 twelve (12") inches or more will require construction of a retaining wall.
65. 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.
66. Any construction work on MID facilities shall not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment permit upon removal or modification of MID facilities, the sub-divider shall submit two (2) sets of preliminary plans for MID approval. Permits shall be obtained from MID for removal or modification of the aforementioned encroachments. Upon project completion, as-built plans shall be provided to MID. Abandonment of agricultural activities shall require removal of MID facilities at the owner's expense. Turnouts and gates shall be salvaged and returned to the MID yard.
67. 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.
68. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

Fire Department

69. The subdivision shall be provided with a minimum of two points of access for emergency vehicles.

70. Fire hydrants shall be provided at the streets and shall comply with the City of Madera Engineering standards and the California Fire Code (CFC).

Planning Department

General

71. Project approval is conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the applicant/owner's signature on the required Acknowledgement and Acceptance of Conditions of Approval form.
72. Vandalism and graffiti on walls, fences and/or homes shall be corrected pursuant to the Madera Municipal Code.

Street Names

73. The internal street names shall be as follows:

- | | |
|----------------------|--------------------------|
| • Alamosa Drive | • Morro Rock Place |
| • Barranca Drive | • Rancho Santa Fe Avenue |
| • Encantada Avenue | • Rinconada Drive |
| • Fairway Avenue | • Taos Way |
| • Hawks Peak Drive | • Waterway Drive |
| • Monte Vista Avenue | • White Sands Drive |

Tentative Subdivision Map

74. There shall be no rear access provided on all properties along the perimeter of the subdivision. This includes lots 1-10, 48-85, and 143-180.
75. Direct access for the following lots shall only be provided along the northern property line:
- Lots 11, 28, 119 and 135
76. Direct access for the following lots shall only be provided along the southern property line:
- Lots 27, 47, 118 and 134

Fences and Walls

77. A six (6') foot tall decorative split-faced masonry block wall with capstone shall be developed within the subdivision as follows:
- Along all rear property lines abutting West Cleveland Avenue
 - 25 feet in length extending from the northern point of the exterior side-yard property corner of lots 159 and 160.
 - Along all rear property lines abutting the dedicated 2.19-acre park space.
78. Except as provided for in Condition No. 78, six (6') foot tall wooden fencing shall be provided along all side and rear yards.
79. Any retaining walls greater than eighteen (18") inches in height shall be split-faced masonry block. Residential fencing shall have a gate that allows for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of thirty-six (36") inches.

(OR)

Motion 2: Move to continue the public hearing on Rezone 2018-02 and Tentative Subdivision Map 2018-04, to the November 13, 2018 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny Rezone 2018-02 and Tentative Subdivision Map 2018-04, based on the following findings: (specify)

ATTACHMENTS

Aerial Map
Zoning Map
Tentative Subdivision Map 2018-04
Initial Study and Negative Declaration
Resolution of Recommendation to the City Council
 Exhibit A - Amended Zoning Map
Draft Ordinance

Aerial Map



Zoning Map



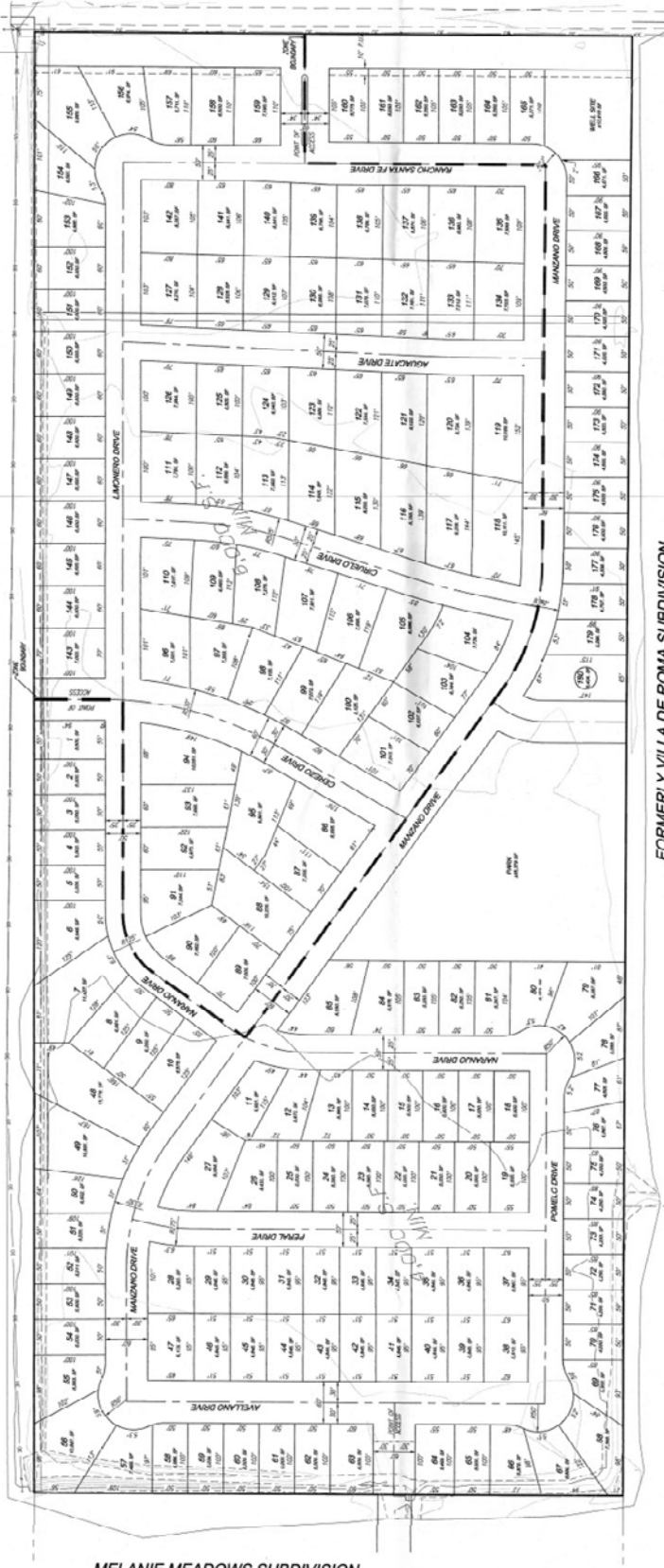
Tentative Subdivision Map 2018-04

WEST CLEVELAND AVENUE
(15 $\frac{1}{2}$ AVENUE)

VACANT LAND

FORMERLY VILLA DE ROMA SUBDIVISION

MELANIE MEADOWS SUBDIVISION



INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

Rancho Santa Fe Subdivision Rezone (REZ) 2018-02 Tentative Subdivision Map (TSM) 2018-04

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: Rezone 2018-02 and Tentative Subdivision Map 2018-04

Applicant: Rick Telegan
2206 E. Muncie Avenue
Fresno, CA 93720

Owner: BP Investors, LLC
8050 N. Palm Avenue, Suite 300
Fresno, CA 93711

Location: The project site encompasses two parcels (APNs: 006-380-027 and 006-380-028) at a total of approximately 38.85 acres and is located south on West Cleveland Avenue, approximately 2,000 feet west of the intersection of West Cleveland Avenue and North Westberry Boulevard within the PD-8000 (Planned Development) Zone District and the LD (Low Density Residential) General Plan land use designation.

REZ 2018-02: An application for a rezone to allow for the change of zoning on the project site from the PD-8000 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone Districts.

TSM 2018-03: An application for a tentative subdivision map which will subdivide the two (2) existing properties into a 180-lot single-family residential subdivision. Parcels range in size from between 4,250 and 13,778 square feet, with an average lot size being approximately 6,350 square feet. Interior streets, utilities and infrastructure will also be developed within the boundaries of the subdivision to provide access and services to the parcels created by the map. All interior streets will be local streets that connect to West Cleveland Avenue to the north, a future subdivision to the east, a future collector street to the west and the Melanie Meadows subdivision to the south.

Zone District: Current – PD-8000 (Planned Development)
Proposed – PD-6000 (Planned Development)

General Plan Land Use Designation: LD (Low Density Residential)

Surrounding Land Uses and Zoning:

- South – Vacant residential
- North – Vacant industrial and open space
- West – Vacant residential (County)
- East – Vacant residential

Responsible and Interested Agencies:

Madera Irrigation District (MID)

Madera Unified School District (MUSD)

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 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: _____

Date: September 10, 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 prepare pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- 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.
- 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.
- 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 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 NOX, 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 because the project would develop less than fifty (50) residential units. 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 4102, 4601 and 4641.

- 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 will not emit hazardous emissions or handle hazardous materials to the existing Martin Luther King, Jr. Middle School adjacent to the east/northeast of the project site. 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 the existing Martin Luther King, Jr. Middle 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 no limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

XI. MINERAL RESOURCES.

Would the project:

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

XII. NOISE.

Would the project result in:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. **No Impacts.** The proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- 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 residential 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 not 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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. **No 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. **No 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 and Public Services.

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.

RESOLUTION NO. 1833

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF
MADERA ADOPTION OF AN ORDINANCE REZONING
APPROXIMATELY 39.33 ACRES OF PROPERTY (APN: 006-380-027
AND 006-380-028), APPROXIMATELY 2,000 FEET WEST OF THE
SOUTHWEST CORNER OF THE INTERSECTION OF NORTH
WESTBERRY BOULEVARD AND WEST CLEVELAND AVENUE, FROM
THE PD-8000 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE
PD-6000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

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, a proposal has been made to rezone approximately 39.33 acres of property (APN: 006-380-027 and 006-380-028), located approximately 2,000 feet west of the southwest corner of the intersection of North Westberry Boulevard and West Cleveland Avenue, resulting in a change from the PD-8000 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District, as shown in the attached Exhibit A; and

WHEREAS, the proposed rezone will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the rezone is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

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

WHEREAS, the negative declaration and rezoning were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

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

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

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 hereby finds that proposed rezoning, as shown in Exhibit A, is consistent with the General Plan and is compatible with adjacent zoning and uses.
3. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit A.
4. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of October, 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

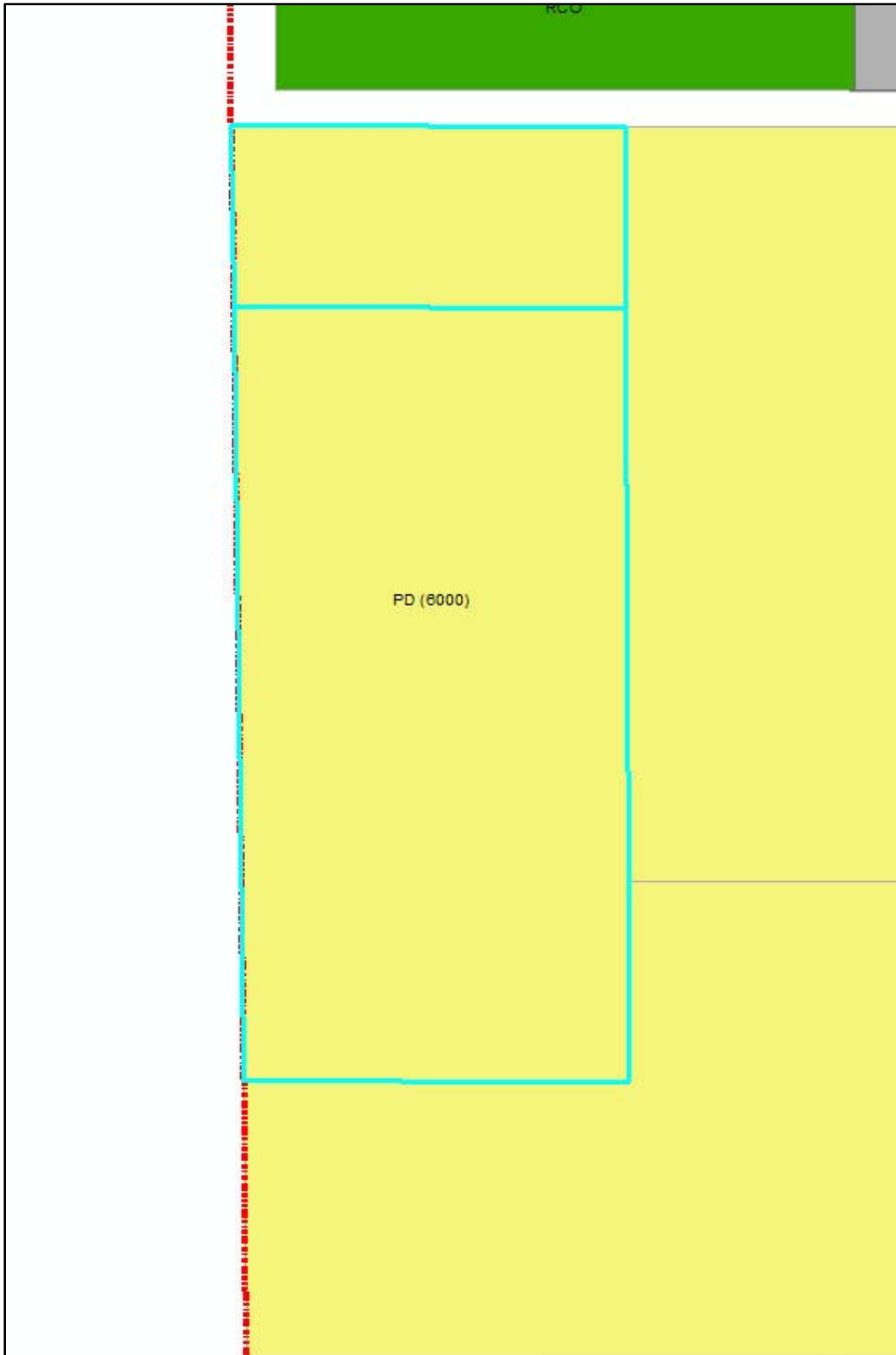
Attest:

Robert Gran, Jr.
Planning Commission Chairperson

Christopher F. Boyle
Planning Manager

PLANNING COMMISSION RESOLUTION NO. ____

EXHIBIT 'A'



DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 39.33 ACRES OF PROPERTY (APN: 006-380-027 AND 006-380-028), LOCATED APPROXIMATELY 2,000 FEET WEST OF THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH WESTBERRY BOULEVARD AND WEST CLEVELAND AVENUE, FROM THE PD-8000 (PLANNED DEVELOPMENT ZONE DISTRICT TO THE PD-6000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

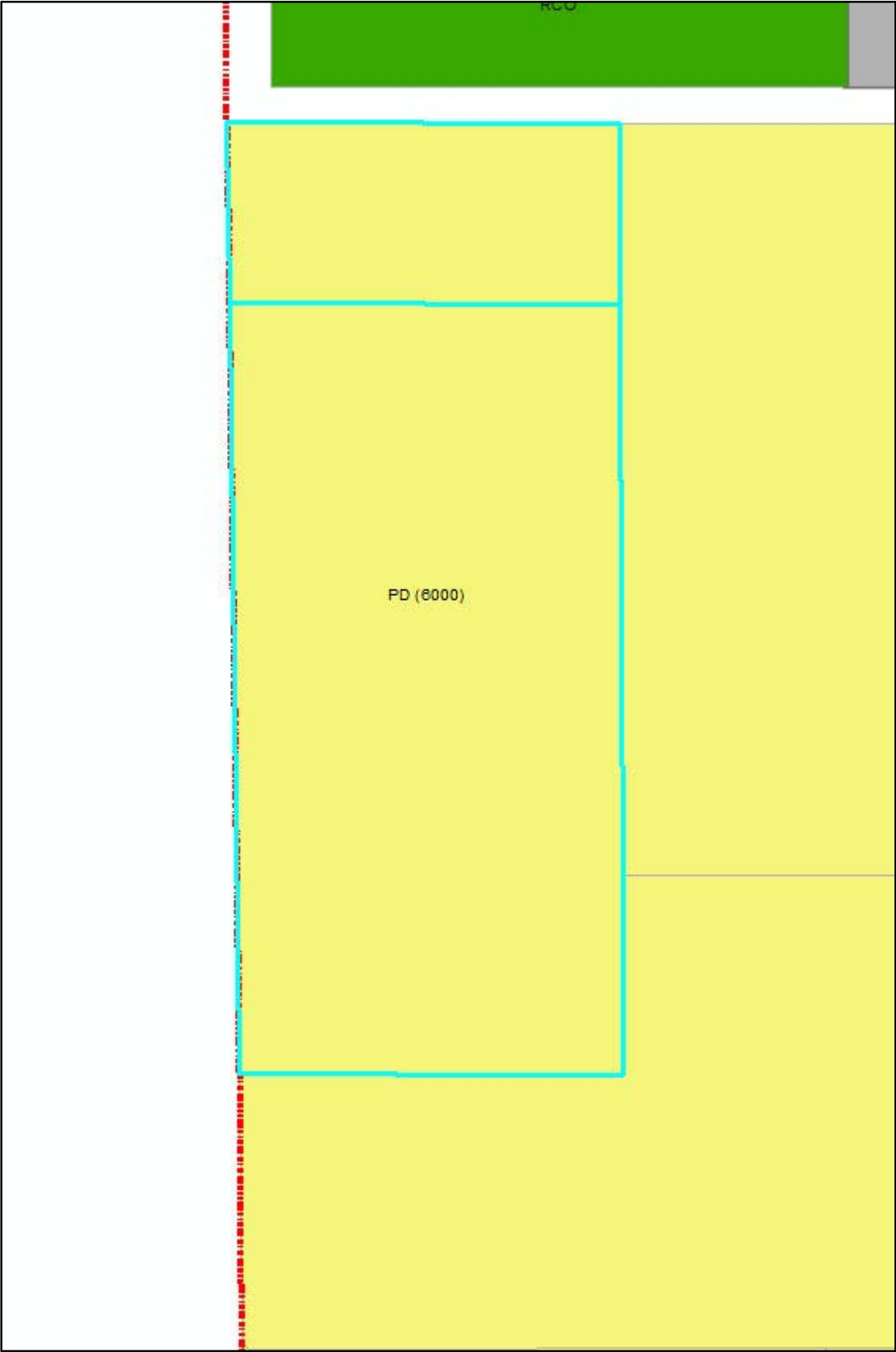
FINDINGS:

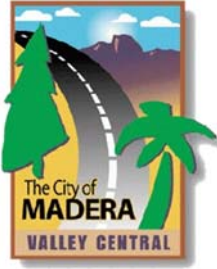
1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AMENDMENT AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE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

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

DRAFT ORDINANCE - EXHIBIT A





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Downtown Residential – Veteran’s Housing PPL 2018-03 & Environmental Determination Item #2 – October 9, 2018

PROPOSAL: An application for a Precise Plan to allow for the development of a 28-unit multifamily residential building and on-site improvements including parking, outdoor space and community/office rooms for supportive services and residents.

APPLICANT:	Mores Inc./Michael Sigala	OWNER:	City of Madera
ADDRESS:	200 and 204 North C Street	APN:	007-082-004, 005
APPLICATIONS:	PPL 2018-03	CEQA:	Negative Declaration

LOCATION: The project area is located at the northwest corner of the intersection of North C Street and West 5th Street.

STREET ACCESS: Access is provided from North C Street.

PARCEL SIZE: Approximately 0.36 acres (2 parcels)

GENERAL PLAN DESIGNATION: HD (High Density)

ZONING DISTRICT: PD-1500 (Planned Development)

SITE CHARACTERISTICS: The project location is generally surrounded by single-family residential to the north and east, and commercial uses to the south and west. Adjacent uses include the Union Bank to the west, multifamily apartments to the north, single-family houses to the south and a church to the east.

ENVIRONMENTAL REVIEW: A negative declaration was certified by the Planning Commission for a rezone and general plan amendment on the properties that anticipated development of a 28-unit multifamily residential building on August 14, 2018.

SUMMARY: The applicant is proposing the construction of a 28-unit three-story multifamily residential building within the City’s downtown in response to a recent rezone of the project site from commercial to high-density residential. The building is comprised of studios and one-bedroom units with one outdoor community area on each story. The building’s architecture and open space amenities comply with the goals and policies of the General Plan. The number of parking stalls provided do not comply with traditional parking standards for a multifamily residential building, but the purpose of the use is to enhance the use of public transportation and bicycles. The building has a bike locker room with spaces for 13 bikes and there are also nine (9) striped on-street parking stalls that are currently under-utilized. Although the number of parking stalls does not comply with the parking standards of the City, the development’s emphasis on walkability and public transportation provides better compliance with the goals and policies of the General Plan. The approval of a precise plan allows for this flexibility.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101, Planned Development Zones

MMC §10-3-4.104, Precise Plan

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

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

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

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

PRIOR ACTION

A General Plan Amendment and Rezone were approved at the August 14, 2018 Planning Commission hearing which changed the land use of the project properties from public facilities to high density residential in preparation for the construction of a multifamily residential building.

ANALYSIS

Precise Plan

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

The applicant proposes 28 units within a three-story residential building. The following encompass each floor of the building:

First Floor	Area	Second Floor	Area	Third Floor	Area
3 one-bedrooms	500 sf	4 one-bedrooms	520 sf	3 one-bedrooms	520 sf
5 studios	450 sf	6 studios	475 sf	7 studios	475 sf
2 offices	120 sf	1 outdoor area	860 sf	1 outdoor area	100 sf
1 community room	700 sf				
1 lobby	425 sf				
1 outdoor area	560 sf				

General Plan Conformance

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

- Architecture

Policy CD-33 states, "The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape." The proposed building has an urban cubic minimalist design that is visually different from the majority of multi-family and commercial buildings within the City.

There are various pop-outs, awnings and window treatments that break up the mass of the building along with different materials including metal panels, wood siding and plaster that cumulatively provide a visual interest to the streetscape. The architectural quality of the building is of high architectural value and staff recommends approval of the elevations, as proposed.

- **Open Space**

Policy LU-21 states, "Multi-family projects shall include functional, accessible outdoor areas and improvements which provide space for both private and public gatherings. These may include tot lots for pre-school children; passive recreation areas for lounging, sun bathing, barbecuing, quiet conversation and reading; and private patios or balconies. To the extent possible, these areas shall be shaded by trees and/or shade structures." The applicant has provided three community outdoor lounging areas for the residents; one is on the ground level outside at the back of the building, another is on a large balcony on the second floor and the final area is on a smaller balcony on the third floor. The outdoor balcony areas on the second and third floors will face onto East 5th Street and North C Street.

Parking

The traditional parking standards for a multifamily housing project specify 1.5 stalls for each studio or one-bedroom unit, including one covered parking stall for each unit. In addition, if a project has more than six (6) dwelling units, then visitor parking is required at a rate of one parking stall for each four (4) units. The proposal for 28 dwelling units comprised only of studios and one-bedroom dwelling units would typically result in a minimum of 49 parking stalls, of which 28 should be covered and seven (7) would be for visitors. The proposed site plan provides a total of 12 parking stalls.

The reason for the limited number of parking stalls is that this project relies on a grant that requires a more transit-oriented development where public transportation and walkability is the primary focus. This complies with Policy CD-19, which prefers streetscape designs with themes that are oriented toward and inviting to pedestrians and cyclists. Although it is not counted towards the parking regulations, there are nine (9) on-street parking stalls that are generally unutilized that could be used for the multifamily building. Typically, downtown development has limited parking and primarily utilizes on-street parking with an emphasis on walkability and public transportation.

The purpose and intent of the PD (Planned Development) Zone District allows for variations from normal zoning standards and special residential design standards that may be established which regulate the subdivision rather than the typical residential standards of the Municipal Code. This would include parking design and regulations.

Staff recommends approval of the limited number of parking stalls based on the purpose and intent of the PD (Planned Development) Zone District and further compliance with the goals and policies of the General Plan.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

An Action Plan was developed with specific ideas to implement the vision statements. The first of the four vision statements, "A Well-Planned City," states "Madera promotes affordable, quality housing that is accessible to all its residents." Action 101.8 states "Promote and encourage development and redevelopment of low- and moderate-cost housing." Action 121.8 states "Promote and encourage walking within the City." Approval of this project is specifically consistent with the aforementioned vision statement and Actions 101.8 and 121.8.

RECOMMENDATION

The Precise Plan allows for the development of a multifamily residential building in conformity with the General Plan. The information presented in this report supports a recommendation of approval for the Precise Plan, subject to the recommended conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the precise plan.

PLANNING COMMISSION ACTION

The Commission will be acting on Precise Plan 2018-03.

Motion 1: Move to approve Precise Plan 2018-03, based on and subject to the findings and conditions of approval:

Findings

- A negative declaration for development of the project site was certified by the Planning Commission on August 14, 2018. The proposed precise plan is consistent with development anticipated in the Negative Declaration.
- Precise Plan 2018-03 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the code.
- Precise Plan 2018-03 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- Precise Plan 2018-03 is consistent with the goals and policies of the General Plan.
- The proposed modification is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for Precise Plan 2018-03.
2. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
3. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager, at a minimum.
4. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
5. The project shall be developed in accordance with the site plan and elevation drawings, as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of

the Planning Manager, at a minimum. All on- and off-site improvements shall be completed in advance of any request for building permit final inspection.

Engineering Department

General

6. Nuisance onsite lighting shall be redirected within 48 hours of notification.
7. Impact fees shall be paid at time of building permit issuance.
8. 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.
9. The improvement plans for the project shall include the most recent version of the City's General Notes.
10. 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.
11. Improvements within the City right-of-way require an Encroachment permit from the Engineering Department.

Sewer

12. Sewer service connections shall be constructed to current City standards.
13. Sewer main connection six (6") inches and larger in diameter shall require manhole installation.
14. Existing septic tanks, if found, shall be removed, permitted and inspected by the City of Madera Building Department.

Storm Drain

15. Support calculations shall be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
16. Storm runoff from this project will surface drain into existing facilities and eventually into the Fresno River. Water runoff from the site must be cleaned before entering the existing storm water system through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
17. This project will be responsible for meeting the requirements of the proposed ordinance regarding Storm Water Quality Management.

Streets

18. Proposed access on North C Street shall be as far away as possible from the intersection of East 5th Street. The driveway shall be built per current City and ADA standards.
19. The existing driveway approaches on North C Street shall be removed and replaced with concrete sidewalk, curb and gutter per current City standards.
20. Damaged portions of the sidewalk, curb and gutter along North C Street and East 5th Street shall be reconstructed per current City standards. The developer shall coordinate with the

City Inspector to establish the minimum limits of the repairs. The development is encouraged to consider additional sidewalk reconstruction that would ultimately result in an improved pedestrian accessible environment.

21. The developer shall install street lights along East 5th Street and North C Street frontages in accordance with current City standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
22. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.
23. The developer shall install pedestrian enhancements along the frontage that include bulb-outs at the intersections that are intended to reduce crossing distance. The existing access ramp located at the northwest corner of East 5th Street and North C Street shall be incorporated into this measure in accordance with current ADA standards.
24. A parcel merger shall be required to combine the parcels prior to submittal for building permit plan check. The applicant shall pay the \$388.00 parcel merger fee or the fee in effect at that time with the Engineering Department prior to issuance of a building permit.
25. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.

Water

26. 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 backflow prevention device installed within private property.
27. A separate water meter and backflow prevention device shall be required for landscape area.

Fire Department

28. The building shall be equipped throughout with fire sprinklers.
29. A fire alarm system is required. The system shall include connection to the elevator recall system.
30. Building permits shall be required for all improvements.
31. The interior corridors will require a fire resistance rating in accordance with the California Building Code (CBC) and California Fire Code (CFC).
32. Fire lanes shall be properly posted.
33. The bicycle racks cannot obstruct the exit stairway or exit discharge.
34. An analysis is required to confirm that there is adequate fire flow available at the street prior to construction permits being issued.
35. The plans show a fire water line in the middle of the egress path. If the backflow device is above grade, it shall not obstruct the egress path.
36. A Knox box shall be required.

37. Portable fire extinguishers shall be required in accordance with the California Fire Code (CFC).

Planning Department

Precise Plan

38. Precise Plan Area

Two (2) parcels, approximately 0.36 acres
APNs: 007-082-004, 007-082-005

Building Area

28 residential units, as follows:

10 1-bedroom units, 520 sq. ft. each

18 studio units, 475 sq. ft. each

2 offices, 120 sq. ft. each

1 community room, 700 sq. ft.

1 lobby, 425 sq. ft.

1 bicycle storage room, 14 stalls

39. The proposed elevations, as approved and attached herein, shall include the following features as standard elements of construction:
- Minimum three-color exterior painting
 - Architectural treatments, including varied wood, metal and plaster siding, pop-outs, windows, and balconies consistent with the approved elevations for the models.
40. Significant modification of the approved elevation, as determined by the Community Development Director, shall require amendment of Precise Plan 2018-03.
41. Vandalism and graffiti shall be corrected pursuant to the Madera Municipal Code.
42. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and the dumping of refuse shall be restricted to the dumpsters owned by the property owner.

Building Colors, Materials and Lighting Considerations

43. The applicant shall submit a color and materials presentation board as part of the Precise Plan. The color and materials presentation board shall be approved by the Planning Commission and shall be included in the Precise Plan.
44. The construction of buildings approved as part of the Precise Plan shall be consistent with the approved color and materials presentation board as reviewed and approved by the Planning Commission.
45. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.
46. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of building permits.

Fences and Walls

47. A new single-bin trash enclosure shall be constructed consistent with City standards. The color of the trash enclosure shall be painted to match or complement the structure. The location of the trash enclosure shall be shown on the site plan submittal for building permit plan check and shall be approved by the Public Works Director.

48. A six (6') foot tall wooden fence or masonry block wall shall be constructed along the northern property line, parallel to the adjacent apartment building to the north. If a masonry block wall is constructed, it shall be a split-faced masonry block wall or have a stucco exterior.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

49. Prior to the issuance of building permits, the applicant shall identify the following information for Planning Department review and approval:
- The location of all-natural gas and electrical utility meter locations.
 - The location of all HVAC (heating, ventilation or air conditioning) equipment.
 - The location of all compressor equipment, and mechanical and electrical equipment.
50. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department.
51. Electrical/mechanical equipment shall be located in the interior of the proposed new structure within an electrical/mechanical service room(s).
52. When HVAC equipment is roof-mounted, all equipment placement shall be screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground mounted, all HVAC equipment shall be completely screened by a six (6') foot enclosure so as to match the primary color and material of the structure.
53. Natural gas meter placement shall be screened from public view per Planning Department approval.
54. Roof access ladders (if any) shall be located within the interior of the building.
55. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
56. 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.
57. 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 and Open Space

58. A detailed landscaping and irrigation plan shall be prepared 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 plans shall:
- Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO).
 - Landscaped areas shall be provided with permanent automatic irrigation systems.
 - 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.

59. The property owner(s) shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with residential standards, and replacing dead or unhealthy vegetation.

Parking

60. No wheel stops shall be incorporated into the parking field/parking stall layout unless required by the Americans with Disabilities Act (ADA) standards.
61. All parking stalls shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep (17' deep with a 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle shall be twenty-six (26') feet for primary drive aisles.

San Joaquin Valley Air Pollution Control District

62. The developer shall comply with all rules and regulations of the San Joaquin Valley Air Pollution Control District's letter dated August 17, 2018.

(OR)

Motion 2: Move to continue the public hearing on Precise Plan 2018-03 to the November 13, 2018 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Precise Plan 2018-03, based on the following findings: (specify)

ATTACHMENTS

Aerial Map
Site Plan & Elevations
Floor Plan
Color Board
SJVAPCD Letter

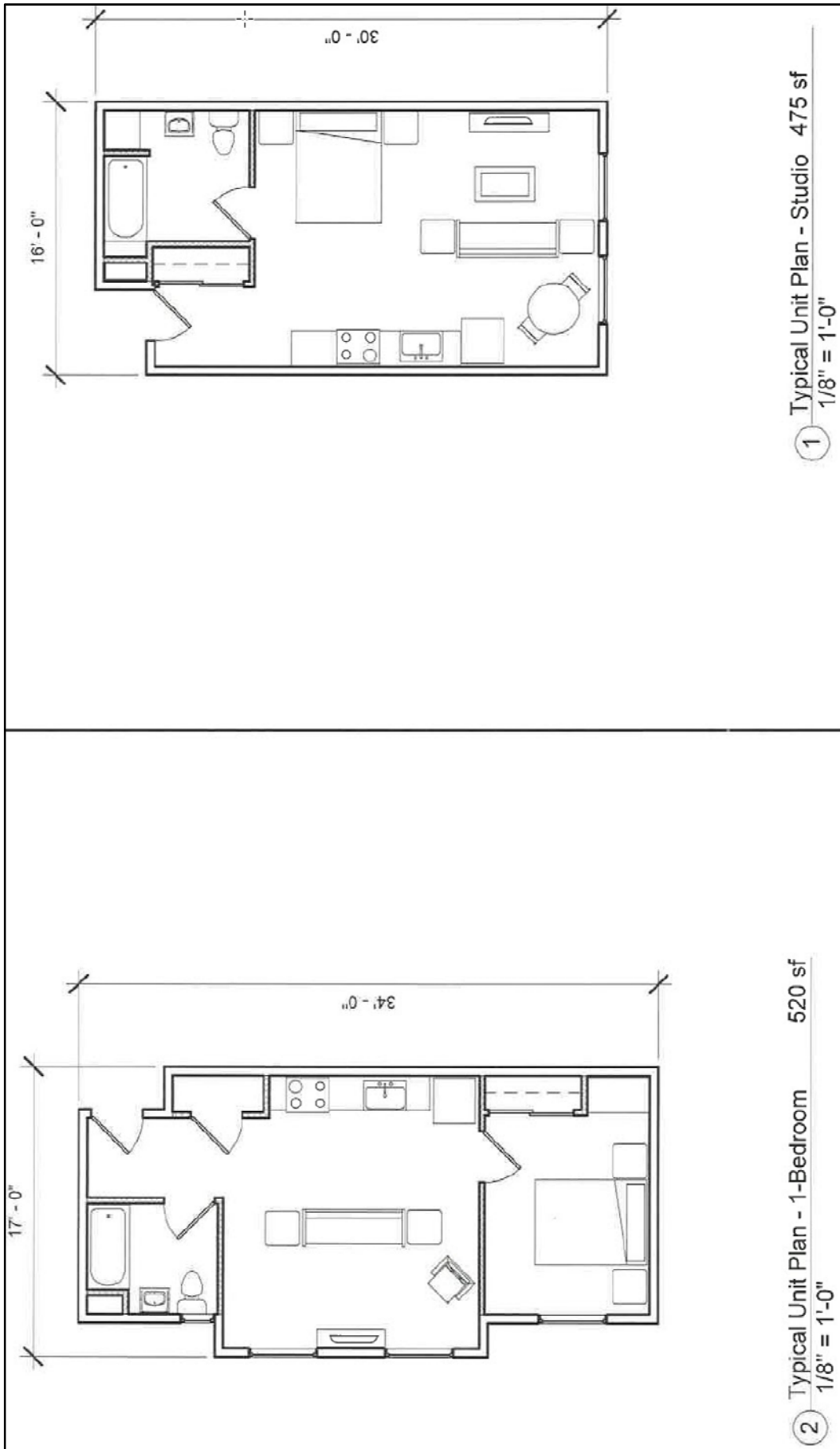
Aerial Photo



Site Plan & Elevations



Floor Plan



Color Board

Proposed Veteran's Housing Colors



Horizontal Metal Panels



Wood Siding/ Overhang Cover



Metal Panel Highlight



Metal Panel Window Overhang



Main Plaster

SJVAPCD Letter



August 17, 2018

Robert Holt
City of Madera
205 W. Fourth Street
Madera, CA 93637

Project: Downtown Residential - Veteran's Housing

District CEQA Reference No: 193-20180007

Dear Mr. Holt:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of apartments, low rise with a total of 28 dwelling units (Project), located at 200 North C Street in Madera, CA. The District offers the following comments:

1. Significance Impact for Annual Criteria Pollutants Emissions - The Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. District Rule 9510 (Indirect Source Review) - District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. The Project is not subject to District Rule 9510 because the project size is below the Rule 9510 applicability threshold for a residential development.

Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for the project

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061
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Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

SJVAPCD Letter (cont.)

District CEQA Reference No 193-20180007

Page 2 of 3

level approval from the public agency. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>. The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

3. Regulation VIII (Fugitive PM10 Prohibitions) - The Project will be subject to Regulation VIII. Information on how to comply with Regulation VIII can be found online at: http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm.
4. Other District Rules and Regulations - The above list of rules is neither exhaustive nor exclusive. For example, the Project may be subject to the following District rules, including: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). To identify other District rules or regulations that apply to this Project or to obtain information on the District's permit requirements, such as an Authority to Construct (ATC), the project proponent is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888 or e-mail SBA@valleyair.org. Current District rules can be found online at the District's website at: www.valleyair.org/rules/1ruleslist.htm.
5. Potential Air Quality Improvement Measures - The District encourages the following air quality improvement measures to further reduce Project related emissions from construction and operation. A complete list of potential air quality improvement measures can be found online at: <http://www.valleyair.org/ceqaconnected/eqimeasures.aspx>.
 - a. Cleaner Off-Road Construction Equipment - This measure is to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier III emission standards. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.
 - b. Improve Walkability Design - This measure is to improved design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments.
 - c. Improve Destination Accessibility - This measure is to locate the project in an area with high accessibility to destinations. Destination accessibility is measured in terms of the number of jobs or other attractions reachable within a given travel time, which tends to be highest at central locations and lowest at peripheral ones. The location of the project also increases the potential for pedestrians to walk and bike to these destinations and therefore reduces the VMT.
 - d. Increase Transit Accessibility - This measure is to locate the project with high

SJVAPCD Letter (cont.)

District CEQA Reference No 193-20180007

Page 3 of 3

density near transit which will facilitate the use of transit by people traveling to or from the Project site. The use of transit results in a mode shift and therefore reduced VMT. A project with a residential/commercial center designed around a rail or bus station, is called a transit-oriented development (TOD). The project description should include, at a minimum, the following design features:

- A transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk (or roughly ¼ mile from stop to edge of development), and/or
- A rail station located within a 20 minute walk (or roughly ½ mile from station to edge of development)
- Fast, frequent, and reliable transit service connecting to a high percentage of regional destinations
- Neighborhood designed for walking and cycling

The District recommends that a copy of the District's comment letter be provided to the project proponent.

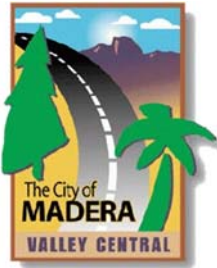
District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call the District's Technical Services staff at (559) 230-6000 or e-mail ceqa@valleyair.org. When calling or emailing the District, please reference District CEQA number 193-20180007.

Sincerely,

Amaud Marjollet
Director of Permit Services



Brian Clements
Program Manager



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Downtown Residential – Multifamily Housing PPL 2018-04 & Environmental Determination Item #3 – October 9, 2018

PROPOSAL: An application for a Precise Plan to allow for the development of a 20-unit multifamily residential building and on-site improvements including parking, outdoor space, a playground area and a community room for supportive services and residents.

APPLICANT:	Mores Inc./Michael Sigala	OWNER:	City of Madera
ADDRESS:	121 and 125 North C Street	APN:	007-112-014, 015
APPLICATIONS:	PPL 2018-05	CEQA:	Negative Declaration

LOCATION: The project area is located at the southeast corner of the intersection of North C Street and West 5th Street.

STREET ACCESS: Access is provided from North C Street.

PARCEL SIZE: Approximately 0.52 acres (2 parcels)

GENERAL PLAN DESIGNATION: HD (High Density)

ZONING DISTRICT: PD-1500 (Planned Development)

SITE CHARACTERISTICS: The project location is generally surrounded by single-family residential to the north and east, and commercial uses to the south and west. Adjacent uses include the single-family homes and a Chase bank to the west, a mix of retail and offices to the east, a church to the north and retail businesses to the south.

ENVIRONMENTAL REVIEW: A negative declaration was certified by the Planning Commission for a rezone and general plan amendment on the properties that anticipated development of a 20-unit multifamily residential building on August 14, 2018.

SUMMARY: The applicant is proposing the construction of a 20-unit three-story multifamily residential building within the City's downtown in response to a recent rezone of the project site from commercial to high-density residential. The building is comprised of two-bedroom and three-bedroom units with one outdoor community area on each story and a tot lot in front of the building. The building's architecture and open space amenities comply with the goals and policies of the General Plan. The number of parking stalls provided do not comply with traditional parking standards for a multifamily residential building, but the purpose of the use is to enhance the use of public transportation and bicycles. The building has a bike locker room with spaces for 10 bikes and there are also 16 striped on-street parking stalls that are currently under-utilized. Although the number of parking stalls does not comply with the parking standards of the City, the development's emphasis on walkability and public transportation provides better compliance with the goals and policies of the General Plan. The approval of a precise plan allows for this flexibility.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101, Planned Development Zones

MMC §10-3-4.104, Precise Plan

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

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

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

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

PRIOR ACTION

A General Plan Amendment and Rezone were approved at the August 14, 2018 Planning Commission hearing which changed the land use of the project properties from commercial to high density residential in preparation for the construction of a multifamily residential building.

ANALYSIS

Precise Plan

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

The applicant proposes 20 units within a three-story residential building. The following encompass each floor of the building:

First Floor	Area	Second Floor	Area	Third Floor	Area
4 two-bedrooms	765 sf	4 two-bedrooms	820 sf	4 two-bedrooms	820 sf
2 three-bedrooms	1,000 sf	3 three-bedrooms	1,050 sf	3 three-bedrooms	1,050 sf
1 community room	730 sf	1 outdoor area	500 sf	1 outdoor area	500 sf
1 lobby	390 sf				
1 outdoor area	2,050 sf				
1 playground area	1,110 sf				

General Plan Conformance

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

- **Architecture**

Policy CD-33 states, "The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape." The proposed building has an urban cubic minimalist design that is visually different from the majority of multi-family and commercial buildings within the City.

There are various pop-outs, awnings and window treatments that break up the mass of the building along with different materials including metal panels, wood siding and plaster that cumulatively provide a visual interest to the streetscape. The architectural quality of the building is of high architectural value and staff recommends approval of the elevations, as proposed.

- **Open Space**

Policy LU-21 states, “Multi-family projects shall include functional, accessible outdoor areas and improvements which provide space for both private and public gatherings. These may include tot lots for pre-school children; passive recreation areas for lounging, sun bathing, barbecuing, quiet conversation and reading; and private patios or balconies. To the extent possible, these areas shall be shaded by trees and/or shade structures.” The applicant has provided three community outdoor lounging areas and a playground area for the residents; one is on the ground level outside at the front of the building adjacent to the playground area and the other two are on balconies on each floor.

Parking

The traditional parking standards for a multifamily housing project specify 1.5 stalls for each studio or one-bedroom unit, including one covered parking stall for each unit. In addition, if a project has more than six (6) dwelling units, then visitor parking is required at a rate of one parking stall for each four (4) units. The proposal for 20 dwelling units comprised two-bedroom and three-bedroom dwelling units would typically result in a minimum of 45 parking stalls, of which 20 should be covered and five (5) would be for visitors. The proposed site plan provides a total of 23 parking stalls.

The reason for the limited number of parking stalls is because this project relies on a grant that requires a more transit-oriented development where public transportation and walkability is the primary focus. This complies with Policy CD-19, which prefers streetscape designs with themes that are oriented toward and inviting to pedestrians and cyclists. Although it is not counted towards the parking regulations, there are 16 on-street parking stalls that are generally unutilized that could be used for the multifamily building. Typically, downtown development has limited parking and primarily utilizes on-street parking with an emphasis on walkability and public transportation.

The purpose and intent of the PD (Planned Development) Zone District allows for variations from normal zoning standards and special residential design standards that may be established which regulate the subdivision rather than the typical residential standards of the Municipal Code. This would include parking design and regulations.

Staff recommends approval of the limited number of parking stalls based on the purpose and intent of the PD (Planned Development) Zone District and further compliance with the goals and policies of the General Plan.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

An Action Plan was developed with specific ideas to implement the vision statements. The first of the four vision statements, “A Well-Planned City,” states “Madera promotes affordable, quality housing that is accessible to all its residents.” Action 101.8 states “Promote and encourage development and redevelopment of low- and moderate-cost housing.” Action 121.8 states “Promote and encourage walking within the City.” Approval of this project is specifically consistent with the aforementioned vision statement and Actions 101.8 and 121.8.

RECOMMENDATION

The Precise Plan allows for the development of a multifamily residential building in conformity with the General Plan. The information presented in this report supports a recommendation of approval for the Precise Plan, subject to the recommended conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the precise plan.

PLANNING COMMISSION ACTION

The Commission will be acting on Precise Plan 2018-04.

Motion 1: Move to approve Precise Plan 2018-04, based on and subject to the findings and conditions of approval:

Findings

- A negative declaration for development of the project site was certified by the Planning Commission on August 14, 2018. The proposed precise plan is consistent with development anticipated in the Negative Declaration.
- Precise Plan 2018-04 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the code.
- Precise Plan 2018-04 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- Precise Plan 2018-04 is consistent with the goals and policies of the General Plan.
- The proposed modification is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for Precise Plan 2018-04.
2. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
3. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager, at a minimum.
4. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
5. The project shall be developed in accordance with the site plan and elevation drawings, as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of

the Planning Manager, at a minimum. All on- and off-site improvements shall be completed in advance of any request for building permit final inspection.

Engineering Department

General

6. Nuisance onsite lighting shall be redirected within 48 hours of notification.
7. Impact fees shall be paid at time of building permit issuance.
8. 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.
9. Improvement plans signed and sealed by an Engineer shall be submitted to the Engineering Department in accordance with the submittal process.
10. The improvement plans for the project shall include the most recent version of the City's General Notes.
11. 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.
12. Improvements within the City right-of-way require an Encroachment permit from the Engineering Department.

Sewer

13. Sewer service connections shall be constructed to current City standards.
14. Sewer main connection six (6") inches and larger in diameter shall require manhole installation.
15. Existing septic tanks, if found, shall be removed, permitted and inspected by the City of Madera Building Department.

Storm Drain

16. Support calculations shall be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
17. Storm runoff from this project will surface drain into existing facilities and eventually into the Fresno River. Water runoff from the site must be cleaned before entering the existing storm water system through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
18. This project will be responsible for meeting the requirements of the proposed ordinance regarding Storm Water Quality Management.

Streets

19. Proposed access on North C Street shall be as far away as possible from the intersection of East 5th Street. The driveway shall be built per current City and ADA standards.
20. The existing driveway approach on North C Street, if not being used, shall be removed and replaced with concrete sidewalk, curb and gutter per current City standards.

21. Damaged portions of the sidewalk, curb and gutter along North C Street and East 5th Street shall be reconstructed per current City standards. The developer shall coordinate with the City Inspector to establish the minimum limits of the repairs. The development is encouraged to consider additional sidewalk reconstruction that would ultimately result in an improved pedestrian accessible environment.
22. The developer shall install street lights along East 5th Street frontage in accordance with current City standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
23. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.
24. The developer shall install pedestrian enhancements along the frontage that include bulb-outs at the intersections that are intended to reduce crossing distance. The existing access ramp located at the northwest corner of East 5th Street and North C Street shall be incorporated into this measure in accordance with current ADA standards.
25. A parcel merger shall be required to combine the parcels prior to submittal for building permit plan check. The applicant shall pay the \$388.00 parcel merger fee or the fee in effect at that time with the Engineering Department prior to issuance of a building permit.
26. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
27. The alley approach on East 5th Street shall be reconstructed to the extent necessary to provide ADA accessibility along the entire site frontage.

Water

28. 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 backflow prevention device installed within private property.
29. A separate water meter and backflow prevention device shall be required for landscape area.

Fire Department

30. The building shall be equipped throughout with fire sprinklers.
31. A fire alarm system is required. The system shall include connection to the elevator recall system.
32. Building permits shall be required for all improvements.
33. The interior corridors will require a fire resistance rating in accordance with the California Building Code (CBC) and California Fire Code (CFC).
34. Fire lanes shall be properly posted.
35. An analysis is required to confirm that there is adequate fire flow available at the street prior to construction permits being issued.
36. A Knox box shall be required.

37. Portable fire extinguishers shall be required in accordance with the California Fire Code (CFC).

Planning Department

Precise Plan

38. Precise Plan Area

Two (2) parcels, approximately 0.52 acres
APNs: 007-112-014, 007-112-015

Building Area

20 residential units, as follows:

12 2-bedroom units, 765-820 sq. ft. each

8 3-bedroom units, 1,000-1,050 sq. ft. each

1 community room, 730 sq. ft.

1 lobby, 390 sq. ft.

1 bicycle storage room, 10 stalls

39. The proposed elevations, as approved and attached herein, shall include the following features as standard elements of construction:
- Minimum three-color exterior painting
 - Architectural treatments, including varied wood, metal and plaster siding, pop-outs, windows, and balconies consistent with the approved elevations for the models.
40. Significant modification of the approved elevation, as determined by the Community Development Director, shall require amendment of Precise Plan 2018-04.
41. Vandalism and graffiti shall be corrected pursuant to the Madera Municipal Code.
42. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and the dumping of refuse shall be restricted to the dumpsters owned by the property owner.

Building Colors, Materials and Lighting Considerations

43. The applicant shall submit a color and materials presentation board as part of the Precise Plan. The color and materials presentation board shall be approved by the Planning Commission and shall be included in the Precise Plan.
44. The construction of buildings approved as part of the Precise Plan shall be consistent with the approved color and materials presentation board as reviewed and approved by the Planning Commission.
45. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.
46. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of building permits.

Fences and Walls

47. A new single-bin trash enclosure shall be constructed consistent with City standards. The color of the trash enclosure shall be painted to match or complement the structure. The location of the trash enclosure shall be shown on the site plan submittal for building permit plan check and shall be approved by the Public Works Director.

48. A six (6') foot tall wooden fence or masonry block wall shall be constructed along the southern property line. If a masonry block wall is constructed, it shall be a split-faced masonry block wall or have a stucco exterior.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

49. Prior to the issuance of building permits, the applicant shall identify the following information for Planning Department review and approval:
- The location of all-natural gas and electrical utility meter locations.
 - The location of all HVAC (heating, ventilation or air conditioning) equipment.
 - The location of all compressor equipment, and mechanical and electrical equipment.
50. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department.
51. Electrical/mechanical equipment shall be located in the interior of the proposed new structure within an electrical/mechanical service room(s).
52. When HVAC equipment is roof-mounted, all equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground-mounted, all HVAC equipment shall be completely screened by a six (6') foot enclosure constructed so as to match the primary color and material of the structure.
53. Natural gas meter placement shall be screened from public view per Planning Department approval.
54. Roof access ladders (if any) shall be located within the interior of the building.
55. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan review.
56. 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 shall be painted matte black or with a color better suited to minimize their appearance.
57. Transformers and similar pad-mounted utilities shall be screened per the approval of the Planning Manager.

Landscaping and Open Space

58. A detailed landscaping and irrigation plan shall be prepared 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 plans shall:
- Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO).
 - Landscaped areas shall be provided with permanent automatic irrigation systems.
 - 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.
59. The final selection and placement of playground equipment and supporting apparatus such as trash receptacles and light fixtures, shall be reviewed and approved by the

Planning Department as a component of Building permit plan check submittals. The tot lot area shall be clearly delineated with curbing and landscaping from walkways and lawn areas. The surface under the tot lot area shall be a material approved for use by the Parks Department. Minor alterations and/or amendments may be approved by the Planning Manager. Proposed changes deemed substantial by the Planning Manager shall require an amendment to the Precise Plan approved by the Planning Commission.

60. The tot lot equipment and all other site amenities shall be maintained in good working condition and appearance.
61. The property owner(s) shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with residential standards, and replacing dead or unhealthy vegetation.

Parking

62. No wheel stops shall be incorporated into the parking field/parking stall layout unless required by the Americans with Disabilities Act (ADA) standards.
63. All parking stalls shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces measure a minimum of nine (9') feet wide by nineteen (19') feet deep (17' deep with a 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle space shall be a minimum of twenty-six (26') feet for primary drive aisles.

San Joaquin Valley Air Pollution Control District

64. The developer shall comply with all rules and regulations of the San Joaquin Valley Air Pollution Control District's letter dated August 17, 2018.

(OR)

Motion 2: Move to continue the public hearing on Precise Plan 2018-03 to the November 13, 2018 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Precise Plan 2018-03, based on the following findings: (specify)

ATTACHMENTS

Aerial Map
Site Plan & Elevations
Floor Plan
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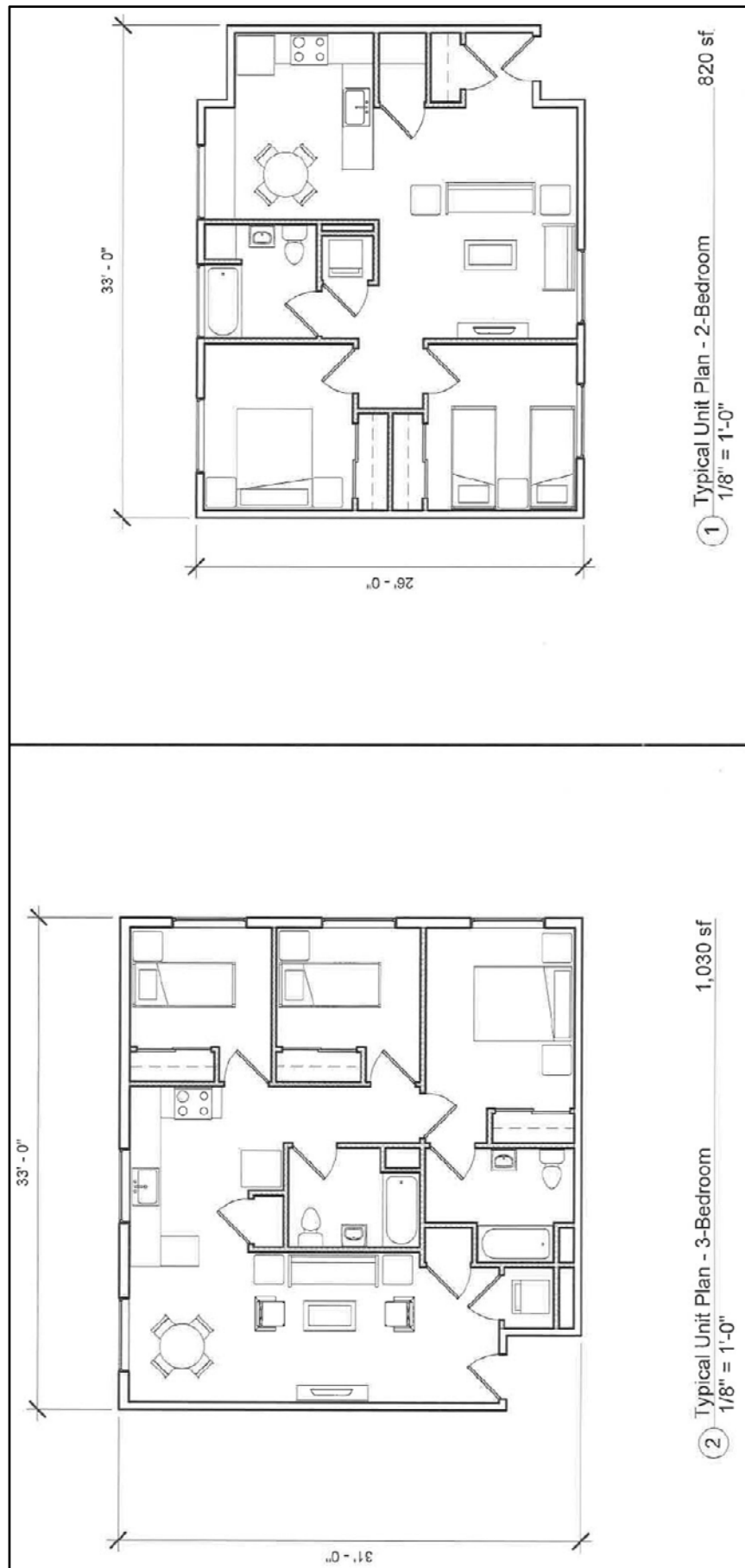
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Site Plan & Elevations



Floor Plan



Proposed Multi-Family Housing Colors



Metal Panels



Wood Siding



Plaster Highlight



Metal Panel Window Overhang



Main Plaster

SJVAPCD Letter



August 17, 2018

Robert Holt
City of Madera
205 W. Fourth Street
Madera, CA 93637

Project: Downtown Residential - Multifamily Housing

District CEQA Reference No: 193-20180008

Dear Mr. Holt:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of located at 121 North C Street in Madera, CA. The District offers the following comments:

1. Significance Impact for Annual Criteria Pollutants Emissions - The Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. District Rule 9510 (Indirect Source Review) - District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. The Project is not subject to District Rule 9510 because the project size is below the Rule 9510 applicability threshold for a residential development.

Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for the project level approval from the public agency. Information about how to comply with District

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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Central Region (Main Office)
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34946 Flyover Court
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www.valleyair.org www.healthyairliving.com

SJVAPCD Letter (cont.)

District CEQA Reference No 193-20180008

Page 2 of 3

Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>. The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

3. Regulation VIII (Fugitive PM10 Prohibitions) - The Project will be subject to Regulation VIII. Information on how to comply with Regulation VIII can be found online at: http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm.
4. Other District Rules and Regulations - The above list of rules is neither exhaustive nor exclusive. For example, the Project may be subject to the following District rules, including: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). To identify other District rules or regulations that apply to this Project or to obtain information on the District's permit requirements, such as an Authority to Construct (ATC), the project proponent is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888 or e-mail SBA@valleyair.org. Current District rules can be found online at the District's website at: www.valleyair.org/rules/1ruleslist.htm.
5. Potential Air Quality Improvement Measures - The District encourages the following air quality improvement measures to further reduce Project related emissions from construction and operation. A complete list of potential air quality improvement measures can be found online at: <http://www.valleyair.org/ceqaconnected/aqimeasures.aspx>.
 - a. Cleaner Off-Road Construction Equipment - This measure is to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier III emission standards. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.
 - b. Improve Walkability Design - This measure is to improved design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments.
 - c. Improve Destination Accessibility - This measure is to locate the project in an area with high accessibility to destinations. Destination accessibility is measured in terms of the number of jobs or other attractions reachable within a given travel time, which tends to be highest at central locations and lowest at peripheral ones. The location of the project also increases the potential for pedestrians to walk and bike to these destinations and therefore reduces the VMT.
 - d. Increase Transit Accessibility - This measure is to locate the project with high density near transit which will facilitate the use of transit by people traveling to

SJVAPCD Letter (cont.)

District CEQA Reference No 193-20180008

Page 3 of 3

or from the Project site. The use of transit results in a mode shift and therefore reduced VMT. A project with a residential/commercial center designed around a rail or bus station, is called a transit-oriented development (TOD). The project description should include, at a minimum, the following design features:

- A transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk (or roughly ¼ mile from stop to edge of development), and/or
- A rail station located within a 20 minute walk (or roughly ½ mile from station to edge of development)
- Fast, frequent, and reliable transit service connecting to a high percentage of regional destinations
- Neighborhood designed for walking and cycling

The District recommends that a copy of the District's comment letter be provided to the project proponent.

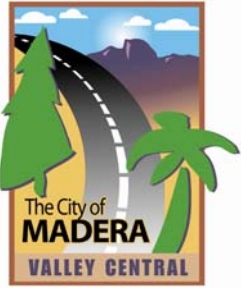
District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call the District's Technical Services staff at (559) 230-6000 or e-mail ceqa@valleyair.org. When calling or emailing the District, please reference District CEQA number 193-20180008 .

Sincerely,

Amaud Marjollet
Director of Permit Services



Brian Clements
Program Manager



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Singh Smog Shop MOD CUP 2018-02 MOD & Environmental Determination Item #4 – October 9, 2018

PROPOSAL: An application to amend an existing conditional use permit to allow for the intensification of automotive uses on the site.

APPLICANT:	Rodrigo Robles	OWNER:	Don Bonander
ADDRESS:	96 East 6 th Street	APN:	007-152-007
APPLICATION:	CUP 2018-02 MOD	CEQA:	Categorical Exemption

LOCATION: The project site is located at the southwest corner of East 6th Street and South E Street.

STREET ACCESS: The site has access to East 6th Street and South E Street.

PARCEL SIZE: One parcel encompassing approximately 0.18 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The project site is located in the downtown district of the City. A mixture of commercial activity is located to the north, south, east and west of the project site, with the Union Pacific Railroad tracks located immediately west of the project site.

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

SUMMARY: The applicant is proposing to expand auto services on the site to include general auto repair services in conjunction with the existing emissions (smog) testing business. The uses would operate under separate ownership, with the shop space being shared by both operators. Approval of a conditional use permit is required as a component of establishing an automotive repair and service use. In this case, a modification is required for the intensification of the existing use.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.801 Light Commercial Zones
MMC § 10-3.4.0102 Site Plan Review Applicability
MMC § 10-3.1205 Parking Spaces Requirement
MMC § 10-3.1301 Use Permits

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

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

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

PRIOR ACTION

The project site has been associated with prior entitlements, such as a use permit for a car wash and auto detailing use (CUP 2014-24 & SPR 2014-33) and a used car sales use (CUP 2015-26 & SPR 2015-30). None of the required off-site improvements were ever completed. The entitlement holders ultimately vacated the site causing the extinguishment of the use permits.

An application for a conditional use permit and site plan review was later approved by the Planning Commission on August 9, 2016. Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27 allowed for the reestablishment of a car wash and auto detailing business on the site. The use permit was later revoked by the Planning Commission on September 12, 2017 due to non-compliance with the required on and off-site improvements.

Following the revocation, Conditional Use Permit 2018-02 and Site Plan Review 2018-04 were approved on March 13, 2018, allowing for the establishment of an emissions (smog) testing business. To date, the operator has been in compliance with the conditions of approval.

ANALYSIS

Operations

The applicant wishes to expand services on the site from an emissions (smog) testing service business to include general automotive repair work. The proposed auto-repair work will include: systems diagnostics, tune-ups, brakes and rotors, air conditioning maintenance, muffler and exhaust, tires and wheel balancing. The proposed use will occupy approximately 70 square feet of diagnostics and mechanical repair equipment. No auto lifts or heavy equipment will be installed or utilized as a component of the use.

Amendment

Approval of the amendment would allow for dual auto uses on the site. The proposed general auto repair use will operate independent to the current emissions (smog) testing business, though the building will be shared and divided as needed by the operators.

Parking

The site has on-site parking for four (4) vehicles when six (6) parking stalls are required. Though the site is underserved by two (2) parking stalls, all automotive services will be rendered within the building which can accommodate four (4) vehicles at once. As proposed, the general auto repair use concurrent with the emissions testing use will not increase the parking space requirements. Per the Madera Municipal Code (MMC) §10-3.1202, the site does provide sufficient parking for the dual automotive uses, using interior and exterior on-site parking.

Site Improvements

The proposed expansion of uses require no structural alterations, tenant improvements or installation of any heavy mechanical equipment. Staff's support for the general auto repair business is contingent that the applicant, operators and property owner be able to maintain, operate and complete any substandard improvements not satisfied by previously approved use permits.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of an allowance for the establishment of a general auto repair business is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*

RECOMMENDATION

The information presented in this report supports approval of the conditional use permit request, subject to the recommended conditions of approval. Although prior applicants and the property owner have historically struggled to demonstrate compliance with required conditions of approval, staff desires to continue to promote and foster small business development and subsequently supports the request to allow for the expansion of the site to include a general auto repair use in conjunction with an emissions (smog) testing and repair shop business. 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 2018-02 MOD subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

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

Motion 1: Move to approve Conditional Use Permit 2018-02 MOD, based on and subject to the following findings and conditions of approval:

Findings

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

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2018-02 MOD may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2018-02 MOD will expire and be rendered null and void if the use is discontinued for a twelve-month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Conditional Use Permit 2018-02 MOD shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
6. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.

7. It shall be the responsibility of the property owner, operators and/or 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. The conditions of approval for Conditional Use Permit 2018-02 shall be replaced and superseded in their entirety by the following conditions of approval for Conditional Use Permit 2018-02 MOD.

Building Department

9. Building permits are required for any tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
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

General

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

Streets

14. The circulation plan as approved by the Planning Department on August 31, 2016 presented the driveway on 6th Street as being closed. It has been noted that the driveway has been reopened for circulation. The driveway on 6th Street shall be removed and replaced with concrete sidewalk, curb and gutter per City standards or it shall be closed off prior to the issuance of any permits and/or business license.

Fire Department

15. All proposed and/or future construction work shall not be performed until the issuance of a building permit is made.
16. Fire sprinklers may be required if the expansion exceeds the permissible limits of the California Fire Code.
17. Hazardous materials must remain within the exempt quantities established in the California Fire Code.
18. Fire extinguishers shall be provided in accordance with Chapter 10 of the California Fire Code.

Planning Department

Approved Automotive Activities

19. Conditional Use Permit 2018-02 MOD allows for the following automotive services:
- Car Emission (Smog) Testing
 - Engine & Ignition Computer Diagnostics
 - Emissions testing related repairs to include: replacement of sensors, spark plugs and wires, computer boards and other emissions diagnostic related repairs.
 - General Repair & Maintenance
 - Muffler and Exhaust Repairs
 - Heating & Cooling
 - Undercar Services: brakes, anti-lock brakes

Unpermitted Automotive Activities

20. All automotive services not specifically approved by the above Condition 15 shall be prohibited, including the following:
- Major Mechanical/Electrical Repairs
 - Heavy Engine/Transmission Repair Services
 - Steering & Suspension
 - Auto Detailing & Window Tinting
 - Tire and Wheel Sales and Services
 - Auto Body and Paint
21. Permitted hours of operation shall be from as early as 8:00 a.m. until as late as 8:00 p.m., seven (7) days a week.
22. All automotive repair work shall occur inside of the structure.
23. Outdoor storage of goods and/or materials shall not be allowed.
24. Overnight parking of vehicles shall only occur within the interior of the building.
25. Non-operative and/or abandoned vehicles shall not be stored on the property. Only vehicles actively under repair may be stored on the site.
26. Except as noted herein, all on- and off-site improvements specified in these conditions of approval shall be made prior to occupancy and issuance of a business license.

Structure

27. If the applicant wishes to repaint or refurbish the structure, a color and materials board of the proposed paint colors will be required for approval from the Planning Department prior to any paint application.
28. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
29. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
30. The property owner, operator and/or 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.

Landscaping

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

Signage

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

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2018-02 MOD to the November 13, 2018 Planning Commission hearing for the following reasons: (specify)

(OR)

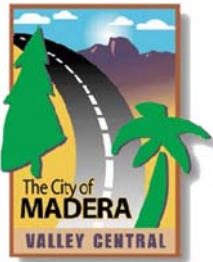
Motion 3: Move to deny the application for Conditional Use Permit 2018-02 MOD, based on and subject to the following findings: (specify)

ATTACHMENTS

Aerial Photo

Aerial Photo





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Crown Stadium Prezoning REZ 2018-05 Item #5 – October 9, 2018

PROPOSAL: A prezoning of one parcel encompassing approximately 19.95 acres to facilitate the annexation of the property into the City of Madera.

APPLICANT:	Joseph Crown	OWNER:	Fred Gleason
ADDRESS:	13436 Road 26 ½	APN:	034-070-011
APPLICATIONS:	REZ 2018-05	CEQA:	Categorical Exemption

LOCATION: The project site is located on the west side of Stadium Road (Road 26 ½), south of its intersection with Almond Avenue.

STREET ACCESS: Access will be provided from Stadium Road and Almond Avenue.

PARCEL SIZE: Approximately 19.95 acres.

GENERAL PLAN DESIGNATION: LD (Low Density Residential)

ZONING DISTRICT: Current – County AR-5 (Agricultural Rural - 5 acres)
Proposed – PD 6000 (Planned Development)

SITE CHARACTERISTICS: The site is the southern half of a forty-acre county island. To the north is a two rural residential homes and vacant lands. Alpha Elementary School is immediately south. To the west is the forty-acre Carson Oldcastle industrial campus. To the east is low density single family residential neighborhoods.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15319 (Annexations).

SUMMARY: The proposed prezoning into the PD 6000 (Planned Development) Zone District provides consistency with the LD (Low Density Residential) General Plan land use designation and enables the annexation of the property into the City of Madera.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101 Planned Development Zones
MMC §10-3.1501 Amendments

PRIOR ACTION

None.

ANALYSIS

Rezone

The project site is currently outside of the City limits, within a county island. Current zoning on the project site is the county's AR-5 (Agricultural Rural – 5-acre) Zone District. The applicant proposes to prezone the project site into the PD 6000 (Planned Development) Zone District in advance of an application for annexation into the City. Upon annexation, the applicant proposes to subdivide the property.

General Plan Conformance

The project site is located within the LD (Low Density) General Plan land use designation, which allows for low density residential development ranging from a minimum of 2.1 units per acre to a maximum of 7 units per acre. The proposed prezone into the PD 6000 (Planned Development) Zone District is consistent with the LD (Low Density) General Plan land use designation.

Public Infrastructure

No development is proposed in conjunction with this prezone. The area proposed for prezone is adjacent to existing City infrastructure. Any future development proposal will include extensions of municipal infrastructure consistent with the City's existing Master Sewer, Water, Storm Drainage, and Transportation/Circulation Plans.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four vision statements, "A Well-Planned City," promotes and encourages development of housing. Approval of this project is specifically consistent with the aforementioned vision statement and Strategy 134, which envisions "well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities."

RECOMMENDATION

The information presented in this report supports adoption of the Negative Declaration, adoption of a Resolution recommending approval of the prezone to the City Council, and approval of the tentative subdivision map, subject to the conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on Rezone 2018-05.

Motion 1: Move to adopt a Resolution recommending to the City Council the adoption of an Ordinance rezoning the subject property to the PD 6000 (Planned Development) Zone District, consistent with the findings as listed;

Findings

- The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15319 (Annexations).
- Rezone 2018-05 will provide the required consistency between the General Plan and zoning.
- Rezone 2018-05 is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.
- City services and utilities are available or can be extended to serve the area.

Motion 2: Move to continue the public hearing on Rezone 2018-05 to the November 13, 2018 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny Rezone 2018-05, based on the following findings: (specify)

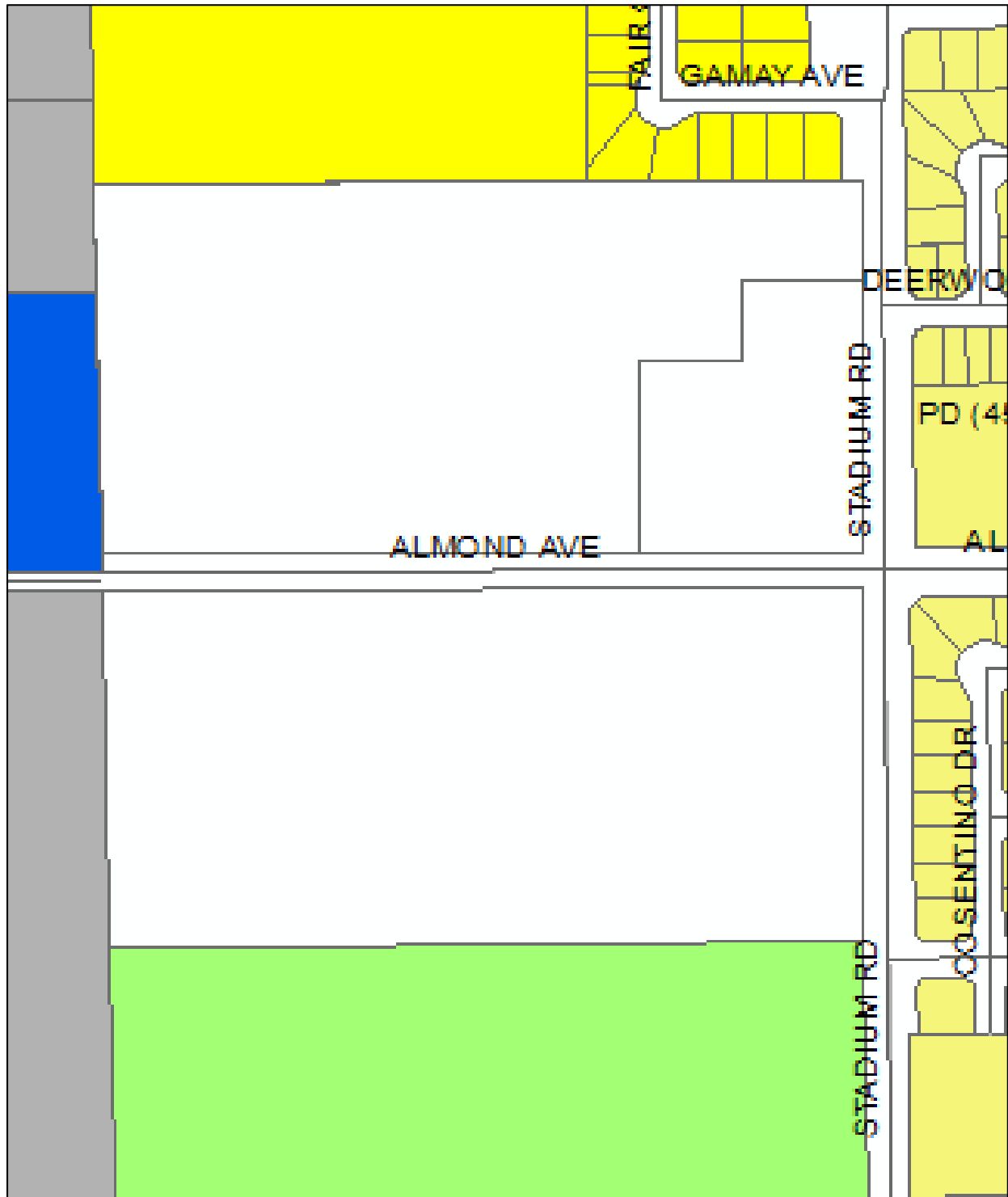
ATTACHMENTS

Aerial Map
Zoning Map
General Plan Map
Resolution of Recommendation to the City Council
Exhibit A - Zoning Map
Draft Ordinance
Exhibit A - Zoning Map

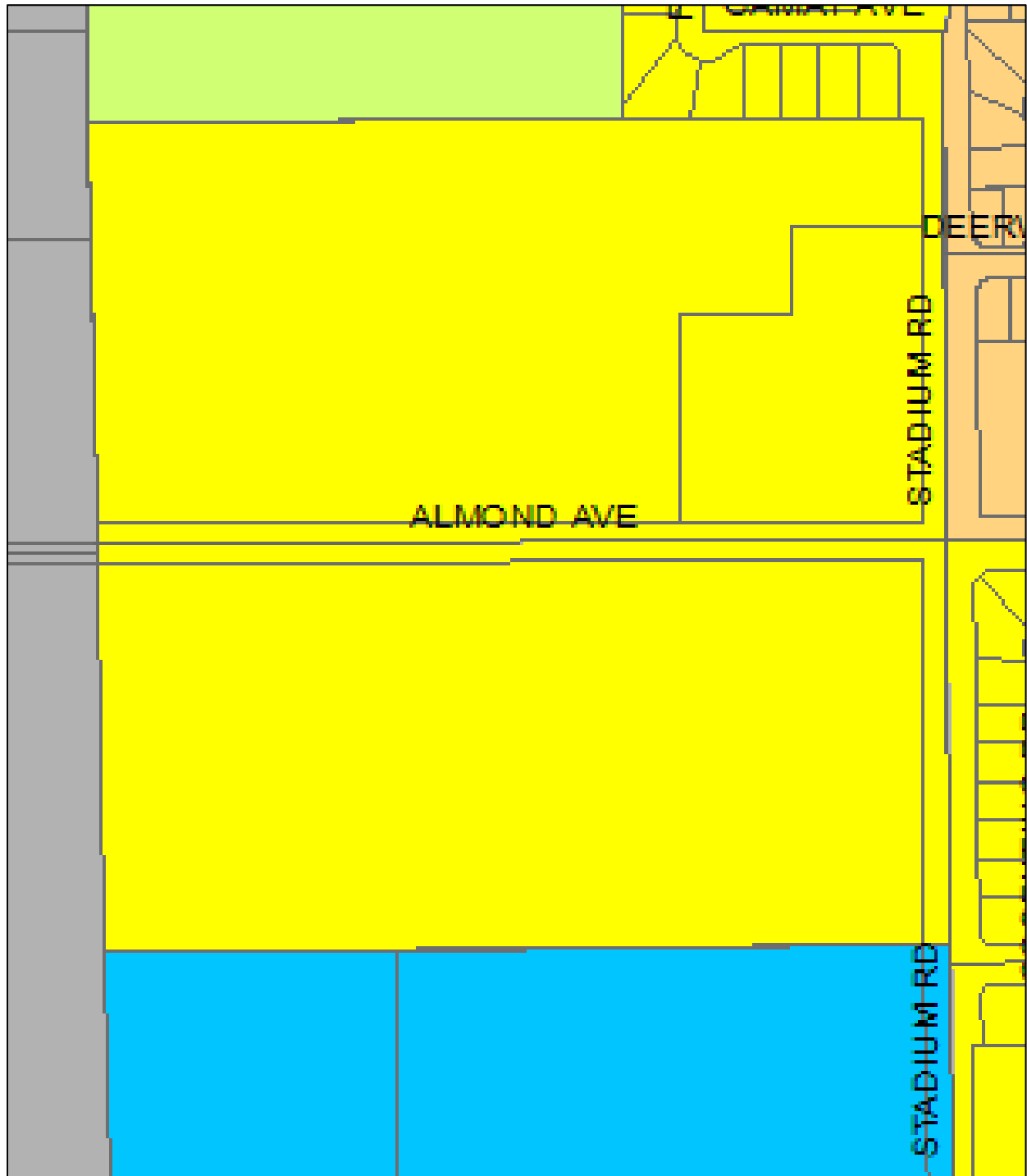
Aerial Map



Zoning Map



General Plan Map



RESOLUTION NO. 1834

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF
MADERA ADOPTION OF AN ORDINANCE PREZONING
APPROXIMATELY 19.95 ACRES OF PROPERTY (APN: 034-070-011),
LOCATED ON THE WEST SIDE OF STADIUM ROAD (ROAD 26 ½),
SOUTH OF ITS INTERSECTION WITH ALMOND AVENUE, TO THE PD
6000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

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, a proposal has been made to prezone approximately 19.95 acres of property (APN: 034-070-011), located on the west side of Stadium Road (Road 26 ½), south of its intersection with Almond Avenue, to the PD 6000 (Planned Development) Zone District, as shown in the attached Exhibit A; and

WHEREAS, the proposed prezone will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the prezone is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15319 (Annexations); and

WHEREAS, the Planning Commission has completed its review of the staff report and documents submitted for the proposed project, evaluated the information contained in the therein, 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 hereby finds that proposed rezoning, as shown in Exhibit A, is consistent with the General Plan and is compatible with adjacent zoning and uses.
3. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit A.
4. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of
October, 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

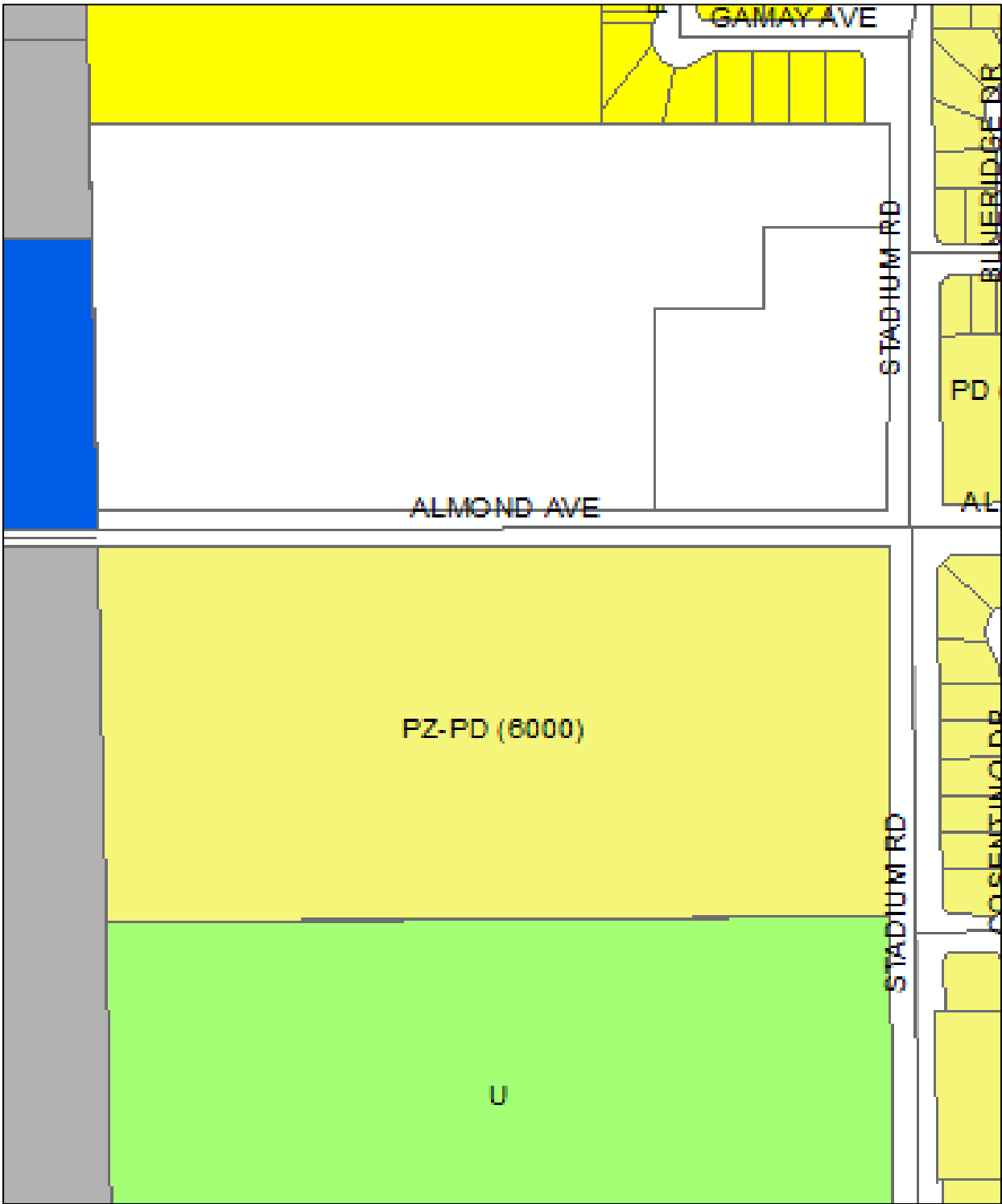
ABSENT:

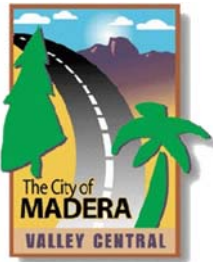
Robert Gran, Jr.
Planning Commission Chairperson

Attest:

Christopher F. Boyle
Planning Manager

EXHIBIT 'A'





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Stadium/Almond Rezoning REZ 2018-05 & Environmental Determination Item #6 – October 10, 2018

PROPOSAL: A rezoning of two parcels encompassing approximately 18.61 acres to facilitate the annexation of the property into the City of Madera.

APPLICANT:	City of Madera	OWNER:	Sam Pistoresi Trustee
ADDRESS:	13544 Road 26 ½	APN:	034-070-067 and 068
APPLICATIONS:	REZ 2018-06	CEQA:	Categorical Exemption

LOCATION: The project site is located on the west side of Stadium Road (Road 26 ½), north of its intersection with Almond Avenue.

STREET ACCESS: Access is provided from Stadium Road (Road 26 ½).

PARCEL SIZE: Approximately 18.61 acres.

GENERAL PLAN DESIGNATION: LD (Low Density Residential)

ZONING DISTRICT: Current – County RRS (Residential Rural Single Family)
Proposed – PD 6000 (Planned Development)

SITE CHARACTERISTICS: The site is the northern half of a forty-acre county island. To the north is a municipal storm drainage basin and single family residential homes. One rural residential home is located to the south with Alpha Elementary School beyond. To the west is industrial warehouse development. To the east is low density single family residential neighborhoods.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15319 (Annexations).

SUMMARY: The proposed rezoning into the PD 6000 (Planned Development) Zone District provides consistency with the LD (Low Density Residential) General Plan land use designation and enables the annexation of the property into the City of Madera.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101 Planned Development Zones
MMC §10-3.1501 Amendments

PRIOR ACTION

None.

ANALYSIS

Rezone

The project site is currently outside of the City limits, within a county island. Current zoning on the project site is the county's RRS (Residential Rural Single Family) Zone District. The City proposes to prezone the project site into the PD 6000 (Planned Development) Zone District in order to enable an application for annexation into the City.

General Plan Conformance

The project site is located within the LD (Low Density) General Plan land use designation, which allows for low density residential development ranging from a minimum of 2.1 units per acre to a maximum of 7 units per acre. The proposed prezone into the PD 6000 (Planned Development) Zone District is consistent with the LD (Low Density) General Plan land use designation.

Public Infrastructure

No development is proposed in conjunction with this prezone. The area proposed for prezone is adjacent to existing City infrastructure. Any future development proposal will include extensions of municipal infrastructure consistent with the City's existing Master Sewer, Water, Storm Drainage, and Transportation/Circulation Plans.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four vision statements, "A Well-Planned City," promotes and encourages development of housing. Approval of this project is specifically consistent with the aforementioned vision statement and Strategy 134, which envisions "well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities."

RECOMMENDATION

The information presented in this report supports adoption of a Resolution recommending approval of the prezone to the City Council.

PLANNING COMMISSION ACTION

The Commission will be acting on Rezone 2018-06.

Motion 1: Move to adopt a Resolution recommending to the City Council the adoption of an Ordinance prezone the subject property to the PD 6000 (Planned Development) Zone District, consistent with the findings as listed;

Findings

- The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15319 (Annexations).
- Rezone 2018-06 will provide the required consistency between the General Plan and zoning.
- Rezone 2018-06 is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.
- City services and utilities are available or can be extended to serve the area.

Motion 2: Move to continue the public hearing on Rezone 2018-06 to the November 13, 2018 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny Rezone 2018-06, based on the following findings: (specify)

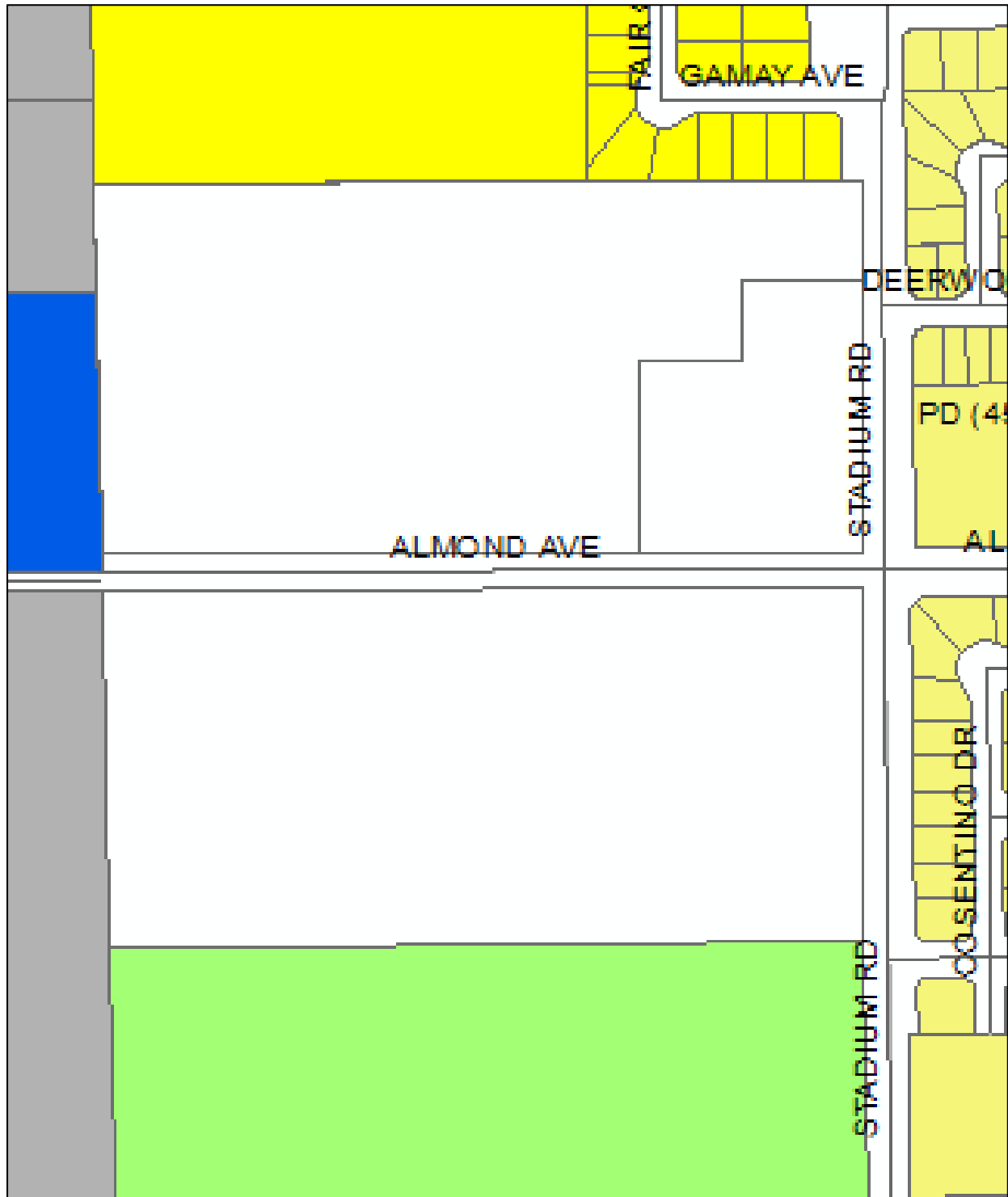
ATTACHMENTS

Aerial Map
Zoning Map
General Plan Map
Resolution of Recommendation to the City Council
Exhibit A - Zoning Map
Draft Ordinance
Exhibit A - Zoning Map

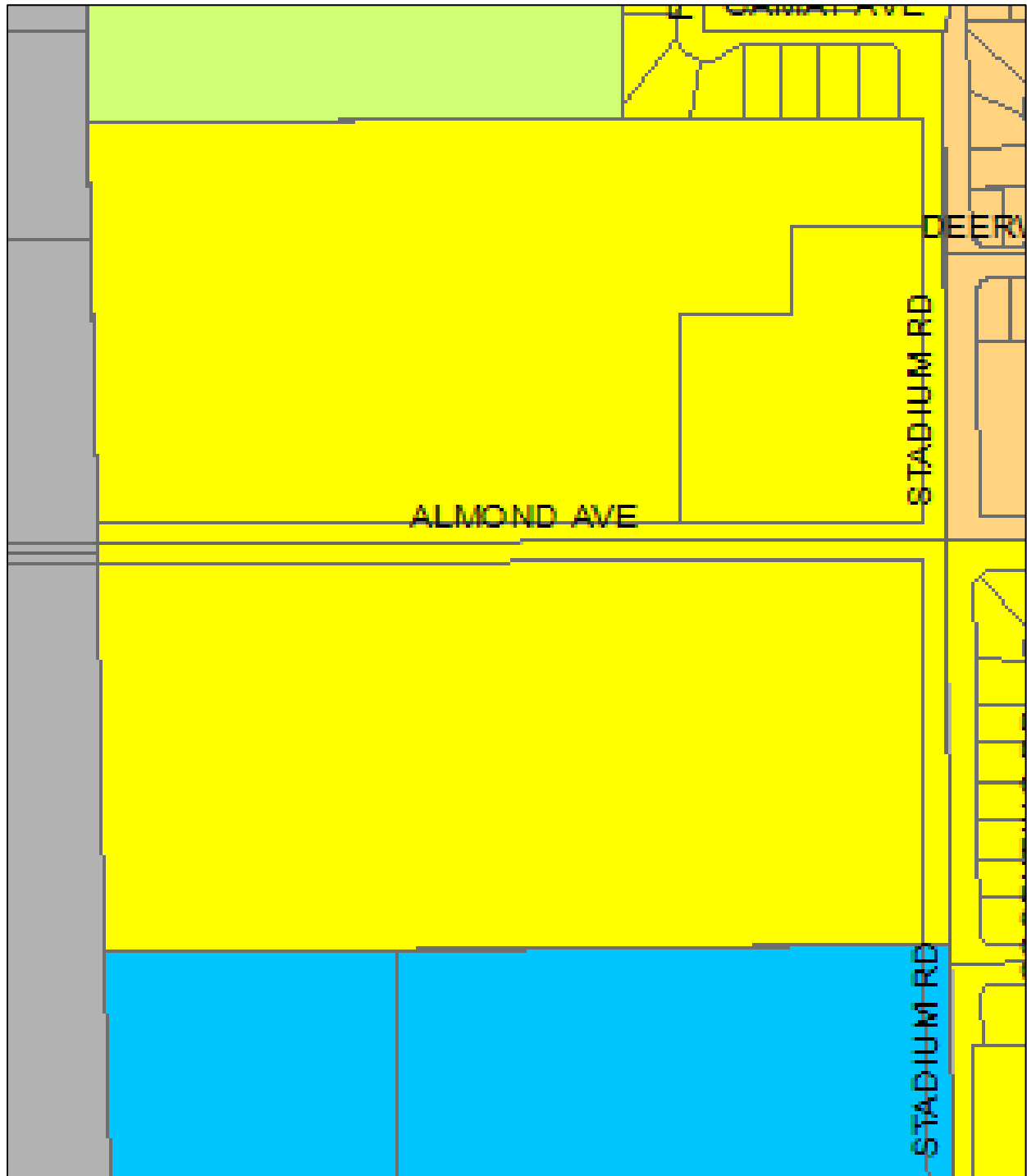
Aerial Map



Zoning Map



General Plan Map



RESOLUTION NO. 1835

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF
MADERA ADOPTION OF AN ORDINANCE PREZONING
APPROXIMATELY 18.61 ACRES OF PROPERTY (APN: 034-070-067
AND 068), LOCATED ON THE WEST SIDE OF STADIUM ROAD, NORTH
OF ITS INTERSECTION WITH ALMOND AVENUE, TO THE PD 6000
(PLANNED DEVELOPMENT) ZONE DISTRICT.

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, a proposal has been made to prezone approximately 18.61 acres of property (APN: 034-070-067 and 068), located on the west side of Stadium Road, north of its intersection with Almond Avenue, to the PD 6000 (Planned Development) Zone District, as shown in the attached Exhibit A; and

WHEREAS, the proposed prezone will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the prezone is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15319 (Annexations); and

WHEREAS, the Planning Commission has completed its review of the staff report and documents submitted for the proposed project, evaluated the information contained in the therein, 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 hereby finds that proposed rezoning, as shown in Exhibit A, is consistent with the General Plan and is compatible with adjacent zoning and uses.
3. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit A.
4. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of
October 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

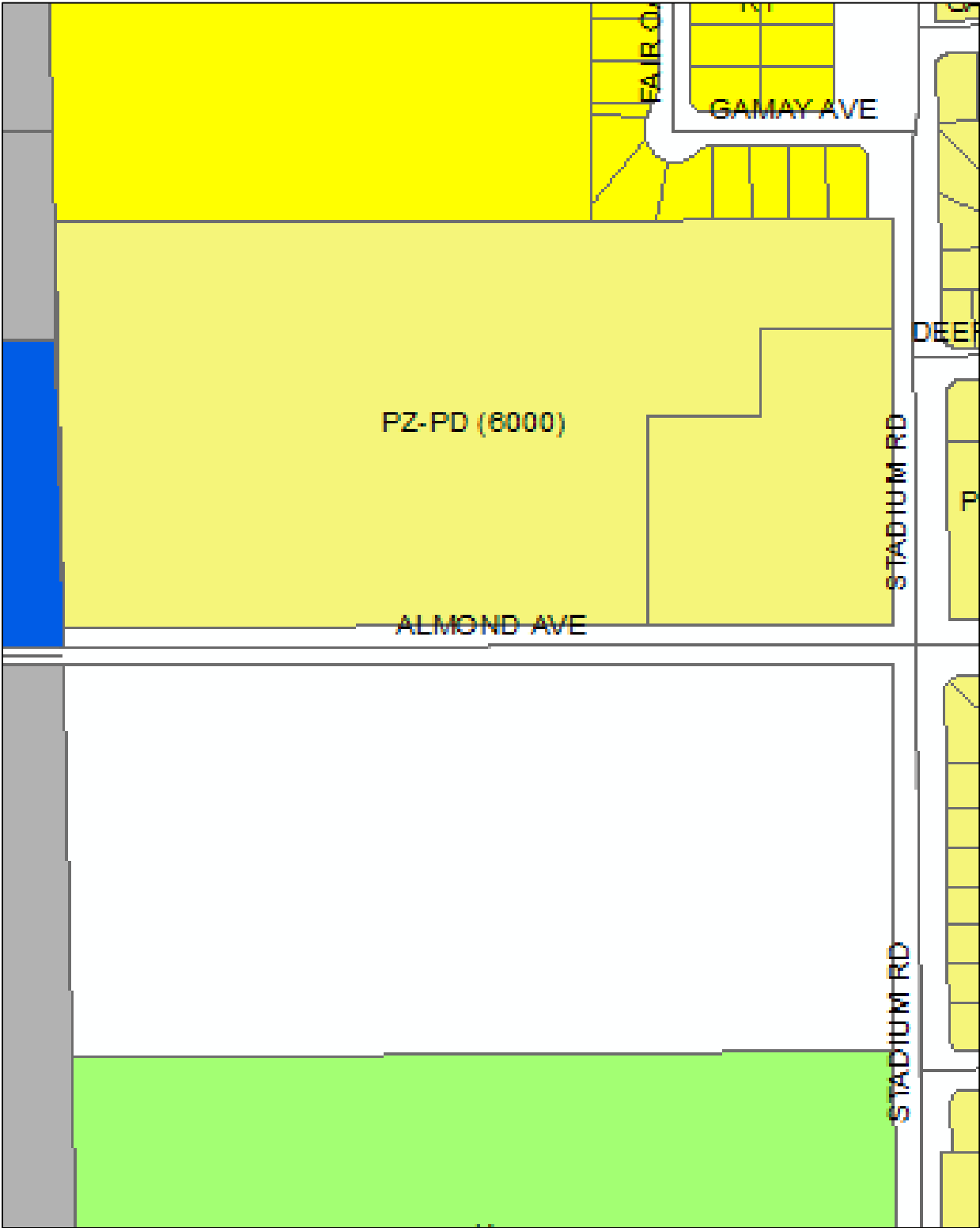
ABSENT:

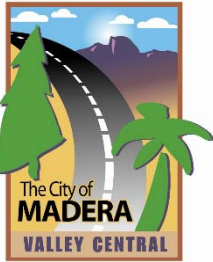
Attest:

Robert Gran, Jr.
Planning Commission Chairperson

Christopher F. Boyle
Planning Manager

EXHIBIT 'A'





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Praxair CUP 2018-11 MOD & Categorical Exemption Item #7 – October 9, 2018

PROPOSAL: An application to amend Conditional Use Permit 2018-11 to allow for a change in conditions of approval relative to paving areas of the parking field and the alleyway.

APPLICANT:	Shane White/Praxair Distributions	OWNER:	Eleanor Newcomb
ADDRESS:	112 West Olive Avenue	APN:	012-053-016
APPLICATION:	CUP 2018-11 MOD	CEQA:	Categorical Exemption

LOCATION: The site is located at the southwest corner of the intersection of West Olive Avenue and Madera Avenue (SR 145).

STREET ACCESS: The site has access to West Olive Avenue.

PARCEL SIZE: The project parcel is approximately 0.78 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is surrounded by commercial development to the east, west and north. Immediately west of the site are currently two vacant lots that were previously used as outdoor display/storage for a former farm equipment and sales business. North of the project site is a towing and minor repair shop as well as the Bethard Square shopping center. East is the Carl's Jr. fast food restaurant and drive thru. South are single-family homes, a special needs education center and the Agricultural Commissioner Department of Weights and Measures.

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

SUMMARY: Praxair is requesting an amendment to the conditions of approval for Conditional Use Permit 2018-11 in order to allow for an alternative method to paving all gravel areas with asphalt. The alternative method could be emulsion (oil and water mix) or a slurry base sealant over the existing gravel. The request is in response to insufficient funds from the applicant and property owner that are unable to comply with the current conditions of approval. These methods comply with the standards of the San Joaquin Valley Air Pollution Control District.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.902 Heavy Commercial Zones – Uses Permitted

MMC § 10-3.4.0102 Site Plan Review Applicability

MMC § 10-3.1202 Parking Spaces Required

MMC § 10-3.1301 Use Permits

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

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

PRIOR ACTION

Conditional Use Permit 2018-11 was approved by the Planning Commission at the July 10, 2018 Planning Commission hearing which allowed for the establishment of a gas welding and supply business.

ANALYSIS

Amendment

The applicant is proposing to amend three conditions that currently require the paving of the parking field and alleyway with asphalt in accordance with the City's standards and specifications. The applicant wishes to amend the conditions to allow for alternative paving methods that comply with the San Joaquin Valley Air Pollution Control District for dust control. This would include either emulsion (oil and water mix) or applying a slurry base. These methods require routine maintenance and upkeep whereas the installation of asphalt pavement is longer lasting and does not require routine maintenance and upkeep. The City does not have a standard or other allowance for gravel or oiled parking areas or alleyways. Unpaved surfaces are infrequently allowed on a case by case basis, though typically only in overflow or storage areas.

The request is in response to insufficient funds to pay for the pavement of asphalt on the site. Although agreed upon at the Planning Commission's July 10, 2018 public hearing, neither the applicant nor the property owner are able to comply with the conditions of approval that require the pavement of the parking field and alleyway with asphalt. Staff's recommendation is that variation from the asphalt paving standard be permitted only in limited situations where unique circumstances apply. In this case, the project site has been used in its current condition for many years for the sales of agriculture equipment. The new business will utilize the existing site and building with almost no changes. The level of customer traffic expected is low in comparison to most retail uses. For these reasons, the Commission may reasonably determine that special circumstances apply and grant the applicant's request. If the proposed modification is approved, staff recommends the ability to require the pavement of asphalt if the routine maintenance and upkeep of the alternative methods does not occur or is not effective at reducing dust generation.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though a welding and gas supply 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 conditional 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 2018-11 MOD, subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Conditional Use Permit 2018-11 MOD, 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 fifteen (15) calendar days of the Commission's action.

Motion 1: Move to approve Conditional Use Permit 2018-11 MOD, based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
- The establishment of a welding and gas supply store is consistent with the purposes of the C (Commercial) General Plan land use designation and the C2 (Heavy Commercial) Zone District which provides for the use, subject to the issuance of a use permit.
- There is adequate parking to allow for the welding and gas supply use.
- As conditioned, the welding and gas supply use will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

CONDITIONS OF APPROVAL

General Conditions

1. All conditions applicable to approval of Conditional Use Permit 2018-11 shall be replaced and superseded in their entirety by the following conditions of approval for Conditional Use Permit 2018-11 MOD.
2. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
3. 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.
4. Conditional Use Permit 2018-11 MOD 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.
5. Site Plan Review 2018-17 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or take the required action to extend the approval before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Conditional Use Permit 2018-11 MOD and Site Plan Review 2018-17 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding revocation of the permit.
7. The project shall be developed in accordance with the conditions of approval, as reviewed and approved with Conditional Use Permit 2018-11 MOD and Site Plan Review 2018-17. Minor modifications to the conditions necessary to meet regulatory or engineering constraints may be made with an approval of the Planning Manager.
8. 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.
9. All site improvements shall be completed in advance of any request for a building permit final inspection, occupancy of the tenant suite and/or issuance of a business license.

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. Applicant must demonstrate the number of restrooms provided meets code or add additional restrooms as required.

11. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage and be confirmed at final inspection.
12. Additional items identified as not complying with current codes and ordinances which require correction or attention may be identified. Any item not in conformance with current codes and ordinances must be corrected.

Engineering Department

General

13. Nuisance on-site lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
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, 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. Improvements within the City's right-of-way requires an Encroachment Permit from the Engineering Division.

Streets

17. The existing alley used for circulation shall be paved along the project parcel frontage, per City standards. Grading and paving of the alley shall be constructed in such a way that future drainage patterns are not negatively constrained.
18. The circulation aisle immediately west of the existing structure shall be paved in its entirety or it shall be justified through the implementation of mitigation measures to limit fugitive dust emissions from unpaved vehicle traffic areas in accordance with the San Joaquin Valley Air Pollution Control District. Mitigation measures other than paving are considered temporary by the City and shall be applied regularly.
19. *As an alternative to Condition Nos. 17, 18 and 38, the applicant shall be allowed to install alternative methods to asphalt paving, which includes, but shall not be limited to, emulsion (oil and water mix) or a slurry base sealant. These methods will require routine maintenance and upkeep to the satisfaction of the City Engineer and/or the San Joaquin Valley Air Pollution Control District (SJVAPCD). If, at any time, the maintenance and upkeep is not to the satisfaction of the City Engineer and/or the SJVAPCD, the City Engineer may require that the applicant and/or property owner install asphalt pavement pursuant to City standards. Such installation shall occur within 60 days of receiving direction from the City Engineer. Any future construction on the site will require the installation of asphalt pavement for all graveled areas.*

Sewer

20. The existing sewer service connection shall be upgraded to include a cleanout per City standards.

Water

21. The existing water service is connected to a residential lot that fronts Lewis Street. The cross lot connection shall be severed.

Fire Department

22. A building permit is required for all tenant improvements.
23. A minimum of one (1) 2A10BC-rated fire extinguisher shall be required for each 3,000 square feet of floor area and outdoor storage area. The fire extinguishers shall be mounted in accessible locations 3-5 feet above the finished floor.
24. A key box shall be required unless a key box already exists. If the building is equipped with a key box, then a new labeled key shall be provided for the key box.
25. Any alteration of the space shall be subject to the building permit process. All building permits shall be obtained prior to any work being performed. If this is considered a change in occupancy a permit shall be required for other potential upgrades.
26. A complete Hazardous Materials Management Plan (HMMP) shall be provided prior to occupancy. The HMMP shall identify the materials, storage arrangement, placement, etc. both inside and outside.

Planning Department

General

27. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
28. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
29. 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 container.
30. 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 Conditional Use Permit 2018-11.

Operations

31. Conditional Use Permit 2018-11 MOD allows for the establishment of a welding and gas supply store, subject to compliance with the associated conditions of approval.
32. The hours of operation for the business shall be from as early as 7:00 a.m. until as late as 5:00 p.m., seven days a week.

Building Colors

33. The building shall, at a minimum, be repainted to a like-new condition. If any alteration is proposed to the existing paint scheme, the applicant shall submit a color board to the Planning Department for approval by the Planning Manager.

Fences and Walls

34. A new single-bin trash enclosure shall be constructed consistent with City standards. The color of the trash enclosure shall be painted to match the existing structure. The location of the trash enclosure shall be shown on the site plan submittal for building plan check and shall be approved by the Public Works Director.

35. Any utilization of the covered area for storage of materials shall be screened by a fence with no visibility from the public view. If outdoor storage is proposed, approval of a conditional use permit by the Planning Commission shall be required.

Landscaping

36. 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, the trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought tolerant plantings.

Parking & Circulation

37. All parking and loading areas shall be marked and striped to City standards: 45 degree parking stalls shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep. Wheel stops shall be incorporated into the parking stall layout. The minimum drive aisle width is fourteen (14') feet.
38. The lot shall be paved with asphalt where gravel is currently placed. The current paved asphalt area shall be refreshed with a slurry seal.
39. On-site circulation shall ingress towards the front of the building and egress around the rear of the building towards the driveway approach on West Olive Avenue.
40. 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, at a minimum, amendment of Site Plan Review 2018-17.

Signage

41. The maximum allowable on-building sign area shall be no more than 100 square feet.
42. The existing freestanding canister can be utilized without any requirement for a sign permit. If any new freestanding signs are proposed, the existing freestanding sign shall be removed prior to issuance of a sign permit.
43. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

San Joaquin Valley Air Pollution Control Board

44. The unpaved gravel areas are subject to Rule 8061 which requires the limitation of dust visibility to no more than 20% opacity and maintenance of a stabilized surface so long as the method does not violate any local ordinances or storm water discharge regulations. This requirement changes if any new construction on the site is proposed.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2018-11 MOD to the November 13, 2018 Planning Commission hearing for the following reasons or in order for the following information to be provided: (specify)

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2018-11 MOD, based on and subject to the following findings: (specify)

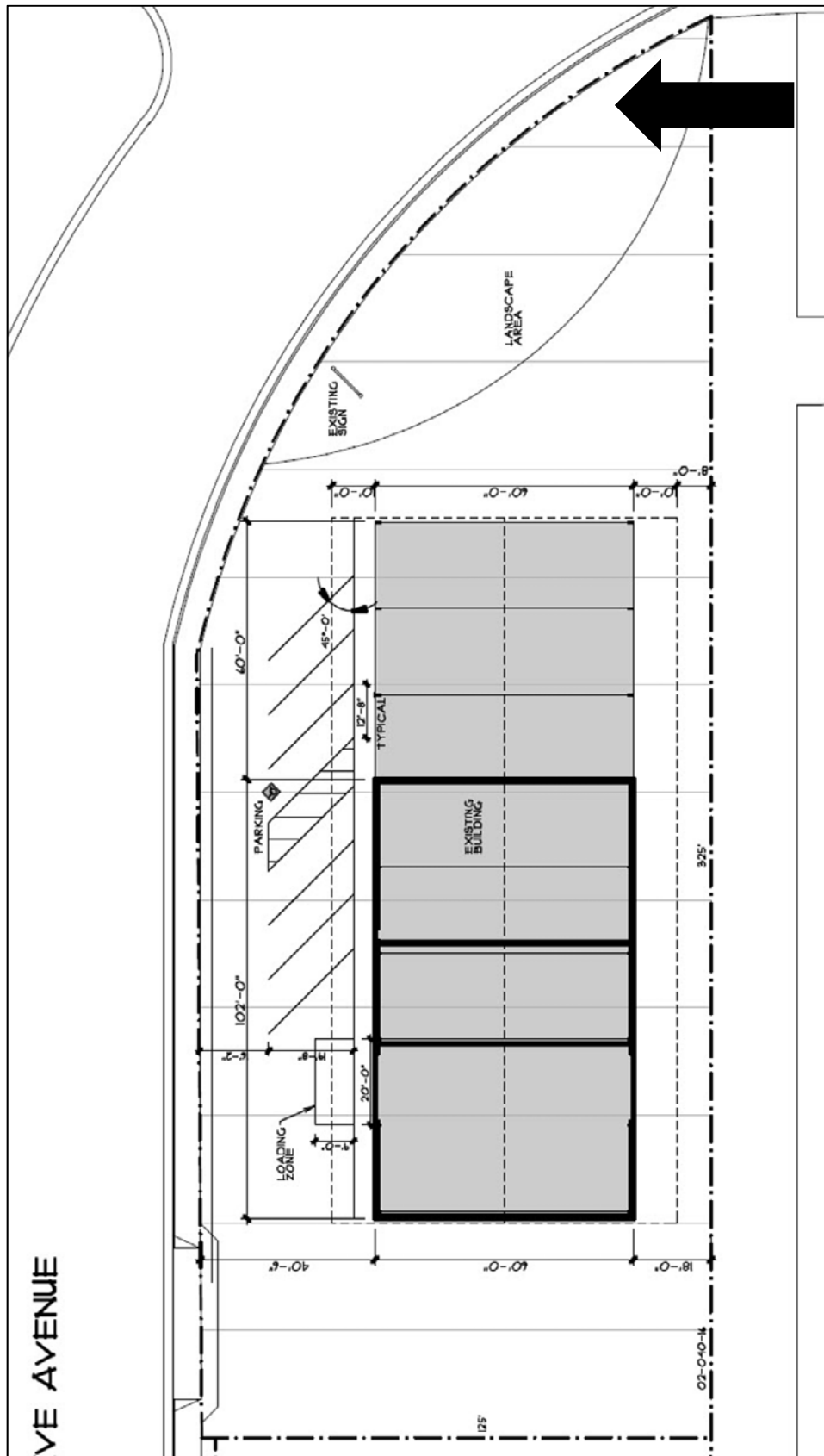
ATTACHMENTS

Aerial Photo
Site Plan
Floor Plan

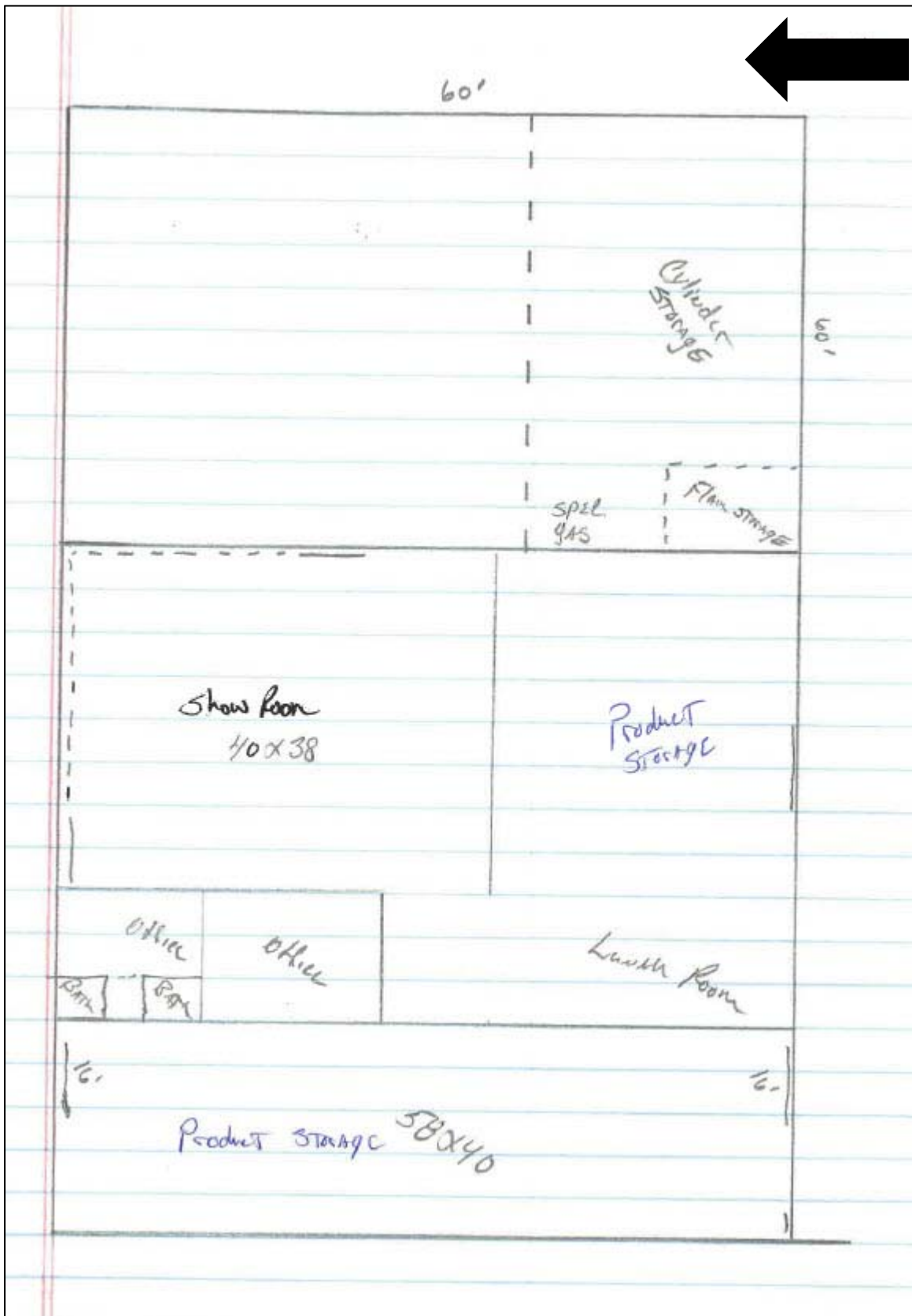
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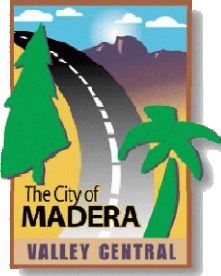


Site Plan



Floor Plan





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Adoption of Local Hazard Mitigation Plan GPA 2018-04 & Environmental Determination Item #8 - October 9, 2018

PROPOSAL: An application for General Plan Amendment to provide a process for adoption of the Madera County Local Hazard Mitigation Plan by reference into the Safety Element of the General Plan in accordance with the requirements of AB 2140.

APPLICANT:	City of Madera	OWNER:	N/A
ADDRESS:	Citywide	APN:	Citywide
APPLICATION:	GPA 2018-04	CEQA:	2009 General Plan EIR

LOCATION: Citywide.

STREET ACCESS: N/A

PARCEL SIZE: N/A

GENERAL PLAN DESIGNATION: N/A

ZONING DISTRICT: N/A

SITE CHARACTERISTICS: Citywide.

ENVIRONMENTAL REVIEW: Activities associated with the preparation and adoption of the Local Hazard Mitigation Plan were anticipated by and addressed within the 2009 General Plan Environmental Impact Report. No additional environmental analysis is required.

SUMMARY: The General Plan Amendment provides a process for adoption of the Madera County Local Hazard Mitigation Plan by reference into the Safety Element of the General Plan in accordance with the requirements of AB 2140. Planning Commission adoption of a resolution recommending approval to City Council initiates the adoption process.

APPLICABLE CODES AND PROCEDURES

GC § 65358, General Plan Amendments

PRIOR ACTION: None

ANALYSIS

Hazard mitigation planning is the process through which hazards that threaten communities are identified, likely impacts determined, mitigation goals set, and appropriate mitigation strategies determined, prioritized, and implemented. This plan documents the hazard mitigation planning process and identifies relevant hazards and vulnerabilities and strategies the County will use to decrease vulnerability and increase resiliency and sustainability in the community. To fully review the Madera County Local Hazard Mitigation Plan (LHMP), please visit the following link to the City website:

<https://www.cityofmadera.ca.gov/home/departments/planning/>.

Madera County and three participating jurisdictions (cities of Chowchilla and Madera, and the North Fork Rancheria of Mono Indians) developed the Local Hazard Mitigation Plan (LHMP) update to make the County and its residents less vulnerable to future hazard events. The LHMP serves to update the 2011 Federal Emergency Management Agency (FEMA) approved Madera County LHMP. This plan was prepared pursuant to the requirements of the Disaster Mitigation Act of 2000 (Public Law 106-390) and the implementing regulations set forth by the Interim Final Rule published in the Federal Register on February 26, 2002, (44 CFR §201.6) and finalized on October 31, 2007 so that Madera County would be eligible for the Federal Emergency Management Agency's (FEMA) Pre-Disaster Mitigation and Hazard Mitigation Grant programs. This plan was also developed in order for the County and participating jurisdictions to be eligible for certain federal disaster assistance, specifically, the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM) Program, and the Flood Mitigation Assistance (FMA) Program. The County and all participating jurisdictions followed a planning process prescribed by FEMA. FEMA requires all LHMP's to be updated every 5 years.

Madera County Office of Emergency Services (OES) was the lead agency and requested proposals from contractors for the update, preparation, submission and approval of the updated plan by both California OES and FEMA. The contractor, Foster Morrison Consulting, has now completed the plan and had it reviewed by both OES and FEMA. Each have approved the updated plan and now the plan must be adopted by the City Councils of each City and the Board of Supervisors to be an official and recognized plan.

RECOMMENDATION

General Plan Amendment 2018-04 provides a process for adoption of the Madera County Local Hazard Mitigation Plan by reference into the Safety Element of the General Plan in accordance with the requirements of AB 2140. Staff recommends adoption of a resolution recommending approval of General Plan Amendment 2018-04 and adoption of the LHMP to the City Council.

PLANNING COMMISSION ACTION

The Commission will be acting on General Plan Amendment 2018-04, determining to either;

- adopt a resolution recommending to the City Council approval of the General Plan Amendment,
- continue the hearing, or
- deny the applications

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

Motion 1: Move to adopt a resolution recommending to the City Council approval of the General Plan amendment:

(OR)

Motion 2: Move to continue the public hearing on General Plan Amendment 2018-04 to the November 13, 2018 Planning Commission meeting.

Motion 3: Move to deny General Plan Amendment 2018-04 based on the following findings: (specify).

ATTACHMENTS

Resolution

RESOLUTION NO. 1836

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA
APPROVAL OF GENERAL PLAN AMENDMENT 2018-04 ADOPTING THE
MADERA COUNTY LOCAL HAZARD MITIGATION PLAN BY REFERENCE INTO
THE SAFETY ELEMENT OF THE GENERAL PLAN

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, City of Madera recognizes the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, the U.S. Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre-disaster mitigation of potential hazards; and

WHEREAS, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

WHEREAS, an adopted Local Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

WHEREAS, City of Madera fully participated in the FEMA-prescribed mitigation planning process to prepare this local hazard mitigation plan; and

WHEREAS, the California Office of Emergency Services and Federal Emergency Management Agency, Region IX officials have reviewed the Madera County Local Hazard Mitigation Plan and approved it contingent upon this official adoption of the participating governing body; and

WHEREAS, the City of Madera desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Madera County Local Hazard Mitigation Plan; and

WHEREAS, the City has initiated a General Plan Amendment to adopt the Madera County Local Hazard Mitigation Plan by reference into the Safety Element of the General Plan in accordance with the requirements of AB 2140

WHEREAS, adoption by the governing body for the City of Madera, demonstrates the jurisdiction's commitment to fulfilling the mitigation goals and objectives outlined in this Local Hazard Mitigation Plan; and

WHEREAS, adoption of this resolution legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

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 of the City of Madera hereby recommends to the City Council of the City of Madera adoption of the Madera County Local Hazard Mitigation Plan as an official plan.
3. The Planning Commission of the City of Madera hereby recommends to the City Council of the City of Madera adoption of the Madera County Local Hazard Mitigation Plan by reference into the Safety Element of the General Plan in accordance with the requirements of AB 2140.
4. The Planning Commission of the City of Madera hereby recommends to the City Council of the City of Madera submission of the adoption resolution to the California Office of Emergency Services and FEMA Region IX officials to enable the plan's final approval in accordance with the requirements of the Disaster Mitigation Act of 2000 and to establish conformance with the requirements of AB 2140.
5. This resolution is effective immediately upon adoption.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of October 2018, by the following vote:

AYES:

NOES:

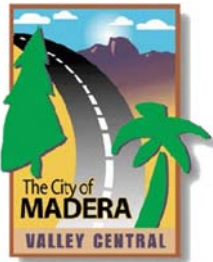
ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Christopher F. Boyle
Acting Planning Manager



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Singh Use Permit Revocation CUP 2008-07 Item #9 – October 9, 2018

PROPOSAL: A public hearing to consider revocation of Conditional Use Permit 2008-07, allowing for the sale of alcoholic beverages for off-site consumption as a component of the operation of a convenience store located in the C-2 (Heavy Commercial) Zone District.

APPLICANT:	Amarjit Singh	OWNER:	Khalid Chaudhry
ADDRESS:	300 Madera Avenue	APN:	012-053-007
APPLICATION:	CUP 2008-07	CEQA:	Categorical Exemption

LOCATION: The property is located on the northwest corner of the intersection of Madera Avenue and Lewis Street. There is commercial development to the north, east, and south, with residential property to the west.

STREET ACCESS: The site has access to Lewis Street.

PARCEL SIZE: 11,875 sq. ft.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The 11,875 sq. ft. commercially zoned site is currently developed with an existing 2,880 sq. ft. building.

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

SUMMARY: The allowance to sell beer and wine in association with the operation of the Super 7 convenience store was approved via two planning entitlements. Conditional Use Permit 2008-07, allowing for the beer and wine sales, was approved on August 12, 2008. A condition of approval required that a site plan review be completed within ninety days. Site Plan Review 2008-15 was subsequently approved on October 2, 2008. The refurbishment of the site via Site Plan Review 2008-15 was never initiated or completed. The site is now closed. The conditions of approval which provided for the allowance to sell beer and wine were largely never satisfied.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses

MMC § 10-3.1301 Use Permits

MMC § 10-3.1311 Termination and Revocation

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

Prior to the site being converted to the Super 7 convenience store, it had developed as a 7-11 convenience store. The sale of beer and wine had been an existing non-conforming use before the 7-11 shut its doors in approximately 2006.

The allowance to sell beer and wine in association with the operation of the Super 7 convenience store was approved via two planning entitlements. Conditional Use Permit 2008-07, allowing for the sale of beer, was approved on August 12, 2008. A condition of approval required that a site plan review be completed within ninety days. Site Plan Review 2008-15 was subsequently approved on October 2, 2008.

The Planning Commission completed a review of the conditional use permit at the Commission's September 11, 2018 regular meeting.

ANALYSIS

Background

The Super 7 originally opened in 2009 after interior renovations had been completed. Although a site plan review (SPR 2008-15) had been completed that required renovation of the remainder of the property, the completion of those improvements was purposefully delayed, to coincide with the Caltrans widening of Madera Avenue. As noted in the 2008 staff report, "Given the impending expansion of Madera Avenue and the subsequent reconfiguration of the site, aesthetic issues such as landscaping, building elevations, signage, color and materials should be addressed within an application for site plan review. Improvement of the aesthetics of the site via site plan review will ensure compatibility with the surrounding land uses and would translate into an overall improvement to the vitality of the area. Aesthetic issues are not addressed within this conditional use permit request, but instead will be resolved within the site plan review process." Thus, a condition of approval requiring the completion of a site plan review was added to the use permits conditions of approval.

Ultimately, a new property owner, Khalid Chaudhry, contested those improvements and the improvements were never completed. Mr. Chaudhry did attempt to amend the site plan in an effort to gain direct access to Madera Avenue, but site constraints made it infeasible if not impossible, and neither the City nor Caltrans was supportive of any revised development proposal. In staff's last conversation with the property owner concerning the conditions of noncompliance on the site,

Mr. Chaudhry advised that the use permit was not a concern of his but rather his tenant and, therefore, the City should shut the business down if compliance could not be attained via the tenant.

Current Conditions

The tenant has now shuttered the business. Their business license had fallen into arrears prior to closure and is now in collections. It is clearly evident that improvements will not be completed and a hearing for revocation is appropriate.

The primary issue associated with any consideration for revocation of the use permit is the failure of the tenant to complete the required improvements. Condition No. 17 states that approval of the use permit is conditioned upon completion of the site plan review process, and “failure to complete site plan review will render this conditional use permit null and void.” In that the use permit has been rendered null and void per the conditions of approval, revocation is merely a formality in this case.

Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2013-11 MOD. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Of the seventeen (17) total conditions of approval, eight (8) are in violation and need attention in order to be in compliance with the conditions of approval. Compliance with nine (9) of the seventeen (17) conditions of approval equates to a fifty-three (53%) percent compliance rate. Most of the conditions in compliance are procedural in nature.

RECOMMENDATION

It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing, and make the appropriate findings and decision regarding the project. Staff’s determination, based on its review of the facts, is that revocation is warranted and has been warranted for an extended period of time.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2008-07, determining to either:

- revoke the use permit
- continue the hearing, or
- find that revocation of the use permit is not warranted at this time

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

Motion 1: Based on the following findings, move to revoke Conditional Use Permit 2008-07.

Findings

- Conditions of approval Nos. 1, 2, 5, 6, 9, 10, 12, and 17, adopted by the Planning Commission and agreed to by the applicant and property owner, have not been satisfied.
- The applicant, and their successors, have breached and failed to abide by conditions of approval designated in Conditional Use Permit 2008-07.
- Based on observations of staff and the evidence from the whole of the record, the use has not operated in compliance with conditions of approval; and

- The continued operation of the use in violation of the conditions of approval is detrimental or injurious to property and improvements in the neighborhood or general welfare of the city, and;
- The above findings are supported by evidence presented at the public hearing, by field observations by multiple City departments, and in staff reports during the processing and review of this entitlement; which is made a part of this record by this reference.

(OR)

Motion 2: Move to find that the review of Conditional Use Permit 2008-07 is not warranted at this time for the following reasons: (specify)

ATTACHMENTS

Aerial Photo

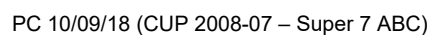
Site Photos

Conditions of Approval Compliance Matrix

Aerial Photo



MADERA AVENUE - HWY 145



Site Photos



Shuttered business frontage with a disheveled interior within.



Abandoned outdoor amusement with graffiti.



Unsafe parking field, outdoor clutter, and illegal signage when the store was open.

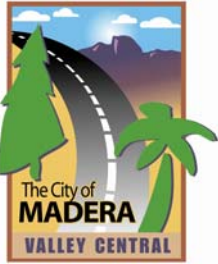


Dead landscaping along the store's right-of-way frontage.

Conditions of Approval Compliance Matrix

Con. No.	Condition Statement	Condition Status
1.	Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.	CUP 2008-07 acknowledgement signed. SPR 2008-15 not signed.
2.	The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval and as amended within the site plan review process.	Never completed.
3.	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
4.	This conditional use permit will expire if the use is discontinued for a six-month period.	Procedural
5.	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.	Business license unpaid and sent to collections.
6.	Site development shall be consistent with an approved site plan and floor plan as approved through a required site plan review. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits.	Site plan review improvements were never completed.
7.	Outdoor lighting fixtures shall be directed and shielded away from adjacent properties and from street traffic. All outdoor lighting shall be reviewed and approved by the Planning Department before issuance of a building permit. Any lighting conditions that create a nuisance shall be corrected at the Owner's expense within (30) calendar days of notification from the City.	Light standards were relocated as a component of the Caltrans highway widening project.
8.	Vandalism and graffiti shall be corrected within 72 hours of notification. The City shall assess and set a daily penalty amount that will be imposed until the project owner or manager takes corrective action.	Procedural
9.	No outdoor displays shall be allowed.	Numerous outdoor displays when business was open.

10.	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.	Landscaping not maintained and site improvements never completed.
11.	The applicant shall operate in a manner that does not generate noise, odor or vibration that adversely affects any adjacent properties.	Procedural.
12.	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 this permit.	Business license not maintained.
13.	The use is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control. The applicants, its operators, and successors shall comply with all applicable city, state and federal requirements and standards.	Procedural.
14.	The use 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 shall schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.	Procedural.
15.	Hours of operation shall be limited to between 6:00 a.m. and 12:00 Midnight daily.	Procedural.
16.	The applicant shall secure and record a cross access easement agreement with the adjacent Kings Equipment Company business site or an alternative circulation plan shall be submitted to the Planning Department and approved by the Planning Director. A copy of the recorded cross access agreement or of the approved alternative circulation plan shall be provided to the City and kept on file with Conditional Use Permit, CUP 2008-07.	Completed in 2009.
17.	The applicant shall submit a complete application for site plan review within sixty (60) days of conditional use permit, CUP 2008-07, approval. Approval of Conditional Use Permit, CUP 2008-07, is conditioned upon completion of the site plan review process. Failure to complete site plan review will render this conditional use permit null and void.	Not in compliance. No improvements ever completed as approved in SPR 2008-15.



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Appeal – Madera County Mosquito Abatement SPR 2018-20 Item NP #1 – October 09, 2018

PROPOSAL: An appeal of the conditions of approval for Site Plan Review 2018-20 requesting the removal of several conditions specific to the installation of improvements consistent with Americans with Disabilities Act and the installation of backflow prevention devices.

APPLICANT:	Madera County Mosquito & Vector Control District	OWNER:	Madera County Mosquito & Vector Control District
ADDRESS:	3105 Airport Drive	APN:	013-010-014
APPLICATION:	SPR 2018-20	CEQA:	Categorical Exemption

LOCATION: The property is located on the northeast corner of Yeager Drive and Airport Drive.

STREET ACCESS: The site has access to Airport Drive and Yeager Drive

PARCEL SIZE: Approximately 6.03-acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The 6.03-acre site is surrounded by vacant land to the north and west, manufacturing facilities to the east, and a State government office to the south.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15321, (Enforcement Actions by Regulatory Agencies).

SUMMARY: The Madera County Mosquito and Vector Control District is requesting several conditions within Site Plan Review 2018-20 be removed. Contested conditions include requirements to complete street frontage improvements in compliance with Americans with Disabilities Act federal regulations and install a backflow prevention device on all service connections on the site. The City has offered several options to facilitate the completion of the contested conditions. The applicant has ultimately decided to appeal the conditions of approval stating the proposed solar carport project does not merit the need to complete said conditions per the site plan review. Staff recommends the appeal request be denied as it is outside the City's authority to waive federal regulations related to accessibility. Additionally, because

protection of the public water supply is a critical priority, the backflow prevention device must be installed.

APPLICABLE CODES AND PROCEDURES

MMC §5-6.03, Cross-Connection Protection Requirements
MMC §10-3.4.0116, Appeal to the Planning Commission
MMC §10-3.4.0102, Site Plan Review Applicability
MMC §10-3.4.0103, Site Plan Review Application Requirements
MMC §10-3.1.0107, Conditions of Approval
Specific Plan No. 1

PRIOR ACTION

On July 25, 2018, the Planning Department held a public comment hearing for Zoning Administrator Permit 2018-13 (ZAP) which allowed for the placement of solar photovoltaic systems on carport structures. In conjunction with the ZAP, Site Plan Review 2018-20 was processed and finalized on August 14, 2018. After initially contesting several conditions of approval, the Madera County Mosquito and Vector Control District Board (MCMVCDB) decided to file an appeal to the Planning Department on August 22, 2018.

ANALYSIS

Appeal Request

The Madera County Mosquito and Vector Control District (MCMVCD) is requesting that Site Plan Review 2018-20, “for its solar project be revised to eliminate conditions 13-19, and if this cannot be done at the staff level, then we request an appeal hearing as allowed by the City Code”. The appeal letter has been attached as an exhibit. Conditions number 13 through 19 are as followed:

13. An ADA access ramp at the northeast corner of Airport Drive and Yeager Drive shall be constructed per current City standards.
14. Driveways along Airport Drive and Yeager Drive shall be reconstructed to the extent necessary to provide ADA accessibility along the entire site frontage.
15. The developer shall construct ADA accessible concrete sidewalk along the entire project parcel frontage on Airport Drive and Yeager Driver per City standards.
16. The owner may enter into a deferral agreement with the City for the construction of sidewalk and other ADA improvements as called out in the prior three (3) conditions along the project’s Airport Drive and Yeager Drive parcel frontage. Under the terms of the deferral agreement, all improvements shall be constructed within 10 years of conditions being approved, upon a successful complaint associated with the ADA, at such earlier time when sidewalk improvements are constructed by any adjacent development or through a City-initiated project. Deferral processing fee in the amount of \$368 is due before staff commences preparation of the agreement. If two or more deferrals are requested, one agreement shall be prepared with one single fee of \$368.
17. If the applicant believes that a hardship waiver is applicable for ADA improvements based on the cost of the improvements in relation to overall project costs, a request for a waiver may be submitted for consideration, to be determined by the City.

18. The northern driveway and gate on Airport Drive shall be removed and replaced with curb and gutter and sidewalk. The Owner may enter into a deferral agreement with the City for the removal of the driveway and gate; either separate or combined with that associated with a possible ADA improvement deferral agreement referenced in another condition. Under the terms of the deferral, removal of driveway and gate shall occur within 10 years of conditions being approved. Until such time as the driveway and gate are removed, the driveway shall not be used except for emergency situations. The Owner shall also agree that the driveway may be removed at an earlier time if removed in conjunction with any development that occurs on the property immediately north of Owner's property. Removal by a development proposal shall not result in any cost to the Owner other than that still associated with removal of the gate. A deferral processing fee in the amount of \$368 is due before staff commences preparation of the agreement. If two or more deferrals are requested, one agreement shall be prepared with one single fee of \$368.
19. Water service connection(s) shall be upgraded to current City standards including backflow prevention device(s) installed within private property. Only one backflow prevention device has been identified. Owner shall confirm all connections are protected through such device(s). Owner may enter into a deferral agreement with the City for this improvement. Under the terms of the deferral agreement, this improvement shall be completed within the next Mosquito Abatement budget year of 2018/19. Deferral processing fee in the amount of \$368 is due before staff commences preparation of the agreement. If two or more deferrals are requested, one agreement shall be prepared with one single fee of \$368.

Site Plan Review conditions of approval require that street frontage improvements be completed in accordance with the Americans with Disability Act (ADA) as a condition to constructing of three solar carport structures encompassing 7,800 square feet. More specifically, conditions 13 through 18 require that ADA access ramps and driveways be reconstructed and/or replaced with curb and gutter in addition to constructing sidewalks along the property's street frontages.

Condition No. 19 requires that unprotected water service connection(s) be upgraded to include a backflow prevention device on the property.

The applicant believes the overall impact of constructing three solar carports does not merit the need to complete the ADA street frontage improvements and the water service connection upgrades to include backflow prevention devices per SPR 2018-20.

Analysis of Request

The construction of the solar carports was subject to the site plan review process. Before approval of a site plan is granted, the City must determine the proposed project "is in compliance with all applicable provisions of the City Municipal Code, City General Plan, any applicable specific plans, all rules and regulations applicable to the proposed development, that facilities and improvements, vehicular and pedestrian ingress, egress, and internal circulation, location of structures, services, walls, landscaping, and drainage of the site are so arranged that traffic congestion is avoided, that pedestrian and vehicular safety and welfare are protected..." MMC §10-3.4.0106.

The conditions of approval collectively apply the applicable requirements of the specific plan, various City Municipal Code requirements and the mandates of State and Federal law. Before amending the site plan review to its current form, conditions 13 through 18 required that the

property's street frontage be upgraded to include ADA compliant access ramps, driveways, curb and gutter, and sidewalks. Sidewalks in particular, are a requirement per Specific Plan No. 1, adopted on June 1, 1981, which states, "sidewalks shall be installed along commercial frontages".

In addition to conditions 13 through 18, it is unknown to what extent the facility's process necessitates cross-connections between city water services and external chemical treatment connection, per the MMC § 5-6.03, "cross-connections with the public water supply are prohibited". As a result, Condition No. 19 requires that unprotect cross-connections on the MCMVCD premise be protected with a backflow prevention device wherever necessary.

It has been a City practice to facilitate State and Federal ADA compliance through its building permits and planning entitlement processes. California Building Code, CBC 11B-202.0, requires that additions or alteration to an existing building or facility shall comply with Section 11B-202.4 path of travel requirements.

In some cases, ADA requirements caused by alterations, additions and/or structural repairs to a property may be exempt through a hardship waiver. In this case, the conditions of approval initially offered the applicant the option to file an Unreasonable ADA Hardship Waiver for the required ADA improvements. For the MCMVCD, the hardship request did not meet the California Building Code (CBC) section 11B-202.4 waiver threshold.

Section 11B-202.4(8) of the CBC also states, "compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship; but in no case shall the cost of compliance be less than 20 percent of the adjusted construction cost of alterations, structural repairs or additions". The calculated cost of the ADA improvements, \$50,171.50 is below 20% of the total adjusted construction cost of alterations or additions of \$315,588. Per the CBC, the City found this to be a reasonable request. Therefore, full compliance with ADA is required.

Deferral Agreement

As an alternative, Madera County Mosquito & Vector Control District received revised conditions of approval which offered the option to enter into a deferral agreement with the City as stated in Condition No. 16. The deferral agreement would grant the MCMVCD the option to postpone the completion of the mentioned ADA improvements for a period of no more than 10 years. Despite the City's effort to accommodate the financial concerns of the ADA street frontage and backflow prevention device installations, the applicant opted to appeal Conditions No. 13 through 19 of the revised site plan review.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although the appeal of a Site Plan Review is not specifically addressed in the Vision Madera 2025 Plan, the conditions of approval within are consistent with the Vision of "A Safe, Healthy Environment", including a walkable community that is accessible to all.

RECOMMENDATION

Conditions 13 through 18 are federal requirements implemented through local government permitting and entitlement processes. Notwithstanding any of the appellants arguments, local governments do not have the authority to exempt or waive ADA requirements. Condition No. 19 is a local requirement as provided per the ordinance which requires that cross-connections on a premise with the public water supply be protected through a backflow prevention device. Since

the project was not eligible for a hardship waiver, the Madera County Mosquito and Vector Control District was offered the option to enter into a deferral agreement with the City. Unable to provide additional alternatives which facilitate the completion of the required improvements, staff must recommend the denial of the appeal request.

PLANNING COMMISSION ACTION

The Planning Commission will be taking action on an appeal of Site Plan Review 2018-20.

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

Motion 1: Move to deny the appeal application for Site Plan Review 2018-20 requesting to remove conditions 13 through 19 from the revised conditions of approval for the construction of solar carports at 3105 Airport Drive in the C2 (Heavy Commercial) Zone District, based on the following findings:

Findings

- Conditions No. 13 through 18, requiring that ADA compliant street frontage improvement to be completed are subject to Americans with Disabilities Act Title II Regulations. Request to remove said conditions is not within the authority of the City.
- Condition No. 19 is a requirement per the Madera Municipal Code (MMC) § 5-6.03 (D). Removal of said condition would be in contradiction to the Municipal Code, compromising the health and safety of the City's public water supply.
- The Madera County Mosquito and Vector Control District has declined the option to enter into a deferral agreement with the City.

Motion 2: Move to approve the appeal application for Site Plan Review 2018-20 based on and subject to the following findings (specify):

Motion 3: Move to continue the appeal application for Site Plan Review 2018-20 to the November 13, 2018 Planning Commission hearing, based on and subject to the following (specify):

ATTACHMENTS

Aerial Photo
Appeal Letter

Aerial Photo



Appeal Letter



RECEIVED
AUG 22 2018

CITY OF MADERA
PLANNING DEPARTMENT



**MADERA COUNTY MOSQUITO
AND VECTOR CONTROL DISTRICT**

3105 AIRPORT DRIVE
MADERA, CALIFORNIA 93637
TELEPHONE (559) 662-8880
FAX NUMBER (559) 662-8883
E-MAIL alexs_mmvcd@unwiredbb.com

BOARD OF TRUSTEES

DONALD HORAL, PRESIDENT
NICHOLAS SALINAS, VICE PRESIDENT
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G. PETER FRY

DISTRICT PERSONNEL

ALEX SCALZO, MANAGER
ISTVAN MENYHAY, FIELD FOREMAN
TERESA HAMILTON, SECRETARY/BOOKKEEPER
GABINO PRADO, DATA ANALYST
CHRISTOPHER RUCKMAN, MAINTENANCE

August 22, 2018

Dear City of Madera Planning Department:

The MCMVCD hereby appeals the Final Site Plan Review. We object to conditions 13-19 because they are not reasonably related to the solar project. Further Explanation attached.

MEMBER OF THE MOSQUITO AND VECTOR CONTROL ASSOCIATION OF CALIFORNIA
MEMBER OF THE AMERICAN MOSQUITO CONTROL ASSOCIATION



Dale E. Bacigalupi
Attorney at Law

E-mail: dbacigalupi@lozanosmith.com

August 22, 2018

Jesus R. Orozco, Assistant Planner
City of Madera
Planning Department
205 W, 4th Street
Madera, CA 93637

Re: Appeal of Site Plan Review Conditions for Madera County Mosquito and Vector Control District (Site Plan Review 2018-20-MOD)

Dear Jesus:

I represent the Madera County Mosquito and Vector Control District ("District") in connection with the pending solar carport project.

At a meeting of the Board of Directors held on August 21, 2018, the proposed conditions of approval dated August 14, 2018, including the August 16, 2018 changes to those conditions recently delivered by City Engineer, Keith Helmuth, were reviewed by the Board.

Several of those conditions are unacceptable to the Board and the District and, for that reason, this appeal has been filed.

The Board has asked that I express their deep concern and strong objection that some of the conditions will result in an unnecessary expenditure of taxpayer funds for offsite improvements that are both unreasonable and unnecessary. The District is a government agency and its only source of revenue is a small allocation of the property tax and the Board of Trustees is charged with insuring that its limited resources are spent wisely so that its public health mission is carried out in a way that maximizes its services to protect the public from dangerous vectors. Compliance with several of the proposed condition will be very costly and will adversely impact the Districts mission.

It is also clear that those conditions are not properly or legally imposed for this solar project. In particular, conditions 13-19 (condition #18 has evidently been eliminated) as found in Mr. Helmuth's 8/16/18 Memo are objectionable.

Limited Liability Partnership

7404 N. Spalding Avenue Fresno, California 93720-3370 Tel 559-431-5600 Fax 559-261-9366

Jesus R. Orozco, Assistant Planner
City of Madera
Planning Department
August 22, 2018
Page 2

Please consider the following:

1. The solar carport project will create no new traffic in or out of the District property.
2. The project will not increase the number of employees working at the District property.
3. The District has no walk-in traffic and no customers and the solar project will not change those circumstances.
4. The solar project will not change the number or frequency of vendors who visit the site.
5. The District has owned and operated out of the current site since 2010 and has not changed its mode or manner of operations since it purchased the property at that time.
6. The solar project proposes to construct 3 carports in an existing parking lot, without changing the size or location of the parking lot.

With these facts in mind, conditions 13-19 are simply not reasonably related to the project. While the District understands that it is responsible for mitigating any offsite impacts that its onsite solar project may cause, there are no offsite impact in this project. Therefore, the requirements for moving and improving District driveways and installing ADA-related improvements and sidewalks on Airport Drive and Yeager Drive are not reasonable conditions and are certainly not needed or necessary.

Legally, it is a simple long-standing legal principle that applies in all cases that the regulatory agency must establish a "nexus" between project impacts and the conditions that it imposes when it grants a regulatory approval. It is the burden of the regulatory agency to establish and prove that the conditions are needed to mitigate the impacts of a project. The District's small solar project has no offsite impacts whatsoever; thus, conditions 13-19 are not needed and are, because of the lack of "nexus", legally excessive.

While I suppose that this simple legal principle is self-evident and well known, the principle has been reiterated in multiple Court cases. Here are a few of them: *Associated Home Builders v. City of Walnut Creek* (1971) 4 Cal.3d 633; *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854; *Dolan v. City of Tigard* (1994) 512 U.S. 374.

In addition, recent California statutes impose additional restrictions on regulatory agencies when it comes to solar projects. Solar projects, like the one the District proposes, are highly favored and the Legislature has acted to restrict regulators so that solar projects can be more easily built and with less cost.

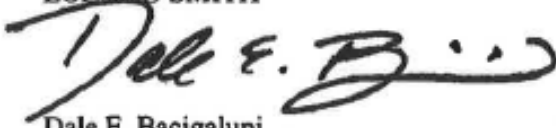
For example, Health & Safety Code section 17959.1(c) prohibits agencies from imposing unreasonable conditions for small business solar projects. Civil Code section 714(b)-(d) contains similar restrictions. We believe conditions 13-19 are unreasonable and unnecessary and thus violate these solar statutes. These statutes require that the City identify a "specific adverse impact" before it imposes a condition to address it. The City has not identified a specific adverse impact of the solar project which would justify conditions 13-19.

Jesus R. Orozco, Assistant Planner
City of Madera
Planning Department
August 22, 2018
Page 3

The District requests that the Site Plan approval for its solar project be revised to eliminate conditions 13-19, and if this cannot be done at the staff level, then we request an appeal hearing as allowed by the City Code.

Sincerely,

LOZANO SMITH



Dale E. Bacigalupi

DEB/sv

cc: Madera County MVCD, Board of Directors
Alex Scalzo, Manager, Madera County MVCD
Keith Helmuth, Madera City Engineer

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