

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

**COUNCIL CHAMBERS - CITY HALL  
TUESDAY  
August 13, 2019  
6:00 pm**

**CALL TO ORDER**

**ROLL CALL**

Commissioner Robert Gran, Jr. (Chairperson)  
Commissioner Israel Cortes (Vice Chairperson)  
Commissioner Richard Broadhead  
Commissioner Ryan Cerioni  
Commissioner Ramon Lopez-Maciel  
Commissioner Pamela Tyler  
Commissioner Alex Salazar

**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:** May 14, 2019

**CONSENT ITEMS:** None

**PUBLIC HEARING ITEMS:**

- 1. REZ 2019-02, GPA 2019-01 & PPL 2019-03 – River Sand Park Multifamily Complex**  
A noticed public hearing to consider a General Plan amendment, rezone and precise plan on approximately seven acres of land located at the southwest corner of the intersection of Westberry Boulevard and Fairfield Way to allow for the construction of a 93-unit multifamily residential apartment complex. The General Plan amendment requests a change from the LD (Low Density) to the MD (Medium Density) General Plan land use designation. The rezone requests a change from the R1 (Low Density) to the PD-3000 (Planned Development) Zone District. The precise plan would memorialize the development standards applicable to the multifamily residential project (APN: 006-380-026). A Negative Declaration will be considered by the Planning Commission.

**2. CUP 2019-09, 10 & SPR 2019-17 - Valero**

A noticed public hearing to consider two conditional use permits and one site plan review to allow for the sale of beer, wine and tobacco for off-site consumption in conjunction with the development of a Valero gas station and convenience store located on the northeast corner of the intersection of South Gateway Drive and East Almond Avenue in the CH (Highway Commercial) Zone District with a C (Commercial) General plan land use designation (APN: 012-390-023). A Mitigated Negative Declaration will be considered by the Planning Commission.

**3. VAR 2019-02 – Perez Accessory Structure**

A noticed public hearing to consider a variance from the accessory structure height requirements to allow for a 23'-6" garage building where a maximum of fifteen feet in height is allowed on property located on the northeast corner of the intersection of West Pecan Avenue and Monterey Street (397 West Pecan Avenue) in the PD 6000 (Planned Development) Zone District with a LD (Low Density Residential) General Plan land use designation (APN: 012-310-054). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15305 (Minor Alterations in Land Use Limitations).

**4. CUP 2017-01 EXT 2 – Quality Children’s Services Extension**

A noticed public hearing to consider a request for a one-year extension of CUP 2017-01 to allow for the establishment of a commercial daycare facility located approximately 500 feet north of the intersection of Stinson Avenue and South A Street (333 Stinson Avenue) in the R1 (Low Density) Zone District with a LD (Low Density) General Plan land use designation (APN's: 011-234-017, 018 & 019). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

**NON-PUBLIC HEARING ITEMS:**

**1. CUP 2013-11 MOD – Joyee’s Recycling Review**

A review of the performance of Conditional Use Permit 2013-11 MOD, which allows for the operation of a recycling center at 709 North D Street, and determination as to the necessity of scheduling a public hearing to determine whether revocation is appropriate. The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies).

**WORKSHOPS:**

**1. 2009 General Plan – Part 2**

**ADMINISTRATIVE REPORTS:** None

**COMMISSIONER REPORTS:** None

**ADJOURNMENT:**

The next regular meeting will be held on September 9, 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.

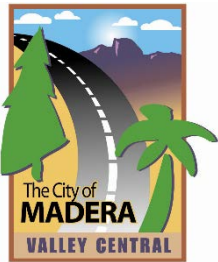
Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning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

**REZ 2019-02, GPA 2019-01 & PPL 2019-03  
RIVER SAND PARK MULTIFAMILY  
COMPLEX THE APPLICANT REQUESTS  
CONTINUANCE TO THE SEPTEMBER 10,  
2019 PLANNING COMMISSION HEARING**





# CITY OF MADERA PLANNING COMMISSION

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

## Staff Report: Valero CUP 2019-09 & 10, SPR 2019-17 & Mitigated Negative Declaration Item #2 – August 13, 2019

**PROPOSAL:** Consideration of a request for two conditional use permits, allowing for sale of alcoholic beverages and the sale of tobacco products, and a site plan review to allow the development of a Valero gas station and convenience store.

<b>APPLICANT:</b>	Hardeep Hahunia	<b>OWNER:</b>	Pistoresi & Pistoresi
<b>ADDRESS:</b>	No address assigned	<b>APN:</b>	012-390-023
<b>APPLICATION:</b>	CUP 2019-09, 10 & SPR 2019-17	<b>CEQA:</b>	Mitigated Negative Declaration

**LOCATION:** The project is located on the northeast corner of Almond Avenue and Gateway Drive.

**STREET ACCESS:** The property has access to Almond Avenue.

**PARCEL SIZE:** The project parcel is approximately one acre.

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

**ZONING DISTRICT:** CH (Highway Commercial)

**SITE CHARACTERISTICS:** The project site is vacant commercial land. The immediate surrounding uses to the east are the Springhill Suites hotel and Black Bear Diner restaurant, to the south is Madera Community Hospital, single-family homes and multi-family development, to the north is vacant commercial land and Highway 99, and to the west is vacant commercial land.

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

**SUMMARY:** The sale of beer, wine and tobacco is common as a component of a gas station and convenience store. The State’s Alcoholic Beverage Control Department has a moratorium in Madera County that limits the allowance of off-sale licenses within the County to be transfer-only licenses. The Commission has acknowledged concerns in sensibly locating tobacco sales within commercial area of the City, mindful of other surrounding sensitive land uses. The nearest schools in proximity to the project site are 1.3 and 1.5 miles away. The project proposal provides high-quality architecture and site design that cumulatively comply with the General Plan and East Almond Avenue Specific Plan.

## **APPLICABLE CODES AND PROCEDURES**

MMC §10-3.902 Highway Commercial Zones – Uses Permitted

MMC §10-3.4.0101 Site Plan Review

MMC §10-3.1202 Parking Regulations

MMC §10-3.1301 Use Permits

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

Site plan review is required for all uses of property which involve construction of new structures, new uses which necessitate on-site improvements, including uses subject to the approval of a conditional use permit.

## **PRIOR ACTION**

Site Plan Review (SPR) 2010-07, approved in April 2011, allowed for the master planned development of 4.1 acres, including the project parcel, as a commercial retail center. Although extensions were provided, that SPR expired after five years of inactivity. Tentative Parcel Map (TPM) 2010-02, approved in September 2010, created the project parcel as well as three undeveloped parcels in proximity the the project site.

## **ANALYSIS**

### Operations

The applicant proposes to construct a new Valero gas station to include a fuel island canopy with twelve fuel dispensers and an approximately 4,850 square foot convenience store that includes the proposal to sell alcoholic beverages (beer and wine) and tobacco products as a component of the business model. The gas station and convenience store are proposed to operate 24 hours a day, seven days a week. The number of projected employees for the gas station is twelve.

### Beer and Wine Sales

In January of 1998, Section 23817.5 of the State of California Business and Professions Code was amended to permanently establish a moratorium on the issuance of California State Department of Alcoholic Beverage Control (ABC) licenses for the off-site consumption of beer and wine (Type 20 ABC license) in cities and counties where the ratio of Type 20 licenses exceeds one for each

2,500 inhabitants. The most recent moratorium list of cities and counties was updated on January 30, 2017, which includes all of Madera County. The moratorium specifically prohibits the purchase of a new Type 20 ABC license or transfer of a Type 20 license from any city or county outside of Madera County. The moratorium does not apply to transferred licenses from within Madera County. If approved, conditions of approval require a Type 20 ABC license to be obtained as a transfer license only. The license should only be transferred from another location within the boundaries of Madera County.

The project site is located within Census Tract 5.02, which currently holds six ABC licenses specific to off-site consumption of alcohol where the current population of Census Tract 5.02 allows for a maximum of nine ABC licenses for off-site consumption of alcohol. If approved, there would not be an over-concentration of ABC licenses for the off-site consumption of alcohol within Census Tract 5.02.

The City Council has directed staff to observe every application for the sale of alcohol on a case-by-case basis. A convenience store typically sells beer and wine for off-site consumption. Conditions of approval will ensure the sale of beer and wine for off-site consumption in conjunction with the proposed convenience store will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the project site.

#### Tobacco Sales

In September 2015, the Commission determined the sale of tobacco and tobacco-related products and sundries would require the approval of a conditional use permit. The Commission acknowledged concerns that tobacco sales be located sensibly within the commercial areas of the City, mindful of surrounding land uses. Schools are a primary land use that is negatively affected by the sale of tobacco. The closest schools in the area are Parkwood Elementary School and Madera South High School. Parkwood Elementary School is a half-mile away from the project site as the crow flies, but 1.3 miles away using the closest route. Madera South High School is 0.9 miles away as the crow flies, but 1.5 miles away using the closest route. The City has not adopted an ordinance which specifies the length of distance a tobacco retailer should be from any school or other sensitive use.

Staff recommends the applicant be limited to only the sale of cigarettes and tobacco only, consistent with the recommended conditions of approval. No allowance for the sale of e-cigarettes, vape paraphernalia (including juices) and/or marijuana paraphernalia, such as pipes and “bongs”, is proposed.

#### Site Design

The location of the building anchors the corner of Almond Avenue and Gateway Drive, providing a presence on both street frontages that enhances the pedestrian scale of the development and minimizes the presence of parking and circulation as the primary visual feature (Policy CD-15). The building also provides a safe and well-defined pedestrian connection to the parking field and the adjoining streets (Policy CD-51).

### Architecture

The convenience store's elevations provide an attractive, contemporary commercial architecture consistent with Policy CD-53. Varied pop-outs, surfaces including stucco, lap siding and stone veneer, awnings placed over large windows, light sconces, horizontal trim and a roof parapet break up the overall mass of the structure that cumulatively provides high architectural value (Policies CD-1, CD-2, CD-3, and CD-49). The canopy also proposes stone veneer wrapped around the bottom section of the pillars, providing continuity between structures (Policy CD-52).

### Landscaping

Landscaping is proposed to enhance and embellish the appearance of the project site. Landscaping is proposed between the public rights-of-way and the building and parking field. The proposal includes landscaped areas that will screen and separate the parking lot into smaller units (Policy CD-58) and include shade trees to create an attractive pedestrian environment and reduce the impact of heat islands (Policy CD-50).

### Parking

The City's parking standards of the Madera Municipal Code (MMC) require that a convenience store have a minimum of one parking stall for each 250 square feet of gross floor area. The convenience store encompasses 4,848 square feet, which provides a minimum requirement of nineteen stalls. The applicant proposes a total number of nineteen parking stalls, which adequately serves the proposed use.

### East Almond Avenue Specific Plan

The project site is located within the East Almond Avenue Specific Plan, which was adopted on October 18, 2000. The Specific Plan has development standards that align with the 2009 General Plan's goals and policies, which the project complies with. The Specific Plan anticipated all properties in the CH Zone District include uses such as "mini-mart fueling stations, restaurants, and motels...", which this project proposal also complies with.

### Traffic Impact Study

A traffic impact study was completed for the project that requires either the widening of intersections at Almond Avenue and Gateway Drive, and Almond Avenue and State Route 99 southbound ramps or the construction of roundabouts as an alternative. The traffic study also requires the construction of a median island on Gateway Drive that would prevent left turns into and out of the project site. A driveway is also required to be constructed on northbound Gateway Drive a minimum of 400 feet north of the intersection of Gateway Drive and Almond Avenue that provides access to the project site.

### 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 project indirectly supports Action 115.2 of the Vision Madera 2025 Plan, which states, “As a component of the General Plan Update, increase retail outlets and promote Shop Madera...”

## **RECOMMENDATION**

It is recommended that the Commission consider the information in this report, as well as testimony in the public hearing, and make a determination on CUP 2019-09, CUP 2019-10 and SPR 2019-17, subject to the findings and conditions of approval.

## **PLANNING COMMISSION ACTION**

The Commission will be acting on CUP 2019-09, CUP 2019-10, SPR 2019-17 and the Mitigated Negative Declaration.

Motion 1a: Move to adopt a mitigated 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 mitigated 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.

## **(AND)**

Motion 1b: Move to approve CUP 2019-09, CUP 2019-10 and SPR 2019-17, subject to the findings and conditions of approval as listed:

### Findings

- An initial study and mitigated 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.
- The sale of beer, wine and tobacco for off-site consumption in conjunction with the business operations of a convenience store is consistent with the purposes of the C (Commercial) General Plan land use designation and the CH (Highway Commercial) Zone District which provide for the use.

- As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies.
- As conditioned, the sale of beer, wine and tobacco for off-site consumption will be compatible with the surrounding properties.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- As conditioned, the establishment, maintenance or operation of the use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize CUP 2019-09 and 10 within one year following the date of this approval shall render CUP 2019-09 and 10 null and void unless a written request for extension has been submitted to and approved by the Commission.
3. CUP 2019-09 and 10 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of CUP 2019-09 and 10 and owners of the property voluntarily submitting to the City a written request to permanently extinguish CUP 2019-09 and 10.
4. SPR 2019-17 shall expire one year from date of issuance unless positive action is taken on the project as provided in the MMC or a request to extend the approval is received before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
5. CUP 2019-09, 10 and SPR 2019-17 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, staff may schedule a public hearing before the Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.
6. All plans submitted for on-site construction or building permits must incorporate and reflect all requirements outlined in the herein listed conditions of approval. Should the need for any deviations from these requirements arise, or for any future changes or

additions not considered by the Planning Commission, they may be requested in writing for consideration of approval by the Planning Manager. The Planning Manager may determine that substantive changes require formal modification to the conditional use permit and/or site plan review by the Commission.

7. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
8. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to any building permit final issuance.

### **Building Department**

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

### **Engineering Department**

#### General

11. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
12. Impact fees shall be paid at time of building permit issuance.
13. The developer shall reimburse the City for improvements previously installed, as calculated by the City Engineer, whose determination shall be final. Reimbursements for previously installed improvements shall be paid prior to issuance of a Business License.

14. The developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, encroachment permit processing and improvement inspection fees.
15. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Department in accordance with the submittal process.
16. The improvement plans for the project shall include the most recent version of the City's General Notes.
17. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
18. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.
19. Prior to issuance of any building permits, a fair share mitigation agreement shall be entered between the applicant and Caltrans. This agreement shall identify and specify the amount, responsibility and timing of the payment towards the interchange improvements for the Freeway 99/Almond Avenue interchange.
20. The applicant/owner shall pay any applicable fees as specified in the East Almond Avenue Specific Plan prior to issuance of a building permit.
21. All on-site and off-site improvements shall be completed prior to issuance of final occupancy.

#### Sewer

22. The developer shall construct an eight-inch sewer main along Gateway Drive from the intersection of Almond Avenue and Barnett Way to the northerly limits of the project parcel. The sewer main shall be constructed to current City standards. The construction of the sewer main may be waived subject to Master Plan Improvements of all future parcels determining that the sewer main is not required for future development and that capacity will be provided from an existing sewer line between this development and the restaurant and hotel east of the project site.
23. Sewer service connection(s) shall be constructed to current City standards.
24. Sewer main connections 6" and larger diameter shall require manhole installation.
25. Prior to issuance of an encroachment permit, the developer shall reimburse their fair share cost to the City for the previously constructed sewer main along the entire project frontage.



26. Existing septic tanks, if found, shall be removed, permitted and inspected by the City of Madera Building Department.

#### Storm Drain

27. Support calculations shall be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan without constructing portions of the Master Plan Storm Drain improvements. In lieu of constructing Master Plan improvements, the development may construct on-site low impact development measures that limit post-development storm runoff to no more than that generated in a pre-development condition.
28. 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.

#### Streets

29. The developer shall comply with the results of the traffic impact study dated February 7, 2019 and associated City and Caltrans response letters and emails that address project impacts and impacts from buildout of the entire site. A number of options have been provided relative to implementation and timing of improvements. The project developer and master site developer shall provide a written statement of the option(s) chosen prior to submittal of improvement plans and acknowledgement that all remaining improvements will be constructed as part of a future phase or in conjunction with other development mitigation requirements that may participate in those future costs.
30. Access to the site on Almond Avenue shall be limited to the existing shared driveway.
31. The developer shall construct a meandering concrete sidewalk within the public right-of-way and Public Utility and Pedestrian Easement along the entire parcel frontage on Almond Avenue and Gateway Drive per City standards, in a similar manner as that constructed on the hotel site immediately to the east. An unimpeded ADA path of travel shall be maintained at all times.
32. At a minimum, the north side of Almond Avenue along the entire project parcel frontage shall be improved to provide a roadway width of 40 feet from the street centerline to the back of curb to provide for a total of four through lanes and a single left turn lane on Almond Avenue as a whole. All existing improvements that conflict with the required improvements shall be removed and/or relocated. Improvements shall have adequate road and lane transitions with the existing improvements relative to grade and alignment or as directed by the City Engineer. The developer is encouraged, but not required to construct an exclusive right turn lane on the westbound approach in lieu of landscape improvements within the public right-of-way.
33. At a minimum, the east half of Gateway Drive along the entire project frontage shall be improved to a 100-foot arterial street including a sixteen-foot landscaped median per City standards. Adequate transitions with existing improvements relative to grade and

alignment shall be provided. All existing improvements that conflict with the required improvements shall be removed and/or relocated.

34. The developer shall implement mitigation measures recommended by the traffic impact study that may result in additional right-of-way dedications and construction of additional improvements along Gateway Drive and Almond Avenue.
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.
36. All public utilities fronting the project parcel shall be undergrounded, except transformers which may be mounted on pads.
37. "No Parking" signs shall be installed along Almond Avenue and Gateway Drive project frontages per City standards.
38. The developer shall install street lights along Almond Avenue and Gateway Drive frontages in accordance with current City standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City standards.

#### Water

39. Water service connection(s) shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City right-of-way and a backflow prevention device installed within private property.
40. A separate water meter and backflow prevention device will be required for landscape area.
41. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage.
42. Existing wells, if any, shall be abandoned as directed and permitted by the City for compliance with State standards.
43. The developer shall construct an eight-inch water main along Gateway Drive from the intersection of Almond Avenue and Barnett Way to the northerly limits of the project parcel. The water main shall be constructed to current City standards.

#### **Fire Department**

44. A separate permit is required for the construction of the fuel dispensing system.
45. 2A10BC-rated fire extinguishers shall be required for the retail area at a ratio of one for each 3,000 square feet of floor area. The maximum travel distance to reach a fire extinguisher shall be 75 feet. A minimum of two fire extinguishers shall be required. At

least one 40BC-rated fire extinguisher is required for the fueling canopy. One K-class fire extinguisher may be required for the cooking operation.

46. A key box shall be required for access by emergency services personnel.
47. The address shall be posted and be plainly visible from the street.
48. The cooking operation may require a kitchen hood and duct fire suppression system. Final determination for the requirement of a kitchen hood and duct fire suppression system shall be determined by the Fire Marshal during building permit plan check.
49. The location of fire hydrants shall be shown at the time of building permit application. An on-site fire hydrant may be required if there is not a street hydrant within the appropriate distance. Alternatively, an additional street hydrant could be added by the developer.

## **Planning Department**

### General

50. Vandalism and graffiti shall be corrected per the MMC.
51. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster owned by the property owner.
52. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
53. The applicant shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use may be cause for revocation of these permits.

### Beer and Wine Sales

54. CUP 2019-09 allows for the sale of beer and wine for off-site consumption in conjunction with a convenience store. This entitlement requires a Type 20 ABC license to be obtained as a transfer license only. The license shall only be transferred from another location within the boundaries of Madera County. Modification of this license type requires amendment of CUP 2019-09.
55. The sale of alcoholic beverages in conjunction with the convenience store shall be restricted to off-site consumption only. No sale of alcoholic beverages for on-site consumption shall be allowed in or occur as a component of the convenience store.
56. There shall be no exterior advertisement or signs of any kind or type placed on the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.

57. All indoor display(s) of alcoholic beverages shall be located at least five feet away from the store entrance.
58. The business owner and/or manager shall regularly monitor the area under its control to prevent the loitering of persons about the premises.
59. The business owner and/or manager shall post signs in the area under its control prohibiting open containers and loitering at the location and stating that no loitering will be tolerated.
60. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco-related products shall be utilized in any way.
61. The applicant shall post "No Smoking" signage to the extent required by law.
62. There shall be no coin-operated video or arcade games. No adult magazines or videos shall be allowed to be sold.
63. Digital security cameras shall be installed to monitor the interior and exterior of the premises. Footage shall be maintained in a digital format of no less than thirty days. Footage will be shared with law enforcement upon request.
64. Cooler doors for alcoholic beverage products shall be locked during hours when alcoholic beverages may not be sold.
65. The sale of beer shall occur in packs of six or greater. However, 24-ounce bottled imported and/or specialty craft beers not normally sold in multi-package containers may be sold individually.
66. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
67. The sale of wine coolers shall occur in no less than packs of four.
68. The sale of wine shall not be sold in containers less than 750 ml.
69. No malt liquor or fortified wine products shall be sold.
70. No display of alcohol shall be made from an ice tub, barrel or similar container.
71. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.

#### Tobacco Sales

72. CUP 2019-10 allows for the sale of cigarettes in either single packs or cartons of ten or fewer packs. Other tobacco and tobacco-related products allowed for sale at the convenience store shall be as follows:

- Smokeless tobacco
  - Roll-your-own pouched/canned cigarette tobacco
  - Cigars and cigarillos (except for any flavored products such as grape, watermelon, bubble gum and fruit punch flavored products)
  - Rolling papers
73. Other tobacco and tobacco-related products not allowed for sale at the convenience store shall be as follows:
- Vape products, including juices
  - Hookah products, including hookah tobacco/charcoal
  - E-cigarettes
  - Pipes and pipe tobacco
74. Drug-related paraphernalia, such as bong, pipes and other products meant for use with non-tobacco substances, as determined by the Planning Manager, are strictly prohibited.
75. All tobacco and tobacco-related products shall be secured behind a counter or other fixture, unavailable to the public except with the assistance of a store employee.

#### Building and Site Aesthetics

76. The construction of all buildings approved as part of SPR 2019-17 shall be in close conformance with the elevation drawings, as reviewed and approved by the Commission.
77. The construction of buildings approved as part of SPR 2019-17 shall be consistent with an approved color and materials board and representative color section rendering of the proposed buildings to be reviewed and approved by the Planning Commission. Any substantial alteration shall require Commission approval.
78. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for Planning Department review and approval:
- The location of all-natural gas and electrical utility meter locations
  - The location of all HVAC (heating, ventilation or air conditioning) equipment
  - The location of all compressor equipment, and mechanical and electrical equipment
79. All electrical/mechanical equipment shall be located within an electrical/mechanical room in the interior of the structure, with exception to transformers.
80. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
81. All parking lot lighting shall be incorporated into landscaped areas.

82. The developer shall contact the City Engineer when all site lighting is operational. Additional light screening may be required.
83. Roof access ladders shall be located within the interior of the building.

#### Landscaping

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

#### Parking

87. Parking stalls shall be developed in close conformance with the approved site plan drawings.
88. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet wide by nineteen feet deep. No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is 26 feet.
89. On-site parking shall be provided at all times in conformance with the MMC. Further expansion of the use or additional or accessory uses may require the provision of additional parking spaces in compliance with City standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be

shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.

Signage

- 90. Signage shall be in accordance with City standards, and all signs shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.
- 91. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
- 92. All proposed construction announcement sign uses shall conform to the sign ordinance.

Walls and Fences

- 93. A trash enclosure shall be constructed of masonry block consistent with City standards with a stucco finish and color to match the primary structure. The location of the trash enclosure shall be consistent with the approved site plan.

**San Joaquin Valley Air Pollution Control District**

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

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

- 95. The developer shall comply with all rules and regulations of Caltrans' letter dated July 16, 2019.

**(OR)**

Motion 2: Move to continue the public hearing on CUP 2019-09, 10 and SPR 2019-17 to the June 11, 2019 Commission hearing, for the following reasons: (specify)

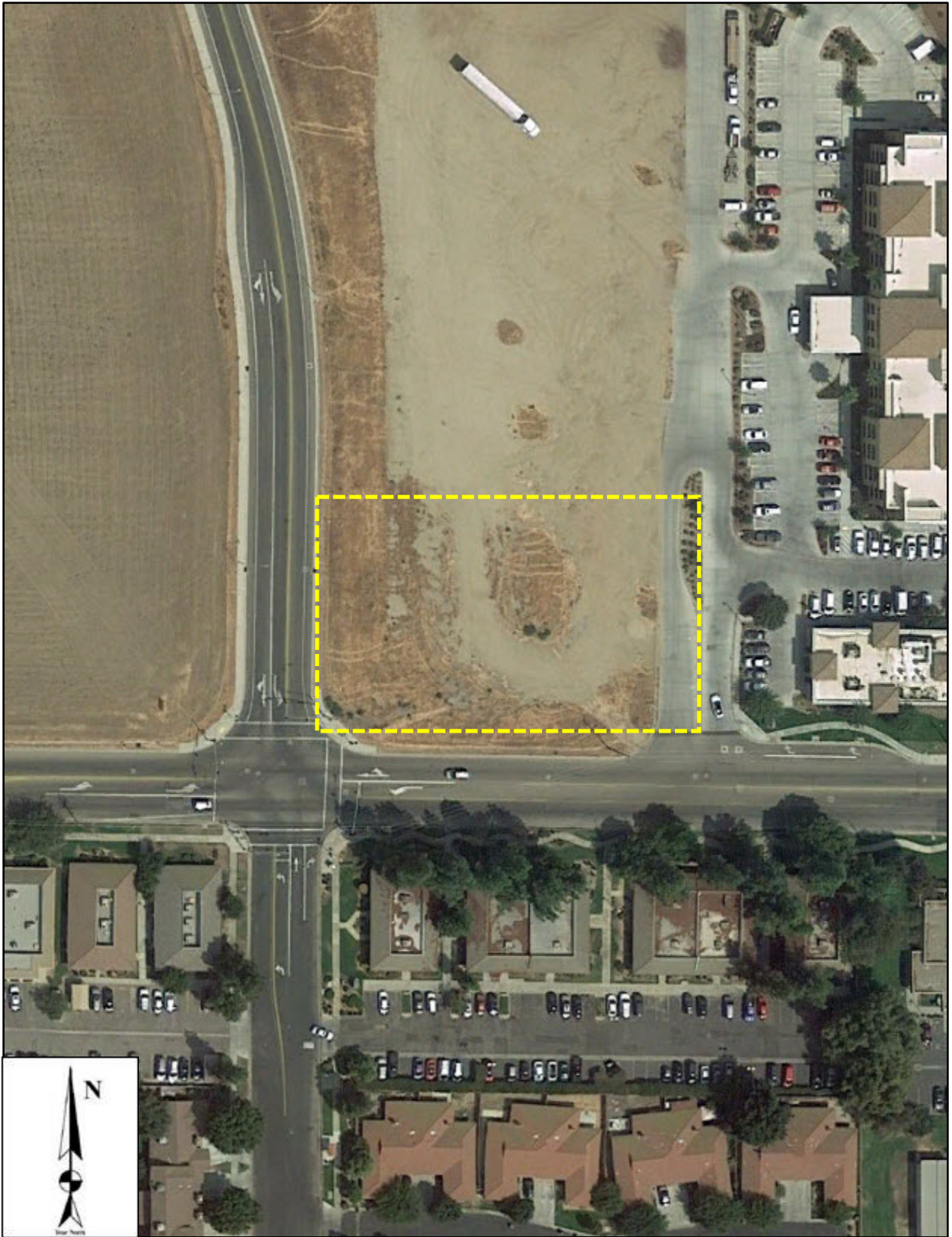
**(OR)**

Motion 3: Move to deny the application for CUP 2019-09, 10 and SPR 2019-17, based on the following findings: (specify)

**ATTACHMENTS**

- Attachment 1: Aerial Map
- Attachment 2: Caltrans Letter
- Attachment 3: Initial Study and Mitigated Negative Declaration
- Attachment 4: Site Plan, Floor Plan and Elevations

Attachment 1: Aerial Map





**Attachment 2: Caltrans 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  
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*Making Conservation  
a California Way of Life.*

July 16, 2019

06-MAD-99-9.591  
Proposed Valero Gas Station  
CUP 2019-09/10 and SPR 2019-17

SENT VIA EMAIL

Mr. Robert Holt  
Assistant Planner  
City of Madera  
205 W 4<sup>th</sup> 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.

We provide these comments consistent with the State's smart mobility goals that support a vibrant economy and build communities. The following comments are based on an application for two conditional use permits and a site plan review to allow for the sale of beer, wine and tobacco in conjunction with the construction of a Valero gas station and mini mart located on property on the northeast corner of the intersection of Gateway Drive and Almond Avenue approximately 600 feet west of the State Route (SR) 99 southbound off-ramp:

We previously provided a comment dated May 14, 2019 on the traffic impact study prepared by Peters Engineering Group, those comments shall still apply. Caltrans comment letter dated May 14, 2019 is attached.

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  
Division of Transportation Planning

Attachment: Caltrans Comment Letter – Proposed Valero Gas Station, Traffic Impact Study - Revised

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

**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

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Making Conservation  
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May 14, 2019

06-MAD-99-9.591  
Proposed Valero Gas Station  
Traffic Impact Study  
REVISED

**SENT VIA EMAIL**

Mr. Robert Holt  
Assistant Planner  
City of Madera  
205 W 4<sup>th</sup> 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.

We provide these comments consistent with the State's smart mobility goals that support a vibrant economy and build communities. The following comments are based on the traffic impact study (TIS) prepared by Peters Engineering Group dated February 7, 2019 for the proposed Valero gas station and mini mart. The Project is proposing to construct a 12 fueling position gas station and a 4,848 square-foot mini mart located on the northeast corner of Almond Avenue and Gateway Drive/Barnett Way, approximately 300 feet west of the State Route (SR) 99 southbound off-ramp. In addition, three proposed fast-food restaurants on the Project site is planned in a future phase. The restaurant trips are included in the Cumulative 2040 With-Project (Full-Build) Conditions. A proposed 140 units apartment complex located on the northwest corner of the alignments of Gary Lane and Barnett Way was also included in the Cumulative 2040 traffic volumes:

1. Refer to Section 13.3 – *Cumulative 2040 With-Project Conditions*, page 12 of the TIS, a separate right-turn lane at the southbound off-ramp to Almond Avenue should be provided if the roundabout is the preferred alternative.
2. If there are safety and or operational concerns in the future at the SR 99 southbound off-ramp/Almond Avenue intersection, a roundabout may be an option and it should be considered. A detailed SR 99 southbound off-ramp intersection traffic study will be needed in the future.
3. For informational purposes: A ramp meter for the SR 99 southbound loop on-ramp is planned. When the southbound loop on-ramp is metered, then on-ramp will need to be widened to minimum of two lanes, (one HOV lane, and one mixed-flow lane).
4. Refer to Figures 5 – *Peak-Hour Project Traffic Distribution Percentages* and Figure 6 – *Peak Hour Primary Project Traffic Volumes* of the TIS, the Project trip distribution showed 30 percent would originate from northbound SR 99. The 30 percent Project trips from northbound SR 99 would also impact the northbound SR 99 off-ramp intersection at Gateway Drive. Therefore, this intersection should have been studied.

5. Two closely spaced intersections on Almond Avenue between Gateway Drive and SR 99 southbound off-ramp would require two through lanes (on Almond Avenue) in the future. Therefore, additional right of way along Almond Avenue between these two intersections would be needed.
6. Two-through-lanes on Almond Avenue at SR 99 southbound off-ramp intersection should be provided in addition to the recommended lane configuration presented in the TIS.
7. When traffic signals are installed at the Almond Avenue/Gateway Drive intersection and if traffic signals are installed at the SR 99/Almond Avenue southbound off-ramp intersection, then those signals should be coordinated.
8. At the intersection of Almond Avenue and Gateway Drive/Barnett Way, the proposed dual eastbound left-turn lanes and single WB left-turn lane on Almond Avenue will require transition at the intersection. Therefore, additional right of way along Almond Avenue may be required.
9. In response to the City of Madera comment letter dated March 8, 2019, the City should consider a separate westbound right-turn lane the of Almond Avenue and Gateway Drive/Barnett Way intersection. Based on the Synchro sheets for the Cumulative 2040 With Project-AM-Mitigated and the Cumulative 2040 With Project-PM-Mitigated, the westbound right-turn volumes show 272 and 243 respectively.
10. If a roundabout at the intersection of Almond Avenue/Gateway Drive would be constructed in the future, additional right of way at the intersection will be needed.
11. We concur with Table 15 – Equitable Share Responsibility Calculations on page 16 of the TIS, therefore, the Project proponent should be its equitable share. The Project proponent should prepare a cost estimate in order to determine the Equitable Share cost based on the recommended improvements described in Table 15. The Equitable Share Responsibility should be made as a Condition of Approval and paid prior to “Occupancy”.

The City of Madera has permitting authority for the intersection of Almond Avenue and Gateway Drive/Barnett Way. Also, the segment of Almond Avenue between Gateway Drive/Barnett Way and SR 99 southbound off-ramp. Therefore, any comments related to those facilities are at the discretion of the City. Any work within the State’s right-of-way will require an encroachment permit issued by Caltrans.

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

Sincerely,



DAVID PADILLA  
Associate Transportation Planner  
Division of Transportation Planning

c: Michael Navarro, Chief, Planning North Branch, Caltrans  
Keith Helmuth, P.E., City Engineer, City of Madera

**Attachment 3: Initial Study and Negative Declaration**

**CITY OF MADERA**  
**INITIAL STUDY / ENVIRONMENTAL CHECKLIST**

---

**I. BACKGROUND AND PROJECT DESCRIPTION**

1.     **Application No.:**  
Conditional Use Permit 2019-09, 10 and Site Plan Review 2019-17
  
2.     **Project Title:**  
Valero
  
3.     **Lead Agency Name and Address:**  
City of Madera, 205 W. 4<sup>th</sup> St., Madera, CA 93637
  
4.     **Contact Person and Phone Number:**  
Robert Holt – (559) 661-5434
  
5.     **Project Location:**  
Northeast corner of Almond Avenue and Gateway Drive
  
6.     **Project Applicant's/Sponsor's Name and Address:**  
Hardeep Hahunia
  
7.     **General Plan Designation:**  
C (Commercial)
  
8.     **Zoning:**  
CH (Highway Commercial)
  
9.     **Project Background:**  
The proposal is an application for two conditional use permits to allow for the sale of beer and wine for off-site consumption and the sale of tobacco. A site plan review will accompany the use permits that will guide development of the project to include an approximately 4,850 square foot convenience store, 3,420 square foot fuel canopy structure with twelve fuel pump dispensers, parking field and landscaping.
  
10.    **Public Agencies Whose Approval or Review Is Required:**  
Caltrans and San Joaquin Valley Air Pollution Control District.

11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31?**

California Native American tribes traditionally and culturally affiliated with the project area did not request consultation pursuant to Public Resources Code Section 21080.31.

## II. ENVIRONMENTAL SETTING

The project site is vacant commercial land. The immediate surrounding uses to the east are the Springhill Suites hotel and Black Bear Diner restaurant, to the south is Madera Community Hospital and single-family residential homes, to the north is vacant commercial land and Highway 99, and to the west is vacant commercial land.





### III. ENVIRONMENTAL CHECKLIST

**Environmental Factors Potentially Affected by the Project:** The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				✓
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	
<p><b><u>Discussion</u></b>  The project would not affect a scenic vista or have an overall adverse visual impact on the immediate area. The project would not affect a scenic highway and would not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light, including the addition of new street lights, and the anticipated commercial development will add additional sources of light. The project would conform with and incorporate General Plan policies and requirements. No additional analysis is required.</p> <p><b><u>Less than Significant Impacts</u></b>  d) There will be an increase in light and glare and other aesthetic impacts associated with the development as a result of the project, although it will be a less than significant impact upon implementation of City standards. The overall impact of additional light and glare will be minimal.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b><u>No Impacts</u></b></p> <p>a) The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks or formally classified scenic resources, such as a scenic highway, national or state scenic area, or scenic vista.</p> <p>b) The project will not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.</p> <p>c) The project is located in an urbanized area and would not conflict with the applicable zoning and other regulations governing scenic quality.</p>				
<p><b>2. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement Methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</b></p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓

**Discussion**

The project site is located on land identified as “Grazing Land” on the 2016 California Farmland Mapping and Monitoring Program map.

**No Impacts**

- a) The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency) to non-agricultural use. The project site is identified as “Grazing Land” on the 2016 California Farmland Mapping and Monitoring Program map, which includes land on which the existing vegetation is suited to the grazing of livestock. The project site has been identified for commercial uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural or grazing purposes.
- b) The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property.
- c) The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production because the project property is not defined as forest land (as defined by Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).
- d) The project would not result in the loss of forest land or conversion of forest land to a non-forest use because the parcel is not defined as forest land (as defined by Public Resources Code Section 12220(g)).
- e) The project will not involve other changes in the existing environment, due to the project property’s location or nature, that would result in the conversion of Farmland to a non-agricultural use or conversion of forest land to non-forest use.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			✓	
c) Expose sensitive receptors to substantial pollutant concentrations?			✓	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			✓	
<p><b>Discussion</b></p> <p>The project site is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).</p> <p>Air quality is determined by the type and amount of contaminants emitted into the atmosphere, the size and topography of the SJVAB, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are “criteria pollutants.” The SJVAPCD also conducts monitoring for two other state standards: sulfate and visibility.</p> <p>The State of California has designated the project site as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.</p> <p>The project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.</p> <p>Similarly, the project will be evaluated to determine required compliance with District Rule 9510, which is intended to mitigate a project’s impact on air quality through project design</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit and Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit would be made a condition of project approval.</p>				
<p>Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and the development will be subject to SJVAPCD review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.</p>				
<p>The proposed development of the project site will not create impacts beyond those analyzed and addressed through the General Plan Update and the accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. All phases of development will similarly conform with and implement regional air quality requirements. No additional analysis is required. Any unique features or project impacts which are identified as specific projects are proposed within the project site will be evaluated and addressed on a project-by-project basis.</p>				
<p><b><u>Less than Significant Impacts</u></b></p>				
<p>a) According to the San Joaquin Valley Air Pollution Control District (SJVAPCD), the project is subject to some District Rules, including District Rule 9510. The project will not conflict with or obstruct implementation of the applicable air quality plan.</p> <p>b) According to the SJVAPCD, the project would have a less than significant impact on air quality when compared to the significance thresholds of the following annual criteria pollutant emissions: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides in nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).</p> <p>c) The project would not expose sensitive receptors to substantial pollutant concentrations.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) The development of the project would not result in other emissions, such as those leading to odors adversely affecting a substantial number of people.				
<b>4. BIOLOGICAL RESOURCES. Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan,				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
or other approved local, regional, or state habitat conservation plan?				

**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 the project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore, impacts in this category are not anticipated to exceed the impacts addressed in those documents.

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

**No Impacts**

- a) The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- b) The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- c) The project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- d) The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
- e) The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f) The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.



ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>5. CULTURAL RESOURCES. Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				✓
c) Disturb any human remains, including those interred outside of formal cemeteries?				✓
<p><b><u>Discussion</u></b>  The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project would not disturb any archaeological resources. The project would not disturb any unique paleontological or geologic resources. The project would not disturb any human remains. In the event any archaeological resources are discovered during project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State law may be applied.</p> <p><b><u>No Impacts</u></b></p> <p>a) The project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 because there are no known historical resources located in the affected territory.</p> <p>b) The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 because there are no known archaeological resources located in the affected territory.</p> <p>c) The project would not disturb any human remains, including those interred outside of formal cemeteries, because there are no known human remains located in the affected territory. When development occurs in the future and if any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state, and federal regulations affecting archaeological and historical resources would be complied with.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>6. ENERGY. Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓
<b>Less than Significant Impacts</b>				
<p>a) The project could utilize inefficient or unnecessary consumption of energy resources during project construction or operation, but because the project will be built to comply with Building Energy Efficiency of the California Building Code (Title 24), the project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.</p>				
<b>No Impacts</b>				
<p>b) State and local authorities regulate energy use and consumption. These regulations at the state level intended to reduce energy use and greenhouse gas (GHG) emissions. These include, among others, Assembly Bill (AB) 1493 – Light-Duty Vehicle Standards, California Code of Regulations Title 24, Part 6 – Energy Efficiency Standards, California Code of Regulations Title 24, Part 11 – California Green Building Standards. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.</p>				
<b>7. GEOLOGY AND SOILS. Would the project:</b>				
<p>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <p>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</p>				✓
ii. Strong seismic ground shaking?				✓

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iii. Seismic-related ground failure, including liquefaction?				✓
iv. Landslides?				✓
b) Result in substantial soil erosion or the loss of topsoil?				✓
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
<p><b><u>Discussion</u></b></p> <p>There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in The Uniform Building Code that is utilized by the City of Madera Building Division to monitor safe construction within the City limits.</p> <p><b><u>No Impacts</u></b></p> <p>a)</p> <p>i. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. No known faults with</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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.</p> <p>ii. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking. Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise and considering 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.</p> <p>iii. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction. Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction.</p> <p>iv. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides.</p> <p>b) The project would not result in substantial soil erosion or the loss of topsoil. Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with the City of Madera ordinances and regulations, the California Building Code, and professional engineering designs approved by the Madera Engineering Department will mitigate any potential impacts from future urban development, if any.</p> <p>c) The project would not be located on a geologic unit or soil that is unstable as a result of the project, and not potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.</p>				

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<p>d) The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), not creating substantial direct or indirect risks to life or property.</p> <p>e) The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. The City of Madera would provide necessary sewer and water systems upon project approval.</p> <p>f) The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>				
<b>8. GREENHOUSE GAS EMISSIONS. Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	
<p><b>Discussion</b></p> <p>Climate change is a public health and environmental concern around the world. Globally, temperature, precipitation, sea level, ocean currents, wind patterns, and storm activity are all affected by the presence of greenhouse gas (GHG) emissions in the atmosphere. Human activity contributes to emissions of six primary GHG gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Human-caused emissions of GHGs are linked to climate change.</p> <p>In 2006, the California State Legislature adopted AB32, the California Global Warming Solutions Act of 2006, which aims to reduce GHG emissions in California. GHGs, as defined by AB 32, includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 requires the California Air Resources Board (ARB), the State agency which regulates statewide air quality, to adopt rules and regulations that would achieve GHG emissions equivalent to 1990 statewide levels by 2020.</p> <p>As part of the 2011 City of Madera General Plan update, the Conservation Element includes several goals, policies and programs in the Air Quality, GHG Emissions and Climate Change sections which address and promote practices that meet or exceed all state and federal</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
standards and meet or exceed all current and future state-mandated targets for reducing GHG emissions. The City also requires applicants for all public and private development integrate appropriate methods that reduce GHG emissions consistent with the Energy and Green Building sections of the Conservation Element, General Plan Policy CON-40 through 46.				
<b><u>Less than Significant Impacts</u></b>				
<p>a) The project would not, by itself, generate significant GHG emissions or contribute to global warming because the new development that is proposed will be required to adhere to local, regional and state regulations.</p> <p>b) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.</p>				
<b>9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓

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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?				✓
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓
<p><b><u>Discussion</u></b> The project will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan.</p> <p><b><u>No impacts</u></b></p> <p>a) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</p> <p>b) The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p> <p>c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school.</p> <p>d) The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create a significant hazard to the public or the environment.</p> <p>e) The project site is not located within the Madera Countywide Airport Land Use Compatibility Plan or any other airport land use plan and the project would not result in a safety hazard for people residing or working in the project area.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.				
g) The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires.				
<b>10. HYDROLOGY AND WATER QUALITY. Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				✓
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i. Result in substantial erosion or siltation on- or off-site;				✓
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				✓
iii. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or				✓
iv. Impede or redirect flood flows?				✓
d) In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?				✓
e) Conflict with or obstruct implementation of a water quality control plan or				✓



ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
sustainable groundwater management plan?				

**Discussion**

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

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

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

**No Impacts**

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

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c)</p> <ul style="list-style-type: none"> <li>i. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not result in substantial erosion or siltation on- or off-site.</li> <li>ii. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.</li> <li>iii. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.</li> <li>iv. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not impede or redirect flood flows.</li> </ul> <p>d) The project is not located in flood hazard, tsunami or seiche zones and it will not risk release of pollutants due to project inundation.</p> <p>e) The project does not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.</p>				
<b>11. LAND USE AND PLANNING. Would the project:</b>				
a) Physically divide an established community?				✓
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b><u>Discussion</u></b> Development of the project site is consistent with the urbanization of the project site, as evaluated in the General Plan and its EIR; therefore, impacts in this category are avoided.</p> <p><b><u>No Impacts</u></b></p> <p>a) The project would not physically divide an established neighborhood. The project logically allows development to occur in an orderly manner, adjacent to future urban development.</p> <p>b) The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.</p>				
<b>12. MINERAL RESOURCES. Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓
<p><b><u>No Impacts</u></b></p> <p>a) The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.</p> <p>b) The project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</p>				
<b>13. NOISE: Would the project result in:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?				✓
b) Generation of excessive ground borne vibration or ground borne noise levels?				✓

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c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
<p><b><u>Discussion</u></b></p> <p>These potential impacts were addressed in the General Plan EIR, and goals and mitigation measures were adopted to reduce potential impacts to a less than significant level. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan, and its EIR; therefore, impacts in this category are not anticipated to exceed the impacts addressed in these documents.</p> <p><b><u>No Impacts</u></b></p> <p>a) The project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.</p> <p>b) The project would not generate excessive ground borne vibration or ground borne noise levels.</p> <p>c) The project site is not located within the vicinity of a private airstrip or an airport land use plan, and the project would not expose people residing or working in the project area to excessive noise levels.</p>				
<b>14. POPULATION AND HOUSING. Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓

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<p><b><u>Discussion</u></b></p> <p>The proposed project would not induce additional substantial growth in this area. The project site would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.</p> <p><b><u>Less than Significant Impacts</u></b></p> <p>a) The project does induce unplanned population growth in the area directly with the establishment of a business that anticipates 12 employees, but the growth will not be substantial.</p> <p><b><u>No Impacts</u></b></p> <p>b) The project will not displace substantial numbers of existing people or housing which will not necessitate the construction of replacement housing elsewhere.</p>				
<p><b>15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</b></p>				
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓
<p><b><u>Discussion</u></b></p> <p>The development of the project site would not result in substantial adverse physical impacts from new or altered public facilities. As development occurs, there would be a resultant increase in job opportunities, and a greater demand placed upon services, such as fire and police protection, and additional park and school facilities. This additional demand is consistent with the demand anticipated in the General Plan and evaluated in the General Plan EIR.</p> <p>The project would not bring about the need for new wastewater treatment facilities. The project would not significantly increase the demand on water supplies beyond the levels anticipated in the General Plan and the Water Master Plan. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project would not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project area. The project area would be required to provide additional facilities within the development, and comply with the City's Master Plan, ordinances and</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
standard practices. The project would not bring about a significant increase in the demand for solid waste disposal services and facilities.				
<b><u>No Impacts</u></b>				
a) The project would not result in substantial adverse physical impacts to fire protection services.				
b) The project would not result in substantial adverse physical impacts to fire protection services.				
c) The project would not result in substantial adverse physical impacts to school services.				
d) The project would not result in substantial adverse physical impacts to park facilities.				
e) The project would not result in substantial adverse physical impacts on other public facilities.				
<b>16. RECREATION. Would the project:</b>				
a) 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) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓
<b><u>Discussion</u></b>				
Commercial development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.				
<b><u>No Impacts</u></b>				
a) The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.				

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b) The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.				
<b>17. TRANSPORTATION. Would the project:</b>				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?		✓		
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				✓
c) Substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				✓
d) Result in inadequate emergency access?				✓
<p><b><u>Discussion</u></b></p> <p>The project site was included in the General Plan and its accompanying EIR and the potential traffic generated from the eventual development of this land is considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development.</p> <p><b><u>Potentially Significant Unless Mitigation Incorporated</u></b></p> <p><b>Mitigation Measure 17(a)-1:</b> The off-site improvements relative to traffic impacts shall be consistent with the recommendations of the traffic impact study and resulting Caltrans requirements in the attached document dated July 16, 2019, as well as any modifications to the requirements contained therein as part of the final traffic study approval.</p> <p><b><u>No Impacts</u></b></p> <p>b) The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The project would be located within a one-half mile radius of the construction of the new intermodal transit station in Freedom Industrial Park, but per Section 15064.3(b) it is presumed to have less than significant transportation impacts.</p> <p>c) The project would not substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment).</p>				

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d) The project would not result in inadequate emergency access.				
<b>18. Tribal Cultural Resources. Would the project:</b>				
<p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p>				✓
<p>b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe</p>				✓
<b><u>No Impacts</u></b>				
<p>a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and the project is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).</p> <p>b) The project is not a resource determined by the lead agency (City of Madera), in its discretion and supported by substantial evidence, to be significant pursuant to criteria</p>				



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set forth in subdivision (c) of Public Resources Code Section 5024.1. The project site is not listed as a historical resource in the California Register of Historical Sources.				
<b>19. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?			✓	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				✓
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				✓
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✓
<p><b>Discussion</b></p> <p>The City's community sewage disposal system would continue to comply with Discharge Permit requirements. The project would not bring about the need for new wastewater treatment facilities. The project would not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There would not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project would not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project. The project site would be required to comply with the City's Master Plan, ordinances and standard practices. The project would not bring about a significant increase in the demand for solid waste disposal services and facilities.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>Less than Significant Impacts</u></b>				
a) The project would require the construction of new water and storm water drainage facilities, but the construction would not cause significant environmental effects.				
<b><u>No Impacts</u></b>				
b) The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.				
c) The project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.				
d) The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.				
e) The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.				
<b>20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
a) Substantially impair an adopted emergency response plan or emergency evacuation?				✓
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✓
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✓
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
result of runoff, post-fire slope instability, or drainage changes?				
<p><b>Discussion</b></p> <p>The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The project will be developed consistent with all regulations of the California Fire Code and would provide no impact to wildfire hazards.</p> <p><b>No Impacts</b></p> <p>a) The project would not substantially impair an adopted emergency response plan or emergency evacuation.</p> <p>b) The project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.</p> <p>c) The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.</p> <p>d) The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.</p>				
<b>21. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:</b>				
e) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)				✓
g) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓
<p><b><u>Discussion</u></b></p> <p>Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Population and Housing, Transportation, and Utilities and Service Systems.</p> <p>The potential impacts identified in this Initial Study are considered to be less than significant since they will cease upon completion of construction or do not exceed a threshold of significance. Therefore, a Negative Declaration is the appropriate level of documentation for this project.</p> <p><b><u>No Impacts</u></b></p> <p>a) The project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.</p> <p>b) The project would not have cumulatively considerable impacts that are beyond less than significant.</p> <p>c) The project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.</p>				

**IV. DETERMINATION**

On the basis of this initial evaluation:

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

Signature: \_\_\_\_\_

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

Print: \_\_\_\_\_

**CITY OF MADERA  
MITIGATION MONITORING PROGRAM**

Project Name and/or File Number: Conditional Use Permits 2019-09 and 10  
Site Plan Review 2019-17

Project Description: An application for two conditional use permits to allow for the sale of beer and wine for off-site consumption and the sale of tobacco in conjunction with the establishment of a convenience store. An application for a site plan review accompanies the conditional use permits which will guide the development of the project to include an approximately 4,850 square foot convenience store, 3,420 square foot fuel canopy structure with twelve fuel pump dispensers, parking field and landscaping.

**Monitoring Phase:**

Pre-construction \_\_\_; Construction X; Pre-occupancy X; Post-occupancy \_\_\_

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

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

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

**Conditional Use Permits 2019-09, 10 and Site Plan Review 2019-17 Mitigation Measures**

**17. Transportation/Traffic**

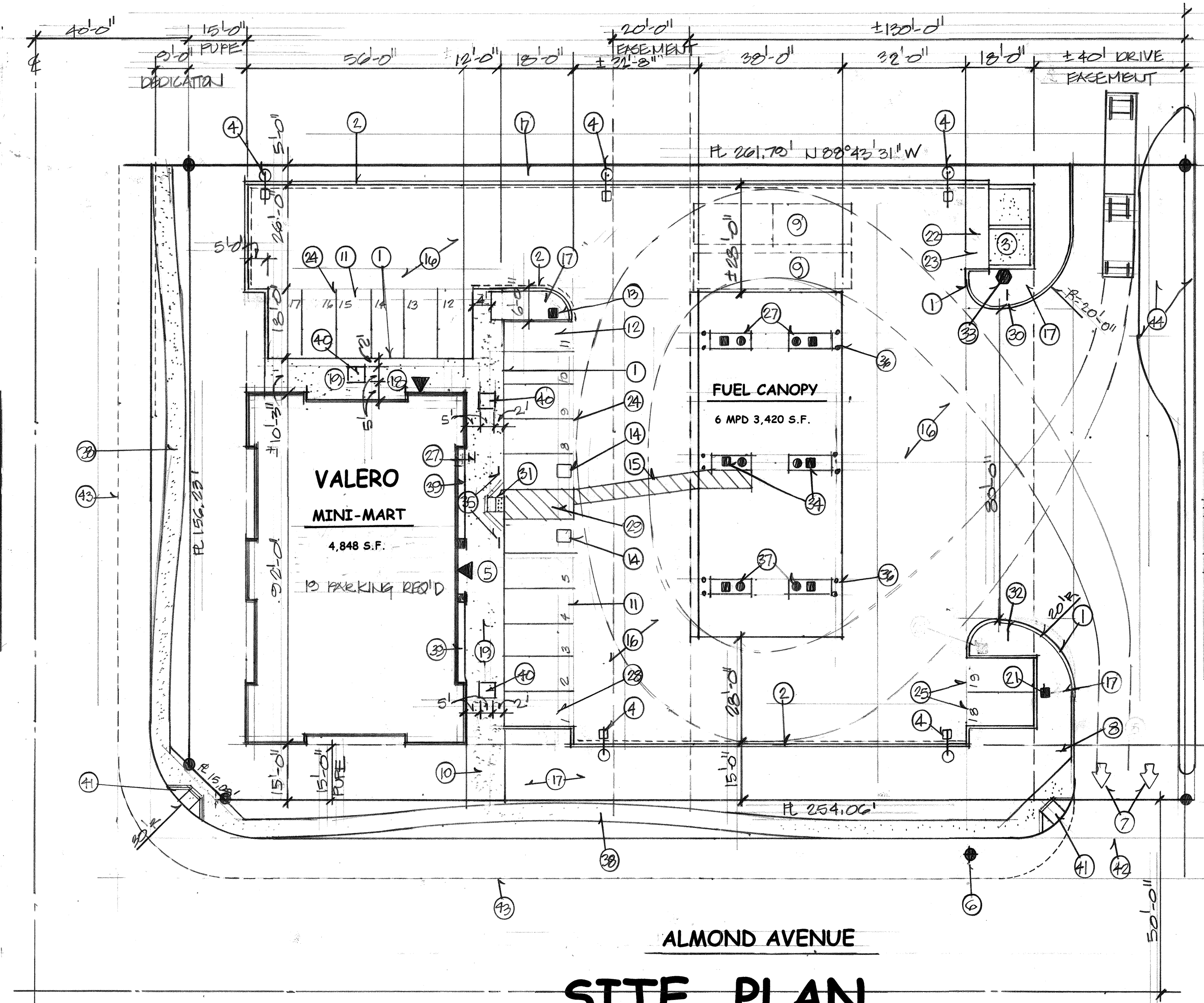
**17(a)-1** The off-site improvements relative to traffic impacts shall be consistent with the recommendations of the traffic impact study and resulting Caltrans requirements in the attached document dated July 16, 2019, as well as any modifications to the requirements contained therein as part of the final traffic study approval.

**Attachment 4: Site Plan, Floor Plan and Elevations**



**KEY NOTES:**

- 1 6"x6" CONCRETE CURBS AT LOCATIONS SHOWN.
- 2 6"x6" CONCRETE CURBS PAINTED OSHA RED WITH "NO PARKING-FIRE LANE" IN 4" TALL WHITE LETTERS AT LOCATIONS SHOWN.
- 3 TRASH ENCLOSURES WITH RECYCLE AREA, PER MADERA CITY P.W. STANDARDS.
- 4 20 FOOT TALL PARKING LOT LIGHT POLES.
- 5 MINI-MART MAIN ENTRANCE.
- 6 EXISTING POWER/UTILITY POLE.
- 7 CONTRASTING PAINTED TRAFFIC DIRECTION ARROWS.
- 8 STATE STANDARD "STOP" SIGN AT LOCATIONS SHOWN.
- 9 2-20,000 GALLON UNDER GROUND STATE APPROVED FUEL STORAGE TANKS PER 2306 OF CFC. PLANS AND PERMITS BY OTHERS.
- 10 4 FOOT MINIMUM WIDE PATH OF TRAVEL PER CHAPTER 11B OF CBC.
- 11 TYPICAL 9'X18' AUTOMOBILE PARKING STALLS.FRONT CURB IS THE WHEEL STOP.
- 12 TYPICAL 9'X18' ELECTRIC / ALTERNATIVE FUEL VEHICLE PARKING STALL WITH "RESERVED" SIGN.
- 13 FUTURE ELECTRIC CAR CHARGING STATION LOCATION.
- 14 TYPICAL 9'X18' A.D.A.PARKING STALLS PER CHAPTER 11B OF CBC (2 STALLS)
- 15 4' MINIMUM WIDE STRIPPED CROSSWALK AREA.
- 16 5 1/2" CONCRETE PAVING PER GRADING AND PAVING PLANS. FUTURE PLANS AND PERMITS BY OTHERS.
- 17 LANDSCAPE AREAS.
- 18 BUILDING EMERGENCY EXIT.
- 19 3 1/2" THICK CONCRETE SIDEWALK.
- 20 MONUMENT SIGN PLANS AND PERMITS BY OTHERS.
- 21 AIR AND WATER MACHINE.
- 22 5 1/2" THICK CONCRETE SLAB FOR DUMPSTER ROLL OUT.
- 23 "NO PARKING" CONTRASTING PAINTED 12" TALL LETTERS ON CONCRETE PAVING.
- 24 4" WIDE WHITE PAINTED STRIPES.
- 25 RESERVED PARKING FOR CAR-POOLING EMPLOYEES.
- 26 FUEL ISLANDS. PLANS AND PERMITS BY OTHERS.
- 27 BICYCLE PARKING FOR 2 BICYCLES PER CAL-GREEN.
- 28 RESERVED PARKING STALL FOR "ALOHA BOB" AND FRIENDS..
- 29 8'X18' ADA VAN STYLE "NO PARKING" LOADING AREA PER CBC.
- 30 ADA PARKING LOT SIGN/NOTICE PER CHAPTER 11B OF CBC.
- 31 A.D.A. APPROVED RAMPS PER CHAPTER 11B OF CBC. SEE FUTURE GRADING PLAN BY OTHERS.
- 32 "RIGHT TURN ONLY" SIGN PER MADERA CITY P.W. STANDARDS.
- 33 VEETER-ROOT EVAPORATIVE EMISSIONS CANISTER. PLANS AND PERMITS BY OTHERS.
- 34 MPD LOCATIONS. TYPICAL OF 6.
- 35 ADA PARKING STALL SIGNS PER CHAPTER 11B OF CBC.
- 36 6" CONCRETE FILLED STEEL PIPE BOLARDS AT LOCATIONS SHOWN.
- 37 FUEL CANOPY SUPPORT POSTS. PLANS AND PERMITS BY OTHERS.
- 38 INSTALL SIDEWALKS ALONG FRONTAGE OF PROPERTY PER CITY OF MADERA PUBLIC WORKS STANDARDS.
- 39 2'-0" WIDE PLANTERS BETWEEN BUILDING AND WALKWAY.
- 40 5' X 5' PLANTERS, MINIMUM 2' BEHIND CURB.
- 41 INSTALL HANDICAPPED RAMP PER CITY P.W. STANDARDS.
- 42 REMOVE AND RE-CONSTRUCT DRIVEWAY APPROACH PER CITY P.W. STANDARDS. PLANS AND PERMITS BY OTHERS.
- 43 EXISTING CURBS AND GUTTERS TO BE REMOVED. PLANS AND PERMITS BY OTHERS.
- 44 EXISTING COMMON DRIVE..CURBS, GUTTERS AND LANDSCAPING.



**SITE PLAN**

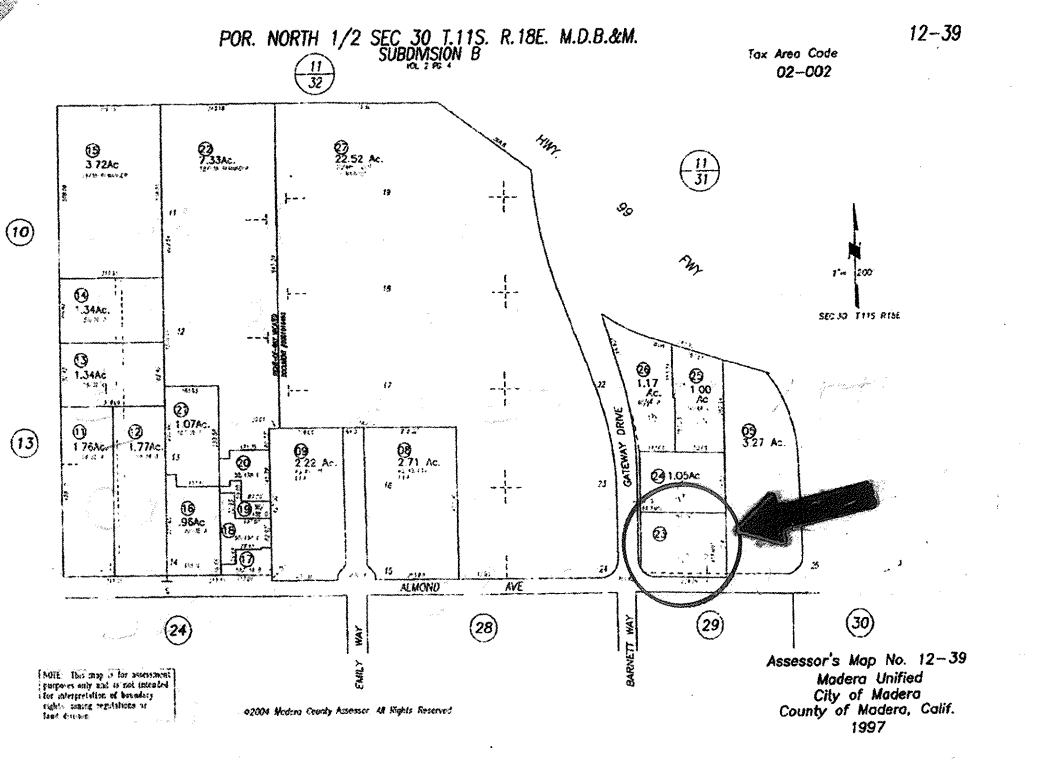
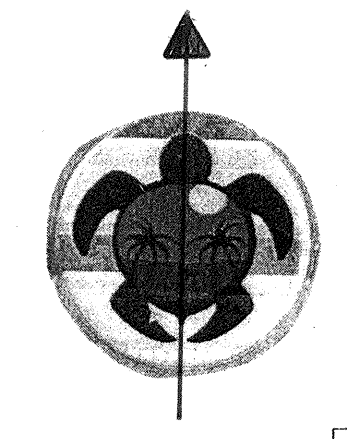
1"=20'-0"

**SITE STATISTICS:**

LAND (AFTER PROPOSED DEDICATIONS)	= 43,514 S.F.
	= 1.00 ACRES
<b>BUILDINGS</b>	
VALERO MINI-MART	= 4,848 S.F.
FUEL CANOPY	= 3,420 S.F.
<b>TOTAL</b>	= 8,268 S.F.
LOT COVERAGE	= 19%
<b>PAVING</b>	
CONCRETE PAVING	= 23,124 S.F.
LOT COVERAGE	= 53%
<b>HARDSCAPE</b>	
CONCRETE SIDEWALKS	= 1,874 S.F.
LOT COVERAGE	= 4.3%
<b>LANDSCAPE</b>	
LOT COVERAGE	= 10,248 S.F.
LOT COVERAGE	= 23.7%

**PARKING:**

<b>REQUIRED PARKING</b>	
MINI-MART AT 1/250 S.F.	= 19
<b>PARKING PROVIDED</b>	
A.D.A. SPACES	= 2
ELECTRIC/ECO VEHICLE	= 1
EMPLOYEE	= 2
ALOHA BOB & FRIENDS	= 1
STANDARD	= 13
<b>TOTAL</b>	= 19 SPACES
1 SPACE PER 255 S.F. OF MINI-MART	

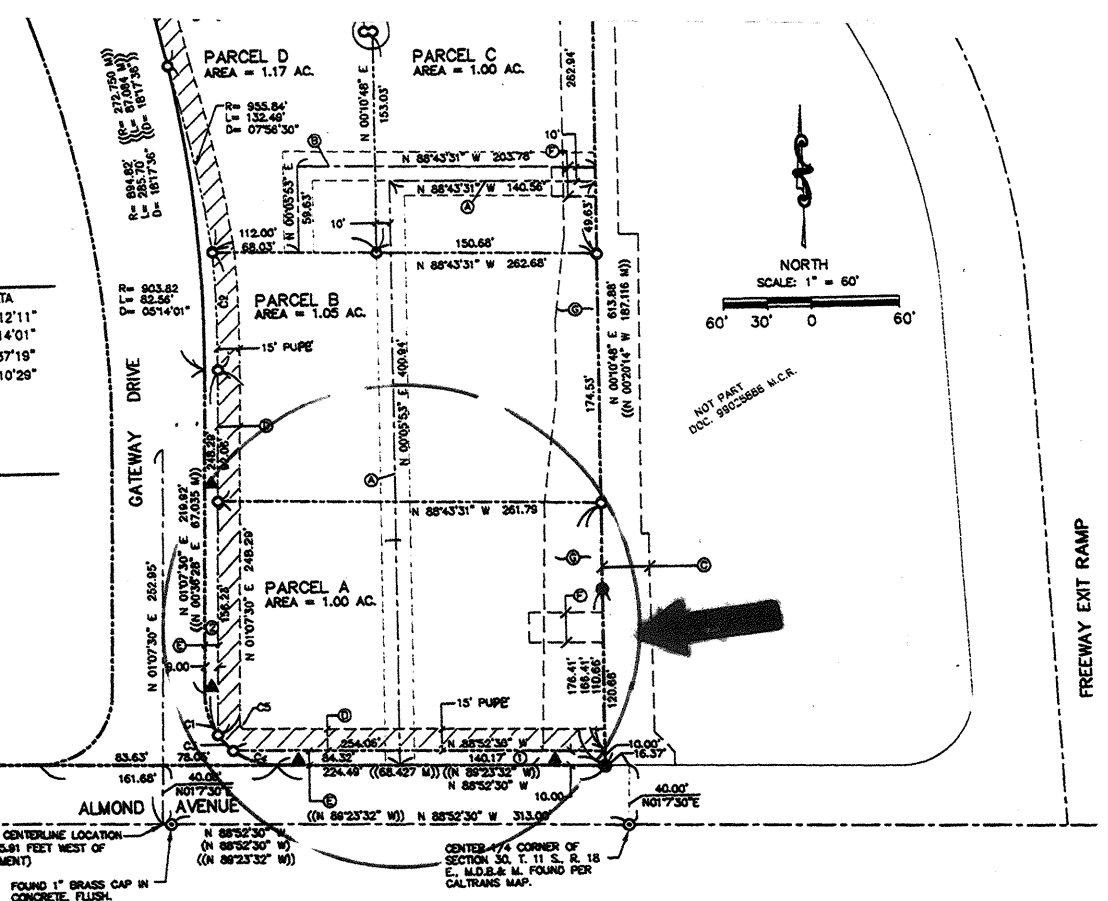


**CURVE TABLE (THIS SHEET ONLY)**

CURVE	RADIUS	LENGTH	DELTA
C1	48.21'	30.54'	30°11'11"
C2	83.87'	82.50'	09°14'01"
C3	48.21'	18.44'	17°37'54"
C4	48.21'	31.57'	27°17'28"

**LINE TABLE (THIS SHEET ONLY)**

LINE	Bearing	Length
L1	N 42°53'30" W	15.00'



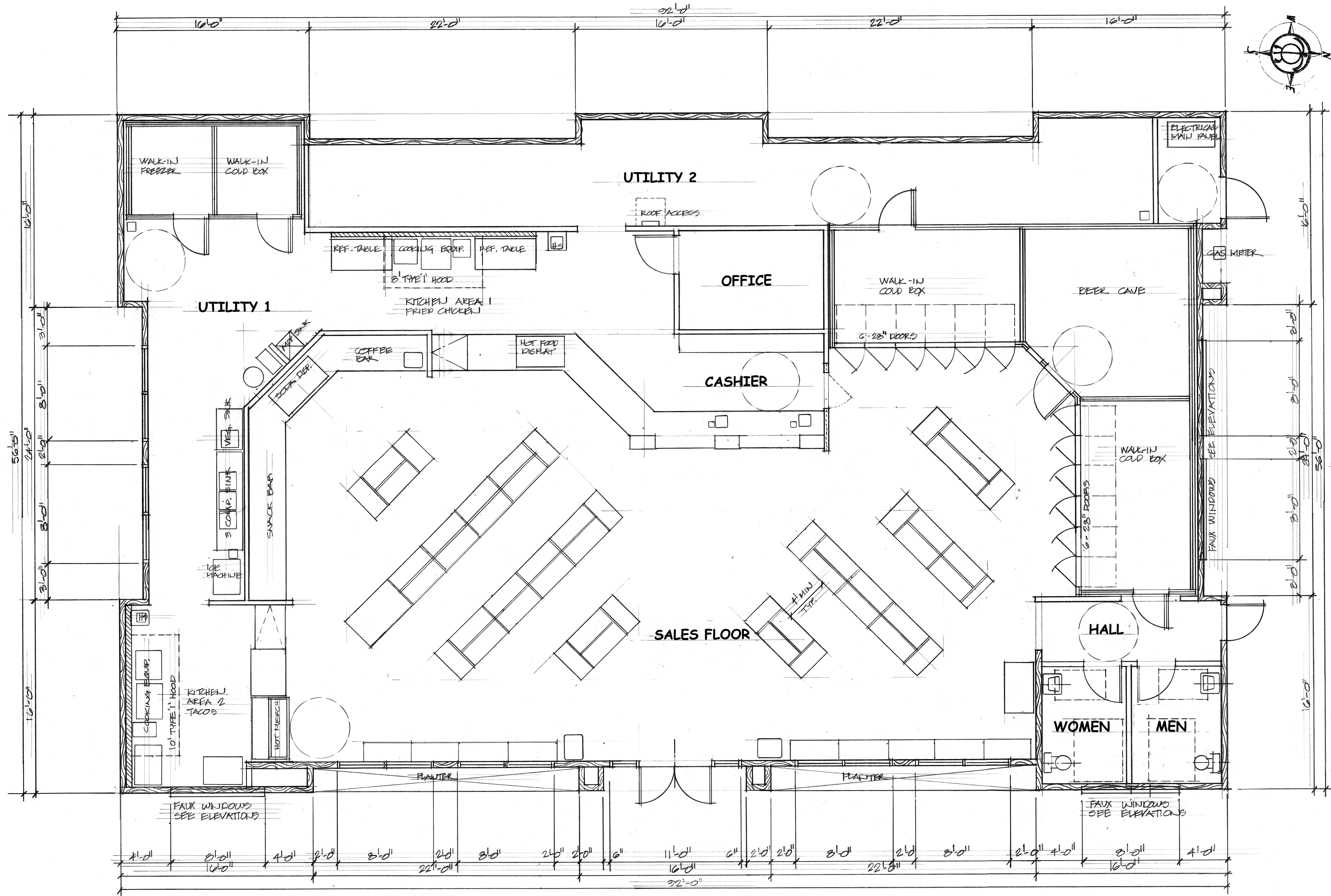
**VICINITY MAP**

**LEGAL DESCRIPTION**

For APN/Parcel ID(s): 012-390-023-000  
 THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:  
 PARCEL A OF PARCEL MAP 10-P-02, PISTORESI SHOPPING CENTER, RECORDED JULY 21, 2011 IN BOOK 60, PAGE 43 OF PARCEL MAPS, IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA.

Richard Herzog Construction Inc. 7847 North Highland Avenue Clovis, Ca. 93619 559-322-2011 Office 559-322-2018 FAX 559-304-7777 Cell richard@rhc-inc.net CCL: 555750	<b>GATEWAY VALERO</b> N/E CORNER of GATEWAY DR. and ALMOND AVENUE MADERA, CA 93637	
	<b>SITE PLAN</b> DR. BY: LK      DATE: 11 APR 13      SHEET NO.	
	SCALE: 1"=20'-0" DATE: 5/12/13	
	<b>1</b>	





# FLOOR PLAN

SCALE: 1/4"=1'-0"

Richard Herzog Construction Inc. 7847 North Highland Avenue Clovis, Ca. 93619 559-322-2011 Office 559-322-2018 FAX 559-304-7777 Cell richard@rhc-inc.net CCL: 555750		<b>GATEWAY VALERO</b> N/E CORNER of GATEWAY DR. and ALMOND AVENUE MADERA, CA 93637	
<b>FLOOR PLAN</b>			
DR. BY: L.K.	DATE: 10 APR 13	SHT. NO.	
SCALE: 1/4"=1'-0"		2	
REV 1 JUNE 10 CUP			
REV 6 JUNE 10 CUP			



**KEY NOTES:**

- 1 26 Ga G.I. roof parapet flashing. Paint to match fascia.
- 2 7" exposure lap siding over one layer of 15 # building paper over 3/8" thick plywood sheeting.
- 3 Canvas awning over metal tubing frame. See color chart.
- 4 Charcoal grey composition shingle roofing per notes on roof plan.
- 5 Faux rock wainscot. See color chart.
- 6 4" tall 26 Ga. G.I. base flashing with standard weep screed above.
- 7 Glass covered aluminum operable menu display frames by others.
- 8 Aluminum commercial window and door frames with light tinted tempered glass per Title 24 energy.
- 9 +/- 12"-4 1/4" plate line.
- 10 Roof mounted mechanical equipment. Equipment shall not be visible from street...except hood vent mushrooms (clearances per CMC and fire department).
- 11 Roof line beyond.
- 12 Wall mount light fixtures. See electrical lighting plan.
- 13 Signs by others. Separate permit.
- 14 Faux cap stones. See color chart.
- 15 Paint doors to match adjacent color of materials.
- 16 4" diameter concrete filled pipe bolards.
- 17 16" tall metal cornice. See color chart.
- 18 Future solar panels on roof.
- 19 7/8" standard stucco over 2 layers type "D" paper over 3/8" pwd. See color chart.
- 20 2x4 corner and window/door trim. See color chart.
- 21 2x10 fascia. See color chart.
- 22 ACM fascia at fuel canopy.
- 23 Back-lit signs. Plans and permits by others.
- 24 Canopy columns. See color chart.
- 25 Multiple Petroleum Dispensers (6 total). Plans and permits by others.
- 26 26 ga. Metal standard stucco expansion joints at locations shown.
- 27 Recess for gas meter. See sheet 2

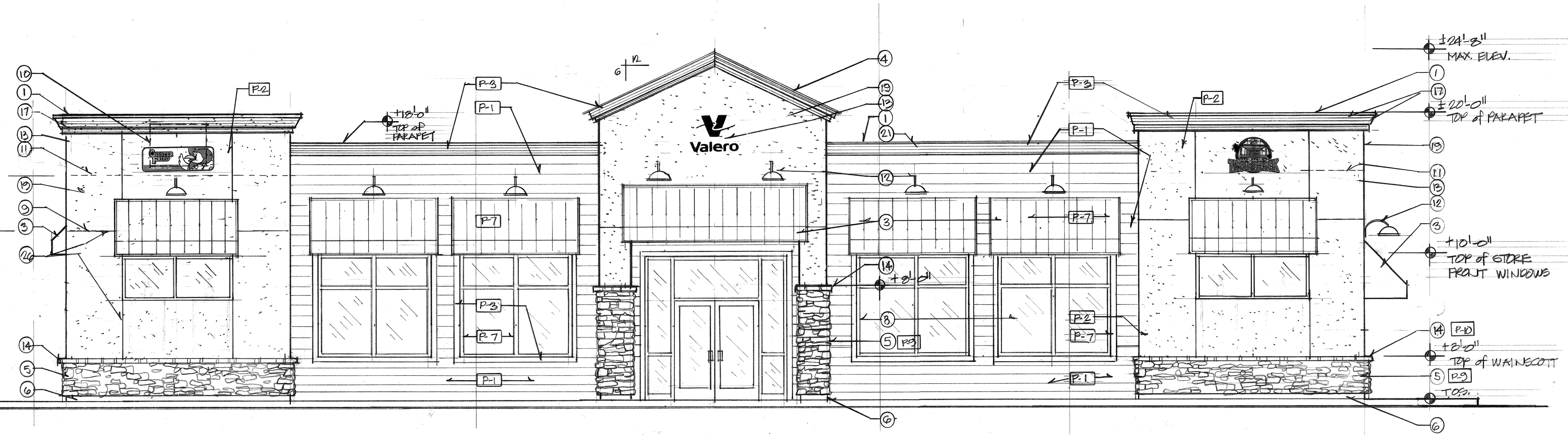
**PAINT/COLOR SCHEDULE**

(OWNERS SHALL VERIFY ALL COLORS)

Symbol	Area	Manufacturer	Color/Number	Color
P-1	Base building color	Benjamin/Moore	2124-60	"Misty Grey"
P-2	Pop outs and Trim	PMS	7542	Med. Grey
P-3	Cornice	Benjamin/Moore	2134=40	Dark Grey
P-4	Canvas Awning	Dicky's Canvas Works		"Valero Blue"
P-5	Fuel Canopy	Benjamin/Moore		"Bright White"
P-6	Fuel Canopy	PMS	7406C	"Valero Yellow"
P-7	Window & Door Frames	By others		"Black"
P-8	Fuel Canopy	PMS	3015C	"Valero Blue"

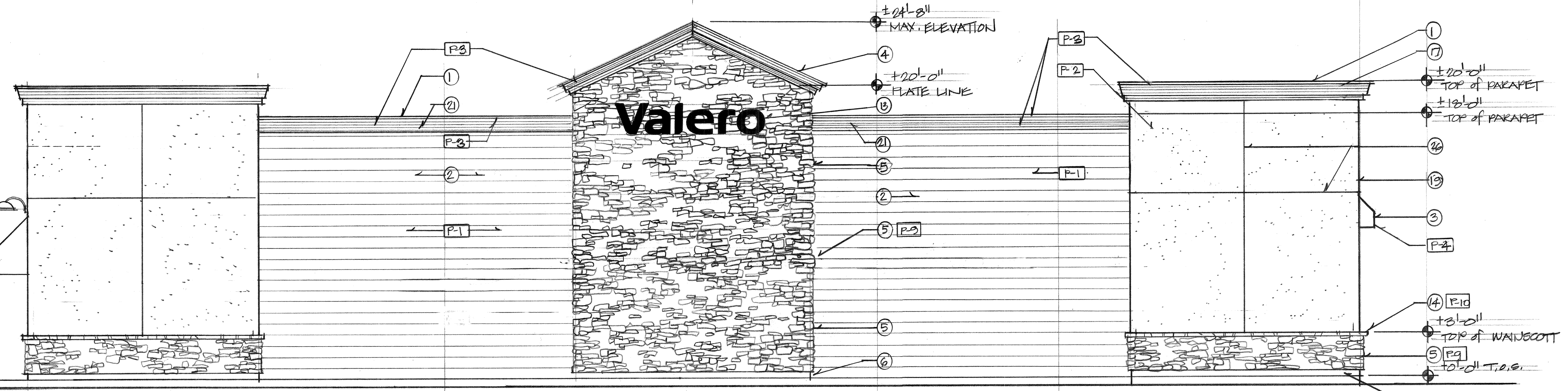
Exterior light fixtures shall be black.

P-9	Wainscot stone	Idaho dry stack	Coronado Stone
		"Carmel Mountain"	
P-10	Cap stone	Chiseled Sill	Coronado Stone
		"Carmel Mountain"	



**EAST ELEVATION**

VIEW FROM FUEL CANOPY

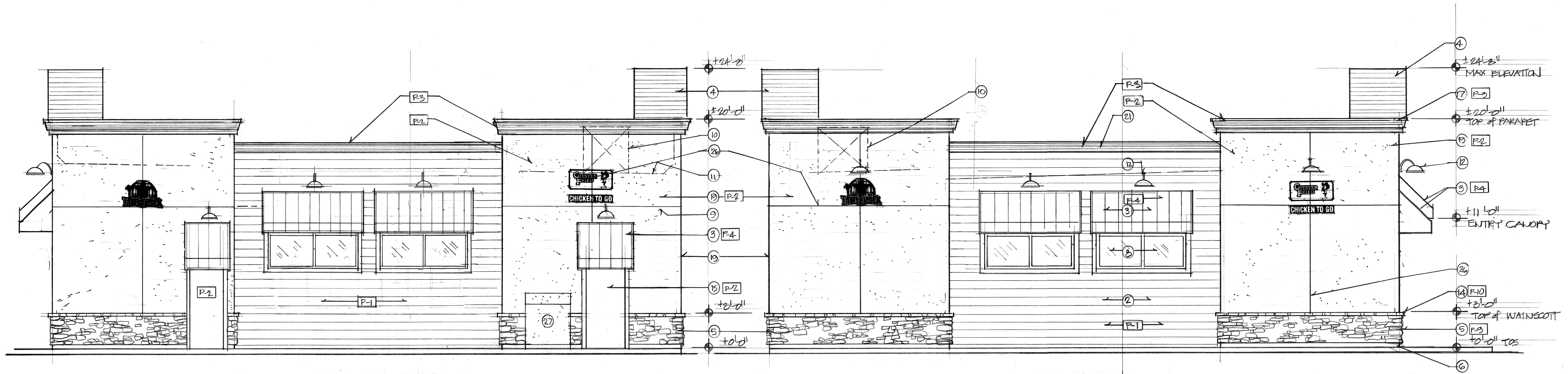


**WEST ELEVATION**

VIEW FROM GATEWAY DRIVE

Richard Herzog Construction Inc. 7847 North Highland Avenue Clovis, Ca. 93619 559-322-2011 Office 559-322-2018 FAX 559-304-7777 Cell richard@rhc-inc.net CCL: 555750	<b>GATEWAY</b> <b>VALERO</b> N/E CORNER of GATEWAY DR. and ALMOND AVENUE MADERA, CA 93637	
	<b>EXTERIOR ELEVATIONS</b>	
DR. BY: L.K. SCALE: 1/4" = 1'-0"	DATE: 13 APR 13	SHEET: N2 <div style="font-size: 2em; font-weight: bold; text-align: center;">3</div>

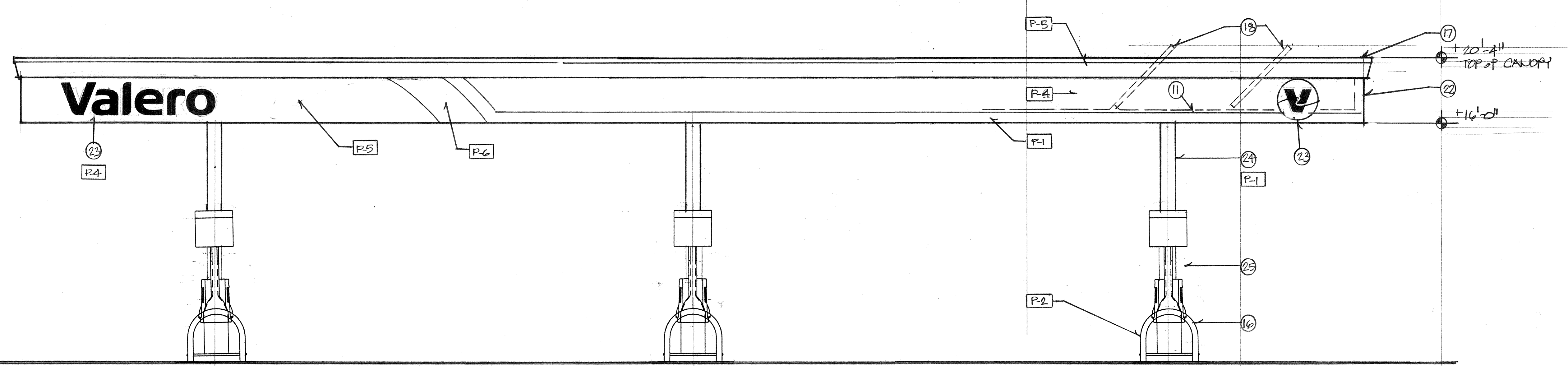




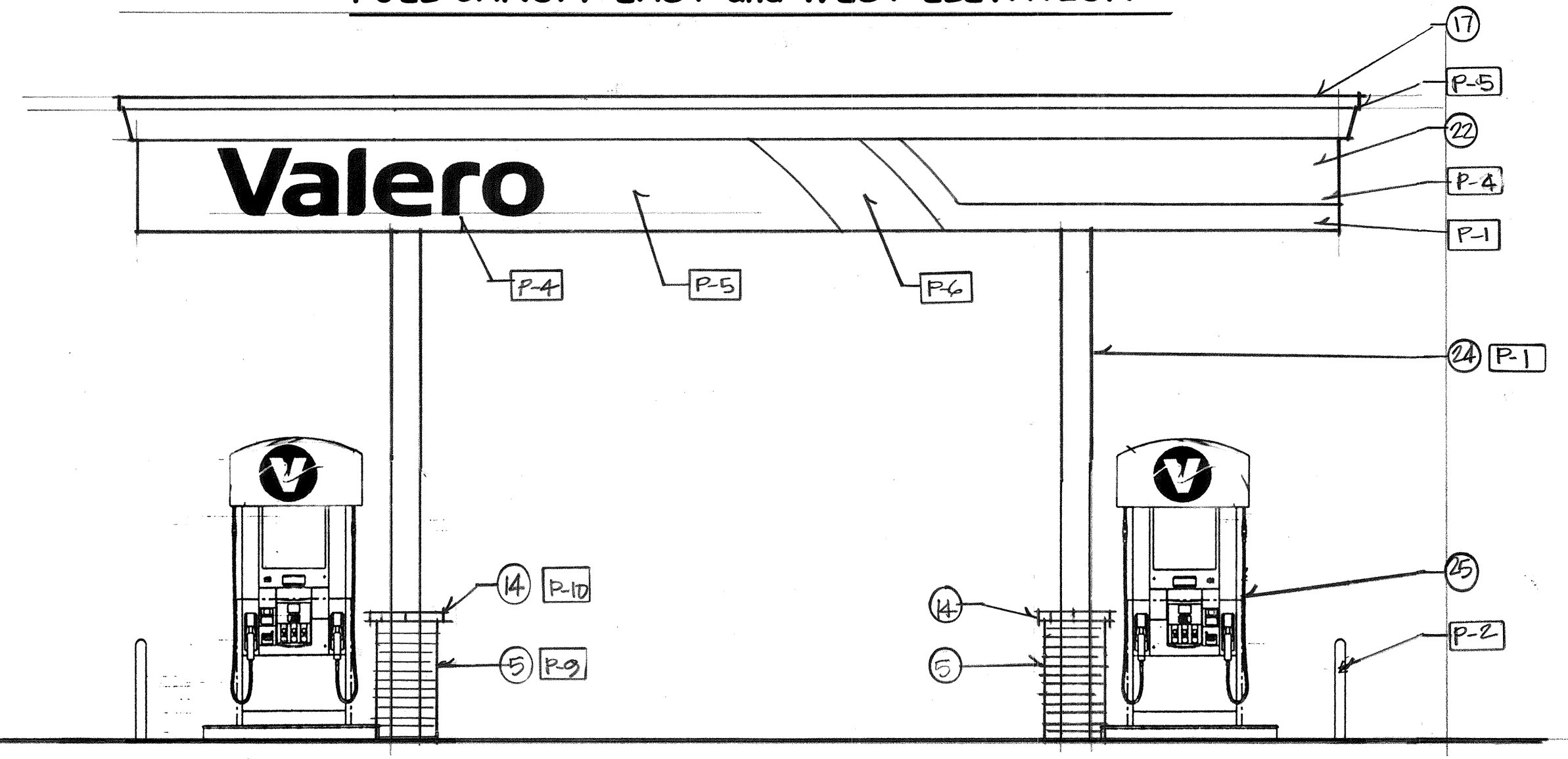
NORTH ELEVATION

SOUTH ELEVATION

VIEW FROM ALMOND AVENUE

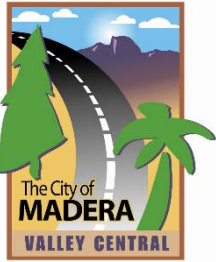


FUEL CANOPY EAST and WEST ELEVATION



FUEL CANOPY NORTH and SOUTH ELEVATION

Richard Herzog Construction Inc. 7847 North Highland Avenue Clovis, Ca. 93619 559-322-2011 Office 559-322-2018 FAX 559-304-7777 Cell richard@rhc-inc.net CCL: 555750		<b>GATEWAY VALERO</b> N/E CORNER of GATEWAY DR. and ALMOND AVENUE MADERA, CA 93637	
<b>EXTERIOR ELEVATIONS</b>			
DR. BY: L.K. SCALE: 1/4"=1'-0" CUP: 2 JUNE '10 CUP: 6 JULY '10	DATE: 14 APR '10	SHIT. NO.	<b>3.1</b>



# CITY OF MADERA PLANNING COMMISSION

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

## Staff Report: Perez Accessory Garage Variance VAR 2019-02 & Categorical Exemption Item #3 - August 13, 2019

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**PROPOSAL:** Consideration of a request for a variance to allow for a 23'-6" tall, two-story accessory garage structure where the maximum allowable building height for accessory structures as permitted by R1 (Residential) development standards is 15 feet.

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<b>APPLICANT:</b>	Al Vasquez	<b>OWNER:</b>	Wilbert Perez
<b>ADDRESS:</b>	397 W Pecan Avenue	<b>APN:</b>	012-310-054
<b>APPLICATION:</b>	VAR 2019-02	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The property is located on the northeast intersection of West Pecan Avenue and Monterey Street.

**STREET ACCESS:** The project site has access to West Pecan Avenue.

**PARCEL SIZE:** Approximately 0.46-acres.

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

**ZONING DISTRICT:** PD 6000 (Planned Development)

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**SITE CHARACTERISTICS:** The project site is surrounded by single family residential development to the north and east and undeveloped properties to the south and west.

**ENVIRONMENTAL REVIEW:** The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15305 as a "Minor Alterations in Land Use Limitations".

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**SUMMARY:** The applicant has requested a height variance from the R1 development standards to allow for the construction of a 23'-6", two-story accessory structure which is 8'-6" taller than the maximum allowable building height. Granting of the variance to allow for the construction of a 23'-6" accessory structure would not have a significant adverse effect to the character of property or the surrounding neighborhood, although surrounding development does not typically include two story construction. Findings in support of the variance can be made.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10 3.1401 Variances Necessity

MMC § 10 3.1401 Variances Necessary Conditions

MMC § 10 3.510 Building Height

A variance may be granted by the Planning Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict and literal application of any of the provisions of the ordinance. Necessary conditions for granting a variance can only occur when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance deprives a property owner of privileges enjoyed by other property in the vicinity under identical zoning classification. If the Commission cannot make the appropriate findings, the variance request should be denied. Conditions may be attached to the approval of the variance to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses.

## **PRIOR ACTION**

The property under consideration is the remainder parcel of Valley Vanguard Tentative Subdivision Map (TSM) 1996-10 which created ten parcels. As part of the TSM approval, the Madera Planning Commission (Commission) also approved Covington Estates Precise Plan (PPL) 1996-06 on January 14, 1997. Pre-existing development on the property was not a part of the above-mentioned entitlements.

## **ANALYSIS**

The following analysis describes the necessary criteria and findings for granting a variance request, which would allow for the construction of 23'-6" tall, two-story accessory garage with a hobby room.

### Variance Request

The project site is in a Planned Development zone district and although there is a precise plan in place (PPL 1996-06) which guides development on the corresponding subdivision, the property was developed prior to the approval of the associated entitlements. The precise plan does largely rely upon and adhere to R1 development standards, however the property under consideration does not share architectural features with the rest of the precise plan's associated development.

Developments in Planned Development zone districts are required to be developed consistent with their associated precise plan, including accessory structures. In this case, PPL 1996-06 requires that "all buildings, including accessory structures and fences shall conform to the R-1, Residential standards...". The maximum height for accessory structures in the R1 zone is 15 feet. The property owner, however, wishes to replace the existing accessory carport with a two-story, 23'-6" tall, 1,800 square foot accessory (garage) structure, which is 8'-6" taller than permitted.

The current property owner utilizes the car garage for storage making it unavailable for vehicle parking. The accessory carport is in a dilapidated state in need of replacement. The proposed replacement, an accessory garage, would have a first floor that would function as a two-car garage and a second story that would function as a hobby room and storage for antiques/collection items. Justification letters from both the property owner and the architect have been included as attachment 2A and 2B.

#### Variance Requirements

There are two findings that must be made in order to grant a variance, which are stated as follows:

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

#### Justification Findings

Based on the criteria listed above, the height variance request is not caused by “practical difficulties” on the property. The property size, shape, and topography can accommodate the proposed accessory garage without any reduction to the desired square footage or need for a two-story structure. The existing single-family home is appropriately placed within the property’s setback requirements, without imposing limitations on the placement of the proposed accessory garage. The property is located on a large corner parcel encompassing approximately 13,800 square feet. The property is significantly larger than the surrounding 6,000 square foot average parcels.

Additionally, all the properties associated with TSM 1996-10 and PPL 1996-06 were developed consistent with the R1 building height development standards. Abutting properties not associated with the subdivision map and the associated precise plan were also developed consistent with the R1 building height development standards. The surrounding properties do not include two-story structures or accessory structures that exceed the 15-foot building height maximum.

Despite the distinct differences in parcel size, dimensions, and the varying years when development occurred, new construction on the subject property is required to adhere to the PPL 1996-06 development standards. Acknowledging that the property under review is unique to the rest the surrounding properties, it would be an “unnecessary hardship” to require the proposed accessory garage to conform to the development standards of a precise plan that

largely guided the development of the single-family homes on the much smaller lots created with TSM 1996-10.

Had the property owner wished to attach the accessory garage to the primary structures, the proposal would be consistent with the precise plan and R1 height standards, resulting in no need for a variance. Alternatively, the precise plan could have been amended to allow for accessory structures to be constructed up to 25-feet in height. Associated precise plan properties though are small in comparison to the project parcel with less developable area. If such property owners desired similarly proposed accessory structures, the results would potentially not be consistent with the goal of the Zoning Ordinance to provide for the logical and orderly use of lands. Amendment of the precise plan was consequently not supported.

All things considered, granting the 23'-6" accessory garage would not provide for a "result inconsistent with the general purposes of this chapter...". The accessory structure would not have a considerable adverse impact on the property or the character of the surrounding neighborhood. The accessory garage is proposed in a location that would not be visually distracting from the public right-of-way or cause a visual distraction to the surrounding neighborhood. The property is surrounded by mature trees partially screening the accessory garage from any one orientation. The proposed accessory garage would also be replacing a carport with a larger foot print. The property owner has demonstrated in his justification letter the initiative to engage surrounding property owners in providing comment on the variance request. Should the Commission consider the approval of the request, staff would recommend that the materials and style of the accessory garage be in keeping with the existing residence. As such, granting the height variance in this special case would not be inconsistent with the chapter's purpose "to promote and protect the public health, safety, peace, comfort, and general welfare, and to provide the economic and social advantages resulting from an orderly planned use of land resources".

#### Correspondence

The Planning Department has received an email correspondence in opposition to the variance request. The correspondent believes the height variance will alter the appearance of an otherwise residential neighborhood. The correspondence has been included as Attachment 3.

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

Although approval of a height variance from the ordinance of the MMC is not specifically addressed in the vision or action plans, the overall project does indirectly support Action 131.1, which states, "Conduct neighborhood design charrettes to explore alternative for good neighborhood design".

#### **RECOMMENDATION**

It is recommended that the Commission consider the information in this report, as well as testimony in the public hearing and make a determination on VAR 2019-02, subject to the findings and conditions of approval.

## **PLANNING COMMISSION ACTION**

The Commission will be acting on VAR 2019-02.

Motion 1: Move to approve VAR 2019-02, subject to the findings and conditions of approval as listed:

### Findings

- This project is categorically exempt under Section 15305, “Minor Alterations in Land Use Limitations”.
- As conditioned, the allowance for the additional 8-feet, 6-inches in height to the accessory structure’s maximum permitted 15-foot height will be compatible with the surrounding properties because its placement and will not negatively impact adjoining residential properties.
- The allowance of an additional 8-feet, 6-inches of height to an accessory structure, in this case, will be consistent with the general purposes of this chapter because the over-height allowance, in this case, is not detrimental to the public health, safety, peace, comfort, and general welfare, provides economic and social advantages and results in the orderly planned use of land resources.
- The strict and literal application of applicable ordinance, in this case, deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Allowance for a variance in the height of an accessory structure does not constitute a grant of special privileges based on the oversized nature of the parcel in comparison to surrounding properties within the same zone district.

### CONDITIONS OF APPROVAL

1. The accessory garage structure shall be constructed to a maximum height of 23-feet and 6-inches as presented in the site and floor plans. All aspects of the accessory structure shall be constructed to match the primary structure’s architectural style, colors and materials.
2. All windows on the accessory structure shall provide window treatments (i.e. foam pop-outs, window framing, window shutters,) consistent with the primary structure.
3. All HVAC equipment shall be ground mounted or located in the interior of the structure.
4. It must be clear to the property owner and architect that the hobby room cannot be used for sleeping at any time. To be used as such, a space 3 requirements shall apply:



- The structure shall be equipped with residential fire sprinklers.
- Smoke alarms shall be required in each floor level.
- A carbon monoxide detector shall be required in each floor level.

**(OR)**

Motion 2: Move to continue the public hearing on VAR 2019-02 to the September 10, 2019 Commission hearing, for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny the application for VAR 2019-02, based on the following findings: (specify)

### **ATTACHMENTS**

Attachment 1: Aerial Map

Attachment 2A & B: Justification Letters

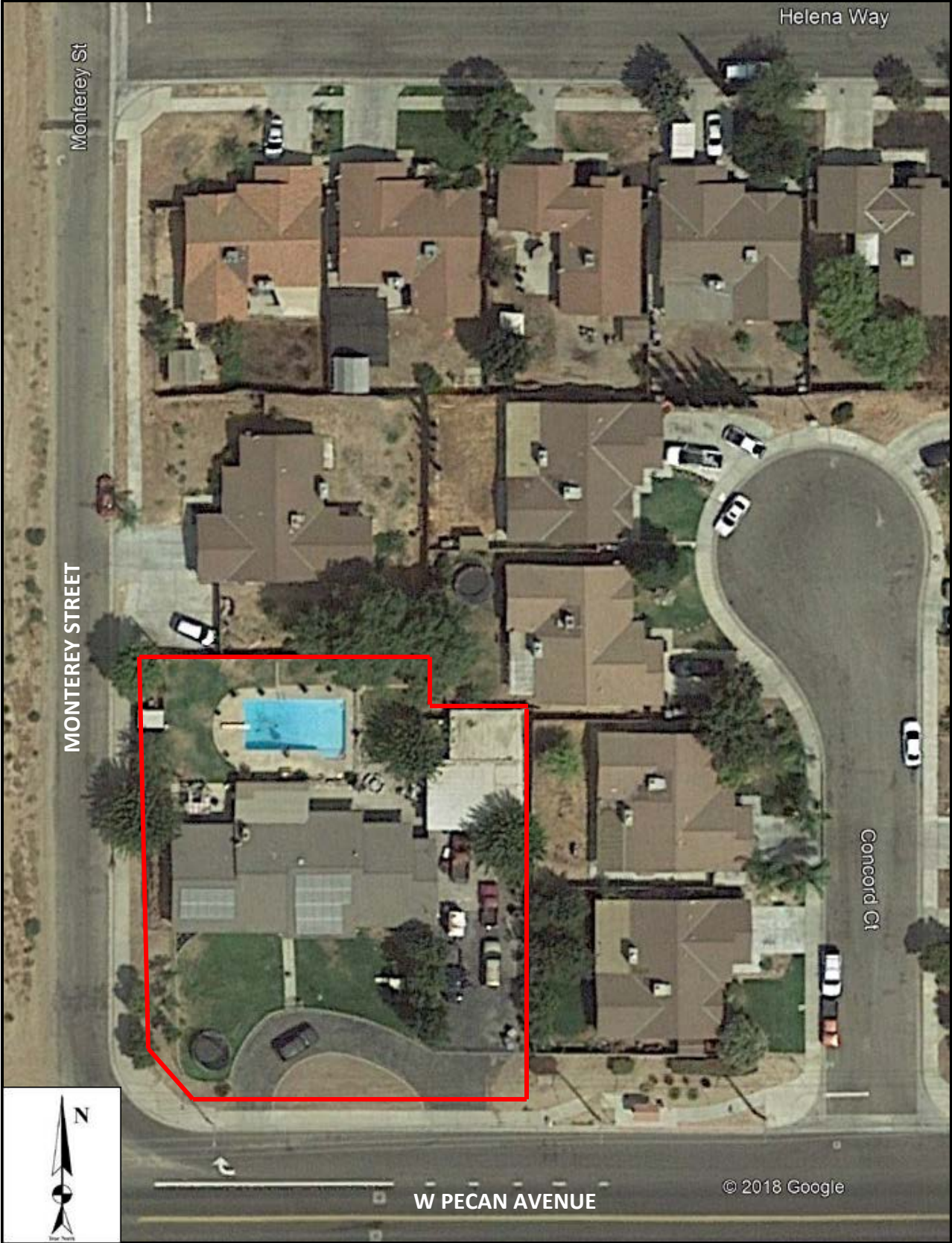
Attachment 3: Email Correspondence

Attachment 4: Precise Plan 1996-06

Attachment 5: Site, Floor & Building Elevations

Attachment 6: Site Photos

Attachment 1: Aerial Map



**Attachment 2A: Justification Letter**

Wilbert Perez  
397 W. Pecan Ave  
Madera, CA 93637  
June 12, 2019

To whom it may concern,

I am writing you about my future plans on fixing my garage and adding a hobby room to the second floor at 397 W Pecan Avenue. At this time my garage is in badly need of replacement. As required neighbors have been notified and have no objections. They also think my improvements to the home will bring up property value in the surrounding area. There are two story homes in the area so it will blend in nicely.

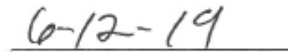
Thank you very much. If you have any questions please feel free to contact me at:

[Willperez978@gmail.com](mailto:Willperez978@gmail.com)

559-270-8662



Signature



Date

Attachment 2B: Justification Letter

**Gary Rogers Architect** Lic. # C16583

1816 Howard Rd. Suite #8  
Madera CA 93637  
(559) 674-6598  
[garyarogers@sbcglobal.net](mailto:garyarogers@sbcglobal.net)

**May 23, 2019**

City of Madera  
Building Department  
205 W. 4th Street  
Madera, CA 93637

**RE: 397 W. Pecan Ave two story garage**

To Whom It May Concern,

The proposed two story garage addition at 397 W. Pecan Ave is seeking an approval from the city building department to allow a building height of up to 25 ft in order to allow the second story. This allowance would not be an isolated occurrence in the surrounding vicinity as there are other existing 2 story structures with in the neighborhood. The proposed two story structure will not affect the adjacent residences backyard privacy either as no windows or views are available from the corresponding elevations facing those properties.

If you have any further questions or concerns regarding this project please feel free to contact me at (559) 269-4158

Sincerely,

  
Gary A Rogers

1494 CONCORD  
Hector  
1476  
Jose Rosas

JUAN M. HUANTE  
1458 CONCORD CT  
MADERA CA 93637

Nick landecko  
1438 CONCORD CT  
madera ca 93637

Olivia Delgado  
1445 Monterey St  
Madera, Ca 93637

**Attachment 3: Email Correspondence**

**Jesus Orozco**

---

**From:** Robert Holt  
**Sent:** Monday, July 29, 2019 9:51 AM  
**To:** Jesus Orozco  
**Subject:** FW: VAR 2019-02

FYI

-----Original Message-----

**From:** [REDACTED] >  
**Sent:** Monday, July 29, 2019 9:48 AM  
**To:** Chris Boyle <cboyle@madera.gov>  
**Cc:** Robert Holt <rholt@madera.gov>  
**Subject:** VAR 2019-02

Dear Mr. Boyle:

I am against a height variance for 397 West Pecan Ave as it will alter the appearance of an otherwise residential neighborhood.

Sincerely,

Michael Pistorresi

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



COVINGTON ESTATES PRECISE PLAN #XIII-96-06 CITY OF MADERA

The City of Madera Planning Commission, at its regular meeting of January 14, 1997 approved a Precise Plan in favor of the property located at the northeast corner of Monterey street and West Pecan Avenue to allow construction of 10 single-family dwellings in the PD 6000, Planned Development Zone. This approval will be effective on January 29, 1997 and subject to the following findings and conditions of approval:

FINDINGS:

- AS CONDITIONED THE PLAN IS CONSISTENT WITH THE MADERA MUNICIPAL CODE.
- AS CONDITIONED THE PROPOSED PLAN FURTHER IMPLEMENTS THE APPROVED TENTATIVE MAP AND THE RECOMMENDED MITIGATION MEASURES OF THE MITIGATED NEGATIVE DECLARATION FOR THE PROJECT.

CONDITIONS:

1. ALL BUILDINGS, INCLUDING ACCESSORY STRUCTURES AND FENCES SHALL CONFORM TO THE R-1, RESIDENTIAL STANDARDS, EXCEPT FOR THE FOLLOWING:
  - A. INTERIOR SIDE YARDS MAY BE A COMBINATION OF 5 FEET ON ONE SIDE AND 4 FEET ON THE OPPOSITE. NO OTHER SIDE YARD ENCROACHMENTS SHALL BE PERMITTED ON THE SIDE HAVING A 4 FOOT SETBACK, AND NO 4 FOOT SETBACK SHALL BE PERMITTED NEXT TO A 4 FOOT SETBACK ON AN ADJACENT LOT.
  - B. FRONT SETBACKS SHALL BE A MINIMUM OF 15 FEET EXCEPT THAT THAT A MINIMUM OF 18 FEET SHALL BE REQUIRED TO ALL GARAGE ENTRIES. ALL GARAGES SHALL HAVE ROLL-UP DOORS.
2. ALL DRIVEWAYS AND ENCROACHMENTS SHALL CONFORM TO CITY STANDARDS IN REGARD TO SETBACKS FROM ADJACENT PROPERTY LINES.
3. MINOR ADJUSTMENTS IN THE WIDTH OF CUL-DE-SAC AND CORNER LOTS MAY BE APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR / CITY ENGINEER IN ORDER TO COMPLY WITH THESE PRECISE PLAN REQUIREMENTS.
4. A MINIMUM OF ONE CITY APPROVED STREET TREE SHALL BE PROVIDED PER INTERIOR LOT FRONTAGE, AND TWO ON THE STREET SIDEYARD FRONTAGE ON CORNER LOTS. TREES SHALL NOT BE PLANTED ANY CLOSER THAN FIVE (5') FEET TO A FIRE HYDRANT, OR THIRTY (30') FEET FROM ANY STREET LIGHT.
5. DETAILED LANDSCAPING AND IRRIGATION PLANS FOR THE RESIDENTIAL FRONT YARDS AND STREET SIDE YARDS SHALL BE SUBMITTED TO THE PLANNING DIRECTOR FOR REVIEW AND APPROVAL PRIOR TO THE SUBMISSION OF THE FINAL MAP FOR APPROVAL.
6. A DECORATIVE BLOCK WALL SHALL BE CONSTRUCTED ADJACENT TO WEST PECAN AVENUE IN ACCORDANCE WITH THE SETBACK REQUIREMENTS OF THE MUNICIPAL CODE.
7. LANDSCAPING AND AUTOMATIC SPRINKLER SYSTEMS SHALL BE PROVIDED ALONG PECAN AVENUE AND SHALL BE MAINTAINED BY A LANDSCAPE MAINTENANCE DISTRICT. LANDSCAPING AND IRRIGATION SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE DEPARTMENT OF PARKS AND COMMUNITY SERVICES GUIDELINES, TO INCLUDE STREET TREES AND LANDSCAPING WHICH WILL DISCOURAGE GRAFFITI. THE POWER SUPPLY SOURCE, CLOCK, BACKFLOW / PRESSURE REDUCTION VALVES, AND WATER METER LOCATIONS SHALL BE APPROVED BY THE CITY PRIOR TO THE COMPLETION OF THE LANDSCAPE PLANS. PLANS SHALL BE SUBMITTED TO THE CITY ENGINEER AND THE DIRECTOR OF PARKS AND COMMUNITY SERVICES FOR REVIEW AND APPROVAL PRIOR TO THE RECORDING OF THE FINAL MAP.



8. THE FRONT YARDS SHALL BE PROVIDED WITH A MINIMUM OF ONE TREE PER INTERIOR LOT AND THREE TREES PER CORNER LOT.
9. 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 CONSIDERED SINCE THEY PROVIDE SHADE IN THE SUMMER AND ALLOW THE SUN TO REACH THE RESIDENCES DURING WINTER MONTHS.
10. FRONT YARD AND STREET SIDE YARD LANDSCAPING SHALL BE INSTALLED BY THE DEVELOPER PRIOR TO THE APPROVAL FOR OCCUPANCY OF THE RESIDENCE ON THE SUBJECT LOT. MAINTENANCE SHALL BE BY THE INDIVIDUAL HOMEOWNER.
11. RESIDENTIAL FENCING SHALL BE COMPLETED PRIOR TO THE APPROVAL FOR OCCUPANCY OF THE RESIDENCE.
12. 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.
13. THE SAME ELEVATION SHALL NOT BE REPEATED MORE THAN THREE TIMES IN ANY ROW OF FIVE UNITS.
14. THE SAME EXTERIOR COLORS SHALL NOT BE REPEATED ON ADJACENT UNITS WITHIN THE SAME STREET FRONTAGE.
15. FIREPLACES, IF INSTALLED, SHOULD BE EITHER GAS-BURNING OR EPA CERTIFIED WOOD-BURNING. NATURAL GAS AND ELECTRIC OUTLETS SHOULD BE INSTALLED IN THE BACK YARD FOR BARBECUES. OUTSIDE ELECTRIC OUTLETS SHOULD BE INSTALLED 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.
16. AS MANY ENERGY CONSERVING FEATURES AS POSSIBLE SHOULD BE INCLUDED IN THE DESIGN/CONSTRUCTION OF THE NEW BUILDINGS. EXAMPLES INCLUDE BUT ARE NOT LIMITED TO INCREASED WALL AND CEILING INSULATION, ENERGY EFFICIENT LIGHTING, HIGH EFFICIENCY APPLIANCES AND SOLAR ASSISTED WATER HEATING.

**OTHER STIPULATIONS**

- 1) This approval is granted pursuant to Section 10-3-4.101 of the Madera Municipal Code only, and does not relieve the permittee of any obligation to obtain any other permit required by any other Section of the Madera Municipal Code or any other regulation, law, ordinance in connection with the project herein specified; 2) Failure to utilize this approval within a two (2) year period from date of approval shall render the Precise Plan null and void unless an extension is requested and granted by the Planning Commission; 3) Acceptance of this approval by the named permittee constitutes acceptance of any and all conditions; and (4) This form must be returned to the Community Development Department by the effective date, January 29, 1997.

City of Madera  
 Community Development Department  
 205 West Fourth Street

  
 LARRY J. RED  
 Planning Director

Date: 2/27/97

ACCEPTED:  
  
 MITCH COVINGTON, OWNER

Date: 1/29/97

Questions regarding this Precise Plan approval should be directed to the Community Development Department at (209) 661-5430.



**General Notes**

Job card req'd to be available for signature at job site. Contractor to provide the bld'g division a completed CEC form CF-6R prior to the request for a final inspection. It is understood that no final inspection will be made until this form is submitted.

All windows including french & atrium doors to be dual pane unless noted.

No water bd. to be used in place of shear panels noted.

Bug screens to be installed prior to final.

P. & T. relief valve to outside of building at water heater. In seismic zones C, D & E, water heaters TO be anchored or strapped to resist horizontal displacement due to earthquake motion. Strapping shall be at points within the upper one-third (1/3) and lower one-third (1/3) of its verticle dimensions. At the lower point, a min. distance of (4") shall be maintained above the controls with the strapping.

Shower and tub/shower combinations shall be provided with individual control valves of the pressure balance or the thermostatic mixing valve type.

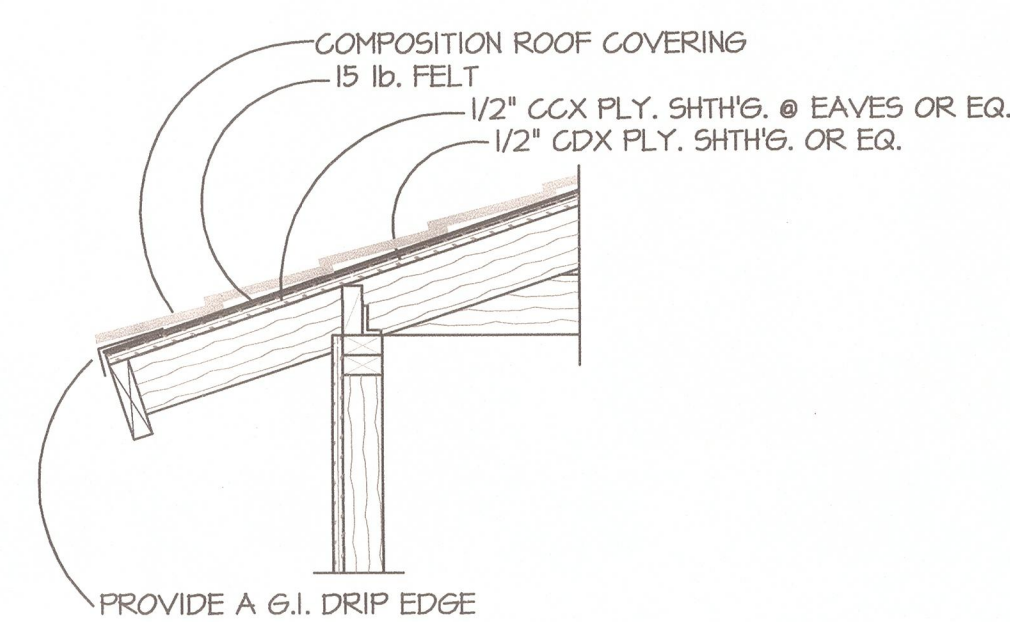
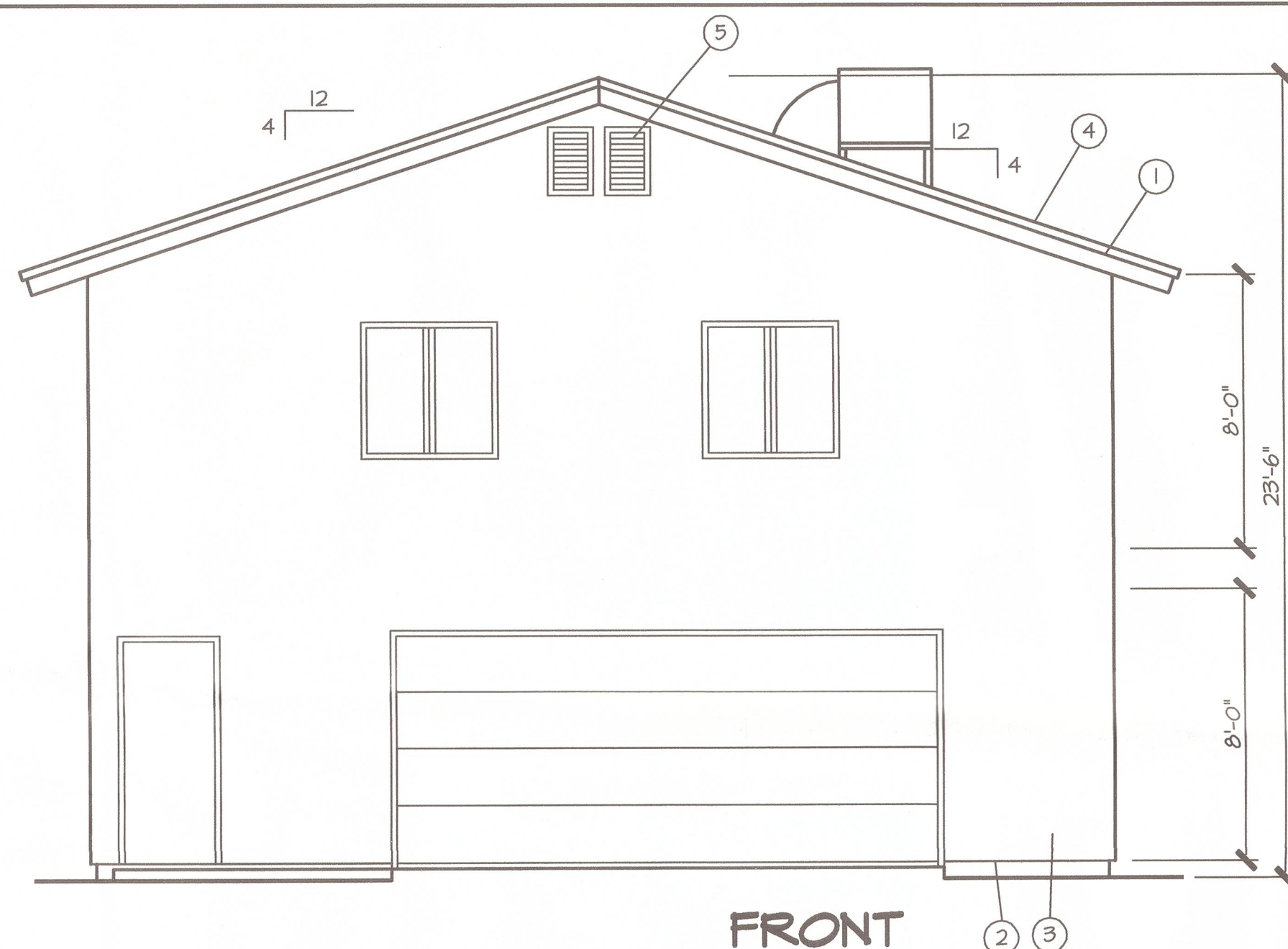
Changes from the approved plans during construction other than 1) Cabinet changes when not being supported entirely by the roof structure, 2) Int. door and fire/replace relocation shown on the approved plan, 3) A single non-bearing wall relocation when not creating an additional room, and 4) Interior nonstructural wall finishes; shall cause plan approval and construction to be suspended, a new plan check (for a new plan showing changes) will be submitted for review and approval through the normal plan check process.

Surface water to be drained away from building for at least 10 feet with a min. grade of 5% of the overall lot drainage slope must be maintained at 1% min, from rear to front with a min. slope of 1/2%.

Finish floor to be a min. of 6" above crown of street or per building dept. requirements.

The driveway approach within the road right of way shall be constructed to City of Madera standards prior to the final inspection of this structure by the Engineering Department. The applicant shall obtain an Encroachment Permit from the Road Department prior to the start of excavation within the road right of way.

This building design meets the design requirements set fourth in section 1403(c) Title 24, CGR  
TERRY ARMENTROUT



COMPOSITION ROOF MAKE-UP

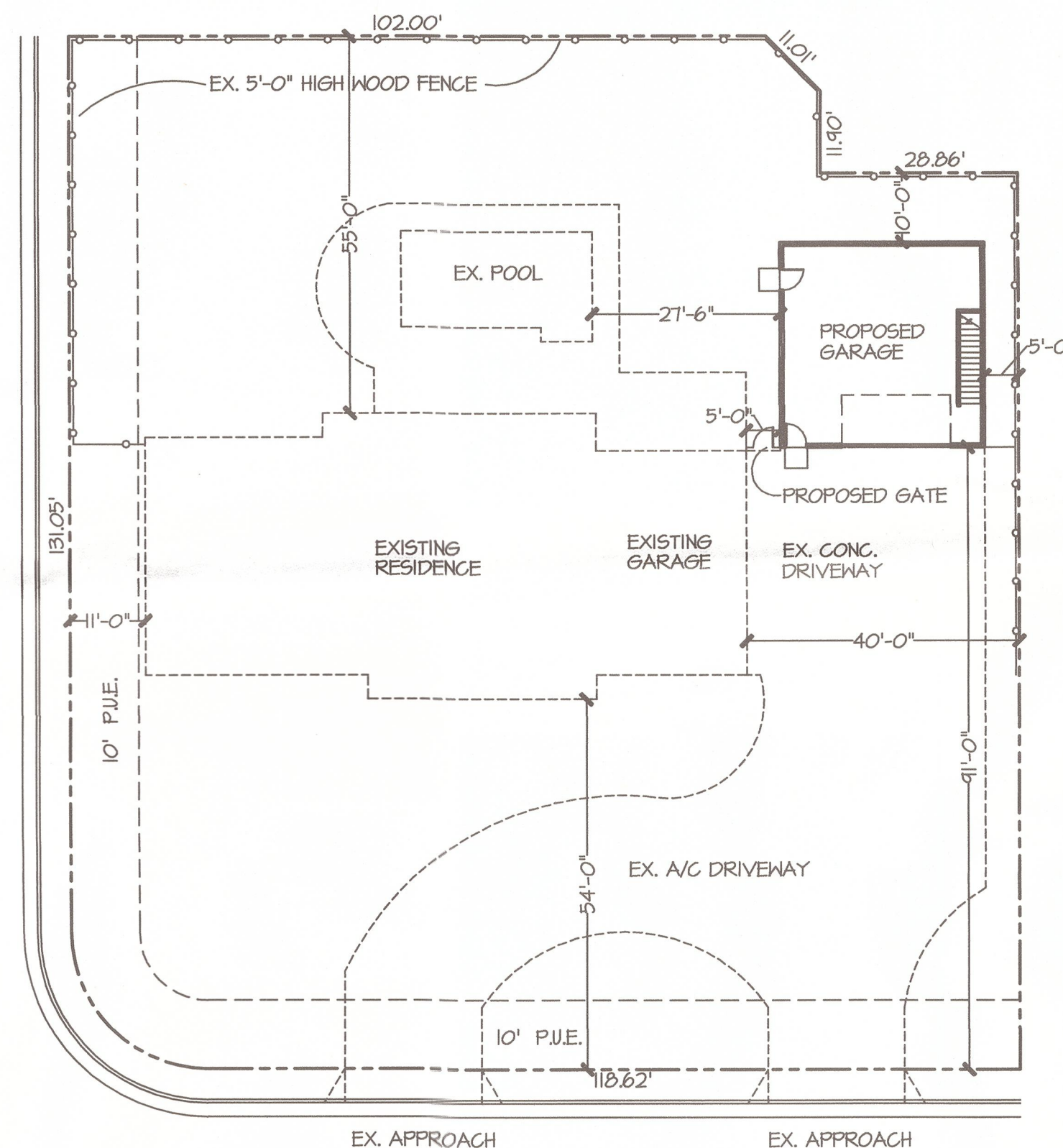
**FRONT**

**ELEVATION NOTES**

- 2x fascia with shingle molding (or) per owner specs.
- Provide a weep screed @ foundation plate on all ext. walls, per CRC w/2) layers, type 'D' paper.
- 1/8" stucco exterior (3 coat) per CRC.
- Composition roofing.
- Gable vent.

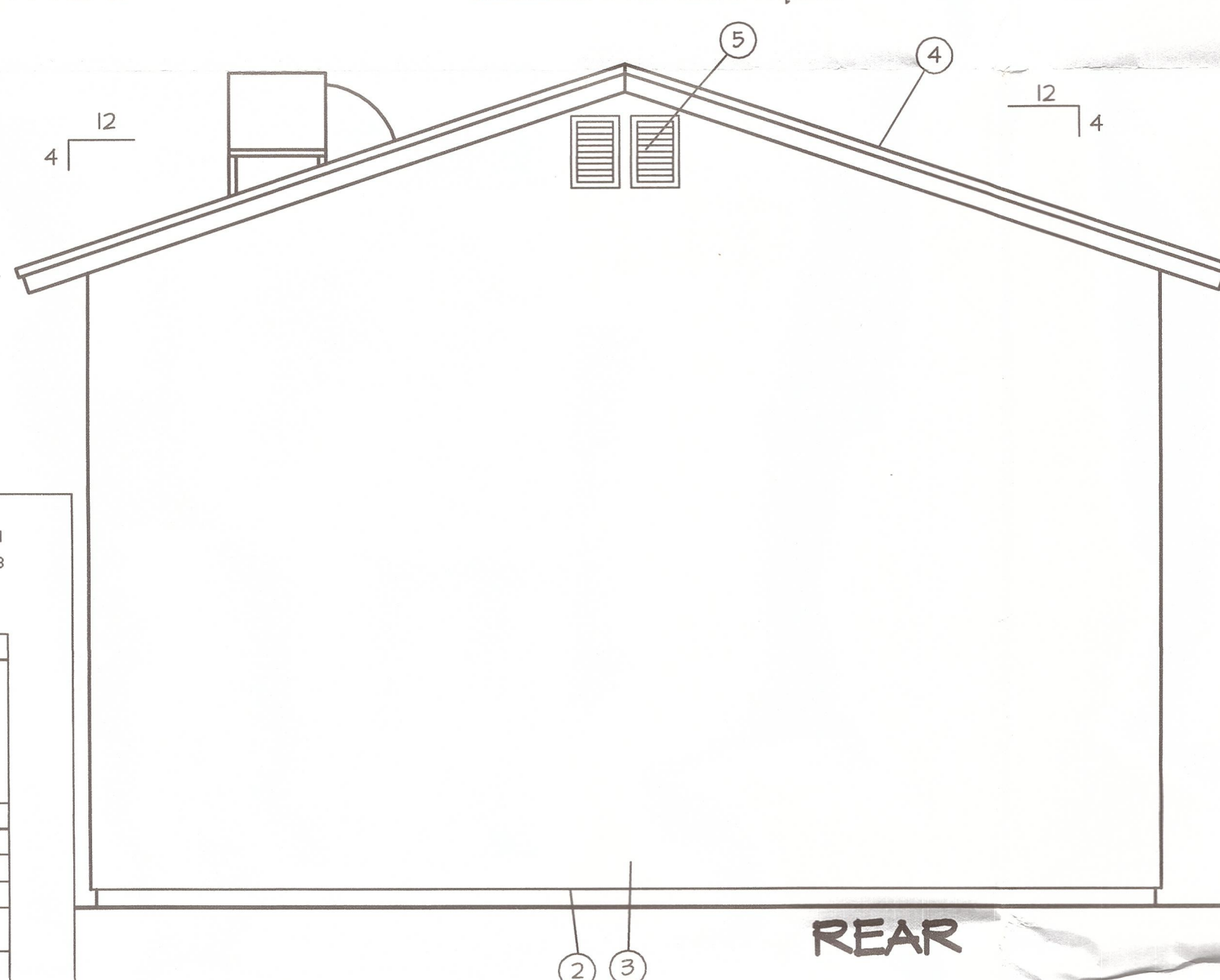
Roof covering to conform to the standards of 2016 CRC, chapter 4.  
Roof covering to be installed in accordance w/manif. instructions & CRC chapter 4.  
All nails to be galv. or copper coated.  
The installer shall provide certification of the roof covering classification to building dept. before the work can be finalized.  
Classification 'C' roof material req'd. min.

MONTEREY ST.



**SITE PLAN**

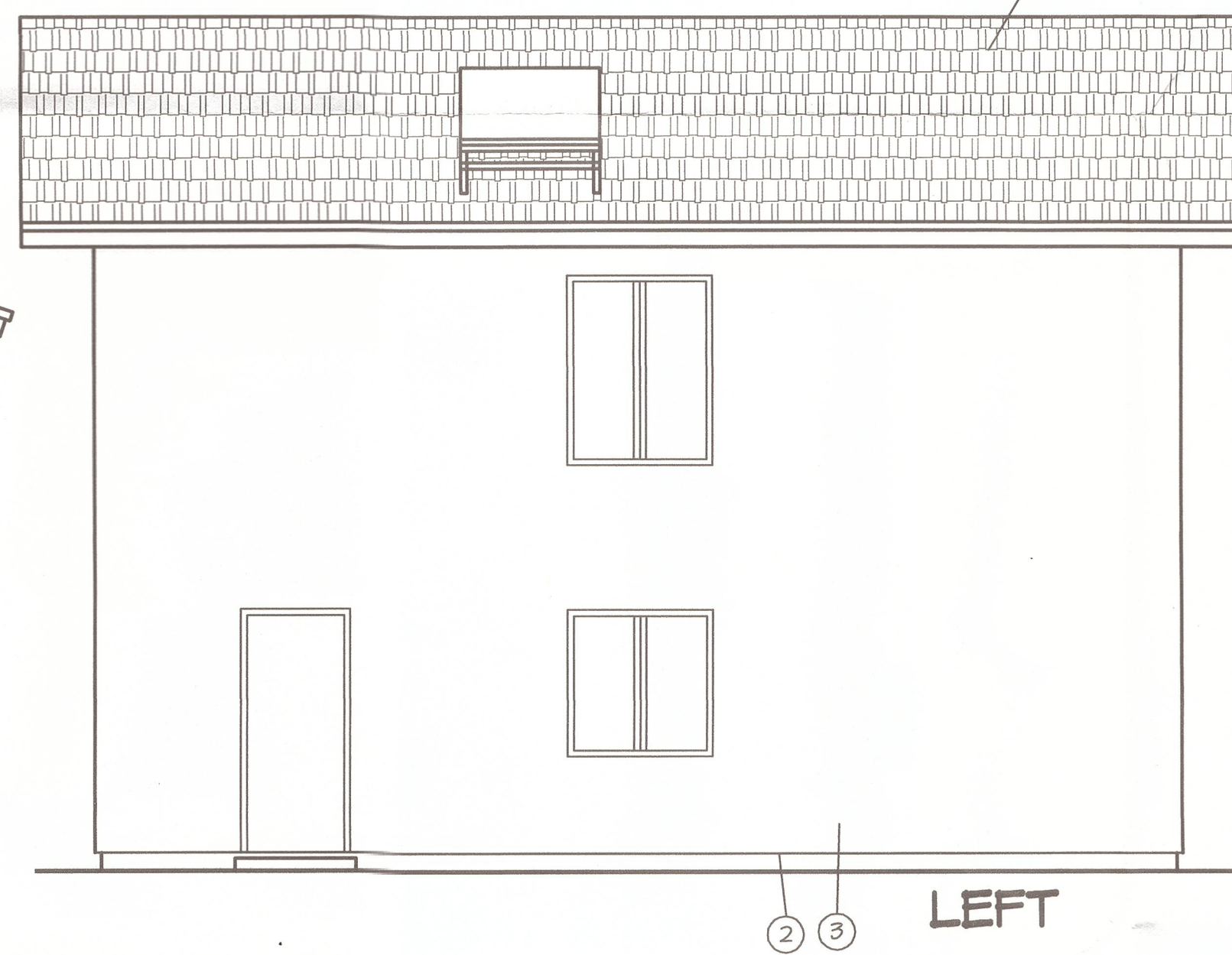
SCALE: 1"=20'-0"



**REAR**

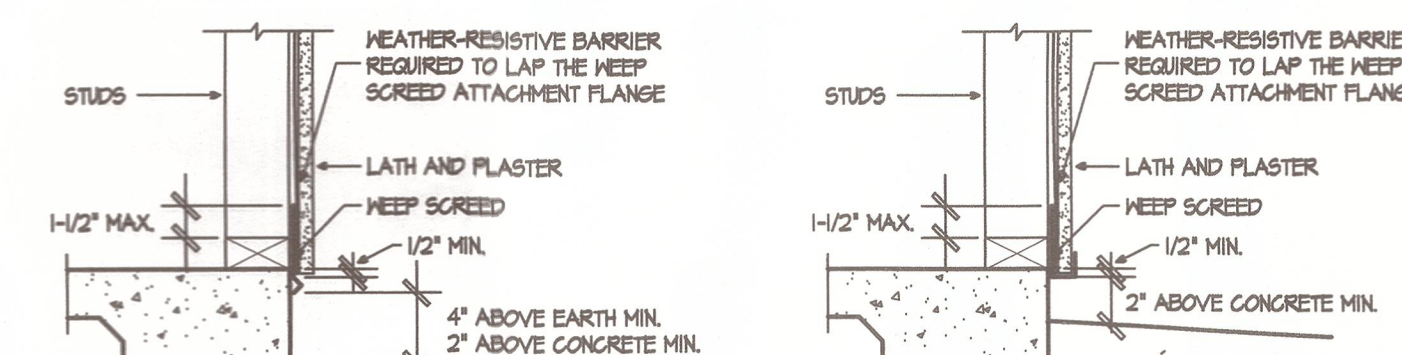
**EXTERIOR ELEVATIONS**

SCALE: 1/4"=1'-0"



**FINISH NOTES**

- Lath and plaster shall comply with Chapter 7, 2016 CRC. Install 1/8", 3-coat STUCCO with "K" lath backing (typical). In One-Coat systems, install NLT 3/8" STUCCO over "K" lath backing over 1" foam insulation board. Install STUCCO weep screens not closer than 4" above earth nor 2" above paved surfaces.
- Install gypsum (drywall) wallboard in accordance with Chapter 7, 2016 CRC. Nailing per Gyp. nailing sched., 2016 CRC. Wallboard surfaces to comply with Flamespread Class 'C' rating. Unless otherwise specified in the plans, install 1/2" gypsum wallboard at all interior walls, 5/8" gypsum wall board on ceilings where joist spacing is 24" on center (or 1/2" where spacing is 16" on center), and 5/8" gypsum board type "X" on common walls between Garage and Residence (remainder of ceilings and walls in Garages may be 1/2" with 5/8" type "X" stopping at ceiling on common wall)



WEEP SCREED DETAIL

WEEP SCREED @ PATIO DETAIL

**DETACHED GARAGE PLAN**

DESIGN CRITERIA	
CLIMATE ZONE	13
BUILDING HEIGHT	23'-6"
NUMBER OF STORIES	1
FLOOR & ROOF LIVE LOADS	FLOOR, 40 ROOF, 20
GROUND SNOW LOAD	ZERO
WIND EXPOSURE CATEGORIE	C / 110 MPH
DESIGN METHOD FOR WIND	CONVENTIONAL
SOIL SITE CLASS	CLASS 'D' - DEFAULT
GPS CO-ORDINATE FOR SITE:	
LATITUDE: 36.938620°	
LONGITUDE: -120.060201°	
MAPPED SPECTRAL RESPONSE	S <sub>ms</sub> = 0.747 S <sub>ml</sub> = 0.502
SPECTRAL RESPONSE COEFF.	S <sub>ps</sub> <0.531 S <sub>pl</sub> <0.335
SPECTRAL RESPONSE ACCEL.	S <sub>s</sub> = 0.606 S <sub>1</sub> = 0.236
Fa	1.315 Fv
SEISMIC DESIGN CATEGORY	D
ELEVATION	266'
SOIL DESIGN BEARING PRESS.	1500 PSF - DEFAULT
RESISTANCE TO LAT. FORCES	CONV. LIGHT-FRAMING

**Site Data**

APN : 012-310-054  
SITE ADD. : 341 PECAN AVE. MADERA, CA. 93637

**Building Data**

BUILDING USE : DETACHED GARAGE  
OCCUPANCY CATEGORY: II  
OCCUPANCY TYPE: U  
TYPE OF CONSTRUCTION : VB

**THIS PROJECT SHALL COMPLY WITH:**

- 2016 CALIFORNIA BUILDING CODE (CBC)
- 2016 CALIFORNIA RESIDENTIAL CODE (CRC)
- 2016 CALIFORNIA ELECTRICAL CODE (CEC)
- 2016 CALIFORNIA PLUMBING CODE (CPC)
- 2016 CALIFORNIA MECHANICAL CODE (CMC)
- 2016 CALIFORNIA ENERGY CODE
- 2016 CALIFORNIA GREEN BUILDING CODE (CGBC)

**SHEET INDEX**

NO.	DESCRIPTION
1	SITE / ELEVATIONS PLAN
2	FLOOR / FOUNDATION / FRAMING PLAN
3	BRACEDWALL PLAN
4	ROOF / SECTION PLAN
5	ELECTRICAL PLAN
6	CALIFORNIA GREEN CODE
7	CALIFORNIA GREEN CODE
8	GENERAL NOTES
9	GENERAL NOTES / DETAILS

**BUILDING AREAS**

FIRST FLOOR GARAGE AREA:	900 S.F.
SECOND FLOOR GAME ROOM AREA:	900 S.F.
DETACHED GARAGE AREA:	1800 S.F.

CERTIFICATE OF COMPLIANCE - RESIDENTIAL PERFORMANCE COMPLIANCE METHOD D  
Project Name: Vasquez garage/hobby Rm. Calculation Date/Time: 11:50, Wed, Mar 06, 2019  
Calculation Description: Title 24 Analysis Input File Name: Vasquez rhd16x Page 2 of 8

ENERGY DESIGN RATING			
EDR of Standard Efficiency	EDR of Proposed Efficiency	EDR Value of Proposed PV + Battery	Final Proposed EDR
48.1	48.0	0.0	48.0

- Design meets Tier 1 requirement of 1% or greater code compliance margin (CALGreen A4.203.1.2.1) and Oil verification prerequisites.
- Design meets Tier 2 requirement of 2% or greater code compliance margin (CALGreen A4.203.1.2.2) and Oil verification prerequisites.
- Design meets Zero Net Energy (ZNE) Design Designation requirement for Single Family in climate zone C213 (CALGreen A4.203.1.2.3) including on-site photovoltaic (PV) renewable energy generation sufficient to achieve a Final Energy Design Rating (EDR) of zero or less. The PV System and Oil will be verified.

Notes:  
• Excess PV Generation EDR Credit: Bypassing PV size limit may violate Net Energy Metering (NEM) rules

**REQUIRED SPECIAL FEATURES**

The following are features that must be installed as condition for meeting the modeled energy performance for this computer analysis.

- Cool roof
- Window overhangs and/or fins

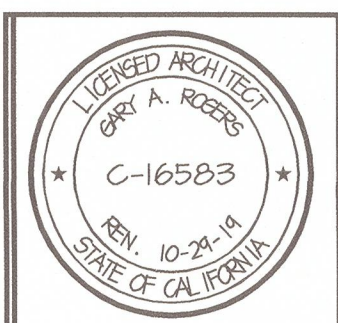
**HERS FEATURE SUMMARY**

The following is a summary of the features that must be field-verified by a certified HERS Rater as a condition for meeting the modeled energy performance for this computer analysis. Additional detail is provided in the building components tables below.

- Building-level Verifications:**
  - High quality insulation installation (q1)
  - IAQ mechanical ventilation
- Cooling System Verifications:**
  - Minimum Airflow
  - Verified SEER
  - Verified SEER
  - Verified Refrigerant Charge
  - Fan Efficiency Wats/CFM
- HVAC Distribution System Verifications:**
  - Duct Sealing
  - Domestic Hot Water System Verifications:
    - -- None --

Registration Number: 219-F010053802A-000-000-0000-0000  
CA Building Energy Efficiency Standards - 2016 Residential Compliance  
Registration Date/Time: 2019-03-06 11:54:26  
Report Version: -CF1R-01162019-1149  
HERS Provider: CUCERTS inc.  
Report Generated at: 2019-03-06 11:50:24

**Gary A. Rogers - Architect**  
450 S. MADERA AVE. - SUITE F  
MADERA, CALIFORNIA 93637  
PLANNING \* DESIGNING \* CONSTRUCTION PROBLEM SOLVING  
FAX: (559) 674-6599  
OFFICE: (559) 674-6598



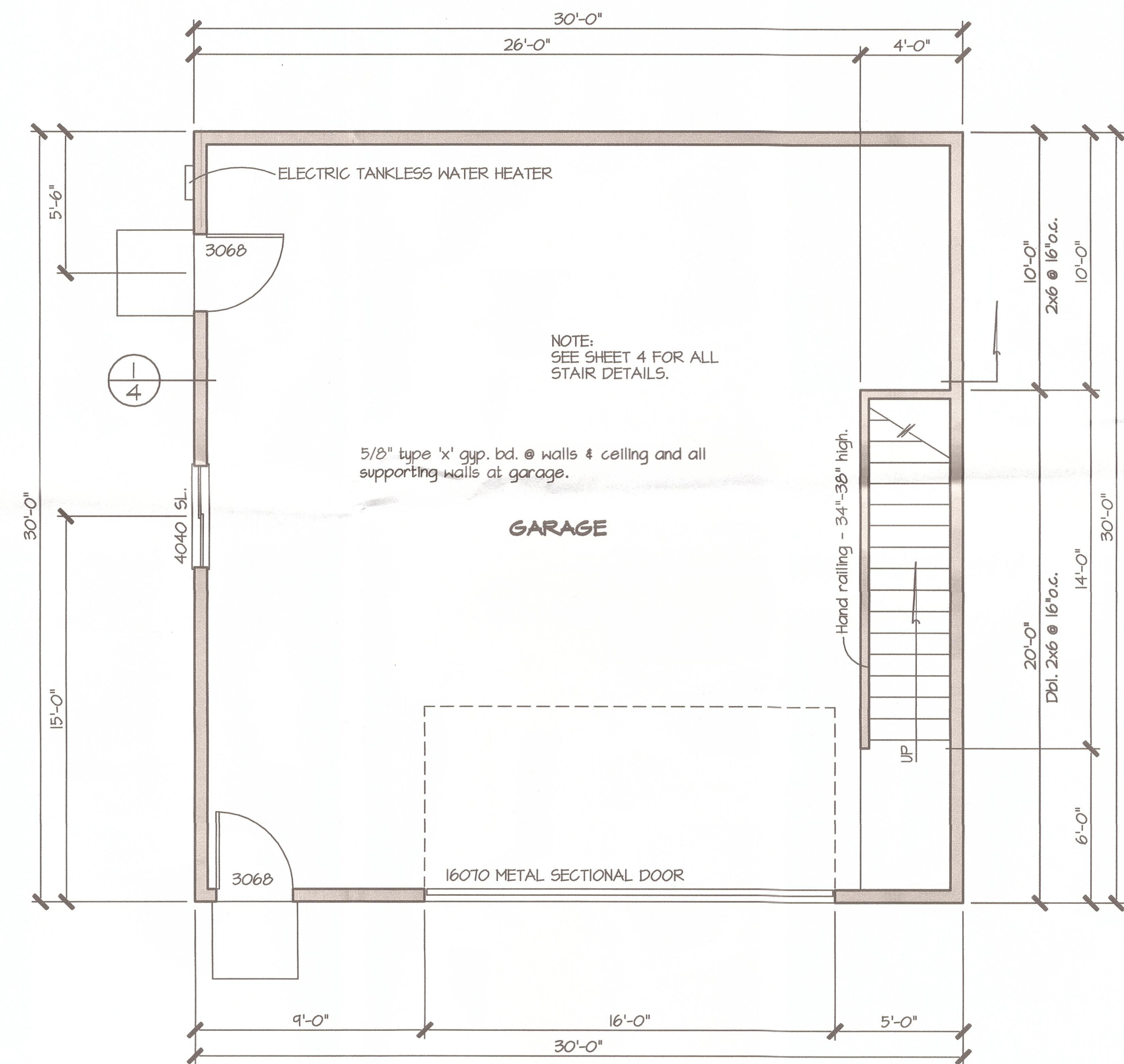
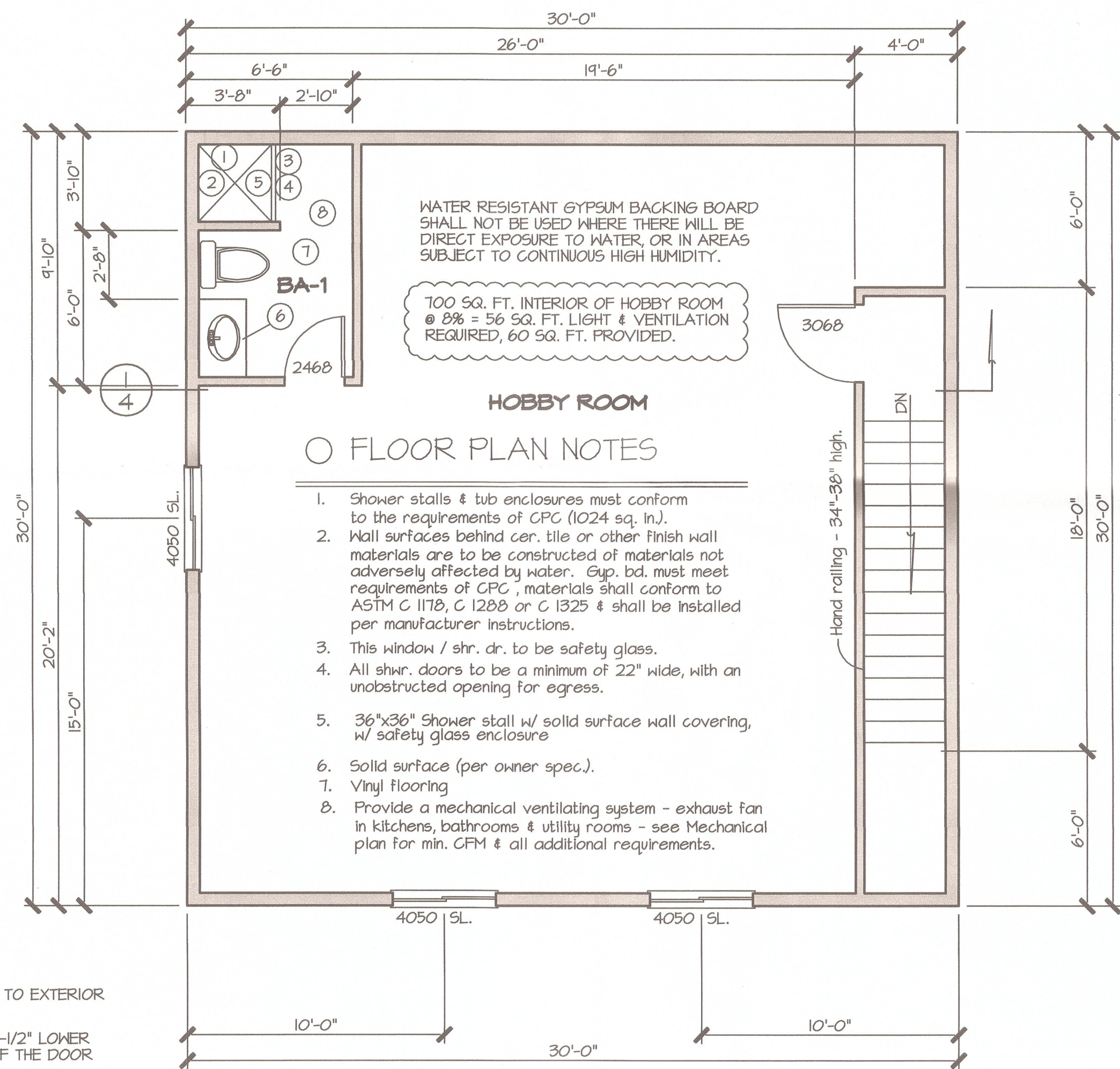
REVISIONS	ITEM	DATE	COMMENTS

**AL VASQUEZ**  
341 W. PECAN AVE.  
MADERA, CA. 93637  
SITE: 341 W. PECAN AVE.

**PLANS FOR:**

DRAWN BY: T. ARMENTROUT  
CHECKED BY:  
DATE: 3 / 2019  
SCALE: AS NOTED  
JOB NO.: 2850 Plan  
SHEET





**FLOOR PLAN NOTES :**  
Job card req'd to be available for signature at job site.

Firestopping shall be 2x solid wood, to cut off all concealed draft openings, both vertical and horizontal, and shall form an effective barrier between stories and between top story and roof space. In exterior or interior stud walls, ceilings, floor levels, and in all furred spaces the maximum dimension shall not exceed (10) feet.

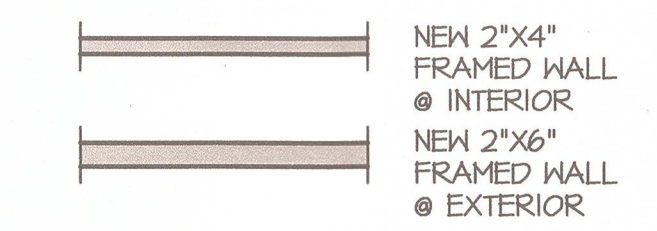
"REINSPECTION FEES MUST BE PAID PRIOR TO RECEIVING A REINSPECTION."

"INSPECTION REQUESTS MUST BE PHONED IN ADVANCE OF THE DESIRED INSPECTION. JOB SITE MUST BE READY FOR THE REQUESTED INSPECTION AT 8 am IN THE MORNING. FAILURE TO BE READY FOR THE REQUESTED INSPECTION WILL RESULT IN A REINSPECTION FEE BEING ASSESSED."

**BUILDING AREAS**

FIRST FLOOR GARAGE AREA:	900	S.F.
SECOND FLOOR GAME ROOM AREA:	900	S.F.
DETACHED GARAGE AREA:	1800	S.F.

**WALL LEGEND**



NOTE: POWER DRIVEN FASTENERS SHALL NOT BE USED IN STEM WALLS LESS THAN 5 1/2" WIDE. STEM WALLS OVER 5 1/2" HIGH SHALL BE PROVIDED WITH EXTRA REINFORCEMENT BARS.

FOUNDATION SILLS SHALL BE BOLTED W/ 2 - BOLTS PER PIECE MIN, 12" MAX, 1/4" MIN. FROM SILL ENDS AND SPLICES.

FINISH GRADE FOR THE FIRST 10 FEET FROM THE FOUNDATION SHALL SLOPE A MIN. 5% ON ALL SIDES. THIS INCLUDES ANY IMPERVIOUS SURFACES.

FASTENERS IN PRESERVATIVE-TREATED WOOD (ANCHOR BOLTS, NAILS, SCREWS) ARE TO BE APPROVED SILICON BRONZE OR COPPER, STAINLESS STEEL OR HOT-DIPPED ZINC-COATED STEEL PER CRC 311.9.1

WOOD FRAMING MEMBERS, INCLUDING WOOD SHEATHING, THAT REST ON EXTERIOR FOUNDATION WALLS AND ARE LESS THAN 8" FROM EXPOSED EARTH SHALL BE OF NATURALLY DURABLE OR PRESERVATIVE WOOD PER CRC 402.1.2

**FOUNDATION NOTES**

- 3 1/2" thk. conc. slab ov/sand fill.
- 3" sq. conc. stoop (min).
- 1/2" x 10" A.B. @ 12" o.c.
- (2) 1/2" x 10" A.B. PER B/W P TYP.
- Block out for 3/0 door.
- 1-1/2" wide stem wall.
- Slope conc. 1/4" per foot to outside.

**GENERAL NOTES**

- Locate and expose all property corners and string the side yards prior to the foundation inspection.
- All concrete shall have a min. compressive strength of 2500 psi in 28 days.
- Finish floor shall be 8" min. above finish grade and crown of the street, the top of any exterior foundation shall be at least 12" above the gutter or proposed gutter elev. within the extension of the lot lines.
- All bearing footings shall extend 12" min. into undisturbed soil (18" min. for 2-story).
- Foundation bolts shall be 1/2" diameter with nut and 3"x3"x1/4" washer - bolt shall be embedded 7" min. into concrete and 6'-0" o.c. max, U.O.N. 12" max. end distance from sill ends and splices.
- All foundation sills with direct contact to conc. shall be pressure treated douglas fir or foundation grade redwood.
- All conc. slabs shall have a min. thickness of not less than 3 1/2".
- Mechanically driven pins must be installed per manufacturer instructions and meet all installation requirements of the I.C.C. Evaluation Services Report.

NOTE: WIDTH OF DOOR TO EXTERIOR 36" MINIMUM.

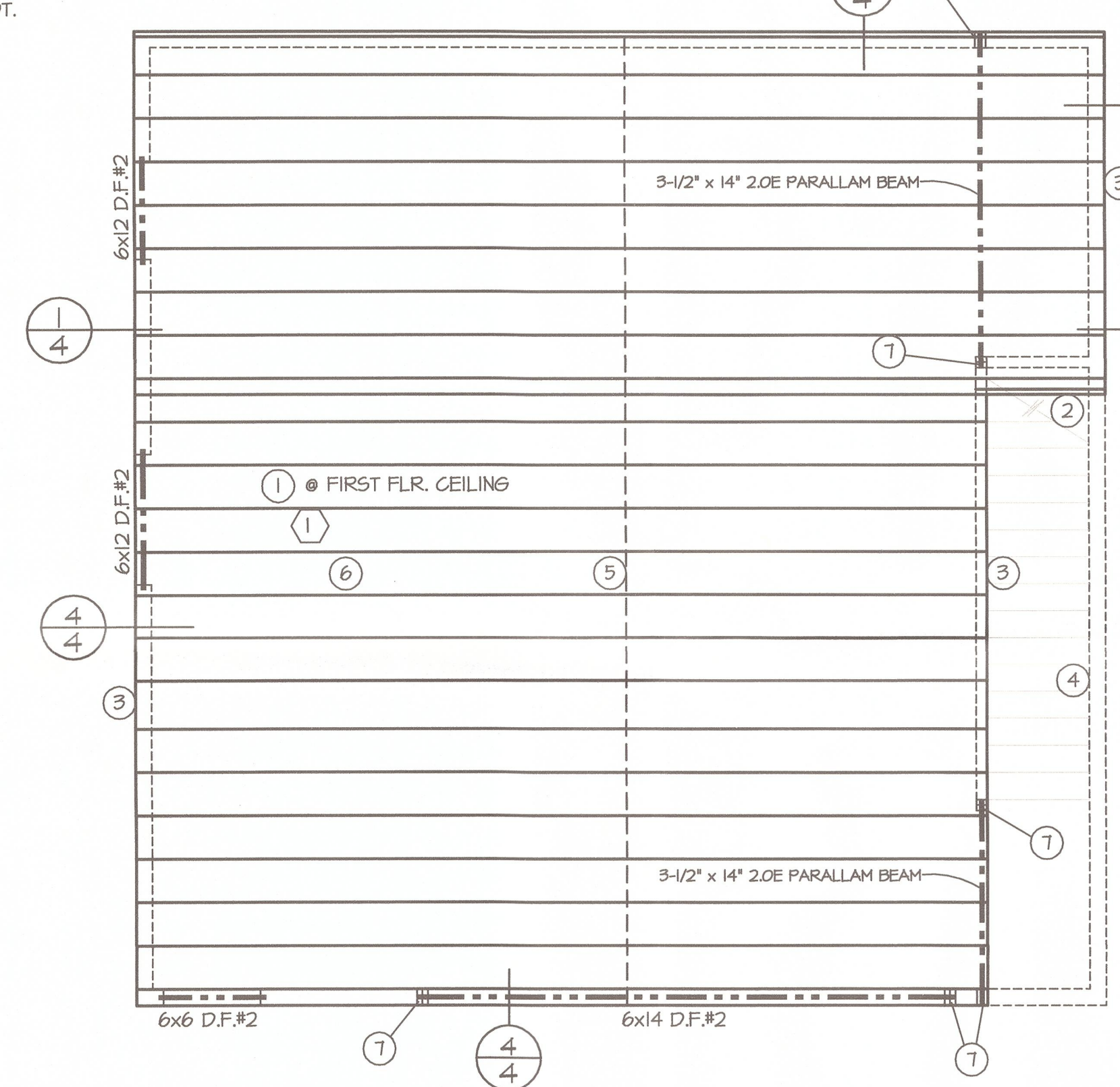
NO MORE THAN 1-1/2" LOWER THAN THE TOP OF THE DOOR THRESHOLD.

NOT MORE THAN 7-3/4" BELOW THE TOP OF THE THRESHOLD PROVIDED THE DOOR DOES NOT SWING OVER THE LANDING OR FLOOR.

THE MIN. NET HEIGHT OF THE REQUIRED EGRESS DOOR TO BE NOT LESS THAN 78" WHEN MEASURED FROM THE TOP OF THE THRESHOLD TO THE BOT. OF THE DOOR STOP.

Note: Green vinyl sinkers do not meet the nailing requirements for most BOX AND COMMON NAIL connections.

FINGER JOINTED STUDS MUST BE GRADE STAMPED BY AN APPROVED IGBO INSPECTION AGENCY.

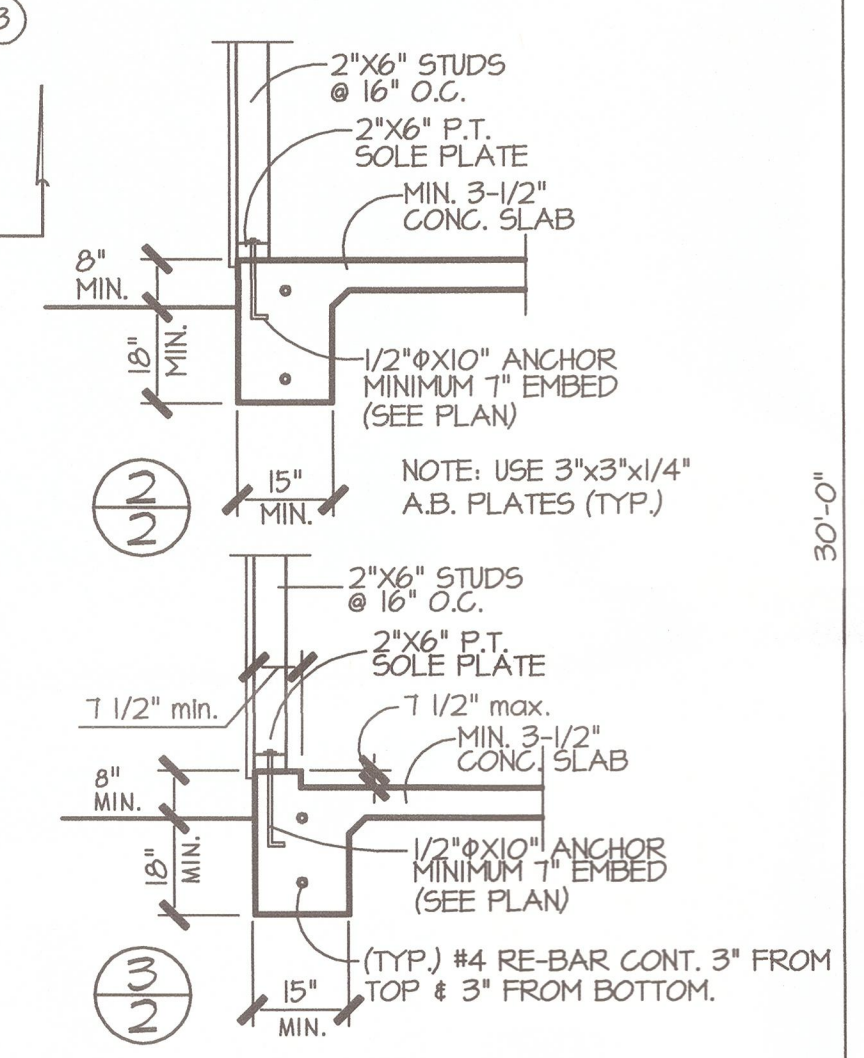


**FLOOR FRAMING PLAN**

All framing lumber to be D.F. #2 or btr. unless otherwise noted.  
All nailing according to CRC table R602.3(1) (2016 CRC)

**FRAMING NOTES**

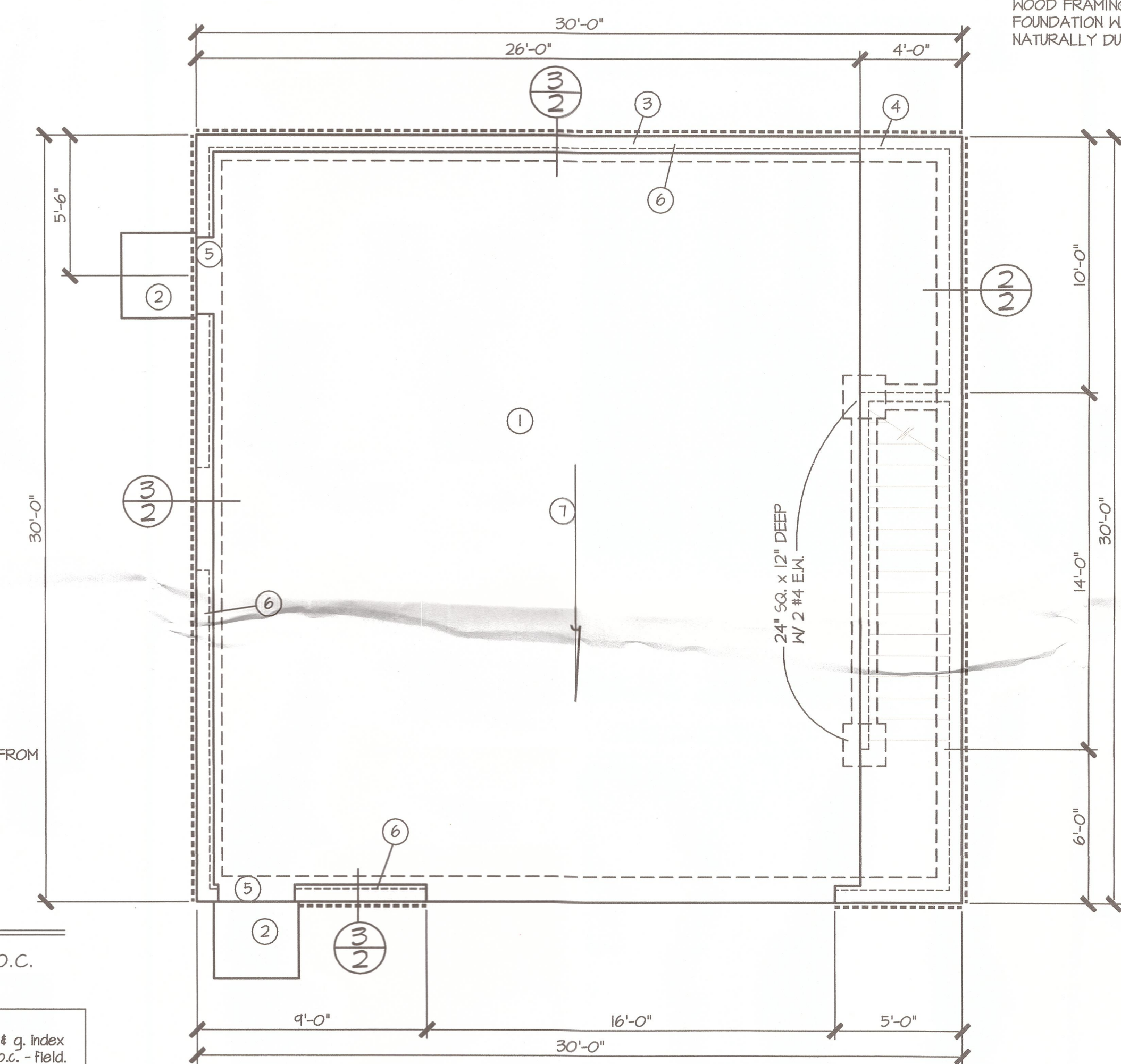
- 5/8" type X' gyp. bd.
- Dbl. TJI - joist.
- End blocking.
- Continuous studs.
- Solid blocking.
- 3/4" plywood subfloor w/ 10d nails @ 6" o.c. edges, 10" o.c. field.
- Dbl. studs.
- 4 x 6 post in wall.



**JOIST LEGEND :**

① 14" TJI / 560 FLOOR JOISTS @ 16" o.c.

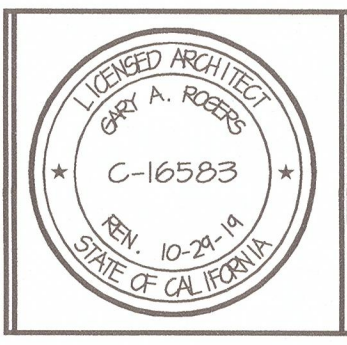
Floor diaphragm: Provide 3/4" APA standard 32/16 t. # g. index rated sheathing w/ 10d common @ 6" o.c. - edges & 12" o.c. - field.



**FOUNDATION PLAN**

**DETACHED GARAGE PLAN**

**Gary A. Rogers - Architect**  
450 S. MADERA AVE. - SUITE F  
MADERA, CALIFORNIA 93637  
PLANNING • DESIGNING • CONSTRUCTION PROBLEM SOLVING  
FAX: (559) 674-6599  
OFFICE: (559) 674-6598



REVISIONS	ITEM	DATE	COMMENTS

**AL VASQUEZ**  
3971 W. PECAN AVE.  
MADERA, CA. 93637 (559) 871-9322  
SITE: 3971 W. PECAN AVE.

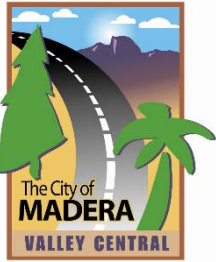
PLANS FOR:

DRAWN BY  
T. ARMENTROUT  
CHECKED BY  
DATE  
10 / 2018  
SCALE  
1/4"=1'-0"  
JOB NO.  
2850 Plan  
SHEET



Attachment 6: Site Photos





# CITY OF MADERA PLANNING COMMISSION

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

## Staff Report: Quality Children's Services Extension #2 CUP 2017-01 & Categorical Exemption Item # 4 – August 13, 2019

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**PROPOSAL:** Consideration of a request for a second time extension for a conditional use permit that allows for the establishment of a commercial daycare facility.

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<b>APPLICANT:</b>	Quality Children's Services	<b>OWNER:</b>	Quality Children's Services
<b>ADDRESS:</b>	333 Stinson Avenue	<b>APN:</b>	011-234-017, 018 & 019
<b>APPLICATION:</b>	CUP 2017-01	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The project site is located approximately 500 feet north of the intersection of Stinson Avenue and South A Street.

**STREET ACCESS:** The project site has access to Stinson Avenue.

**PARCEL SIZE:** Approximately 0.15 acres.

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

**ZONING DISTRICT:** R1 (Low Density)

---

**SITE CHARACTERISTICS:** The project site is surrounded by a single-family residential neighborhood.

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

---

**SUMMARY:** The applicant has requested a one-year extension for the conditional use permit which allows for the conversion of a previous church building into a commercial daycare facility, including the development of a parking field and playground area. This is the applicant's second request for an extension. A previous request was approved by the Planning Commission (Commission) in July 2018. Currently, the applicant has plans ready to submit for building and encroachment permits, but a lot merger is still required to mitigate fire safety issues with the existing structure. Staff recommends approval of the one-year extension of Conditional Use Permit (CUP) 2017-01.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.1311: Termination and Revocation.

Any use permit granted by the City must be utilized within twelve months after the effective date. Failure to utilize such use permit within the twelve-month period shall render the use permit null and void unless a written request for extension is submitted to the Commission prior to the expiration of the use permit. The Commission shall review the request at its next regular meeting and may grant or conditionally grant an extension as it deems appropriate.

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 refile the use permit for further consideration by the Commission.

## **PRIOR ACTION**

CUP 2017-01 was originally approved by the Commission on February 13, 2017, which allowed for the conversion of a former church building into a commercial daycare facility. Subsequently, Site Plan Review (SPR) 2017-51 was approved by the Planning Department on May 7, 2018 allowing for the development of the site. The Commission granted a one-year extension of CUP 2017-01 on July 10, 2018. Lot Line Adjustment 2018-03 was approved by the Planning Department on January 8, 2019, allowing for the adjustment of a lot line to mitigate fire requirements for the northern wall of the structure.

## **ANALYSIS**

### Background

Two years have transpired since the Commission approved the use permit. The plans for the project have been finalized, but the owner is currently working towards a parcel merger in order to comply with fire requirements for the structure. Once the merger has been recorded, the owner will be able to submit plans to the City.

### Extension

The property owner provided staff a written letter requesting a one-year extension of their use permit to the Planning Commission on May 28, 2019. Because there have not been any substantive changes in the City's Zoning Ordinance over the previous two years, a new application for the same project would likely generate similar conditions. The need for childcare services in this area of the City remains unfilled. Therefore, staff is in support of a one-year time extension of CUP 2017-01.

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

Though approval of an extension to continue the allowance of a commercial daycare facility is not specifically addressed in the vision or action plans, the overall project does indirectly support **Strategy 338** – *Ensure safe and affordable childcare is available to all Madera families.*

## **RECOMMENDATION**

It is recommended that the Commission consider the information in this report, as well as testimony in the public hearing, and approve the extension of CUP 2017-01 for one year, subject to the findings and original conditions of approval.

## **PLANNING COMMISSION ACTION**

The Commission will be acting on a one-year extension of CUP 2017-01.

Motion 1: Move to approve the time extension of CUP 2017-01, subject to the findings and conditions of approval (Attachment 3) as listed:

### Findings

- This project is categorically exempt under Section 15301 (Existing Facilities) of the CEQA guidelines.
- The establishment of a commercial daycare facility is consistent with the purposes of the LD (Low Density) General Plan land use designation and the R1 (Low Density) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development of the project site will be compatible with the surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare or 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 on the one-year extension request for CUP 2017-01 to the September 10, 2019 Commission hearing, for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny the application for a one-year extension of CUP 2017-01, based on and subject to the following findings: (specify)

## **ATTACHMENTS**

Attachment 1: Aerial Map

Attachment 2: Extension Letter

Attachment 3: CUP 2017-01 Conditions of Approval

Attachment 4: Site Plan Review 2017-51 Conditions of Approval



Attachment 1: Aerial Map



**Attachment 2: Extension Letter**

**QCS**  
**QUALITY CHILDREN'S SERVICES**

May 28, 2019

ROBERT HOLT  
CITY OF MADERA  
205 WEST 4TH STREET  
MADERA, CA 93637

RE: EXTENSION REQUEST LETTER FOR CONDITIONAL USE PERMIT

**Name of Business:** Quality Children's Services  
**Name of Project:** CUP 2017-01 & SPR 2017-51  
**Project Address:** 333 Stinson Avenue Madera, CA 93638

Quality Children's Services would like to request a one-year extension for the Conditional Use Permit and Site Plan Review for the project located at 333 Stinson Avenue Madera, CA 93638.

This letter of extension is being requested due to the time necessary to address and complete all SPR & CUP requirements requested by Chris Boyle and the City of Madera.

Thank you for your consideration.

Respectfully,



Amory Ramirez  
Quality Children's Services  
President / CEO  
(760) 942-3433

6108 INNOVATION WAY • CARLSBAD, CA • 92009  
PHONE: (760) 942-3433 • FAX: (760) 476-1579 • EMAIL: ADMINISTRATION@QCSTEAM.COM



## **Attachment 3: CUP 2017-01 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 these use permits.
2. The applicant's failure to utilize any of the use permits within one year following the date of this approval shall render the conditional use permits null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2017-01 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permits and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2017-01 and Site Plan Review 2017-01 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.
5. Site Plan Review 2017-01 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2017-01.
7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

### **Building Department**

8. A building permit is required for all improvements. The tenant space must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act prior to occupancy.

9. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

## **Engineering Department**

### General

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

### Streets

13. Existing sewer service connection shall be upgraded to include a backflow prevention device per City standards.

### Water

14. Existing water service connection shall be upgraded to include a backflow prevention device per City standards.

## **Fire Department**

15. A building permit is required for all alterations to the building.
16. One 2A10BC-rated fire extinguisher is required which shall be mounted in a visible and accessible location.
17. The change of use/occupancy requires compliance with all currently adopted 2016 California codes.
18. The means of egress shall be improved to comply with the current code requirements.
19. During the building permit plan review stage, the applicant will need to make clear whether the rooms are daycare or classrooms. This is not the same under the code in terms of mandatory requirements.
20. A fire alarm system shall be required.
21. If the structure is less than ten (10') feet from the property line, exposure protection shall be required if it is Type 5B construction.

22. A key box shall be required.

## **Planning Department**

### General

23. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
24. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
25. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.
26. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of these permits.

### Operations

27. Conditional Use Permit 2017-01 allows for the establishment of a commercial daycare facility within a 2,818 square foot structure. The commercial daycare facility proposes two (2) classrooms and one (1) multi-purpose room within the structure.

### Site Plan

28. The applicant and property owner shall complete the Site Plan Review process prior to expiration of Conditional Use Permit 2017-01. All potential on- and off-site improvements, as part of the Site Plan Review, shall be completed prior to occupancy of the structure and issuance of a business license.

### Landscaping

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

### Parking

30. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses may require the provision of additional parking spaces in compliance with City standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits.

### Signage

31. All signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Chapter 10-6.

## **Attachment 4: SPR 2017-51 Conditions of Approval**

### **General Conditions**

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature thereon within thirty days of the date of site plan approval. Please note this site plan review approval (SPR 2017-51) will expire one year from date of issuance, unless you take positive action on the project as provided in the Municipal Code, or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
3. The site and/or building plans submitted for any/all building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
4. Any proposed future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment SPR 2017-51. Operational changes to the commercial daycare facility may additionally require amendment of Conditional Use Permit 2017-01.
5. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
6. The project shall be developed in accordance with the site plan, floor plan and elevation drawings, as reviewed and approved with the Site Plan Review. Minor modifications to the Site Plan necessary to meet regulatory or engineering constraints may be made with approval from the Planning Manager.
7. All conditions applicable to approval of CUP 2017-01 and SPR 2017-01 shall remain effective and are not revised in any way by this approval, except as modified herein.

### **Fire Department**

8. If cooking equipment is provided, it shall be compliant and protected.

### **Planning Department**

#### General

9. Conditions of approval for Conditional Use Permit (CUP) 2017-01 shall remain in effect, except as modified herein.

### Site Plan

10. SPR 2017-51 allows for the conversion of a former church campus to a commercial daycare facility. Improvements /alterations to the project site include expansion of a parking lot and addition of a playground area on a property.

### Lighting Considerations

11. All exterior lighting shall be directed away from residential properties and not interfere with the driving safety of vehicular traffic.
12. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department as a component of building permit issuance. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.
13. All freestanding onsite lighting shall be located within landscaped areas.

### Fences and Walls

14. The developer shall construct a single-bin trash enclosure of split-face block material consistent with Engineering Department specification/detail sheet No. E-7. The location of the trash enclosure shall be consistent with the approved site plan. The trash enclosure gates shall be painted to complement the existing structure.
15. A six (6') foot tall wooden fence shall be installed along the entirety of the eastern and southern property lines. If a different fence material is proposed, it shall receive approval from the Planning Manager.

### Landscaping and Open Space

16. Detailed landscaping and irrigation plans shall be 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 and/or occupancy of the structure. The plan shall include:
  - Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO).
  - Landscaped areas shall be developed along all street frontages and within the parking field.
  - Shade trees shall be planted in landscaped peninsulas within the parking field.
  - Landscaped areas shall be provided with permanent automatic irrigation systems.
  - Landscaped areas shall be protected by raised six (6") inch concrete curbing.
  - 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.
17. The final selection and placement of playground equipment shall be reviewed and approved by the Planning Department as a component of building permit plan check

submittals. The surface under the playground 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, at a minimum, require amendment to Site Plan Review 2017-51.

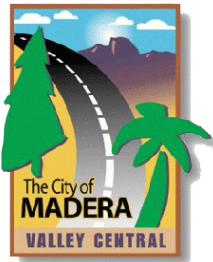
18. The playground equipment shall be maintained in good working condition and appearance.

#### Parking

19. The City's parking requirement for a commercial daycare center is one parking stall for each employee. This equates to a minimum parking requirement of ten (10) parking stalls on the site (one parking stall per each employee).
20. On-site parking shall be provided at all times in conformance with the Madera Municipal Code. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep, or seventeen (17') feet deep when abutting a landscape planter with minimum of two (2') foot overhang. No compact stalls shall be incorporated into the parking field. No wheel stops shall be incorporated into the parking field/parking stall layout except where required for compliance with ADA requirements. Minimum drive aisle width shall be twenty-six (26') feet for primary drive aisles.

#### Signage

21. The commercial daycare center is allowed for one (1) non-illuminated freestanding sign with a maximum height of four (4') feet and maximum sign face area of eight (8) square feet. The location of the freestanding sign, if proposed, shall be approved by the Planning Manager and included on the site plan. The applicant may, at their discretion, incorporate the eight (8) square feet of sign face area, in whole, for on-building signage to be approved by the Planning Manager.



**CITY OF MADERA  
PLANNING COMMISSION**

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

**Staff Report: Joyee’s Recycling Center - Performance Review  
CUP 2013-11 MOD  
NP #1– August 13, 2019**

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**PROPOSAL:** A performance review of Conditional Use Permit 2013-11 MOD, which provides for the operation of a recycling center at 709 North D Street, and determination as to the necessity of scheduling a public hearing to determine whether revocation is appropriate.

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<b>APPLICANT:</b>	Alicia & Sergio Mondragon	<b>OWNER:</b>	Dorothy Nishimoto, Trustee
<b>ADDRESS:</b>	709 North D Street	<b>APN:</b>	004-011-008
<b>APPLICATIONS:</b>	CUP 2013-11 MOD	<b>CEQA:</b>	Categorical Exemption

---

**LOCATION:** This project site is located approximately one-hundred (100’) feet north of the intersection of North D Street and Riverside Drive.

**STREET ACCESS:** The site has access from North D Street.

**PARCEL SIZE:** One parcel encompassing approximately 0.28 acres.

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

**ZONING DISTRICT:** C1 (Light Commercial)

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**SITE CHARACTERISTICS:** The project site is a fully developed light commercial property. The property includes a caretaker’s quarters, restroom structure and a designated area for recycling materials. To the south is a pharmacy and the Fresno River. To the north is a retail strip mall and the former Bridge Store. To the east and west are churches and residential neighborhoods.

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

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**SUMMARY:** Joyee’s Recycling Center was originally approved by the Planning Commission in 2013. Over time, the business grew significantly, resulting in circulation and aesthetic issues on the site. After staff received complaints, the applicant amended their use permit in January 2018 so as to resolve noncompliance with then existing conditions of approval. As a component of the

amendment to their use permit, a condition of approval required completion of all site improvements by July 1, 2018 or the business would be required to close until all improvements had been completed. The applicant has not been able to perform and has now closed their business. Staff recommends that a public hearing is scheduled to determine whether revocation of the use permit is appropriate.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.405 Uses

MMC § 10-3.1301 Use Permits

MMC § 10-3.1311 Termination and Revocation

## **PRIOR ACTION**

In 2006, the Planning Commission approved Conditional Use Permit 2006-26, which provided for the establishment of a recycling center. Conditional Use Permit 2006-26 was later abandoned and expired. Joyee's Recycling Center was first approved by the Planning Commission on September 13, 2011. This use permit was never utilized and subsequently expired. The allowance for Joyee's Recycling Center was reestablished with Conditional Use Permit 2013-11, which was approved by the Planning Commission on June 11, 2013. The Planning Commission approved an amendment to Conditional Use Permit 2011-13 on January 9, 2018 to allow for the redesign of the recycling center in response to pending revocation proceeding.

## **ANALYSIS**

### Background

Joyee's implemented their business model successfully in the first few years of opening. As time passed, the clientele for the recycling center grew exponentially. This growth resulted in major circulation issues on the property. Vehicles parked wherever possible to the extent of blocking other vehicles from exiting the site. The owners exacerbated the circulation issue by striping diagonal parking stalls, without the City's approval, that resulted in vehicles having to back into the public right-of-way. The aesthetic condition of the property also degraded the surrounding streetscape such that the site was no longer an asset to the neighborhood.

In response to complaints about the recycling center, an amendment to the use permit was required to resolve the issues on the site. The redesign included two drive-thru lanes that would lead customers to a loading/unloading zone and egress onto the alleyway, a permanent shade structure was to be constructed to provide shade for the employees, and a parking field was redesigned for employees and the caretaker's unit. Conditional Use Permit 2013-11 MOD included a condition of approval that required all site improvements be completed by July 1, 2018, or the recycling center would be required to close until the site improvements were completed.

Staff was aware that the business continued to operate in various forms after the July 1<sup>st</sup> date, but was hopeful that the business would complete the required improvements. The owners of the recycling center did submit plans to the Engineering Department and received approval for those plans, but the approval was ultimately rescinded. Although the business has operated from time to time, no effort to move forward with completion of improvements has occurred for many



months. Recently the business owner gave notice to the property owner and the business has now closed permanently.

### Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2013-11 MOD. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Of the fifty-seven (57) total conditions of approval, thirty-three (33) need attention in order to be in compliance with the conditions of approval. Compliance with twenty-four (24) of the fifty-seven (57) conditions of approval equates to a forty-two (42%) percent compliance rate. In that the use is not in compliance with the conditions of approval and the use has now been abandoned, staff has prepared this performance review for the consideration of the Planning Commission.

### **RECOMMENDATION**

It is recommended that the Planning Commission digest the information within this report and its associated presentation and make a determination as to whether Conditional Use Permit 2013-11 MOD should be scheduled for a public hearing for consideration of revocation.

### **PLANNING COMMISSION ACTION**

The Commission would be taking action regarding Conditional Use Permit 2013-11 MOD, determining to either:

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

Motion 1: Based on the following findings, move to schedule a public hearing to consider whether revocation of Conditional Use Permit 2013-11 MOD is warranted at the September 10, 2019, regularly scheduled Planning Commission meeting.

### Findings

- Staff has observed non-compliance with the conditions of approval, warranting a review for revocation of Conditional Use Permit 2013-11 MOD, as approved by the Planning Commission on January 9, 2018.

**(OR)**

Motion 2: Move to find that the review of Conditional Use Permit 2013-11 MOD is not warranted at this time for the following reasons: (specify)

### **ATTACHMENTS**

Aerial Photo  
Conditions of Approval Compliance Matrix

Aerial Photo



### Conditions of Approval Compliance Matrix

Con. No.	Condition Statement	Condition Status	Action Needed
1.	All conditions of approval applicable to the approval of Conditional Use Permit 2013-11 shall be superseded by Conditional Use Permit 2013-11 MOD, as listed herein.	Procedural	None required.
2.	Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.	Not in compliance	The applicant has not signed the Acknowledgement and Acceptance of Conditions.
3.	The applicant's failure to utilize Conditional Use Permit 2013-11 MOD within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.	Procedural	None required.
4.	Conditional Use Permit 2013-11 MOD may be made null and void without any additional public notice or hearing at any time both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish Conditional Use Permit 2013-11 MOD.	Procedural	None required.
5.	Site Plan Review 2017-24 will expire one year from date of issuance unless positive action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)	Procedural	None required.
6.	Conditional Use Permit 2013-11 MOD and Site Plan Review 2017-24 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding revocation of the permit.	Not in compliance	Upon inspection of the site, the project is not in compliance with the conditions of approval.
7.	The site and/or building plans submitted for any/all building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior	Not in compliance	No building plans have been submitted to the Building Department.

	written request by the applicant and approval by the Planning Manager.		
8.	It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.	Not in compliance	Building plans and encroachment permits have not been submitted by the business owner.
9.	The project shall be developed in accordance with the site plan, as reviewed and approved with the Site Plan Review. Minor modifications to the Site Plan necessary to meet regulatory or engineering constraints may be made with approval from the Planning Manager.	Not in compliance	The project has not been developed in accordance with the approved site plan.
10.	All on-site and off-site requirements listed herein shall be completed on or before July 1, 2018. Failure to complete all requirements by the stated time will result in closure of the recycling center until all conditions of approval are satisfied.	Not in compliance	The on-site and off-site requirements have not been completed as of July 1, 2018.
11.	The applicant shall submit detailed plans that include interior setbacks for ADA compliance to be approved by the Building Department.	Not in compliance	Building plans have not been submitted.
12.	Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.	Procedural	None required.
13.	The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, the following: plan review, encroachment permit processing, easement acceptance and improvement inspection fees.	Not in compliance	Encroachment permit(s) and the easement acceptance have not been paid.
14.	Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.	In compliance	Improvement plans were approved by the Engineering Division.

15.	Improvements within the City's right-of-way require an encroachment permit from the Engineering Division.	Not in compliance	Encroachment permit(s) have not been submitted.
16.	The existing sewer service connection shall be upgraded to include a cleanout per City standards.	Not in compliance	Encroachment permit(s) have not been submitted to perform this work.
17.	The proposed driveway approach on North D Street shall be constructed to a street-type entrance with a minimum face curb radius of fifteen (15') feet and be constructed to current City and ADA standards. The beginning of curb radius shall be one (1') foot or greater from the southern property line.	Not in compliance	Encroachment permit(s) have not been submitted to perform this work.
18.	The existing driveway approach on North D Street shall be removed and replaced with concrete sidewalk, curb and gutter per current City standards. The location shall be consistent with the approved site plan.	Not in compliance	Encroachment permit(s) have not been submitted to perform this work.
19.	The damaged curb along North D Street shall be reconstructed per current City standards, approximately four (4') feet immediately north of the existing driveway.	Not in compliance	Encroachment permit(s) have not been submitted to perform this work.
20.	The alley shall be paved from the northern end of the project parcel to Riverside Drive per City standards. Grading of the alley shall be constructed in such a way that future drainage patterns are not negatively constrained. The structural section shall be per City standard or greater to sufficiently accommodate the increase in traffic volumes.	Not in compliance	Encroachment permit(s) have not been submitted to perform this work.
21.	An Irrevocable Offer of Dedication shall be made to dedicate ten (10') feet of right-of-way along the entire project parcel frontage on North D Street to provide a half-street width of fifty (50') feet, east of the center line. A \$452.00 easement acceptance fee or the fee in effect at that time shall be paid to the Engineering Department.	Not in compliance	The easement acceptance fee has not been paid by the owner.

22.	A minimum of two (2) 2A10BC-rated fire extinguishers shall be required. The fire extinguishers shall be mounted between three (3') and five (5') feet above the finished floor and shall be within seventy-five (75') feet of travel distance to all portions of the building. If the fire extinguisher locations are not plainly visible, then they shall be identified by signage.	Not in compliance	Shade structure requires fire extinguisher, building plans not submitted for shade structure.
23.	The type of storage and the method of arrangement shall be approved by the City Fire Marshal prior to issuance of building permits. Certain types of storage and storage heights may require that special fire protection measures be taken. The storage of combustible materials is not permitted above twelve (12') feet in any case.	Not in compliance	Building plans not submitted for shade structure, unable to determine storage arrangement.
24.	Prior to delivery of recycling containers, all flammable vegetation shall be removed from the building site at a minimum distance of thirty (30') feet and maintained year-round.	In compliance	None required.
25.	The proposed shade structure shall have sufficient clearance to adjacent structures and property lines or the building shall be equipped with fire-rated exterior walls.	Not in compliance	Building plans have not been submitted for the shade structure.
26.	Vandalism and graffiti shall be corrected per the Madera Municipal Code.	In compliance	Staff's most recent inspection did not observe vandalism or graffiti on the site.
27.	The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.	Not in compliance	The current operations generate noise and blight that adversely affect adjacent properties.
28.	The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.	In compliance	The property is clear of all trash, debris and rubbish.

29.	The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of Conditional Use Permit 2013-11 MOD.	In compliance	The owner is complying with all federal, state and local laws.
30.	Conditional Use Permit 2013-11 MOD allows for the redesign of an existing recycling center, consistent with the herein listed conditions of approval.	Not in compliance	The use is not consistent with the conditions of approval.
31.	The drive-thru ingress/egress lane shall be consistent with the approved site plan. The lane shall be a minimum width of twenty (20') feet.	Not in compliance	Business plans have not been submitted to construct the drive-thru lane.
32.	The storage and/or placement of material shall not, in any way, impede and/or restrict egress from the caretaker's unit.	In compliance	The storage of material does not restrict egress from the caretaker's unit.
33.	The hours of operation for the recycling center shall be as follows: <ul style="list-style-type: none"> <li>Monday-Saturday: 8:00 am – 6:00 pm</li> <li>Sunday: 12:00 pm – 5:00 pm</li> </ul>	In compliance	The business is operating consistent with the approved hours of operation.
34.	There shall be an allowance for no more than two (2) commercial recycle storage vehicles/trailers on the site during hours of operation. No overnight storage of vehicles shall occur.	In compliance	Staff has observed no more than two (2) commercial recycle storage vehicles on site.
35.	The recycling center shall accept California Redemption Value (CRV) aluminum, plastic glass bottles, and cans only.	In compliance	None required.
36.	An adult operator/employee who must be eighteen (18) years of age or older shall be on-site during all hours of operation and shall be responsible for adherence to these conditions of approval.	In compliance	None required.

37.	All recyclable materials shall be maintained in proper containers at all times. No loose material storage (in piles or otherwise) shall be allowed.	In compliance	None required.
38.	All recyclables shall be stored underneath the shade structure and removed to an off-site facility daily. No overnight storage of materials shall be allowed.	Not in compliance	The permanent shade structure has not been constructed.
39.	It shall be the responsibility of the operator to gather and return any shopping carts discarded by patrons of the recycling center to the point of origin of the shopping carts. Carts discarded on or adjacent to the recycling center shall be assumed to be discarded by patrons of the recycling center and cart return shall be the responsibility of the operator.	In compliance	No shopping carts were observed on or near the site.
40.	All substances, including but not limited to, milk, soft drinks, soap, solvent and other substances and materials from any containers shall be removed at once from pavement and sidewalk areas. No such substances may remain on-site or be flushed into gutters or the storm drain system.	In compliance	None required.
41.	Changes or expansions in the use shall require an amendment to Conditional Use Permit 2013-11 MOD.	Procedural	None required.
42.	All handling of recyclables shall only occur within the loading/unloading zone and underneath the shade structure.	Not in compliance	Shade structure is not constructed and loading/unloading zone is not striped per approved site plan.
43.	All transfer of recyclables from weighing containers to bulk storage containers shall only occur in close proximity to the loading/unloading zone and the shade structure.	Not in compliance	Shade structure is not constructed and loading/unloading zone is not striped per approved site plan.
44.	Materials shall be transferred from the seller's containers into plastic containers or fabric bags. No metal containers for receiving of materials shall be utilized.	In compliance	None required.



45.	After weighing, recycling material shall be transferred to commercial grade plastic or burlap material bags.	In compliance	None required.
46.	Material bags shall be located out of public view and shall be removed from the site daily.	In compliance	None required.
47.	The type of storage and method arrangement shall be approved by the City Fire Marshal prior to a final building permit.	Not in compliance	Fire Marshal unable to approve storage method without construction of shade structure.
48.	The shade structure shall be constructed with roofing to match the existing restroom. Structural poles shall be painted to match the existing restroom. There shall be no allowance for any temporary shade structures on the site. The existing restroom shall be repainted as a component of this amendment.	Not in compliance	Shade structure has not been constructed.
49.	A six (6') foot solid masonry block wall shall be located along the entire southern property line and around the recyclables loading/unloading zone, shade structure and commercial truck storage area.	Not in compliance	Masonry block wall has not been constructed.
50.	All other fencing on the site shall be of wood quality material or better. The site shall be screened with a wood fence at the western property line. No fencing shall impede required paths of travel.	Not in compliance	Fencing for areas indicated in approved site plan have not been constructed.
51.	A detailed landscape and irrigation plan shall be submitted to the Planning Department for review and approval as part of the submittals for building permit plan check.	Not in compliance	A detailed landscape and irrigation plan has not been submitted.
52.	The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.	Not in compliance	The landscaping is unhealthy/dead and needs maintenance.

53.	All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep, or seventeen (17') feet deep when abutting a landscape planter with minimum of two (2') foot overhang. No compact stalls shall be incorporated into the parking field. No wheel stops shall be incorporated into the parking field/parking layout except where required for compliance with ADA requirements. Minimum drive aisle width shall be twenty-six (26') feet for primary drive aisles.	Not in compliance	The parking field was striped without City approval that currently backs vehicles into the public right-of-way. The parking field is not consistent with the approved site plan.
54.	On-site parking shall be provided at all times in conformance with the Madera Municipal Code. Further expansion of the use or additional or accessory uses may require the provision of additional parking spaces in compliance with City standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits.	Not in compliance	Building plans not submitted indicating the approved parking layout.
55.	All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.	In compliance	None required.
56.	Signage shall be installed to direct customers to pull forward and advise customers that all handling of recyclables shall occur in the loading/unloading zone.	Not in compliance	Signage has not been installed because the drive-thru lane has not been constructed.
57.	Loitering shall be prohibited in or upon the premises, and in adjacent and nearby areas both public and private. A prominent, permanent sign stating "No loitering is allowed on or in front of this premises" shall be posted in a location to be approved by the Planning Manager.	In compliance	A sign stating "No Loitering" is posted on the fence.