

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

**CITY HALL – COUNCIL CHAMBERS
TUESDAY
April 14, 2020
6:00 pm**

This meeting will be conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. Members of the public may participate in the meeting remotely through an electronic meeting in the following ways; via phone by dialing (669) 900-6833 enter ID: 848956559# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/848956559>. Public comment will also be accepted via email at planningcommissionpubliccomment@madera.gov

CALL TO ORDER

ROLL CALL

Commissioner Israel Cortes (Chairperson)
Commissioner Robert Gran Jr. (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

NON-PUBLIC HEARING ITEMS: None

CONSENT ITEMS: None

PUBLIC HEARING ITEMS:

1. GPA 2019-03, REZ 2019-06, TSM 2019-03 & TPM 2019-03 – Pecan Square

A noticed public hearing for an application requesting a general plan amendment, rezone, tentative subdivision map and tentative parcel map proposing the subdivision of an approximately 79-acre parcel into two parcels, a 22.5-acre parcel and a 56.5-acre parcel. The 22.5-acre parcel will be subdivided into 110 lots for future single-family residential development. The purpose of the General Plan Amendment is to make subsequent parcels consist with planned future development. The project proposal entails a reconfiguration of land use areas designated for Commercial, High Density and Medium Density land uses. Subsequent rezoning will be consistent with the General Plan land use. The project site is located on the southwest corner of West Pecan Avenue and Madera Avenue/HWY 145. A Mitigated Negative Declaration will also be considered by the Planning Commission. (APN: 012-480-005).

2. Development Agreement Annual Review – Madera Travel Center

An annual development agreement approved in conjunction with the Madera Travel Center project (Ordinance 938) for the period running through December 21, 2018. This annual review has been scheduled pursuant to Section 10-3.1715 of the Madera Municipal Code, which required that the Planning Commission determine whether the principal party to the agreement, Love's Travel Center, has complied in good faith with the terms of the development agreement (APNs: 013-240-004, 005, 006 & 007).

Staff is requesting this item be continued to the May 12, 2020 Planning Commission Meeting.

3. CUP 2019-26 thru 29 & SPR 2019-29 – Himat Investments

A noticed public hearing to consider multiple conditional use permits and a site plan review to allow for the development of an approximately 15,100 sq. ft. commercial plaza to include: 3 standalone retail/office buildings, a convenience store proposing the sale of off-site alcohol and tobacco sales in conjunction with 12 fuel stations, and a drive-thru car wash located on property on the southwest corner of the East Olive Avenue and Tozer Road in the CN (Neighborhood Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 011-330-016). A Mitigated Negative Declaration will also be considered by the Planning Commission.

4. CUP 2020-06, CUP 2020-07 & SPR 2020-04 – Miles Chemical

A noticed public hearing to consider two conditional use permits to allow for the outdoor storage and establishment of a chemical repackaging facility to store, package and transport chemical products used in food, agricultural, drinking water and waste water industries on existing developed industrial properties located on the north side of West Pecan Avenue between Schnoor Avenue and Granada Drive (2345 West Pecan), in the (I) Industrial Zone District with an (I) Industrial General Plan land use designation (APN: 009-350-031 and 032).

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

The next regular meeting will be held on May 12, 2020.

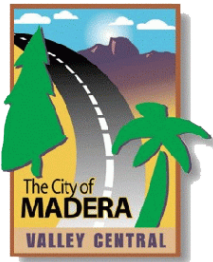
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Pecan Square GPA 2019-03, REZ 2019-06, TSM 2019-03, TPM 2019-03, PPL 2020-04 & Negative Declaration Item #1 April 14, 2020

PROPOSAL: A general plan amendment, rezone, tentative subdivision map, tentative parcel map, precise plan and mitigated negative declaration to allow for the development of an approximately 110 lot single-family residential subdivision map.

APPLICANT:	D. R. Horton CA 3 Inc	OWNER:	Robert Atamian
ADDRESS:	No address currently assigned.	APN:	012-480-005
APPLICATIONS:	GPA 2019-03, REZ 2019-06, TSM 2019-03, TPM 2019-03 PPL 2020-04	CEQA:	Mitigated Negative Declaration

LOCATION: The project site is located southwest of the intersection of West Pecan Avenue and Madera Avenue (SR 145).

STREET ACCESS: The subject property will access to West Pecan Avenue and Madera Avenue (SR 145) and future subdivision to the south.

PARCEL SIZE: The project site is approximately 76.25 acres (after major street dedication).

GENERAL PLAN DESIGNATION (EXISTING): LD (Low Density Residential), MD (Medium Density Residential), HD (High Density), C (Commercial)

GENERAL PLAN DESIGNATION (PROPOSED): Adjusted configuration of the LD (Low Density Residential), MD (Medium Density Residential), HD (High Density), C (Commercial)

ZONING DISTRICT (EXISTING): PD-6000, PD-3000, PD-1500 (Planned Development: 6000, 3000, 1500 square feet site area per dwelling unit); CN (Commercial Neighborhood); PF (Public Facility)

ZONING DISTRICT (PROPOSED): PD-6000, PD-3000, PD-1500 (Planned Development: 6000, 3000, 1500 square feet site area per dwelling unit); CN (Commercial Neighborhood)

SITE CHARACTERISTICS: The project site is open land historically used for agricultural cultivation. Adjacent land to the south and southwest is open agricultural land; to the west is rural residential; to the north and east is single family residential; to the northeast is neighborhood commercial. Areas to the east, south and west are outside the current City limits.

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

SUMMARY: The proposed plan amendment and rezone will remove the PF (Public Facility) Zone District and reconfigure the PD (Planned Development) and CN (Commercial Neighborhood) Zone Districts. The tentative subdivision map proposes the creation of approximately 110 lots to accommodate single-family residences a park. The parcel map will establish parcels consistent with the proposed uses and zones applicable to the remaining vacant land. A precise plan is required by the PD zoning which allows for flexibility and variation in lot area and dimension standards with a building design master plan to provide architectural and visual integrity together with functional use of space. The rezone and subdivision map are consistent with the General Plan's LD (Low Density) land use designation.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1501 Amendments

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

MMC § 10-2.303 Division of Land, Four or Less Parcels

MMC § 10-3-4.101 P-D Zones

PRIOR ACTION

There has been no prior action on the project site.

ANALYSIS

Plan Amendment

The plan amendment proposes the adjustment of the site's presently designated planned land uses comprised of LD (Low Density), MD (Medium Density), HD (High Density) and C (Commercial) planned land uses. This modified configuration maintains the relative land use ratios and relations provided by the General Plan while providing for a configuration which facilitates design and land use compatibility measures. Reconfiguration of the planned land uses will facilitate property development design measures to provide enhanced quality, land use compatibility and the economic and resource efficient use of available land.

Rezone

The project site is currently zoned PD-6000, PD-3000, PD-1500 and CN which implements the planned land uses of the Madera General Plan. The portion of the site zoned PF is no longer appropriate for public facility uses and is therefore not identified for this use by the General Plan's Land Use Plan Map. The proposed rezone will accomplish the intent of the General Plan's planned land uses while providing an improved shape and configuration of planned use which will be more conducive to anticipate ultimate development. This reconfiguration will facilitate the achievement of the maximum projected dwelling unit yield for the properties as identified by the Madera General Plan Housing Element.

Tentative Subdivision Map

The project site of and approximately 22.5-acre subdivision within an existing property of 78.87 acres in size. The proposal will subdivide the existing properties into an approximately 110-lot single-family residential subdivision with an approximately 25,543 square foot out lot parcel for community open space use. The parcels range in size from between 4,250 and 13,778 square feet, with the average lot size being 6,350 square feet. All interior streets of the subdivision will be public local residential streets. Street connections will provide vehicular and pedestrian access to West Pecan Avenue to the north, and to the

planned residential areas located to the south and southeast. The street extending to the east will be required to be constructed with two travel lanes by the proposed subdivision in order to provide a second means of access needed for public safety access as well as traffic capacity to serve the future residents.

Parkland Acquisition

The Quimby Act authorizes the City to require dedication of parkland or the payment of fees in-lieu of such dedication in set amounts to meet the needs of the citizens of the community for parkland and to further the health, safety and general welfare of the community. The Quimby Act has been in effect since May 21, 2018 and this is the first subdivision map that has been submitted after the effective date. The dedication and improvement of this open space amenity would be eligible for credit toward the subdivision's obligation to provide open space or pay fees to obtain open space. The applicant proposes the provision of a 25,543-square foot parcel that would serve as a public park to the subdivision. This park space is located near the center of the larger property and is suitable for aggregation with additional open space to be provided by future developments. This dedication is consistent with the requirements of the City's parkland acquisition ordinance.

Density Requirements

The 22.52-acre proposed subdivision site will be reduced to 20.93-acres, subsequent to the dedication of required major street right-of-way. The project site is located within the LD (Low Density) General Plan land use designation, which has a density requirement of between 2.1 and 7 units per acre.

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

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

Based upon the site's size of 20.93 acres, excluding both the arterial street right-of-way and park area, would yield between 43 minimum and 146 maximum number of dwelling units. Using the site's net acreage of 20.93 acres would result in a target number of 110 dwelling units (5.28 dwelling units per acre). The proposal for 110 single family residential lots provides consistency with Policy LU-7 and LU-19 of the General Plan. In addition to these dwelling units, the related plan amendment and rezoning provides for a reconfiguration of planned land uses and implementing zoning on the remainder of the site which will facilitate more efficient site utilization and designs with increased residential density while accommodating site amenities.

Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan will be constructed in support of the tentative subdivision map. Required infrastructure includes sewer, water, and storm drainage infrastructure consistent with the City's master plans. Street improvements include the completion of West Pecan Avenue to the City's half-street cross section for an arterial street and the construction of the interior local streets within the subdivision and including a connection to Madera Avenue.

A landscaped buffer setback will be constructed along the rear property lines of lots abutting West Pecan Avenue with a split-faced masonry wall for security and sound attenuation. Additionally proposed .5-acre park in the southeast portion of the site which will allow expansion as adjacent parties develop with planned residential uses.

This residential subdivision will be included within the City's community facility district to collect assessments for increased demand on fire, police, storm water drainage and parks. The property is also required to annex into a lighting and landscape maintenance district.

Street, Vehicle Access, Pedestrian Improvements

West Pecan Avenue is classified as an arterial street which would provide four travel lanes (two in each direction), a center median island for controlled turning movements, outside parking lanes and pedestrian sidewalks. Madera Avenue is classified as an arterial street and is also a state facility (SR 145) and such would also be planned for a minimum of four travel lanes with a center median island. Recommended conditions of approval 50 through 54 address the project's requirements to construct the planned street improvements for the south half of West Pecan and the west half of Madera Avenue including median island improvements.

A traffic study has been prepared to evaluate the adequacy of existing and planned street improvements and traffic carrying capacities of West Pecan Avenue and Madera Avenue. Appropriate improvements are required based upon applicable standards and traffic evaluation practices. Because the subdivision's residential street design only provides one point of access to West Pecan Avenue, it is required to construct a second street access east to Madera Avenue, across the portion of the site not presently being developed.

Along the subdivision's Pecan Avenue frontage, a landscaped setback is required with design amenities and a landscaped area to provide an enhanced pedestrian environment. Future phases of development will provide additional pedestrian and landscape improvements along West Pecan Avenue and Madera Avenue

Within the residential subdivision full street pavement, curb, gutter and sidewalk improvements will be completed together with streetlights and signs. Due to the length of the primary north-south local street, traffic calming measure are required to be implemented to manage traffic speeds and enhance pedestrian safety. Approval of the Precise Plan will require installation of front yard landscaping along the local the internal residential streets as well.

Tentative Parcel Map

TPM 2019-03 proposes to divide the subject site into two parcels of 22.5 and 53.75 acres to accommodate the residential development of the smaller parcel as provided by the accompanying tentative subdivision map.

Precise Plan

The properties being subdivided are located within a PD (Planned Development) Zone District, which requires approval of a precise plan by the Planning Commission when development is proposed. Because the Precise Plan zone allows for a variation in lot size, dimension and building area, subdivision maps are accompanied with the precise development plan that illustrates vehicular access, building footprint and yard spaces, together with architectural building elevations to demonstrate qualities of design and variety architectural elevations.

The precise plan illustrates four designs composed of two single and two two-story models, which are 1515, 1862, 2554 and 2814 square feet in size. Each residence will have a two car garages (three-car option for larger residences) and an overall building depth ranging between 40 and 50 feet. With lot depths of 100 to 115 feet the building designs will accommodate 20-foot long driveways and substantial backyard space. Three architectural styles are Americana, Farmhouse, Craftsman which are adequate, with the exception of the Farmhouse style. Staff has recommended several additional features to the Farmhouse style including window shutters. Staff supports approval of the precise plan by the Planning Commission with the acknowledgement.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATION

The information presented in this report supports adoption of the Negative Declaration, adoption of a Resolution recommending to the City Council the adoption of a Resolution approving the General Plan Amendment; approve an Ordinance to rezone the property, and approval of the Parcel Map, Tentative Subdivision Map and Precise Plan, subject to the recommended conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the CEQA environmental finding recommending a Negative Declaration, GPA 2019-03, REZ 2019-06, TPM 2019-03, TSM 2019-03 and PPL 2020-04.

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

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment with the project’s compliance with applicable design and development standards and requirements, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

Motion 1b: Move to adopt a Resolution recommending to the City Council the adoption of GPA 2019-03 providing for reconfiguration of Low-Density, Medium-Density and High-Density Residential Uses and Commercial land uses.

Motion 1c: Move to adopt a Resolution recommending to the City Council the adoption of an Ordinance rezoning the subject properties to the PD-6000, PD-3000, PD-1500 (Planned Development) and CN (Commercial Neighborhood) Zone Districts, consistent with the findings as listed;

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgement of the Planning Commission of the City of Madera after considering all

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

- The proposed rezoning is consistent with and supports attainment of General Plan goals.
- The proposed rezone will provide the required consistency between the General Plan and zoning.
- The rezone is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.
- City services and utilities are available or can be extended to serve the area.

Motion 1d: Move to approve TPM 2019-03, TSM 2019-03, and PPL 2020-04 subject to the findings and conditions of approval as listed.

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgement of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- TPM 2019-03 and TSM 2019-03 are consistent with the provisions of the Madera General, the California Subdivision Map Act and the Madera Municipal Code and Zoning Ordinance.
- TPM 2019-03, TSM 2019-03 and PPL 2020-04 are consistent with the standards of the PD6000, PD3000, PD1500 and CN Zone Districts.
- The proposed approximately 110-lot tentative subdivision does not conflict with City standards or other provisions of the code and subject approval and compliance with the recommended conditions as listed in the staff report to Planning Commission.
- City services and utilities are available or can be extended to serve the area.
- PPL 2020-04 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 Madera Municipal Code (MMC).
- PPL 2020-04 is consistent with the requirements for precise plans per Section 10-3-4.104 of the MMC.
- PPL 2020-04 is consistent with the goals and policies of the General Plan.
- PPL 2020-04 will implement the tentative subdivision map and conditions of approval for TSM 2019-03.
- PPL 2020-04 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. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Any minor deviation from the approved map or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Engineering

4. Prior to recording of the final map or parcel map, all action necessary for annexation into Community Facilities District 2005-01 shall have been taken, and all property included in said subdivision or parcel map shall be made a part of such district and subject to its taxes. *TSM & TPM*
5. A final subdivision or parcel map shall be required per Section 10-2.502 of the municipal code. For subdivisions, if the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied. *TSM & TPM*
6. The park land, as shown in the Tentative Parcel Map (TPM) and Tentative Subdivision Map (TSM), shall be dedicated to the City in advance of, or in conjunction with, recordation of the final subdivision map or parcel map. *TSM & TPM*
7. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive phase number shall identify multiple final maps filed in accordance with an approved tentative map. *TSM*
8. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the improvements. The City Engineer shall designate the location. *TSM & TPM*
9. No temporary turn-arounds shall be permitted. *TSM & TPM*
10. All construction vehicles shall access the site by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way. *TSM & TPM*
11. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification. *TSM & TPM*
12. Development impact fees shall be paid at time of building permit issuance. *TSM & TPM*
13. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist. *TSM & PM*
14. The developer shall pay all required fees for processing the subdivision or parcel map and completion of the project. Fees due may include but shall not be limited to the following:

subdivision or parcel map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees. *TSM & TPM*

15. 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. *TSM & TPM*
16. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division. *TSM & TPM*
17. The improvement plans for the project shall include the most recent version of the City's General Notes. *TSM & TPM*
18. Proposed improvements shall account for the areas of the TPM and TSM which lie within the boundaries of a FEMA Special Flood Hazard Area, Zone AO. *TSM & TPM*

Water

19. As part of the proposed development within the TPM, the City shall determine the necessity of a new water well prior to submittal of the next TPM. Should it be determined that a water well is required to accommodate demands of the proposed development, a well site will need to be identified within the bounds of the TPM boundaries. Developer will also be asked to design well, dedicate right-of-way and construct well. Well improvements are considered 100% reimbursable, subject to availability of funds. *TPM*
20. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the fire department and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code appendix III-A. *TSM & TPM*
21. Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per city of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be reimbursed to the City prior to approval of any units for final occupancy. Fees shall be based on rates established by the Department of Public Works. *TSM & TPM*
22. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet) or commercial development (300 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed. *TSM & TPM*
23. Water services shall be placed 3 feet from either property line, opposite of street light and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or street light locations. *TSM*
24. One water quality sampling station shall be installed within the subdivision and approved by the water quality division of the Public Works Department. *TSM*

25. All water sources used for construction activities shall have an approved backflow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices. *TSM & TPM*
26. Water service connections shall be constructed per current city standards including water meters located within the City's right-of-way. *TSM*
27. Water service connection(s) shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way and backflow prevention device installed within private property. *TPM*
28. A separate water meter and backflow prevention device shall be required for landscape area. *TSM & TPM*
29. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards. *TSM & TPM*
30. The developer shall construct a 12-inch water main along State Route 145 from its current termination point at the intersection of Pecan Avenue and State Route 145 Avenue to the southern property line of the proposed project site. The water main shall be constructed to current City standards. The oversize component (difference in cost between 24-inch and 8-inch pipe) of the construction of this line is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect. *TPM*
31. Developer shall reimburse its fair share cost to the City for previously constructed water main along the project frontage in Pecan Avenue. *TSM & TPM*

Sewer

32. The existing sewer system that serves this section of the City is approaching or at capacity due to a constricted section of the sewer system on Pecan Avenue. The developer shall construct the following master plan improvements to accommodate sewer loads for this development:
 - a. A parallel 18-inch sewer main in Pecan Avenue from the easterly edge of the TSM to Stadium Road, or to nearest sewer main in place at the time of construction of the subdivision. *TSM*
 - b. A parallel 18-inch sewer main in Pecan from the intersection of Pecan Avenue and State Route 145 to the easterly edge of the TSM, or to nearest sewer main in place at the time of construction of the east. *TPM*
33. The construction of the parallel sewer main in Pecan Avenue is considered 100% reimbursable through the City's Development Impact Fee Program, subject to availability of funds. Impact fee credits that are due and payable at the time of building permit issuance are available for use on these specific improvements due to identified deficiencies in the overall system capacity that will be improved at completion of said improvements. *TSM & TPM*
34. Sewer lines installed within internal publicly owned streets to serve the development within the TSM and TPM shall be sized accordingly and shall be a minimum of 8 inches in diameter. Sewer main connections to any existing city main 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider. *TSM & TPM*
35. Sewer services shall be located at the approximate centerline of each lot or as required for construction of residential development with a clean-out installed per City Standards and identified on the curb face. Termination of service shall be 10 feet past property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back

of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes. *TSM*

36. Sewer service connections shall be constructed to current City Standards. Each parcel shall have a separate sewer service connection or record a reciprocal easement agreement across all parcels. *TPM*
37. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Storm Drain

38. Storm runoff from this project site is planned to go to the Agajanian Basin located southwest of the proposed project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate or expand the basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities. *TSM & TPM*
39. This project shall, as applicable, 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 runoff shall match or be less than pre-development runoff. The development shall be subject to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition. *TSM & TPM*

Streets

40. The developer shall be a proponent of annexing into existing Landscape Maintenance District (LMD) Zone 8. If the annexation into LMD Zone 8 is not attainable, the developer shall at their sole expense, form a new Landscape Maintenance District zone. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording of any final map. *TSM & TPM*
41. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required LMD Zone 8 or new LMD Zone for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the City-wide LMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer. *TSM*
42. The west half of State Route 145 along the entire project frontage shall be improved to a 100-foot arterial roadway per City standards. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. In addition to basic City arterial and Caltrans highway improvements, off-site construction requirements including additional lanes are subject to complying with the mitigation measures provided within the traffic study. *TPM*
43. The south half of Pecan Avenue along the entire project frontage shall be improved to a 100-foot arterial roadway standard with a ten-foot sidewalk pattern. The south half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip,

sidewalk, a 30-foot asphalt section and a 16-foot landscaped median island. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The two lanes (28-feet total), which includes the median island and east bound travel lane, are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds. *TSM & TPM*

44. The developer shall provide sufficient right-of-way and associated improvements to allow for westbound U-turn movements at Pecan Avenue and Monterey Street. *TSM*
45. The developer shall provide a temporary paved pathway on the south side of Pecan Avenue between the westerly edge of the TSM connecting to the sidewalk approximately 150 east of Munras Avenue, or a crosswalk and rapid flashing beacons at the intersection of Monterey Street and Pecan Avenue in conjunction with a paved pathway on the north side of Pecan Avenue between Monterey Street and Stadium Road. *TSM*
46. An Irrevocable Offer of Dedication shall be made to dedicate sufficient right-of-way along the entire project parcel frontage on Pecan Avenue to provide a half-street width of fifty (50-ft) feet, south of the center line, to accommodate for an arterial standard roadway. *TSM & TPM*
47. An Irrevocable Offer of Dedication or dedication deemed by Caltrans shall be made for additional right-of-way along State Route 145 in accordance with that specified by Caltrans through the traffic study. *TPM*
48. The developer shall dedicate a 10-foot Public Utility Easement (PUE) along Pecan Avenue and State Route 145 adjacent to entire project site as well as all internal publicly dedicated streets. *TSM & TPM*
49. Interior streets shall be constructed in accordance with City standards for a residential street, or as may be applicable, including a five-foot sidewalk, curb and gutter, street lights, fire hydrants and all other components necessary to complete construction per City standards. *TSM & TPM*
50. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents. *TSM & TPM*
51. The developer shall provide a traffic study that addresses and mitigates the impacts of the planned developments within the boundaries of the TSM and TPM on the street system. At a minimum, the intersection of Pecan Avenue & Madera Avenue (SR 145), the intersection of Pecan Avenue & Monterey Street, the intersection of Madera Avenue (SR 145) & Avenue 12 and the project driveways shall be evaluated as part of the traffic study. Study shall also address minimum storage requirements and conflicts between study location and adjacent intersections or driveways. Caltrans should be contacted to confirm scope. *TPM*
52. Driveway locations shall be planned in conjunction with developments proposed as part of the Tentative Subdivision Map and Tentative Parcel Map as well as existing driveways and intersection. Minimum spacing of driveways/streets shall be a 400 to 500 feet regardless of individual project/phase limits. Failure to place initial driveways at proper minimum spacing and plan for left turn storage requirements may result in the inability to construct future driveways that adequately serve proposed land uses. *TSM & TPM*
53. Developer shall provide a traffic study (draft has been received and reviewed) that addresses and mitigates the impacts of the planned development within the boundaries of the Tentative Subdivision Map (TSM) on the street system. At a minimum, the intersection of Pecan Avenue & Madera Avenue (SR 145) and the project driveways shall be evaluated as part of the traffic

study. Study shall also address minimum storage requirements and conflicts between study location and adjacent intersections or driveways. *TSM*

54. The traffic generated as part of the traffic study prepared for the TSM shall be considered as the first phase of a multi-phase development for the purposes of preparing the traffic study associated with the TPM and assigning fair share responsibility for identified mitigation measures to all land areas originally associated with the TPM and TSM. If fair share calculations as determined in the TSM traffic study are less than that determined in the TPM traffic study, those monetary amounts shall be assigned to the remaining lots associated with the TSM, or shall be the responsibility of the TSM subdivider. *TSM & TPM*
55. "No Parking" signs shall be installed along Pecan Avenue and State Route 145 frontages per City standards. *TSM & TPM*
56. Traffic calming features, as approved by the City Engineer, shall be implemented throughout all interior streets associated with the TSM and TPM. Maximum distance between calming devices shall be 300 feet. Any increase in separation shall be approved by the City Engineer. *TSM & TPM*
57. Landscaping and irrigation systems shall be installed in accordance with the approved landscaping and irrigation plans before the final building inspection of any adjacent residential units or commercial buildings. *TSM & TPM*
58. Access ramps shall be installed at all curb returns per current City standards. *TSM & TPM*
59. Driveway approaches shall be constructed per current City standards. *TSM & TPM*
60. The developer shall be required to install streetlights along Pecan Avenue and State Route 145 frontages and all interior streets associated with the TSM and TPM in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards. *TSM & TPM*
61. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required. *TSM*
62. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "B" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development. *TSM & TPM*
63. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with City of Madera logo on bottom right corner. The cover sheet shall indicate the total linear feet of all streets, fire hydrant and street water main linear feet, and sewer line linear feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:

- a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
 - b. Street plans and profiles;
 - Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans)
 - Streetlights
 - Traffic signals
 - Construction details including traffic signage and striping plan.
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans).
 - d. Grading plan indicating flood insurance rate map, community panel number and effective date.
 - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer.
 - f. Storm water pollution control plan and permit.
 - g. Itemized quantities of the off-site improvements to be dedicated to the City. *TSM & TPM*
64. Submittals shall include (submit a PDF and the stated number of hard copies for each item):
- a. Engineering Plan Review Submittal Sheet
 - b. Civil Plan Submittal Checklist – All required items shall be included on the drawings
 - c. Four copies of the final map
 - d. Two sets of traverse calculations
 - e. Two preliminary title reports
 - f. Two signed copies of conditions
 - g. Four hard copies of complete improvement plans
 - h. Three hard copies of landscape and irrigation plans
 - i. Two sets of drainage calculations
 - j. Two copies of the engineers estimate

Partial submittals will not be accepted by the engineering department.

PLEASE NOTE: If COVID-19 measures are still in place at time of submittal, all submittals must be electronic.

TSM & TPM

- 65. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a 3-sack sand slurry mix extending one-foot past curb and gutter in each direction. *TSM & TPM*
- 66. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and under-grounding of service lines. A ten-foot-public utility easement will be required along all interior lot frontages. *TSM & TPM*
- 67. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities

exempted by the public utilities Commission Regulations or operating at 70,000 volts or greater.
TSM & TPM

68. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction. *TSM & TPM*
69. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map. *TSM*
70. The sub-divider shall enter a subdivision agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map. *TSM*
71. For all developments that may be eligible for reimbursements, a reimbursement agreement is required. *TSM & TPM*
72. The sub-divider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 MMC, an encroachment permit, providing improvement plans are approved and submitting 100% performance bond, additional bond (50% labor & material) and insurance certificate, shall be submitted prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council and shall be paid at the time of permit. *TSM*
73. The developer's engineer, upon completion of the improvements, shall certify to the City Engineer that the improvements are made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the improvements by the City. *TSM & TPM*

Improvement Inspections:

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

Special Engineering Conditions:

78. Project grading shall not interfere with the natural flow or adjacent lot drainage and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls if required shall be approved as to design and calculations prior to issuance of a grading permit therefore. *TSM & TPM*
79. Lot fill in excess of 12 inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of 12 inches or more will require construction of a retaining wall. *TSM & TPM*
80. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval. *TSM & TPM*
81. Prior to the issuance of any building permits or any construction on the subdivision or parcels, a storm water pollution plan shall be prepared, and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size. *TSM & TPM*
82. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID facilities, the developer must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion, as-built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard. *TSM & TPM*
83. Prior to recording the final map or parcel map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year. *TSM & TPM*
84. The developer of the property can expect to pay current and future development impact fees, including, but not limited to sewer (special service area), water, streets, bridge, public works, parks, public safety and drainage, that are in place at the time building permits are issued. *TSM & TPM*
85. Final street names shall be approved by the Building Official prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing county roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts should utilize the name of the nearest subdivision street. *TSM & TPM*
86. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet. *TSM & TPM*

Fire Department

87. The subdivision shall be provided with a minimum of two points of access for emergency vehicles.
88. Fire hydrants shall be provided at the streets and shall comply with the City of Madera Engineering standards and the California Fire Code (CFC).

Planning Department

General

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

Street Names

91. The internal street names shall comply with the recommendations of the Planning Department with approval of the Final Map.

Tentative Subdivision Map

92. There shall be no access to lots from street side of corner lots or street rear of double frontage lots as noted by the relinquishment of access notation on the tentative subdivision map (lots 1-7, 39, 40, 43, 51, 51, 60, 61, 73, 74, 93, 102, 103, 112).

Fences and Walls

93. A six (6') foot tall decorative split-faced masonry block wall with capstone shall be developed within the subdivision as follows:
 - Along all rear property lines of lots abutting West Almond Avenue (lots 1-6).
 - Along the street side yard of corner lot 6 and 7 which is extending from the rear property line to the front yard setback line.
 - Along all property lines abutting the dedicated park space (Lot 42).
94. Except as provided for in the above condition, six (6') foot tall wooden fencing shall be provided along all side and rear yards.
95. Any retaining walls greater than eighteen (18") inches in height shall be split-faced masonry block. Residential fencing shall have a gate that allows for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of thirty-six (36") inches.

Precise Plan

96. 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.
97. 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.
98. 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.
99. Any minor deviation from the approved elevations and floor plans or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager, at a minimum.

100. Any substantial future modifications to the subdivision lots involving, but not limited to, building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to Precise Plan 2019-03.
101. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
102. The project shall be developed in accordance with the elevation drawings and floor plans, as reviewed and approved with Precise Plan 2019-03. Minor modifications to Precise Plan 2019-03 necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager. All site improvements shall be completed in advance of any request for building permit final inspection.
103. Fire Department: All dwellings shall be equipped with residential fire sprinklers, smoke alarms and carbon monoxide detectors.
104. Illuminated addresses shall be provided at certificate of occupancy and temporary construction addresses shall be provided during construction.
105. Vandalism and graffiti on walls, fences and/or homes shall be corrected pursuant to the MMC.
106. Four models are approved as part of Precise Plan 2020-04. The homes shall be constructed upon the lots encompassed within TSM 2019-03. The home models are as follows:

MODEL NAME	FLOOR AREA	BED/BATH
Adams	1,515 sq. ft.	3 bed/2 bath
Coolige	1,862 sq. ft.	3 bed/2 bath
Lincoln	2,554 sq. ft.	4 bed/3 bath
Monroe	2,814 sq. ft.	4 bed/3 bath

Models have attached two-car garage with 3-car option

107. Each proposed model shall be constructed consistent with the approved elevations. Each elevation of each model shall have at least three different three-color paint schemes. The project's architectural styles of Americana, Farmhouse, Craftsman are generally adequate with the exception of the Farmhouse model which requires additional window shutters and facade features.
108. All standards for the location and design of buildings (including accessory structures) and fences which are not specifically included in Precise Plan 2020-04 and TSM 2019-03 shall conform to R1 (Residential) Zone District standards.
109. Except otherwise conditioned herein, all driveways and encroachments shall conform to City standards regarding setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
110. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property.

111. The appearance of a home is affected by at least three primary features, which are the home model, alternative elevations for each plan, and color. Homes built on side-by-side lots shall not repeat more than two of these primary home features. The model floor plans shall not be repeated on more than two consecutive lots.
112. The minimum setbacks for all lots shall be:
 - a. Front: Twelve feet to living space, twenty feet to garage
 - b. Interior side: Five feet
 - c. Exterior side: Ten feet
 - d. Rear: Fifteen feet
113. The front setback shall vary from the minimum of twelve feet to living space to a maximum of twenty feet to living space, with at least a two-foot variation amongst any two adjacent lots, and a five-foot variation over any five consecutive lots, regardless of home model. Garages shall be setback a minimum of twenty feet.
114. A ten percent minor variation for rear setbacks may be granted with approval by the Community Development Director when deemed necessary
115. Any variation to the development standards of Precise Plan 2020-04 shall require an amendment to the precise plan.
116. The applicant shall submit a color and materials presentation board as a component of the precise plan. The color and materials presentation board shall be approved by the Planning Manager and shall be included in the precise plan.
117. The construction of buildings approved as a component of the precise plan shall be consistent with the approved color and materials presentation board, as reviewed and approved by the Planning Department. Any alteration shall require, at a minimum, approval by the Planning Manager.
118. All lots where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way shall incorporate architectural treatments in keeping with the front (primary) elevation.
119. All exterior lighting shall be down shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.
120. The specifications and types of exterior lighting fixtures to be installed in the subdivision area shall be submitted to and approved by the Planning Department prior to issuance of any building permit(s).
121. The development of any temporary construction trailer, materials storage yard and/or model home sales center on any lot in the subdivision requires approval of a Zoning Administrator Permit.
122. Along all side and rear property lines, wood fencing shall be required for all single-family homes. Any retaining walls greater than eighteen inches in height shall be split-block masonry. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.

123. Street side yard fencing shall be set back no less than five feet.
124. Heating ventilation and air-conditioning (HVAC) units shall be ground-mounted. No roof-mounted HVAC units shall be allowed. All ground-mounted HVAC equipment shall be located in the interior side or rear yards behind six-foot tall fencing. There shall be no allowance for the placement of HVAC units in the exterior side yard.
125. If fireplaces are installed, they shall be either gas-burning or EPA-certified wood-burning. Natural gas and electric outlets are recommended to be installed in the rear yard for barbecues. Outside electric outlets are recommended in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide emitting gas-fired water heaters should be installed.
126. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted as part of the submittals for a building permit plan check. Each home model shall have its own landscape and irrigation plan. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. Landscape and irrigation plans shall be designed for front yards for the entire subdivision as a whole. Installation shall be completed in conjunction with occupancy of the individual homes. The plans shall demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO).

(OR)

Motion 2: Move to continue the public hearing on GPA 2019-03, REZ 2019-06 and TSM 2019-03, TPM 2019-03 and PPL 2020-04 to the May 12, 2020 regularly scheduled Planning Commission meeting or alternative date, for the following reasons: (specify)

(OR)

Motion 3: Move to deny GPA 2019-03, REZ 2019-06 and TSM 2019-03, TPM 2019-03 and PPL 2020-04, based on the following findings: (specify)

ATTACHMENTS

Aerial Map

Zoning Map

Tentative Subdivision Map 2019-03

Tentative Parcel Map 2019-03

Initial Study and Negative Declaration

Resolution of Recommendation to the City Council

Exhibit A - Draft Resolution to Amend General Plan Map and Amended Zoning Map
Draft Ordinance

Aerial Map



Zoning Map



[illegible]

601 POLLARD AVE., STE. 301 TEL: (559) 440-2400
LODI, CA 93262 WWW.QIINC.COM

Negative Declaration

CITY OF MADERA
INITIAL STUDY / ENVIRONMENTAL CHECKLIST

I. BACKGROUND AND PROJECT DESCRIPTION

1. **Application No.:**
General Plan Amendment 2019-03, Rezone 2019-06, Tentative Subdivision Map 2019-03, Tentative Parcel Map 2019-03, Precise Plan 2020-04
2. **Project Title:**
Pecan Square
3. **Lead Agency Name and Address:**
City of Madera, 205 W. 4th St., Madera, CA 93637
4. **Contact Person and Phone Number:**
Darrell Unruh – (559) 661-5433
5. **Project Location:**
Southwest of the intersection of West Pecan Avenue and Madera Avenue (SR 145).
6. **Project Applicant's/Sponsor's Name and Address:**
D. R. Horton – 419 Murray Avenue, Visalia, CA 93291
7. **General Plan Designation (Existing):**
LD (Low Density Residential), MD (Medium Density Residential), HD (High Density), C (Commercial).
8. **General Plan Designation (Proposed)**
Adjusted configuration of the LD, MD, HD, and C planned land use designations to facilitate design parameters.
9. **Zoning (Existing):**
PD-6000, PS-3000, PD-1500 (Planned Development: 6000, 3000, 1500 square feet site area per dwelling unit); PF (Public Facility); CN (Commercial Neighborhood); PF (Public Facility)
10. **Zoning (Proposed):**
Adjust configuration of the PD and CN zones and eliminate the PF zone.
11. **Project Background:**
The applications propose a plan amendment, rezoning, tentative subdivision map, parcel map, and precise plan to provide of a 110-lot single family residential subdivision and areas for future development residential and commercial development within a 79-acre site. The subdivision map and precise plan provide for lot sizes ranging between 4,250 and 13,778 square feet in area to accommodate single family residences of 1515 to 2814 square feet in area, one and two stories, two or three garage parking spaces, and three to five bedrooms. Development includes a public street circulation network providing primary access to West Pecan Avenue to the north and

secondary access to the east to Madera Avenue (SR 145). A landscaped buffer will be provided along Pecan Avenue and a common area open space feature of 25,000 square feet or more in the southeast portion of the project site. The remainder of the site will be zoned but no development plans have been filed.

12. **Agencies Whose Approval or Review Is Required:**

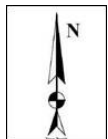
Madera Irrigation District, Madera Unified School District and San Joaquin Valley Air Pollution Control District.

13. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

The proposed project site has not been identified as a potential culturally sensitive site with the Madera General Plan EIR nor previous site-specific environmental reviews. California Native American tribes traditionally and culturally affiliated with the project area did not request consultation pursuant to Public Resources Code Section 21080.3.1.

II. ENVIRONMENTAL SETTING

The project site is vacant and has been planned and zoned for a range of residential densities as well as a future neighborhood commercial center on a vacant agricultural property located southwest of the intersection of West Pecan Avenue and Madera Avenue (SR 145). The project site encompasses a total of approximately 79 acres with approximately 22 acres now proposed for single family residential development. Primary access to the development will be provided from West Pecan Avenue with secondary access to Madera Avenue (SR 145). Existing urban residential and commercial development is located immediately to the north and east, with rural residents to the west and vacant agricultural land to the south. The City limits extend along West Pecan Avenue while the urban development to the east is unincorporated.



III. Environmental Checklist

Environmental Factors Potentially Affected by the Project: Some of the environmental factors checked below would be potentially affected by this project, involving no impacts that are 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

IV. DETERMINATION

On the basis of this initial evaluation:

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

Signature: 

Date: March 24, 2020

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) 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> <p><u>No Impacts</u></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 will not substantially degrade the existing visual character or quality of the site and its surroundings. The project does not also conflict with applicable zoning and other regulations governing scenic quality.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
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))?				✓
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?				✓
<p>Discussion</p> <p>The project site is located on land identified as "Vacant or Disturbed Land" on the 2016 California Farmland Mapping and Monitoring Program map.</p> <p>No Impacts</p> <p>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 open field areas that do not qualify for an agricultural</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>category. The project site has been identified for residential uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.</p> <p>b) The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property.</p> <p>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)).</p> <p>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)).</p> <p>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, that would result in the conversion of Farmland to a non-agricultural use or conversion of forest land to non-forest use.</p>				
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</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are “criteria pollutants.” The SJVAPCD also conducts monitoring for two other state standards: sulfate and visibility.</p> <p>The State of California has designated the project site as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.</p> <p>The project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.</p> <p>Similarly, the project will be evaluated to determine required compliance with District Rule 9510, which is intended to mitigate a project’s impact on air quality through project design 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</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>emissions: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides in nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).</p> <p>c) The project would not expose sensitive receptors to substantial pollutant concentrations.</p> <p>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.</p>				
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?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other				✓

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

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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>Discussion</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>No Impacts</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>				
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?				✓
<p>Less than Significant Impacts</p> <p>a) The project could utilize inefficient or unnecessary consumption of energy resources during project construction or operation, but because the project will be built to comply with Building Energy Efficiency of the California Building Code (Title 24), the project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.</p>				

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

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>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> <ul style="list-style-type: none"> 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 evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west and south of the project site. Due to the geology of the project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal. ii. 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. 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. iv. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides. 				

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

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<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 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.</p> <p>Less than Significant Impacts</p> <p>a) The project would not, by itself, generate significant GHG emissions or contribute to global warming because the new development that is proposed will be required to adhere to local, regional and state regulations.</p> <p>b) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.</p>				
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 hazard or excessive noise				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
for people residing or working in the project area?				
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓
<p><u>Discussion</u></p> <p>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.</p> <p><u>No impacts</u></p> <p>a) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</p> <p>b) The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p> <p>c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school.</p> <p>d) The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create a significant hazard to the public or the environment.</p> <p>e) The project site is not located within an airport land use plan and would result in a safety hazard or excessive noise for people residing or working in the project area.</p> <p>f) The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p> <p>g) The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires.</p>				
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise				✓

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

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

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) The project does not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.				
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?				✓
<p>Discussion</p> <p>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>No Impacts</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>No Impacts</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?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Generation of excessive ground borne vibration or ground borne noise levels?				✓
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>Discussion</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>No Impacts</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?				✓
<p>Discussion</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>				

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

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) The project would not result in substantial adverse physical impacts to park facilities.				
e) The project would not result in substantial adverse physical impacts on other public facilities.				
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>Discussion</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>No Impacts</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> <p>b) The project will include the construction of large open space areas with a central area for the complex, a water recreational feature, nine covered lounge areas and a basketball court that would provide for recreational activities, but they will not have an adverse physical effect on the environment.</p>				
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?			✓	

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Discussion</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. The project's street design will provide adequate vehicular and pedestrian circulation with primary access to West Pecan Avenue and secondary to Madera Avenue (SR 145). Project will construct improvements to West Pecan Avenue and Madera Avenue as identified by the traffic analysis prepared and approved by City Engineer to adequately accommodate project traffic.</p> <p>No Impacts</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>				
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</p>				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe				
No Impacts 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). 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.				
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?				✓

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 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> <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>				
<p>20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</p>				
a) Substantially impair an adopted emergency response plan or emergency evacuation?				✓
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✓

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

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

Resolution

RESOLUTION NO. 1850

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA
APPROVAL OF AN AMENDMENT OF THE GENERAL PLAN CHANGING THE
LAND USE DESIGNATION OF PORTIONS OF AN APPROXIMATELY 78.9
ACRE SITE TO MODIFY BOUNDARIES OF LOW DENSITY, MEDIUM
DENSITY, HIGH DENSITY RESIDENTIAL AND COMMERCIAL
DESIGNATIONS AND THE REZONING OF THE PROPERTY TO MODIFY
BOUNDARIES OF PD 6000, PD 3000, PD 1500 (PLANNED DEVELOPMENT)
AND C (COMMERCIAL) ZONING AND REMOVE PF (PUBLIC FACILITY)
ZONING**

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, D.R. Horton CA3, Inc., as the proposed subdivision developer, and the property owner, Robert Atamian, have filed an application initiating an amendment to the Madera General Plan to amend the boundaries of land use plan designations within an approximately 76.25 acre area located southwest of the intersection of West Pecan Avenue and South Madera Avenue to modify the boundaries of the subject property's L (Low Density Residential), M (Medium Density Residential), H (High Density Residential), and C (Commercial) land uses as shown in the attached Exhibit A; and

WHEREAS, D.R. Horton CA3, Inc., as the proposed subdivision developer, and the property owner, Robert Atamian, have filed an application initiating a Rezoning of the property to modify the boundaries of the PD-6000, PD-3000, PD-1500 (Planned Development) and the C (Commercial) Zone Districts to conform with the proposed planned land use boundaries, as shown in the attached Exhibit B; and

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

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

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

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

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

WHEREAS, Based upon the testimony and information presented at the hearing, including the initial study and negative declaration and all evidence in the whole record pertaining to this matter, the Commission found that the negative declaration has been prepared pursuant to the California Environmental Quality Act, that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the City of Madera, and 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 recommends that the Madera General Plan land use map be amended as specified in attached Exhibit "A".

3. The proposed amendment to the Land Use Map is hereby found consistent with all elements of the Madera General Plan.

4. The proposed rezoning is hereby found to be consistent with all elements of the General Plan, including the land use map as amended by this application.

5. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as specified within the attached Exhibit "B".

6. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 14th day of April 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Israel Cortes
Planning Commission Chairperson

Attest:

Darrell Unruh
Interim Planning Manager

Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 78.5 ACRES OF PROPERTY (APN: 012-480-005), LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST PECAN AVENUE AND MADERA AVENUE, FROM THE PD-6000, PD-3000, PD-1500 (PLANNED DEVELOPMENT), PF (PUBLIC FACILITY) AND CN (NEIGHBORHOOD COMMERCIAL) ZONE DISTRICTS TO THE PD-6000, PD-3000, PD-1500 (PLANNED DEVELOPMENT) AND CN (NEIGHBORHOOD COMMERCIAL) ZONE DISTRICTS.

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

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property, as shown in Exhibit "A", 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 X of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

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

FINDINGS:

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

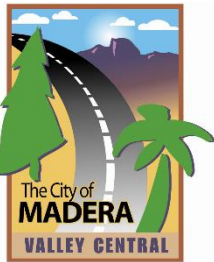


West Pecan Avenue

S.R. 145

ITEM #2
MADERA TRAVEL CENTER

Staff is requesting this item be continued to the May 12, 2020
Planning Commission Meeting.



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Himat Investments CUP 2019-26 thru 29, SPR 2019-29 & Mitigated Negative Declaration Item #3 – April 14, 2020

PROPOSAL: Consideration of a request for four conditional use permits, to allow for the off-site sale of beer and wine, the sale of tobacco products, the establishment of a drive-thru car wash, and a service (gas) station and a site plan review to guide the development of a neighborhood commercial plaza.

APPLICANT:	Himat Investments	OWNER:	Ralph Kazarian Partners LTD
ADDRESS:	No Address Assigned	APN:	011-330-016
APPLICATION:	CUP 2019-26 thru 29 & SPR 2019-29	CEQA:	Mitigated Negative Declaration

LOCATION: The project is located on the southwest corner of East Olive Avenue and Tozer Street

STREET ACCESS: The property has access to East Olive Avenue and Tozer Street

PARCEL SIZE: The project parcel is approximately 5 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: CN (Neighborhood Commercial)

SITE CHARACTERISTICS: The immediate surrounding uses to the north, south, and west are single-family residential homes and rural residential homes and Madera County public facilities to the east.

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

SUMMARY: The off-site sale of beer and wine and the sale of tobacco products are a common component of a gas station and convenience store. The State's Alcoholic Beverage Control (ABC) Department has a moratorium in Madera County that limits the number of Type 20 off-sale licenses within the County. Requests to establish a new Type 20 off-sale license must obtain an intra County transfer-only license. The off-site sale of alcohol, tobacco sales, a drive-thru car wash and the establishment of service (gas) station in the CN (Neighborhood Commercial) zone district requires the approval of a use permit. The Commission has acknowledged concerns in sensibly locating tobacco and alcohol sales within commercial areas of the City, mindful of other surrounding sensitive land uses. Currently, there are two elementary schools and two Madera County public facilities in proximity to the project site. The project proposal cumulatively provides conformance with the General Plan's goals and policies and the Design and Development Guidelines.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.9.203 Neighborhood Commercial Zones – Uses Permitted

MMC § 10-3.4.0101 Site Plan Review

MMC § 10-3.1202 Parking Regulations

MMC § 10-3.1301 Use Permits

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

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 the general welfare of the City.

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

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

PRIOR ACTION

None.

ANALYSIS

Operations

The proposal is an application for four use permits and a site plan review. There will be an individual use permit for the service (gas) station with twelve fuel stations, the off-site sales of beer and wine, the sale of tobacco products and a drive-thru car wash. The site plan review will guide the development on the project site, approximately 2.5-acres of a 5-acre property. The project proposal includes a building of approximately 4,000 square feet, a second building approximately 2,500 square feet and the drive-thru car wash building approximately 2,100 square feet. The project also proposes on and off-site improvements and other site appurtenances including parking and drive aisles, loading docks, landscaping, and walls and fences.

The neighborhood commercial plaza is proposed to operate within the hours of 5 AM and 11 PM seven days a week, with an anticipated number of 500 to 1,000 patrons per day. The proposed hours will be generally associated with the service (gas) station. The applicant has not identified a tenant for the secondary 2,500 square foot building; however, the building may be used by any number of retail and/or office use.

Beer and Wine Sales

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

cities and counties where the ratio of Type 20 licenses exceeds one for every 2,500 inhabitants. The most recent moratorium list of cities and counties was updated on January 30, 2017, which includes all of Madera County. The moratorium specifically prohibits the purchase of a new Type 20 ABC license or transfer of a Type 20 license from any city or county outside of Madera County. The moratorium does not apply to transferred licenses from within Madera County.

The project site is located within Census Tract 9, which allows for nine ABC licenses specific to off-site consumption of alcohol. The census tract is currently over-concentrated with a total of eleven active ABC licenses for off-site sales. As a component of the CUP approval, the benefactor is required to obtain an intra County Type 20 ABC transfer license, unless otherwise permitted by the State Department of ABC.

The City Council has directed staff to evaluate every application for the sale of alcohol on a case-by-case basis. The business model for convenience stores typically includes alcohol sales for off-site consumption. The Madera Unified School District (MUSD) has concerns regarding the establishment of alcohol sales as a component of the convenience store. MUSD comment letter has been included as Attachment 3. Concerns provided by MUSD do not specify what the impacts of alcohol sales will be, however, the letter does identify two elementary schools within a 1,500-foot radius of the project site. It should also be noted that there are two Madera County public facilities within a half-mile radius, as shown on Attachment 4.

Staff has provided recommended conditions of approval conclusive to the site's proximity to residential uses, elementary schools, and other public facilities. The purpose and intent of the conditions of approval are to prohibit the sale of single item alcohol purchases. The sale of alcohol should be in quantities of no less than factory packaging. As an example, the business owner would be permitted to sell beer and/or wine coolers in factory packages of no less than four but not be permitted to sell single beer products less than or equal 40-ounce. Conditions of approval are intended to provide "convenience" while ensuring the sale of beer and wine will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the project site.

Tobacco Sales

In September 2015, the Commission determined the sale of tobacco and tobacco-related products and sundries would require the approval of a conditional use permit. The Commission acknowledged concerns that tobacco sales be located sensibly within the commercial areas of the City, mindful of surrounding land uses. Schools are a primary land use that is negatively affected by the sale of tobacco.

The closest schools in the area are Sierra Vista Elementary School and Virginia Lee Rose Elementary School. Both schools are approximately 1,500 feet from the project site using the closest route. The City has not adopted an ordinance that specifies the length of distance a tobacco retailer should be from any school or other sensitive use. Staff recommends that the benefactor of the use permit be limited to the sale of cigarettes and tobacco only, consistent with the recommended conditions of approval. Staff also recommends the sale of e-cigarettes, vape paraphernalia (including juices) and/or marijuana paraphernalia, such as pipes and "bongs", not be permitted.

General Plan Conformance

Projects involving new construction require consistency with the City of Madera's General Plan goals and policies. There is a multitude of goals and policies specific to each type of use in the City, such as residential, commercial, industrial, etc. The proposal of a new convenience store and gas station requires analysis of the General Plan's goals and policies specific to commercial development, including site design, architecture, and landscaping.

Site Design

Applicable Policies

- Policy CD-2 All new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, gathering points and landmarks.*
- Policy CD-15 Except where site conditions make it infeasible, new commercial development shall be designed to front or have a presence along all street frontages. The intent of this policy is to enhance the pedestrian scale of new development, and minimize the presence of parking, circulation, and loading areas as the primary visual features of development.*
- Policy CD-21 Create safe, inviting, and functional pedestrian and cyclist environments in commercial, office, and mixed-use projects through a variety of techniques, including:*
- Planting trees to provide shade on pedestrian paths, sidewalks, and walkways;*
 - Safe, separated pedestrian walkways;*
 - Safe, visible bicycle parking;*
 - Shaded walkways;*
 - Wide sidewalks.*
- Policy CD-22 Commercial developments should have public open space areas such as plazas, courtyards, expanded walkways, or other areas suitable for small gatherings. The facilities should be sized proportionate to the scale of the development.*
- Policy CD-47 Commercial projects shall be designed to minimize the intrusion of parked vehicles on the streetscape. Parking areas, driveways, and drive-through lanes should not be located between buildings and the sidewalk.*
- Policy CD-51 Safe and well-defined pedestrian connections from buildings to parking areas, from buildings to the adjoining street(s), and among buildings on the same site shall be provided. Pedestrian connections between commercial development and surrounding residential neighborhoods shall also be provided. Enhanced paving materials or other techniques shall be used to identify pedestrian connections.*
- Policy CD-57 Where possible, parking lots shall be located behind or on the side of buildings to reduce their visual impact.*

The project site does propose holding the corner at the primary intersection, providing consistency with Policies CD-2 and CD-15. Shade trees will be planted in the landscaped areas along street frontages and in landscape peninsulas along with pedestrian walkways from the public right-of-way to the site and building, consistent with Policies CD-21 and CD-51. There are no proposed public open space areas suitable for small gatherings, such as a plaza. Because this development will be a component of a future commercial neighborhood center, opportunities for public open space areas can still be provided. The parking field is not located between the building and sidewalk, rather it is behind the building, minimizing the intrusion of parked vehicles on the streetscape and reducing their visual impact, consistent with Policies CD-47 and CD-57. The Neighborhood Commercial zone district also requires that an eight-foot masonry block wall be installed when a project abuts a residential land use. Staff recommends that conditions of approval include the installation of an eight-foot block wall along the west property line abutting the residential land use to match the extent of the project proposal.

Architecture

Policy CD-2 All new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, gathering points and landmarks.

Policy CD-53 Unarticulated, boxy structures shall be broken up by creating horizontal emphasis through the use of trim, varying surfaces, awnings, eaves, or other ornamentation, and by using a combination of complementary colors.

The proposed buildings provide a mixture of exterior materials and architectural treatments including stucco, stone veneer, wooden pergola, decorative light sconces and the like. The project proposal includes a breaking of the masses by providing varying roof lines with architectural treatments that also wraps around all four sides of the building and along the primary entrances. Varying window sizes and window treatments ornament the primary façade of each building. Cumulatively, the materials, architectural treatments, pop-outs, and windows provide a higher architectural value that breaks up the structures.

Landscaping

Policy CD-50 Parking lots shall be landscaped, including shade trees, to create an attractive pedestrian environment and reduce the impact of heat islands.

Policy CD-58 Parking lots shall be screened and separated into smaller units with landscaping or low walls.

Landscaping is proposed to enhance and embellish the appearance of the project site. Landscaping is proposed between the public rights-of-way and the building and parking field. Cumulative, the site plan complies with Policies CD-50 and CD-58. It is recommended that the developer submit final landscaping and irrigation plans compliant with State requirements to be reviewed and approved by the Planning Department.

Parking

The City's parking standards of the Madera Municipal Code (MMC) require that a convenience store have a minimum of one parking stall for every 250 square feet of gross floor area. The convenience store in conjunction with the undetermined use for the second building encompasses a total of 6,500 square feet, requires that a minimum of twenty-six parking stalls be provided. The applicant proposes a total number of sixty-four parking stalls, which adequately serves the proposed uses and any possible future expansions to the project site.

Traffic Impact Study

As part of the environmental review process, a traffic impact study was completed. The traffic study analyzed the circulation needs of the project proposal and future surrounding development, which indicated the need and number of appropriate access points onto the project site. Conditions of approval are conducive to the circulation need as well as implement recommended mitigation measures as identified in the traffic study. Such mitigation measure includes the placement of a single drive approach on Olive Avenue to be located as far as possible from the intersection with right in and right-out only access. Additionally, the project site is limited to two drive approaches on the Tozer Street frontage with minimum separation requirements between drive approaches.

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 the approval of a neighborhood commercial shopping plaza and associated alcohol sales, tobacco sales, the establishment of a service gas station and drive-thru carwash is not specifically addressed in the vision or action plans, the overall project does directly support Action 115.2 of the Vision Madera 2025 Plan, which states, "As a component of the General Plan Update, increase retail outlets and promote Shop Madera..."

RECOMMENDATION

It is recommended that the Commission consider the information in this report, as well as testimony in the public hearing, and make a determination on CUP 2019-26, 27, 28, 29 & SPR 2019-29, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on CUP 2019-26, 27, 28 & 29, SPR 2019-29 and the Mitigated Negative Declaration and 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 an application is subject to an appeal to the City Council within fifteen (15) calendar days of the Planning Commission's action.

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

Findings

- An initial study and mitigated negative declaration has 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 approve CUP 2019-26, 27, 28 & 29 and SPR 2019-29, subject to the findings and conditions of approval as listed:

Findings

- An initial study and mitigated negative declaration has 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.

- The sale of beer, wine and tobacco for off-site consumption, the establishment of a service gas station, and drive-thru car wash in conjunction with a convenience store is consistent with the purposes of the C (Commercial) General Plan land use designation and the CN (Neighborhood Commercial) Zone District which provide for the uses through the approval of a use permit.
- As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies and the Design and Development Guidelines.
- As conditioned, the sale of beer, wine and tobacco for off-site consumption, the establishment of a service gas station, and drive-thru car wash in conjunction with a convenience store will be compatible with the surrounding land uses and the established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- As conditioned, the establishment, maintenance or operation of the use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize CUP 2019-26, 27, 28 & 29 within one year following the date of this approval shall render use permit(s) null and void unless a written request for an extension has been submitted to and approved by the Commission.
3. CUP 2019-26, 27, 28, & 29 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of use permit(s) and owners of the property voluntarily submitting to the City a written request to permanently extinguish CUP 2019-26, 27, 28 & 29.
4. SPR 2019-29 shall expire one year from date of issuance unless positive action is taken on the project as provided in the MMC or a request to extend the approval is received before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
5. CUP 2019-26, 26, 27, 28 & 29 and SPR 2019-29 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, staff may schedule a public hearing before the Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.

6. All plans submitted for on-site construction or building permits must incorporate and reflect all requirements outlined in the herein listed conditions of approval. Should the need for any deviations from these requirements arise, or for any future changes or additions not considered by the Planning Commission, they may be requested in writing for consideration of approval by the Planning Manager and/or City Engineer. The Planning Manager may determine that substantive changes require formal modification to the conditional use permit and/or site plan review by the Commission.
7. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
8. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to any building permit final issuance.

Building Department

9. At 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
10. Current State of California and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

Engineering Department

General

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

15. The improvement plans for the project shall include the most recent version of the City's General Notes.
16. 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.
17. Improvements within the City right-of-way shall require an encroachment permit from the Engineering Division.
18. All on-site and off-site improvements shall be completed prior to the issuance of final occupancy.
19. The applicant and/or developer shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Sewer

20. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
21. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
22. Sewer main connections 6" and larger diameter shall require manhole installation.
23. Prior to issuance of an encroachment permit, the developer shall reimburse their fair share cost to the City for the previously constructed sewer main along the entire project frontage(s).
24. Existing septic tanks, if found, shall be removed, permitted and inspected by the City of Madera Building Department.

Storm Drain

25. Storm runoff from this project site is planned to go to Las Palmas Basin located southwest of this project. Runoff volume calculations shall be provided, and the Developer shall excavate basin to an amount equivalent to this project's impact on the basin.
26. This project shall, as applicable, 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 this proposed development, post-development runoff shall match or be less than pre-development runoff. The development shall be subject to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

Streets

27. Development of the entire 5-acre parcel shall be limited to one driveway approach on East Olive Avenue and no more than two on Tozer Street in accordance with criteria contained in the General Plan. Driveways shall be constructed to street-type entrance with a minimum face curb radius of 15 feet and be constructed to current City and ADA standards. Driveway approaches shall be located as far as possible from the intersection of East Olive Avenue and Tozer Street.

28. Throat lengths for driveways shall be sufficient in length as to eliminate the possibility of vehicles queuing into the City right-of-way.
29. Based on the preliminary review of the traffic study and left-turn storage requirements for this development, a median opening on East Olive Avenue will not be permitted.
30. If a median opening is permitted on Tozer Street, it shall be located generally at the south edge of the existing parcel and/or a minimum of 400 to 500 feet from the nearest site driveway.
31. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk to current City of Madera and ADA standards.
32. "No Stopping" signs shall be installed along East Olive Avenue and Tozer Street project frontages per City standards.
33. The developer has submitted a traffic study dated January 24, 2019. The developer shall implement mitigation measures as determined as part of the traffic study review and approval process.
34. The developer shall dedicate a Public Utility Easement 10-foot wide along the entire project parcel frontage on East Olive Avenue and Tozer Street. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
35. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 43C for the purposes of participating in the cost of maintaining landscape improvements within said zone.
36. In addition to standard City impact fees, the developer shall also pay the proportionate cost of a future traffic signal at East Olive Avenue & Knox Street, in the amount of \$69,731.00 for the entire 5.08-acre parcel.

Water

37. Existing or new water service connection(s) shall be upgraded or 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.
38. A separate water meter and backflow prevention device shall be required for landscape areas.
39. Fire hydrants shall be installed along Tozer Street and East Olive Avenue frontages in accordance with City standards.
40. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
41. The developer shall reimburse its fair share cost to the city for previously constructed water main along the entire project frontage(s).
42. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with State standards.

Fire Department

- 43. All improvements on/to the property shall require a building permit. A separate permit shall be required for each structure. A separate permit shall be required for the vehicle fueling system.
- 44. Fire access shall comply with the California Fire Code. Signage to identify fire lanes and the placement of a knox box shall be required for each structure.
- 45. 2A10BC-rated fire extinguishers shall be required for the retail area at a ratio of one for each 3,000 square feet of floor area. The maximum travel distance to reach a fire extinguisher shall be 75 feet. A minimum of two fire extinguishers shall be required. At least one 40BC-rated fire extinguisher is required for the fueling canopy. One K-class fire extinguisher may be required for the cooking operation.
- 46. The address shall be posted for each structure and be plainly visible from the street.
- 47. Plans submitted for a building permit shall include complete information demonstrating adequate separation between the various structures on the plans.
- 48. A minimum of two exits shall be provided for the convenience store servicing the fueling island.
- 49. One or more on-site fire hydrants may be required per the final review and determination from the Fire Marshal.

Planning Department

General

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

Beer and Wine Sales

- 54. Conditional Use Permit 2019-26 allows for the sale of beer and wine for off-site consumption in conjunction with a convenience store. This entitlement requires a Type 20 ABC transfer license be obtained. The license shall only be transferred from another location within the boundaries of Madera County. Modification of this license type shall require an amendment of CUP 2019-26.

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

Tobacco Sales

71. Conditional Use Permit 2019-27 allows for the sale of cigarettes in either single packs or cartons of ten or fewer packs. Other tobacco and tobacco-related products allowed for sale at the convenience store shall be as follows:
 - Smokeless tobacco

- Roll-your-own pouched/canned cigarette tobacco
 - Cigars and cigarillos (except for any flavored products such as grape, watermelon, bubble gum and fruit punch flavored products)
 - Rolling papers
72. Other tobacco and tobacco-related products not allowed for sale at the convenience store shall be as follows:
- Vape products, including juices
 - Hookah products, including hookah tobacco/charcoal
 - E-cigarettes
 - Pipes and pipe tobacco
73. Drug-related paraphernalia, such as bongos, pipes and other products meant for use with non-tobacco substances, as determined by the Planning Manager, is strictly prohibited.
74. All tobacco and tobacco-related products shall be secured behind a counter or other fixture, unavailable to the public except with the assistance of a store employee.
75. There shall be no exterior display of signage advertising the sale of cigarettes and/or tobacco products on the project site.
76. The property/business owner shall post “No Smoking” signage to the extent required by law.

Service (Gas) Station

77. Conditional Use Permit 2019-28 allows for the establishment of a service (gas) station consistent with the proposed site plan, not to exceed twelve fuel pumps.
78. Hours of operations for the service gas station in conjunction with the convenience store shall be between 5 AM and 11 PM, seven days a week.
79. Lighting emitted from the service station canopy shall be installed to be down shielded to the extent possible to reduce glare on the surrounding residential uses.

Drive-thru Carwash

80. Conditional Use Permit 2019-29 allows for the establishment of a drive-thru carwash use to include no more than fourteen (14) vacuum stations. The proposed use shall be limited to self-service drive-thru car washing, drying, and vacuuming; there shall be no outdoor repairs, storage/display of goods or other services, or vehicles for sale.
81. The carwash hours of operations shall be between 7 AM and 9 PM, seven days a week.
82. The drive-thru car wash shall have a reclamation or recycling water system.
83. The vacuum canopy stations shall be incorporate three or fewer complementary colors to the car wash building and/or signage.

Building and Site Aesthetics

84. The construction and placement of all buildings approved as part of SPR 2019-29 shall be in close conformance with the elevation drawings, as reviewed and approved by the Commission.

85. The applicant/developer shall provide the Planning Department with a final color and materials board and representative color section rendering of the proposed buildings.
86. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for Planning Department review and approval:
 - The location of all-natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
87. All electrical/mechanical equipment shall be located within an electrical/mechanical room in the interior of the structure, with exception to transformers.
88. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to the issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
89. All parking lot lighting shall be incorporated into landscaped areas.
90. The developer shall contact the City Engineer when all site lighting is operational. Additional light screening may be required.
91. Roof access ladders shall be located within the interior of the building.

Landscaping

92. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect and submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
 - Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.
 - Landscaped areas shall be developed along all street frontages and within parking fields.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - Shade trees shall be planted every 45 feet in the landscaped area along the Almond Avenue and Gateway Drive frontages.
 - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
93. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Engineering Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
94. 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

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

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

Walls and Fences

101. All trash enclosures shall be constructed of masonry block consistent with City standards with a stucco finish and color to match the primary structure. The location of the trash enclosure shall be located at the eastern-most section of the eastern parking area.
102. Perimeter masonry fencing with a minimum height of eight feet shall be installed along the west property line abutting the residential land use to match the extent of the project proposal.

San Joaquin Valley Air Pollution Control District

103. 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 CUP 2019-26, 27, 28 & 29 and SPR 2019-29 to the May 12, 2020 Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for CUP 2019-26, 27, 28 & 29 and SPR 2019-29, based on the following findings: (specify)

ATTACHMENTS

Attachment 1: Aerial Map

Attachment 2: Initial Study and Mitigated Negative Declaration

Attachment 3: MUSD Comment Letter

Attachment 4: Radius Land Uses

Attachment 5: Site, Floor and Building Elevations

Attachment 1: Aerial Map



Attachment 2: Initial Study and Mitigated Negative Declaration

CITY OF MADERA
INITIAL STUDY / ENVIRONMENTAL CHECKLIST

I. BACKGROUND AND PROJECT DESCRIPTION

1. **Application No.:**
Conditional Use Permit 2019-26 thru 29 and Site Plan Review 2019-29
2. **Project Title:**
Himat Investments
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:**
Southwest corner of East Olive Avenue and Tozer Street/Road 28
6. **Project Applicant's/Sponsor's Name and Address:**
Applicant: Himat Investments – 1409 Pennyway, Madera, CA 93637
Property Owner: Ralph Kazarian Partners Ltd – 2416 W Shaw Avenue, Fresno, CA 93711
7. **General Plan Designation:**
C (Commercial)
8. **Zoning:**
CN (Neighborhood Commercial)
9. **Project Background:**
The proposal is an application for four use permits and a site plan review. There will be an individual use permit for the service (gas) station with twelve fuel stations, the off-site sales of beer and wine, the sale of tobacco products and a drive-thru car wash. The site plan review will guide the development on the project site on approximately 2.5-acres of a 5-acre property. The project proposal includes a building at approximately 4,000 square feet and a second building at approximately 2,500 square feet. The drive-thru car wash building is approximately 2,100 square feet. Hours of operations are anticipated to occur between 5AM and 11PM. The project also proposes on-and off- site improvements and other site appurtenances including parking and drive aisles, loading docks, landscaping, and walls and fences.
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 21080.3.1? If so, is**

there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

California Native American tribes traditionally and culturally affiliated with the project area did not request consultation pursuant to Public Resources Code Section 21080.3.1.

II. ENVIRONMENTAL SETTING

The project site is vacant neighborhood commercial land. The immediate surrounding uses to the north, south and west are single-family residential homes, and rural residential homes and Madera County public facilities to the east.



III. ENVIRONMENTAL CHECKLIST

Environmental Factors Potentially Affected by the Project: Some of the environmental factors checked below would be potentially affected by this project, involving no impacts that are 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	X	Transportation		Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

IV. DETERMINATION

On the basis of this initial evaluation:

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

Signature: 

Date: 3/19/2020

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) 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 commercial development will add additional sources of light. The project would conform with and incorporate General Plan policies and requirements. No additional analysis is required.</p> <p><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. Exterior lighting on building and in open areas will be shielded or muted by design of fixtures, surrounding buildings and substantial landscaping. The overall impact of additional light and glare will be minimal.</p> <p><u>No Impacts</u></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>				

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c) The project will not substantially degrade the existing visual character or quality of the site and its surroundings. The project does not also conflict with applicable zoning and other regulations governing scenic quality.				
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:				
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))?				✓
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?				✓
<p>Discussion</p> <p>The project site is located on land identified as Vacant or Disturbed Land within the 2016 California Farmland Mapping and Monitoring Program.</p> <p>No Impacts</p> <p>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</p>				

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<p>site is identified as "Grazing Land" on the 2016 California Farmland Mapping and Monitoring Program map, which includes land on which the existing vegetation is suited to the grazing of livestock. The project site has been identified for commercial uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural or grazing purposes.</p> <p>b) The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property.</p> <p>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)).</p> <p>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)).</p> <p>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, that would result in the conversion of Farmland to a non-agricultural use or conversion of forest land to non-forest use.</p>				
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?			✓	
Discussion 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).				

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<p>Air quality is determined by the type and amount of contaminants emitted into the atmosphere, the size and topography of the SJVAB, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are “criteria pollutants.” The SJVAPCD also conducts monitoring for two other state standards: sulfate and visibility.</p> <p>The State of California has designated the project site as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.</p> <p>The project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.</p> <p>Similarly, the project will be evaluated to determine required compliance with District Rule 9510, which is intended to mitigate a project’s impact on air quality through project design 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>				

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<p>b) According to the SJVAPCD, the project would have a less than significant impact on air quality when compared to the significance thresholds of the following annual criteria pollutant emissions: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides in nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).</p> <p>c) The project would not expose sensitive receptors to substantial pollutant concentrations.</p> <p>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.</p>				
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?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural				✓

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Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				
<p>Discussion</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>No Impacts</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> <p>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.</p>				
5. CULTURAL RESOURCES. Would the project:				

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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>Discussion</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>No Impacts</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>				
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?				✓
<p>Less than Significant Impacts</p> <p>a) The project could utilize inefficient or unnecessary consumption of energy resources during project construction or operation, but because the project will be built to comply with Building Energy Efficiency of the California Building Code (Title 24), the project will not result in</p>				

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potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.				
No Impacts				
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?				✓
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?				✓

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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> <ul style="list-style-type: none"> 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 evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west and south of the project site. Due to the geology of the project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal. ii. 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. 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. 				

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<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> <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</p>				

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<p>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 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.</p> <p><u>Less than Significant Impacts</u></p> <p>a) The project would not, by itself, generate significant GHG emissions or contribute to global warming because the new development that is proposed will be required to adhere to local, regional and state regulations.</p> <p>b) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.</p>				
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				✓

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or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓
<p><u>Discussion</u></p> <p>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 site plan review. Numerous industrial and commercial operations, both past and present, have manufactured, handled, stored and disposed of hazardous materials in the City of Madera. Hazardous materials site includes manufacturing operations, agricultural chemical production, storage and transportation, facilities with underground storage tanks (USTs) and other materials. Hazardous materials are regulated by a variety of state and local agencies. Operation and maintenance of the gasoline underground storage tanks is regulated by the California Water Resources Control Board Underground Storage Tank Program. Installation and maintenance of the proposed USTs will be subject to CCR Title 23, Chapter 16 (Underground Tank Regulations). These regulations establish construction requirements for new underground tanks; establish separate monitoring requirements for new and existing underground storage tanks; establish uniform requirement for unauthorized release report and for repair, upgrade, and closure of underground storage tanks; and specify variance request procedures. The gas station operation will result in the regular transportation of gasoline to the project site. These deliveries will occur on designated truck routes in compliance with the California Department of Motor Vehicle standards.</p> <p><u>Less than Significant Impact</u></p> <p>a) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The transport use and storage of hazardous materials would be required to comply with all applicable state and federal regulations, such as requirements that spills would be cleaned up immediately and all wastes and spills control materials would be properly disposed of at approved disposal facilities. with CCR Title 23, Chapter 16 would also be required for maintenance and monitoring of the USTs for potential leaks.</p> <p><u>No impacts</u></p> <p>b) The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school.</p> <p>d) The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create a significant hazard to the public or the environment.</p> <p>e) The project site is not located within an airport land use plan and would result in a safety hazard or excessive noise for people residing or working in the project area.</p> <p>f) The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p> <p>g) The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires.</p>				
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				✓

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

Discussion

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

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

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

No Impacts

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

b) The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

c)

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

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
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?				✓
No Impacts				
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.				
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.				
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?				✓
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?				✓

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>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?				✓
<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 the commercial development, growth, if any 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>				

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

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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>Discussion Commercial development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.</p> <p>No Impacts</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> <p>b) The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</p>				
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>Discussion The project site was included in the General Plan and its accompanying EIR and the potential traffic generated from the eventual development of this land is considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development.</p> <p>Potentially Significant Unless Mitigation Incorporated Mitigation Measure 17(a)-1: The off-site improvements relative to traffic impacts shall be consistent with the recommendations of the traffic impact study and resulting City requirements in the</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>attached document dated January 24, 2020, as well as any modifications to the requirements contained therein as part of the final traffic study approval.</p> <p>No Impacts</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>				
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>No Impacts</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,</p>				

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

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

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

CITY OF MADERA MITIGATION MONITORING PROGRAM

Project Name and/or File Number: Conditional Use Permits 2019-26 thru 29 and
Site Plan Review 2019-29

Project Description: An application for four use permits and a site plan review. There will be an individual use permit for the service (gas) station with twelve fuel stations, the off-site sales of beer and wine, the sale of tobacco products and a drive-thru car wash. The site plan review will guide the development on the project site. The project proposal includes two approximately 4,000 square foot buildings (buildings A and D), two approximately 2,500 square foot buildings (buildings C and B) and an approximately 2,100 square foot drive- thru car wash, on approximately 3.33-acres of a 5-acre property. Hours of operations are anticipated to occur between 5AM and 11PM. The project also proposes on-and off- site improvements and other site appurtenances including parking and drive aisles, loading docks, landscaping, and walls and fences.

Monitoring Phase:

Pre-construction ____; Construction **X**; Pre-occupancy **X**; Post-occupancy ____

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

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

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

Conditional Use Permits 2019-26 thru 29 and Site Plan Review 2019-29 Mitigation Measures

17. Transportation/Traffic

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

Attachment 3: MUSD Comment Letter



CITY OF MADERA PROJECT REVIEW

205 W. Fourth Street
Madera CA 93637
(559) 661-5436
jorozco@madera.gov

From: Planning Division

Date: January 27, 2020

To: City Departments/Division

☒ Chief Building Official
☒ City Engineer
☒ Interim Fire Official
☒ Police Chief
☒ Public Works Director
☒ Parks & Community Services Director

☐ Airport Director
☐ EDC Director
☐ Successor Director
☐ Neighborhood Revitalization Coordinator
☐ Other

Outside Agencies:

☐ PG&E
☐ AT&T
☒ Caltrans
☐ County Assessor's Office
☐ Madera Unified School District
☐ Madera County LAFCO
☐ Madera Downtown Association
☒ Air Pollution Control
☐ Madera Irrigation District

☐ Madera County RMA
☐ County Transportation Commission
☐ Crop Duster's Association
☐ U.S. Army Corps of Engineers
☐ Department of Fish & Game
☐ Madera County LAFCO/Olivia
☐ U.S. Fish and Wildlife Service
☐ Environmental Protection Agency
☐ San Joaquin Valley Information Center

The following project is being distributed for your review and comment. Return comments to project manager, Jesus Orozco.

**CUP 2019-26 thru 29 & SPR 2019-29 – Himat Investments
SWC/o E Olive Ave & Tozer**

An application for multiple conditional use permits and a site plan review to allow for development of an approximately 15,100 sq. ft. commercial plaza to include: 3 standalone retail/office buildings, a convenience store proposing the sale of off-site alcohol and tobacco sales in conjunction with 12 fuel stations, and a drive-thru car wash located on property on the southwest corner of the East Olive Avenue and Tozer Road in the CN (Neighborhood Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 011-330-016). A copy of the Initial Traffic Study will be sent via email.

Comments (written response or emailed) due by February 11, 2020

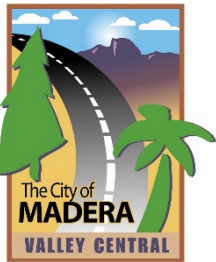
The Madera Unified School District does have concerns regarding the sale of alcohol and tobacco products down the street and on the walking routes of students from two nearby elementary schools (Rose and Sierra Vista). Each school is located approximately 1,500 feet from the proposed project. We are also concerned about the impact the projects driveways pose for our students who will be walking by the site daily.

Attachment 4: Surrounding Land Uses



The project site is within the red border. The flags indicate a sensitive land use i.e. school or public facility.

Attachment 5: Site, Floor and Building Elevations



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Miles Chemical CUP 2020-06, CUP 2020-07, SPR 2020-04 & Categorical Exemption Item # 4 – April 14, 2020

PROPOSAL: Consideration of a request for two conditional use permits and site plan review to allow for the storage, blending, repackaging and transport of both liquid and dry products for use by food, agricultural, drinking water and wastewater industry customers and the allowance for outdoor storage of chemicals and related equipment. Operations entail utilizing existing open areas and structures together with new storage vessels and ancillary service structures.

APPLICANT:	Miles Chemical	OWNER:	Kevin Herman
ADDRESS:	2345 Pecan Avenue	APN:	009-335-031 & 032
APPLICATION:	CUP 2020-06 & 07, SPR 2020-04	CEQA:	Categorical Exemption

LOCATION: The project is located on the north side of Pecan Avenue between South Pine Street and South Granada Drive.

STREET ACCESS: Property has access to Pecan Avenue.

PARCEL SIZE: 4.81 acres.

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The project site is a developed industrial site with several existing buildings or structures with vehicular access and surface storage areas. The surrounding properties are predominantly industrial and agricultural.

ENVIRONMENTAL REVIEW: The project site is predominantly developed with structures and areas used for vehicular parking and access. The site frontage includes a landscaped area and a storm water drainage basin exists to the west. A Class 32 exemption has been prepared which allows for urban infill development and the incidental extension improvements of urban services and facilities consistent with California Environmental Quality Act (CEQA) guidelines.

SUMMARY: The applicant is proposing to utilize the existing site facilities together with the addition of storage vessels to support the storing, packaging, blending and transporting of products to customers. The site's location and characteristic within an industrial area with access to a railroad spur line and the City's major street system is appropriate for the proposed use consistent with the General Plan's goals and policies, as well as with the Zoning Ordinance for industrial uses. Staff recommends approval of the project.

APPLICABLE CODES AND PROCEDURES

MMC §10-3.1002 Industrial Zones – Uses Permitted

MMC §10-3.4.0101 Site Plan Review

MMC §10-3.1202 Parking Regulations

MMC §10-3.1301 Use Permits

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

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

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

PRIOR ACTION

The project site has been developed for many years and utilized for various industrial activities including the receiving of materials, fabrication of products and distribution.

ANALYSIS

Operations

The applicant, Miles Chemical, has comparable facilities located in California and the Western United States including one in Fresno. Establishment of this facility is in response to the growing need for these products to serve the Southern and Central San Joaquin Valley region. The business will distribute and manufacture products involving receiving bulk supplies and distributing repackaged products by truck transport on a daily basis with a projected average of 12 trucks per day. Additionally, a railroad spur track provides the transportation advantage of receiving larger deliveries of materials, thereby reducing truck traffic.

Utilization of the site will necessitate some rehabilitation of presently vacant buildings and structures and the addition of storage vessels together with ancillary product loading facilities. The outdoor storage area and transportation parking and staging areas should be screened adjacent public streets or private property. The operational statement indicates an anticipated 28 employees upon their grand opening

and 45 employees at full build out. The hours of operation will occur between 8:00 am and 5:00 pm, five days per week.

General Plan Consistency

All proposed improvements will be developed consistent with the General Plan's goals and policies for development which mandate "well-designed" and "aesthetically pleasing" development. The project site is strategically located within a planned industrial area with desirable proximity to railway and arterial street transportation facilities. This access promotes Policy CI-15 "major traffic routes for residential areas should be separate from those used by the city's industrial areas, with the purpose of avoiding traffic conflicts and potential safety problems". The proposed project also generally supports the attainment of several other goals and policies that advocate the planning for, and development of, appropriately located land uses to accommodate economic and employment growth in a manner that facilitates provision of urban services, reduces impacts upon natural resources and supports economic development.

Parking

The Madera Municipal Code (MMC) requires that industrial uses provide one space for each two employees, plus one space for each 300 square feet of office space and customer net floor area plus one loading space for each 10,000 square feet of gross floor area. The subject property has substantial existing parking area to accommodate refurbishing and reuse of the site and its facilities for the proposed use.

Other Department and Agency Comments

The project is subject to review and compliance codes and standards which are within the purview of various City Departments and outside agencies. The proposed reoccupation and enhance operations and facilities will be subject to compliance with these codes and standards.

The project site is located in close proximity to both long existing and recently developed industrial uses. The site is not presently utilizing Municipal sewer and urban infrastructure such as sewer and water.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a plastic pallet manufacturing and distribution business is not specifically addressed in the vision or action plans, the overall project does directly support the Vision Statement, "Good Jobs and Economic Opportunities" and the creation of "a strong and diverse economy, supporting the local tax base and essential community services that provides living wage opportunities for all its community members."

RECOMMENDATION

The information presented in this report provides support for the conditional approval of the site plan review request. It is recommended that the Commission consider the information in this report, as well as testimony in the public hearing, and approve CUP 2020-06, CUP 2020-07 and SPR 2020-04, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on CUP 2020-06, CUP 2020-07 and SPR 2020-04 determining 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 calendar days of the Commission's action.

Motion 1: Move to approve CUP 2020-06, CUP 2020-07 and SPR 2020-04, subject to the findings and conditions of approval as listed:

Findings

- This project has been determine to be a categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- A plastic pallet manufacturing and distribution business is consistent with the purposes of the I (Industrial) General Plan land use designation and the I (Industrial) Zone District which provide for the use.
- Development of the outdoor storage area is consistent with the purposes of the I (Industrial) General Plan land use designation and the I (Industrial) Zone District, subject to the issuance of a conditional use permit
- As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- As conditioned, the establishment, maintenance or operation of the use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize CUP 2020-06 and CUP 2020-07 within one year following the date of this approval shall render CUP 2020-06 and CUP 2020-07 null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. CUP 2020-06 and CUP 2020-07 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of CUP 2020-06 and CUP 2020-07 and owners of the property voluntarily submitting to the City a written request to permanently extinguish CUP 2019-06 and CUP 2020-07.

4. SPR 2020-04 shall expire one year from date of issuance unless positive action is taken on the project as provided in the MMC or a request to extend the approval is received before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
5. CUP 2020-06, CUP 2020-07 and SPR 2020-04 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.
6. All plans submitted for on-site construction or building permits must incorporate and reflect all requirements outlined in the herein listed conditions of approval. Should the need for any deviations from these requirements arise, or for any future changes or additions not considered by the Planning Commission, they may be requested in writing for consideration of approval by the Planning Manager. The Planning Manager may determine that substantive changes require formal modification to the conditional use permit and/or site plan review by the Planning Commission.
7. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
8. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to any building permit final issuance.

Building Department

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

Engineering Department

General

11. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
12. Impact fees shall be paid at time of building permit issuance.

13. The developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, encroachment permit processing and improvement inspection fees.
14. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
15. The improvement plans for the project shall include the most recent version of the City's General Notes.
16. 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.
17. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.
18. All on-site and off-site improvements shall be completed prior to issuance of final occupancy.

Sewer

19. Sewer service connection(s) shall be constructed to current City standards.
20. Sewer main connections 6" and larger diameter shall require manhole installation.
21. The existing sewer service connections that will not be used for the project shall be abandoned at the main per current City of Madera standards.

Storm Drain

22. Storm runoff from this project site is planned to go to the Pecan Basin located west of the project site. Runoff volume calculations shall be provided, and the developer shall excavate the basin to an amount equivalent to this project's impact on the basin.
23. A drainage study shall be provided which demonstrates that the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan, or the study shall make recommendations for capacity improvements.

Streets

24. Access to the site along Pecan Avenue shall be limited to the existing drive approach on the eastern property line.
25. Throat lengths for driveways shall be sufficient in length as to eliminate the possibility of vehicles queuing into the City's right-of-way.
26. If the proposed vehicular access gate is closed during business hours, a turn-around between the public street and the gate shall be provided.
27. The park strip between the curb and sidewalk in the Pecan Avenue right-of-way shall be landscaped per current City standards.

Water

28. Water service connection(s) shall be constructed to current City standards including water meter(s) installed within the City right-of-way and a backflow prevention device installed within private property.
29. A separate water meter and backflow prevention device will be required for landscape area.
30. The existing water service connections that will not be used for the project shall be abandoned at the main per City of Madera standards.

Fire Department

31. Building permits are required for all improvements.
32. 2A10BC-rated fire extinguishers shall be required for each 3,000 square feet of floor area and within 75 feet of travel distance of all portions of the buildings.
33. A key box shall be required.
34. Installation of fire sprinklers and a fire alarm system shall be required.
35. Fire lanes shall be posted.
36. All building construction and site development features, including high-pile storage, will be evaluated for compliance with applicable codes at time of plan check. Additional information, as determined by the Fire Marshal, may be required in order to clarify project details or support conformance with code provisions. The project's architect or engineer shall consult with the Fire Marshal in advance of submittal for building permit plan check to determine any required additional information.

Planning Department

General

37. CUP 2020-06, CUP 2020-07 and SPR 2020-04 allows for the improvements to a five-acre property including the construction of storage tanks and the allowance for outdoor storage. Site improvements in support of the structures, including parking and drive aisles, loading docks, landscaping, and walls and fences shall be constructed as a component of site development. All development shall be in close conformance with the site plan, floor plan and elevations, as reviewed and approved by the Planning Commission.
38. Vandalism and graffiti shall be corrected per the MMC.
39. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster owned by the property owner.
40. 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.
41. The applicant shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use may be cause for revocation of these permits.

Building and Site Aesthetics

42. The construction of all buildings approved as part of SPR 2020-04 shall be in close conformance with the drawings, as reviewed and approved by the Planning Commission.
43. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for Planning Department review and approval:
 - The location of all-natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
44. All electrical/mechanical equipment shall be located within an electrical/mechanical room in the interior of the structure, with exception to transformers.
45. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
46. All parking lot lighting shall be incorporated into landscaped areas.
47. The developer shall contact the City Engineer when all site lighting is operational. Additional light screening may be required.
48. Roof access ladders shall be located within the interior of the building.

Landscaping

49. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect and submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
 - Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.
 - Landscaped areas shall be developed along all street frontages and within parking fields.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - Shade trees shall be planted every 40 feet in the landscaped area along the Pecan Avenue.
 - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
50. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Engineering Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.

51. 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

52. Parking stalls shall be developed in close conformance with the approved site plan drawings.
53. All parking and loading areas shall be marked and striped to city standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet wide by nineteen feet deep. No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is 26 feet.
54. On-site parking shall be provided at all times in conformance with the MMC. Further expansion of the use or additional or accessory uses may require the provision of additional parking spaces in compliance with city standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.

Signage

55. 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.
56. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
57. All proposed construction announcement sign uses shall conform to the sign ordinance.

Walls and Fences

58. A trash enclosure shall be constructed of masonry block consistent with city standards with a finish color to match the primary structure. The final location of the trash enclosure shall be determined by the Public Works Director.
59. A six-foot tall privacy fence is approved as a component of site design, to be located consistent with the approved site plan drawings, as reviewed and approved by the Planning Commission.
60. The security gate at the driveway approach on Pecan Avenue shall be open during regular business hours and closed outside of regular business hours.

San Joaquin Valley Air Pollution Control District

61. 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 CUP 2020-06, CUP 2020- 07 and SPR 2020-04 to the May 12, 2020 Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for CUP 2020-06, CUP 2020- 07 and SPR 2020-04, based on the following findings: (specify)

ATTACHMENTS

Attachment 1: Aerial Map

Attachment 2: Operational Statement

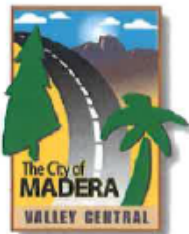
Attachment 3: Site Plan

Attachment 4: Technical Report

Attachment 1: Aerial Map



Attachment 2: Operational Statement



PLANNING DEPARTMENT OPERATIONAL STATEMENT CHECKLIST

It is important that the operational statement provides for a complete understanding of your proposal. The statements that you submit **must address all** of the following **that apply** to your proposal.

Your operational statement **must be** typed or written in a **legible** manner in the spaces provided. Answer all statements that apply to your business. **Those that do not apply, enter "N/A"**. Use additional sheets if necessary.

Miles Chemical

Business Name

2345 Pecan Ave, Madera , CA

Business Address

APN: _____ **(For your APN, Please call the Madera County Assessor's Office at (559) 675-7710.)

1. Nature of the operation – What do you propose to do? **PLEASE DESCRIBE IN DETAIL**

See attached use statement

2. What products will be produced by the operation? **We will not be producing any product**

3. What is the existing use of your property? **it is Ag storage currently**

4. What are the surrounding land uses on the North, South, East and West? **ponding basin on the east and west side . rail road and Color box to the north and Pecan**

5. List the hours of operation: **5 am to 7 pm** Number of Days per Week: **5**

If Seasonal, list the months of operation: **year round business**

6. Number of Customers or Visitors per day: **5** Maximum per Day: **20**

During what hours will customers visit your property? **5am to 7pm**

7. Number of current employees (including self): **new** Future employees (not counting current): **21**

Will any live on site (including self)? YES [] NO [☒]

8. Are any goods to be sold on site? YES [☒] NO [☐]
If yes, are these goods grown or produced on site or at some other location? _____
there aren't any products grown or produced on site
Describe products being offered for sale: **see attached technical report**
9. Number and type of service or delivery vehicles: **6 class 8 trucks**
10. What equipment is used? If appropriate, provide pictures or a brochure. _____
11. Will the operation or equipment used generate noise above existing levels in the area? YES [☐] NO [☒]
If yes, explain _____
12. Describe the supplies or materials used and how they will be stored: _____
se attached technical report
13. Will hazardous materials or waste be produced as part of this business? YES [☒] NO [☐]
If yes, explain **we will handle class 8,3,9,**
14. Will the existing buildings be used or will a new building be constructed? _____
existing buildings will be used and 2500 square canopy will be built
15. Explain which building(s) or what portion of the building(s) will be used in your operation: _____
see attached technical report
16. Please include any other information that will provide a clear understanding of your business or operation:
see attached use statement and technical report

Applicant's Signature

02/19/2020

Date

Statement of use for 2345W. Pecan Ave. Madera, CA by Miles Chemical

Miles Chemical Company will be using 2345 W. Pecan Madera, CA to store, package, transport and blend products used in the Food, Agriculture, Drinking Water and Waste Water industries. The products will be stored, packaged, blended and transported to meet all local, state and federal regulations. We will have 20 employees in this facility when final growth is complete. Our normal working hours will be Monday through Friday 5 am to 7 pm. In the office there will be 4 people 8am to 5pm.

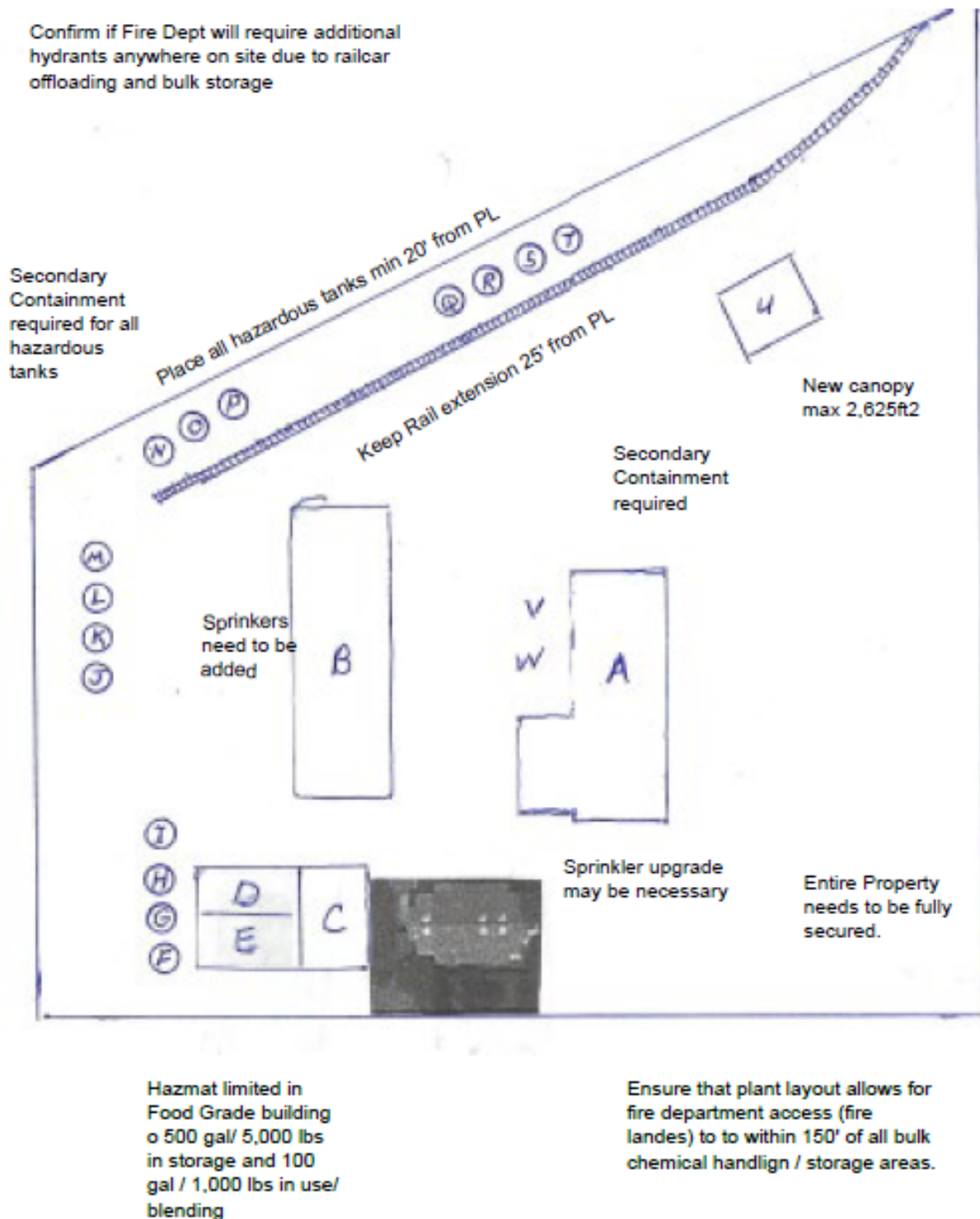
The products in this facility will be brought in by Truck or Railroad. In this facility the products will be transferred from large packages to smaller packages. Product that is brought in by Railroad will be transferred to tankers, totes or drums. Product brought in by tanker will be transferred to totes or drums. Any blending done in this facility will be simple dilutions, dry material and water, dry material and liquid material or liquid material and another liquid material. The blends that will be done in the facility will be endothermic reactions (temperature reduction).

The normal traffic in and out of this facility will be the employees, and an average of 12 trucks a day within the normal business hours. All will follow and meet all California highway patrol requirements and DOT regulations. This includes carriers that are not Miles company vehicles. Miles mandates that all carriers follow all requirements and if they can't or won't they will not be allowed to transport product for Miles Chemical immediately. Miles places safety as the most important portion of our business in all aspects of what we do.

The products stored in Bulk tanks(2500 gallon +)will include Citric Acid, Calcium Chloride, Sorbitol, Sodium Hypochlorite (Bleach), Potassium Hydroxide, Sodium Hydroxide, Hydrochloric Acid, Sulfuric Acid , Urea solution(DEF).Products brought in by Railroad will be as follows Sorbitol ,Potassium Hydroxide, Sodium Hydroxide , Calcium Chloride, Hydrochloric Acid, Sulfuric Acid , Urea Solution(DEF),Acetone, IPA . The bulk flammable products will not be stored in bulk on site they will be transferred to tankers, totes or drums and shipped out immediately. Products may be added or deleted from the above. Package materials in this facility will in totes, drums, pails, supersacks and bags. all products will be stored, separated and contained in accordance with regulations.

Miles Chemical
2345 Pecan Avenue
Madera CA 93637

Attachment 3: Site Plan – Exhibit A
CUP 2020-06 & 07, SPR 2020-04
Site Layout Plan



Attachment 3: Site Plan – Exhibit B
Site Plan Aerial View – Use Additions





Memo

To: Craig Wedgeworth

From: Vernon Brown, Fire Protection Services Manager

Date: February 13, 2020

Re: Technical Report for Miles Chemical, Madera, CA

The purpose of this document is to provide a technical opinion and report related to the code requirements for the design of a proposed Miles Chemical facility in Madera, CA.

The purpose of this document is to provide a technical opinion and report related to the code requirements for the design of a proposed Miles Chemical facility in Madera, CA.

1.0 Project Scope-of-Work

This technical report addresses building and fire code requirements related to hazardous materials storage and use at the proposed Miles Chemical facility in Madera, CA. The report is based on the January 24, 2020 Statement of Use letter from Joseph Grossi Jr to City of Madera Planning Dept. The facility would convert an existing industrial property, buildings, canopy structures and railcar spur into a chemical depot type facility.

The report is intended to provide general code requirements for cost feasibility and preliminary design purposes. It is not intended to be a technical code review of specific architectural, civil or process designs, equipment or vendor submittals.

2.0 Applicable Codes

The proposed facility design is being evaluated for conformance with the 2019 California Building Code (CBC), California Fire Code (CFC), California Mechanical Code (CMC) & California Electrical Code (CEC), as well as referenced standards of

each code (i.e., NFPA standards). Compliance with any other federal, state or local regulation or law is not within the scope of this report.

3.0 Executive Summary

The existing property and buildings are generally well situated for conversion into a chemical handling facility. There were no property set-back issues identified that would prevent the proposed use on this property based on the proposed volumes and operations.

The following is a summary of most significant cost and design issues anticipated. Subsequent sections of the report cover these and additional requirements in greater detail.¹

- All portions of the site where chemicals are stored or handled would need to be secured against unauthorized entry, typically accomplished with fencing, gates and similar physical means.
- Firefighting access and water supplies generally appear adequate, but there needs to be discussion with the local fire official as to whether they would require additional fire hydrant(s) in proximity to rail car offloading area or other locations.
- All exterior locations where hazardous materials will need spill control and secondary containment provisions. This includes covered canopy areas, outdoor storage, bulk tanks, railcar offloading area and tanker loading/unloading areas. Secondary containment provisions are often one of the most challenging aspects of designing chemical depot facilities.
- The two existing metal canopy structures are considered “indoor storage” (when used for hazardous materials storage) under California Fire and Building Code and need modifications. Most notably, the unsprinklered canopy would need to have a fire sprinkler system added, and the sprinklered canopy may need the existing system upgraded.
- The proposed new flammable liquids canopy is limited to a maximum size of 2,625 ft² unless it is provided with a fire sprinkler system. It will also need secondary containment provisions.
- Offloading of flammable liquids is highly regulated under the fire code, see Section 11 and Appendix 4 for more details.
- The Food Grade building and attached canopy area are not designed for chemical storage. Therefore the amount of chemicals that could be stored or used /blended in this building (including canopy area) is very limited. Storage is limited to 500 gallons for corrosive liquids / 5,000 pounds solids). Blending, repackaging, filling and similar materials in “use” are limited to 100 gallons for corrosive liquids / 1,000 pounds solids. Limits for other hazard classes are found in Appendix 2. If greater amounts are needed it would require very substantial building improvements to be made, likely change to a Group H-4 Hazardous Occupancy.

4.0 Code Application Caution

The application and interpretation of building and fire codes, particularly to a complex and unique hazardous materials facilities, can vary by jurisdiction to

¹ See Appendix 1 Executive Summary Map

jurisdiction. Every attempt is made to provide clear application of code requirements consistent with the intent and spirit of the codes. However, code language is frequently subjective and unclear and can result in differing interpretations. Additionally, there are numerous provisions of the code which are subject to fire official approval or can be added “when required by the fire official”.

Accordingly, there is no guarantee written or implied, that the Authority Having Jurisdiction (AHJ) will agree with all aspects of this report. Code compliant design should not be considered final until formally reviewed and approved by the AHJ.

5.0 Facility Overview

The report is addressing the conversion of an existing industrial property and buildings into a chemical storage, distribution, packaging, transfilling and transloading facility. The subject site is located at 2345 W Pecan Ave., Madera, CA 93637. The property includes 2 parcels for a combined total of approximately 7.25 acres. There are four existing structures on the site as follows:

- Office Building: 2 stories, light wood frame, approx. 5,000 sf
- Warehouse Building: 4,200 sf enclosed with 1,800 sf of covered outside storage
- Covered Outdoor Storage (Canopy): 10,800 sf, non-sprinkered, non-combustible construction
- Covered Outdoor Storage (Canopy): 11,220 sf, sprinklered, non-combustible construction

Additionally, there is approximately 300' of private rail car spur on the property which connects to an active Union Pacific Rail Line. This track is proposed to be extended. There is also a new free standing canopy proposed for flammable liquids storage.

6.0 Proposed Chemical Products

This report evaluates the code requirements for various flammable and non-flammable hazardous materials to be handled and stored at the facility as identified by Miles Chemical².

The proposed chemicals are solid and liquid hazardous materials (no gases). The non-flammable chemical hazards are primarily corrosive with some having minor reactivity and oxidizing hazards as well. There are a small number of materials classified as toxic under the fire code. The flammable chemicals are common Class 1-B solvents including acetone, methanol, and isopropyl alcohol. There is one chemical, peracetic acid that may be a strong organic peroxide and highly toxic depending on concentration and should be further evaluated prior to final design.

The facility is also proposing to use numerous chemicals which are not considered hazardous under fire and building code definitions, such as soda ash, sodium bicarbonate, sorbitol, etc. Such materials are not regulated under CBC and CFC, and therefore there are no requirements identified for them. A complete Hazardous materials inventory statement (HMIS) is not within the scope of this report.

² See Appendix 3, Proposed Hazardous Materials Inventory & Conceptual Plan

7.0 Overall Site Requirements

Firefighting Access

The facility will need to be provided with firefighting access roads, accessible to within 150 feet of all portions of the building and as described in CFC 503.1.1 below. Code is generally clear that access is required to within 150' of all portions of the exterior of building. However, it is not clear how the AHJ should enforce the requirement related to access within 150' of all portions of the "facility" which can include outdoor hazardous materials storage areas by definition. Typically, an AHJ will require access to within 150' of bulk tanks, railroad dispensing operations and significant hazardous storage areas. The facility appears to be almost entirely paved, and therefore access should not be difficult to comply with provided tank and storage locations are orderly and leave adequate driving lanes.

503.1.1 Buildings and facilities

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Firefighting Water Supplies

Typically water supply requirements are enforced when buildings are constructed. Since this property has existing buildings, this requirement is likely met unless new buildings are constructed on site which could require larger fireflow amounts. However, because the "facility" (which can include outdoor hazardous materials areas) is being substantially modified, the AHJ could require additional fire hydrants within 150' of railcar and tanker offloading areas, bulk tank and other outdoor storage areas. This is a requirement that is subjective in nature and should be discussed with the AHJ.

507.1 Required water supply

An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

Site Security

All outdoor hazardous materials storage and use areas require security. Typically this is accomplished via fencing and gates, frequently in combination with security cameras or other property protection measures.

5003.9.2 Security

Storage, dispensing, use and handling areas [for hazardous materials] shall be secured against unauthorized entry and safeguarded in a manner approved by the fire code official.

Vehicle Protection

Vehicle protection will need to be provided in all areas where hazardous materials are subject to vehicular damage. This includes permanent tanks, piping and similar

installations. Bollards are the prescriptive method for providing this protection, although other engineered protection may be allowed.

5003.9.3 Protection from vehicles

Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage in accordance with Section 312.

Separation of Incompatible Materials

All incompatible materials need to be separated, whether indoors or outdoors. Code provides several methods for accomplishing this as outlined below. Typically segregated storage is provided for acids, caustics, flammables and oxidizers. However, qualified personnel should review final chemical types and locations to ensure adequate compatibility.

5003.9.8 Separation of incompatible materials

Incompatible materials in storage and storage of materials that are incompatible with materials in use shall be separated where the stored materials are in containers having a capacity of more than 5 pounds (2 kg) or 0.5 gallon (2 L). Separation shall be accomplished by:

- 1. Segregating incompatible materials in storage by a distance of not less than 20 feet (6096 mm).*
- 2. Isolating incompatible materials in storage by a noncombustible partition extending not less than 18 inches (457 mm) above and to the sides of the stored material.*
- 3. Storing liquid and solid materials in hazardous material storage cabinets.*
- 4. Storing compressed gases in gas cabinets or exhausted enclosures in accordance with Sections 5003.8.5 and 5003.8.6. Materials that are incompatible shall not be stored within the same cabinet or exhausted enclosure.*

8.0 Food Grade Building (Warehouse)

The Food Grade Building inventory listed only (1) chemical which is classified as a hazardous material; the lactic acid which is a corrosive. **The total quantity of corrosive chemicals are limited to 500 gallons for liquids and 5,000 pounds for solids within in the building. The total quantity of corrosive chemicals in use (blending, filling, repackaging, etc.) are limited to 100 gallons for liquids and 1,000 pounds for solids within in the building.** The quantities in use also count towards storage limits. These quantity limits also include all storage in the attached covered canopy area also. See Appendix 2 for limits on other hazard classes.

If greater amounts are needed it would require very substantial building improvements are made, likely change of occupancy to a Group H-4 Hazardous Occupancy. Alternatively, creating a new 1-hour fire rated Control Areas in accordance with CBC 414.2. is an option, but it would only allow the same 500gal / 5,000 pound limit on each side of the Control Area.

Changing the use to a Group H (Hazardous) Occupancy would trigger substantial building improvements³, including a sprinkler system, increased exiting, spill control, secondary containment, mechanical ventilation systems, emergency power, emergency alarms and more. The evaluation and redesign of the existing Warehouse Building is outside of the scope of this report.

9.0 NEW Flammable Canopy

There is a new freestanding canopy proposed for storage of flammable liquids. This canopy will need to be constructed of non-combustible materials and is limited to a maximum of 2,625 ft². This limit is based on setbacks complying with CBC 506.3, an analysis of the final design should be performed to confirm based on the exact location. If the canopy exceeds this size it will be considered indoor storage and need fire sprinklers. Under either scenario, the Flammable Canopy will need to be provided with secondary containment. This is typically accomplished with curbed or bermed areas and liquid-tight chemical resistant coatings, with sloped ramps for access.

5004.2.2.4 Outdoor design

Secondary containment for outdoor storage areas shall be designed to contain a spill from the largest individual vessel. If the area is open to rainfall, secondary containment shall be designed to include the volume of a 24-hour rainfall as determined by a 25-year storm and provisions shall be made to drain accumulations of groundwater and rainwater.

10.0 Existing Sprinklered Freestanding Canopy

The inventory provided listed several chemicals in Sprinklered Canopy which in aggregate significantly exceed the MAQ for Corrosive, Toxic, Combustible Liquid Class II, Oxidizer Class-2 chemicals. Furthermore, the canopy does not comply with the size limits of CBC 414.6.1.3, therefore it is considered “indoor storage” and needs to comply with the code requirements for indoor storage.

Since the MAQ is exceeded, the Sprinklered Canopy would have to comply with requirements for a Group H-3/4 Occupancy. Since the canopy is open on all sides, it should not need ventilation, emergency power or exiting upgrades. The sprinkler system will be at least Ordinary Hazard Group 2 with a minimum design area of 3,000 square feet. An evaluation of the existing system would need to be performed to ensure it meets these requirements. If walls enclosing the canopy are added it will trigger substantial additional requirements.

Spill control and secondary containment would be required as detailed below. This is typically accomplished with curbed or bermed areas and liquid-tight chemical resistant coatings, with sloped ramps for access. The evaluation and redesign of the existing Sprinklered Canopy is outside of the scope of this report.

³ See Appendix 4: Group H3/H4 Occupancy Requirements

5004.5 Automatic sprinkler systems

Indoor storage areas and storage buildings shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The design of the sprinkler system shall be not less than that required for Ordinary Hazard Group 2 with a minimum design area of 3,000 square feet (279 m²). Where the materials or storage arrangement are required by other regulations to be provided with a higher level of sprinkler system protection, the higher level of sprinkler system protection shall be provided.

5004.2.2.1 Containment and drainage methods

The building, room or area shall contain or drain the hazardous materials and fire protection water through the use of one of the following methods:

- 1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.*
- 2. Liquid-tight floors in indoor locations or similar areas in outdoor locations provided with liquid-tight raised or recessed sills or dikes.*
- 3. Sumps and collection systems.*
- 4. Drainage systems leading to an approved location.*
- 5. Other approved engineered systems.*

5004.2.2.2 Incompatible materials

Incompatible materials used in open systems shall be separated from each other in the secondary containment system.

5004.2.2.3 Indoor design

Secondary containment for indoor storage areas shall be designed to contain a spill from the largest vessel plus the design flow volume of fire protection water calculated to discharge from the fire-extinguishing system over the minimum required system design area or area of the room or area in which the storage is located, whichever is smaller. The containment capacity shall be designed to contain the flow for a period of 20 minutes.

11.0 Existing Unsprinklered Freestanding Canopy

The inventory provided listed only several chemicals in Unsprinklered Canopy which in aggregate significantly exceed the MAQ for Corrosive, Highly Toxic, Toxic, Organic Peroxide Class 2, Combustible Liquid Class II, Oxidizer Class-1, Water-Reactive Class-1 chemicals.

The canopy does not comply with the size limits of CBC 414.6.1.3, therefore it would also be considered "indoor storage" and need to comply with the applicable code requirements as such.

Since the MAQ is exceeded, the Unsprinklered Canopy would have to comply with requirements for a Group H-3/4 Occupancy. Since the canopy is open on all sides, it should not need ventilation, emergency power or exiting upgrades. A sprinkler system would need to be added to this canopy, the design not less than

that required for Ordinary Hazard Group 2 with a minimum design area of 3,000 square feet. Spill control, secondary containment would be required. This is typically accomplished with curbed or bermed areas and liquid-tight chemical resistant coatings, with sloped ramps for access. If walls enclosing the canopy are added it will trigger substantial additional requirements. The evaluation and redesign of the existing unsprinklered canopy is outside of the scope of this report.

12.0 Railcar Offloading Area

The railcar spur is proposed to be used for offloading both flammable and non-flammable hazardous materials. Railcar offloading areas for both flammable and non-flammable liquids and solids must be provided with spill control and secondary containment, inclusive of adjacent area where tank vehicles or containers being offloaded into. This is typically accomplished by a rail car spill pan or sump, combined with adjacent sloped and bermed pads sized to accommodate tank vehicles and portable containers. Thus providing spill control and secondary containment for both the rail cars being offloaded from, as well as tanker vehicles or containers being offloaded into. Frequently, the offloading area is covered so that rainwater intrusion into the secondary containment system is partially or fully mitigated.

There are vendors which provide pre-engineered rail car containment pan systems, such as [Polystar Containment](#) and [Benko / Green Mfg](#). However, these systems may or may not work well for a mixed offload/transfill operation such as necessary at this site. See Figure 1 below.





Figure 1: Pre-engineered railcar containment system examples

In addition to the spill control and secondary containment provisions, there are a substantial requirements for flammable liquid rail car unloading. The final design will need to be in accordance with CFC 5706.5⁴. Detailed review of railcar transfer design at this site is not within the scope of this report.

13.0 Tank Vehicle Offloading

The proposed operations also includes offloading (process transfer) of non-flammable hazardous materials from tank vehicles into tanks, totes and other containers.

The primary design requirement for non-flammable tank vehicle offloading is to provide spill control and secondary containment for the entire process transfer area, inclusive of the tank vehicle and tanks, totes, drums or other containers being offloaded into as well as pumps or other ancillary equipment used in the process.

Tank vehicle offloading containment is typically accomplished by pans, trenches, sumps, and/or sloped and bermed pads. The design must be such that the tank vehicles can drive into the contained area and include containment for the tank vehicle and tanks, totes, drums or other containers being offloaded into as well as pumps or other ancillary equipment used in the process.

⁴ See Appendix 5 for railcar and tanker vehicle flammable liquid transfer code requirements

5004.2.2.4 Outdoor design

Secondary containment for outdoor storage areas shall be designed to contain a spill from the largest individual vessel. If the area is open to rainfall, secondary containment shall be designed to include the volume of a 24-hour rainfall as determined by a 25-year storm and provisions shall be made to drain accumulations of groundwater and rainwater.

14.0 Outdoor Bulk Tank Storage

The primary requirements for outdoor Bulk tank storage are generally set-backs to buildings and property lines, as well as secondary containment. For the types and size of bulk tanks proposed at this facility, a 20 foot set back is sufficient. The proposed conceptual plan shows tanks around the perimeter of the property, the detailed design should ensure these tanks are located at least 20 feet from the property line unless a specific analysis of the tank contents and size demonstrate a smaller setback would be allowed. The non-hazardous tanks may be placed closer to property line, but for maximum future flexibility it often makes sense to locate all tanks at 20 feet back from property lines to accommodate for changing product types.

Secondary containment for bulk tanks is typically accomplished through berms or curbs around the tank, with the interior lined with a chemical resistant coating. For storage only, a double walled tank is typically an approved option as well. Containment should also be extended to areas adjacent to the tanks where loading and unloading is performed to / from tank vehicles, tank cars, totes, drums and other containers.

5404.2.2 Distance from storage to exposures

Outdoor storage of corrosive materials shall not be within 20 feet (6096 mm) of buildings not associated with the manufacturing or distribution of such materials, lot lines, public streets, public alleys, public ways or means of egress. A 2-hour fire barrier without openings or penetrations, and extending not less than 30 inches (762 mm) above and to the sides of the storage area, is allowed in lieu of such distance. The wall shall either be an independent structure, or the exterior wall of the building adjacent to the storage area.

5404.2.1 Above-ground outside storage tanks

When required by Section 5004.2.2, [Capacity of an individual vessel exceeds 55 gallons (208 L) or the aggregate capacity of multiple vessels exceeds 1,000 gallons (3785 L).] above-ground outside storage tanks of corrosive liquids shall be provided with secondary containment.

5004.2.2.4 Outdoor design

Secondary containment for outdoor storage areas shall be designed to contain a spill from the largest individual vessel. If the area is open to rainfall, secondary containment shall be designed to include the volume of a 24-hour rainfall as determined by a 25-year storm and provisions shall be made to drain accumulations of groundwater and rainwater.

15.0 Outdoor Dispensing, Blending, Repackaging, Storage

The primary requirement for any outdoor areas used for transfer, dispensing, blending, re-packaging or other use of hazardous materials (in open or closed systems) is to provide spill control and secondary containment for the area. Any outdoor use areas should be located and designed with this in mind.

The proposed plans are not to the level of detail where all filling and dispensing areas are identified, but presumably there will be dispensing, blending, repackaging, and other loading and unloading from bulk tanks, tanker vehicles¹, totes, etc. in multiple locations on the property. The proposed design should include secondary containment for all areas dispensing, blending, repackaging or other use may occur. This is typically accomplished with bermed, sloped, curbed or otherwise contained areas provided with chemical resistant coatings where chemicals are transferred or repackaged.

5004.2.2.4 Outdoor design

Secondary containment for outdoor storage areas shall be designed to contain a spill from the largest individual vessel. If the area is open to rainfall, secondary containment shall be designed to include the volume of a 24-hour rainfall as determined by a 25-year storm and provisions shall be made to drain accumulations of groundwater and rainwater.

16.0 DOT Hazardous Materials Regulations (HMR) Preemption Commentary

Due to the nature of the proposed facility operations, this report does not anticipate that fire code requirements could be entirely preempted by DOT HMR law. Therefore, the report prescribes that the tank car and tank vehicle unloading areas, and all other loading and unloading areas will need to fully comply with the California Fire and Building Code.

The California Fire Code states it applies to hazardous materials storage and use except as to the “the off-site transportation of hazardous materials where in accordance with Department of Transportation (DOT) regulations”. Because the fire code indicates that it does not apply to *off-site* transportation of hazardous materials, many users assume that the opposite is true – that *on-site* transportation is always within the scope of the code. This is only partially accurate. Fire code provisions generally apply to *on-site* transportation (which includes loading, unloading and storage incidental to transportation), but in certain cases fire code may be partially or completely pre-empted by federal DOT HMR law.

DOT HMR preemption can include transportation, loading, unloading and storage on private property as it is *incidental to transportation*. HMR pre-emption is based on numerous variables including: whether unloading activity is still under active shipping papers; if motive power is attached; if code requirements are an obstacle to compliance with the HMR, if rules are substantially the same as the HMR, etc. This is a complex area of law, and detailed preemption analysis is outside the scope of this report. However, based on the type and nature of operations proposed it is highly unlikely fire code provisions could be preempted by DOT rules at this facility.

Therefore this report anticipates the facility will need to be fully compliant with the California Fire Code.

17.0 Conclusion

This report identifies the primary building and fire code requirements that should be considered in a feasibility study for this property or to assist in preliminary design of the proposed Miles Chemical Facility.

If this project moves forward, a detailed chemical, operational, architectural, civil, and equipment code analysis would be required to further ensure facility design complies with applicable hazardous materials related code requirements. Ultimately, final code approval is subject to review and approval of the AHJ.

Should you have any questions, please feel free to contact me at (916) 995-7650.

Thank you,

APPENDIX 1: Executive Summary Map

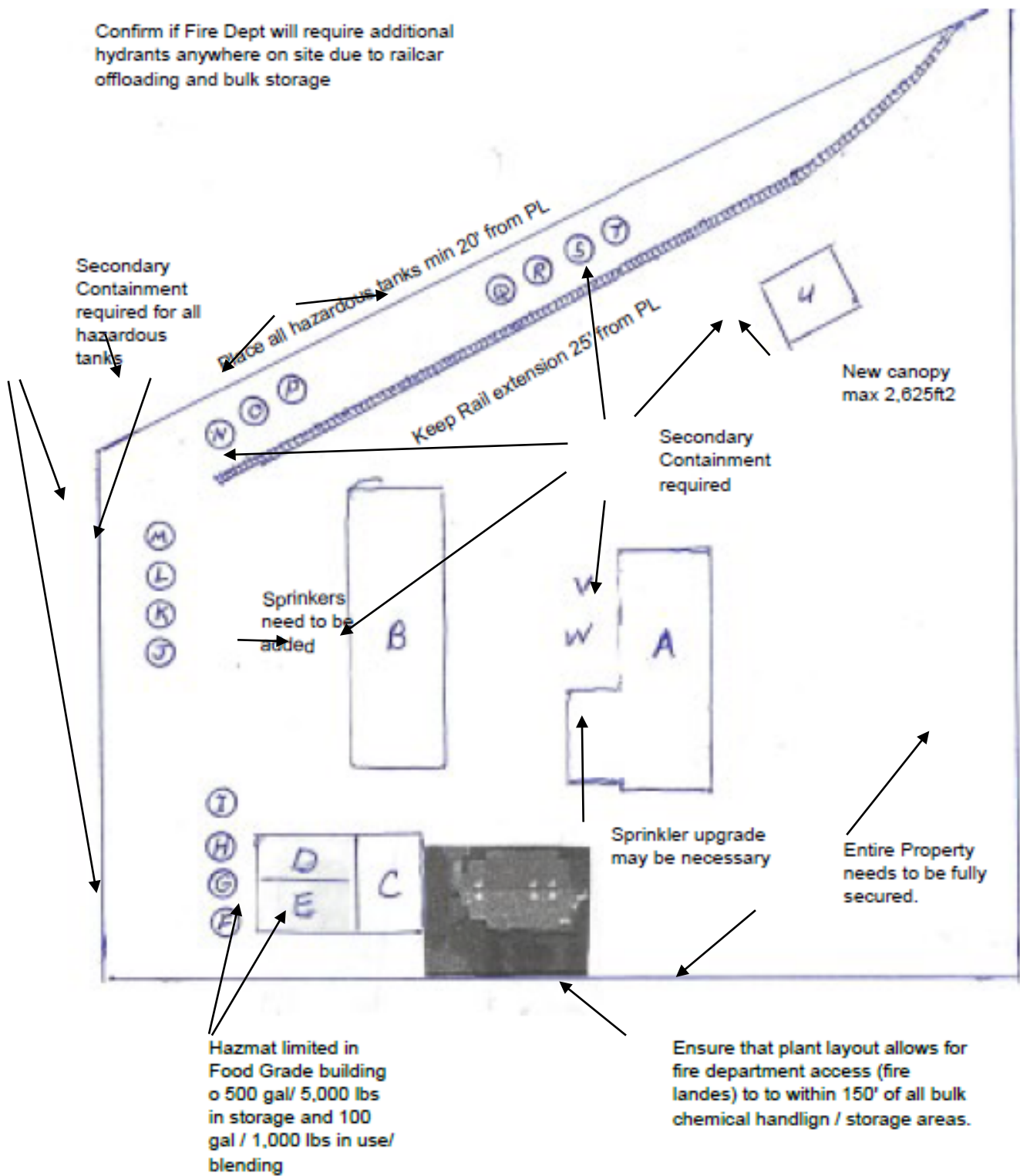
APPENDIX 2: Maximum Allowable Quantities in Food Grade Building

APPENDIX 3: Hazardous Materials Inventory & Conceptual Site Plan

APPENDIX 4: Group H3/H4 Occupancy Requirements

APPENDIX 5: Flammable Liquid Bulk Transfer and Process Transfer Operations

APPENDIX 1: EXECUTIVE SUMMARY MAP



**APPENDIX 2: MAXIMUM ALLOWABLE QUANTITIES FOOD GRADE
BUILDING/CANOPY**

MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA OF HAZARDOUS MATERIALS POSING A PHYSICAL HAZARD^{a, j, m, n, p}

MATERIAL	CLASS	GROUP WHEN THE MAXIMUM ALLOWABLE QUANTITY IS EXCEEDED	STORAGE ^b			USE-CLOSED SYSTEMS ^b			USE-OPEN SYSTEMS ^b	
			Solid pounds (cubic feet)	Liquid gallons (pounds)	Gas (cubic feet at NTP)	Solid pounds (cubic feet)	Liquid gallons (pounds)	Gas (cubic feet at NTP)	Solid pounds (cubic feet)	Liquid gallons (pounds)
Combustible dust	NA	H-2	See Note q	NA	NA	See Note q	NA	NA	See Note q	NA
Combustible fibers ^q	Loose Baled ^o	H-3	(100) (1,000)	NA	NA	(100) (1,000)	NA	NA	(20) (200)	NA
Combustible liquid ^{c, i}	II	H-2 or H-3		120 ^{d, e}			120 ^d			30 ^d
	IIIA	H-2 or H-3	NA	330 ^{d, e}	NA	NA	330 ^d	NA	NA	80 ^d
	IIIB	NA		13,200 ^{e, f}			13,200 ^f			3,300 ^f
Cryogenic Flammable	NA	H-2	NA	45 ^d	NA	NA	45 ^d	NA	NA	10 ^d
Cryogenic Inert	NA	NA	NA	NA	NL	NA	NA	NL	NA	NA
Cryogenic Oxidizing	NA	H-3	NA	45 ^d	NA	NA	45 ^d	NA	NA	10 ^d
Explosives	Division 1.1	H-1	1 ^{e, g}	(1) ^{e, g}		0.25 ^g	(0.25) ^g		0.25 ^g	(0.25) ^g
	Division 1.2	H-1	1 ^{e, g}	(1) ^{e, g}		0.25 ^g	(0.25) ^g		0.25 ^g	(0.25) ^g
	Division 1.3	H-1 or H-2	10 ^{e, g}	(10) ^{e, g}		1 ^g	(1) ^g		1 ^g	(1) ^g
	Division 1.4	H-3	50 ^{e, g}	(50) ^{e, g}	NA	50 ^g	(50) ^g	NA	NA	NA
	Division 1.4G	H-3	125 ^{e, l}	NA		NA	NA		NA	NA
	Division 1.5	H-1	1 ^{e, g}	(1) ^{e, g}		0.25 ^g	(0.25) ^g		0.25 ^g	(0.25) ^g
	Division 1.6	H-1	1 ^{e, g}	NA		NA	NA		NA	NA
Flammable gas	Gaseous	H-2	NA	NA	1,000 ^{d, e}	NA	NA	1,000 ^{d, e}	NA	NA
	Liquefied			(150) ^{d, e}	NA		(150) ^{d, e}	NA		
Flammable liquid ^c	IA IB and IC	H-2 or H-3	NA	30 ^{d, e} 120 ^{d, e}	NA	NA	30 ^d 120 ^d	NA	NA	10 ^d 30 ^d
Flammable liquid, combination (IA, IB, IC)	NA	H-2 or H-3	NA	120 ^{d, e, h}	NA	NA	120 ^{d, h}	NA	NA	30 ^{d, h}
Flammable solid	NA	H-3	125 ^{d, e}	NA	NA	125 ^d	NA	NA	25 ^d	NA
Inert Gas	Gaseous	NA	NA	NA	NL	NA	NA	NL	NA	NA
	Liquefied	NA	NA	NA	NL	NA	NA	NL	NA	NA

APPENDIX 2 CONTINUED

MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA OF HAZARDOUS MATERIALS POSING A PHYSICAL HAZARD^{a, j, m, n, p}

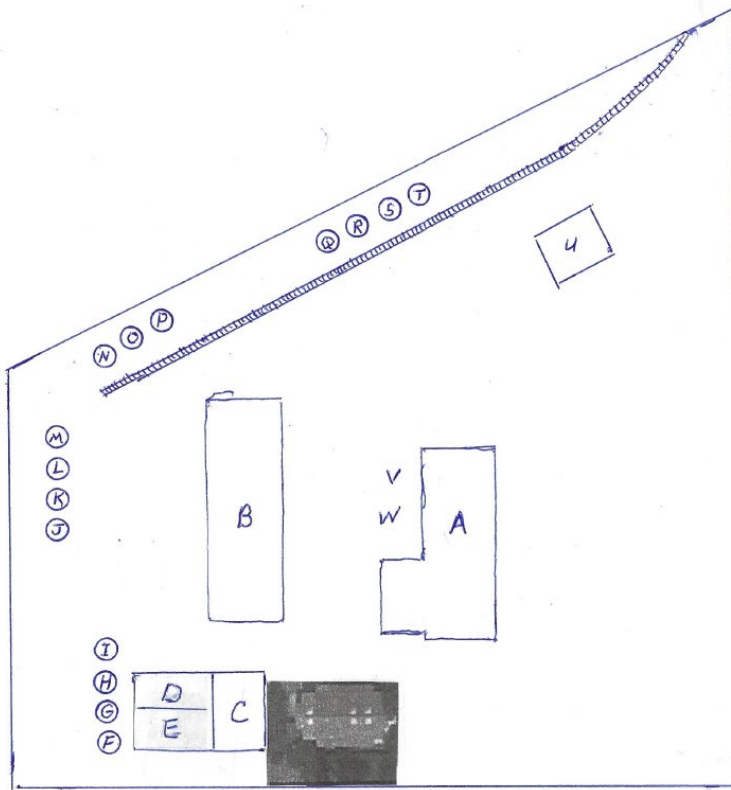
MATERIAL	CLASS	GROUP WHEN THE MAXIMUM ALLOWABLE QUANTITY IS EXCEEDED	STORAGE ^b			USE-CLOSED SYSTEMS ^b			USE-OPEN SYSTEMS ^b	
			Solid pounds (cubic feet)	Liquid gallons (pounds)	Gas (cubic feet at NTP)	Solid pounds (cubic feet)	Liquid gallons (pounds)	Gas (cubic feet at NTP)	Solid pounds (cubic feet)	Liquid gallons (pounds)
Organic peroxide	UD	H-1	1 ^{e, g}	(1) ^{e, g}		0.25 ^g	(0.25) ^g		0.25 ^g	(0.25) ^g
	I	H-2	5 ^{d, e}	(5) ^{d, e}		1 ^d	(1) ^d		1 ^d	(1) ^d
	II	H-3	50 ^{d, e}	(50) ^{d, e}	NA	50 ^d	(50) ^d	NA	10 ^d	(10) ^d
	III	H-3	125 ^{d, e}	(125) ^{d, e}		125 ^d	(125) ^d		25 ^d	(25) ^d
	IV	NA	NL	NL		NL	NL		NL	NL
	V	NA	NL	NL		NL	NL		NL	NL
Oxidizer	4	H-1	1 ^g	(1) ^{e, g}		0.25 ^g	(0.25) ^g		0.25 ^g	(0.25) ^g
	3 ^k	H-2 or H-3	10 ^{d, e}	(10) ^{d, e}	NA	2 ^d	(2) ^d	NA	2 ^d	(2) ^d
	2	H-3	250 ^{d, e}	(250) ^{d, e}		250 ^d	(250) ^d		50 ^d	(50) ^d
	1	NA	4,000 ^{e, f}	(4,000) ^{e, f}		4,000 ^f	(4,000) ^f		1,000 ^f	(1,000) ^f
Oxidizing gas	Gaseous			NA	1,500 ^{d, e}		NA	1,500 ^{d, e}		NA
	Liquefied	H-3	NA	(150) ^{d, e}	NA		(150) ^{d, e}	NA	NA	NA
Pyrophoric	NA	H-2	4 ^{e, g}	(4) ^{e, g}	50 ^{e, g}	1 ^g	(1) ^g	10 ^{e, g}	0	0
Unstable (reactive)	4	H-1	1 ^{e, g}	(1) ^{e, g}	10 ^{e, g}	0.25 ^g	(0.25) ^g	2 ^{e, g}	0.25 ^g	(0.25) ^g
	3	H-1 or H-2	5 ^{d, e}	(5) ^{d, e}	50 ^{d, e}	1 ^d	(1) ^d	10 ^{d, e}	1 ^d	(1) ^d
	2	H-3	50 ^{d, e}	(50) ^{d, e}	750 ^{d, e}	50 ^d	(50) ^d	750 ^{d, e}	10 ^d	(10) ^d
	1	NA	NL	NL	NL	NL	NL	NL	NL	NL
Water reactive	3	H-2	5 ^{d, e}	(5) ^{d, e}		5 ^d	(5) ^d		1 ^d	(1) ^d
	2	H-3	50 ^{d, e}	(50) ^{d, e}	NA	50 ^d	(50) ^d	NA	10 ^d	(10) ^d
	1	NA	NL	NL		NL	NL		NL	NL

APPENDIX 2 CONTINUED

MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA OF HAZARDOUS MATERIAL POSING A HEALTH HAZARD^{a, c, f, h, i}

MATERIAL	STORAGE ^b			USE-CLOSED SYSTEMS ^b			USE-OPEN SYSTEMS ^b	
	Solid pounds ^{d, e}	Liquid gallons (pounds) ^{d, e}	Gas cubic feet at NTP (pounds) ^d	Solid pounds ^d	Liquid gallons (pounds) ^d	Gas cubic feet at NTP (pounds) ^d	Solid pounds ^d	Liquid gallons (pounds) ^d
Corrosives	5,000	500	Gaseous 810 ^e Liquefied (150)	5,000	500	Gaseous 810 ^e Liquefied (150)	1,000	100
Highly Toxics	10	(10)	Gaseous 20 ^e Liquefied (4) ^e	10	(10)	Gaseous 20 ^e Liquefied (4) ^e	3	(3)
Toxics	500	(500)	Gaseous 810 ^e Liquefied (150) ^e	500	(500)	Gaseous 810 ^e Liquefied (150) ^e	125	(125)

APPENDIX 3: HAZMAT INVENTORY & CONCEPTUAL PLAN



	Miles Chemical
	2345 W. Pecan Ave.
	Madera, CA
A	11,220 sf Sprinklered
B	10,800 sf Unsprinklered
C	Food Grade Storage
D	Tech Blend
E	Food Blend
F	Spare
G	Sorbitol
H	Calcium Chloride
I	Citric
J	Bleach
K	Bleach
L	NPQ
M	MEA
N	Acetic
O	Phosphoric
P	Sulfuric
Q	
R	Spare
S	DEF
T	KOH
U	Caustic
V	Flammables Canopy
W	Acid Totes
X	Base Totes
Y	
Z	
AA	
BB	
CC	
DD	
EE	
FF	

Miles Chemical		gallon	gallon	gallon	gallon	gallo	lbs	lbs						
2345 W. Pecan Ave.	Maximum		Bulk				Super		Piping	Sprinklered	Unsprinklered	Food Grade	Flammable	Outside
Madera, CA	Quantity	Rail car	Tank	Totes	Drums	Pails	Sacks	Bags	yes/no	Building	Building	Building	Canopy	storage
Citric Acid			5000	1920	550		40000	40000	no			yes		no
Calcium Chloride		20000	5000	1920					no			yes		no
Sorbitol			5000						no			yes		no
Sodium Hypochlorite (bleach)			10000	2500	750				no					yes
Potassium Hydroxide		20000	5000	1920	550				no					yes
Sodium Hydroxide		20000	5000	1920	550			20000	no					yes
Hydrochloric Acid			5000	1920	550				no	yes				yes
Sulfuric Acid			3000	1920	550				no		yes			yes
Urea Solution(DEF)			5000	1920	550				no		yes			no
Zinc sulfate								10000	no	yes				no
Copper Sulfate								10000	no	yes				no
EDTA								40000	no	yes				no
monoethanolamine		20000	10000	1920					no		yes			no
Lactic acid					550				no			yes		no
Ferric Chloride				1920					no	yes				yes
SBS		20000		1920	550				no	yes				yes
Acetic Acid			5000		550				no	yes				no
Sufactants		20000			550				no		yes			no
Peracidic acid				1920	550				no		yes			no
Ferrous sulfate				1920					no	yes				yes
Ethylene Glycol				1920					no		yes			no
propylene glycol				1920	550				no		yes			no
soda ash								20000	no		yes			no
sodium bicarbonate								20000	no		yes			no
Phosphorus acid							40000		no	yes				no
Phosphoric Acid			10000						no	yes				no
Acetone		25000		660	550				no				yes	no
Isopropyl Alcohol		25000		660	550				no				yes	no
Methanol		25000		660	550				no				yes	no

APPENDIX 3: HAZMAT INVENTORY & CONCEPTUAL PLAN (SATELLITE VIEW)



*Slight variation in tank placement, does not alter requirements

APPENDIX 4: PARTIAL LIST OF GROUP H-3 / H-4 REQUIREMENTS

[F] 307.6 High-hazard Group H-4

Buildings and structures containing materials that are health hazards shall be classified as Group H-4. Such materials shall include, but not be limited to, the following:

Corrosives
Highly toxic materials
Toxic materials

5004.2 Spill control and secondary containment for liquid and solid hazardous materials

Rooms, buildings or areas used for the storage of liquid or solid hazardous materials shall be provided with spill control and secondary containment in accordance with Sections 5004.2.1 through 5004.2.3.

5004.3 Ventilation

Indoor storage areas and storage buildings shall be provided with mechanical exhaust ventilation or natural ventilation where natural ventilation can be shown to be acceptable for the materials as stored.

Exception: Storage areas for flammable solids complying with Chapter 59.

5004.3.1 System requirements

Exhaust ventilation systems shall comply with all of the following:

1. Installation shall be in accordance with the California Mechanical Code.
2. Mechanical ventilation shall be at a rate of not less than 1 cubic foot per minute per square foot $[0.00508 \text{ m}^3/(\text{s} \cdot \text{m}^2)]$ of floor area over the storage area.
3. Systems shall operate continuously unless alternative designs are approved.
4. A manual shutoff control shall be provided outside of the room in a position adjacent to the access door to the room or in an approved location. The switch shall be a break-glass or other approved type and shall be labeled: VENTILATION SYSTEM EMERGENCY SHUTOFF.
5. Exception: [For SFM] When exhaust systems containing explosive, corrosive, combustible, flammable or highly toxic dusts, mists, fumes, vapors, or gases are 100 percent exhausted to the outside, an emergency ventilation system shutoff is not required.
6. Exhaust ventilation shall be designed to consider the density of the potential fumes or vapors released. For fumes or vapors that are heavier than air, exhaust shall be taken from a point within 12 inches (305 mm) of the floor. For fumes or vapors that are lighter than air, exhaust shall be taken from a point within 12 inches (305 mm) of the highest point of the room.
7. The location of both the exhaust and inlet air openings shall be designed to provide air movement across all portions of the floor or room to prevent the accumulation of vapors.
8. Exhaust air shall not be recirculated to occupied areas if the materials stored are capable of emitting hazardous vapors and contaminants have not been removed. Air contaminated with explosive or flammable vapors, fumes or dusts; flammable, highly toxic or toxic gases; or radioactive materials shall not be recirculated.

5004.2.2.1 Containment and drainage methods

The building, room or area shall contain or drain the hazardous materials and fire protection water through the use of one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.

2. Liquid-tight floors in indoor locations or similar areas in outdoor locations provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Drainage systems leading to an approved location.
5. Other approved engineered systems.

5004.2.2.2 Incompatible materials

Incompatible materials used in open systems shall be separated from each other in the secondary containment system.

5004.2.2.3 Indoor design

Secondary containment for indoor storage areas shall be designed to contain a spill from the largest vessel plus the design flow volume of fire protection water calculated to discharge from the fire-extinguishing system over the minimum required system design area or area of the room or area in which the storage is located, whichever is smaller. The containment capacity shall be designed to contain the flow for a period of 20 minutes.

5004.5 Automatic sprinkler systems

Indoor storage areas and storage buildings shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The design of the sprinkler system shall be not less than that required for Ordinary Hazard Group 2 with a minimum design area of 3,000 square feet (279 m²). Where the materials or storage arrangement are required by other regulations to be provided with a higher level of sprinkler system protection, the higher level of sprinkler system protection shall be provided.

5004.7 Standby or emergency power

Where mechanical ventilation, treatment systems, temperature control, alarm, detection or other electrically operated systems are required, such systems shall be provided with an emergency or standby power in accordance with Section 604.

5004.9 Emergency alarm

An approved manual emergency alarm system shall be provided in buildings, rooms or areas used for storage of hazardous materials. Emergency alarm-initiating devices shall be installed outside of each interior exit or exit access door of storage buildings, rooms or areas. Activation of an emergency alarm-initiating device shall sound a local alarm to alert occupants of an emergency situation involving hazardous materials.

APPENDIX 5: CFC 5706.5 BULK TRANSFER AND PROCESS TRANSFER OPERATIONS

It is important to note that the fire code uses two terms for rail car (tank car) and tank vehicle transfer, “Bulk transfer” and “process transfer”. They are defined as follows:

BULK TRANSFER: The loading or unloading of flammable or combustible liquids from or between tank vehicles, tank cars or storage tanks.

PROCESS TRANSFER. The transfer of flammable or combustible liquids between tank vehicles or tank cars and process operations. Process operations may include containers, tanks, piping and equipment.

5706.5 Bulk transfer and process transfer operations

Bulk transfer and process transfer operations shall be approved and be in accordance with Sections 5706.5.1 through 5706.5.4.5. Motor fuel-dispensing facilities shall comply with Chapter 23.

5706.5.1 General

The provisions of Sections 5706.5.1.1 through 5706.5.1.18 shall apply to bulk transfer and process transfer operations; Sections 5706.5.2 and 5706.5.2.1 shall apply to bulk transfer operations; Sections 5706.5.3 through 5706.5.3.3 shall apply to process transfer operations and Sections 5706.5.4 through 5706.5.4.5 shall apply to dispensing from tank vehicles and tank cars.

5706.5.1.1 Location

Bulk transfer and process transfer operations shall be conducted in approved locations. Tank cars shall be unloaded only on private sidings or railroad-siding facilities equipped for transferring flammable or combustible liquids. Tank vehicle and tank car transfer facilities shall be separated from buildings, above-ground tanks, combustible materials, lot lines, public streets, public alleys or public ways by a distance of 25 feet (7620 mm) for Class I liquids and 15 feet (4572 mm) for Class II and III liquids measured from the nearest position of any loading or unloading valve. Buildings for pumps or shelters for personnel shall be considered part of the transfer facility.

5706.5.1.2 Weather protection canopies

Where weather protection canopies are provided, they shall be constructed in accordance with Section 5004.13. Weather protection canopies shall not be located within 15 feet (4572 mm) of a building or combustible material or within 25 feet (7620 mm) of building openings, lot lines, public streets, public alleys or public ways.

5706.5.1.3 Ventilation

Ventilation shall be provided to prevent accumulation of vapors in accordance with Section 5705.3.7.5.1.

5706.5.1.4 Sources of ignition

Sources of ignition shall be controlled or eliminated in accordance with Section 5003.7.

5706.5.1.5 Spill control and secondary containment

Areas where transfer operations are located shall be provided with spill control and secondary containment in accordance with Section 5703.4. The spill control and secondary containment system shall have a design capacity capable of containing the capacity of the largest tank compartment located in the area where transfer operations are conducted. Containment of the rainfall volume specified in Section 5004.2.2.6 is not required.

5706.5.1.6 Fire protection

Fire protection shall be in accordance with Section 5703.2.

5706.5.1.7 Static protection

Static protection shall be provided to prevent the accumulation of static charges during transfer operations. Bonding facilities shall be provided during the transfer through open domes where Class I liquids are transferred, or where Class II and III liquids are transferred into tank vehicles or tank cars that could contain vapors from previous cargoes of Class I liquids.

Protection shall consist of a metallic bond wire permanently electrically connected to the fill stem. The fill pipe assembly shall form a continuous electrically conductive path downstream from the point of bonding. The free end of such bond wire shall be provided with a clamp or equivalent device for convenient attachment to a metallic part in electrical contact with the cargo tank of the tank vehicle or tank car. For tank vehicles, protection shall consist of a flexible bond wire of adequate strength for the intended service and the electrical resistance shall not exceed 1 megohm. For tank cars, bonding shall be provided where the resistance of a tank car to ground through the rails is 25 ohms or greater.

Such bonding connection shall be fastened to the vehicle, car or tank before dome covers are raised and shall remain in place until filling is complete and all dome covers have been closed and secured.

Exceptions:

Where vehicles and cars are loaded exclusively with products not having a static-accumulating tendency, such as asphalt, cutback asphalt, most crude oils, residual oils and water-miscible liquids.

Where Class I liquids are not handled at the transfer facility and the tank vehicles are used exclusively for Class II and III liquids.

Where vehicles and cars are loaded or unloaded through closed top or bottom connections whether the hose is conductive or nonconductive.

Filling through open domes into the tanks of tank vehicles or tank cars that contain vapor-air mixtures within the flammable range, or where the liquid being filled can form such a mixture, shall be by means of a downspout which extends to near the bottom of the tank.

5706.5.1.8 Stray current protection

Tank car loading facilities where Class I, II or IIIA liquids are transferred through open domes shall be protected against stray currents by permanently bonding the

pipe to not less than one rail and to the transfer apparatus. Multiple pipes entering the transfer areas shall be permanently electrically bonded together. In areas where excessive stray currents are known to exist, all pipes entering the transfer area shall be provided with insulating sections to isolate electrically the transfer apparatus from the pipelines.

5706.5.1.9 Top loading

When top loading a tank vehicle with Class I and II liquids without vapor control, valves used for the final control of flow shall be of the self-closing type and shall be manually held open except where automatic means are provided for shutting off the flow when the tank is full. Where used, automatic shutoff systems shall be provided with a manual shutoff valve located at a safe distance from the loading nozzle to stop the flow if the automatic system fails.

When top loading a tank vehicle with vapor control, flow control shall be in accordance with Section 5706.5.1.10. Self-closing valves shall not be tied or locked in the open position.

5706.5.1.10 Bottom loading

When bottom loading a tank vehicle or tank car with or without vapor control, a positive means shall be provided for loading a predetermined quantity of liquid, together with an automatic secondary shutoff control to prevent overfill. The connecting components between the transfer equipment and the tank vehicle or tank car required to operate the secondary control shall be functionally compatible.

5706.5.1.10.1 Dry disconnect coupling

When bottom loading a tank vehicle, the coupling between the liquid loading hose or pipe and the truck piping shall be a dry disconnect coupling.

5706.5.1.10.2 Venting

When bottom loading a tank vehicle or tank car that is equipped for vapor control and vapor control is not used, the tank shall be vented to the atmosphere to prevent pressurization of the tank. Such venting shall be at a height equal to or greater than the top of the cargo tank.

5706.5.1.10.3 Vapor-tight connection

Connections to the plant vapor control system shall be designed to prevent the escape of vapor to the atmosphere when not connected to a tank vehicle or tank car.

5706.5.1.10.4 Vapor-processing equipment

Vapor-processing equipment shall be separated from above-ground tanks, warehouses, other plant buildings, transfer facilities or nearest lot line of adjoining property that can be built on by a distance of not less than 25 feet (7620 mm). Vapor-processing equipment shall be protected from physical damage by remote location, guard rails, curbs or fencing.

5706.5.1.11 Switch loading

Tank vehicles or tank cars that have previously contained Class I liquids shall not be loaded with Class II or III liquids until such vehicles and all piping, pumps, hoses and meters connected thereto have been completely drained and flushed.

Exception: When approved by the Enforcing Agency, the procedures prescribed in API (API-RP-2003) Recommended Practices 2003 entitled "Protection Against Ignitions Arising Out of Static, Lightning, and Stray Currents" may be used for changing tank contents.

5706.5.1.12 Loading racks

Where provided, loading racks, stairways or platforms shall be constructed of noncombustible materials. Buildings for pumps or for shelter of loading personnel are allowed to be part of the loading rack. Wiring and electrical equipment located within 25 feet (7620 mm) of any portion of the loading rack shall be in accordance with Section 5703.1.1.

5706.5.1.13 Transfer apparatus

Bulk and process transfer apparatus shall be of an approved type.

5706.5.1.14 Inside buildings

Tank vehicles and tank cars shall not be located inside a building while transferring Class I, II or IIIA liquids, unless approved by the fire code official.

Exception: Tank vehicles are allowed under weather protection canopies and canopies of automobile motor vehicle fuel-dispensing stations.

5706.5.1.15 Tank vehicle and tank car certification

Certification shall be maintained for tank vehicles and tank cars in accordance with DOTn 49 CFR Parts 100-185.

5706.5.1.16 Tank vehicle and tank car stability

Tank vehicles and tank cars shall be stabilized against movement during loading and unloading in accordance with Sections 5706.5.1.16.1 through 5706.5.1.16.3.

5706.5.1.16.1 Tank vehicles

When the vehicle is parked for loading or unloading, the cargo trailer portion of the tank vehicle shall be secured in a manner that will prevent unintentional movement.

5706.5.1.16.2 Chock blocks

Not less than two chock blocks not less than 5 inches by 5 inches by 12 inches (127 mm by 127 mm by 305 mm) in size and dished to fit the contour of the tires shall be used during transfer operations of tank vehicles.

5706.5.1.16.3 Tank cars

Brakes shall be set and the wheels shall be blocked to prevent rolling.

5706.5.1.17 Monitoring

Transfer operations shall be monitored by an approved monitoring system or by an attendant. Where monitoring is by an attendant, the operator or other competent person shall be present at all times.

5706.5.1.18 Security

Transfer operations shall be surrounded by a noncombustible fence not less than 5 feet (1524 mm) in height. Tank vehicles and tank cars shall not be loaded or unloaded unless such vehicles are entirely within the fenced area.

Exceptions:

Motor fuel-dispensing facilities complying with Chapter 23.

Installations where adequate public safety exists because of isolation, natural barriers or other factors as determined appropriate by the fire code official.

Facilities or properties that are entirely enclosed or protected from entry.

5706.5.2 Bulk transfer

Bulk transfer shall be in accordance with Sections 5706.5.1 and 5706.5.2.1.

5706.5.2.1 Vehicle motor

Motors of tank vehicles or tank cars shall be shut off during the making and breaking of hose connections and during the unloading operation.

Exception: Where unloading is performed with a pump deriving its power from the tank vehicle motor.

5706.5.3 Process transfer

Process transfer shall be in accordance with Section 5706.5.1 and Sections 5706.5.3.1 through 5706.5.3.3.

5706.5.3.1 Piping, valves, hoses and fittings

Piping, valves, hoses and fittings that are not a part of the tank vehicle or tank car shall be in accordance with Section 5703.6. Caps or plugs that prevent leakage or spillage shall be provided at all points of connection to transfer piping.

5706.5.3.1.1 Shutoff valves

Approved automatically or manually activated shutoff valves shall be provided where the transfer hose connects to the process piping, and on both sides of any exterior fire-resistance-rated wall through which the piping passes. Manual shutoff valves shall be arranged so that they are accessible from grade. Valves shall not be locked in the open position.

5706.5.3.1.2 Hydrostatic relief

Hydrostatic pressure-limiting or relief devices shall be provided where pressure buildup in trapped sections of the system could exceed the design pressure of the components of the system.

Devices shall relieve to other portions of the system or to another approved location.

5706.5.3.1.3 Antisiphon valves

Antisiphon valves shall be provided where the system design would allow siphonage.

5706.5.3.2 Vents

Normal and emergency vents shall be maintained operable at all times.

5706.5.3.3 Motive power

Motors of tank vehicles or tank cars shall be shut off during the making and breaking of hose connections and during the unloading operation.

Exception: When unloading is performed with a pump deriving its power from the tank vehicle motor.

5706.5.4 Dispensing from tank vehicles and tank cars

Dispensing from tank vehicles and tank cars into the fuel tanks of motor vehicles shall be prohibited unless allowed by and conducted in accordance with Sections 5706.5.4.1 through 5706.5.4.5.

5703.1.1 Classified locations for flammable liquids

Areas where flammable liquids are stored, handled, dispensed or mixed shall be in accordance with Table 5703.1.1. A classified area shall not extend beyond an unpierced floor, roof or other solid partition

*Also see CFC 5706.5.1.12 listed below

Tank vehicle and tank car^b		
Loading through open dome	1	Within 3 feet of edge of dome, extending in all directions.
	2	Area between 3 feet and 15 feet from edge of dome, extending in all directions.
Loading through bottom connections with atmospheric venting	1	Within 3 feet of point of venting to atmosphere, extending in all directions.
	2	Area between 3 feet and 15 feet from point of venting to atmosphere, extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of loading connection.
Loading through closed dome with atmospheric venting	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 15 feet from open end of vent, extending in all directions, and within 3 feet of edge of dome, extending in all directions.
Loading through closed dome with vapor control		Within 3 feet of point of connection of both fill and vapor lines, extending in all directions.
	2	
Bottom loading with vapor control or any bottom unloading		Within 3 feet of point of connection, extending in all directions, and up to 18 inches above grade within a horizontal radius of 10 feet from point of connection.
	2	