



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

**COUNCIL CHAMBERS - CITY HALL  
TUESDAY  
JANUARY 8, 2019  
6:00 pm**

**CALL TO ORDER**

**ROLL CALL**

Commissioner Robert Gran, Jr. (Chairperson)  
Commissioner Israel Cortes (Vice Chairperson)  
Commissioner Ramon Lopez-Maciel  
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:** November 13, 2018

**NON-PUBLIC HEARING ITEMS**

**NP-1. Election of Chairperson and Vice-Chairperson for 2019**

**CONSENT ITEMS:**

**C-1. GPC 2018-04 – Sale of Malone Street Properties**

Finding of General Plan Conformity and Environmental Determination for the potential sale of five (5) properties located at the southeast corner of Malone Street and Washington Avenue.

**C-2. SPR 2009-21 EXT5 – Foxglove Shopping Center Extension**

A request for extension of an approved site plan review and various conditional use permits in support of the development of a retail shopping center to be located on the southeast corner of Schnoor Avenue and Foxglove Way.

**PUBLIC HEARING ITEMS:**

**1. REZ 2018-07, GPA 2018-05 and PPL 2018-06 – Rai Apartment Complex**

A noticed public hearing to consider a rezone from PD-3000 (Planned Development) to the PD-1500 (Planned Development) zone district, a General Plan amendment from MD (Medium Density) to the HD (High Density) General Plan land use designation and a precise plan that provides for the development of a 138-unit apartment complex on properties located at the northwest corner of intersection of Barnett Way and Gary Lane. A Mitigated Negative Declaration will also be considered by the Planning Commission (APNs: 012-253-002, 012-270-001, 012-270-002).

**2. PPL 2018-07 – Self-Help Apartment Complex**

A noticed public hearing to consider a precise plan that provides for the development of a 56-unit apartment complex on properties located approximately 300 feet east of the intersection of Madera Avenue and Lewis Street in the PD-1500 (Planned Development) Zone District with a HD (High Density) General Plan land use designation. A Mitigated Negative Declaration will also be considered by the Planning Commission (APNs: 011-143-006, 011-143-007, 011-143-008).

**3. PPL 2005-01 MOD3 – Tierra Vista Estates**

A noticed public hearing to consider an application for amendment to a precise plan to allow for the addition of three (3) home models to be built upon fifteen (15) lots within the Tierra Vista Estates subdivision, located at the northwest corner of the intersection of Emily Way and Gary Lane in the PD 3000 (Planned Development) Zone District with an MD (Medium Density Residential) General Plan land use designation (Multiple APNs).

**4. CUP 2018-20 and SPR 2018-34 Madera Gateway Market Outdoor BBQ**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the outdoor preparation of (BBQ) food at Madera Gateway Market located approximately 150 feet southeast of the intersection of South Gateway Drive and South Madera Avenue (518 South Gateway Drive) in the I (Industrial) Zone District with a C (Commercial) General Plan land use designation (APN: 011-041-002)

**ADMINISTRATIVE REPORTS:**

**COMMISSIONER REPORTS:**

**ADJOURNMENT:**

The next regular meeting will be held on February 12, 2019.

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.

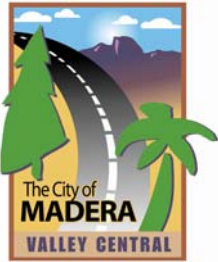
All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION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

[Return to Agenda](#)

## **Election of Chairperson and Vice-Chairperson for 2019**





# CITY OF MADERA PLANNING COMMISSION

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

## **General Plan Conformity 2018-04 Sale of Malone Street Properties Item #C1 – January 8, 2019**

**PROJECT:** Finding of General Plan Conformity and Environmental Determination for the Potential Sale of five (5) properties.

**APPLICANT:** City of Madera

**PROPERTY OWNER:** City of Madera

**ADDRESS:** The only listed address for the subject properties is 309 Malone Street.

**PARCEL NUMBER:** 008-052-045, 046, 047, 048 and 049

**LOCATION:** The subject properties are located at the southeast corner of Malone Street and Washington Avenue.

**SITE CHARACTERISTICS:** The five (5) properties are currently vacant residential parcels.

**ADJACENT LAND USES AND ZONING:**

South - Multiple Family Residential – R3 (High Density Residential), R2 (Medium Density Residential) and C1 (Light Commercial)

East - Single Family Residential – R2 (Medium Density Residential)

North - Single Family Residential – R2 (Medium Density Residential)

West - Single Family Residential – R2 (Medium Density Residential)

**GENERAL PLAN DESIGNATION:** LD (Low Density Residential)

**GENERAL PLAN CONFORMITY:** The proposed sale of five (5) properties located at the southeast corner of Malone Street and Washington Avenue for the purpose of the development of single family homes is in conformance with the goals and policies of the General Plan, including Policy CD-37, which states that “The City shall encourage the on-going conservation, maintenance and upgrading of existing neighborhoods through enforcement of property maintenance codes, requirements of high quality infill development, programs for the rehabilitation of housing, and replacement of deteriorated infrastructure.”

**SPECIFIC PLAN DESIGNATION:** None.

**ZONING:** R2 (Medium Density Residential)

**ZONING CONFORMITY:** The proposed sale of the property is not in conflict with the Zoning Ordinance. Redevelopment/renovation of property with single family residential development is consistent with the R2 (Medium Density Residential) Zone District applicable to the subject parcels.

**ENVIRONMENTAL DETERMINATION:** This project qualifies as exempt under §15312 (Surplus Government Property Sales) of CEQA Guidelines, “which consists of sales of surplus

government property” that do “not have significant value for wildlife habitat or other environmental purposes” and “the use of the property and adjacent property has not changed since the time of purchase by the public agency.”

**RECOMMENDATION:**

Based on the factors noted above, staff recommends that the proposed sale of the five (5) properties be found to be in conformance with the 2009 General Plan. The proposed sale of the properties should also be found exempt from further review under the California Environmental Quality Act.

**PLANNING COMMISSION ACTION:**

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

Motion 1a: Move to find that this project qualifies as exempt under §15312 (Surplus Government Property Sales) of CEQA Guidelines, “which consists of sales of surplus government property” that do “not have significant value for wildlife habitat or other environmental purposes” and “the use of the property and adjacent property has not changed since the time of purchase by the public agency.”

**(AND)**

Motion 1b: Move to find the proposed sale of the five (5) properties located at the southeast corner of Malone Street and Washington Avenue is consistent with the 2009 General Plan, including Policy CD-37, which states that “The City shall encourage the on-going conservation, maintenance and upgrading of existing neighborhoods through enforcement of property maintenance codes, requirements of high quality infill development, programs for the rehabilitation of housing, and replacement of deteriorated infrastructure.”

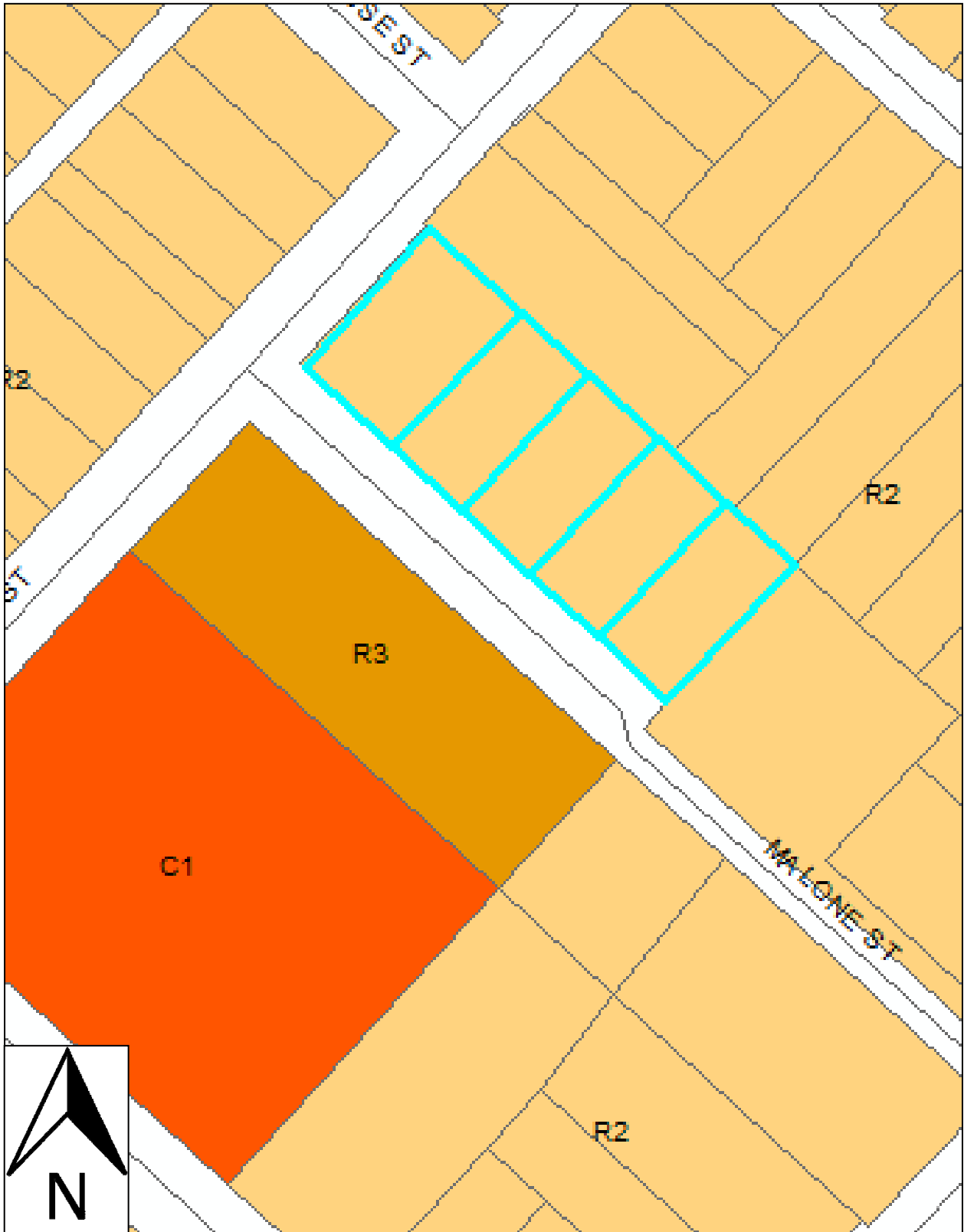
**ATTACHMENTS**

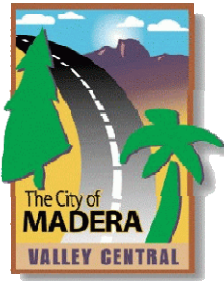
1. Aerial Imagery
2. Zoning Map

Attachment 1: Aerial Imagery



Attachment 2: Zoning Map





CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Foxglove Shopping Center Extension  
SPR 2009-21 EXT5 & Multiple CUP Extensions  
Item #C2 – January 8, 2019**

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**PROPOSAL:** A request for extension of an approved site plan review and various conditional use permits in support of the development of a retail shopping center.

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<b>APPLICANT:</b>	Shaw/Feland Partnership	<b>OWNER:</b>	Dewayne Zinkin Partnership LP
<b>ADDRESS:</b>	None	<b>APN:</b>	013-160-005 & 013-160-016
<b>APPLICATIONS:</b>	SPR 2009-21 & CUP 2013-04, 05, 06 & 07	<b>CEQA:</b>	Environmental Impact Report

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**LOCATION:** The project site is located on the southeast corner of Schnoor Avenue and Foxglove Way.

**STREET ACCESS:** Foxglove Way and Schnoor Avenue

**PARCEL SIZE:** 19.51 acres

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C2 (Commercial)

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**SITE CHARACTERISTICS:** The subject property is approximately 20 acres in size. The Home Depot Shopping Center and Sonic Drive-thru restaurant are located north of the site. Madera Market Place is located to the south. Schnoor Avenue fronts the property to the west. A Madera Irrigation District canal and State Route 99 are located directly east of the site. The project site contains unimproved disturbed land.

**ENVIRONMENTAL REVIEW:** An environmental impact report, mitigation monitoring and reporting program, statement of overriding considerations, and related findings for all project components were completed in conjunction with the proposal. The retail shopping center was approved, and the environmental impact report was certified by the Planning Commission on February 12, 2013.

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**SUMMARY:** The shopping center remains compatible with surrounding commercial properties and is designed to be a positive attribute to the area. The information presented in this report supports conditional approval of the requested one-year time extension. No amendments to the original conditions of approval are recommended. It is recommended that a one-year time extension for the site plan review and conditional use permits be approved by the Planning Commission.

## **APPLICABLE CODES AND PROCEDURES**

MMC §10-3.4.0114 Lapse of Site Plan Approval

MMC §10-3.1311 Termination and Revocation

California Public Resources Code Section 21000 et. seq., California Environmental Quality Act.

The Commission, in considering the time extension request, may approve, deny or conditionally approve a time extension. If the time extension is denied, the applicant may re-file the site plan review and conditional use permit requests for further consideration by the Planning Commission. The applicant has made a written request for a one-year extension to February 12, 2020 consistent with the Planning Commission's prior approval of the project.

## **PRIOR ACTION**

The site plan review and conditional use permit entitlements were approved by the Planning Commission on February 12, 2013. Extensions have been granted by the Planning Commission annually since 2014.

## **ANALYSIS**

The project proposes to develop a retail shopping center with up to 191,500 square feet of tenant space on approximately twenty acres of land. A primary anchor space would contain approximately 84,000 square feet gross floor area. Several smaller anchors, shops and freestanding pads would fill out the total square footage. Site Plan Review 2009-21 establishes site plan, building design, and construction requirements for the proposed shopping center. Multiple conditional use permits memorialize uses such as outdoor seating, a drive-thru window, and alcohol sales in conjunction with restaurants and retail stores.

The project site was historically used for agricultural purposes. Recent activity has been limited to annual weed control and the project site remains vacant and unimproved.

The applicant requested an extension to the site plan review and use permits in a written communication dated December 18, 2018. Over the past year, the property owner has been in contact with prospective tenants and is consulting with an engineering firm in providing plans for intersection improvements, water demand and other related improvements. The applicant is "optimistic about commencement of construction in 2019." As there have not been substantive changes in the City's Zoning Ordinance over the past year, a new application for the same project would likely generate similar conditions, hence, a time extension rather than a re-filing is appropriate.

If approved by the Commission, the project will have an additional year to commence construction. In total, six years of time will have been granted to project proponents since the original approval in 2013.

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

Though approval of an extension to the previously approved site plan review is not specifically addressed in the vision or action plans, the overall project does indirectly support Action 115.1 to "encourage viable economic development".

## **RECOMMENDATION**

The information presented in this report supports approval of a one-year extension of the site plan review and conditional use permits as conditioned. It is recommended that the

Commission consider this information and make a motion to approve the application extension, subject to the recommended conditions.

## **PLANNING COMMISSION ACTION**

The Commission will be taking action regarding the time extension for Site Plan Review 2009-21 and Conditional Use Permits 2013-04, 05, 06 and 07.

Motion 1: Move to approve the requested Time Extension to February 12, 2020, for Site Plan Review 2009-21 and Conditional Use Permits 2013-04, 05, 06 and 07, subject to the original conditions of approval as listed.

### Findings

#### **A. Site Plan Review Findings**

- The use, as defined by the master site plan, is consistent with the Madera General Plan and the Zoning Ordinance designation on the site, as amended by the proposal.
- The master site plan is consistent with established legislative policies relating to traffic safety, street improvements and environmental quality.
- All buildings and site features proposed are addressed under the environmental impact report (EIR) and mitigation monitoring and reporting program (MMRP) for project adopted on February 12, 2013.

#### **B. Conditional Use Permit Findings**

- The proposals to add a drive thru window, outdoor seating, and alcohol sales are ancillary uses to the retail shopping center are consistent with the purposes of the C (Commercial) General Plan designation and the C-2 (Heavy Commercial) Zone District, which provides for these uses subject to the issuance of a conditional use permit.
- There is adequate parking and site area to accommodate the participants of the existing and proposed uses, including stacking distances required for the drive-thru window.
- Because the site has been designed for the development of an integrated shopping center to accommodate a variety of retail and restaurant uses, the conditional uses proposed, as conditioned, will not be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City, and will be compatible with the surrounding area and the City in general.

## **CONDITIONS OF APPROVAL**

#### **A. Site Plan Review Conditions**

##### General Conditions

1. The project approval is conditioned upon acceptance of these conditions contained herein within 30 calendar days, as evidenced by the applicant's signature on a required acknowledgment form.

2. The applicant's or owner's failure to utilize this site plan review within one year following the date of this approval shall render the site plan review null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. The approval of this site plan review authorizes the development of the improvements as specified in the site plan, subject to the revisions and clarifications required in these conditions of approval below. All standard permits and approvals required for the improvements, including, but not limited to building permits, grading permits, and construction permits, shall be obtained prior to commencing construction. Modifications to actual building/unit sizes may be authorized by the Community Development Director prior to the issuance of building permits. Such changes may not substantively change the nature of the site plan or building elevations and may not increase the overall square footage allowances for the development as specified in the environmental impact report for the project.
4. Any changes to the site plan required after, or because of, the preparation of grading plans, final on and off-site utility plans, or other changes made by the developer will require the approval of the Community Development Director. Substantive changes to the site plan, as determined by the Community Development Director, may require the completion of an amended site plan review process.
5. The development of the shopping center shall be subject to compliance with, and implementation of, the mitigation measures identified in the mitigation monitoring and reporting program approved as part of the Foxglove Shopping Center Final Environmental Impact Report.

### **Engineering Department**

6. Engineering plans for off-site improvements and for on-site public improvements shall comply with Section 27 of the City of Madera Standard Plans and Specifications and approved addenda and shall be submitted to the City Engineer for review and approval, prior to issuance of building permits. Engineering plans shall be wet stamped by a licensed civil engineer and shall be accompanied by a final site plan showing existing and/or re-established lot corner monuments, including a bearing and distance for each boundary line. Plans shall show dedication of all land by easements or other mechanism which may be acceptable to the City for all public streets, sanitary sewer mains (on and off site), water mains (on and off site), storm drains lines (on and off site) and detention basins.
7. Construction work within the City rights-of-way shall not begin prior to obtaining an encroachment permit from the Engineering Division in accordance with Section VI, Madera Municipal Code. All encroachment permits shall be obtained prior to the commencement of construction within the public rights of way.
8. Excavated or graded material shall be sufficiently watered to prevent excessive amounts of air borne dust. Watering should occur at least twice a day with complete coverage, preferably in the late morning and after work as directed by the City Engineer.
9. Material transported offsite should be securely covered to prevent excessive amounts of dust.
10. Streets adjacent to the project may be required to be swept and silt removed manually or mechanically at least once a day as required by the City Engineer. Water hosing will not be allowed as a cleanup method.

### **Grading and Drainage**



11. Under the direction of a licensed architect or civil engineer, a site grading and drainage plan shall be prepared. No lot fill, rough grading or rough plumbing shall commence until plans are approved. The grading plan should include cut and fill quantities, along with a City Engineer approval signature line. This plan shall demonstrate that storm water drainage will be adequately handled. This plan shall be approved by the City Engineer prior to the issuance of any building permits. Storm drainage runoff engineering calculations shall be submitted for compliance with City standards.
12. As part of a master grading plan, the applicant shall provide detailed drainage calculations to demonstrate to the satisfaction of the City Engineer that the existing storm drain basin (Basin 43550) located southwest of the intersection of Foxglove Way and Schnoor Avenue is sufficiently sized to accommodate both the commercial development and the Fairgrounds related storm water runoff. Calculations shall be submitted for basin capacity and sizing of onsite main.
13. The site shall be graded to provide drainage to approved storm drainage facilities. Fill in excess of 8-inches requires compaction tests when supporting structures. Geotechnical and soil testing reports shall be submitted prior to issuance of building permits in compliance with state requirements.
14. Grading certification by developer's soils and civil engineers upon completion of each building pad shall be provided by letter or as built plans prior to temporary or final occupancy.

#### Streets and Drives

15. The development shall implement any and all traffic mitigation measures specified in the Final Environmental Impact Report and Mitigation Monitoring and Reporting Program prepared for the Foxglove Shopping Center project. All measures requiring physical improvements shall be incorporated into civil improvement plans required pursuant to Condition #6.
16. Proposed entrances on North Schnoor Avenue shall be a minimum of 24 feet wide, shall be street type entrances with minimum face of curb radius of 15 feet and shall include the construction of standard handicapped ramps with an ADA accessible path from ramp to ramp. Proposed driveways shall be spaced in accordance with the results of the traffic study prepared for this project.
17. A median island shall be constructed on Foxglove Way that extends from North Schnoor Avenue to a minimum of 50 feet east of the first driveway on the north side of Foxglove Way.
18. Project driveways on Foxglove Way should be aligned with those on the north side of the street. If this is not feasible due to overall project design constraints, reasonable measures shall be implemented to minimize vehicular conflicts.
19. Free and unimpeded access shall be maintained from this development to the Marketplace shopping center located to the south.
20. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.

21. Prior to the issuance of a grading permit, the developer shall dedicate an additional 8 feet to an existing 7-foot Public Utility Easement (PUE) to complete a 15-foot PUE along North Schnoor Avenue.
22. Prior to the issuance of the grading permit, the developer shall record a reciprocal ingress/egress, utility and parking easement acceptable to the City of Madera across the entire center that is applicable to all existing and/or future parcels. The easement shall provide the mutual right to cross access and parking for all future uses. With such easements in place, compliance with City parking standards for each building will be based on total number of spaces available at the Center.
23. Prior to issuance of a grading permit, the developer shall cause the existing 60-foot wide easement for access and utilities to be shifted westward to avoid the proposed structures being constructed within the easement.
24. The developer shall reimburse its fair share of cost to the City for previously constructed infrastructure in and on Foxglove Way to the extent that such infrastructure is utilized by the project. The developer shall not be responsible for reimbursement of cost for those improvements removed due to the project's reconstruction of Foxglove Way or improvements otherwise not incorporated into the project. Determination of fair share costs will be calculated in conjunction with submittal and review of civil plans for off-site improvements.
25. Additional detailed review will be conducted by the City when more detailed off-site street plans, and on/off site utility plans are submitted to the City; additional requirements may be specified based on this subsequent review. This will include, but not be limited to, further refinement to street plan for Foxglove Way alignment from Schnoor Avenue through transition to private drive alignment on the project site.

#### Sewer

26. Sewer service connection shall be constructed to current City standards.
27. Sewer connections larger than 4 inches shall require construction of a manhole.
28. Existing septic tanks, if found, shall be removed, permitted, and inspected by the City of Madera Building Department.
29. Prior to the issuance of encroachment permits to construct utility connections, the developer shall reimburse its fair share of cost to the City for the previously constructed sewer main in North Schnoor Avenue. Total reimbursement due by the developer to the City is \$12,293.00.

#### Water

30. Water service connection(s) shall be constructed to current City standards including water meter(s) located within the City right-of-way and shall read in cubic feet. A backflow prevention device shall be located within private property.
31. A separate water meter and backflow prevention device will be required for landscape consumption.
32. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with state standards.

33. Prior to the issuance of encroachment permits to construct utility connections, the developer shall reimburse its fair share of cost to the City for the previously constructed water main in North Schnoor Avenue. Total reimbursement due by the developer to the City is \$7,822.00.
34. Additional detailed review of the water system requirements will be conducted by the City when more detailed off-site street plans, and on/off site utility plans are submitted to the City; additional requirements may be specified based on this subsequent review.

## **Planning Department**

### Site Plan and Building Design - General

35. This site plan approval authorizes the development of an integrated shopping center with a cohesive parking and circulation system and consistent design criteria. All buildings, regardless of tenant, shall be designed and constructed in a manner consistent with the City's Design and Development Guidelines for Commercial Development and the master design guidelines prepared for the project.
36. Consistent with the above described guidelines, consideration will be given to all tenants to be allowed to retain important elements of their corporate identity and architectural details which support their branding and themed experience. While buildings and related site features shall incorporate a standard color palette, architectural features, roof types, and materials, etc., they may feature such aforementioned corporate elements and architectural details as well as variations to the color palette. Final elevations for all buildings/units are subject to the approval of the Community Development Director prior to the issuance of building permits.
37. The landscape and irrigation plan submitted for the project shall be in compliance with the State Department of Water Resources Model Water Efficient Landscape Ordinance.
38. Prior to the issuance of the first building permit, a final landscaping plan for the shopping center shall be submitted which encompasses the following revisions and clarifications:
  - a. A phasing plan for all site landscaping shall be submitted for approval.
  - b. All landscaping areas shall have a minimum of 75% vegetative ground cover.
  - c. Indicate species, size and spacing of shrubs where used. Clear distinction between landscaping symbols should be provided.
  - d. Clearly designate what is ground cover and what is turf.
  - e. Landscape islands with shade trees separating facing parking stalls shall be a minimum of 5'x18' (at outside of curb). Where used, tree wells shall be a minimum of 5' in length and minimum of 5' in width (at outside of curb).
  - f. Raised planters, free standing planters (pots, containers), and tree wells in walking surfaces (with grates) shall be incorporated along storefronts which abut parking spaces.
  - g. Root barriers shall be provided for all trees which are planted 5' or less from curb, gutter and walkways.

- h. Along the rear of the site, adjacent to the existing MID canal, it is recommended that efforts be made to create a more functional screen of this area for views from SR99. This can be accomplished in a variety of ways, including through the addition of berms or solid fencing, by planting additional evergreen trees, or combination thereof.
  - i. All landscaping shall be developed with permanent irrigation systems and shall be controlled with an irrigation control system approved by the Parks and Community Services Director. Tree wells should provide for deep watering versus surface watering.
  - j. All unpaved areas within the public right-of-way along the street frontages shall be landscaped and maintained by the developer/property owner. Landscaping shall be continuous from the curb-face, around the sidewalks, and up to the pavement in the parking area. Detailed landscape and irrigation plans shall be submitted and approved by the Parks and Community Services Director prior to issuance of any building permits. Street trees shall be placed as specified in the approved landscaping plan. No temporary or permanent occupancy of any buildings shall be approved until the landscaping has been installed as per the landscaping phasing plan and approved by the Parks and Community Services Director.
  - k. Any fencing, landscaping and irrigation within the public right-of way shall not be installed until the Parks and Community Services Director approves the plans. Any deviation shall require prior written request by the developer and approval by the Parks and Community Services Director. Removal or modification shall be at the developer's expense. A landscaping water meter (if applicable) shall be connected after a back-flow device.
  - l. The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain the landscaping design approved as part of the project's landscape and irrigation plan(s). This includes, but is not limit to, ensuring properly operating irrigation equipment at all times, trimming and pruning trees and shrubs, mowing lawns consistent with industry standards, replacing dead or unhealthy vegetation, etc.
  - m. Landscaping inspection fees for this project shall be paid in accordance with the fee schedule adopted by the Resolution of the City Council, no later than the issuance of building permits for the first building.
39. The location of all exterior transformers and similar utility/service equipment within the parking and circulation areas, common areas, and landscaped areas shall be shown on building plans; above ground features shall be screened with a combination of landscaping, berms, architecturally treated walls, etc. to the satisfaction of the Community Development Director.
40. All building-related electrical and utility service panels and equipment shall be enclosed in mechanical rooms or screened from public views with architectural features or landscaping.
41. Roof access ladders shall be located inside the buildings, or be located within an enclosure matching the adjacent architectural features.
42. Submit for review and approval a lighting plan and information (tear sheets) on fixtures. This should be accomplished in conjunction the requirements of the mitigation measures required for the project.

43. Outdoor lighting fixtures shall be directed downward and shielded away from adjacent properties, unless accent lighting is specifically authorized by the City. Any nuisance lighting conditions which are found to exist after commencement of operation shall be corrected by the owner to a configuration that is acceptable to City at the owner's expense, within (30) days of notification by the City.
44. A plan for internal pedestrian crossings shall be submitted for review and administrative approval by the Community Development Director which indicates the type and design of pavement markers (e.g., stamped concrete, pavers) pursuant to the provisions of the Master Design Guidelines. The use of painted lines in lieu of alternative pavement types to delineate pedestrian connections should be used only where alternative pavement is limited by ADA access requirements.
45. To the extent feasible, pedestrian connections/sidewalks shall be meandered with landscape strips to avoid long, continuous paved edges. Meander may be accomplished with a curvilinear or angular pattern.
46. The placement and design of bollards or planters adjacent to store fronts shall be shown on the building plans for all buildings. Any such features shall be consistent with the overall architectural style for the center. Bollards shall have decorative features rather than simple solid pipes or posts and may vary by design.
47. Submit for review and administrative approval by the Community Development Director, a plan and detail for refuse storage areas. Where any side is exposed to public view, landscape screening (and berm, where possible) shall be incorporated, or the enclosure shall be surfaced with an architectural treatment compatible with the adjacent building.
48. Provide details and locations for cart storage areas in conjunction with each building permit application. Storage areas shall be buffered with landscaping or architectural features. The only signage allowed will be a basic symbol.
49. Vandalism and graffiti shall be corrected at the owner's expense within 72 hours of notification.

#### Site Plan and Building Design – Specific Modifications

50. Light sconces or other architectural embellishments should be included along building frontages to break up wall mass. Wainscoting and/or banding treatment are recommended at columns and entryways.
51. Major A – The building shall be modified in accordance with the provisions of the City's Design and Development Guidelines. A stucco finish shall be applied to the front exterior elevation, currently presented as a painted CMU (Concrete Masonry Unit) block finish. This would bring the lines and exterior finish of the building closer to the conceptual elevations of other buildings in the shopping center.
52. Shops A1 and A2 – The buildings shall be modified in accordance with the provisions of the City's Design and Development Guidelines. Landscape features such as tree wells and/or planter beds shall be included at the rear of buildings where currently none are indicated. The use of awnings or other structures placed over rear service doors should be considered.
53. Buildings B & C – The buildings shall be modified in accordance with the provisions of the City's Design and Development Guidelines. Along the southeasterly elevation of Building C (side of building) the project shall include planters and/or tree wells along the curb face

where parking spaces abut building. Architectural features shall be included to break up the wall massing of this side of the building, such as vertical landscaping, trellis structures, or combination thereof. The use of awnings or other structures placed over rear service doors should be considered.

54. Pads D, E & F – The rear (northwesterly elevation) of the building proposed for Pad F shall be modified consistent with the General Plan and the Design and Development Guidelines to take into consideration public views from Foxglove Way. A “four-sided building” shall be designed for Pad F and the utility equipment shall be screened by landscaping or by incorporating the mechanical areas into the architectural design of the building. Utility equipment for buildings proposed for Pads D & E should be located at the rear of buildings (southerly elevations), out of public views.
55. Pad G – Pharmacy Use - The building shall be modified to incorporate a smooth textured finish to soften the CMU construction, using colors from the center’s primary color palette. Along the northwesterly elevation of Building C (frontage of building facing Foxglove Way) the project shall include planters and/or tree wells along the curb face where parking spaces abut building. The screening enclosure for the trash compactor and trash bins must carry the same architectural treatments as the adjoining walls.
56. A design for the transit site shall be submitted for review and approval of the Community Development Director. The design should:
  - Encourage the use of transit services by providing a positive appealing space.
  - Be located in an area inclusive of the general activities.
  - Be a well landscaped attractive setting.
  - Provide separation from the traffic.
  - Provide a shade and rain shelter that is architecturally consistent with the area,
  - Include provisions for seating, trash receptacles and a screened area for depositing carts.

### Master Sign Plan

57. A master sign plan shall be developed to demonstrate unified sign styles within the center and to establish allowances for individual sign permits when they are proposed. The plan shall cover building signage, monument signage, or other freestanding signage including any proposed “directional monument”. The master sign plan shall be submitted by the applicant and reviewed and approved by the Planning Department prior to issuance of building permits.
58. All freestanding directional, monument and/or pylon type signs shall be designed to be consistent with the architecture and color schemes of the commercial center. Presentation of multiple tenant names and or symbols shall be done in a manner that provides a uniform consistent presentation. Consistency may be achieved in several ways including but not limited to uniform background colors, alignment of lettering, consistency in font sizes or types. The intent is not to prevent unique tenant identification, but to present corporate images/logos and signage in a thematically coordinated manner rather than in an uncoordinated, dissimilar fashion.

### **FIRE REQUIREMENTS**

59. Fire Department connections shall be located in posted fire lanes 40 feet from the structure protected. Where multiple Fire Department connections are located together, each shall be clearly identified as to the building it serves.

60. Portable fire extinguishers must be provided. A minimum of at least one, 2A10BC-rated portable fire extinguisher is required for each 3,000 square feet of area or fraction thereof. The fire extinguishers must be mounted in visible and accessible locations with 75 feet of travel distance of all portions of each building.
61. Fire sprinklers are required in most buildings. The exact use and occupancy of the smaller structures will determine if fire sprinklers are required.
62. Exit signs and emergency lighting are required in buildings with two or more required exits.
63. Fire lanes need to be provided and clearly identified on the Site Plan including the method of posting. NOTE: The drive access along the north side of the project does not appear to provide proper turning movements for fire apparatus. This may require a slight redesign in building placement or parking layout.
64. The addresses for each building must be visible from the street and the method and placement must be shown on the front elevation of the plans.
65. A fire alarm system for supervision of the fire sprinkler system is required. An evacuation alarm may be required based upon the requirements of California Fire Code Chapter 9 and California Building Code Chapter 9.
66. When commercial cooking systems are proposed, a fire suppression system will be required.
67. The specific use of the "Patio Areas" will need to be identified during the plan review phase.
68. There does not appear to be an adequate accessible path of travel at the rear of Building B and possibly not at Building A either. This shall be addressed prior to submittal for building permits.
69. The proposal shows interconnectivity with the rear of the Marketplace Shopping Center. The fire access lanes need to be identified for review. Careful attention should be given regarding maintenance of the fire lanes.
70. Note, this project will be subject to the City of Madera's new "Shell Building Policy" if such buildings are proposed as is common with this type of development.
71. Cross-access agreements are required for the multiple properties that comprise this site. The access to the existing Home Depot site will be affected and this must be clarified.
72. All onsite underground fire mains and above ground fire protection systems (such as fire hydrants) must be tested and operational prior to the delivery of combustible construction materials to the site.

#### Building Plans, Permits, Processes

73. Existing property corners shall be found or installed and noted on the site plan, along with the distance from the property lines to the face of curb and street centerline. New property corners shall require record of survey prior to any site construction or issuance of building permits.

74. For each building to be constructed, provide a minimum of 2 sets of the following plans to the Building Division for the initial plan check. The size of plans shall be at least 36" x 24". A complete set of plans shall be prepared by and bearing the stamp and signature of an individual licensed to practice architecture, including the following required drawings drawn to an appropriate scale:
- a. Site plan bearing City approval or a plan incorporating all site related conditions
  - b. Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
  - c. Floor plan
  - d. Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, back flow prevention devices, roof drains, etc., and the connections to off-site utilities
  - e. All exterior elevations
  - f. Engineering plans and calculations
  - g. Foundation plan
  - h. Ceiling framing plan
  - i. Roof framing plan
  - j. Electrical plan
  - k. Plumbing plan
  - l. Mechanical plan
  - m. Sections and details
  - n. Disabled access compliance drawings
  - o. Energy compliance drawings and documentation
  - p. Landscape plan
  - q. Landscape irrigation plan
75. The site plan submitted with each building permit application shall include all modifications and clarifications required by these conditions of approval, as applicable to the building proposed for construction. Information required on the plan shall include, but not be limited to: water and sewer service, water meter and sewer cleanout, backflow preventer location and type, existing fire hydrants within (100) feet and street lights within (100) feet, traffic striping and signing, and any other existing or proposed improvements.
76. The plans submitted for building permits shall show compliance with the herein listed conditions of approval and shall comply with the uniform building codes, along with federal and state laws, local resolutions and ordinances. Site development shall be consistent with the approved site plan, floor plan and elevations. Any deviations shall require prior written request and approval from the Community Development Director. The site plan and all plans submitted for building permit purposes shall be at a scale large enough to allow all dimensions and distances to be legible.
77. Site and buildings must meet federal and state disability access regulations. Each first-floor unit must meet accessibility requirements from public spaces and parking lots to each unit. In addition, inside each unit all rooms must meet accessibility and be adaptable for future compliance to disabled access regulations.

#### San Joaquin Valley Air Pollution Control District

78. The SJVAPCD has commented that the project is subject to District Rule 9510 (Indirect Source Review). District Rule 9510 states that a project proponent shall submit an Air Impact Assessment (AIA) prior to final discretionary approval. It is recommended that the project applicant consult with the SJVAPCD regarding District Rule 9510, as well as any other applicable District Rules and Regulations prior to submittal for building permits.



## Caltrans

79. The project applicant shall enter into a fair share agreement with Caltrans to address off-site improvements as identified in the Draft EIR and MMRP prepared for the Foxglove Shopping Center.
80. The applicant shall make all required traffic improvements as identified in the Draft EIR and MMRP prepared for the Foxglove Shopping Center.

## Madera Irrigation District

81. The applicant shall coordinate with Madera Irrigation District regarding the location and configuration of required fencing along the canal alignment.

## **B. Conditional Use Permit Conditions**

### General

1. Conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the Applicant's dated signatures on the required acknowledgment.
2. An applicant's failure to utilize any 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 for the specified permit.

### Outdoor Seating (CUP 2013-04)

3. The defined outdoor seating areas for the site shall be limited to use in conjunction with food and beverage service and may be defined and separated from the parking area by a planter or low fence. The seating areas shall not interfere with required path of travel required for the center.

### Drive-thru Use (CUP 2013-05)

4. A drive-thru window is proposed for the drug store use. There shall be adequate area to accommodate the drive-thru window and sufficient vehicle stacking area in both drive-thru lanes. The drive-thru window shall be incorporated into the design of the building and not substantively detract from the overall architectural value of the building.

### Alcohol Sales for On-Site Consumption (CUP 2013-06...)

5. Alcohol sales for on-site consumption of beer, wine and spirits, within the shopping center project shall be limited to sale and consumption within restaurant/cafe tenants where alcohol is an accessory component to food service. Alcohol sale for on-site consumption shall be limited to Shops A1 and A2, and also for Pads D, E and F.
6. A separate conditional use permit shall be assigned to each specific location. Each shall operate independent of the others and each shall require individual review for compliance and/or any requested extensions or modifications.
7. Specific locations approved for alcohol sales for on-site consumption shall have the following use permit numbers assigned:

- Shop A1 - CUP 2013-06A1
  - Shop A2 - CUP 2013-06A2
  - Pad D - CUP 2013-06D
  - Pad E - CUP 2013-06E
  - Pad F - CUP 2013-06F
8. The service and consumption of alcohol in the outdoor seating area for the five identified locations will require that a specific seating area be established, and defined with a fence and gate, and that alcohol not be taken from that area.
  9. ~~Hours of operation for the restaurant/café uses shall not be earlier than 8:00 a.m. or later than midnight.~~
  9. Sales of alcoholic beverages for on-site consumption shall not occur earlier than 8:00 a.m. or later than midnight.
  10. The applicant must, prior to commencing the use contemplated by this permit, provide evidence of a valid ABC license for the sale of alcoholic beverages for consumption on-site of the premises of the restaurant/café use.
  11. Music or obnoxious noise from the operation or business shall not be audible to persons in the public rights-of-way or on adjacent or nearby properties.
  12. Loitering shall be prohibited in, upon the premises and in adjacent, and nearby areas both public and private.
  13. An adult operator or employee 21 years of age or older shall be on site during all hours of operation.
  14. The limitation/restriction on the number and locations for alcohol sales for on-site consumption within the center, as part of this approval, shall not be construed as a prohibition from a future conditional use permit application being submitted to the City for consideration.

Alcohol Sales for Off-Site Consumption (CUP 2013-07...)

15. Alcohol sales for off-site consumption within the shopping center project shall be limited to Major A (Grocery Store use) and Pad G (Pharmacy use) locations.
16. A separate conditional use permit shall be assigned to each specific location. Each shall operate independent of each other and require individual review for compliance and/or any requested extensions or modifications.
17. Specific locations approved for alcohol sales for off-site consumption shall have the following use permit numbers assigned:
  - Major A (Grocery Store use) – CUP 2013-07A
  - Pad G (Pharmacy use) – CUP 2013-07G
18. ~~Sales of alcoholic beverages for off-site consumption shall not occur earlier than 8:00 a.m. or later than midnight.~~
19. The applicant must, prior to commencing the use contemplated by this permit, provide evidence of a valid ABC license for the sale of alcoholic beverages for consumption off the premises of the store.

20. Loitering shall be prohibited in, upon the premises and in adjacent, and nearby areas both public and private.
21. An adult operator or employee 21 years of age or older shall be on site during all hours of operation.
22. The limitation/restriction on the number and locations for alcohol sales for off-site consumption within the center, as part of this approval, shall not be construed as a prohibition from a future conditional use permit application being submitted to the City for consideration.

**(OR)**

Motion 2: Move to continue the requested time extension for Site Plan Review 2009-21 and Conditional Use Permits 2013-04, 05, 06 and 07 to a date specified, for the following reasons or in order for the following information to be provided: (specify)

**(OR)**

Motion 3: Move to deny the requested time extension for Site Plan Review 2009-21 and Conditional Use Permits 2013-04, 05, 06 and 07: (specify)

#### **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Extension Request Letter



## Attachment 2: Extension Request

LAW OFFICES OF  
**DEWAYNE ZINKIN**  
5 RIVER PARK PLACE WEST, SUITE 203  
FRESNO, CALIFORNIA 93720  
Telephone: (559) 224-8100  
Facsimile: (559) 224-8111

DEWAYNE ZINKIN  
ATTORNEY AT LAW

RICHARD L. FAIRBANK  
ASSOCIATE

December 18, 2018

Mr. Chris Boyle  
Planning Manager  
City of Madera  
205 West Fourth Street  
Madera, CA 93637

Re: Foxglove and Schnoor - Site Plan Review – 2009-21

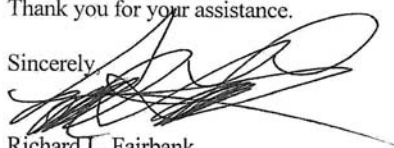
Chris,

The purpose of this letter is to request a one year extension for the Site Plan Review approval for SPR 2009-21 and all of the various conditional use permits that were granted and approved with it at the Planning Commission meeting on February 12, 2013. The use permits include, without limitation, conditional use permits for outdoor seating, a drive-thru window and alcohol sales. Now that the national economy is showing positive growth, and although the Central Valley tends to lag behind, we are seeing more activity with prospective tenants. We are working with an engineering firm to provide us with the engineering for the intersection improvements, water demand, and other issues contained in the mitigation measures contained in the EIR. We are optimistic about commencement of construction in 2019, but that will depend upon market conditions and leasing. We would like to request another one year extension from the City and I would appreciate it if you would please put that on the calendar of the City for action prior to the date of expiration. A check in the amount of \$1,650.00 for the extension filing fees will be sent to your attention this week.

As you know, I believe that the efforts, costs, and obligations made and incurred by the Owner, in reliance upon the SPR-2009-21 and related CUPs would justify a finding that those entitlements have become vested and perfected, but I anticipate it will be some time before the City will be able to review that and agree, so out of an abundance of caution, this application is submitted for an extension.

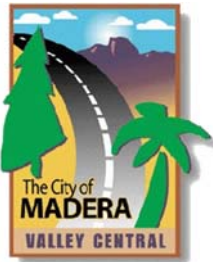
Thank you for your assistance.

Sincerely,



Richard L. Fairbank  
Attorney at Law

F:\Word\L - LAND PROPERTIES\L - MADERA PROPERTY2 - DEVELOPMENT, CONSTRUCTION, MAINTENANCE4 - CONSTRUCTION\City of Madera\Correspondence\20181214-RF to Chris Boyle re extension.doc



CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Rai Apartment Complex  
REZ 2018-07, GPA 2018-05 and PPL 2018-06  
Item #1 – January 8, 2019**

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**PROPOSAL:** A request for a general plan amendment from the MD (Medium Density) to the HD (High Density) land use designation, a rezoning from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District, and a precise plan providing for the development of a 138-unit apartment complex on three contiguous parcels.

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<b>APPLICANT:</b>	Nirmal Rai	<b>OWNER:</b>	Nirmal Rai
<b>ADDRESS:</b>	None (Vacant Land)	<b>APNs:</b>	012-253-002, 012-270-001 and 012-270-002
<b>APPLICATIONS:</b>	REZ 2018-07, GPA 2018-05 and PPL 2018-06	<b>CEQA:</b>	Negative Declaration

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**LOCATION:** The project properties abut Emily Way, Barnett Way and Gary Lane.

**STREET ACCESS:** Access will be provided from Emily Way, Barnett Way and Gary Lane.

**PARCEL SIZE:** Approximately 5.2 acres in total.

**GENERAL PLAN DESIGNATION:** Current – MD/HD (Medium and High Density Residential)  
Proposed – HD (High Density Residential)

**ZONING DISTRICT:** Current – PD-1500/PD-3000 (Planned Development)  
Proposed – PD-1500 (Planned Development)

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**SITE CHARACTERISTICS:** The project site is primarily surrounded by varied densities of residential development and office uses. To the immediate north is a multifamily townhome complex. To the south is vacant land and a ponding basin. To the east is multifamily townhomes, vacant land and the hospital beyond. To the west is a single-family residential neighborhood.

**ENVIRONMENTAL REVIEW:** An initial study and negative declaration have been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA) guidelines.

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**SUMMARY:** The applicant proposes to develop a 138-unit apartment complex on three parcels. An amendment to the General Plan land use designation and a rezoning are required on two of the subject properties to increase the allowable density to accommodate the proposed number of residential units. The apartment complex will be comprised of ten three-story apartment buildings with recreational apparatus, including tot lots, swimming pools, a basketball court, and other amenities. Project architecture and open space amenities comply with the goals and policies of the General Plan. The number of parking stalls comply with the parking regulations of the City for a multifamily use.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3-4.101 Planned Development Zones

MMC § 10-3.1501 Amendments

GC § 65358 General Plan Amendments

Precise plans are utilized within the PD (Planned Development) Zone District to establish 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 approval of a precise plan subject to the 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 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**

None.

## **ANALYSIS**

### Rezone and General Plan Amendment

Two of the three project parcels are proposed to be rezoned from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District. The third parcel is already within the PD-1500 (Planned Development) Zone District. The rezone provides consistency in zoning across all properties within the project area while allowing for a higher residential density, characteristic of a high-density multifamily apartment complex.

The same two parcels proposed to be rezoned also require an amendment of their General Plan land use designation from MD (Medium Density) General Plan land use designation to the HD (High Density) land use designation in order to provide for consistency between the General Plan and Zoning Ordinance.

The third project parcel (APN: 012-253-002) is already within the PD-1500 (Planned Development) Zone District with an HD (High Density) General Plan land use designation. Approval of the rezone and general plan amendment would provide consistency between zoning and the General Plan on the whole of the project site.

### Density Requirements

The project consists of three parcels encompassing a total of approximately 5.19 acres. Development within the HD (High Density) General Plan land use designation requires a density range between 15.1 and 50 units per acre. The PD-1500 (Planned Development) Zone District provides for a maximum density of one unit for each 1,500 square feet of site area. Based on the project site area, the required density range for the proposal is between 79 and 151 units. The proposal of 138 units provides consistency with the policies of the General Plan's Land Use Element specific to residential density in the HD (High Density) land use designation.

### Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan will be constructed in support of the project. Required infrastructure includes sewer and storm drainage infrastructure consistent with the City's master plans. Street improvements include the completion of Barnett Way and Gary Lane to the City's half-street cross section for a collector street and Emily Way will be improved to the City's half-street cross section for a local street. Water mains serving the area are already in place; the project will be responsible for paying its share of the costs of the existing water system improvements.

The apartment complex is required to be annexed into the Citywide Community Facility District 2005-01 to collect assessments for increased demand on fire, police, storm water drainage and parks. The properties are also required to annex into a lighting and landscape maintenance district.

### 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 138 units encompassed within ten residential buildings and two manager's units located on top of the community center buildings. The buildings contain a mix of one-bedroom/one-bathroom and two-bedroom/two-bathroom units.

### 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 buildings have slight differences in placement of pop-outs, exterior materials and windows, but cohesively complement each other throughout the complex. Each building has varied pop-outs that differ between 0.5 and 1.5 feet of depth, varied exterior materials including stucco, wood, stone veneer and metal, varied window treatments and a Spanish tile roof. Carports will be developed to be architecturally compatible with the residential buildings. The quality of the proposed buildings reflects 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 proposed site plan includes four tot lots and lounging areas, two swimming pools, two community centers and private patios/balconies for each residential unit.

The PD Zone District typically requires a minimum of 750 square feet of open space per residential unit, which would represent a total of 103,500 square feet for the overall project. The project, as proposed, provides approximately 90,000 square feet of open space, which equates to roughly 650 square feet per unit. It is very difficult to provide for 750 square feet of open space per unit for a high-density residential project without sacrificing other desirable project features. For instance, a reduction in the amount of available parking (see "Parking" discussion below)



would allow an increase in open space. In consideration of the quality and extent of open space amenities provided within the site design, approval of the site plan is recommended with the currently proposed ratio of open space per residential unit. While 650 square feet per unit is slightly below the typical standard in the PD Zone, it is still considerable. As a comparison, in the R (Residential) Zone District, only 500 square feet of open space is required per unit for high-density residential development.

Parking

Parking requirements as a component of precise plans are taken into consideration on a case-by-case basis. In this case, the project is required to utilize the traditional parking standards for a multi-family housing project. The parking standards for this project proposal are as follows:

<b>Unit Type</b>	<b># of Unit Type</b>	<b># of Stalls Req.</b>
1-bedroom	40	60
2-bedroom	96	192
Manager’s unit	2	4
Guest parking	-	34
<b>Total Required:</b>		<b>290</b>
<b>Total Provided:</b>		<b>299</b>

There is also a requirement for one covered parking stall per unit. There are 138 covered parking stalls proposed. As proposed, there is an adequate number of parking stalls to serve the apartment complex.

Tentative Parcel Map

Currently, one of the parcels (APN: 012-270-002) is a large parcel with street easements in place that effectively split the property into three developable parcels (see Attachment 1). The easements provide for the logical extensions of the Barnett Way and Gary Lane alignments. Because only one of the 3 pieces is part of the project area, and the other 2 portions of the parcel are not included as components of this project, a tentative parcel map is required to split the parcel into three separate parcels. The final parcel map will be required to be recorded prior to issuance of building permits.

Traffic Study

A traffic study was completed for the project to identify any potential mitigation measures needed for the increase of traffic at the intersection of Almond Avenue, Barnett Way, and Gateway Drive. The results of the traffic study determined that no mitigation measures are necessary for the project’s impact on the aforementioned intersections.

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 to the City Council approval of the general plan amendment and adoption of an ordinance rezoning the project parcels, and approval of the precise plan, subject to the recommended conditions of approval.

### PLANNING COMMISSION ACTION

The Commission will be acting on the negative declaration, Rezone 2018-07, General Plan Amendment 2018-05 and Precise Plan 2018-06 as outlined in the respective motions presented below.

Motion 1a: Move to adopt a negative declaration prepared for the project, consistent with the requirements of the California Environmental Quality Act (CEQA), based on and subject to the findings as listed;

#### Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) that determines there is no substantial evidence 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 entire record before it, and is hereby adopted in accordance with CEQA.

Motion 1b: Move to adopt a resolution recommending to the City Council approval of the requested general plan amendment and introduction of an ordinance rezoning two properties (APNs: 012-270-001 and 012-270-002), based on and subject to the findings as listed;

#### Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) that determines there is no substantial evidence 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 entire record before it, and is hereby adopted in accordance with CEQA.
- Rezone 2018-07 and General Plan Amendment 2018-05 will provide the required consistency between the General Plan and zoning.
- City services and utilities are available or can be extended to serve the area.

Motion 1c: Move to approve Precise Plan 2018-06, based on and subject to the findings and conditions of approval:

#### Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) that determines there is no substantial evidence 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 entire record before it, and is hereby adopted in accordance with CEQA.

- Precise Plan 2018-06 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 2018-06 satisfies the requirements for precise plans per Madera Municipal Code Section 10-3-4.104.
- Precise Plan 2018-06 is consistent with the goals and policies of the General Plan.
- Precise Plan 2018-06 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 2018-06.
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 statute.
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.
4. The project shall be developed in accordance with the site plan, floor plans and elevation drawings, as reviewed and approved with Precise Plan 2018-06. Minor modifications to Precise Plan 2018-06 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.
5. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01, and shall pay all applicable fees.

### **Building and Fire Department**

6. A minimum of one 2A10BC-rated fire extinguisher is required at each floor level. The fire extinguishers shall be mounted in accessible locations between three (3') and five (5') feet above the finished floor.
7. A building permit shall be required for all construction.
8. A key box shall be required. If powered gates are utilized, a Knox override switch shall be required for the Fire Department to operate the gates.
9. Fire sprinklers shall be required. The systems may be in accordance with the 2016 Edition of the California Fire Code (CFC) and NFPA 13R unless the proposed project seeks to use the fire sprinklers for additional area or fire-rated substitutions. In such cases, a full NFPA 13 system shall be provided.

10. A fire sprinkler supervisory alarm shall be required. The main FACU shall be located in a room, not in a weather-proof cabinet.
11. The developer shall show the project has sufficient fire flow in accordance with the California Fire Code (CFC), which is approximately 2000 GPM at 20 PSI. The exact fire flow shall be determined during plan review. On-site fire hydrants shall be required.
12. One-hour separations shall be required between units.
13. The fire lanes shall be properly posted in accordance with the California Fire Code (CFC) and California Vehicle Code (CVC).
14. The site shall be configured to allow for the extension/utilization of Fire Department aerial apparatus so as to allow fire-fighting personnel to reach the roofs. Fire lanes shall be required at strategic locations. Complete information shall be identified on the plans. The Aerial Apparatus areas shall be clearly identified on the architectural site plan and shall be posted on the site.
15. Permanent cross-access agreements shall be recorded on all project parcels sufficient to ensure adequate fire access to all areas of the project site.
16. Addresses shall be posted and visible from the street. If not possible, a site map with addressing shall be provided and buildings shall display their addresses.

## **Engineering Department**

### General

17. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
18. Impact fees shall be paid at time of building permit issuance.
19. The developer shall reimburse the City for improvements previously installed, as calculated by the City Engineer, whose determination shall be final. Reimbursements for previously installed improvements shall be paid prior to issuance of a building permit.
20. 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.
21. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Department in accordance with the submittal process.
22. The improvement plans for the project shall include the most recent version of the City's General Notes.
23. 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.
24. Improvements within the City's right-of-way require an encroachment permit from the Engineering Department.

### Sewer

25. Sewer service connections shall be constructed to current City standards.
26. Each parcel shall have a separate sewer service connection or record a reciprocal easement agreement across all parcels.
27. Sewer main connection(s) six (6") inches and larger in diameter shall require manhole installation.
28. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage along Barnett Way, Emily Way and Gary Lane.
29. Existing septic tanks, if found, shall be removed with a permit, and said removal shall be inspected by the City of Madera Building Department.
30. The existing sewer system that serves this section of the City is approaching capacity due to constricted sections of the sewer system on Pecan Avenue. The developer shall construct the following master plan improvements to accommodate sewer loads for this development:
  - A parallel 18-inch sewer main on Pecan Avenue from Raymond Thomas to Watt Street. Prior to moving to design, the engineer shall first coordinate with the City on how the line should be designed to allow movement of flow from the new parallel line to the existing sewer main, as this line is intended to become active once complete

The sewer main shall be installed at the depth and slope necessary to serve the areas delineated within the Sewer System Master Plan. The construction of this line is considered 100% reimbursable, subject to availability of funds under the City's Development Impact Fee (DIF) program. As part of the required reimbursement agreement, the developer may request impact fee credits for use on these specific improvements due to previously identified deficiencies in the overall system capacity that will be improved at completion of said improvements. Any reimbursement agreement requires the approval of the City Council. In the event this segment is constructed by another development prior issuance of building permits in conjunction with Precise Plan 2018-06, an equivalent sewer line further downstream shall be designed and constructed.

### Storm Drain

31. Support calculations shall be provided that demonstrate the existing storm drain facilities on Emily Way and Gary Lane are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
32. Storm runoff from this project site is planned to go to the Abshire Basin located south of the project site. Runoff volume calculations shall be provided and the developer shall excavate the basin to an amount equivalent to this project's impact on the basin.
33. The developer shall construct a 30-inch storm drain main along Barnett Way and Gary Lane from the current southern termination of Barnett Way to the current eastern termination of Gary Lane per the City of Madera Storm Drain Master Plan. The construction of this line is considered 100% reimbursable, subject to availability of funds under the City's Development Impact Fee (DIF) program.

34. As part of the required reimbursement agreement for construction of the storm drainage facilities, the developer may request impact fee credits for use on these specific improvements due to identified deficiencies in the overall system capacity that will be improved at completion of said improvements. Any reimbursement agreement requires the approval of the City Council.
35. This project will be responsible for meeting the requirements of the City's Phase II Municipal Separate Sewer System Permit (MS4).

### Streets

36. The east half of Emily Way along the entire project frontage shall be improved to a 60-foot residential street per City of Madera standards. The fronting half of the street shall include, but not be limited to, the following: curb and gutter, sidewalk, matching landscaping to the north, street lights, signing, and fire hydrants.
37. The west half of Barnett Way along the entire project frontage shall be improved to a 80-foot collector street per City of Madera standards. The fronting half of the street shall include, but not be limited to, the following: curb and gutter, sidewalk, matching landscaping to the north, street lights, signing, and fire hydrants.
38. The north half of Gary Lane along the entire project frontage shall be improved to a 80-foot collector street per City of Madera standards. The fronting half of the street shall include, but not be limited to, the following: curb and gutter, sidewalk, matching landscaping and irrigation, street lights, signing, and fire hydrants.
39. All drive approaches shall be constructed per current City standards.
40. Access to the site on Emily Way shall be limited to one driveway. The driveway shall be aligned with Joya Drive.
41. The southernmost drive approach on Barnett Way shall be located a minimum of 150 feet north from the Gary Lane curb line. If a 150' foot separation cannot be achieved, developer shall install a median island within Barnett Way sufficient to prohibit left turn movements in or out of the referenced driveway. The location and design of the median shall be subject to the approval of the City Engineer.
42. The developer shall record reciprocal ingress/egress and utility parking easements acceptable to the City of Madera across the entire project site and applicable to all parcels. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall pay associated fees with the Engineering Department.
43. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 40 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
44. "No Parking" signs shall be installed along the Gary Lane and Barnett Way project frontages per City standards.
45. Access ramps shall be installed at all curb returns per City standards.
46. 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.

47. 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.

#### Water

48. 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.
49. A separate water meter and backflow prevention device shall be required for landscape area.
50. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage on Barnett Way, Emily Way and Gary Lane.
51. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.
52. Each parcel shall have a separate water service for domestic and irrigation or record a reciprocal utility easement agreement across all parcels.
53. The water system shall be designed for the apartment complex as a whole and for each proposed phase shall meet the required fire flow for this type of development and shall be approved by the Fire Department and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code appendix III-A. Copies of the water system analysis shall be reviewed and approved by the City Engineering Department and Fire Marshal.

### **Planning Department**

#### Precise Plan

54. Precise Plan Area:  
Three (3) parcels, approximately 5.19 acres  
APNs: 012-253-002, 012-270-001, 012-270-002  
  
Project Components:
  - 138 residential units, as follows:
    - 96 2-bedroom units
    - 40 1-bedroom units
    - 2 manager's units  
Project Amenities:
  - 2 Community Centers
  - 2 Swimming Pools
  - 3 Playground Areas
  - 3 Picnic Areas
  - 1 Basketball Court
55. Final design of all project amenities shall be at the discretion of the Planning Manager. The applicant shall submit detailed specifications of all amenities for the review and

approval of the Planning Manager at time of submittals for building permit plan check, including details for the swimming pools, playground equipment, picnic facilities, basketball court, and associated project furniture, such as trash receptacles, park benches, on-site light fixtures and the like.

56. 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 stucco siding, pop-outs, windows and balconies consistent with the approved elevations for the buildings.
57. Significant modification of the approved elevation, as determined by the Planning Manager, shall require amendment of Precise Plan 2018-06.
58. Vandalism and graffiti shall be corrected pursuant to the Madera Municipal Code.
59. 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.

#### Tentative Parcel Map

60. The applicant shall submit an application for a Tentative Parcel Map to the Planning Department for APN: 012-270-002 (southeast corner project parcel). The parcel map shall be approved and subsequently a final map shall be approved by the Engineering Department and recorded by the Madera County Assessor prior to submission of building permits.

#### Building Colors, Materials and Lighting Considerations

61. 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.
62. 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.
63. 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.
64. The specifications and types of exterior lighting fixtures to be installed in the project area shall be submitted to and approved by the Planning Department prior to issuance of building permits.

#### Fences and Walls

65. Trash enclosures shall be constructed consistent with City standards. All locations of trash enclosures shall be consistent with the approved site plan. The color of the trash enclosures shall be painted to match or complement the apartment buildings.
66. Perimeter fencing shall be reviewed and approved as a component of building permit plan check. A six (6') foot tall decorative split-faced masonry block wall shall be constructed along the project frontage property lines on Barnett Way, Emily Way and Gary Lane. Gating shall be constructed of decorative wrought iron.



### HVAC and PG&E Utility Placement Considerations/Screening Requirements

67. As a component of building permit plan check, the applicant shall identify the following information for Planning Department review and approval:
- Utility meter locations identified on the site plan
  - Roof-mounted HVAC (heating, ventilation or air conditioning) equipment locations
  - All HVAC, compressor, utility meter locations, mechanical and electrical equipment
68. All electrical equipment shall be installed within electrical/mechanical service rooms, screened from public views to the specifications of the Planning Department. The applicant shall architecturally integrate equipment locations. Any roof-mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening.
69. All HVAC equipment shall be roof mounted or installed within the interior of the structure, screened from public views to the specifications of the Planning Department. All roof-mounted equipment placements 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.
70. Future placement of roof-mounted equipment, which is not part of this precise plan approval, shall require amendment to this Precise Plan. Per the Planning Commission's direction, staff may review and authorize the installation of roof-mounted solar panels without Planning Commission approval.
71. 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 preferred at rear sides of roof ridges. All roof-mounted ducts and vents to be painted matt black or with a color better suited to minimize their appearance. Any wall-mounted equipment shall be painted to match the exterior wall.
72. 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.
73. Natural gas meter placement shall be screened from public view per Planning Department approval.
74. Backflow prevention devices must be screened per the approval of the Planning Manager.
75. Transformers and similar pad-mounted utilities must be screened per the approval of the Planning Manager.
76. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department.
77. Roof access ladders (if any) shall be located within the building's interior.

### Landscaping and Open Space

78. 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.
79. 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.
80. The tot lot equipment and all other site amenities shall be maintained in good working condition and appearance.
81. 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

82. No wheel stops shall be incorporated into the parking field/parking stall layout unless required by the Americans with Disabilities Act (ADA) standards.
83. All parking stalls shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces measure a minimum of 9 feet wide by 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 26 feet for primary drive aisles.

### San Joaquin Valley Air Pollution Control District

84. The developer shall comply with all rules and regulations of the San Joaquin Valley Air Pollution Control District's letter dated November 27, 2018.

Motion 2: Move to continue the public hearing on Rezone 2018-07, General Plan Amendment 2018-05 and Precise Plan 2018-06 to the February 12, 2019 Planning Commission hearing, for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny Rezone 2018-07, General Plan Amendment 2018-05 and Precise Plan 2018-06, based on the following findings: (specify)

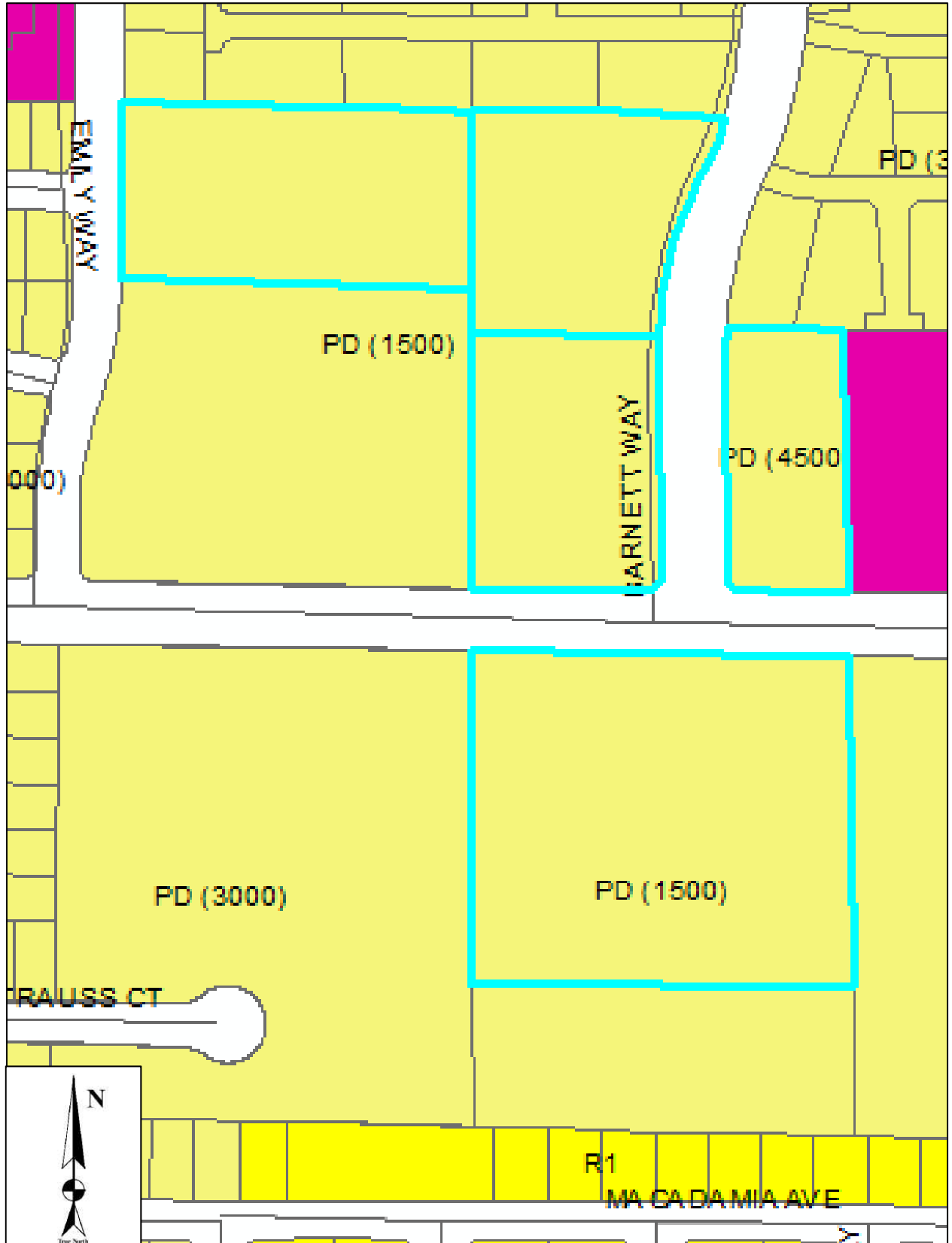
## **ATTACHMENTS**

1. Aerial Map
2. Existing Zoning Map
3. Existing General Plan Map
4. Proposed Site Plan
5. Negative Declaration
6. Resolution of Recommendation to the City Council
  - Exhibit A - General Plan Map
  - Exhibit B – Zoning Map
7. Draft Ordinance
  - Exhibit A - Zoning Map
8. Precise Plan Exhibits

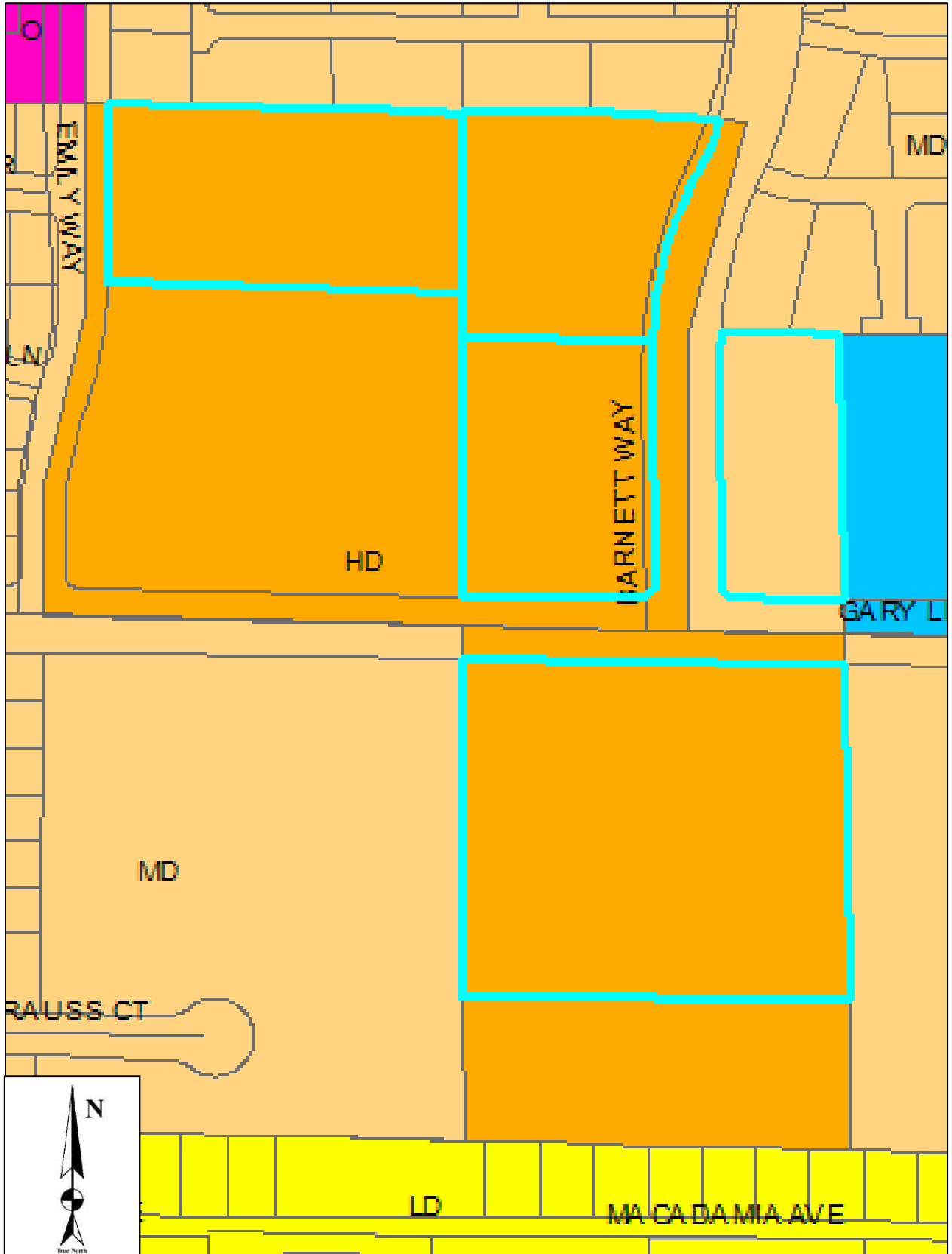
Attachment 1: Aerial Map



Attachment 2: Existing Zoning Map



Attachment 3: Existing General Plan Map





Attachment 4: Proposed Site Plan



## **Attachment 8: Precise Plan Exhibits**



**INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT**

**Rai Apartment Complex  
Rezone (REZ) 2018-07  
General Plan Amendment (GPA) 2018-05  
Precise Plan (PPL) 2018-06**

**Project:** REZ 2018-07, GPA 2018-05 and PPL 2018-06

**Applicant:** Nirmal Rai  
5449 East Hatch Road  
Hughson, CA 95326

**Owner:** Nirmal Rai  
5449 East Hatch Road  
Hughson, CA 95326

**Location:** The project site is three parcels encompassing approximately 5.19-acres of land located approximately 750 feet east of the intersection of Emily Way and Gary Lane. The properties front onto Emily Way, Gary Lane and Barnett Way.

**Proposal:**

**REZ 2018-07:** A rezone to change the zoning for two of the three project parcels from the PD-3000 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District, in order to provide consistency with the HD (High Density) General Plan land use designation, making all areas within the project site a part of the PD-1500 (Planned Development) Zone District.

**GPA 2018-05:** A General Plan amendment to change the General Plan land use designation for two of the three project parcels from the MD (Medium Density) General Plan land use designation to the HD (High Density) General Plan land use designation, making all areas within the project site a part of the HD (High Density) General Plan land use designation.

**PPL 2018-06:** A precise plan to guide development of an approximately 138-unit apartment complex comprised of ten apartment buildings with 96 2-bedroom, 2-bathroom units, 40 1-bedroom, 1-bathroom units, including an attached balcony/patio for each unit, and two (2) manager's units located on the second floor of the community center buildings. On-site amenities for the apartment complex include two (2) swimming pools, four (4) playground areas, four (4) lounging areas, a full-court basketball court, two (2) community buildings and other apparatus.

**Zoning:** **Current:** PD-3000 (Planned Development)  
**Proposed:** PD-1500 (Planned Development)

**General Plan Land Use Designation:** **Current:** MD (Medium Density)  
**Proposed:** HD (High Density)

**Surrounding Land Uses and Zoning:**

- South – Vacant/ponding basin
- North – Medium/high density residential
- West – Single-family residential
- East – Medium/high density residential

**Responsible or Interested Agencies:**

- San Joaquin Valley Air Pollution Control District
- Madera Irrigation District
- Madera Unified School District

**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"/> 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 type="checkbox"/> Population / Housing                  |
| <input checked="" type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                          | <input checked="" type="checkbox"/> Transportation/Traffic     |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings<br>of Significance |

**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 \_\_\_\_\_  
Printed Name: Robert Holt  
Assistant Planner

Date: \_\_\_\_\_

## ***Explanation of Environmental Checklist***

### **I. AESTHETICS.** Would the project:

	Potentially Significant Impact	Less Than Significant 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 proposal will not affect a scenic vista or 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, including the addition of new street lights, and the anticipated residential development will add additional sources of light.

The proposed project will conform with and incorporate General Plan policies and requirements. No additional analysis is required.

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 or state scenic area, or scenic vista.

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 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 when City standards are implemented. The overall impact of additional light and glare will be minimal.

**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 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 Farmland of Local Importance within the 2016 California Farmland Mapping and Monitoring Program.

a.) **No Impacts.** The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California resources agency) to non-agricultural use. The project site is identified as Farmland of Local Importance on the 2016 California Farmland Mapping and Monitoring Program map. The project site has been identified for residential uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.

b.) **No Impacts.** The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property. The site is identified as urban and built-up land.

c.) **No Impacts.** Surrounding properties are urbanized and currently in residential use. The proposed development for the project site won't contribute towards the desire of nearby property owners to convert to non-agricultural uses.

**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 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 Unified Air Pollution Control District (SJVUAPCD). 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 SJVUAPCD 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 current project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.

Similarly, future projects will be evaluated to determine required compliance with District Rule 9510, which is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, would be made a condition of project approval.

Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and the development will be subject to Air Pollution Control District 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 proposed General Plan amendment and rezoning for the project site, and the development of the subject properties, will not create impacts beyond those analyzed and addressed through the General Plan Update and the accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. All phases of development will similarly conform with and implement regional air quality requirements. No additional analysis is required. Any unique features or project impacts which are identified as specific projects are proposed within the project area will be evaluated and addressed on a project-by-project basis.

- 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 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. 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.

The approximately 5.71-acre project site is void of any natural features, such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. Development of the site will not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan,



Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

a) **No Impacts.** The proposed 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 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. 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 any unique paleontological resources or sites or unique geologic features. There are no known paleontological resources, 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 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.

ai.) **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.

aii) **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.

aiii) **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.

aiv) **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	Significant 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:** 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 man made and natural that occurred in the past; that is occurring now; and will 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.

The Air District’s recommended methodology is difficult, if not impossible, to apply to the project currently proposed, which does specify the nature or intensity of uses which may be developed in the future. In the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is currently too speculative to make a significance 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 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 subdivision of the property will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be delineated with the accompanying Precise Plan.

- 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 site is not located within one-quarter mile of an existing school, and the development of the property would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste.
- 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 substances sites within the City of Madera ([www.dtsc.ca.gov/database/Calsites/Cortese\\_List.cfm](http://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 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 storm water 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. 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 will be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development will also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.

b) **No Impacts.** The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level.

c) **No Impacts.** The proposed project will 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 will 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 will 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.

f) **No Impacts.** The proposed project will not degrade water quality.

g) **No Impacts.** The project will 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 will not place within a 100-year flood hazard area structures that would impede or redirect flood flows.

i) **No Impacts.** The project will 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 will not have any potential to be inundated by a seiche, tsunami, or mudflow.

**IX. LAND USE AND PLANNING.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

a) **No Impacts.** The project would not physically divide an established community. Rather, it logically allows development to occur in an orderly manner, adjacent to urban development.

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.

c) **No Impacts.** The project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

**X. MINERAL RESOURCES.** Would the project:

	Potentially Significant Impact	Less Than Significant 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.

**XI. NOISE.** Would the project result in:

Impact	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Incorporation	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 ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **No Impacts.** The proposed project would not result in exposure of persons to or generation of noise.
- b) **No Impacts.** The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- c) **Less than significant impact.** The proposed project would result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project. These noise levels were anticipated as part of the development of the project site, consistent with the Madera General Plan.

- d) **Less than significant impact.** 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 is not located within the vicinity of a private airstrip.

**XII. POPULATION AND HOUSING.** Would the project:

	Potentially Significant Impact	Less Than Significant 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 type="checkbox"/>	<input checked="" 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 would not displace any housing. Likewise, the project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

- a) **No Impacts.** Although new residential development may occur, the proposed project will not substantially induce a growth in population by individuals and/or families, directly or indirectly.
- 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.

**XIII. PUBLIC SERVICES.**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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- a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** The development of the existing residential property 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. This additional demand is consistent with the demand anticipated in the General Plan and evaluated in the General Plan EIR.

The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies beyond the levels anticipated in the General Plan and the Water Master Plan. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project area. Initially, the project will rely upon temporary on-site storm drain retention strategies. 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 impact.** The proposed project will not result in substantial adverse physical impacts to fire protection services.
- ii) Police protection. **Less than significant impact.** The proposed project will not result in substantial adverse physical impacts associated with the provision of police protection.
- iii) Schools. **Less than significant impact.** The Madera Unified School District levies a school facilities fee to help defray the impact of residential development. The proposed project will not generate a significant impact to the schools in Madera.



iv) Parks. **Less than significant impact.** The proposed project will not generate a significant impact to the park facilities in Madera.

v) Other public facilities. **Less than significant impact.** The proposed project will not have any impacts on other public facilities.

#### XIV. RECREATION

	Potentially Significant Impact	Less Than Significant 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:** Residential 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 include recreational facilities or facilities which might have an adverse physical effect on the environment.

**XV. TRANSPORTATION/TRAFFIC.** Would the project:

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

**Discussion:** The project site was included in the General Plan and its accompanying EIR and the potential traffic generated from the eventual development of this land is considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development.

a) **Less-Than-Significant Impacts.** The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system that would result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections.

b) **Less-Than-Significant Impacts.** The project would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

c) **Less-Than-Significant Impacts.** The proposed project would not result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

- d) **Less-Than-Significant 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. Any development of the project site will include parking sufficient to serve the proposed project.
- g) **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

**XVI. UTILITIES AND SERVICE SYSTEMS.** Would the project:

	Potentially Significant Impact	Less Than Significant 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 checked="" type="checkbox"/>	<input 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 planned 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) **Less-Than-Significant 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.** The project will be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

	Potentially Significant Impact	Less Than Significant 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, Noise, Public Services, Utilities, and Transportation and Traffic.

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

**RESOLUTION NO. 1838**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA APPROVAL OF A GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION OF TWO PARCELS (APN: 012-270-001 AND 012-270-002) ENCOMPASSING APPROXIMATELY 2.80 ACRES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF THE GARY LANE ALIGNMENT AND BARNETT WAY ALIGNMENT FROM THE MD (MEDIUM DENSITY) GENERAL PLAN LAND USE DESIGNATION TO THE HD (HIGH DENSITY) GENERAL PLAN LAND USE DESIGNATION AND REZONING OF THE PROPERTIES FROM THE PD 3000 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD 1500 (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, the City has initiated an amendment to the Madera General Plan amending the land use designation for approximately 2.80 acres of property (APNs: 012-270-001 and 012-270-002), located at the northwest corner of the intersection of the Gary Lane and Barnett Way alignments from the MD (Medium Density) land use designation to the HD (High Density) land use designation, as shown in the attached Exhibit A; and

WHEREAS, a proposal has been made to rezone approximately 2.80 acres of property (APNs: 012-270-001 and 012-270-002), located at the northwest corner of the intersection of the Gary Lane and Barnett Way alignments from the PD 3000 (Planned Development) Zone District to the PD 1500 (Planned Development) Zone District, as shown in the attached Exhibit B; and

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



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

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

WHEREAS, the proposed General Plan amendment, Rezone and negative declaration 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 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 recommends that the Madera General Plan land use map be amended as specified within the attached Exhibit "A".
3. The proposed amendment to the Land Use Map is hereby found consistent with all elements of the Madera General Plan.
4. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit "B".
5. The proposed Rezone is hereby found to be consistent with all elements of the Zoning Ordinance, including the Zoning Map as amended by this application.
6. This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 8<sup>th</sup> day of January 2019, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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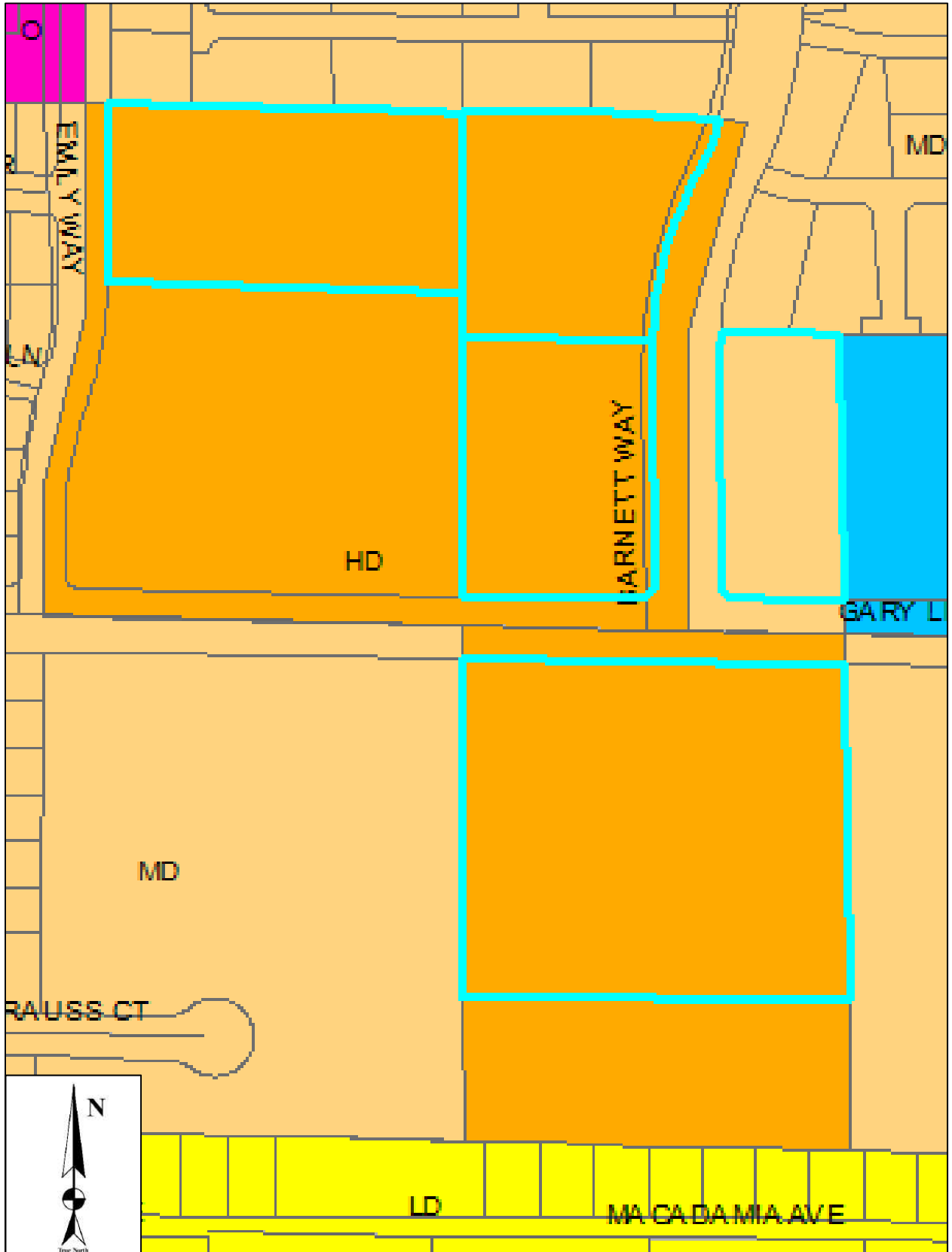
Robert Gran, Jr.  
Planning Commission Chairperson

Attest:

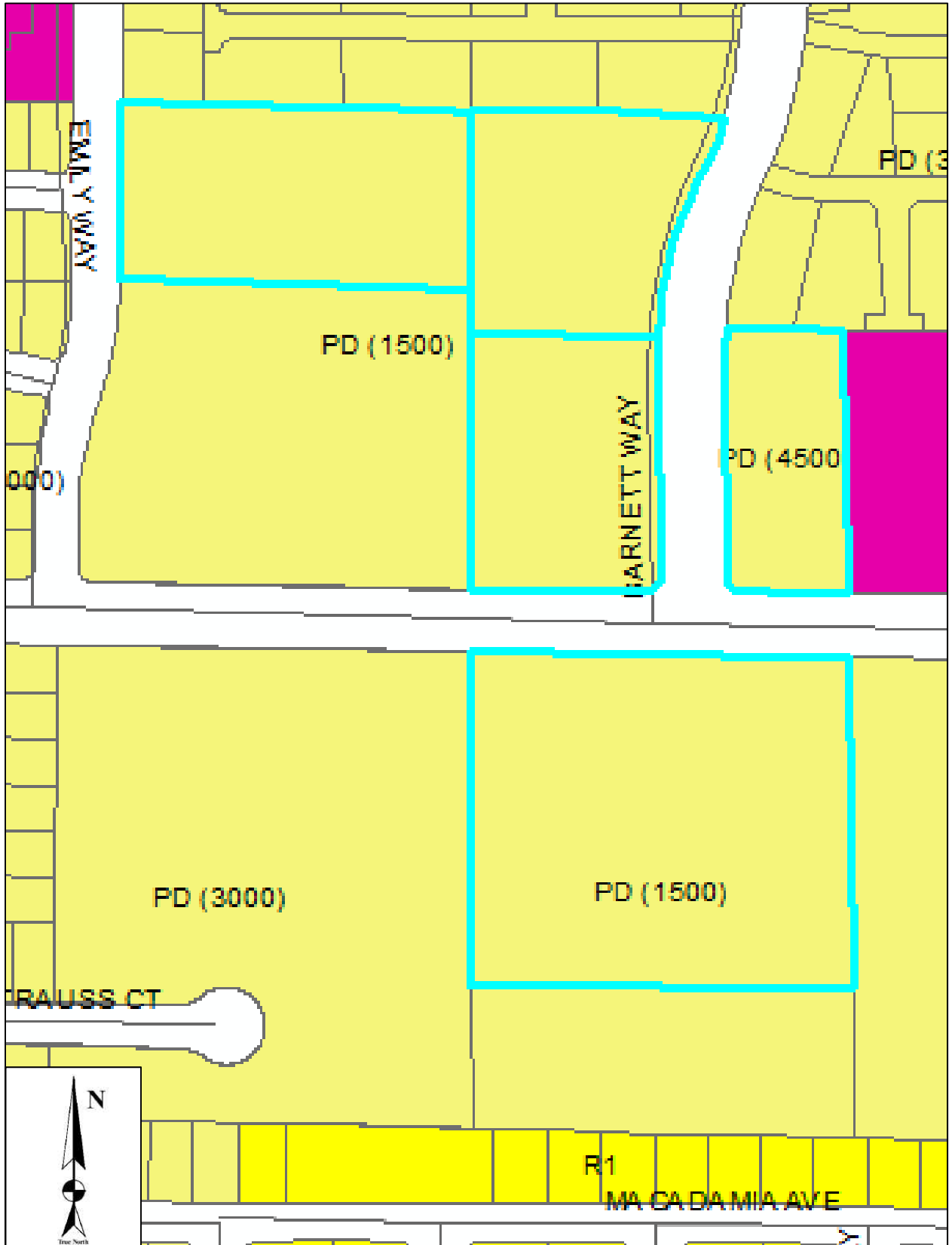
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Christopher F. Boyle  
Acting Planning Manager

PLANNING COMMISSION RESOLUTION NO. 1838  
EXHIBIT "A"



PLANNING COMMISSION RESOLUTION NO. 1838  
EXHIBIT "B"



## DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP REZONING TWO PARCELS (APN: 012-270-001, 012-270-002) FROM THE PD-3000 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT AS IDENTIFIED WITHIN EXHIBIT "A"

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 these properties 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:

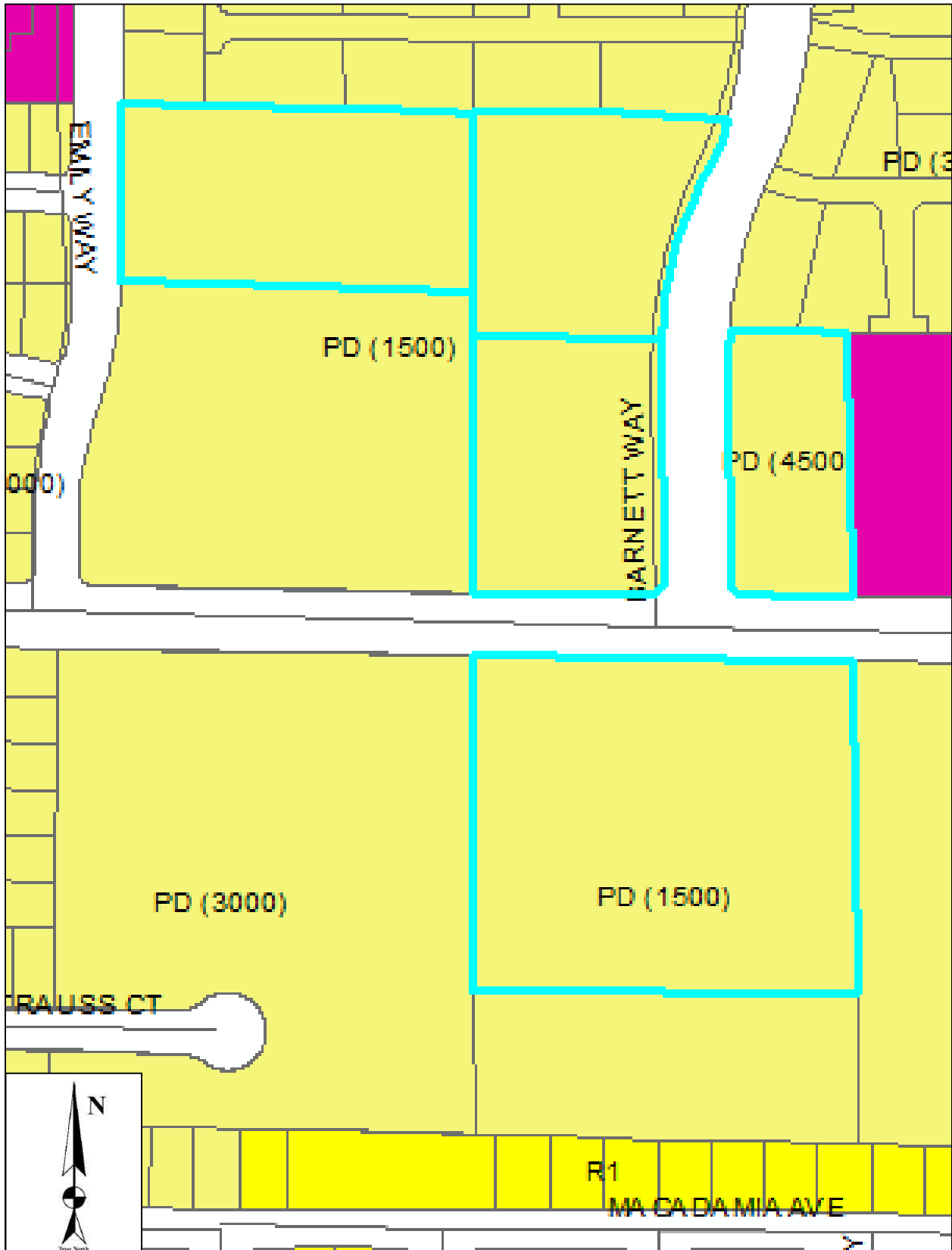
### FINDINGS

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING ORDINANCE.
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.

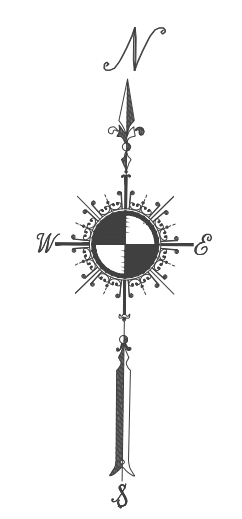
\* \* \* \* \*

DRAFT ORDINANCE – EXHIBIT “A”





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**OVERALL SITE PLAN**  
 SCALE: 1/4" = 1'-0"

CIVIL ENGINEERING • LAND SURVEYING • CONSULTING • STRUCTURAL DESIGN • ARCHITECTURAL DRAFTING • COMMERCIAL & RESIDENTIAL BUILDING DESIGN • PLANNING & PROJECT MANAGEMENT

PROJECT  
**PROPOSED APARTMENT COMPLEX**  
**EMILY WAY AND GARY LANE**  
 MADERA, CA 93637  
 APN: 012-253-002, 012-270-001, AND 012-270-002



Revisions:	Date:
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OVERALL SITE PLAN	
CVEAS JOB #:	18068
DATE:	6-26-2018
PLANNING SUBMITTAL #:	PPR #2018-07
PLAN CHECK SUBMITTAL #:	XX-XXXX
DRAWN BY:	XX, AA
CHECKED BY:	RL
SCALE:	AS NOTED

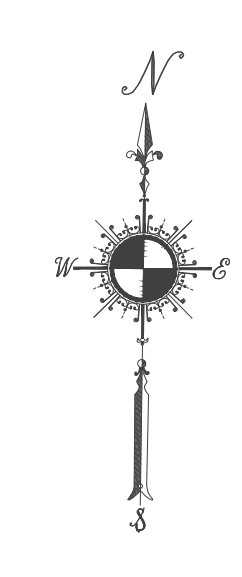
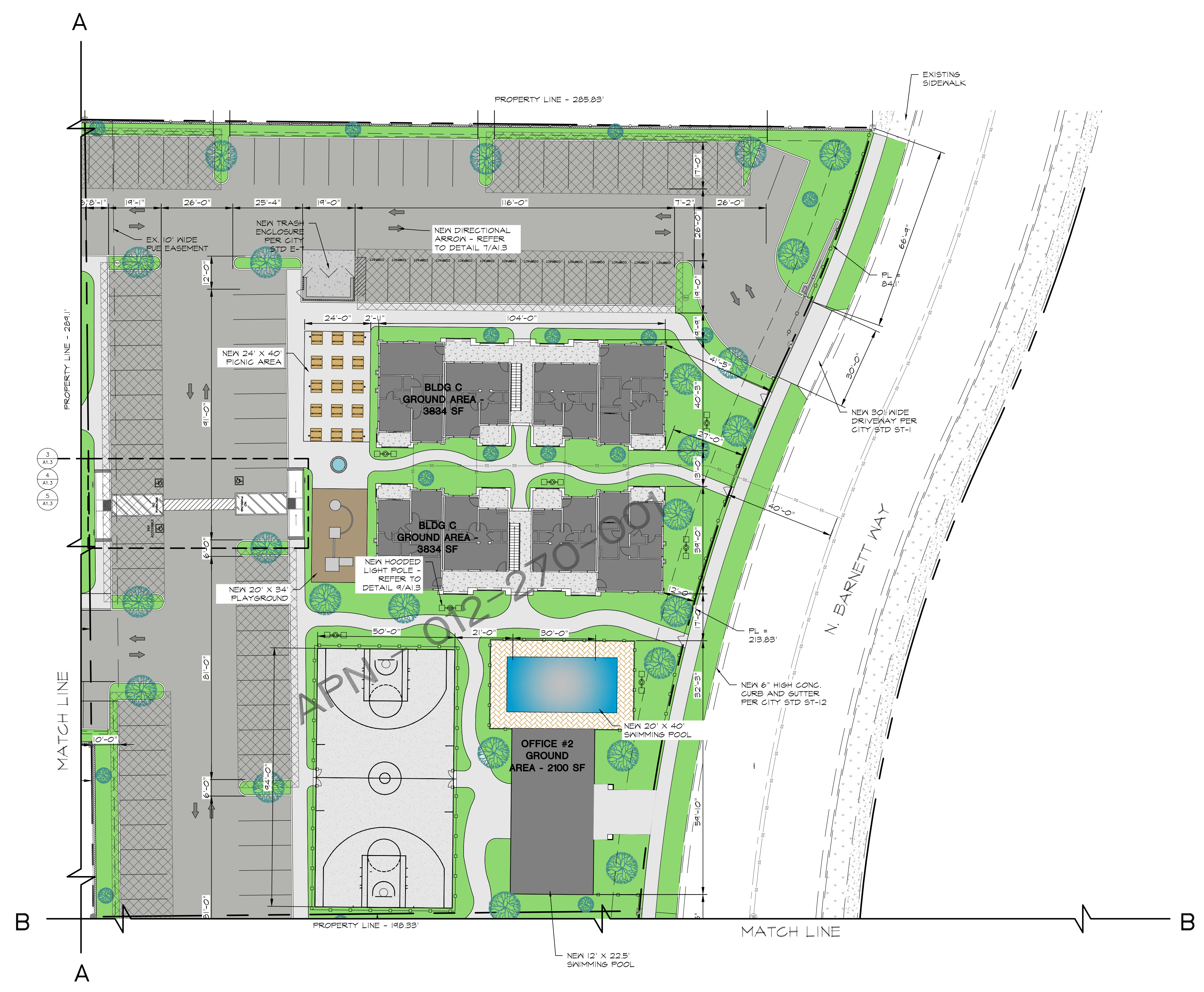
**A1.1**







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**811** CALL UNDERGROUND SERVICE ALERT (U.S.A.)  
TOLL FREE (800) 227-2600  
24 HOURS  
BEFORE EXCAVATING

NAME	TYPE	ABBV.
IRRIGATION LINE	--- --- ---	IRR
WATER LINE	--- --- ---	W
FIRE SERVICE LINE WATER	--- --- ---	PS
GAS LINE	--- --- ---	GAS
OVERHEAD TELEPHONE LINE	--- --- ---	OT
UNDERGROUND TELEPHONE LINE	--- --- ---	UT
STORM DRAIN LINE	--- --- ---	SD
SEWER LINE	--- --- ---	SS
OVERHEAD ELECTRICAL	--- --- ---	OE
UNDERGROUND ELECTRICAL	--- --- ---	UE
TRUCK LINES	--- --- ---	LL
WATER WELL	(W)	W
WATER METER	(WM)	WM
POWER POLE	(PP)	PP
LP GAS TANK	(LPG)	LOT
SEPTIC TANK	(ST)	ST
METER BOX	(MB)	M
ELECTRICAL PANEL	(EP)	EP

PARTITION SITE PLAN B  
SCALE: 1/2" = 1'-0"

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PROPOSED APARTMENT COMPLEX  
EMILY WAY AND GARY LANE  
MADERA, CA 93637  
APN: 012-253-002, 012-270-001, AND 012-270-002



Revisions:	Date:
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**PARTIAL SITE PLAN B**

CVEAS JOB #: 18068

DATE: 6-26-2018

PLANNING SUBMITTAL #: PPR #2018-07

PLAN CHECK SUBMITTAL #: XX-XXXX

DRAWN BY: XX, AA

CHECKED BY: RL

SCALE: AS NOTED

**A1.2B**























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42'-10 1/2" ROOF APEX FROM GROUND  
 8'-4 1/2"  
 2'-0"  
 34'-0" TOWER PLATE HEIGHT  
 30'-0" TRUSS PLATE HEIGHT  
 11'-0"  
 27'-8" OPENING HEIGHT  
 6'-8"  
 21'-0" FINISHED FLOOR  
 19'-6" JOIST PLATE HEIGHT  
 17'-4" OPENING HEIGHT  
 9'-0"  
 10'-6" FINISHED FLOOR  
 9'-0" JOIST PLATE HEIGHT  
 6'-8" OPENING HEIGHT  
 9'-0"  
 6'-8"  
 0'-0" FINISHED FLOOR  
 0'-4 1/4" GROUND

ROOF TILE  
 ROOF TILE  
 12/4  
 2X FASCIA  
 CORNICE  
 STUCCO FINISH #1  
 STUCCO FINISH #3  
 TRIM #1  
 METAL GLASSING #2  
 LEDGE STONE FINISH  
 LEDGESTONE FINISH  
 METAL SIDING  
 LEDGESTONE FINISH  
 STUCCO FINISH #3  
 STUCCO FINISH #2  
 LEDGESTONE FINISH  
 STUCCO FINISH #2  
 WOOD PANEL  
 STAIRS  
 METAL SIDING  
 LEDGESTONE FINISH

**FRONT ELEVATION** 1

SCALE: 3/16"=1'-0"



42'-10 1/2" ROOF APEX FROM GROUND  
 8'-4 1/2"  
 34'-0" TOWER PLATE HEIGHT  
 30'-0" TRUSS PLATE HEIGHT  
 11'-0"  
 27'-8" OPENING HEIGHT  
 6'-8"  
 21'-0" FINISHED FLOOR  
 19'-6" JOIST PLATE HEIGHT  
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 9'-0" JOIST PLATE HEIGHT  
 6'-8" OPENING HEIGHT  
 9'-0"  
 6'-8"  
 0'-0" FINISHED FLOOR  
 0'-4 1/4" GROUND

ROOF TILE  
 ROOF TILE  
 12/4  
 2X FASCIA  
 CORNICE  
 STUCCO FINISH #1  
 STUCCO FINISH #3  
 TRIM #1  
 METAL RAILING  
 METAL GLASSING #2  
 LEDGE STONE FINISH  
 WOOD PANEL  
 LEDGESTONE FINISH  
 STUCCO FINISH #2  
 LEDGESTONE FINISH  
 STUCCO FINISH #2  
 METAL SIDING  
 LEDGESTONE FINISH  
 METAL SIDING  
 LEDGESTONE FINISH  
 STUCCO FINISH #2  
 WOOD PANEL  
 STAIRS  
 METAL SIDING  
 LEDGESTONE FINISH

**REAR ELEVATION** 2

SCALE: 3/16"=1'-0"

PROJECT  
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 MADERA, CA 93637  
 APN: 012-253-002, 012-270-001, AND 012-270-002

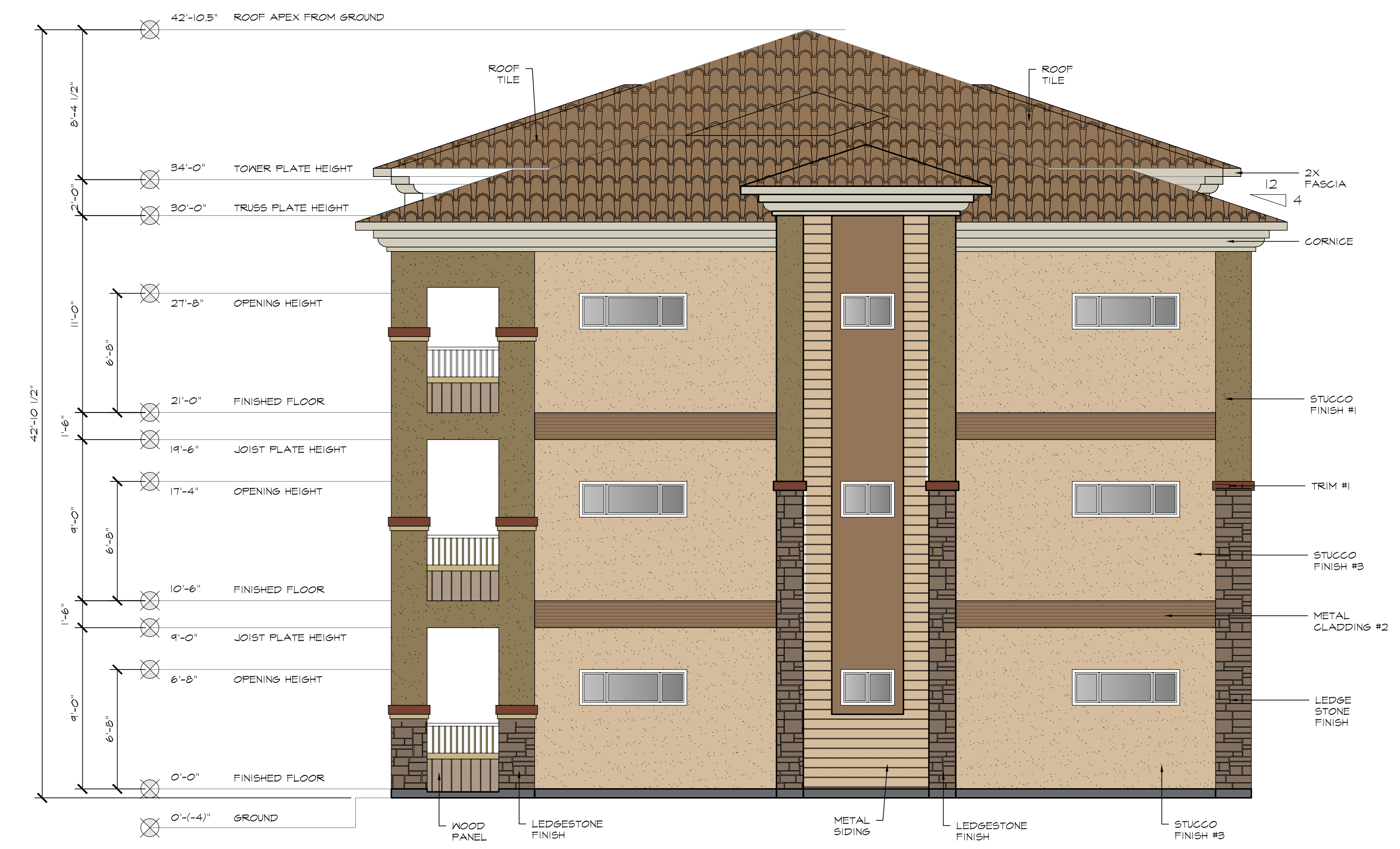


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<b>BLDG B ELEVATIONS</b>	
CVEAS JOB #:	18068
DATE:	6-26-2018
PLANNING SUBMITTAL #:	PPR #2018-07
PLAN CHECK SUBMITTAL #:	XX-XXXX
DRAWN BY:	XX, AA
CHECKED BY:	RL
SCALE:	AS NOTED



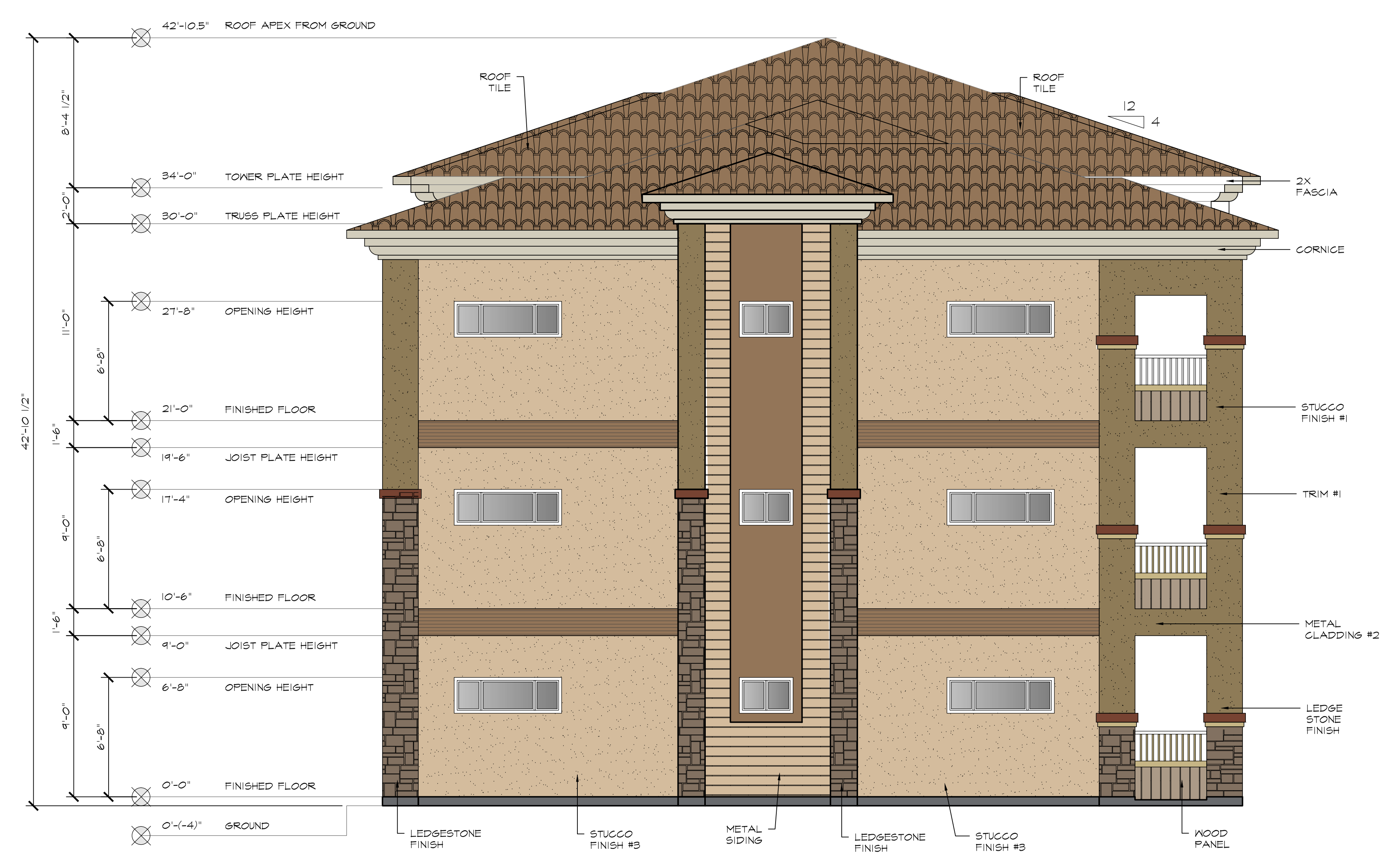
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**LEFT SIDE ELEVATION** **3**  
 SCALE: 1/4"=1'-0"

**COLOR SCHEDULE**

	3 COAT STUCCO FINISH #1: COLOR - A TOUCH OF GOLD #20YY 87/243 OR EQUAL		METAL CLADDING FINISH #1: COLOR - CHARRED CLAY #30YR 17/341 OR EQUAL
	3 COAT STUCCO FINISH #2: COLOR - GOLDEN NEEDLES #20YY 41/264 OR EQUAL		METAL CLADDING FINISH #2: COLOR - DAPPER TAN #10YY 55/163 OR EQUAL
	3 COAT STUCCO FINISH #3: COLOR - DESERT IVORY #20YY 64/120 OR EQUAL		WOOD PANEL FINISH: COLOR - LIGHT AUTUMN BROWN #40YR 31/221 OR EQUAL
	LEDGE STONE FINISH: COLOR - FORTRESS STONE #10YR 46/154 OR EQUAL		HORIZONTAL METAL SIDING: COLOR - DESERT IVORY #20YY 64/120 OR EQUAL
	SPANISH TILE ROOF MATERIAL: LUDWIGI ROOF TILE COLOR - CHARRED CLAY #30 YR 17/341 OR EQUAL		
	TRIM FINISH #1: COLOR - CINNAMON STICK #30YR 14/365 OR EQUAL		
	TRIM FINISH #2: COLOR - GOLDEN NEEDLES #20YY 41/264 OR EQUAL		
	CORNICE FINISH: COLOR - PEBBLE WHITE #40YY 83/064 OR EQUAL		
	FASCIA FINISH: COLOR - PEBBLE WHITE #40YY 83/064 OR EQUAL		



**RIGHT SIDE ELEVATION** **4**  
 SCALE: 1/4"=1'-0"

PROJECT

PROPOSED APARTMENT COMPLEX  
 EMILY WAY AND GARY LANE  
 MADERA, CA 93637  
 APN: 012-253-002, 012-270-001, AND 012-270-002

REVISIONS

Revisions	Date
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**BLDG B ELEVATIONS**

CVEAS JOB #: 18068  
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 PLAN CHECK SUBMITTAL #: XX-XXXX  
 DRAWN BY: XX, AA  
 CHECKED BY: RL  
 SCALE: AS NOTED



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**FRONT ELEVATION** 1  
 SCALE: 1/16"=1'-0"



**REAR ELEVATION** 2  
 SCALE: 1/16"=1'-0"

PROJECT: COMMERCIAL & RESIDENTIAL BUILDING DESIGN • ARCHITECTURAL DRAFTING • PLANNING & PROJECT MANAGEMENT

**PROPOSED APARTMENT COMPLEX**  
 EMILY WAY AND GARY LANE  
 MADERA, CA 93637  
 APN: 012-253-002, 012-270-001, AND 012-270-002



Revisions	Date
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**BLDG C ELEVATIONS**

CVEAS JOB #:	18068
DATE:	6-26-2018
PLANNING SUBMITTAL #:	PPR #2018-07
PLAN CHECK SUBMITTAL #:	XX-XXXX
DRAWN BY:	XX, AA
CHECKED BY:	RL
SCALE:	AS NOTED

















PROPOSED APARTMENT COMPLEX  
 EMILY WAY AND GARY LANE  
 MADERA, CA 93637  
 APN: 012-253-002, 012-270-001, AND 012-270-002

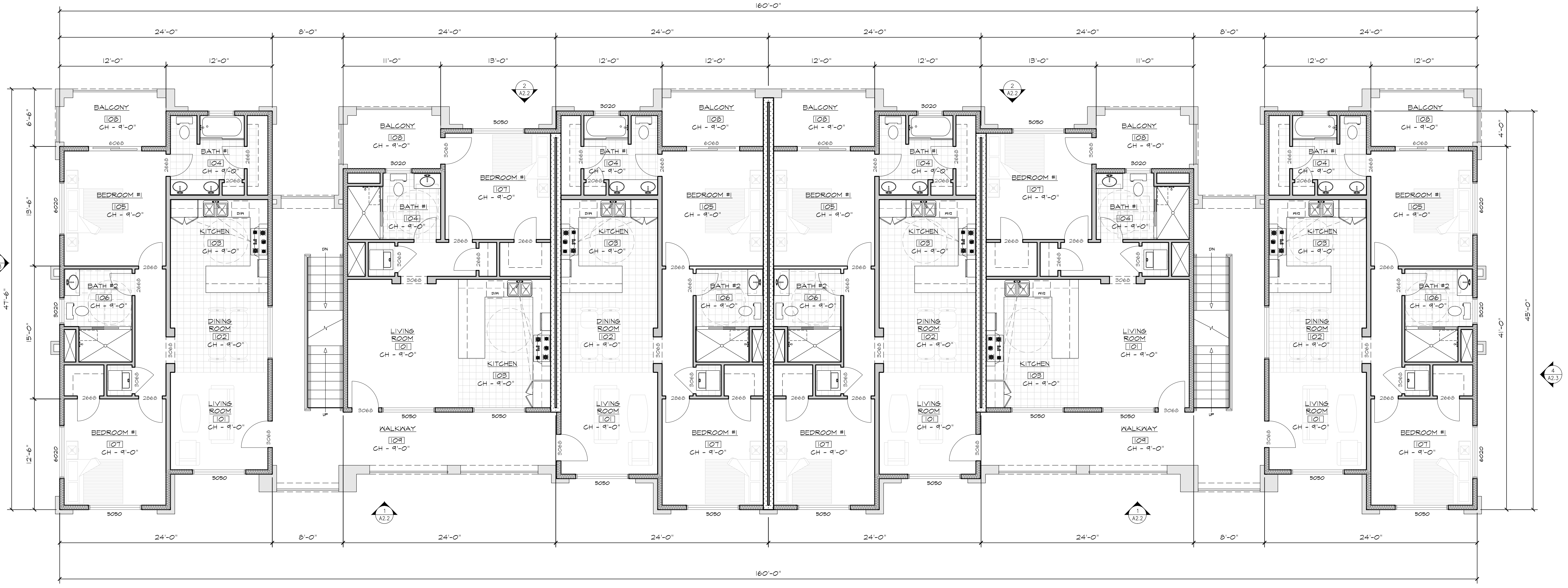


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BLDG B  
 SECOND FLOOR

CVEAS JOB #:	18068
DATE:	6-26-2018
PLANNING SUBMITTAL #:	PPR #2018-07
PLAN CHECK SUBMITTAL #:	XX-XXXX
DRAWN BY:	XX, AA
CHECKED BY:	RL
SCALE:	AS NOTED

**A4.1**



**BLDG B - SECOND FLOOR**  
 SCALE: 3/16" = 1'-0"

**INSULATION LEGEND**

WALL INSULATION	R-21
ROOF INSULATION	R-60

**NOTE FOR RADIANT BARRIERS:**  
 1. LP TECHSHIELD RADIANT BARRIER (ESR 2506) BY LP BUILDING PRODUCTS, GA-T370 (TN)  
 2. RADIANT BARRIER TO COVER ALL VERTICAL SURFACES OF ATTIC SPACES, SUCH AS GABLE END WALLS.

**REFERENCE LEGEND**

#	REFERENCE NUMBER
XX	SHEET NUMBER
◇	REFERENCE TO GENERAL NOTES ON SHEET A3.0
△	REFERENCE TO WINDOW SCHEDULE ON SHEET A3.2
⊕	REFERENCE TO DOOR SCHEDULE ON SHEET A3.2
□	REFERENCE TO ROOM SCHEDULE ON SHEET A3.3

**WALL LEGEND**

	NEW EXTERIOR WALL - 2x6 DF#2 WOOD STUD WALL @ 16" O.C. EXTERIOR - 3 COAT STUCCO WALL FINISH; 7/8" MIN. THICKNESS OVER IT 6A x 1 1/2" HEXAGONAL PAPER-BACKED WIRE LATH OVER 2-LAYERS OF TYPE 'D' PAPER UNDER-LAYMENT OVER PLYWOOD SHEATHING; INTERIOR - 1/2" DRYWALL WITH SCREWS - REFER TO STRUCTURAL PLANS FOR NAILING.
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PROPOSED APARTMENT COMPLEX  
 EMILY WAY AND GARY LANE  
 MADERA, CA 93637  
 APN: 012-253-002, 012-270-001, AND 012-270-002

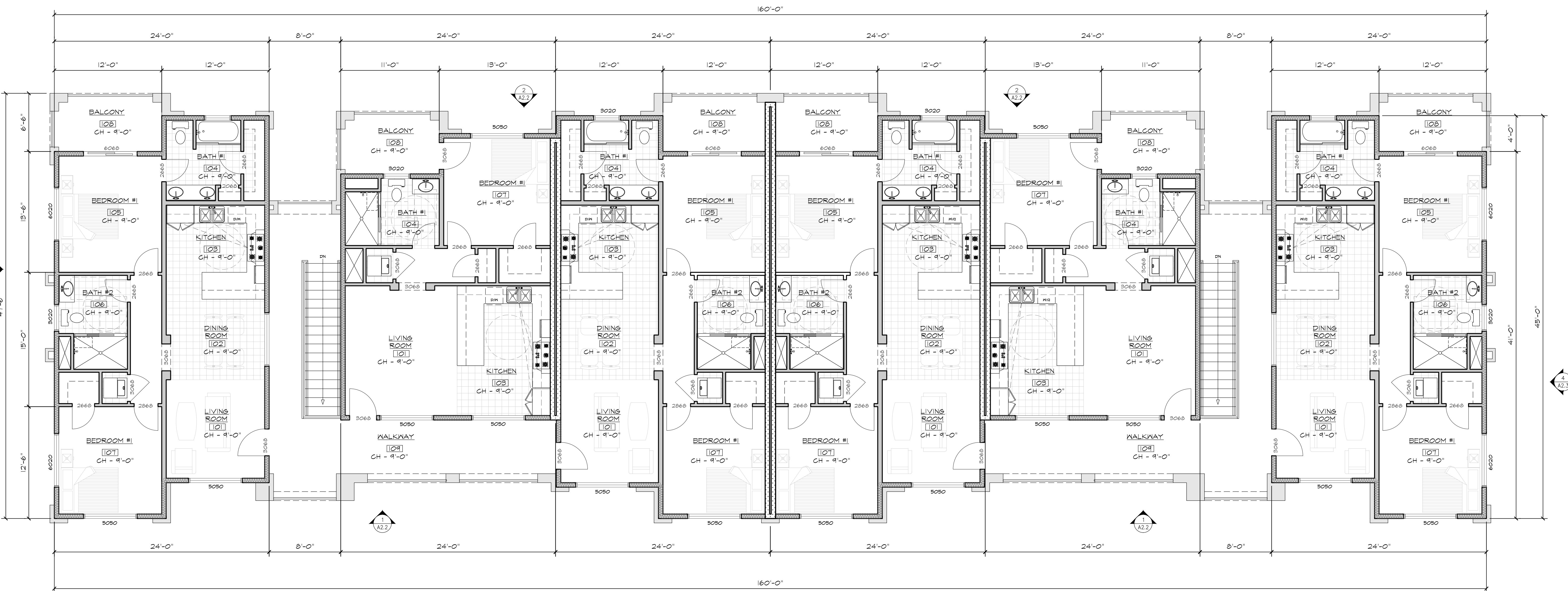


Revisions	Date

BLDG B  
 THIRD FLOOR

CVEAS JOB #:	18068
DATE:	6-26-2018
PLANNING SUBMITTAL #:	PPR #2018-07
PLAN CHECK SUBMITTAL #:	XX-XXXX
DRAWN BY:	XX, AA
CHECKED BY:	RL
SCALE:	AS NOTED

**A4.2**



**BLDG B - THIRD FLOOR**  
 SCALE: 3/16" = 1'-0"

INSULATION LEGEND	
WALL INSULATION	R-21
ROOF INSULATION	R-60

**NOTE FOR RADIANT BARRIERS:**  
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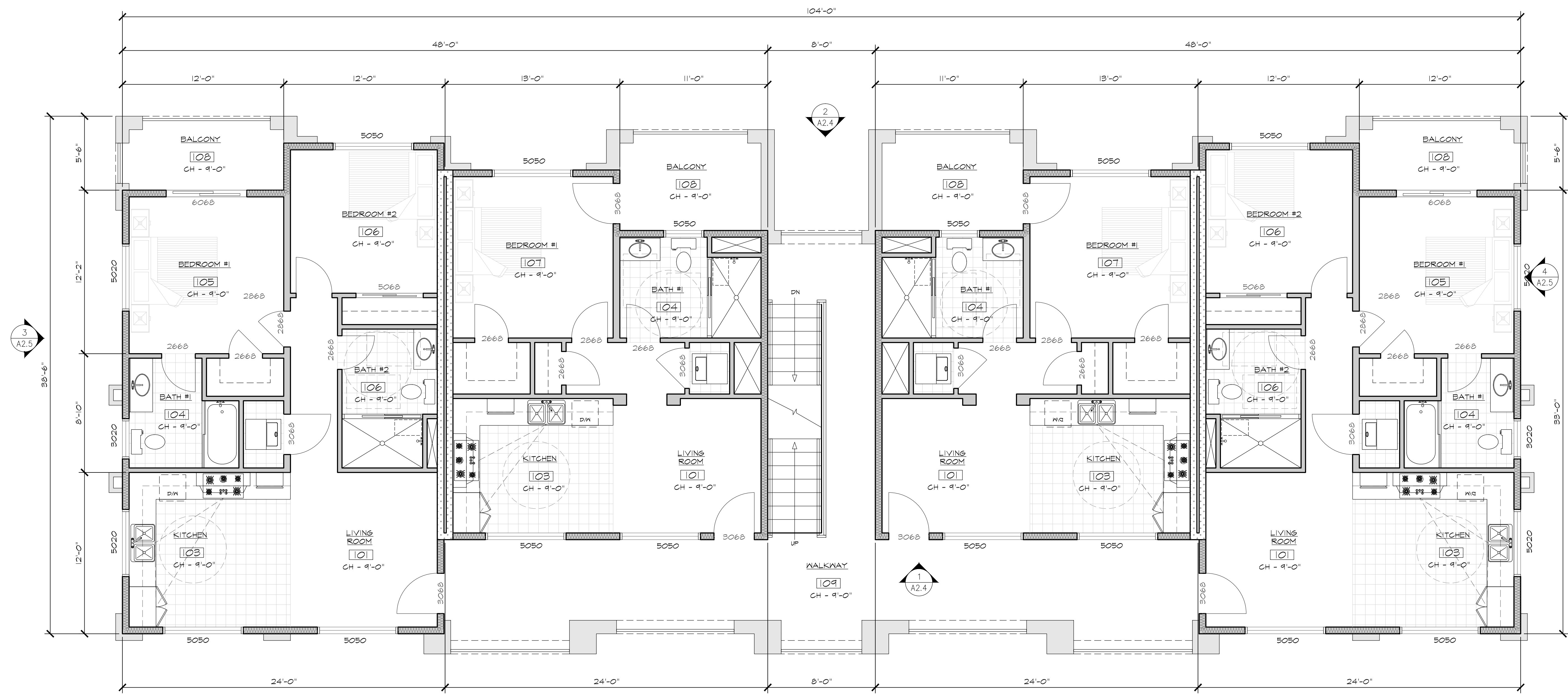


PROPOSED APARTMENT COMPLEX  
 EMILY WAY AND GARY LANE  
 MADERA, CA 93637  
 APN: 012-253-002, 012-270-001, AND 012-270-002


Revisions	Date
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 BLDG C  
 SECOND FLOOR

CVEAS JOB #:	18068
DATE:	6-26-2018
PLANNING SUBMITTAL #:	PPR #2018-07
PLAN CHECK SUBMITTAL #:	XX-XXXX
DRAWN BY:	XX, AA
CHECKED BY:	RL
SCALE:	AS NOTED

**A5.1**

**BLDG C - SECOND FLOOR**  
 SCALE: 1/4" = 1'-0"

INSULATION LEGEND	
WALL INSULATION	R-21
ROOF INSULATION	R-60

**NOTE FOR RADIANT BARRIERS:**  
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 2. RADIANT BARRIERS TO COVER ALL VERTICAL SURFACES OF ATTIC SPACES, SUCH AS GABLE END WALLS.

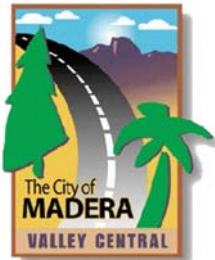
REFERENCE LEGEND	
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<p><b>CITY OF MADERA</b> <b>PLANNING COMMISSION</b></p>	<p>205 W. Fourth Street Madera CA 93637 (559) 661-5430</p>
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**Staff Report: Self Help Apartment Complex**  
**PPL 2018-07**  
**Item #2 – January 8, 2019**

**PROPOSAL:** An application for a precise plan providing for the development of a 52-unit apartment complex.

<b>APPLICANT:</b>	Self Help Enterprises	<b>OWNER:</b>	Self Help Enterprises
<b>ADDRESS:</b>	Vacant properties	<b>APNs:</b>	011-143-006, 007 & 008
<b>APPLICATIONS:</b>	PPL 2018-07	<b>CEQA:</b>	Negative Declaration

**LOCATION:** The project properties abut to Lewis Street, approximately 300 feet east of the intersection of Lewis Street and Madera Avenue.

**STREET ACCESS:** Access will be provided from Lewis Street.

**PARCEL SIZE:** Approximately 2.97 acres.

**GENERAL PLAN DESIGNATION:** HD (High Density Residential)

**ZONING DISTRICT:** PD-1500 (Planned Development)

**SITE CHARACTERISTICS:** The project site is immediately southwest of the State Route 99 right-of-way. Vacant commercial and residentially-zoned lands are located to the southeast. A single-family residential neighborhood is located to the south and west, with a Carl’s Jr. restaurant located to the west, a short distance beyond residential development. The site takes access from Lewis Street, a local street currently serving the Carl’s Jr. restaurant and six single-family homes.

**ENVIRONMENTAL REVIEW:** An initial study and negative declaration have been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA) guidelines.

**SUMMARY:** The applicant is proposing development of a 52-unit apartment complex comprised of four three-story apartment buildings with recreational amenities including a playground area, community center, ½ sports court, and three barbecue areas. The buildings’ architecture and open space amenities comply with the goals and policies of the General Plan. The number of parking stalls comply with the parking regulations of the City for a multifamily housing project.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3-4.101 Planned Development Zones  
MMC § 10-3.1501 Amendments  
GC § 65358 General Plan Amendments

Precise plans are utilized within the PD (Planned Development) Zone District to establish 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 approval of a precise plan by the Commission subject to the 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 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**

None.

## **ANALYSIS**

The applicant, Self-Help Enterprises, proposes the development of a 52-unit multifamily apartment complex on property immediately abutting to the State Route 99 corridor, south of the Madera Avenue interchange. The complex would include an equitable distribution of one, two, and three-bedroom units, with recreational amenities including a playground area, community center, sports court, and three barbecue areas. The 52 residential units would be distributed within four three-story buildings. A community building is also proposed as a component of the overall complex.

According to their website, Self-Help Enterprises espouses to “develop quality, affordable rental apartments to serve the housing needs of low-income Valley residents and underserved farmworker communities. Residents in these underserved communities face over-crowding and overpaying with most farmworkers struggling to obtain decent, affordable housing for their families. Affordable rental apartments are important to the sustainability of communities and developing an overall vibrant community. [Self-Help Enterprises] operates 32 other rental communities. They are professionally managed and are located near schools, bus lines and other community services. The rental housing communities are developed with ample space inside and outside along with plenty of green space and play areas for children. They also feature multi-use community centers complete with computer labs and kitchen facilities.”

### Density Requirements

Policy LU-19 of the General Plan identifies a density range of units per acre for each residential density. The project consists of three parcels encompassing approximately 2.97 acres. All parcels are within the HD (High Density) General Plan land use designation, which requires a density range of between 15.1 and 50 units per acre. The PD-1500 (Planned Development) Zone District requires a maximum density of one unit for each 1,500 square feet of site area. Based on

the project site area, the required density range for the proposal is between 45 and 86 units. The proposal of 52 units provides consistency with Policy LU-19 of the General Plan.

### 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 buildings have slight differences in the placement of pop-outs, exterior materials and windows, but cohesively complement each other throughout. Each building has fiber cement siding that varies between horizontal and vertical panels across the buildings, varied window treatments, a composition asphalt shingle roof and varied complementary colors. The architectural quality of the buildings are 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 proposed site plan includes a playground area, sports court, three barbecue areas, a community center and private patios/balconies. The minimum amount of required open space for the project is 39,000 square feet (0.96 acres). The project provides approximately 47,500 square feet of open space.

### Housing Element

The project site is included in the General Plan’s 2016-2024 Housing Element Update. The project site is listed within the Vacant Sites Inventory, a table of vacant properties that summarizes the location, size, and the estimated number of housing units which could be accommodated on each site. The table also includes the applicable General Plan land use designation and zoning district, illustrating each site’s appropriate density and corresponding income category. For the project site, the Vacant Sites Inventory identified a maximum capacity of 89 units, a realistic unit capacity of 77, and a lower-income inventoried income category. Cumulatively, the proposed project ideally conforms with the desired density and desired income classifications identified within the Housing Element Update. Because the number of proposed units is a little lower than the Housing Element projection, staff did consult with the State Department of Housing and Community Development (HCD). Because of the 29-foot offer of dedication required by CalTrans, and the subsequent reduction in buildable area, HCD advised that the project’s proposed 52 units would still be considered consistent with the Housing Element’s quantified objectives for the development of a range of housing opportunities within the community.

### Traffic Study & Impacts

A traffic study was required to be completed to analyze the potential impacts of the intersection of Lewis Street and Madera Avenue in response to the increase in traffic. The City’s Police Department also expressed concerns with the potential increase in traffic because within the last two years approximately 32 vehicular accidents have occurred at this intersection. Ultimately, Caltrans has the final determination on any requirements for traffic mitigation in State Route 145 (Madera Avenue). Based on its review of the traffic study, Caltrans’ only recommendation is to install “Do Not Block” intersection markings and signs.

### Noise

As noted in this report, the project site is immediately adjacent to the State Route 99 corridor. The General Plan's Noise Element identifies acceptable noise levels for residential development. For outside noise levels, 60 dB is considered compatible. For indoor noise levels, 45 dBA is considered acceptable. The Noise Element also provides noise data for numerous street sections within the community. For State Route 99, in proximity to the project site, a Community Noise Equivalent Level of 79.17 dB is noted. In order for the project to reduce noise levels (both interior and exterior levels) to within the General Plan's acceptable noise levels, the applicant has incorporated a ten-foot concrete masonry unit wall into the site design as a preliminary noise reduction measure. The proposed ten-foot wall is consistent with Caltrans noise analysis performed as part of the environmental review completed in 2015 in support of the proposed widening of State Route 99. It is recommended that an acoustical analysis be required prior to the submittal of any building permit plan check for the project so as to confirm that noise levels will be reduced to acceptable levels.

### Parking

In PD (Planned Development) zones, parking requirements are addressed as a component of required precise plans on a case-by-case basis. In this case, the applicant has provided a letter requesting the affordable housing density bonus available per ordinance, which offers incentives or concessions for the development of housing that is affordable for lower income households. The parking bonuses are allowable per ordinance when deed-restricted low and very low income residential units are provided as a part of a project. The requested bonus is non-discretionary under state and local code. In the case of the proposed multifamily project, the concession from traditional parking standards that will apply to the project is a reduction in the required parking for one-bedroom units. Where typically, one-bedroom units require 1½ parking stalls per unit, only one stall is required. The incentivized parking requirements for this project proposal are as follows:

<u>Unit Type</u>	<u># of Unit Type</u>	<u># of Stalls Req.</u>
1-bedroom	20	20
2-bedroom	16	32
3-bedroom	16	32
Guest parking	-	13
<b>Total Allowed:</b>		<b>97</b>
<b>Total Provided:</b>		<b>98</b>

As proposed, there is an adequate number of parking stalls to serve the number of residential units for the project.

### 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.

### Citizen Concerns

Staff has received telephone calls from nearby residents expressing general opposition to the project. The primary concern stated by residents has been the increase in traffic as a result of the development of the project. A petition in opposition to the development was received on December 31<sup>st</sup> and is included as Attachment No. 5.

## **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,” and Strategy 101.8, which “promote[s] and encourage[s] development and redevelopment of low- and moderate-cost housing.”

## **RECOMMENDATION**

The information presented in this report supports adoption of the negative declaration and a recommendation of approval for Precise Plan 2018-07, 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 Precise Plan 2018-07.

## **PLANNING COMMISSION ACTION**

The Commission will be acting on Precise Plan 2018-07.

Motion 1a: Move to adopt a negative declaration prepared for the project, consistent with the requirements of the California Environmental Quality Act (CEQA), based on and subject to the findings as listed;

### Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) that determines there is no substantial evidence 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 entire record before it, and is hereby adopted in accordance with CEQA.

Motion 1b: Move to approve Precise Plan 2018-07, based on and subject to the findings and conditions of approval:

### Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) that determines there is no substantial evidence 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 entire record before it, and is hereby adopted in accordance with CEQA.
- Precise Plan 2018-07 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 2018-07 complies with the requirements for precise plans per Section 10-3-4.104.
- Precise Plan 2018-07 is consistent with the goals and policies of the General Plan.
- Precise Plan 2018-07 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 2018-07.
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. 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.
4. The project shall be developed in accordance with the site plan, floor plans and elevation drawings, as reviewed and approved with Precise Plan 2018-07. Minor modifications to Precise Plan 2018-07 necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager, at a minimum. All site improvements shall be completed in advance of any request for building permit final inspection.
5. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01 and shall pay all applicable fees.

### **Building and Fire Department**

6. All buildings shall be equipped with fire sprinklers. A separate permit shall be required for each structure/system.
7. On-site fire hydrants shall be required and a separate building permit for the installation of the on-site fire hydrants shall be required.
8. 2A10BC-rated fire extinguishers shall be required within 75 feet of all portions of all buildings on each floor level.
9. A supervisory fire alarm system shall be required for the fire sprinklers. An evacuation alarm may be required for the community center. This shall be determined at time of plan review. Separate permits shall be required for each fire alarm system.
10. A key box shall be required for access to the community center building. If gates are provided, a key box or override switch shall be required for access.
11. Fire lanes shall be required and shall be posted in accordance with the California Fire Code (CFC) and California Vehicle Code (CVC).
12. Ladder truck access may be required to reach the building roofs. Such access, if required, shall be provided with the necessary fire lanes.

### **Engineering Department**

#### **General**

13. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.

14. Impact fees shall be paid at time of building permit issuance.
15. The developer shall reimburse the City for improvements previously installed, as calculated by the City Engineer, whose determination shall be final. Reimbursements for previously installed improvements shall be paid prior to issuance of a building permit.
16. 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.
17. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Department in accordance with the submittal process.
18. 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.
19. Improvements within the City's right-of-way require an encroachment permit from the Engineering Department.
20. Improvements within the State of California right-of-way require an encroachment permit from Caltrans.

#### Sewer

21. Sewer service connections shall be constructed to current City standards.
22. Sewer main connection(s) six (6") inches and larger in diameter shall require manhole installation.
23. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage.
24. Existing septic tanks, if found, shall be removed pursuant to issuance of a permit and inspection by the City of Madera Building Department.

#### Storm Drain

25. Storm runoff from this project site is planned to go to the Abshire Basin located south of the project site. Through the preparation of a hydrology study or appropriate runoff volume calculations, the developer shall illustrate how runoff from the site will be accommodated. The developer shall excavate the basin to an amount equivalent to this project's impact on the basin.
26. The City is subject to the requirements of its Phase II Municipal Separate Sewer System Permit (MS4). This project will be subject to the requirements of that permit. To that end, the site is subject to reducing off-site flow associated with development. As a result of project compliance with the MS4 permit, the project can either reduce the size of required improvements identified in the City's storm drainage master plan, as provided below, that the project would be required to construct, or remove them entirely. Additionally, the project shall account for other, historical off-site runoff that appears to impact the site. Master Plan storm drain improvements associated with the project site are:
  - a. Construction of 18-inch storm drain pipe along the property line east of Madera Avenue from Dunham Avenue to Clemmensen Avenue.

- b. Construction of 36-inch storm drain pipe along the property line east of Madera Avenue from Clemmensen Avenue to Almond Avenue.
- c. The construction of these storm drain lines is considered 100% reimbursable, subject to the availability of funds, under the City's Development Impact Fee (DIF) Program. The developer shall secure all required easements, acquisitions of rights-of-way, fees and all other components required for the installation of a fully functional storm drain line.

### Streets

27. The developer shall pave all alleys abutting the project site to current City standards.
28. In conjunction with the alley abutting the western boundary of the project, if pedestrian or vehicular access is provided north of the Lewis Street alignment, sidewalk and street lighting improvements shall be constructed within a dedicated easement per current City standards.
29. The developer shall dedicate a corner cut-off to accommodate a 20-foot radius for turning movements at the northeast corner of the east-west alley and the north-south Lewis Street.
30. The developer shall install street lights, including conduit, wiring or other improvements at the intersection of the Lewis Street and the alley abutting the western boundary of the project in accordance with current City standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
31. All public utilities fronting the project site shall be undergrounded, except transformers, which may be mounted on pads.
32. All alleyways being utilized for ingress to or egress from the project site shall be paved per current City standards.
33. The developer shall record reciprocal ingress/egress and utility parking easements acceptable to the City of Madera across the entire project site and applicable to all parcels. The easements shall provide the mutual right of access for all future uses on the project site. The developer shall pay associated fees with the Engineering Department.
34. As an alternative to the recordation of a reciprocal easement agreement, a parcel merger can be allowed to merge the project parcels into one parcel. An application for a parcel merger shall be submitted to the Engineering Department with the fee in effect at that time.
35. 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

36. Water service connection(s) shall be constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within the City's right-of-way and backflow prevention device installed within private property.
37. A separate water meter and backflow prevention device shall be required for landscape area.
38. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.

39. City records indicate that water lines in the vicinity of the site are only six (6") inches in diameter. The developer shall confirm that such lines can support this project for both domestic and fire flow demands.
40. Prior to beginning any construction, approved on- or off-site fire hydrants shall be installed in accordance with spacing requirements for this type of development.
41. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage unless the water line is replaced for the purposes of meeting domestic or fire flow requirements.

## **Planning Department**

### Precise Plan

42. Precise Plan Area:
  - Three (3) parcels, approximately 2.97 acres
  - APNs: 011-143-006, 011-143-007, 011-143-008Building Area:  
52 residential units, as follows:
  - 20 1-bedroom units: 650 sq. ft. each
  - 16 2-bedroom units: 845 sq. ft. each
  - 16 3-bedroom units: 1,116 sq. ft. eachProject Amenities, as follows:
  - 3 barbecue areas
  - 1 playground area
  - 1 community center
  - 1 half sports court
43. 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 stucco siding, pop-outs, windows and balconies consistent with the approved elevations for the buildings.
44. Significant modification of the approved elevation, as determined by the Planning Manager, shall require amendment of Precise Plan 2018-07.
45. Vandalism and graffiti shall be corrected pursuant to the Madera Municipal Code.
46. 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

47. 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.
48. 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.

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

#### Fences and Walls

50. Trash enclosures shall be constructed consistent with City standards. All locations of trash enclosures shall be consistent with the approved site plan. The color of the trash enclosures shall be painted to match or complement the apartment buildings.
51. An acoustical analysis shall be completed prior to any submittal for building permit plan check for the project so as to confirm that noise levels will be reduced to acceptable levels. At a minimum, a ten (10') foot tall decorative split-faced solid masonry block wall shall be constructed along the project boundary line abutting Highway 99 in order to assist in reducing noise to within General Plan Noise Element standards.
52. With the exception of the project frontage with State Route 99, at a minimum, a six-foot tall wooden fence shall be constructed along all other project frontages. Final fence design shall be approved by the Planning Manager prior to any submittal for building permit plan check for the project.

#### HVAC and PG&E Utility Placement Considerations/Screening Requirements

53. 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.
54. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department.
55. Electrical/mechanical equipment shall be located in the interior of all structures within an electrical/mechanical service room(s).
56. 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.
57. Natural gas meter placement shall be screened from public view per Planning Department approval.
58. Roof access ladders (if any) shall be located within the interior of each building.
59. Future placement of roof-mounted equipment, which is not part of this precise plan approval, may require amendment to this Precise Plan.
60. All ducts and vents penetrating roofs shall be directed away from the front of the 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 a color better suited to minimize their appearance.

61. Transformers and similar pad-mounted utilities shall be screened per the approval of the Planning Manager.

#### Landscaping and Open Space

62. 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.
63. 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.
64. The tot lot equipment and all other site amenities shall be maintained in good working condition and appearance.
65. 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

66. No wheel stops shall be incorporated into the parking field/parking stall layout unless required by the Americans with Disabilities Act (ADA) standards.
67. All parking stalls shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces measure a minimum of 9 feet wide by 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 26 feet for primary drive aisles.

#### San Joaquin Valley Air Pollution Control District

68. The developer shall comply with all rules and regulations of the San Joaquin Valley Air Pollution Control District's letter dated December 5, 2018.

#### State of California Department of Transportation (Caltrans)

69. The developer shall comply with all rules and regulations of Caltrans' letter dated December 20, 2018.

**(OR)**

Motion 2: Move to continue the public hearing on Precise Plan 2018-07 to the February 12, 2019 Planning Commission hearing, for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny Precise Plan 2018-07, based on the following findings: (specify)

## **ATTACHMENTS**

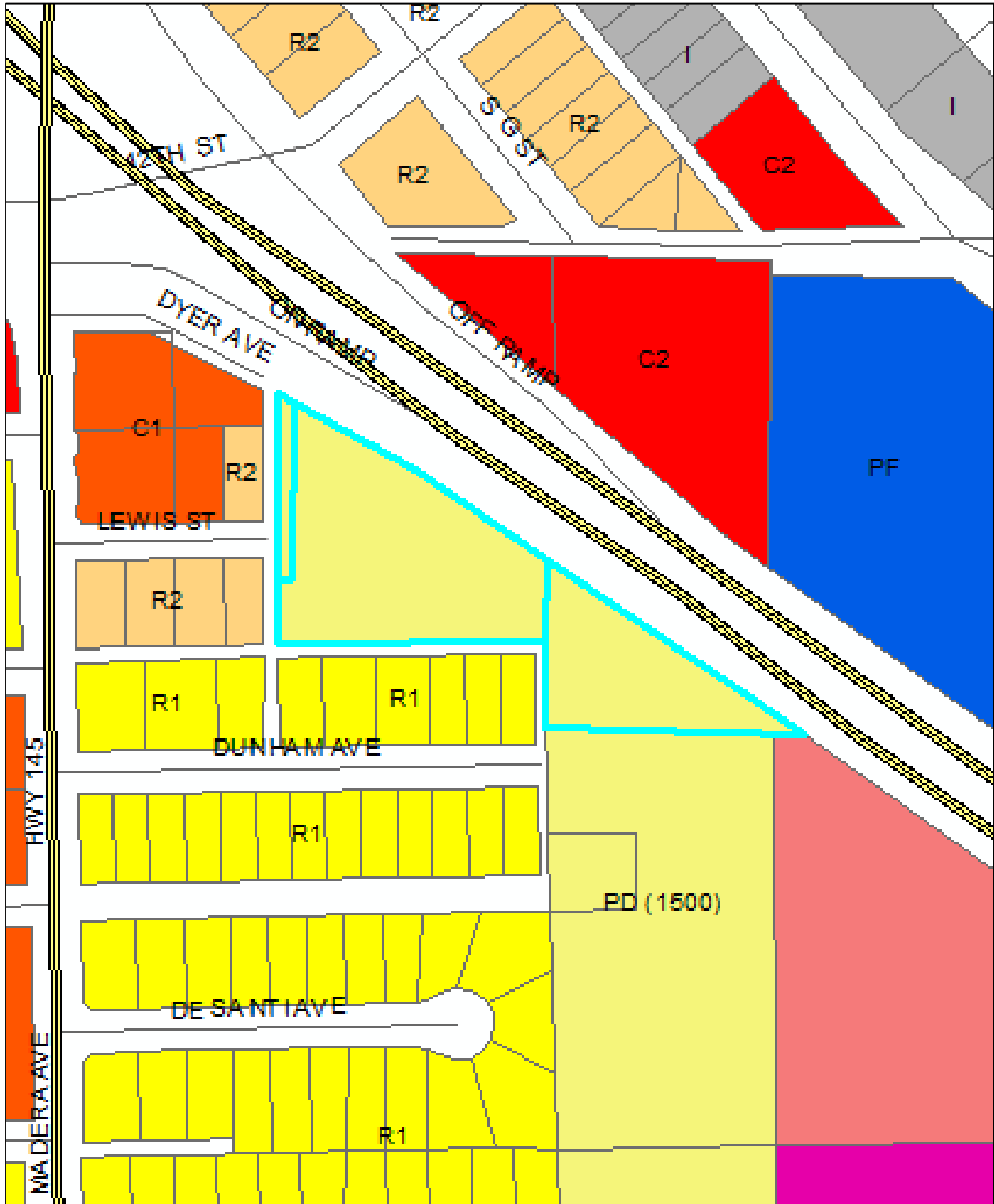
1. Aerial Map
2. Zoning Map
3. General Plan Map
4. Caltrans Letter
5. Citizen Opposition Petition
6. Negative Declaration
7. Precise Plan Site Plan, Floor Plans and Elevations



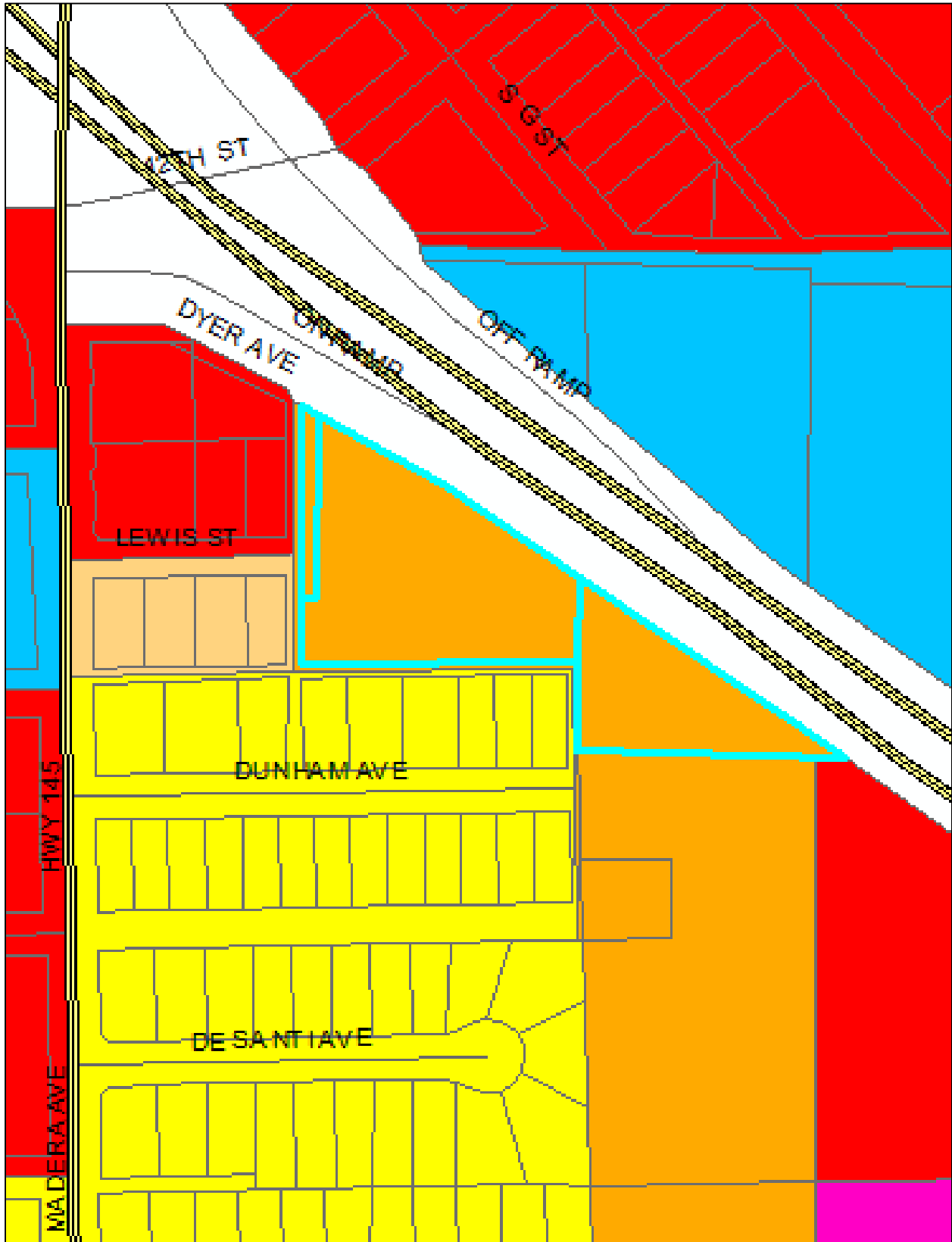
Attachment 1: Aerial Map



Attachment 2: Zoning Map



Attachment 3: General Plan Map



## Attachment 4: CalTrans Letter

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

### DEPARTMENT OF TRANSPORTATION

DISTRICT 6  
1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5868  
FAX (559) 445-5875  
TTY 711  
www.dot.ca.gov



*Making Conservation a  
California way of life.*

December 20, 2018

06-MAD-145-8.975  
Self-Help Apartment Complex  
PPL 2018-07

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

Dear Mr. Holt:

Thank you for including Caltrans in the environmental review process for the project referenced above. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. The following comments are based on the Self-Help apartment project located on the west side of State Route (SR) 99 and approximately 290 feet east of the intersection of SR 145 (Madera Avenue) and Lewis Street in the City of Madera:

We provided comments on PPR 2018-18 and the associated traffic impact study on October 29, 2018 and December 14, 2018, respectively. In addition, concerns were raised on traffic incidents occurring at the intersection of SR 145 at Lewis Street. Caltrans Traffic Investigations prepared a traffic investigation report analysis and the recommendation is to install a "Do Not Block" intersection markings and signs per Section 3B.17 of the California Manual of Uniformed Traffic Control Devices on SR 145 at Lewis Street. An excerpt of the report is enclosed. Based on the traffic impact study report and the traffic investigation report, Caltrans will not ask for any additional mitigation measures for the Self-Help apartment project.

If you have any further questions, please contact me at (559) 444-2493.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Padilla".

DAVID PADILLA  
Associate Transportation Planner  
Planning North Branch

Enclosure

c: Michael Navarro, Chief, Planning North Branch, Caltrans

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*



Attachment 5: Citizen Opposition Petition

We oppose the development of a 56-unit apartment complex, east of the intersection of MacLera Avenue and Lewis Street.

1. Flora Landucci 302 E Dunham
2. Diane Landucci 302 E. Dunham
3. Alex Liu 220 E. DUNHAM AVE
4. He " "
5. Thonia Salazar 216 E. Dunham
6. Alex Lewis " "
7. John Nguyen 270 E. Dunham
8. Jose I. Yolanda Felix 225 E. Dunham.
9. Jessie B. French 217 E. Dunham
10. ~~\_\_\_\_\_~~ 205 E Dunham
11. David Donald 117 E DUNHAM
12. Estefani Cruz 100 E Dunham
13. Leticia Jay 120 E Dunham
14. Edna Lora 221 E Dunham

## INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

### Self Help Apartment Complex Precise Plan (PPL) 2018-07

**Project:** PPL 2018-07

**Applicant:** Self Help Enterprises, Inc.  
4660 American Avenue, Suite 200  
Bakersfield, CA 93309

**Owner:** Self Help Enterprises, Inc.  
4660 American Avenue, Suite 200  
Bakersfield, CA 93309

**Location:** The project site is three parcels encompassing approximately 2.97-acres of land located approximately 300 feet east of the intersection of Madera Avenue and Lewis Street. The properties front onto Lewis Street.

**Proposal:**

**PPL 2018-07:** A precise plan to guide development of an approximately 52-unit apartment complex comprised of four apartment buildings with 20 1-bedroom units, 16 2-bedroom units and 16 3-bedroom units. On-site amenities for the apartment complex include three (3) barbeque areas, a playground area, a community center and a ½ sports court.

**Zoning:** PD-1500 (Planned Development)

**General Plan Land Use Designation:** HD (High Density)

**Surrounding Land Uses and Zoning:**

South – Vacant/ponding basin  
North – Medium/high density residential  
West – Single-family residential  
East – Medium/high density residential

**Responsible or Interested Agencies:**

San Joaquin Valley Air Pollution Control District  
Madera Irrigation District  
Madera Unified School District

**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"/> 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 type="checkbox"/> Population / Housing                  |
| <input checked="" type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                          | <input checked="" type="checkbox"/> Transportation/Traffic     |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings<br>of Significance |

**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: \_\_\_\_\_

Printed Name: Robert Holt, Assistant Planner

## ***Explanation of Environmental Checklist***

**I. AESTHETICS.** Would the project:

	Potentially Significant Impact	Less Than Significant 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 proposal will not affect a scenic vista or 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, including the addition of new street lights, and the anticipated residential development will add additional sources of light.

The proposed project will conform with and incorporate General Plan policies and requirements. No additional analysis is required.

- 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 or state scenic area, or scenic vista.
- 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 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 when City standards are implemented. The overall impact of additional light and glare will be minimal.



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

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

- a.) **No Impacts.** The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California resources agency) to non-agricultural use. The project site is identified as Urban and Built-Up Land on the 2016 California Farmland Mapping and Monitoring Program map. The project site has been identified for residential uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.
- b.) **No Impacts.** The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property. The site is identified as urban and built-up land.
- c.) **No Impacts.** Surrounding properties are urbanized and currently in residential use. The proposed development for the project site won't contribute towards the desire of nearby property owners to convert to non-agricultural uses.

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 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 Unified Air Pollution Control District (SJVUAPCD). 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 SJVUAPCD 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 current project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.

Similarly, future projects will be evaluated to determine required compliance with District Rule 9510, which is intended to mitigate a project’s impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, would be made a condition of project approval.

Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and the development will be subject to Air Pollution Control District 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 proposed development of the subject properties will not create impacts beyond those analyzed and addressed through the General Plan Update and the accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. All phases of development will similarly conform with and implement regional air quality requirements. No additional analysis is required. Any unique features or project impacts which are identified as specific projects are proposed within the project area will be evaluated and addressed on a project-by-project basis.

- 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 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. 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.

The approximately 3.54-acre project site is void of any natural features, such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. Development of the site will not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

a) **No Impacts.** The proposed 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 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. 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 any unique paleontological resources or sites or unique geologic features. There are no known paleontological resources, 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 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"/>
i) 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.

ai.) **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.

aii) **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.

aiii) **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.

aiv) **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 urban development.

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	Significant 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:** 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 man made and natural that occurred in the past; that is occurring now; and will 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.

The Air District’s recommended methodology is difficult, if not impossible, to apply to the project currently proposed, which does specify the nature or intensity of uses which may be developed in the future. In the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is currently too speculative to make a significance 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 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 subdivision of the property will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be delineated with the accompanying Precise Plan.

**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 site is not located within one-quarter mile of an existing school, and the development of the property would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste.
- 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 substances sites within the City of Madera ([www.dtsc.ca.gov/database/Calsites/Cortese\\_List.cfm](http://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 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 storm water 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. 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 will be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development will also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.

b) **No Impacts.** The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level.

c) **No Impacts.** The proposed project will 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 will 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 will 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.

f) **No Impacts.** The proposed project will not degrade water quality.

g) **No Impacts.** The project will 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 will not place within a 100-year flood hazard area structures that would impede or redirect flood flows.

i) **No Impacts.** The project will 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 will 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 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 urban development.

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.

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 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **Less than significant impact.** The proposed project includes the installation of sound walls such that the project would not result in exposure of persons to or generation of noise.
- b) **No Impacts.** The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- c) **Less than significant impact.** The proposed project would result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project. These noise levels were anticipated as part of the development of the project site, consistent with the Madera General Plan.
- d) **Less than significant impact.** 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 is not located within the vicinity of a private airstrip.

**XIII. POPULATION AND HOUSING.** Would the project:

	Potentially Significant Impact	Less Than Significant 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 type="checkbox"/>	<input checked="" 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 would not displace any housing. Likewise, the project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

- a) **No Impacts.** Although new residential development may occur, the proposed project will not substantially induce a growth in population by individuals and/or families, directly or indirectly.
- 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 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:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** The development of the existing residential property 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. This additional demand is consistent with the demand anticipated in the General Plan and evaluated in the General Plan EIR.

The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies beyond the levels anticipated in the General Plan and the Water Master Plan. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project area. Initially, the project will rely upon temporary on-site storm drain retention strategies. 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 impact.** The proposed project will not result in substantial adverse physical impacts to fire protection services.
- ii) Police protection. **Less than significant impact.** The proposed project will not result in substantial adverse physical impacts associated with the provision of police protection.
- iii) Schools. **Less than significant impact.** The Madera Unified School District levies a school facilities fee to help defray the impact of residential development. The proposed project will not generate a significant impact to the schools in Madera.
- iv) Parks. **Less than significant impact.** The proposed project will not generate a significant impact to the park facilities in Madera.
- v) Other public facilities. **Less than significant impact.** The proposed project will not have any impacts on other public facilities.

**XV. RECREATION**

	Potentially Significant Impact	Less Than Significant 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:** Residential 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 include recreational facilities or facilities which might have an adverse physical effect on the environment.

**XVI. TRANSPORTATION/TRAFFIC.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 General Plan amendment and rezoning of the property could subsequently result in the residential development of the property. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development. East Yosemite Avenue (to the south), North D Street (to the east), and North Gateway Drive (to the west) are identified as arterial streets per the General Plan. East Central Avenue (to the north) is designated as a collector street. All right-of-way necessary for development of the project site is already in place.

a) **Less-Than-Significant Impacts.** The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system that would result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections.

b) **Less-Than-Significant Impacts.** The project would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

c) **Less-Than-Significant Impacts.** The proposed project would not result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

- d) **Less-Than-Significant 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. Any development of the project site will include parking sufficient to serve the proposed project.
- g) **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

**XVII. UTILITIES AND SERVICE SYSTEMS.** Would the project:

	Potentially Significant Impact	Less Than Significant 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 checked="" type="checkbox"/>	<input 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 planned 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) **Less-Than-Significant 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.** The project will be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.**

	Potentially Significant Impact	Less Than Significant 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"/>

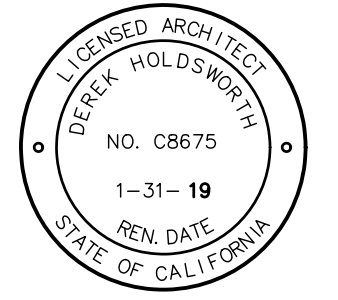
**Determination:**

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, Noise, Public Services, Utilities, and Transportation and Traffic.

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



4660 American Avenue Suite 200  
Bakersfield, California 93309  
(661) 834-1331 FAX (661) 834-1376



Derek Holdsworth AIA C 8675

### PROJECT INFORMATION

SITE AREA: 3.54 ACRES GROSS  
2.76 ACRES NET

EXIST. ZONING: PD-1500

GEN. PLAN: HD

DENSITY: 20 UNITS/NET.AC.

OPEN AREA REQUIRED: 42,000 SF

OPEN AREA PROVIDED: 47,008 SF

UNIT BREAKDOWN:

1 BR. UNITS: 22 UNITS  
2 BR. UNITS: 18 UNITS  
3 BR. UNITS: 16 UNITS

TOTAL 56 UNITS

PARKING REQUIRED:

1 BR. UNITS 22 SPACES  
2 BR. UNITS 36 SPACES  
3 BR UNITS 32 SPACES  
GUEST 14 SPACES

TOTAL 104 SPACES

PARKING PROVIDED: 104 SPACES

COVERED PARKING: 56 SPACES

H.C. ACCESSIBLE 5 SPACES

BUILDING TYPES

BUILDING A 3 BR 12 PLEX

BUILDING B 1 & 2 BR 24 PLEX

BUILDING C 1 & 2 BR 12 PLEX

BUILDING D 1 & 3 BR 8 PLEX

BUILDING E COMMUNITY BLDG.

TOTAL BLDG. AREA: 54,031 SF

**AN AFFORDABLE  
56 UNIT  
MULTI-FAMILY  
HOUSING  
PROJECT**

**MADERA  
CALIFORNIA**

**S.E.C. Dyer Ave.  
& Highway 99**

FOR



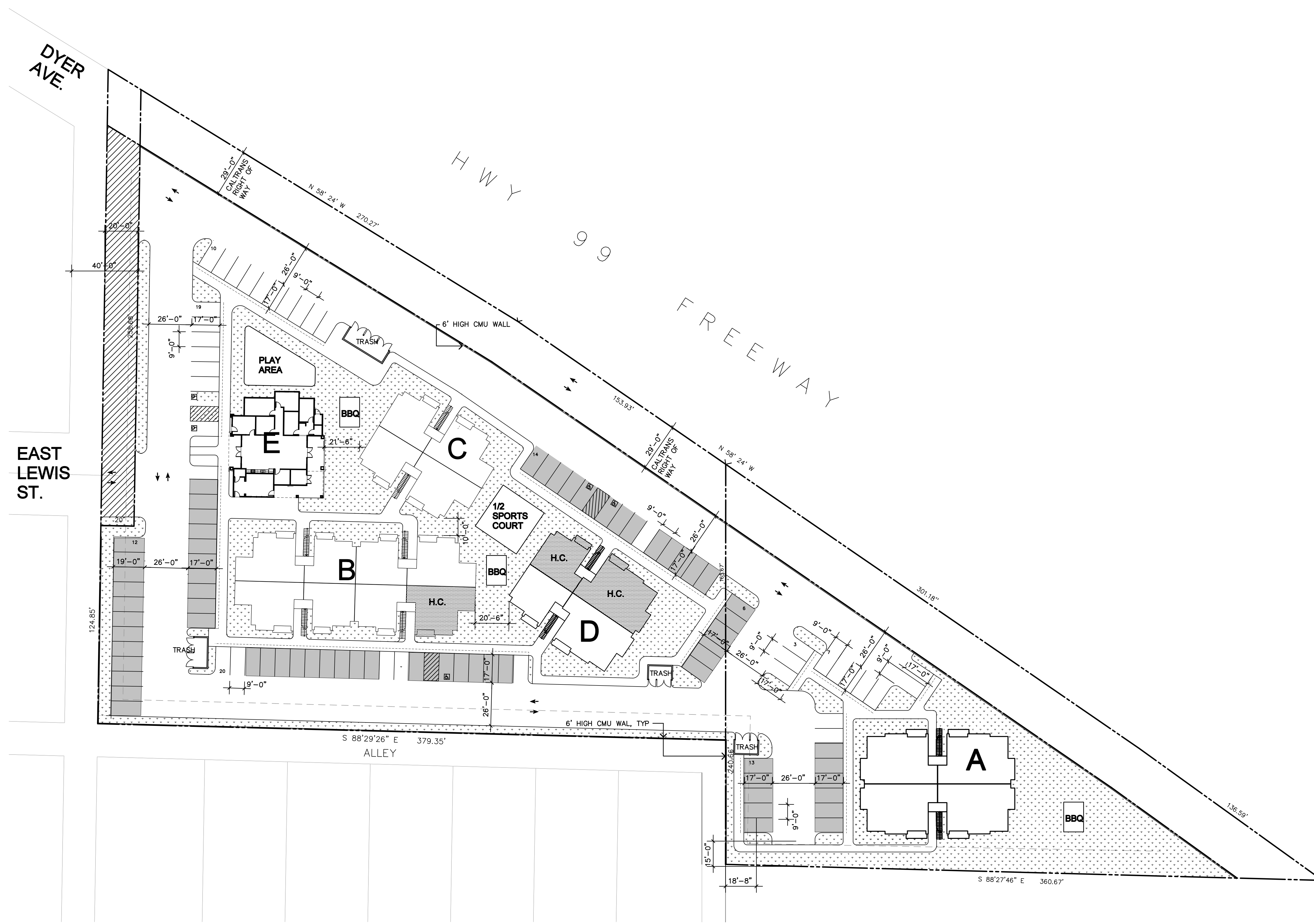
**8445 W. Elowin Ct.  
Visalia, CA**

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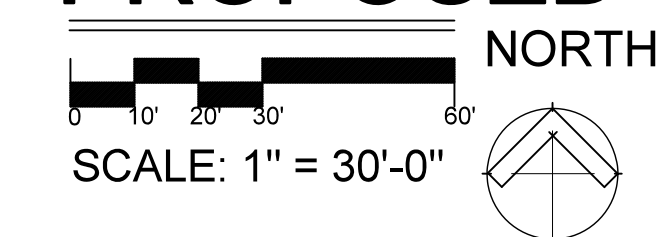
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### PROPOSED SITE PLAN



### LEGEND

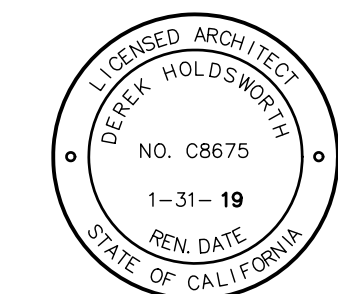
- COVERED PARKING
- LANDSCAPE AREAS
- ADA ACCESSIBLE UNIT
- PARCEL TO BE DEVELOPED TO CREATE 40 FOOT WIDE RESIDENTIAL ACCESS ROAD.

No.	Description	Date
Revisions		

### SITE PLAN

Scale:	Job No:	Sheet No:
	2936	A1
Date:	11/9/18	of sheets





**AN AFFORDABLE  
56 UNIT  
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HOUSING  
PROJECT**

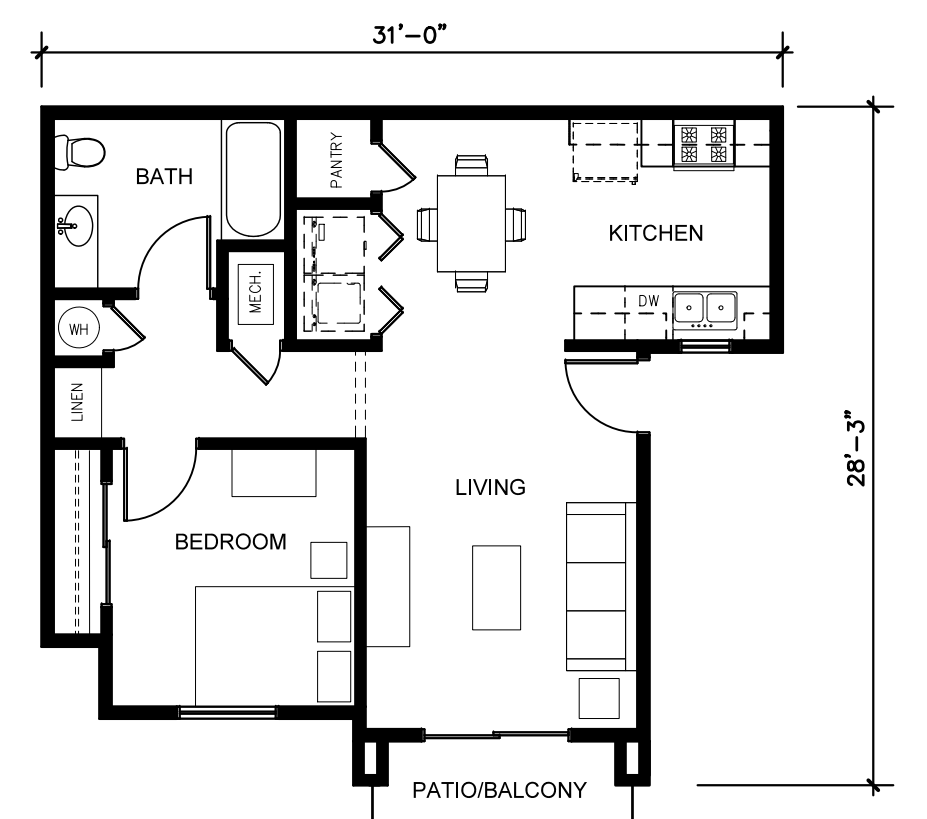
**MADERA  
CALIFORNIA**

**S.E.C. Dyer Ave.  
& Highway 99**

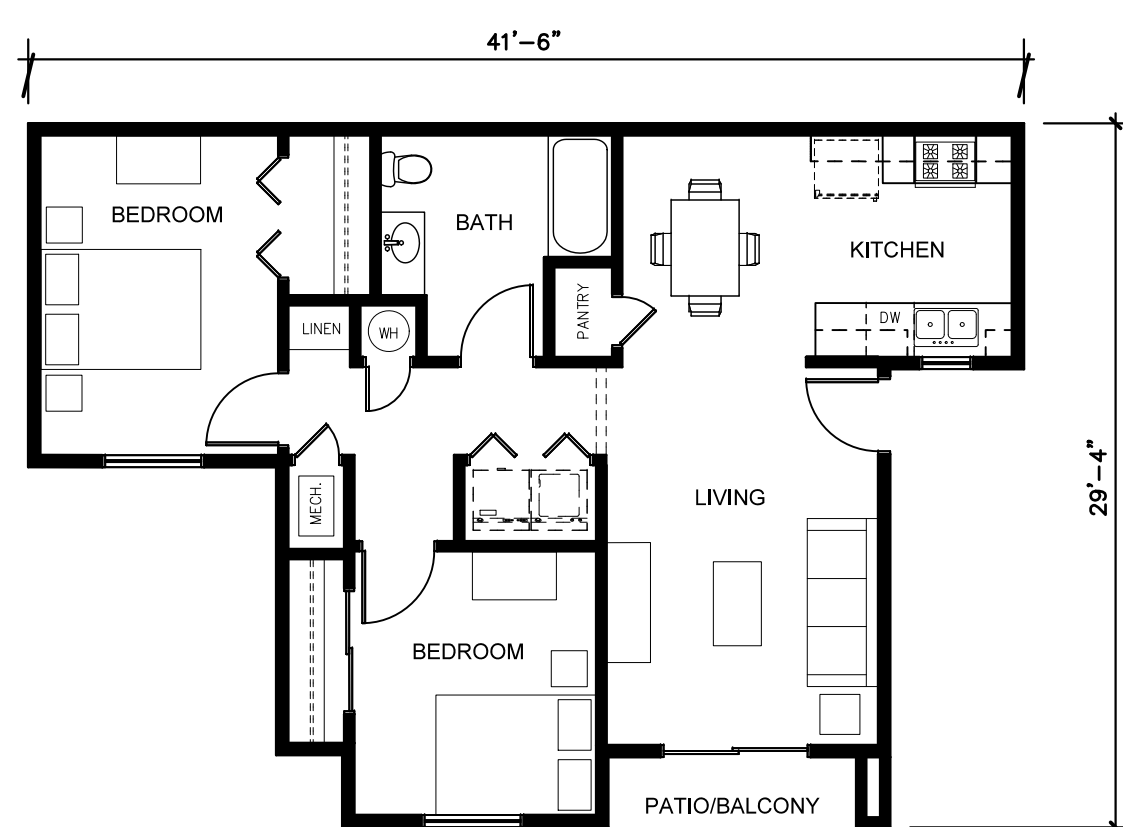
FOR



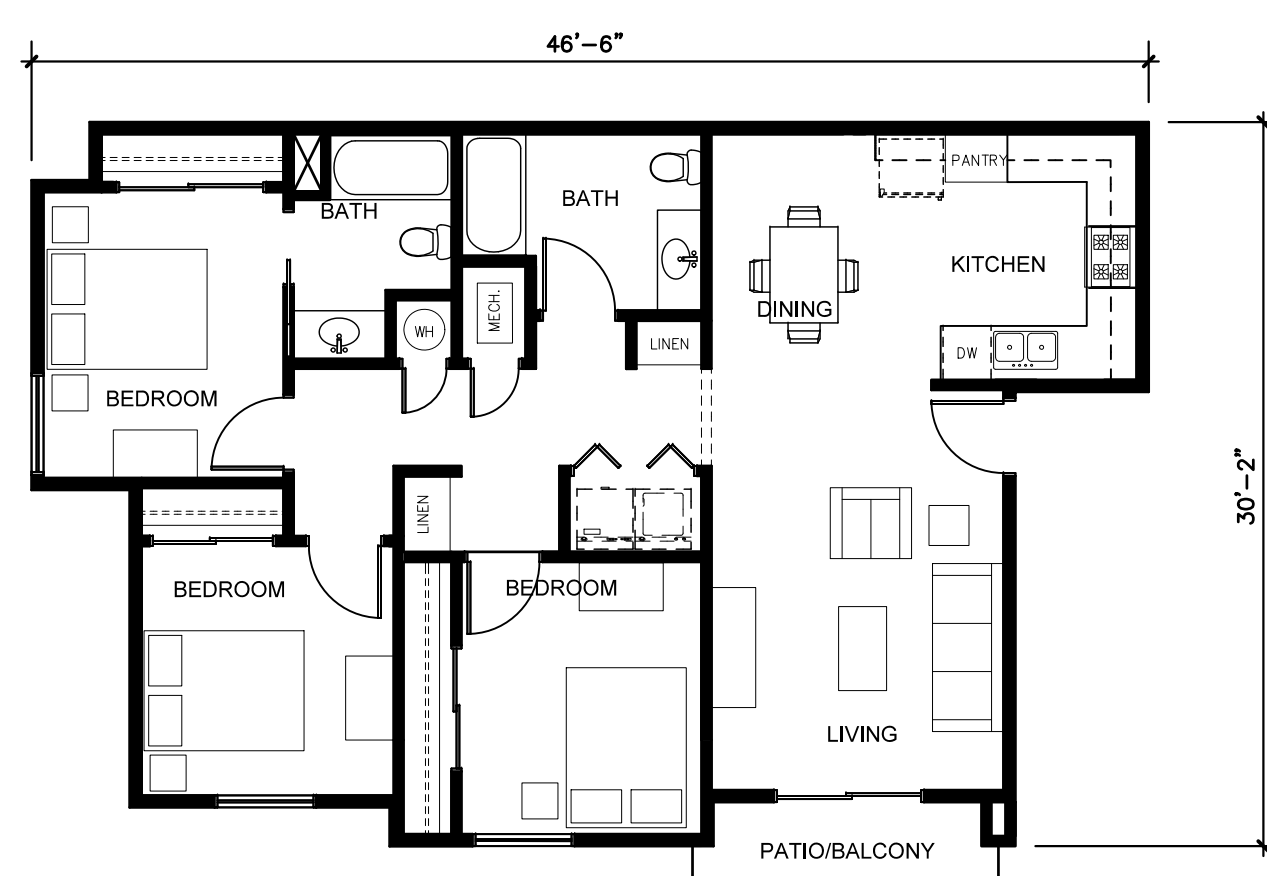
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Visalia, CA**



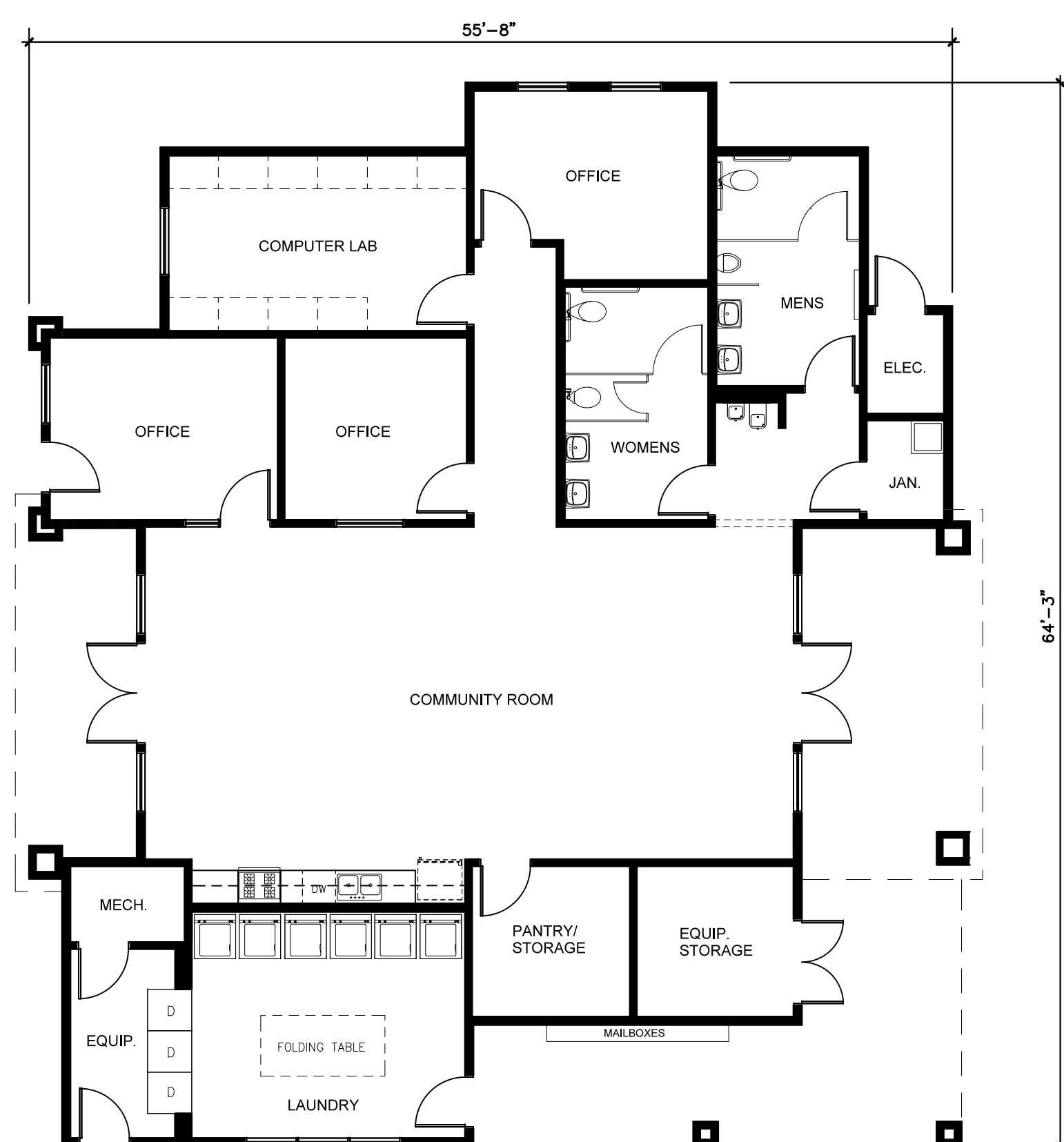
ONE BEDROOM FLOOR PLAN 650 SF



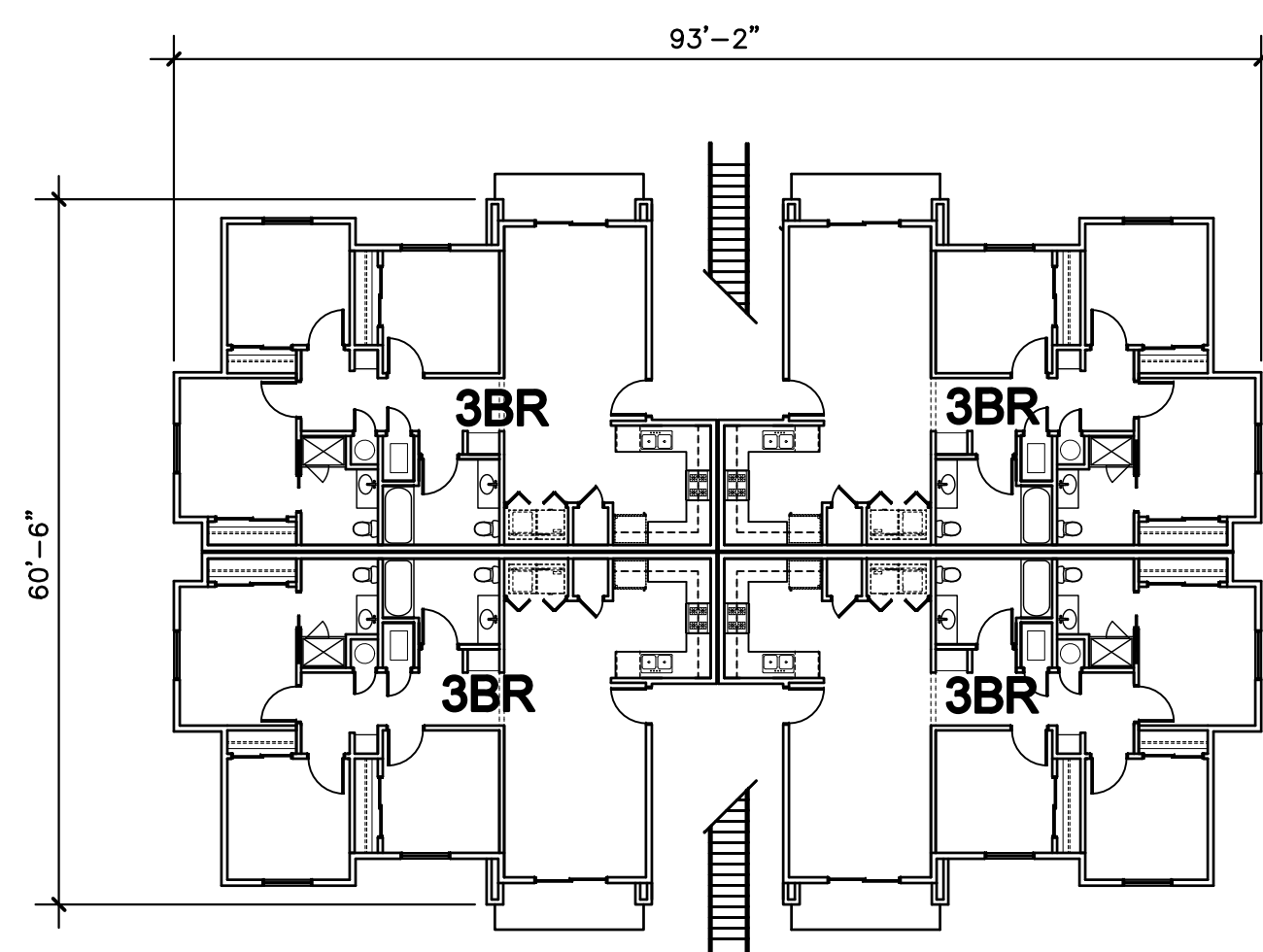
TWO BEDROOM FLOOR PLAN 845 SF



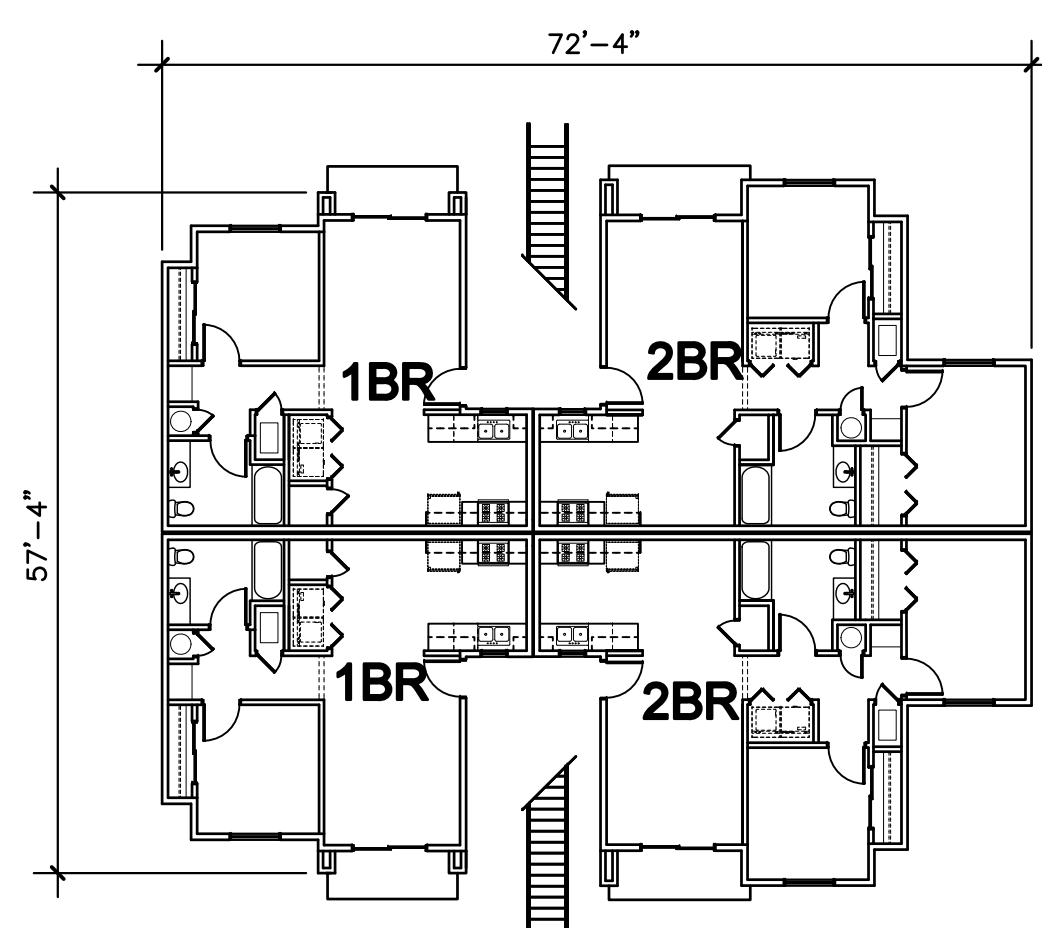
THREE BEDROOM FLOOR PLAN 1116 SF



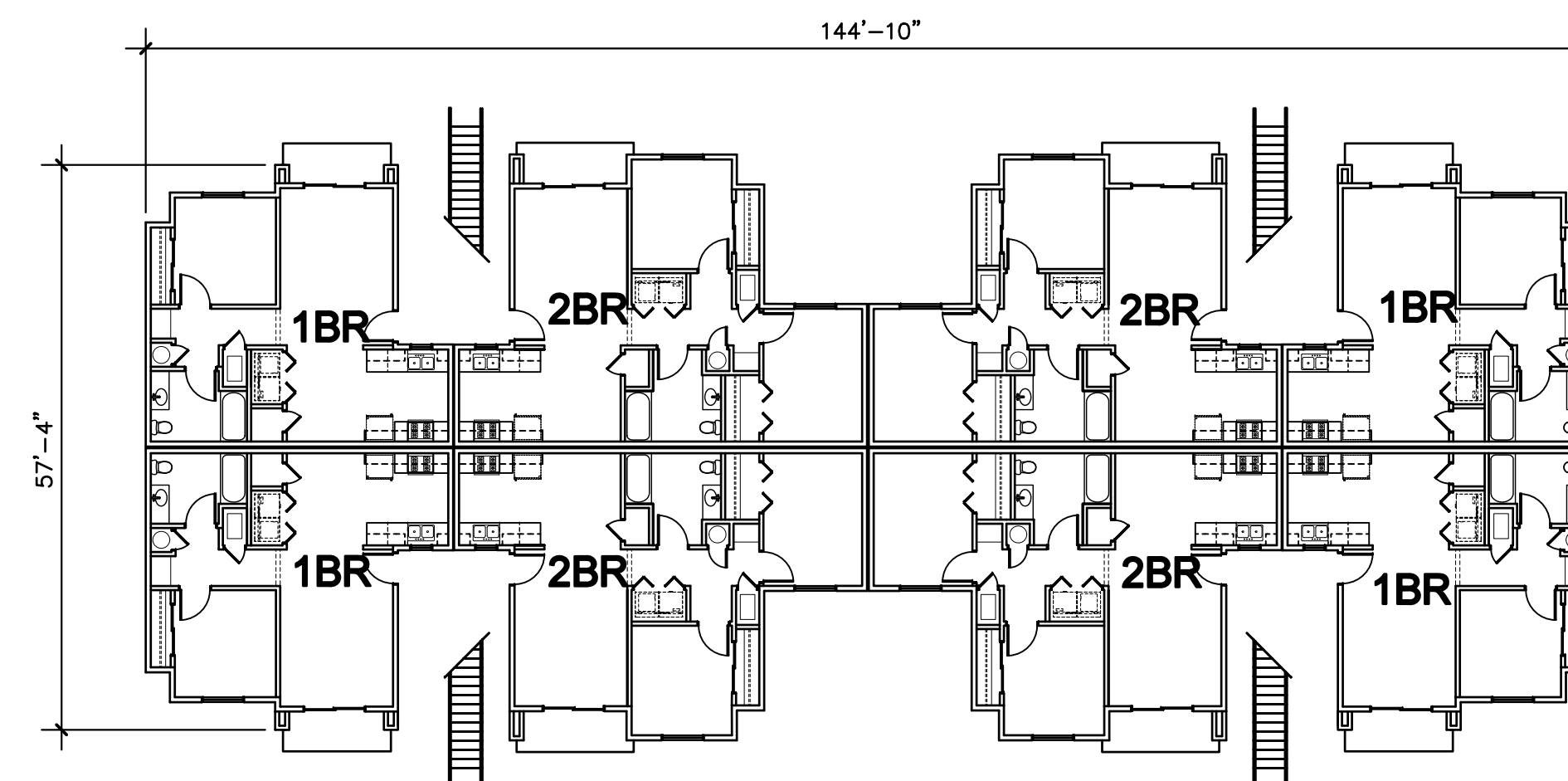
BUILDING E COMMUNITY BUILDING FLOOR PLAN 2506 SF



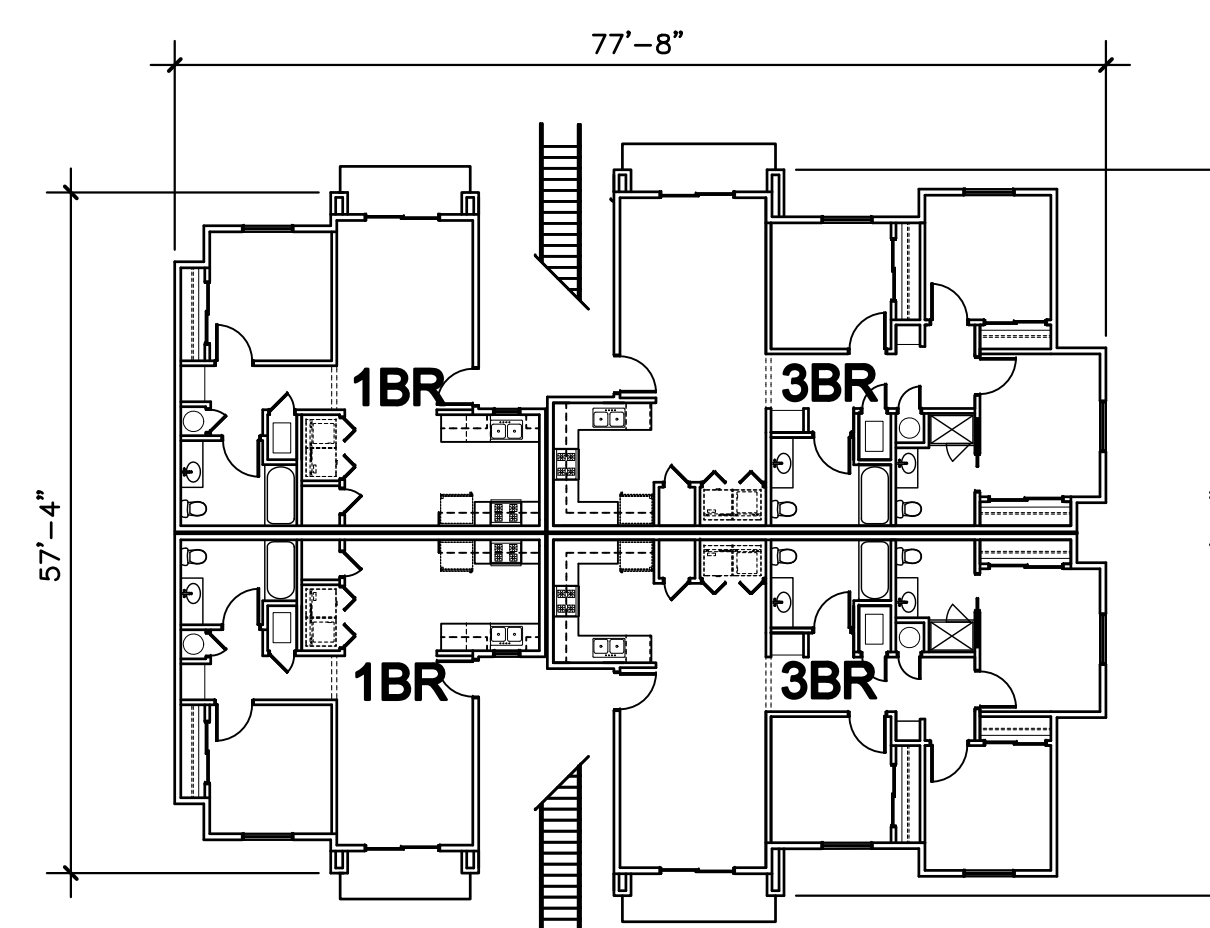
BUILDING A 3 BEDROOM TWELVE-PLEX



BUILDING C 1 & 2 BEDROOM TWELVE-PLEX



BUILDING B 1 & 2 BEDROOM TWENTY-FOUR-PLEX



BUILDING D 1 & 3 BEDROOM EIGHT-PLEX

**BUILDING PLANS**

1/16" = 1'-0"

**FLOOR PLANS**

1/8" = 1'-0"

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No.	Description	Date
Revisions		

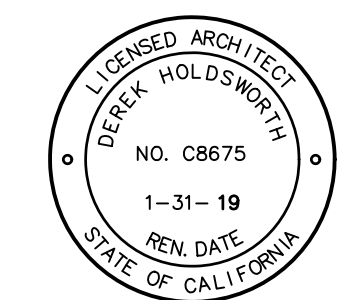
**FLOOR PLANS  
BUILDING PLANS**

Scale:	Sheet No:	<b>A2</b> sheets
Job No: 2936		
Date: 11/9/18	of	





4660 American Avenue Suite 200  
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(661) 834-1331 FAX (661) 834-1376



Derek Holdsworth AIA C 8675

**AN AFFORDABLE  
52 UNIT  
MULTI-FAMILY  
HOUSING  
PROJECT**

**MADERA  
CALIFORNIA**

**S.E.C. Dyer Ave.  
& Highway 99**

FOR



**8445 W. Elowin Ct.  
Visalia, CA**

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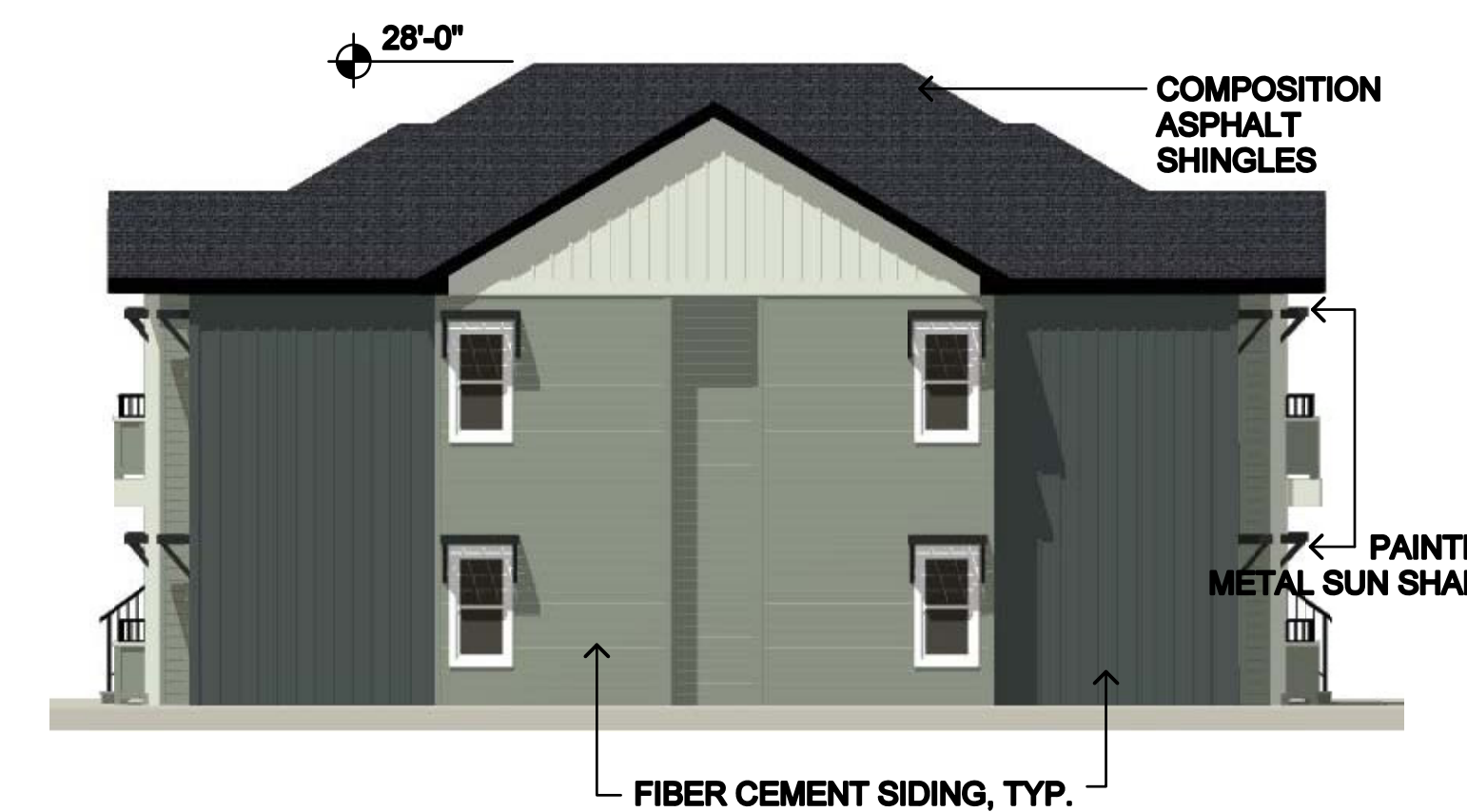
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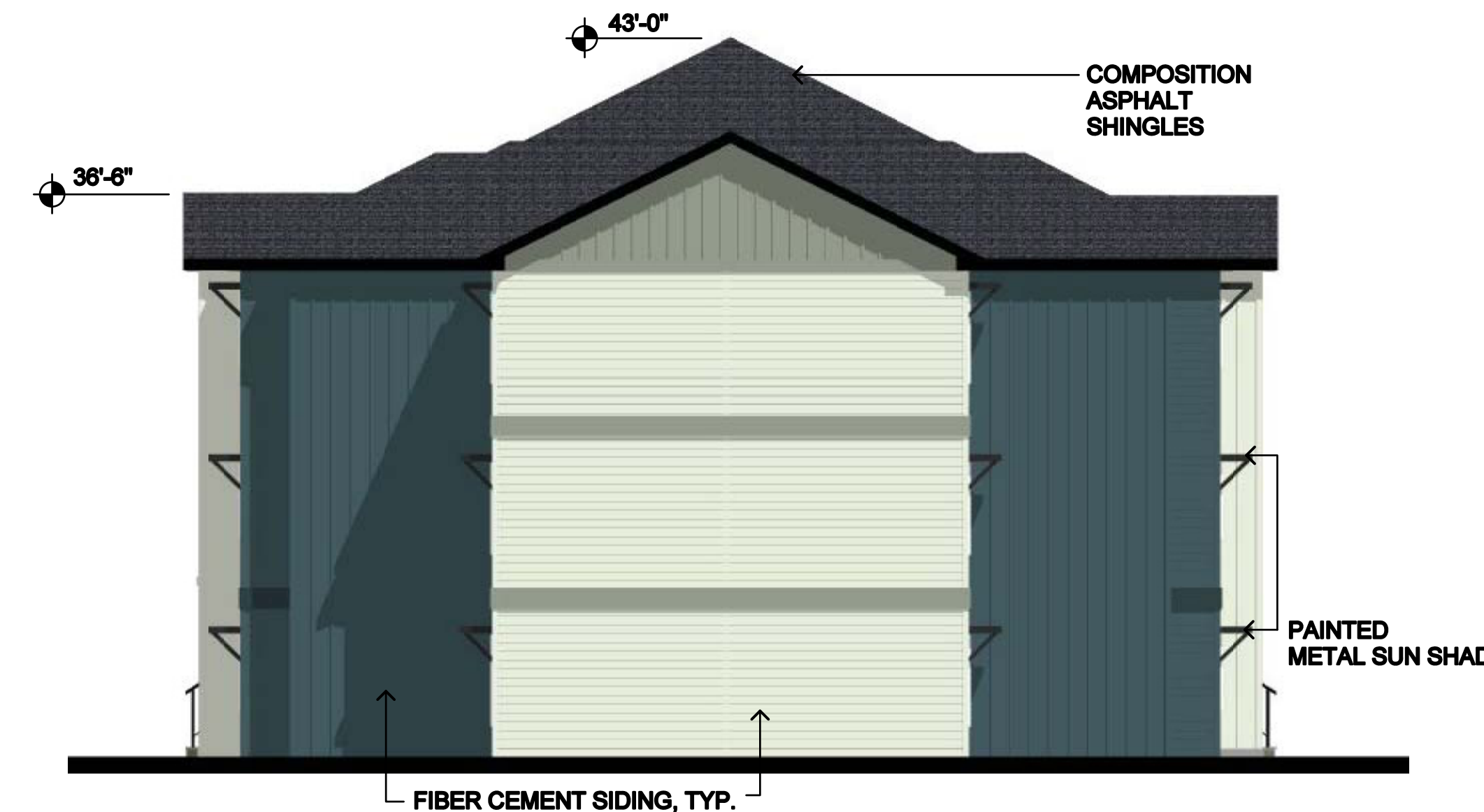
FRONT/BACK ELEVATION  
BUILDING A



SIDE ELEVATION



FRONT/BACK ELEVATION  
BUILDING B



SIDE ELEVATION



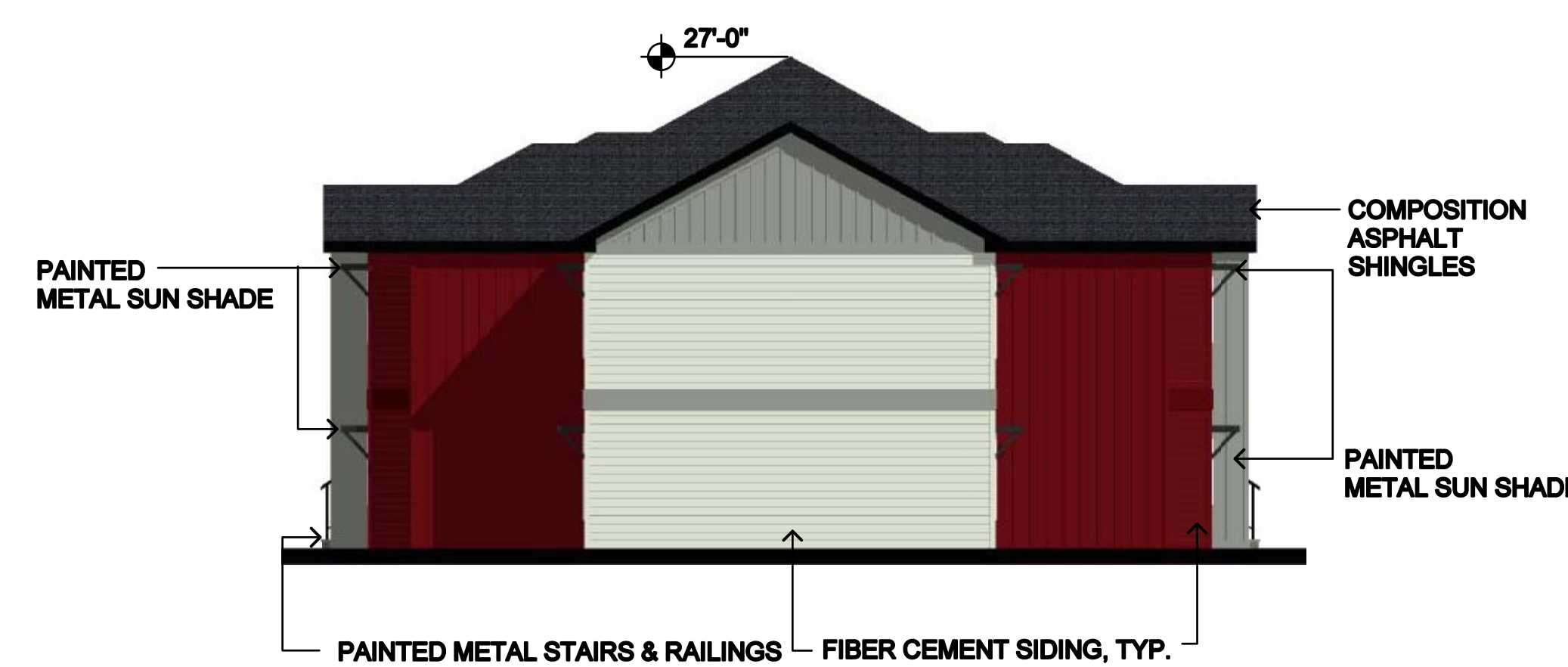
FRONT ELEVATION



BACK ELEVATION



RIGHT SIDE ELEVATION  
BUILDING C



LEFT SIDE ELEVATION

EXTERIOR ELEVATIONS

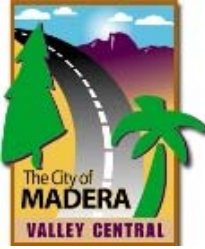
1/8" = 1'-0"

No.	Description	Date
Revisions		
EXTERIOR ELEVATIONS		
Scale:	Job No: 2936	Sheet No: A3
Date: 12/5/18		of sheets

PLOT DATE: 12/05/2018 PLOT TIME: 4:07 PM PATHNAME: (D:\PROJECTS\Drawings\Self-Help\Madera\32368\_Sht\_A1.dwg)







CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Tierra Vista Estates Precise Plan Modification  
PPL 2005-01 MOD3 and Environmental Determination  
Item #3 – January 8, 2019**

---

**PROPOSAL:** An application to amend a previously approved precise plan to allow for the development of three new home models, each with three varying elevations, on fifteen of the seventy-eight lots within the Tierra Vista Estates subdivision.

---

<b>APPLICANT:</b>	Jose Franco	<b>OWNER:</b>	JL Marquez Properties LLC
<b>ADDRESS:</b>	Multiple	<b>APN:</b>	Multiple
<b>APPLICATIONS:</b>	PPL 2005-01 MOD3	<b>CEQA:</b>	Categorical Exemption

---

**LOCATION:** The project site is located on the north side of Gary Lane at its intersection with Majestic Way.

**STREET ACCESS:** The subdivision lots included in the proposed precise plan amendment take access from Gary Lane, Diamond Way, or Bo Tree Lane.

**PARCEL SIZE:** Average lot size is approximately 4,500 square feet.

**GENERAL PLAN DESIGNATION:** MD (Medium Density)

**ZONING DISTRICT:** PD 3000 (Planned Development)

---

**SITE CHARACTERISTICS:** Tierra Vista Estates is a 78-lot single family residential subdivision. Commercial development is located immediately to the west and north. Property to the south is a single-family residential neighborhood. Property to the east is vacant multifamily residential land.

**ENVIRONMENTAL REVIEW:** A negative declaration was certified by the Planning Commission (Commission) for the Tierra Vista Estates subdivision in March of 2005. The proposed modification is consistent with development anticipated in the negative declaration.

---

**SUMMARY:** Precise Plan 2005-01 MOD3, as conditioned, provides for the development new homes on fifteen vacant parcels within the Tierra Vista Estates subdivision consistent with the Zoning Ordinance and the General Plan.



## **APPLICABLE CODES AND PROCEDURES**

MMC §10-3-4.101 Planned Development Zones

MMC §10-3-4.104 Precise Plan Application

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 approval of an amendment to a precise plan subject to the 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**

Tentative Subdivision Map 2005-02 and Precise Plan 2005-01 were approved by the Commission on March 8, 2005. A total of 15 homes were built under the original precise plan. The precise plan was then amended twice, as follows:

- On November 12, 2013, Precise Plan 2005-01 MOD was approved to include three new floor and elevation plans. Approximately 12 homes were constructed under this precise plan before it was allowed to lapse after a year of inactivity.
- On August 14, 2018, Precise Plan 2005-01 MOD2 was approved to allow four new home models on thirty-six parcels. Homes on these lots are either complete or in the permitting/construction process by Crown Construction.

## **ANALYSIS**

The applicant proposes to complete the construction of homes on the remaining fifteen lots at Tierra Vista Estates. The applicant does not control the other 63 lots in the subdivision. As described above, those lots are either fully developed or under development now by Crown Construction in conjunction with a previously approved precise plan amendment. The applicant proposes to construct three home plans, each with three distinct architectural elevations. Models range from 1,369 square feet to 1,515 square feet.

All three of the models fit within the optimal setbacks for residential construction on all fifteen lots. All models include a two-car garage, a front porch and a rear patio. The three models are as follows:

- Avon 1,363 sq. ft. 3 bedrooms, 2-bathroom Garage Neutral
- Triventi 1,450 sq. ft. 4 bedrooms, 2-bathroom Garage Subordinate
- Jordana 1,515 sq. ft. 4 bedrooms, 3-bathroom Garage Subordinate

### General Plan Conformance

- *Model Elevations*

The proposed elevations are similar in architectural style to the elevations approved within Precise Plan 2005-01 MOD2. The three proposed models will be offered in Spanish, Mediterranean, and Craftsman elevation styles. All models will include a two-car garage, a front porch, and a rear patio which are “encouraged” features as stated in General Plan policy CD-35. In addition, models will include tile roofing, varying architectural treatments including stone and rock, wall sconces, varying window shutters, gable decorations, and hatched window treatments. The developer is proposing Spanish tile on Spanish and Mediterranean elevations and flat tile roofing on Craftsman models as a standard feature. Cumulatively, these features “reflect attention to detail as necessary to produce high architectural design and construction quality” (CD-34).

- *Garage Subordinate Design*

General Plan policy CD-32 states that “Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street.” The three proposed home models fully satisfy CD-32. The General Plan mandates that garage subordinate designs be a prevalent feature within the neighborhood and, with staggered setbacks alongside a mix of garage subordinate homes, the overall “exterior of residential buildings [will] be varied and articulated to provide visual interest of the streetscape” (CD-33).

- *Side-yard Elevations*

In addition to providing a varied primary elevation, the General Plan requires that where side and/or rear exterior elevations are visible from the right-of-way, architectural treatments be incorporated in keeping with the front (primary) elevation (CD- 34). For the number of lots that will have exterior elevations visible from the public right-of-way, it is recommended that the side and/or rear elevations be enhanced to provide architectural features consistent with the primary elevation.

- *Varied Setbacks*

General Plan Policy CD-31 requires that “residential building setbacks from the street should be varied when possible in all areas of Madera.” Precise plan conditions of approval require the front structural setback to vary from the minimum 12 feet to a maximum of 20 feet, with at least a two-foot variation amongst any two adjacent lots, and a five-foot variation over any three consecutive lots, regardless of home models. In all cases though, a 20-foot setback to the garage will be provided.

- *Landscaping*

Landscaping plans are required as an element of the modified precise plan. In review of current landscaping design, additional attention to detail and aesthetic design is necessary so as to

better satisfy Community Design Goal 4, which requires “Attractive streetscapes in all areas of Madera.” Staff recommends revised landscape plans for each proposed model be submitted to the Planning Department for review and approval prior to issuance of building permits.

Combined with existing requirements for varying setbacks and model distribution, Precise Plan 2005-01 MOD3 is consistent with the goals and policies of the General Plan.

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

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

### **RECOMMENDATION**

The modification to the precise plan allows for the logical completion of a residential neighborhood. As conditioned, the proposed homes and their supporting development standards provide conformity with the General Plan. The information presented supports approval of the project. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the modification to the precise plan.

### **PLANNING COMMISSION ACTION**

The Commission will be acting on the precise plan modification.

Motion 1: Move to approve Precise Plan 2005-01 MOD3 to allow for the modification of the precise plan for Tierra Vista Estates to include the addition of three new floor plans and elevations to be built upon fifteen lots, based on and subject to the findings and conditions of approval:

#### Findings

- A negative declaration was certified by the Planning Commission for the subdivision on the site in March of 2005. The proposed modification is consistent with development anticipated in the Negative Declaration.
- Precise Plan 2005-01 MOD3 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 2005-01 MOD3 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- Precise Plan 2005-01 MOD3 is consistent with the goals and policies of the General Plan.
- Precise Plan 2005-01 MOD 3 continues to implement the tentative map and conditions of approval for the Tierra Vista Estates subdivision.

- The proposed modification is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.

## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. The conditions of approval for Precise Plan 2005-01 MOD3 are specific to Lots 59-61 and Lots 67-78 of the Tierra Vista Estates subdivision. They replace, in their entirety, any previous precise plan approvals applicable to the aforementioned lots.
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. The project shall be developed in accordance with the site plan, floor plans and elevation drawings, as reviewed and approved with Precise Plan 2005-01 MOD3. 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 site improvements shall be completed in advance of any request for building permit final inspection.
4. It shall be the responsibility of the Developer 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. It shall be the responsibility of the Developer to assure that all homes on all lots are compliant with the conditions herein.

### **Engineering Department**

#### **General**

6. The applicant shall complete all the improvements as described in the *Agreement for the Construction of Improvements for Tierra Vista Estates Subdivisions* executed in April of 2006 to allow the City of Madera to accept the subdivision and maintain public improvements associated with the subdivision.
7. Impact fees shall be paid at the time of building permit issuance.
8. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.
9. Any existing improvements that may have become substandard/deficient over the years due to weathering, vandalism or updated standards shall be replaced per current City standards. Surface deterioration in streets such as potholes shall be repaired by the developer.

#### **Water**

10. Water service connections, inclusive of any non-compliant materials that may have been installed, shall be replaced and constructed per current City standards including water

meters located within public right-of-way or public utility easements.

11. Developer shall install backflow prevention devices within landscaped areas as shown on original improvement drawings per current city standards.

#### Sewer

12. Sewer service connections inclusive of any non-compliant materials that may have already been installed, shall be replaced and constructed per current City standards including sewer cleanouts located within public right-of-way or public utility easements.
13. The developer shall be responsible for cleaning existing utility stub outs to prevent any dirt, debris, or contamination of any type from entering the public sewer system.

#### Streets

14. An ADA accessible path of travel shall be constructed across the existing driveway approaches.
15. Substandard and damaged sidewalk, curb and gutter shall be removed and replaced per current City standards. Limit of repairs shall be established by the City Engineering Inspector.

#### **Planning Department**

16. Three new models on the fifteen lots, as outlined in Attachment 2: Site Plan, are approved as part of PPL 2005-01 MOD3. They are:
  - Avon Model 1,369 - single-story floor plan, three bedrooms and two bathrooms
  - Triventi Model 1,450 - single-story floor plan, four bedrooms and two bathrooms
  - Jordana Model 1,515 - single-story floor plan, four bedrooms and two bathrooms

All models shall include a two-car garage.

17. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property.
18. Each approved model shall be available for construction in accordance with the approved architectural styles (Spanish, Mediterranean, Craftsman). Each elevation shall be a standard elevation, approved by the Planning Commission, available for purchase by the client as a standard feature of the home's construction. Each approved model shall include the following features as standard elements of construction:
  - Tile roofing
  - Three-color exterior paint
  - Architectural treatments, including stone and rock, varying wall sconces, window shutters, gable decorations, decorative moldings, wood corbels and/or hatched window treatments unique to and sufficient in quality and quantity so as to provide the required thematic variation and architectural quality, per the approved elevations.
19. For corner, reverse corner and interior lots, where side and/or rear exterior elevations of residential buildings are visible from any street or public right-of-way, architectural treatments in keeping with the front (primary) elevation shall be incorporated. Exhibits

which demonstrate conformance with this condition of approval shall be submitted for approval as a component of submittal for building permit.

20. For reverse corner lots, street side yard setbacks shall be ten feet minimum to fence and structure. No encroachment (by fence or structure) into the required 10-foot side yard setback shall be permitted.
21. All standards for location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R1 (Residential) zoning standards.
22. Except as noted above, all driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
23. No side yard street access shall be allowed on any corner lot. No side yard street access shall be allowed from Lots 59, 68, 69 and 78.

#### Fences and Walls

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

#### Landscaping

25. State of California Model Water Efficient Landscape Ordinance compliant landscape and irrigation plans shall be submitted to the Planning Department for each of the approved models. The landscape and irrigation plans shall be approved by the Planning Manager prior to issuance of building permit.
26. Front yard and street side yard landscaping shall be planted in conjunction with construction of all single-family homes. Two City approved street trees shall be planted in the street side yards of corner lots. No trees shall be planted within thirty (30') feet of any streetlight or five (5') feet from any fire hydrant. Each street tree shall be planted with a City approved root barrier. In addition to the aforementioned street tree(s), a minimum of one City approved tree shall be provided in the front yard of all lots.
27. Rear yard fencing and front and street side yard landscaping and irrigation systems shall be installed in accordance with the approved landscaping and irrigation plans before the final building inspection of any residential units. All maintenance shall be by the individual homeowner.
28. Along East Gary Lane, landscaping shall include a minimum of one City approved street tree every fifty (50') feet, along with root guards. Any existing landscaping along Gary Lane, shall be rehabilitated and maintained in a well-manicured manner. No trees shall be planted within thirty (30') feet of any street light or five (5') feet from any fire hydrant. Each tree shall be planted with a City approved root barrier.
29. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the residences during winter months.

#### Other Criteria



30. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets are recommended in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.
31. HVAC units shall be ground mounted, located in the rear or interior side yard of the lot. No roof mounted air conditioning and heating ventilation units shall be allowed.
32. The following criteria shall be applied to the location of homes on individual lots:
  - The appearance of a home is affected by at least three primary features, including:
    - 1) home plan
    - 2) alternative elevations for each plan; and
    - 3) colors
  - Homes built on side-by-side lots shall not repeat more than one these primary home features. The model floor plans shall not be repeated on more than two consecutive lots.
33. The front structural setback shall vary from a minimum 12 feet to a maximum of 20 feet, with at least a two-foot variation amongst any two adjacent lots, and a five-foot variation over any three consecutive lots, regardless of home models. In all cases, though, a 20-foot setback to the garage shall be provided.

The minimum front setbacks for all lots shall be:

- 20 feet minimum depth to garage
- 12 feet minimum to living space
- 12 feet minimum to porch

#### Construction Trailer & Sales Center

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

#### **Fire Department**

36. All residential properties are required to be equipped with automatic fire sprinkler protection. Permits must be obtained prior to the framing inspection of each dwelling, as individual dwelling is constructed.

**(OR)**

Motion 2: Move to continue the application for Precise Plan 2005-01 MOD3 to the February 12, 2019 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 Precise Plan 2005-01 MOD3, based on and subject to the following findings: (specify)

**ATTACHMENTS**

Attachment 1: Aerial Photo

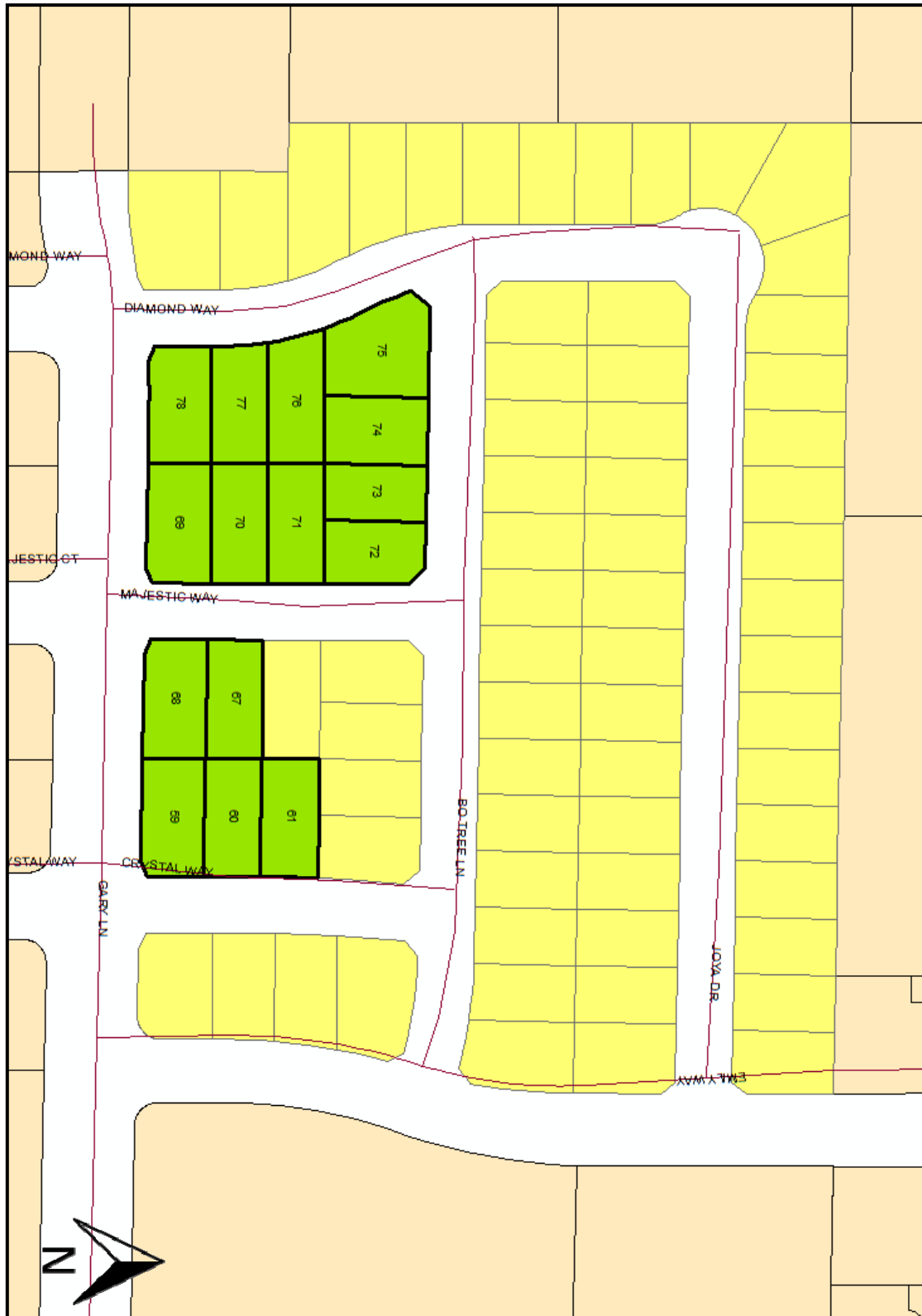
Attachment 2: Site Plan

Attachment 3: Proposed Floor Plans and Elevations

Attachment 1: Aerial Photo

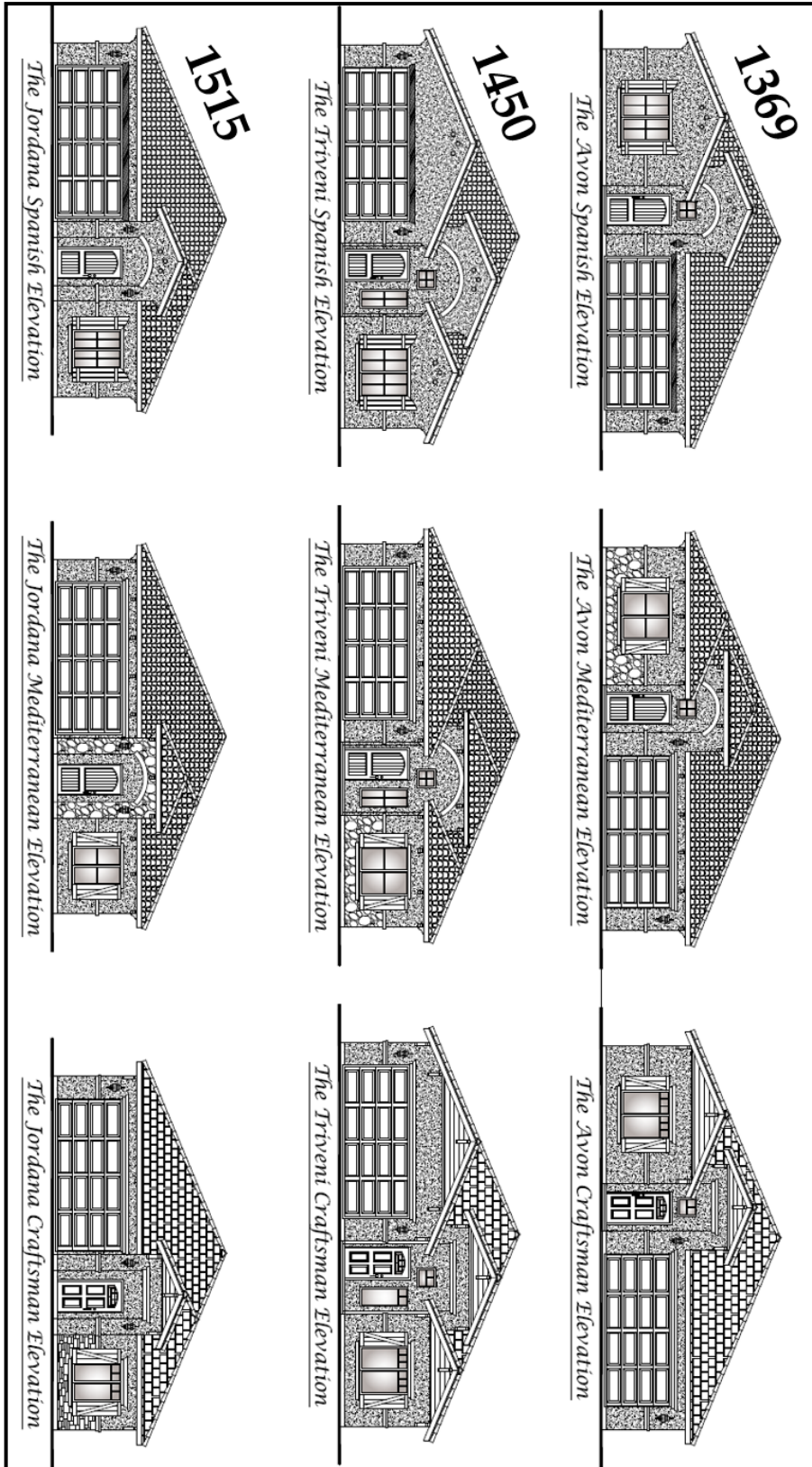


## Attachment 2: Site Plan

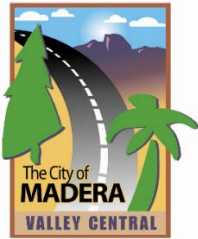


PPL 2005-MOD3 applies to the fifteen labeled lots

Attachment 3: Proposed Floor Plans and Elevations







CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Madera Gateway Market Outdoor BBQ  
CUP 2018-20, SPR 2018-34 & Categorical Exemption  
Item #4 – January 8, 2019**

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**PROPOSAL:** An application for a conditional use permit and site plan review to allow for the placement and operation of an outdoor barbeque in conjunction with the existing Madera Gateway Market.

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<b>APPLICANT:</b>	Raied Alamari	<b>OWNER:</b>	Noman Alamari
<b>ADDRESS:</b>	518 South Gateway Drive	<b>APN:</b>	011-041-002
<b>APPLICATION:</b>	CUP 2018-20 and SPR 2018-34	<b>CEQA:</b>	Categorical Exemption

---

**LOCATION:** The property is located at the northeast corner of South Madera Avenue and 10<sup>th</sup> Street.

**STREET ACCESS:** The site has access to South Madera Avenue and 10<sup>th</sup> Street.

**PARCEL SIZE:** Approximately 0.19 acres

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** I (Industrial)

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**SITE CHARACTERISTICS:** The site is generally surrounded by commercial development to the north and east, a motel to the south, and single-family residences to the 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).

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**SUMMARY:** The applicant is requesting the allowance to establish an outdoor barbecue use as a component of the Madera Gateway Market business model. Establishing the outdoor barbecue would require that two of the three on-site parking stalls be occupied during the proposed weekend hours of operation. The existing use does not have sufficient parking and placement of the outdoor barbecue use within the parking field would further exacerbate the parking shortfall. There is no alternative placement of the outdoor cooker which will not encroach into the right-of-way, impede circulation, or utilize available on-site parking. Without sufficient parking and a location that would not exacerbate available parking, staff recommends denial of the conditional use permit.



## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.1002 I (Industrial) Zone Uses Permitted

MMC § 10-3.1301 Use Permits

MMC § 10-3.4.0102 Site Plan Review Applicability

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

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

## **PRIOR ACTION**

No prior action has been taken on the project site.

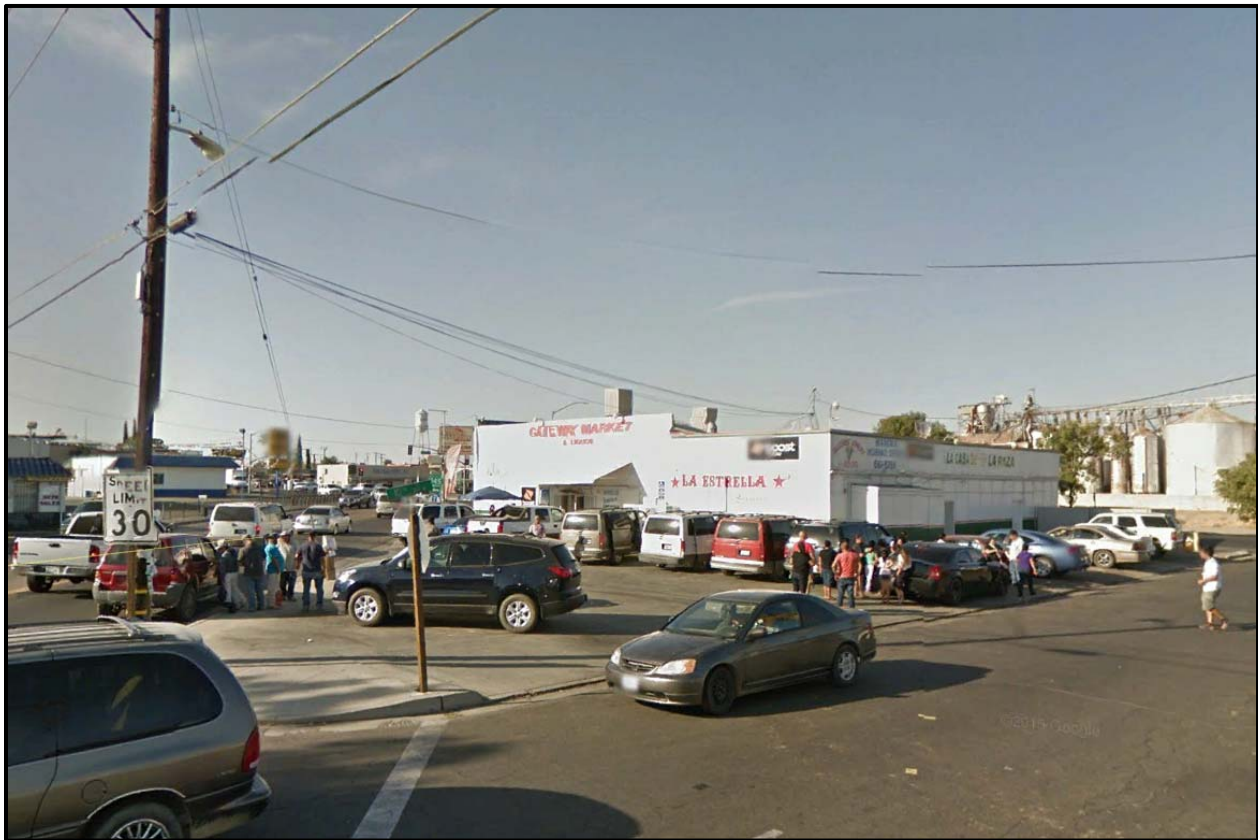
## **ANALYSIS**

The Madera Gateway Market owners are proposing to set up an outdoor barbecue cooker and sell barbecue food as a component of the business model. The outdoor cooking activities are proposed to occur on weekends between the hours of 10:00AM and 5:00PM. Once the food is prepared, it will be relocated inside the grocery store where customers will be able to purchase the food to take home. No outdoor sales or dining is proposed. The barbecue cooker was initially proposed to be located within proximity to the entrance of the market, fronting South Madera Avenue. After initial analysis, it was determined the proposed placement of the food cooker would be a fire safety hazard and thus the applicant reconsidered the placement of the cooker to an alternative location on the site.

While outdoor barbecues have been incorporated into similar grocery businesses in Madera over the last few years without significant problems, the physical placement of a barbecue at the Madera Gateway Market presents a unique challenge. Parking and circulation are very congested on the property, and most of the parking is located fully or partially within the adjacent street rights-of-way. Parking demand is impacted by a series of unpermitted businesses that sometimes lease space within the store's footprint. These issues are discussed in more detail below.

### Parking

Any intensification on the project site is particularly complicated due to the parcel's inability to accommodate the required parking stalls for the existing retail food store. The building occupies approximately 5,250 square feet of the parcel's approximate 8,600 square feet respectively. Per the Madera Municipal Code (MMC), retail food stores require 1 parking stall per every 250 square feet of gross floor area. As the image below shows, the site is significantly impacted during peak hours. The majority of parking utilized on the site is either not to City standard and/or encroaches onto City / Caltrans right-of-way. Allowance of the outdoor cooking activity would require that at a minimum of two parking stalls be reserved for the barbecue cooker further eliminating available parking on the site.



### Grocery Market and Unpermitted Lease Spaces

Based on building permits, Madera Gateway Market has been in operation since approximately 1983. Early records indicate the site operated as a neighborhood grocery and meat market. Alcohol has also been available for sale at the market. These uses are considered legal non-conforming (“grandfathered”) uses, meaning that they were established legally but they do not conform with current zoning requirements or development standards. Historical records and recent requests for business licenses also indicate that the owner has subleased floor space to numerous unpermitted businesses concurrent with the grocery store and meat market. Unpermitted businesses have included a restaurant, an insurance office, a travel agency, a phone store, and a jewelry store.

When it was observed that the site had begun to expand uses, both the property owner and business tenants were advised of the implications of expanding the site with uses that further exacerbate the site’s underserved parking. Multiple letters addressing the insurance office, the restaurant, and a sports apparel business were sent in January of 2017 (see Attachment 3). The letters outlined the unpermitted expansion of a multi-tenant business environment on the site as well as the entitlement process that would facilitate the expansion.

Following the written communications, staff had additional dialogue that further discussed the site plan review process and the potential for unpermitted activity to lead to an enforcement action. The property owner and business tenants did not take any proactive steps to initiate the site plan review process and legalize the businesses as a result of the letters. However, it would appear that certain non-permitted businesses may have discontinued operations on the Gateway Market site at some point prior to the current request for the outdoor barbeque. During a recent visit to the site, it was observed that only the insurance tenant appeared to be still operating from the site. The restaurant, with seating for thirty customers, was not in operation.

The parking matrix below shows the number of available, available nonconforming, and required parking stalls for the market use. As noted above, the outdoor use would eliminate at a minimum two available parking stalls on the site.

Parking	Available	Available Nonconforming	Required
Madera Gateway Market	3	± 17 stalls	21

As it relates to the parking issue, the operation of a neighborhood market is a grandfathered use. Because of the grandfathered status of the market, no additional parking is required in conjunction with those operations. However, additional parking is required when an intensification of activities occurs on the site, such as the aforementioned subleasing of the property to other businesses. In those cases, the grandfathering clause is extinguished, and the market loses its grandfather status and subsequent exemption to the parking requirements of City.

### Caltrans Comments

As part of the proposal, the request was routed to the California Department of Transportation (Caltrans) for comments. Though outdoor cooking activities will not create an immediate right-of-way conflict with Caltrans, the agency has restricted the site from establishing any outdoor cooking activities or expanding the building within seven feet of the existing property line along the South Madera Avenue frontage. Caltrans has designated the noted seven feet as the “future ultimate right-of-way.” With limitations on the placement of the outdoor cooker, the alternative location for the outdoor cooker would be on two of the southernmost parking stalls.

### Project Summary

As noted above, the site has historically operated as a grocery and meat market for the surrounding neighborhood, eventually evolving into a grocery store that accommodated unpermitted accessory businesses. Disregarding the unpermitted business uses, the site has a grandfathered use that allows for a grocery market and a Type 21 Alcohol Beverage Control (ABC) license.



Outdoor activities such as outdoor cooking have been granted approval on a case by case basis in zone districts where analysis has indicated little to no impact to the site and/or surrounding uses through conditions of approval. Though outdoor cooking and selling of barbecued food is not considered an expansion of the retail food use, in this case, outdoor cooking does expand into required parking on the site. With insufficient parking on the site for the grocery store alone, staff cannot recommend approval of the outdoor cooking activity. As proposed, there is no

acceptable location to place the outdoor cooker wherein the use will not encroach into the right-of-way, utilize required parking, or impede circulation.

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

Though approval of the establishment of outdoor cooking activities 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 denial of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and deny Conditional Use Permit 2018-20 and Site Plan Review 2018-34 subject to the findings outlined in this report.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the request for Conditional Use Permit 2018-20 and Site Plan Review 2018-30, determining to either:

- deny the application, or
- continue the hearing

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 deny Conditional Use Permit 2018-20 and Site Plan Review 2018-34, based on and subject to the following findings:

### Findings

- The project site does not provide sufficient parking for the grandfathered grocery and meat market use, independent to other unpermitted businesses.
- There is no alternative location to place the outdoor cooker wherein the use will not encroach into the right-of-way, utilize required parking, or impede circulation.
- With no suitable location for the placement of the outdoor cooker, the establishment, maintenance or operation of the use will, 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.

**(OR)**

Motion 2: Move to continue the public hearing for Conditional Use Permit 2018-20 and Site Plan Review 2018-34 to the February 12, 2019 Planning Commission hearing, based on and subject to the following (specify):

**(OR)**

Motion 3: Move to approve Conditional Use Permit 2018-20 and Site Plan Review 2018-34 to allow for outdoor cooking, based on and subject to the following findings and conditions of approval (specify):

**ATTACHMENTS**

1. Aerial Photo
2. Caltrans Letter
3. Communication Letters



Attachment 1: Aerial Photo





## Attachment 2: Caltrans Comment Letter

### DEPARTMENT OF TRANSPORTATION

#### DISTRICT 6

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 444-2493  
FAX (559) 445-5875  
TTY 711  
www.dot.ca.gov



*Making Conservation a  
California way of life.*

October 29, 2018

06-MAD-145-9.21  
Gateway Market  
CUP 2018-20 & SPR 2018-34  
REVISED

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

Dear Mr. Orozco:

We have completed our review of an application for a conditional use permit and site plan review to allow for the outdoor preparation of (BBQ) chicken. The food will be cooked using an outdoor cooker and customers will be able to purchase the cooked chickens from within the existing market. There will be no outdoor dining area. This site is located at the southeast corner of State Route (SR) 145 (South Madera Avenue) and South Gateway Drive (518 South Gateway Drive). Caltrans has the following comments:

The existing right-of-way (ROW) along the Project frontage is 80 feet, 40 feet from the highway centerline. SR 145 in the Project proximity is planned for a 4-lane highway with a raised median and a left-turn lane within 94 feet, 47 feet from the highway centerline. The 94 feet would allow five 12-foot lanes, a 6-foot raised median, two eight-foot shoulders, and two six-foot sidewalks. Seven feet of additional right-of-way would be needed if the existing structure were to be reconstructed in the future.

Additionally, the location of the proposed outdoor cooker should be a minimum of six inches from the future ultimate ROW. The City should also consider their established setback requirements, if any.

The existing curb ramps at the northwest corner of SR 145 at Gateway Drive and the southwest corner of SR 145 at 10<sup>th</sup> Street are not to current Caltrans standards. Existing curb, gutter and sidewalk or lack of sidewalk, and curb ramps will need to be reconstructed/constructed to meet current ADA standards. The existing driveway on SR 145 near Gateway driveway will need to be reconstructed to meet current standards and width. The driveway located on SR 145 near 10<sup>th</sup> Street does not meet the minimum access spacing to the existing driveway to the north, preferred spacing is 180 feet (from centerline of driveways). Therefore, it is recommended that the driveway be removed.

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

LD-IGR GTS # 06-MAD-2018-00110

Mr. Jesus R. Orozco, Assistant Planner  
October 29, 2018  
Page 2

If you have any further questions, please contact me at (559) 444-2493.

Sincerely,



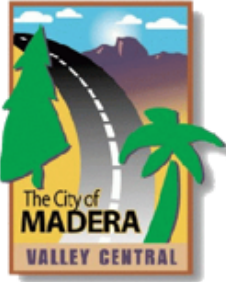
DAVID PADILLA  
Associate Transportation Planner  
Planning North Branch

c: Michael Navarro, Chief, Planning North Branch, Caltrans

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

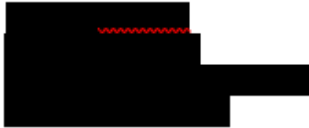
LD-IGR GTS # 06-MAD-2018-00110

## Attachment 3: Communication Letters



# **CITY OF MADERA PLANNING DEPARTMENT**

January 27, 2017



**SUBJECT: 518 South Gateway Drive, Madera, CA 93638 – Expansion of Business**

Mr. Alamari:

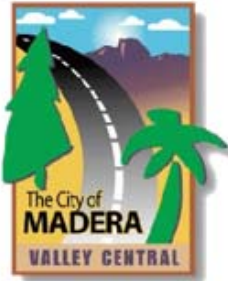
The Gateway Market at 518 South Gateway Drive was issued their business license on December 23, 2008. Since then, three businesses have submitted a business license application requesting to be located inside the Gateway Market structure. These businesses functionally expand the business model of the Gateway Market, creating a multi-tenant business environment within the market. City staff observed the site and confirmed that other businesses currently operate within the Gateway Market structure.

You may or may not be aware that an expansion of use requires approval of a site plan review from the City of Madera Planning Department. Unfortunately, there has been no prior approval of a site plan review that allows for the operation of the various businesses within the Gateway Market. These businesses are operating without a required business license.

Upon receipt of this letter, please contact me for assistance with completing the required site plan review process. You may contact me at (559) 661-5434, [rholt@cityofmadera.com](mailto:rholt@cityofmadera.com), or visit me at the Planning Department counter in City Hall. Thank you in advance for your prompt attention.

Respectfully,

Robert Holt  
Assistant Planner



# **CITY OF MADERA PLANNING DEPARTMENT**

January 27, 2017



**SUBJECT: 518 South Gateway Drive, Madera, CA 93638 – Madera Insurance Services**

Dear Blanca,

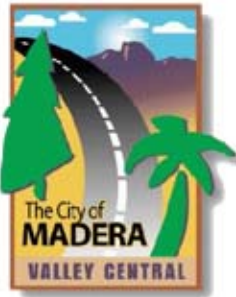
The Madera Insurance Services business submitted a business license application on 04/20/2016 at 518 South Gateway Drive to be located within the Gateway Market. The operation of another business within the approved Gateway Market results in an expansion of the market.

You may or may not be aware that an expansion of use requires approval of a site plan review from the City of Madera Planning Department. Unfortunately, there has been no prior approval of a site plan review that allows for the operation of this business at 518 South Gateway Drive.

Upon receipt of this letter, please contact me for assistance with completing the required site plan review process. You may contact me at (559) 661-5434, [rholt@cityofmadera.com](mailto:rholt@cityofmadera.com), or visit me at the Planning Department counter in City Hall. Thank you in advance for your prompt attention.

Respectfully,

Robert Holt  
Assistant Planner



## **CITY OF MADERA PLANNING DEPARTMENT**

January 27, 2017



**SUBJECT: 518 South Gateway Drive, Madera, CA 93638 – Colectivo Sabor a Mi Tierra**

Dear Rosa Hernandez,

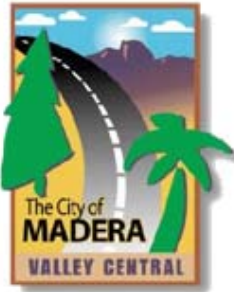
The Colectivo Sabor a Mi Tierra business submitted a business license application on 02/04/2014 at 518 South Gateway Drive to be located within the Gateway Market. The operation of another business within the approved Gateway Market results in an expansion of the market.

You may or may not be aware that an expansion of use requires approval of a site plan review from the City of Madera Planning Department. Unfortunately, there has been no prior approval of a site plan review that allows for the operation of this business at 518 South Gateway Drive.

Upon receipt of this letter, please contact me for assistance with completing the required site plan review process. You may contact me at (559) 661-5434, [rholt@cityofmadera.com](mailto:rholt@cityofmadera.com), or visit me at the Planning Department counter in City Hall. Thank you in advance for your prompt attention.

Respectfully,

Robert Holt  
Assistant Planner



# **CITY OF MADERA PLANNING DEPARTMENT**

January 27, 2017



**SUBJECT: 518 South Gateway Drive, Madera, CA 93638 – SPS Deportes**

Dear Mr. Perez,

The SPS Deportes business submitted a business license application on 03/28/2016 at 518 South Gateway Drive to be located within the Gateway Market. The operation of another business within the approved Gateway Market results in an expansion of the market.

You may or may not be aware that an expansion of use requires approval of a site plan review from the City of Madera Planning Department. Unfortunately, there has been no prior approval of a site plan review that allows for the operation of this business at 518 South Gateway Drive.

Upon receipt of this letter, please contact me for assistance with completing the required site plan review process. You may contact me at (559) 661-5434, [rholt@cityofmadera.com](mailto:rholt@cityofmadera.com), or visit me at the Planning Department counter in City Hall. Thank you in advance for your prompt attention.

Respectfully,

Robert Holt  
Assistant Planner