

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

**CITY HALL – COUNCIL CHAMBERS
TUESDAY
October 8, 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, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until the hearing is opened. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

MINUTES: None

CONSENT ITEMS: None

PUBLIC HEARING ITEMS:

1. PPL 2019-04 & REZ 2019-04 – Bellava Apartments

A noticed public hearing to consider a precise plan to allow for development of an eight-unit apartment complex on two properties. A rezone would change the zone district of the properties from the R3 (High Density) Zone District to the PD-1500 (Planned Development) Zone District. The project properties are located south of Wilson Street and north of Rush Street in the R3 (High Density) Zone District with a HD (High Density) General Plan land use designation (APNs: 003-093-006 & 008). A Negative Declaration will be considered by the Planning Commission.

2. CUP 2019-22 & SPR 2019-15 – Sea Wolf Tattoo

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a tattoo parlor on property located on the northwest corner of the intersection of North Gateway Drive and East 3rd Street (400 North Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 006-086-003). 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. Consideration of a Resolution Adopting a Code of Conduct for the Madera City Council, Boards and Commission Members.**

WORKSHOPS: None

ADMINISTRATIVE REPORTS: None

COMMISSIONER REPORTS: None

ADJOURNMENT:

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

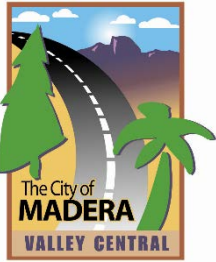
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation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

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

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

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

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



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Bellava Apartments
REZ 2019-04, PPL 2019-04 & Negative Declaration
Item # 1 – October 8, 2019

PROPOSAL: Consideration of a request for a precise plan to provide for the development of an eight-unit, three-story multifamily residential building and rezone of the project site from the R3 (High Density) Zone District to the PD-1500 (Planned Development) Zone District.

APPLICANT:	Bellava Construction LLC/Sergio Nunez	OWNER:	Sergio Nunez
ADDRESS:	120 Wilson Ave. and 117 W. Rush St.	APN:	003-093-006 & 008
APPLICATION:	REZ 2019-04 & PPL 2019-04	CEQA:	Negative Declaration

LOCATION: The project is located north of Rush Street and south of Wilson Avenue.

STREET ACCESS: The project proposes access to Rush Street and Wilson Avenue.

PARCEL SIZE: Approximately 0.29 acres.

GENERAL PLAN DESIGNATION: HD (High Density)

ZONING DISTRICT: Current: R3 (High Density)
Proposed: PD-1500 (Planned Development)

SITE CHARACTERISTICS: The project site is generally surrounded by a mix of single- and multi-family residential dwellings. The drive-in theater is located southwest of the project site.

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

SUMMARY: The applicant proposes a rezone and precise plan application for the development of an eight-unit, three-story multifamily residential building on two properties. The rezone from the R3 (High Density) Zone District to the PD-1500 (Planned Development) Zone District would allow for a maximum of 8 dwelling units where a maximum of 7 dwelling units are currently allowed. Project architecture and open space areas comply with the goals and policies of the General Plan. Off-street parking complies with the parking regulations of the City for multi-family uses.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3-4.101 Planned Development Zones

MMC § 10-3-4.104 Precise Plan

MMC § 10-3.1501 Amendments

California Public Resources Code §21000, California Environmental Quality Act “CEQA”

Precise plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, architecture, landscaping and open space. The numeric suffix attached to the PD designation identifies the maximum density per square footage of area. In this case, the PD-1500 zone allows for development up to a maximum density of one unit per 1500 square feet.

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

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

PRIOR ACTION

No prior action.

ANALYSIS

Rezone

The project site is proposed to be rezoned from the R3 (High Density) Zone District to the PD-1500 (Planned Development) Zone District. The rezone from the R3 (High Density) Zone District to the PD-1500 (Planned Development) Zone District would allow for a maximum of 8 dwelling units where a maximum of 7 dwelling units are currently allowed. The rezone ultimately facilitates the development of one additional dwelling unit on the project site.

Density Requirements

Development within the HD (High Density) General Plan, requires a density range of between 15 and 50 units per acre. The PD-1500 (Planned Development) Zone District provides for a maximum density of one unit for every 1,500 square feet of site area. One of the project parcels is identified within the Vacant Sites Inventory of the Housing Element with the allowance for a maximum density of 4 units. Concurrent development will allow the two project parcels to develop at the recommended density. Based on the total project site area, the required density range is between 5 and 8 units. The proposal of 8 units provides consistency with the policies of the General Plan’s Land Use Element specific to residential density in the HD (High Density) General Plan land use designation, the recommendations of the Housing Element Vacant Sites Inventory and the requirements of the PD-1500 (Planned Development) Zone District.

Precise Plan Proposal

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

The applicant proposes a three-story, eight-unit apartment building on the west side of the project site. The average unit size is 720 square feet. The first floor is proposed with two, two-bedroom units, a community laundry room, and the required covered parking. The second floor is proposed with four, 2-bedroom units, each with a balcony. The third floor is proposed with two, 2-bedroom units, each with a balcony. The east side of the project site will include an open space area and visitor parking for the site.

General Plan Conformance

Architecture

The building's architecture is consistent with applicable policies within Goal CD-6 (Design Neighborhoods to Foster Interaction Among Residents and be Responsive to Human Scale), of the General Plan. Policy CD-34 states, "the exterior of residential buildings shall reflect attention to details as necessary to produce high architectural design and construction quality. Where side and/or rear exterior elevations of residential buildings are visible from any street or public right-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation". The proposal consists of a craftsman style architectural design with awnings, window pop-outs and varying building materials that collectively produce high architectural quality. Architectural design is present throughout all four building elevations which is consistent with the policy's requirement to provide architectural treatments on elevations visible from the public right-of-way.

The multi-family proposal is also consistent with Policy CD-36 which states, "where multi-story housing units are proposed adjacent to existing or planned Low-Density areas, building elevations and the location of the windows, balconies and air conditioning units above the first story shall be designed to ensure visual compatibility and residential privacy". Balconies on the second and third story face the public right-of-way as to provide privacy to adjoining properties.

Cumulatively, the proposed building complies with Policy CD-1 which states, "the City of Madera will require that all new development is well-planned and of the highest possible quality. The City will seek to build an image of Madera as a contemporary small City with vibrant, livable, neighborhoods and walkable pedestrian- and bicycle-oriented development."

Landscaping

Landscaping plans are required as an element of the precise plan. Attention to detail and aesthetic design is necessary to satisfy Goal 4 of the Community Design Element, which requires "Attractive streetscapes in all areas of Madera." Staff recommends landscape and irrigation plans consistent with the State's Model Water Efficient Landscape Ordinance be submitted to the Planning Department for review and approval prior to issuance of building permits.

Open Space

Policy LU-21 states, "Multi-family projects shall include functional, accessible outdoor areas and improvements which provide space for both private and public gatherings. These may include tot lots; passive recreation areas for sunbathing, lounging, barbecuing, quiet conversation and reading; and private patios or balconies." The proposed site plan includes approximately 8,000 square feet of open space incorporating a picnic area and a playground area consistent with the open space requirements.

The PD Zone District requires a minimum of 750 square feet of open space per residential unit, which equates to a minimum requirement of 0.14 acres of open space. The proposed site plan provides for 0.18 acres of open space, complying with the City's PD (Planned Development) Zone District open space requirements.

The City's parkland acquisition ordinance establishes procedures for requiring the dedication of parkland, the payment of fees in-lieu thereof, or a combination of both. In this case, an in-lieu fee will be required as opposed to the dedication of parkland. The project site will be developed at maximum density, accommodating its respective open space area with no additionally available open area for community parkland.

Setbacks

The project site is surrounded by properties zoned for high density residential development. Most have been developed as multifamily projects, but some nearby properties are currently developed with single family residential homes. Building setbacks will continue to largely adhere to the R (Residential) development standards with one notable exception; setbacks requirements in the R (Residential) Zone District require a minimum setback of 25-feet for three story development for those areas abutting to single family development. Rezoning the project site to a PD (Planned Development) Zone District allows for a typical 5-foot setback to be applied along the eastern property line. For the purpose of providing privacy, all balconies and stairways will be located away from the west interior property line. Only the first and second story elevation facing the west property line will have windows. Staff does not anticipate the architectural design being a particular concern noting surrounding uses include several multi-story apartment complexes.

Parking

In PD (Planned Development) zones, parking requirements are addressed as a component of required precise plans on a case-by-case basis. In this case, the project is required to utilize the traditional parking standards for a multi-family housing project. The parking standards for the project proposal are as follows:

UNIT TYPE	# OF UNIT TYPE	# OF STALLS REQD.
2 bed/1 bath	8	16
Guest Parking		2
Total Parking Required:		18
Total Parking Provided:		18
Total Covered Parking Required:		8
Total Covered Parking Provided:		8

Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code (MMC) and the General Plan will be constructed in support of the project. Required infrastructure includes water, sewer, and storm drainage infrastructure consistent with the City's master plans. Street improvements include the construction of ADA accessible concrete sidewalks and driveway approaches upon and along the project frontages.

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

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.

No citizen communications, either positive or negative, concerning this project have been received by staff as of the release of this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements is “A Well-Planned City.” The Commission, considering how the project and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project will help provide consistency with Strategy 131, which states, “Create well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities.”

RECOMMENDATION

The information presented in this report provides support for the adoption of the negative declaration, adoption of a resolution recommending to the City Council approval of the adoption of an ordinance rezoning the project parcels and conditional approval of the precise plan request. 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 REZ 2019-04 and PPL 2019-04, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the negative declaration, REZ 2019-04 and PPL 2019-04 as outlined in the respective motions presented below:

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

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) that determines there is no substantial evidence the project will have a significant effect on the environment, and that the document reflects the independent judgment 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 adopt a resolution recommending to the City Council introduction of an ordinance rezoning the project properties (APNs: 003-093-006 & 008), based on and subject to the findings as listed;

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

judgment 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.

- REZ 2019-04 will provide the required consistency between the General Plan and zoning.
- City services and utilities are available or can be extended to serve the area.

Motion 1c: Move to approve PPL 2019-04, subject to the findings and conditions of approval as listed;

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (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 judgment 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.
- City services and utilities are available or can be extended to serve the area.
- Precise Plan 2019-04 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the Code.
- Precise Plan 2019-04 satisfies the requirements for precise plans per Madera Municipal Code (MMC) Section 10-3.4.104.
- Precise Plan 2019-04 is consistent with the goals and policies of the General Plan.
- Precise Plan 2019-04 is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for PPL 2019-04.
2. All plans submitted for on-site construction or building permits must incorporate and reflect all requirements outlined in the herein listed conditions of approval. In the event deviations from these requirements arise, or for any future changes or additions not considered by the Planning Commission, a request in writing shall be submitted to the Planning Manager for review and approval. The Planning Manager may determine that substantive changes require a formal modification to the precise plan by the Planning Commission.
3. 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.

4. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to any building permit final issuance.
5. The project shall be developed in accordance with the conditions of approval listed herein and the approved site plan, floor plans, and elevation drawings. Minor modifications to the approved plans necessary to meet regulatory or engineering constraints may be made with the approval of the Planning Manager. All on- and off-site improvements shall be completed in advance of any request for building permit final inspection.
6. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the Citywide Community Facilities District No. 2005-01 and shall pay all applicable fees.

Building Department

7. At the 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 utility plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities.
8. 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 the permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

Engineering Department

General

9. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
10. Impact fees shall be paid at the time of building permit issuance.
11. The developer shall pay all required fees for completion of the project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing, and improvement inspection fees.
12. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
13. The improvement plans for the project shall include the most recent version of the City's General Notes.

14. 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.
15. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.
16. All on-site and off-site improvements shall be completed prior to issuance of final occupancy.

Sewer

17. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
18. Sewer main connections 6" and larger diameter shall require manhole installation.
19. Existing service connections that will not be used for the project shall be abandoned at the main per current City of Madera standards.
20. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage(s).
21. Existing septic tanks, if found, shall be removed pursuant to the issuance of a permit and inspection by the City of Madera Building Department.

Storm Drain

22. Storm runoff from this project site will surface drain into existing facilities and eventually into the Madera Irrigation District (MID) Canal. Water runoff from the site shall be cleaned prior to entering the existing stormwater system to the satisfaction of the MID through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
23. Support calculations shall be provided that provide the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
24. This project shall comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post-development shall match or be less than pre-development runoff. The development shall be subject to future inspections by the City or other designated agencies related to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions of approval.

Streets

25. The developer shall construct an ADA-accessible concrete sidewalk along the entire project parcel frontage on Rush Street and West Wilson Avenue per City standards.
26. The developer shall record reciprocal ingress/egress, utility, and parking easements acceptable to the City across the entire project site and applicable to all parcels. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall pay associated fees to the Engineering Department.

27. As an alternative to recording a reciprocal easements agreement, a parcel merger can combine the parcels into a single one. If this route is chosen, the applicant shall pay the fee in effect at that time to the Engineering Department.
28. The alley/driveway dimensions shall be, at a minimum, the same as that required in the City Standard Drawing E-4.
29. Adequate sight distance shall be provided which allows for westbound traffic to see vehicles backing in or out of the project driveway. To the extent necessary, low profile landscaping shall be installed to ensure sight distance is maintained.
30. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District 51 for the purpose of participating in the cost of maintaining landscape improvements within said zone.
31. All public utilities shall be underground, except transformers, which may be mounted on pads.

Water

32. Existing or new water service connection(s) shall be constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.
33. A separate water meter and backflow prevention device will be required for the landscape area.
34. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
35. Prior to the issuance of an/an encroachment/building permit, the developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project parcel frontage.
36. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.

Fire Department

37. All on-site fire lanes shall be properly posted.
38. 2A10BC-rated fire extinguishers shall be provided on each floor level of the building.
39. Fire sprinklers shall be provided in all structures containing residential uses or as otherwise prescribed by the California Building Code (CBC), California Fire Code (CFC) and/or the California Residential Code (CRC).
40. Addresses shall be posted and plainly visible from the street.
41. Fire sprinkler supervisory alarms shall be provided for all fire sprinkler systems in accordance with the CFC.

42. Fire-rated construction shall be provided between units and between each unit and the adjacent garage space as prescribed in the CBC.

Planning Department

General

43. 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.
44. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and the dumping of refuse shall be restricted to the dumpsters scheduled to serve the property.
45. On-site vandalism and graffiti shall be corrected pursuant to the Madera Municipal Code.

Precise Plan

46. Precise Plan Area
- Two parcels, approximately 0.29 acres
 - APN's: 003-093-006, 008

Building Area

- Eight residential units, as follows:
 - 2 units at 714 sq. ft., 2 bdrm, 1 bath
 - 4 units at 720 sq. ft., 2 bdrm, 1 bath
 - 2 units at 729 sq. ft., 2 bdrm, 1 bath
 - 2 4-stall garages at 889 sq. ft. each
47. The proposed elevations shall include the following features as standard elements of construction consistent with the approved building elevation:
- Multi-dimensional concrete tile roofing
 - Three color exterior painting
 - Architectural treatments, including gable decorations, decorative metal awnings, light sconces, and stone veneer wainscot on the first and second story of each elevation.
48. The final design of open space amenities shall be reviewed and approved by the Planning Manager. The applicant shall submit detailed specifications of all amenities for the review and approval by the Planning Manager at time of submittals for building permit plan check. Submittals shall include appurtenant details for benches, playground equipment, picnic facilities, and associated project furniture, such as trash receptacles, on-site light fixtures and the like.
49. The construction of all buildings approved as part of PPL 2019-04 shall be in conformance with the approved elevation drawings, as reviewed and approved by the Commission.
50. The construction of buildings approved as part of PPL 2019-04 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 Manager. Any substantial alteration may require Commission approval.

HVAC and PG&E Utility Placement Considerations

51. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for the Planning Department's 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
52. All electrical equipment shall be installed within electrical/mechanical equipment service rooms, screened from the public view to the specifications of the Planning Department. The applicant shall architecturally integrate equipment locations. Any roof-mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using wells or continuous building perimeter fascia screening.
53. All HVAC equipment shall be roof-mounted or installed within the interior of the building, screened from public view to the specifications of the Planning Department. All roof-mounted equipment placements shall be completely screened from public view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground-mounted, all HVAC equipment shall be completely screened from public view or located to areas not generally accessible to the public.
54. Future placement of roof-mounted equipment, which is not part of this precise plan approval, may require an amendment to this Precise Plan.
55. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements preferred at rear sides of roof ridges. All roof-mounted ducts and vents to be painted matt black or with a color better suited to minimize their appearance. Any wall-mounted equipment shall be painted to match the exterior wall.
56. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.
57. Natural gas meter placement shall be screened from public view per the specification of the Planning Department.
58. Backflow prevention devices must be screened per the approval of the Planning Manager.
59. Transformers and similar pad-mounted utilities must be screened per the approval of the Planning Manager.
60. Roof access ladders (if any) shall be located within the building's interior.

Landscaping

61. 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.
 - Areas throughout the project shall be planted so as to provide a minimum of 70% vegetative cover upon maturity.
 - Landscaped areas shall be developed along all street frontages and within parking areas.
 - Shade trees shall be planted in parking areas.
 - Landscaped areas shall be provided with permanent automatic irrigation systems.
 - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and species of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
62. 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

63. Parking stalls shall be developed in close conformance with the approved site plan.
64. 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 the 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

65. Signage shall be in accordance with city standards, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.
66. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
67. All proposed construction announcement sign uses shall conform to the Municipal Sign Ordinance.

Walls and Fences

68. A trash enclosure shall be constructed of split-faced masonry block consistent with city standards with a finish color to match the primary structure. The location of the trash enclosure shall be on the Rush Street side. The exact placement of the trash enclosure shall be determined by the Public Works Director.

San Joaquin Valley Air Pollution Control District

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

(OR)

Motion 2: Move to continue the public hearing on REZ 2019-04 and PPL 2019-04 to the November 12, 2019 Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for REZ 2019-04 and PPL 2019-04, based on the following findings: (specify)

ATTACHMENTS

Attachment 1: Aerial Map

Attachment 2: SJVAPCD Letter

Attachment 3: MUSD Letter

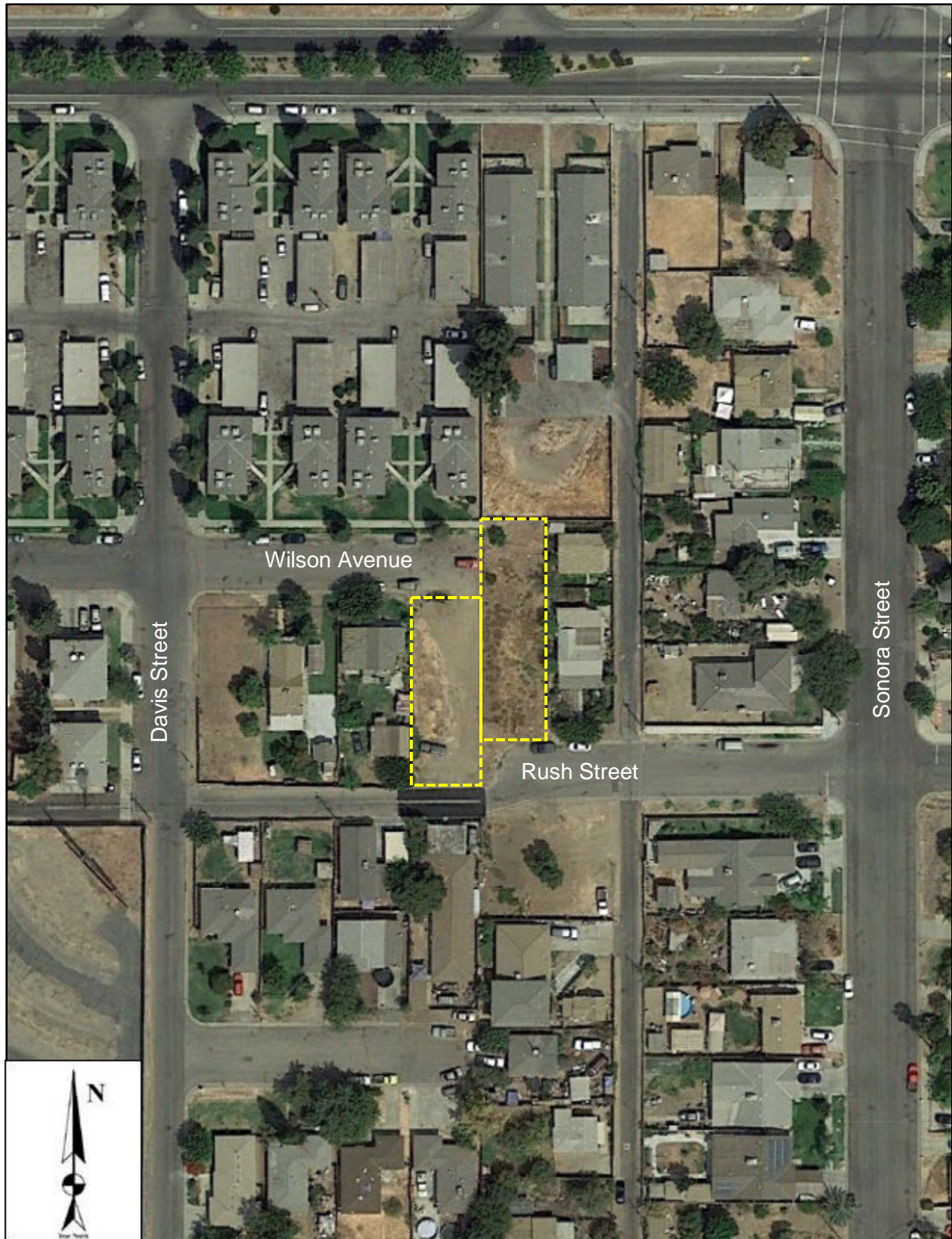
Attachment 4: Resolution of Recommendation to the City Council

Attachment 5: Draft Ordinance

Attachment 6: Initial Study and Negative Declaration

Attachment 7: Site Plan, Floor Plan and Elevations

Attachment 1: Aerial Map



Attachment 2: SJVAPCD Letter



August 28, 2019

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

Project: PPL 2019-04

District CEQA Reference No: 193-20190018

Dear Mr. Holt:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of apartments, low rise with a total of 8 dwelling units (Project), located at Rush and Wilson in Madera, CA. The District offers the following comments:

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

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

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

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

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

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

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

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

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call the District's Technical Services staff at (559) 230-6000 or e-mail ceqa@valleyair.org. When calling or emailing the District, please reference District CEQA number 193-20190018 .

Sincerely,

Amaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

Attachment 3: MUSD Letter

MADERA UNIFIED SCHOOL DISTRICT
1902 Howard Road, Madera, California 93637
(559) 675-4500
FAX: (559) 675-1186
www.madera.k12.ca.us



Board of Trustees:
Ray G. Seibert, President
Ruben Mendoza, Clerk
Trustees:
Brent Fernandes, Joetta Fleak
Ed McIntyre, Lucy Salazar

Superintendent:
Todd Lile

September 6, 2019

Jesus Orozco
Assistant Planner
City of Madera
205 W 4th St.
Madera, CA 93637

SUBJECT: PPL 2019-04 & REZ 2019-04 – Bellava Apartments

Dear Mr. Orozco:

The purpose of this letter is to provide school district information relative to the above-referenced applications and to comply with Business and Professions Code section 11010, subdivision (b)(11)(A) regarding the provision of school-related information to the subdivider/owner and the State Department of Real Estate.

Residential development resulting from the project will affect the District by generating students that will need to be housed in District schools. Using the approximate dwelling units and the District's student generation rates, we have estimated the number of students potentially generated by the proposed plan. Assuming the project is an 8 unit apartment complex, located north of Rush Street and South of Wilson Street, the following comments can be made at this time:

1. The number of students generated by the project is estimated as follows:

Grade Group	Rate	Units	Students
TK-6	0.353	8	2.82
7-8	0.092	8	.74
9-12	0.169	8	1.35
	0.614		4.91

2. Elementary School Information:

- a. The subject land is presently within the attendance area of the elementary school (grades TK-6) listed below:

School Name: George Washington Elementary School
Address: 509 South Street, Madera, CA 93638
Telephone: (559) 674-6705
Capacity: 800
Enrollment: 718
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend an elementary school other than the above school, and (2) students residing in the project area may attend more than one elementary school within the District during their TK-6 school years.

MADERA UNIFIED SCHOOL DISTRICT
1902 Howard Road, Madera, California 93637
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Ray G. Seibert, President
Ruben Mendoza, Clerk
Trustees:
Brent Fernandes, Joetta Fleak
Ed McIntyre, Lucy Salazar

Superintendent:
Todd Lile

3. Intermediate School Information:

- a. The project area is currently served by the following middle school (grades 7-8):

School Name: Thomas Jefferson Middle School
Address: 1407 Sunset Ave., Madera, CA 93637
Telephone: (559) 673-9286
Capacity: 1,000
Enrollment: 1,008
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend a middle school other than the above school, and (2) students residing in the project area may attend more than one middle school within the District during their 7-8 school years.

4. High School Information:

- a. The project area is currently served by the following high school (grades 9-12):

School Name: Madera High School
Address: 200 S L Street, Madera, CA 93637
Telephone: (559) 675-4444
Capacity: 2,200
Enrollment: 2,142
School Schedule: Traditional

- b. It is possible that (1) adjustment of school attendance areas could occur in the future such that students residing in the project area may be required to attend more than one high school within the District during their 9-12 school years.

5. The Madera Unified School District currently levies a fee of \$4.10 per square foot for residential development. Any new development on the subject property will be subject to the development fee in place at the time fee certificates are obtained.

The District hereby requests that the information in this letter be provided by the owner/subdivider to all prospective purchasers of property within the project.

Thank you for the opportunity to comment on the project. Please contact my office if you have any questions regarding this letter.

Sincerely,

Rosalind Cox
Director of Facilities Planning and
Construction Management

Attachment 4: Resolution of Recommendation to the City Council

RESOLUTION NO. 1846

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF
MADERA ADOPTION OF AN ORDINANCE REZONING
APPROXIMATELY 0.29 ACRES OF PROPERTIES (APN: 003-093-006,
003-093-008), LOCATED NORTH OF RUSH STREET AND SOUTH OF
WILSON AVENUE FROM THE R3 (RESIDENTIAL) ZONE DISTRICT TO
THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT.

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

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

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

WHEREAS, a proposal has been made to rezone approximately 0.29 acres of properties (APN: 003-093-006, 003-093-008), located on the north of Rush Street and south of Wilson Avenue, from the R3 (Residential) Zone District to the PD-1500 (Planned Development) Zone District, as shown in the attached Exhibit A; and

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

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

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

WHEREAS, the negative declaration and rezoning were distributed for public review and comment to various local agencies and groups; and

WHEREAS, public notice of this public hearing was given by mail and published notice in accordance with the applicable State and Municipal Codes and standard practices; and

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

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

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

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

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of October 2019, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran, Jr.
Planning Commission Chairperson

Attest:

Christopher F. Boyle
Acting Planning Manager

EXHIBIT 'A'



Attachment 5: Draft Ordinance

DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 0.29 ACRES OF PROPERTY (APN: 003-093-006, 003-093-008), LOCATED NORTH OF RUSH STREET AND SOUTH OF WILSON AVENUE, TO THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT.

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

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

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

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

FINDINGS:

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

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

* * * * *

EXHIBIT A



Attachment 6: Initial Study and Negative Declaration

CITY OF MADERA
INITIAL STUDY / ENVIRONMENTAL CHECKLIST

I. BACKGROUND AND PROJECT DESCRIPTION

1. **Application No.:**
Rezone 2019-04 and Precise Plan 2019-04
2. **Project Title:**
Bellava Apartments
3. **Lead Agency Name and Address:**
City of Madera, 205 W. 4th St., Madera, CA 93637
4. **Contact Person and Phone Number:**
Jesus Orozco – (559) 661-5436
5. **Project Location:**
North of Rush Street and South of Wilson Avenue.
6. **Project Applicant's/Sponsor's Name and Address:**
Applicant: Bellava Construction LLC – 27019 Edgewater Lane, Valencia, CA 91355
Representative: Sergio Nunez – 27019 Edgewater Lane, Valencia, CA 91355
7. **General Plan Designation:**
HD (High Density)
8. **Zoning:**
Current: R3 (High Density) Proposed: PD-1500 (Planned Development)
9. **Project Background:**
The proposal is an application for rezone and precise plan application for the development of an eight-unit multifamily building on two properties. The rezone would allow for the change in zoning of the properties from the R3 (High Density) Zone District to the PD-1500 (Planned Development) Zone District. The precise plan would allow for the construction of a three-story, multifamily building comprised of 2-bedroom, 1 bath units, an open space community area with playground equipment and two picnic benches. Project architecture and open space areas comply with the goals and policies of the General Plan. Off-street parking complies with the parking regulations of the City for multi-family uses. Setbacks are commensurate of the project site and site design. The project also proposes site improvements and other site appurtenances necessary to provide for the sustainability of the site.

10. **Public Agencies Whose Approval or Review Is Required:**
Madera Irrigation District, Madera Unified School District 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 residentially-zoned land located north of Rush Street and south of Wilson Avenue. The project site encompasses approximately 0.29 acres. Access to the property will occur from both Rush Street and Wilson Avenue. The project site is generally surrounded by a mix of single- and multi-family residential dwellings. The drive-in theater is located southwest of the project site.



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
1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
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><u>Discussion</u></p> <p>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 and the anticipated residential 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><u>Less than Significant Impacts</u></p> <p>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>No Impacts</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>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:</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 “Urban and Built-Up 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 “Urban and Built-Up Land” on the 2016 California Farmland Mapping and Monitoring Program map, which includes land that is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. The project site has been identified for residential use within the City of Madera General Plan, and the land is not currently being utilized for agricultural 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, which will develop an eight-unit apartment complex, will not involve other changes in the existing environment, due to the project property’s location or nature,

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
that would result in the conversion of Farmland to a non-agricultural use or conversion of forest land to non-forest use.				
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:				
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>Discussion</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>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<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 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 General Plan amendment and rezoning for the project site, and the 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><u>Less than Significant Impacts</u></p> <p>a) According to the San Joaquin Valley Air Pollution Control District (SJVAPCD), the project is subject to some District Rules. 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>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) The project would not expose sensitive receptors to substantial pollutant concentrations. 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.				
4. BIOLOGICAL RESOURCES. Would the project:				
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?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓
<p><u>Discussion</u></p> <p>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.</p> <p>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.</p> <p><u>No Impacts</u></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>e) The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</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 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.				
5. CULTURAL RESOURCES. Would the project:				
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><u>Discussion</u></p> <p>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><u>No Impacts</u></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
6. ENERGY. Would the project:				
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?				✓
<u>Less than Significant Impacts</u>				
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.				
<u>No Impacts</u>				
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.				
7. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
ii. Strong seismic ground shaking?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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><u>Discussion</u></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><u>No Impacts</u></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 taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.</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>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<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>				
8. GREENHOUSE GAS EMISSIONS. Would the project:				
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>Discussion</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.				
<u>Less than Significant Impacts</u>				
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.				
b) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.				
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
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?				✓
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				✓

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

Discussion

The project will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be delineated with the accompanying precise plan.

No impacts

- 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.
- 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.
- 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.
- 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.
- e) The project site is not located within an airport land use plan and would result in a safety hazard for people residing or working in the project area.
- 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.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><u>Discussion</u></p> <p>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.</p> <p>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.</p> <p>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.</p> <p><u>No Impacts</u></p> <p>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.</p> <p>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.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
10. HYDROLOGY AND WATER QUALITY. Would the project:				
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 sustainable groundwater management plan?				✓

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"> 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. 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. 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. 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. <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>				
11. LAND USE AND PLANNING. Would the project:				
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><u>Discussion</u> 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><u>No Impacts</u></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>				
12. MINERAL RESOURCES. Would the project:				
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><u>No Impacts</u></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>				
13. NOISE: Would the project result in:				
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?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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><u>Discussion</u></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><u>No Impacts</u></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 would not expose people residing or working in the project area to excessive noise levels.</p>				
14. POPULATION AND HOUSING. Would the project:				
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?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><u>Discussion</u></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><u>Less than Significant Impacts</u></p> <p>a) The project does induce unplanned population growth in the area directly with the construction of eight new dwelling units, but the growth will not be substantial.</p> <p><u>No Impacts</u></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>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:</p>				
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓
<p><u>Discussion</u></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
<p>standard practices. The project would not bring about a significant increase in the demand for solid waste disposal services and facilities.</p> <p><u>No Impacts</u></p> <p>a) The project would not result in substantial adverse physical impacts to fire protection services.</p> <p>b) The project would not result in substantial adverse physical impacts to fire protection services.</p> <p>c) The project would not result in substantial adverse physical impacts to school services. The Madera Unified School District levies a school facilities fee to assist defraying the impact of residential development.</p> <p>d) The project would not result in substantial adverse physical impacts to park facilities.</p> <p>e) The project would not result in substantial adverse physical impacts on other public facilities.</p>				
16. RECREATION. Would the project:				
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?				✓
<p><u>Discussion</u></p> <p>Residential development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.</p> <p><u>No Impacts</u></p> <p>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.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) The project will include the construction of a large open space community area with a playground and two benches that would provide for recreational activities, but they will not have an adverse physical effect on the environment.				
17. TRANSPORTATION. Would the project:				
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><u>Discussion</u></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><u>No Impacts</u></p> <p>a) The project would not conflict with any program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. All pedestrian walkways will be constructed consistent with the City of Madera Engineering Department standards and Americans with Disabilities Act (ADA) standards.</p> <p>b) The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The project is not located within one-half mile of an existing major transit stop or along an existing high-quality transit corridor.</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> <p>d) The project would not result in inadequate emergency access.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
18. Tribal Cultural Resources. Would the project:				
<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>				✓
<p><u>No Impacts</u></p> <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 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.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				
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><u>Discussion</u></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> <p><u>Less than Significant Impacts</u></p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>a) The project would require the construction of new water and storm water drainage facilities, but the construction would not cause significant environmental effects.</p> <p><u>No Impacts</u></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>e) The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.</p>				
20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response land 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 result of runoff, post-fire slope instability, or drainage changes?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><u>Discussion</u></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><u>No Impacts</u></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 roads and will not exacerbate fire risk or result in temporary or ongoing impacts to the environment as the project is also not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.</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>				
21. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:				
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?				✓
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				✓

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

Discussion

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, and Utilities and Service Systems.

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.

No Impacts

- 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.
- b) The project would not have cumulatively considerable impacts that are beyond less than significant.
- c) The project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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 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: _____

Attachment 7: Site Plan, Floor Plans and Elevations

GENERAL NOTES:

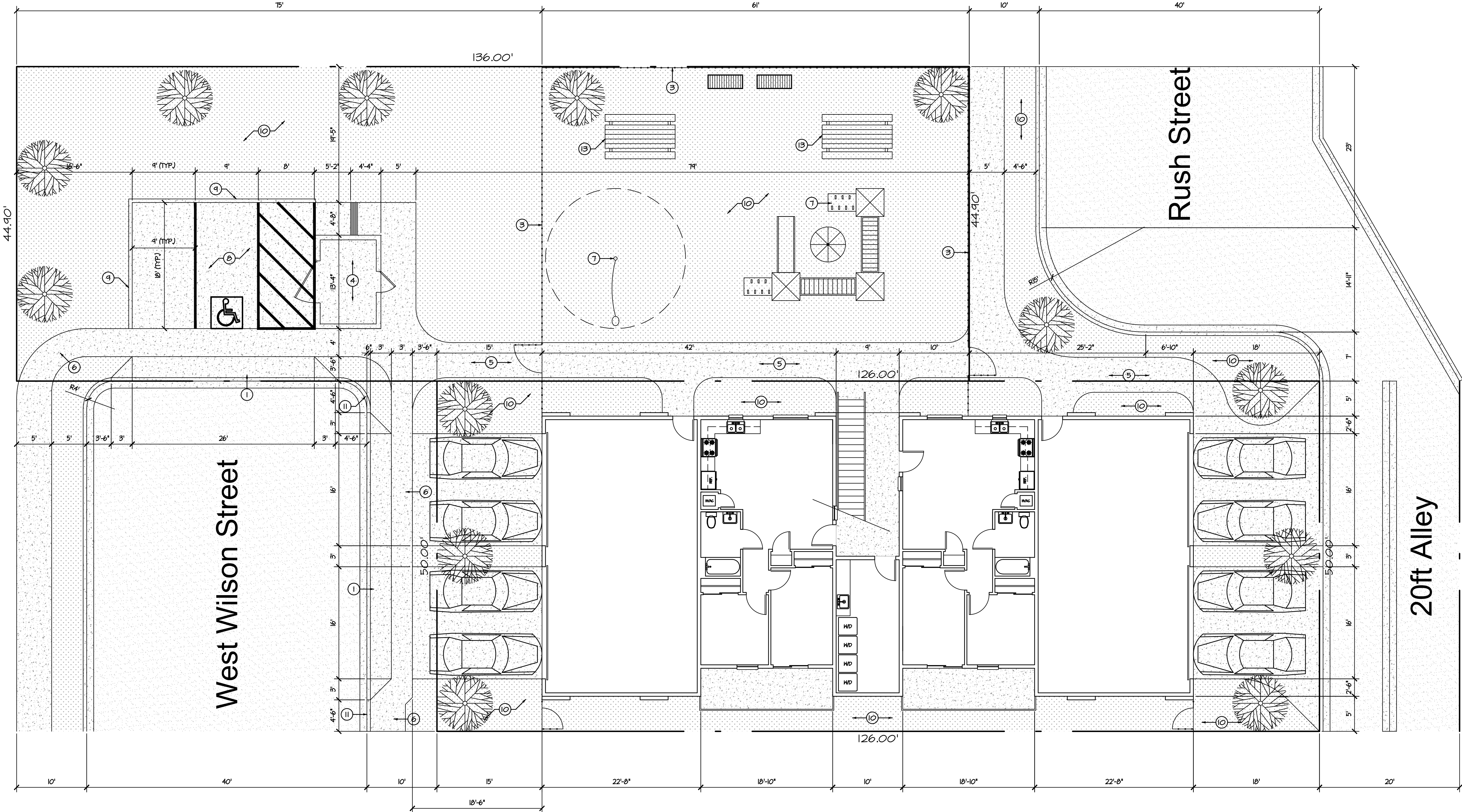
- ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED, IN COMPLIANCE WITH THE FOLLOWING CODES AS ADOPTED BY THE LOCAL BUILDING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.
 - CALIFORNIA BUILDING STANDARDS CODE 2016
 - CALIFORNIA PLUMBING CODE 2016
 - CALIFORNIA MECHANICAL CODE 2016
 - CALIFORNIA ENERGY CODE 2016
 - CALIFORNIA FIRE CODE 2016
 - NATIONAL ELECTRICAL CODE 2016
 - CITY OF SACRAMENTO ORDINANCES
- DRAWINGS ARE NOT TO BE SCALED. DIMENSIONS GOVERN.
- CONTRACTOR IS TO VERIFY ALL EXISTING FIELD DIMENSIONS, CONDITIONS, & NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO PROCEEDING W/ ANY WORK.
- MAXIMUM OF 1/2" OFFSET ALLOWED AT ALL THRESHOLDS AND AT ANY CHANGE OF FLOORING MATERIAL. OFFSETS GREATER THAN 1/4" REQUIRE A MAXIMUM OF 45-DEGREE BEVEL.
- ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.
- ALL HANDICAP STALLS SHALL COMPLY WITH CALIFORNIA TITLE 24 AND SHALL BE MARKED WITH THE INTERNATIONAL SYMBOL OF SPACES AND A WARNING THAT VEHICLES IN VIOLATION OF SECTION 10-1017 OF THE MUNICIPAL CODE SHALL BE TOWED AWAY. THE INTERNATIONAL SYMBOL AND TOW-AWAY WARNING SHALL BE POSTED CONSPICUOUSLY ON 7 FOOT POLES.
- NO DRAINAGE TO BE TAKEN TO ADJACENT PROPERTY.
- THE SANITARY SEWER SERVICES, WATER, GAS AND ANY OTHER UNDERGROUND SERVICE, CONNECTIONS SHALL BE COMPLETED IN ALL AREAS TO BE PAVED PRIOR TO PLACEMENT OF A.C. PAVING.
- NO USES OF LAND, BUILDINGS OR STRUCTURES OTHER THAN THOSE SPECIFICALLY APPROVED PURSUANT TO THIS SITE PLAN SHALL BE PERMITTED.
- CLEARING, GRADING, EARTH MOVING OR EXCAVATION ACTIVITIES SHOULD CEASE DURING PERIODS OF HIGH WINDS GREATER THAN 20-MPH AVERAGE.
- LIGHTING WHERE PROVIDED TO ILLUMINATE PARKING, SALES OR DISPLAY AREAS SHALL BE HOODED AND SO ARRANGED AND CONTROLLED SO AS NOT TO CAUSE A NUISANCE EITHER TO HIGHWAY OR TO THE LIVING ENVIRONMENT. THE AMOUNT OF LIGHT SHALL BE PROVIDED ACCORDING TO THE STANDARDS OF THE DEPT. OF P.U.
- TRAFFIC VEHICULAR SAFETY SIGNING AT POINT OF INGRESS AND EGRESS SHALL BE SHOWN ON THE IMPROVEMENT PLANS AND INSTALLED SUBJECT TO REVIEW AND APPROVAL BY THE CITY ENGINEER.
- ROOF-MOUNTED AND DETACHED MECHANICAL EQUIPMENT FOR COMMERCIAL AND OFFICE USES SHALL BE SCREENED FROM VIEW AND ACOUSTICALLY BAFFLED TO PREVENT THE NOISE LEVEL RATING FOR EQUIPMENT FROM EXCEEDING 55 LWA MEASURED AT THE NEAREST PROPERTY LINE.
- IF ARCHAEOLOGICAL AND/OR ANIMAL FOSSIL MATERIALS IS ENCOUNTERED DURING PROJECT SURVEYING, GRADING, EXCAVATING OR CONSTRUCTION, WORK SHALL STOP IMMEDIATELY.
- IF THERE ARE SUSPECTED HUMAN REMAINS, THE SACRAMENTO COUNTY CORONER SHALL BE IMMEDIATELY CONTACTED, IF THE REMAINS OR OTHER ARCHAEOLOGICAL MATERIAL IS POSSIBLY NATIVE AMERICAN IN ORIGIN, THE NATIVE AMERICAN COMMISSION (PHONE: (916) 653-4092) SHALL BE IMMEDIATELY CONTACTED.
- IF ANIMAL FOSSILS ARE UNCOVERED, THE MUSEUM OF PALEONTOLOGY, U.C. BERKELEY SHALL BE CONTACTED TO OBTAIN A REFERRAL LIST OF RECOGNIZED PALEONTOLOGISTS. A PALEONTOLOGIST SHALL CONDUCT AN ASSESSMENT AND, IF THE PALEONTOLOGIST DETERMINES THE MATERIAL TO BE SIGNIFICANT, IT SHALL BE PRESERVED.
- ALL EXTERIOR DOOR LANDING GRADES SHALL HAVE A SMOOTH TRANSITION TO ADJACENT PAVED SURFACE.
- OPEN CUT IS NOT PERMITTED. ALL UTILITY CONNECTIONS MUST BE BORED ANY UTILITIES REQUIRING RELOCATION SHALL BE THE RESPONSIBILITY AND AT THE EXPENSE OF THE DEVELOPER. CONTACT TRAFFIC ENGINEER FOR INFORMATION REGARDING REIMBURSEMENTS RELATIVE TO RELOCATING TRAFFIC SIGNAL FACILITIES, FIRE HYDRANTS WILL BE RELOCATED BY CITY FORCES. DEVELOPER IS RESPONSIBLE TO NOTIFY CITY WATER DIVISION TO ARRANGE AND COORDINATE WORK.
- DIRECTIONAL SIGNS AND ARROWS AND APPROPRIATE PAVEMENT MARKINGS SHALL BE INSTALLED TO CONTROL DIRECTION OF TRAFFIC FLOW WHEN DEEMED NECESSARY BY PUBLIC WORKS DEPARTMENT OR THE DIRECTOR OF THE DEVELOPMENT DEPARTMENT.
- TWO MEANS OF INGRESS / EGRESS MUST BE MAINTAINED DURING ALL ALL PHASES OF DEVELOPMENT.
- REPAIR ALL DAMAGED AND/OR OFF GRADE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY LOCAL AGENCY HAVING JURISDICTION PRIOR TO OCCUPANCY.
- 2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA) 1-800-642-2444.
- OFFSITE AND ONSITE IMPROVEMENT PLANS SHALL BE PREPARED BY AND UNDER THE DIRECTION OF A CIVIL ENGINEER.
- THE DEVELOPER SHALL SCHEDULE PRECONSTRUCTION MEETING WITH ENGINEERING DEPARTMENT 48 HOURS PRIOR TO COMMENCEMENT OF IMPROVEMENTS.

SITE PLAN SCHEDULE

	PROPOSED LOT COVERAGE
	CONCRETE
	ASPHALT PAVING
	LANDSCAPING PER PLAN
	PROPERTY LINE
	PROPOSED WOOD FENCE
	PROPOSED WROUGHT IRON FENCE

KEY NOTES:

1	PROPOSED 35FT CONCRETE DRIVEWAY APPROACH PER CITY STANDARDS
2	PROPOSED 26FT CONCRETE DRIVEWAY APPROACH PER CITY STANDARDS
3	PROPOSED 6FT WROUGHT IRON GATE
4	PROPOSED 12'-4" X 11'-4" TRASH ENCLOSURE PER CITY STANDARDS
5	5FT WIDE MIN. CONCRETE WALKWAY PER 2016 CBC SEE DETAIL 5/AL3
6	4FT WIDE CONCRETE SIDEWALK PER CITY STANDARDS
7	PLAYGROUND AREA & EQUIPMENT TO BE INSTALLED PER MANUFACTURER'S SPECS.
8	VAN ACCESSIBLE PARKING STALL PER 2016 CBC
9	6" RAISED CONCRETE CURB PER CITY STANDARDS
10	LANDSCAPE AREA PER LANDSCAPE PLANS
11	PROPOSED CURB & GUTTER TO REMAIN AS EXISTING PER CITY STANDARDS
12	PROPOSED PICNIC BENCH
13	PROPOSED BENCH
14	
15	
16	



PROJECT DIRECTORY

OWNER:	BELLEVA CONSTRUCTION LLC 27019 EDGEWATER LANE VALERIA, CA 91355 (918) 430-6360 BellevaConstruction@hotmail.com
ARCHITECT:	VILLA DI UBALDO UBALDO GARCIA HERNANDEZ PO BOX 925 MADERA, CA 93631 (554) 871-5534 VillaDiUbaldo@hotmail.com

PROJECT DATA

SITE ADDRESS:	120 WEST WILSON STREET MADERA, CA 93638
APN:	003-043-006 & 008
EXISTING ZONING:	R-3
PROPOSED ZONING:	PD-1500
GENERAL PLAN LAND USE:	HIGH DENSITY RESIDENTIAL W/ DENSITY RANGE 15-50 DU/NA
OCCUPANCY:	R-2
CONSTRUCTION TYPE:	VB / SPRINKLERED

SITE DETAILS:

SITE AREA:	± 12,406 SQ. FT. (0.285 AC)
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PROPOSED SITE COVERAGE:	3,720 SQ.FT. (30%)
BUILDING COVERAGE:	1,644 SQ.FT. (13%)
PARKING & DRIVEWAY:	1,042 SQ.FT. (8%)
SITE OPEN SPACE:	7,042 SQ.FT. (57%)

PROPOSED DU/NA DENSITY:	8 DU / 0.285 AC (28 DU/NA)
-------------------------	-------------------------------

OPEN SPACE REQ.	750 SQ.FT. / UNIT
OPEN SPACE PROVIDED:	1,042 SQ.FT.
SITE OPEN SPACE:	1,042 SQ.FT.
PRIVATE SPACE - BALCONIES:	946 SQ.FT.
TOTAL COMMON AREA OPEN SPACE:	7,042 SQ.FT.

MAX. HEIGHT REQ.:	45FT A.F.S.
MAX. HEIGHT PROVIDED:	36'-0" A.F.S.

SETBACKS REQ.	FRONT: 12'FT SIDE: 5'FT REAR: 5'FT
---------------	--

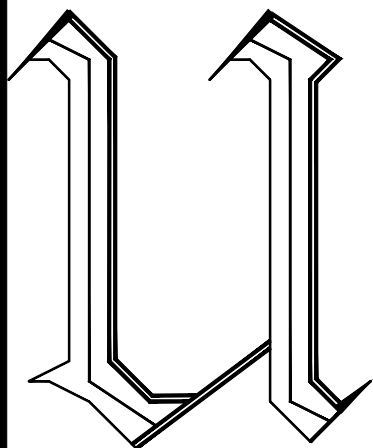
SETBACKS PROVIDED:	FRONT: 15'-0" MIN. SIDE: 5' MIN. REAR: 18' MIN.
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PARKING REQ.	(B) 2 BED/DU X 2 = 16 STALLS B/DU X 0.25 GUEST PARKING = 2 STALLS TOTAL SPACES REQUIRED = 18 STALLS
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PARKING PROVIDED:	8 GARAGE STALLS 8 TANDDEM STALLS 2 V.G. STANDARD STALLS TOTAL = 18 STALLS
-------------------	--

TOTAL BUILDING AREA:

UNIT 100 LIVING SPACE:	714 sq. ft.
UNIT 100 PATIO:	113 sq. ft.
UNIT 102 LIVING SPACE:	714 sq. ft.
UNIT 102 PATIO:	113 sq. ft.
UNIT 200 LIVING SPACE:	720 sq. ft.
UNIT 200 BALCONY:	120 sq. ft.
UNIT 202 LIVING SPACE:	720 sq. ft.
UNIT 202 BALCONY:	120 sq. ft.
UNIT 204 LIVING SPACE:	720 sq. ft.
UNIT 204 BALCONY:	120 sq. ft.
UNIT 206 LIVING SPACE:	720 sq. ft.
UNIT 206 BALCONY:	120 sq. ft.
UNIT 300 LIVING SPACE:	729 sq. ft.
UNIT 300 BALCONY:	122 sq. ft.
UNIT 302 LIVING SPACE:	724 sq. ft.
UNIT 302 BALCONY:	122 sq. ft.
FRONT GARAGE:	884 sq. ft.
REAR GARAGE:	884 sq. ft.
1ST FLR. LAUNDRY ROOM:	184 sq. ft.
2ND FLR. ELECTRICAL RM:	126 sq. ft.
1ST FLOOR COMMON AREA:	180 sq. ft.
2ND FLOOR COMMON AREA:	234 sq. ft.
3RD FLOOR COMMON AREA:	62 sq. ft.
TOTAL LIVING AREA:	5,766 sq. ft.
TOTAL BUILDING AREA:	9,280 sq. ft.



Villa Di Ubaldo
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PO BOX 925
MADERA, CA 93639
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Email: villadiubaldo@hotmail.com
Architect Lic. No. C-35319



REVISIONS:

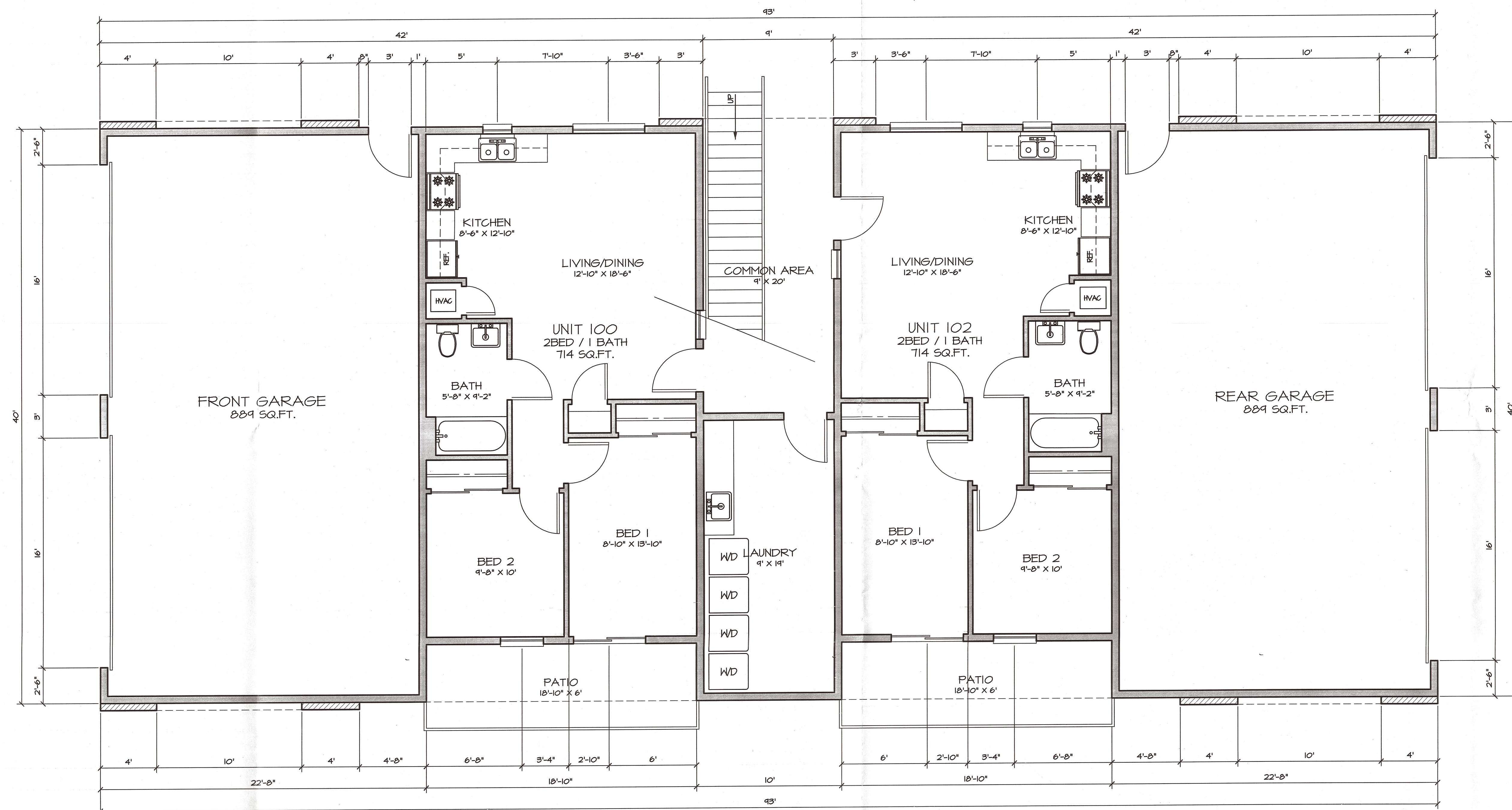
OWNER/BUILDER:
Belleva Construction LLC.
27019 Edgewater Lane
Valencia, California 91355
Phone: (818) 930-6360
Email: BellevaConstruction@hotmail.com

DATE	7 / 23 / 2019
SCALE	1/8" = 1'-0"
JOB NO.	BELLEVA APT.
SHEET	

A1.1

Site Plan

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

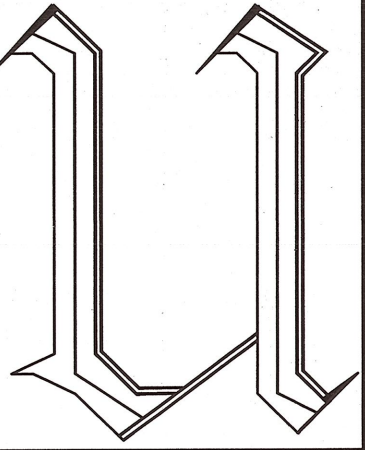


WALL LEGEND

1	INT/EXT LOAD-BEARING WALL 2x6 FRAMING AT 24" O.C. W/ R-14 BATT INSULATION REFER TO EXTERIOR ELEVATIONS FOR FINISH MATERIAL
2	EXTERIOR NON-BEARING WALL POP-OUT ARCHITECTURAL FEATURE 2x6 FRAMING AT 24" O.C. REFER TO EXTERIOR ELEVATIONS FOR FINISH MATERIAL

Building Area:

UNIT 100 LIVING SPACE:	714 sq. ft.
UNIT 100 PATIO:	113 sq. ft.
UNIT 102 LIVING SPACE:	714 sq. ft.
UNIT 102 PATIO:	113 sq. ft.
UNIT 200 LIVING SPACE:	720 sq. ft.
UNIT 200 BALCONY:	120 sq. ft.
UNIT 202 LIVING SPACE:	720 sq. ft.
UNIT 202 BALCONY:	120 sq. ft.
UNIT 204 LIVING SPACE:	720 sq. ft.
UNIT 204 BALCONY:	120 sq. ft.
UNIT 206 LIVING SPACE:	720 sq. ft.
UNIT 206 BALCONY:	120 sq. ft.
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SCALE: 1/4" = 1'-0"
JOB NO.: BELLEVA APT.
SHEET

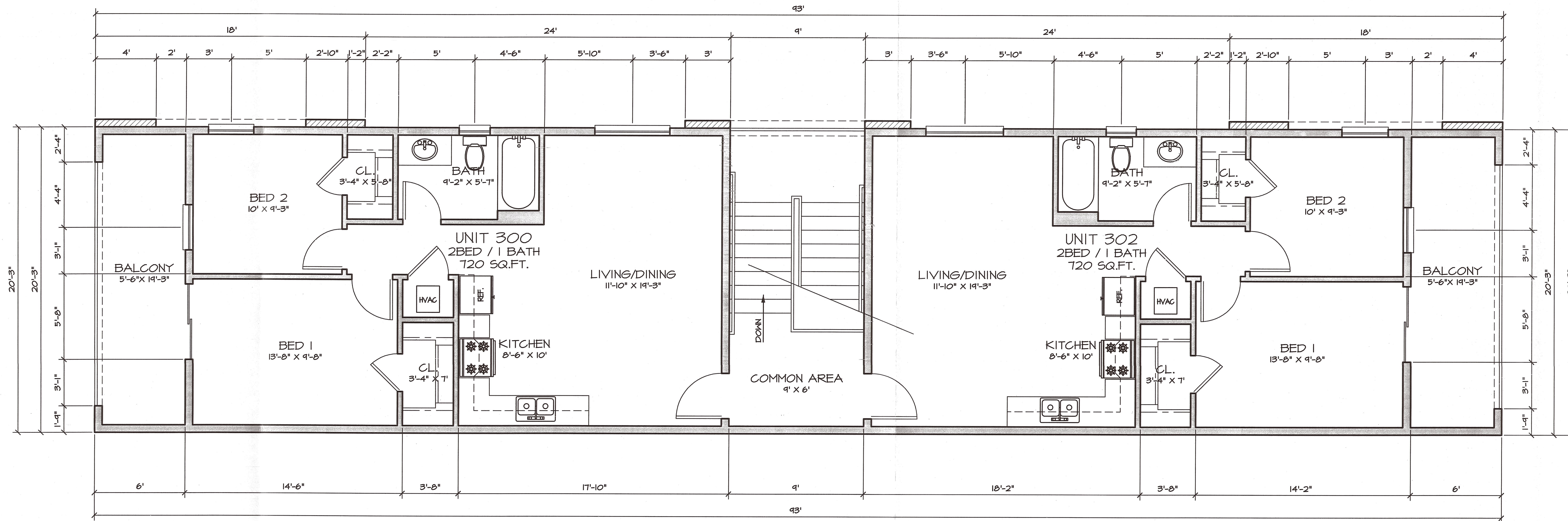
A3.1

1st Floor Plan

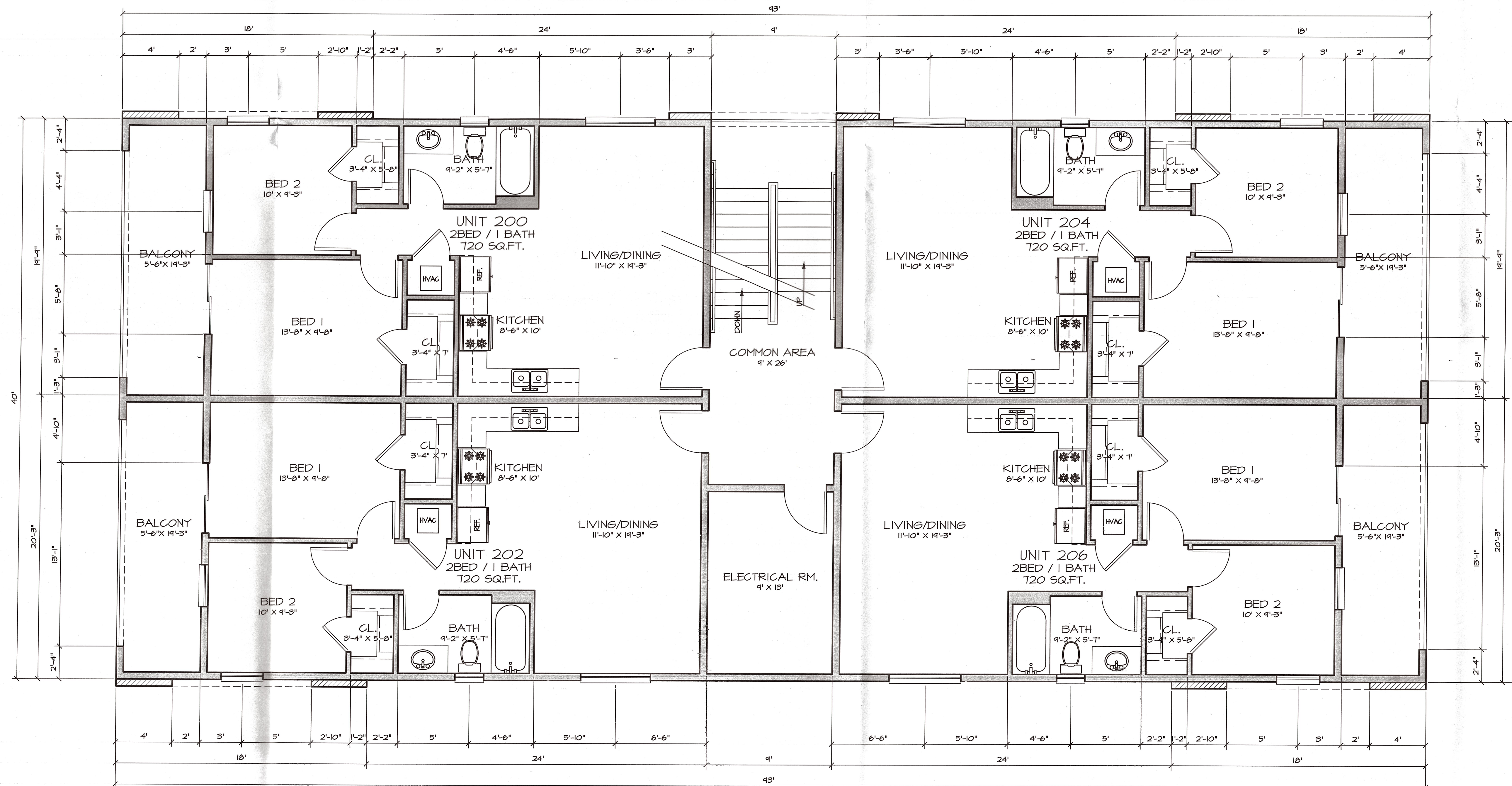
SEE DETAILED FLOOR PLANS SHEETS A3.1 & A3.2



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



3rd Floor Plan



2nd Floor Plan

2nd & 3rd Floor Plan

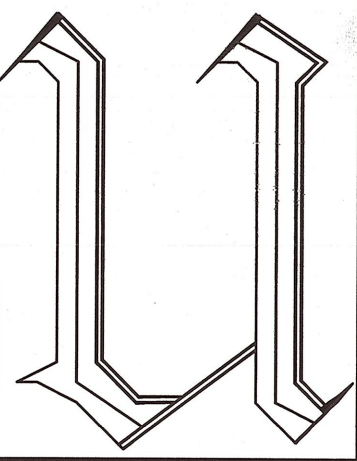
SEE DETAILED FLOOR PLANS SHEETS A3.1 & A3.21

WALL LEGEND

- 1 INTERT. LOAD-BEARING WALL
2x6 FRAMING AT 24" O.C.
W/ R-14 BATT INSULATION
REFER TO EXTERIOR ELEVATIONS
FOR FINISH MATERIAL.
- 2 EXTERIOR NON-BEARING WALL
POP-20T ARCHITECTURAL FEATURE
2x6 FRAMING AT 24" O.C.
REFER TO EXTERIOR ELEVATIONS
FOR FINISH MATERIAL.

Building Area:

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UNIT 100 PATIO:	113 sq. ft.
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DATE: 7/23/2019
SCALE: 1/4" = 1'-0"
JOB NO: BELLEVA APT.
SHEET

A3.2



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



Rear (South) Elevation 'A'



Front (North) Elevation 'A'



Left (East) Side Elevation 'A'



Rear (South) Elevation 'B'



Front (North) Elevation 'B'



Left (East) Side Elevation 'B'



Rear (South) Elevation 'C'



Front (North) Elevation 'C'



Left (East) Side Elevation 'C'



Rear (South) Elevation 'D'



Front (North) Elevation 'D'



Left (East) Side Elevation 'D'



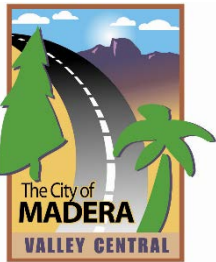
Rear (South) Elevation 'E'



Front (North) Elevation 'E'



Left (East) Side Elevation 'E'



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Sea Wolf Tattoo CUP 2019-15 & Categorical Exemption Item # 2 – October 8, 2019

PROPOSAL: Consideration of a request for a conditional use permit to allow for the establishment of a tattoo parlor within an existing building.

APPLICANT:	Steven Alonzo	OWNER:	Kirk Atamian
ADDRESS:	400 North Gateway Drive	APN:	006-086-003
APPLICATION:	CUP 2019-15	CEQA:	Categorical Exemption

LOCATION: The project site is located on the northwest corner of North Gateway Drive and West 3rd Street.

STREET ACCESS: The project site has access from North Gateway Drive and West 3rd Street.

PARCEL SIZE: The project site is approximately 700 square feet.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The property has functioned as a commercial site for many years. The existing building encompasses most of the property. Public right-of-way for roads and the Union Pacific Railroad surrounds the triangular-shaped site. Other nearby uses include a motel to the north, a parking lot to the east, a Papa Murphy's pizza to the south and residences to the west.

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

SUMMARY: The applicant is proposing to establish a tattoo parlor within an existing 500 square foot structure. Personal service uses, such as tattoo parlors are not specifically addressed as permitted uses in the C2 (Heavy Commercial) Zone District. The use can be permitted when, in the opinion of the Planning Commission (Commission), the use would not be more obnoxious or detrimental to the welfare of the community than other permitted uses. Approval of the use permit would allow the business operator to provide tattoo services on an appointment basis only. The site has been exempted from providing off-street parking through the variance process. A site plan review is normally required in conjunction with

the conditional use permit. However, the establishment of the use does not necessitate any on- or off-site improvements.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.403 Additional Permitted Uses

MMC § 10-3.1301 Use Permits

MMC § 10-3.901 Heavy Commercial Zone – Uses Permitted

MMC § 10-3.1202 Parking Regulations

MMC § 10-3.1401 Variance

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 permit to ensure compatibility. Project design may be altered, and site improvements required to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission, as necessary.

PRIOR ACTION

The site was originally developed without off-street parking. In 2014, the site was repurposed from a retail to a personal service establishment. As a component of the change in use, a variance from off-street parking was secured, allowing the site to operate without the required parking stalls. The Commission approved Variance (VAR) 2014-01 and Site Plan Review (SPR) 2014-13 on June 17, 2014 as a component of establishing the barber shop business.

ANALYSIS

What is Tattooing?

Tattooing is one of the oldest art forms known to humans. In ancient times, tattoos were not only applied for decoration, but they also held symbolic significance. In western culture, tattoos were once viewed as taboo. Over time, tattooing has become a popular method of personal artistic expression. Tattoos have evolved to include cosmetic tattooing (micropigmentation) and medical alert tattooing. Modern applications of tattooing entail the outer layer of the skin being marked with ink or dye using a machine guided needle, resulting in permanent body modification.

Operations

The applicant is requesting the allowance to establish a tattoo parlor. Approval of the conditional use permit will allow the applicant to offer customers tattoos on an appointment basis. The applicant specializes in custom American Traditional tattoos. Based on the complexity of the tattoo request, the applicant may see anywhere between one and twelve customers during a day. Hours of operations are proposed to occur as early as 11 AM to as late as 8 PM. The establishment of the use does not necessitate any on- or off-site improvements. The use is proposed to accommodate a single tattoo station with no anticipated intensification or expansion of the site.

Use Permit Applicability

The Zoning Ordinance allows for additional permitted uses not specifically mentioned as a permitted use in a zone provided a use is similar to that of a permitted use and when in the opinion of the Commission a use is “not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned for the respective zone”. In this case, a personal service use, such as a tattoo parlor, may be permitted through the approval of a conditional use permit when in the opinion of the Commission, a use is of a similar nature to other uses permitted in the C2 (Heavy Commercial) Zone District. As conditioned the tattoo parlor would not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

Site Parking

Personal service establishments, such as the proposed tattoo parlor, generally requires one parking stall per 300 square feet. Based on the parking rational the use would require two parking stalls, however, the site was developed without on-site parking. As a component of establishing the previous barbershop use, the benefactor secured a variance from off-street parking. Noting that the tattoo parlor will generally operate on an appointment basis, servicing a single customer at a time, it is anticipated the use will generate parking needs less than or equal to the prior use. As such, staff does not recommend reconsideration of the approved parking variance.

Compatibility

Analysis would show surrounding municipalities have integrated body art establishments, such as tattoo parlors, as an acceptable use in commercial zone districts through the conditional use permit process. On April 10, 2018, the Commission approved CUP 2018-06, which allowed for the establishment of Born 2 Rise Ink Studio in the Yosemite Plaza shopping center. Similar to other cities, Born 2 Rise Ink Studio was determined to be compatible by placing conditions of approval on the use that does not hinder success or the business’ operation. In addition to local ordinances, body art (tattoo) establishments are required to adhere to the California Health and Safety Code known as the Safe Body Art Act.

The site is surrounded by public rights-of-way for local roads and the Union Pacific Railroad rail spurs. Other uses in proximity to the site include a motel to the north, a parking lot to the east, a Papa Murphy’s Pizza to the south and single-family residences to the west. In review of the tattoo parlor, staff anticipates minimal impacts to surrounding uses. The tattoo parlor’s operations are not conducive of public nuisances, such as noise, odor or vibration. Staff recommends tattoo areas not be visible from the public right-of-way. Signage on the site will be required to adhere to the Sign Ordinance. Based on the proposed business operations and the recommended conditions of approval, staff is comfortable recommending the approval of the tattoo parlor use.

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

Though approval of a tattoo parlor is not specifically addressed in the vision or action plans, the overall project does indirectly support Action 115.2, 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 Conditional Use Permit (CUP) 2019-15, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on CUP 2019-15 determine to either:

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

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

Motion 1: Move to approve CUP 2019-15, based on and subject to the following findings and conditions of approval:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- The operation of a tattoo parlor is consistent with the purpose and intent of the C (Commercial) General Plan land use designation and the C2 (Heavy Commercial) Zone District, subject to the issuance of a conditional use permit.
- As conditioned, the establishment, maintenance and operation of the tattoo parlor 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 30 days of the date of approval.
2. The applicant's failure to utilize CUP 2019-15 within one year following the date of this approval shall render the use permit null and void unless a written request for extension has been submitted to and approved by the Commission.
3. CUP 2019-15 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish CUP 2019-15.

4. CUP 2019-15 shall expire and be rendered null and void if the use is discontinued for a period of twelve months unless a written request for an extension has been submitted to and approved by the Commission.
5. CUP 2019-15 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 Commission so that it may determine whether to consider setting a hearing regarding revocation of the permit.
6. 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.
7. Any site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plans or any conditions contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.

Building Department

8. A building permit is required for all improvements. All construction on the site shall meet California Building Code (CBC), California Fire Code (CFC) and Americans with Disabilities Act (ADA) requirements prior to occupancy.
9. Current State 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.

Environmental Health

10. The operator shall contact Madera County Environmental Health to obtain an Operating Permit for a body art facility and register as a small quantity medical waste generator.

Fire Department

11. One, 2A10BC-rated fire extinguisher is required.
12. Door hardware shall open from the inside without the use of a key or any special knowledge or effort.
13. The operator shall provide a key for the knox key box if the door is re-keyed.

Planning Department

General

14. Vandalism and graffiti on the project site shall be corrected per the MMC.
15. The property owner, applicant and/or operator shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.

16. The property owner, applicant and/or operator shall keep the property clear of all trash, rubbish and debris at all times; and the dumping of refuse shall be restricted to the dumpster and refuse containers scheduled to service the property.
17. The property owner, applicant and/or operator shall comply with all federal, state and local laws. Material violations of any applicable laws concerning the use will be cause for revocation of this permit.

Use Permit

18. CUP 2019-15 allows for the establishment of a tattoo parlor within an existing building located at 400 North Gateway Drive, with no more than two tattooing stations.
19. The tattoo parlor shall be permitted to operate between the hours of 9:00 AM until as late as 10:00 PM, seven days a week.
20. Tattoo activities shall be confined entirely within the building. Tattoo areas shall not be visible from the public right-of-way. Where tattoo areas are visible through windows, windows shall be tinted to screened to prevent public view into the tattoo areas.
21. The business owner/operator shall be responsible for the conduct of persons employed or retained by the business while on the business premises or while otherwise providing service on behalf of the tattoo parlor.
22. The business shall comply with all federal, state and local laws and regulations, including, without limitation to provisions of the California Health and Safety Code Section 119300.
23. Criminal acts occurring on the premises and/or related to the business, whether or not committed by the business owner, operator and/or employees of the business, shall be reviewed by the Police Department and shall be grounds for revocation of the use permit by the Commission.
24. It shall be a violation of CUP 2019-15 to promote and/or affiliate with any member of a criminal organization. Members of a criminal organization shall not be permitted to loiter near or upon the tattoo parlor.

Landscape

25. The property owner and/or operator shall maintain all landscaping in a healthy and well-manicured appearance. More specifically, the planter boxes located to the exterior of the building shall be rehabilitated and maintained.

Signage

26. All signage shall comply with the Sign Ordinance of the MMC Chapter 10-6 and shall have an approved sign permit issued by the Planning Department.
27. Tattoo graphics and/or signs shall not be permitted on windows.

(OR)

Motion 2: Move to continue the public hearing on CUP 2019-15 to the November 12, 2019 Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for CUP 2019-15, based on the following findings: (specify)

ATTACHMENTS

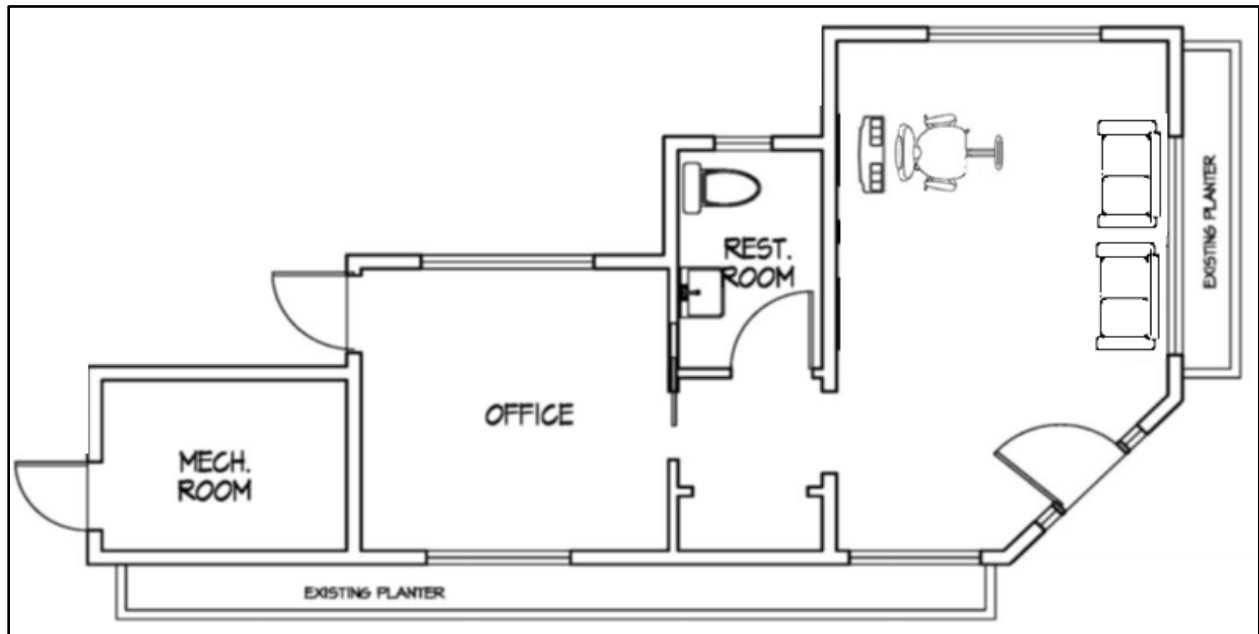
Attachment 1: Aerial Map

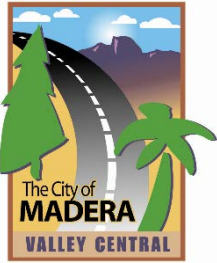
Attachment 2: Site Plan / Building Elevation

Attachment 1: Aerial Map



Attachment 2: Site Plan / Elevation





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Code of Conduct Item NP #1 – October 8, 2019

SUBJECT:

Consideration of a Resolution Adopting a Code of Conduct for the Madera City Council, Boards and Commission Members

SUMMARY:

The Madera County Grand Jury (MCGJ) issued a report on June 25, 2019. Recommendation 1 noted the following:

By September 30, 2019, the MCGJ recommends that the City of Madera create and follow a code of ethics for all senior officials and elected members and display the code of ethics in a public place.

Attached for discussion is the Code of Conduct adopted by the Madera City Council on September 18, 2019.

RECOMMENDATION:

Adopt a Resolution approving the Code of Conduct.

ATTACHMENTS:

1. Resolution approving the Code of Conduct
2. Code of Conduct

RESOLUTION NO. 1847

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA ADOPTING A CODE OF CONDUCT**

WHEREAS, the citizens of the City of Madera are entitled to have fair, ethical, and accountable local government; and

WHEREAS, the citizens of the City of Madera are entitled to have complete confidence in the integrity of local government; and

WHEREAS, a Code of Conduct will serve to increase public confidence in City government, assist with decision-making, and encourage high standards of behavior; and

WHEREAS, a Code of Conduct will represent a commitment to uphold a standard of integrity beyond that required by law; and

WHEREAS, the City Council is interested in establishing a framework for day to day actions and decision-making by the City's elected officials, officers, boards and commissions, and designated employees; and

WHEREAS, integrity of officials of local government is key to effective and fair operation of government; and

WHEREAS, the establishment of an official Code of Conduct will demonstrate the City's commitment to ethics.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Madera, as follows:

1. The recitals set forth above are true and correct and are incorporated herein by reference.
2. The Planning Commission of the City of Madera hereby adopts the "City of Madera Code of Conduct" as set forth in Exhibit A and incorporated herein by reference.
3. This resolution is effective upon adoption.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of October, 2019, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Christopher F. Boyle
Acting Planning Manager

Code of Conduct

*For the City of Madera
Council, Boards, and Commission Members*

I. Preamble

The proper operation of government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, it is hereby established a Code of Conduct for the City of Madera (City).

II. Ethics

This Code of Conduct pertains to members of the City Council (Council) and of the City's boards and commissions and to those vendors doing business with our City, to assure public confidence in the integrity of local government and its effective and fair operation.

1. Acts in the Public Interest

Members will work for the common good of the people of Madera and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Council, boards, and commissions.

2. Comply with the Law

Members shall comply with the laws of the nation, the State, and the City in the performance of their public duties. These laws include but are not limited to: The US and California constitutions, Fair Political Practices laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government and adopted City ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the council, boards and commissions, the public and staff.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the Council by staff.

5. Conduct of Public Meetings

Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

In accordance with the law, members shall disclose investments, interests in real property, source of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

9. Gifts and Favors

Members shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. Confidential Information

Members shall respect the confidentiality of information concerning property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or private interests.

11. Use of Public Resources

Members shall not use public resources unavailable to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Representation of Public Interests

In keeping with their role as stewards of the public interest, members shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. Advocacy

Members shall represent the official policies or positions of the Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City, nor will they allow inference that they do.

14. Policy Role of Members

Members shall respect and adhere to the Council-Manager structure of Madera City government. In this structure, the Council determines the policies of the City, with the advice, information and analysis provided by the public, boards and commissions and City staff.

Except as provided by the City Municipal Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

16. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place for the City employees and for the citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

III. Conduct Guidelines

1. Elected and Appointed Officials' Conduct with one another in Public Meetings

a. Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep the comments of members on track during public meetings. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

b. Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

c. Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

- d. *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings

- a. *Be welcoming to speakers and treat them with care and gentleness*
While questions of clarification may be asked, the official's primary role during public testimony is to listen.
- b. *Be fair and equitable in allocating public hearing time to individual speakers*
The chair will determine and announce limits on speakers at the start of the public hearing process.
- c. *Practice active listening*
It is disconcerting to speakers to have members not look at them when they are speaking. Members shall try to be conscious of facial expressions.
- d. *Maintain an open mind*
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.
- e. *Ask for clarification, but avoid debate and argument with the public*
Only the chair may interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. Elected and Appointed Officials' Conduct with City Staff

- a. *Treat all staff as professionals*
Clear, honest communication that respects the abilities, experience, and dignity of everyone is expected. Professional courtesy should be extended towards staff.
- b. *Do not disrupt City staff from their jobs*
Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Attendance to staff meetings should be by invitation. The presence of elected or appointed official may imply support, show partiality, may intimidate staff, and could hamper staff's ability to do their job objectively.
- c. *Never publicly criticize an individual employee*
Elected and appointed officials should not express concerns about the performance of a City employee in public, to the employee directly, or to the employee's colleagues. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

- d. *Do not get involved in administrative functions*
Elected and appointed officials acting in their individual capacity should not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
- e. *Do not solicit political support from staff*
Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.
- f. *No Attorney-Client Relationship*
Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.
- g. *Liaison Role*
Council members, when serving as an appointed liaison for the Council on a City real estate or development negotiation, shall not advocate or pressure staff to take specific actions on behalf of a developer or developer interest. Liaisons may raise questions and issues, but do not serve as the officially authorized negotiators for the City, and may be excused from such meetings if they interfere with the role of the City's authorized negotiators. The role of the liaison is intended to provide opportunities for information sharing and communication only.

4. Council Conduct with Boards and Commissions

- a. *If attending a Board or commission meeting, be careful to only express personal opinions*
Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business developer - could be viewed as unfairly affecting the process. Public comments by a Councilmember at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the Council.
- b. *Limit contact with Board and Commission members to questions of clarification*
It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board or Commission members in order to clarify a position taken by the Board or Commission.
- c. *Respect that Boards and Commissions serve the community, not individual Councilmembers*
The Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling

official duties. A Board or Commission appointment should not be used as a political "reward."

d. Be respectful of diverse opinions

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

e. Keep political support away from public forums

Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

IV. IMPLEMENTATION

1. Enforcement

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for Council, applicants to boards and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understand the City of Madera Code of Conduct.

2. Distribution and Posting

This policy shall be provided to all elected and appointed officers; distributed to all executive team members; posted and made available to members of the public by the City Clerk Department; and be available for review by employees.

3. Sanctions

The Council may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. A violation of this Code of Conduct shall not be considered as a basis for challenging the validity of a Council, board or commission decision.

4. Review and Updates

The Code of Conduct shall be reviewed annually by the Council which may consider updates as necessary.

