

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

**CITY HALL – COUNCIL CHAMBERS  
TUESDAY  
April 13, 2021  
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: [98651875245#](tel:98651875245) followed by \*9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/98651875245>. Public comment will also be accepted via email at [planningcommissionpubliccomment@madera.gov](mailto:planningcommissionpubliccomment@madera.gov).

**CALL TO ORDER**

**ROLL CALL**

Commissioner Robert Gran Jr. (Chairperson)  
Commissioner Alex Salazar (Vice Chairperson)  
Commissioner Richard Broadhead  
Commissioner Ryan Cerioni  
Commissioner Ramon Lopez-Maciel  
Commissioner Rohi Zacharia  
Commissioner Khubaib Sheikh

**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

**PUBLIC HEARING ITEMS:**

**1. SPR 2017-13 MOD & CUP 2017-11 MOD – The Tap House Outdoor Dining (Adam Klier)**

A continued noticed public hearing to consider an application requesting to modify an existing conditional use permit and site plan review to allow for the expansion of outdoor dining space serving alcohol and the construction of a permanent structural overhead cover for entire outdoor dining area at an existing restaurant in a C2 (Heavy Commercial) Zone. The site is located in an existing tenant suite within the Home Depot Shopping Center on the corner of North Schnoor Ave. and Kennedy St. (APN: 013-070-026)

The proposed improvement has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303 (New Construction or Conversion of Small Structures), Section 15301 (New Construction or Conversion of Small Structures) and Section 15332 (In Fill Development).

**2. TSM 2018-07 EXT – Ellis & D St. Subdivision Extension (Derek Sylvester)**

A continued noticed public hearing to consider an application requesting a two-year extension of a previously approved Tentative Subdivision Map (TSM 2018-07). The map was first approved by the Commission on February 12, 2019. The parcels are located at the southwest corner of the intersection of North D St. and Ellis St. in the PD-6000 (Planned Development) Zone District with an LD (Low Density) General Plan land use designation (APN's: 003-200-006 & 007).

Negative Declaration was adopted for the approved Tentative Subdivision Map on February 12<sup>th</sup>, 2019. No further environmental review is required for the proposed extension.

**3. TSM 2018-06 EXT – Linden Street Residential Complex Extension (Derek Sylvester)**

A noticed public hearing to consider a request for a two-year time extension of the previously approved Tentative Subdivision Map (TSM 2018-06) which allows for the creation of eight lots. The site is located approximately 600 feet north of the intersection of Sunset Ave. and Linden St. in the PD-2000 Zone District with an HD (High Density) General Plan land use designation. (APN: 003-360-042)

A Negative Declaration was previously adopted for the project as part of the original approval by the Planning Commission on September 12, 2017. No additional environmental analysis is required.

**4. VAR 2021-01 – Vallarta Monument Sign (Olga Garcia)**

A noticed public hearing to consider a request for a variance to allow for a twenty foot (20') tall monument sign that will represent the anchor tenant, Vallarta Supermarket, and a secondary tenant (or tenants) on existing or future pads. The property is located on the northwest corner of Country Club Dr. and West Clark St. in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-210-018).

This project is determined to be categorically exempt per CEQA Guidelines, Section 15311(a) Accessory Structures (on premise signs).

**NON-PUBLIC HEARING ITEMS:** None

**ADMINISTRATIVE REPORTS:**

**COMMISSIONER REPORTS:**

**ADJOURNMENT:**

The next regular meeting will be held on May 11<sup>th</sup>, 2021.

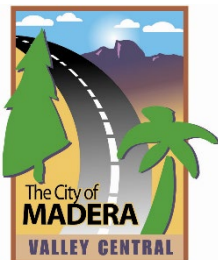
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: The Tap House Patio CUP 2017-11 MOD & SPR 2017-13 MOD Item #1 – April 13, 2021

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**PROPOSAL:** Request to amend an existing conditional use permit and site plan review to allow for the expansion of outdoor dining patio serving alcohol, the construction of a permanent structural cover at an existing bar and restaurant, and to modify its previously approved hours of operations in a C2 (Heavy Commercial) zone.

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<b>APPLICANT:</b>	Traci Franklin 2175 N. Schnoor Ave. Madera, Ca. 93637	<b>OWNER:</b>	Anghd Ji LLC 18144 Rd. 20 Madera, Ca. 93637
<b>SITE ADDRESS:</b>	2175 N. Schnoor Ave.	<b>APN:</b>	013-070-026
<b>APPLICATION:</b>	CUP 2017-11 & SPR 2017-13 MOD	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The site is located at 2175 N. Schnoor Ave., Ste. 101. on the east side of North Schnoor Avenue between Kennedy Street and Foxglove Way in The Home Depot Shopping Center.

**STREET ACCESS:** The parcel has access to both north bound North Schnoor Avenue and east and west bound Kennedy Street.

**PARCEL SIZE:** The parcel is 0.81 acres (35,453 sq. ft.)

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

**ZONING DISTRICT:** C2 (Heavy Commercial)

**SPECIFIC PLAN:** Specific Plan No. 1

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**SITE CHARACTERISTICS:** The project site is located in an existing tenant suite within The Home Depot Shopping Center. The center includes retail businesses such as The Home Depot, Starbucks and Verizon Wireless as well as Holiday Inn Express. The Madera Villa Apartments are directly west of the site. Highway 99 is directly east of the shopping center.

**ENVIRONMENTAL REVIEW:** The proposed improvements have been determined to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines, Sections 15301 (Existing Facilities) and 15332 (In Fill Development).

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**SUMMARY:** The Tap House is an existing business that proposes to expand its existing outdoor food and beverage service area from 266 sq. ft. to 1,030 sq. ft. As a component of the expansion, The Tap House proposes to add a structural overhead cover to the existing and part of the proposed outdoor dining area. This will require a modification to the existing conditional use permit (CUP 2017-11) and site plan review (SPR 2017-13) for the property. No modification is proposed to a separate CUP for the property that allows alcohol sales, which will remain in full force and effect.

## **APPLICABLE CODES AND PROCEDURES**

### Site Plan Review

#### *MMC § 10-3.4.0102 Site Plan Review Applicability*

A site plan review is required for all projects which require a use permit, including a change of use where no on-site construction is proposed. If the Commission cannot make the appropriate findings, the development should be denied. Conditions may be attached to the approval of the site plan to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses.

### Conditional Use Permit

#### *MMC § 10-3.1301 – MMC § 10.3.1311 Use Permits*

#### *MMC § 10-3.902 Uses Permitted; Heavy Commercial Zones*

Subject to the Madera Municipal Code (MMC § 10-3.902), outdoor business requires a conditional use permit. The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. If the Commission cannot make the appropriate findings even after imposing appropriate conditions, the use permit should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. In addition, the application may be subject to further review, modification, or revocation by the Commission as necessary.

### Development and Operational Standards

#### *MMC § 10-3.1202 Parking Spaces Required*

#### *Specific Plan No. 1 § Exhibit F.III*

#### *Design and Development for Commercial Development*

The project site is subject to the development standards of the C2 (Heavy Commercial) district as well as to the requirements and guidelines laid out in the City's Specific Plan #1 and the City's Design and Development Guidelines for Commercial Development. The proposal is an expansion of an existing outdoor dining area and construction of permanent structural coverage of the existing and expanded outdoor dining area, and the scale of its associated use. Alterations to an existing Americans with Disabilities Act (ADA) access from the sidewalk to building as well as to the landscaping are also being proposed in order to make way for the expanded outdoor dining area.

## **PRIOR ACTION**

Tentative Parcel Map 2003-03 and Site Plan Review 2003-01 cumulatively provided for the development of the commercial shopping center which includes The Home Depot, Starbucks, Sonic Drive-In and other retail shops. SPR 2017-13 established the present "The Tap House" bar and restaurant. CUP 2017-10 allowed for the sale of alcohol on the parcel: on-site consumption and package sales for off-site consumption. (Note: CUP 2017-10 is not proposed to be modified as part of this application.) CUP 2017-

11 allowed for the creation of 266 square feet of outdoor dining space in conjunction with the restaurant space at the west end of the building.

## **ANALYSIS**

### Operations

The Tap House operates out of a 1,400 sq. ft. tenant space at the west end of The Home Depot Shopping Center located at 2175 N. Schnoor Ave. The applicant proposes to expand the existing gated outdoor dining area from 266 to 1,030 sq. ft. The applicant also proposes to construct an overhead cover for a portion of the outdoor dining area.

The anticipated number of daily patrons is 30-40. The number of employees would remain the same at eleven (11). The Tap House's current approved hours of operations is:

- Mon., Wed., Thurs. and Sun.: 11:00 a.m. – 10:00 p.m.
- Fri. and Sat.: 11:00 a.m. – 11:00 p.m.
- Tues.: Closed

The applicant now desires to modify its previously approved hours of operation for the business as follows:

- Mon. – Fri.: 10:00 a.m. – 10:00 p.m.
- Sat. & Sun.: 11:00 a.m. – 11:00 p.m.

### ABC License

The Tap House has an active California Alcoholic Beverage Control license (license #580841). The license is type-41 and allows sales for on- and off-site consumption. There are no operating restrictions, disciplinary actions, or disciplinary history on the license indicating responsible alcohol sales.

The recommended conditions for the approval of this modification as well as the plans to be approved (Attachment 3) will ensure that the outdoor dining area will be gated to limit public access to open containers of alcohol as required by law.

### Pedestrian and ADA Access

Primary pedestrian and ADA access is currently provided by a ramp that proceeds up-grade from the sidewalk along N. Schnoor Ave. to the west end of the shopping center in front of where The Tap House is located. The current ramp, which is not ADA compliant, is approximately 75 feet (ft) long and completely at a grade with no level breaks. The expansion of the patio will require the access path to be rerouted. The expansion will also provide the opportunity to bring the path into compliance with the ADA.

The proposed access path will be routed around the expanded patio and run approximately 95 ft in length and is intended to ease the grade of the path. In addition, the proposal adds two level areas along the run of the path easing access for those with limited mobility.

The new outdoor dining and service area will be greater than 700 sf while also being enclosed. This amount of enclosed area requires two points of egress to satisfy fire and building codes. A second point of access and egress will be added to the west side of the outdoor dining and service area with a staircase accessing the sidewalk along N. Schnoor Ave.

The nearest designated crossing of N. Schnoor Ave. to the access pathway is nearly five-hundred feet (500 ft) north at the intersection between N. Schnoor Ave. and Kennedy St. The next closest designated crossing is seven-hundred feet (700 ft) to the south at the intersection with Foxglove Way. These distances might incite pedestrians to cross through traffic mid-block.

### Parking

The City's parking standards for food service require a ratio of one (1) parking space for each three (3) fixed seats and one (1) parking space for every fifty (50) sq. ft. of non-fixed seating space. The restaurant has no fixed seating and 400 sq. ft. of indoor non-fixed seating area. The restaurant proposes adding 960 sq. ft. of outdoor seating space to bring the total seating area to 1,430 sq. ft. That amount of seating space would require twenty-nine (29) parking spaces. The remaining 4,960 sq. ft. of building space available within the subject site parcel is used as retail and requires one (1) parking space per three hundred (300) sq. ft. of total floorspace. The required number of parking spaces for the remainder of the building is seventeen (17). Combined, the total number of parking spaces required for the subject site inclusive of the proposed expansion of the outdoor patio dining area would be forty-six (46) spaces. The current forty-seven (47) parking spaces meets that standard, and no additional spaces would be required.

ADA requires a set number of accessible parking spaces based on the total number of parking spaces required. With less than 50 required spaces, the project requires two (2) ADA compliant parking stalls. The current two (2) accessible stalls meet this requirement and no additional ADA spaces would be required.

### Landscape

Exhibit F Section III of Specific Plan #1 lays out the development and landscape standards for commercial properties in the planning area. These standards require that a minimum of five percent (5%) of the total parking area be kept under permanent landscaping. Furthermore, included in the landscaping must be a number of shade trees dispersed throughout the parking area. The minimum number of trees is determined at one (1) tree per thirty (30) ft. of frontage plus one (1) tree per three (3) parking spaces. At these standards, the property will maintain the appropriate amount of landscape area but is short of the required twenty-three (23) trees. The Conditions of Approval ensure a landscape plan will be prepared and implemented in compliance with the plan.

The proposed site plan would not alter the parking area which is currently approximately 14,800 sq. ft. in area. By the landscape standards above, the subject site is required to maintain 740 sq. ft. of area in permanent landscaping. The subject site currently maintains 4,900 sq. ft. of permanently landscaped area. The proposed site plan would remove 700 sq. ft. of landscaping to make way for the uncovered section of outdoor dining area and the rerouting of the ADA compliant access path. With 4,200 sq. ft. of landscaping remaining, the proposal satisfies the landscape area requirements.

While the site is not a new development, the owner and applicant have agreed to the addition of eight (8) trees along the N. Schnoor Ave. frontage. This has the benefit of screening the light and activity of the business from the residential units across Schnoor.

### Outdoor Dining Area and Canopy

In addition to the requirements and restrictions placed upon this project by laws and ordinances, the City of Madera has provided Design and Development Guidelines for commercial projects to help foster high quality projects that contribute value to the City fabric. The Planning Department has worked closely with the Property Owners and the Proprietor to ensure that the project both meets their needs as well as follows the City guidelines.

The project proposes adding 960 sf of outdoor dining and service space. Approximately half of the space will be covered by an extended canopy. The canopy will be designed to match the existing awnings in all aspects except how far it extends from the building. The extension will extend past the point of safe cantilevering and will therefore be supported by two columns made to match the existing building façade in material and color.

The entire outdoor dining and service area will be enclosed by a 36 (thirty-six) inch masonry wall. The wall will satisfy the requirements for limiting access to areas where outdoor alcohol service and consumption is to take place. Access to the area, as well as to the main entrance of the restaurant, will be provided



through two wrought iron gates. Per Conditions of Approval, lighting and sound will be directed away from nearby residences and no live performances will be allowed in the outdoor service area.

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

Though outdoor dining is not specifically addressed in the vision or action plans, the overall project does indirectly support one of the four visions for the City: Good Jobs and Economic Opportunities. This principle recognizes the need to provide commercial opportunities within the City.

### **RECOMMENDATION**

The information presented in this report provides support for the adoption of a resolution conditionally approving Site Plan Review 2017-13 MOD, Conditional Use Permit 2017-11 MOD, and CEQA Categorical Exemptions for the project. It is recommended that the Commission consider the information in this report, as well as testimony received at the public hearing, and make a determination on the CEQA Categorical Exemptions, Site Plan Review 2017-13 MOD and Conditional Use Permit 2017-11 MOD, subject to the findings and conditions of approval.

### **PLANNING COMMISSION ACTION**

The Commission will be acting on the Categorical Exemption, Site Plan Review 2017-13 MOD and Conditional Use Permit 2017-11 MOD and determining to either:

- Adopt a resolution adopting a Finding of a Categorical Exemption pursuant to CEQA Guidelines Sections 15301 and 15332 for the project, and approving Site Plan Review 2017-13 MOD as conditioned and Conditional Use Permit 2017-11 MOD as conditioned (Motion 1); *or*
- Continue the hearing to March 9, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); *or*
- Move to continue the application for Site Plan Review 2017-13 MOD and Conditional Use Permit 2017-11 MOD to the March 9, 2021 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial) (Motion 3).

**Motion 1:** Move to adopt a resolution of the Planning Commission of the City of Madera adopting a Finding of a Categorical Exemption pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15332 (In Fell Development), and approving Site Plan Review 2017-13 MOD and Conditional Use Permit 2017-11 MOD, based on and subject to the findings and conditions of approval as follows:

#### Findings to Approve a Site Plan Review

*Finding a: The proposal is consistent with the General Plan and Zoning Ordinance.*

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). The tenant space being improved is located within an existing commercial building. As conditioned, Site Plan Review 2017-13 MOD is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

*Finding b: The proposal is consistent with any applicable specific plans.*

The project site falls within the Specific Plan No. 1 planning area. Specific Plan No. 1 is intended to address land use compatibility, air quality, and safety concerns in conjunction with the Airport Master Plan. The project is a minor expansion of a previously approved commercial building. As conditioned, Site Plan Review 2017-13 MOD is consistent with the provisions and standards of Specific Plan No. 1.

*Finding c: The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.*

Site Plan Review 2017-13 MOD has been reviewed and is consistent with surrounding uses. The project expands the use of an existing building that is located within a developed shopping center with adequate parking already installed. The project will not generate significant amounts of noise, light, or traffic.

*Finding d: The proposed project is consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality.*

Site Plan Review 2017-13 MOD requires no street improvements as it is located within an existing commercial center with adequate parking already installed. The project will not have a significant impact on traffic or the environment.

#### Findings to Approve a Conditional Use Permit

*Finding a: The proposal is consistent with the General Plan and Zoning Ordinance.*

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). The tenant space being improved is located within an existing commercial building. As conditioned, Conditional Use Permit 2017-11 MOD is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

*Finding b: The proposed use will be compatible with the surrounding properties.*

The project site is suited for commercial food service and sales. The project site is located within a larger commercial shopping center and is surrounded by other commercial uses to the north, east, and south, with residential uses to the west. As conditioned, the sale of alcohol products for off-site consumption will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

*Finding c: The establishment, maintenance, or operation of the use or building applied for 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 such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.*

As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact.

**(OR)**

**Motion 2:** Move to continue the public hearing on Conditional Use Permit 2017-11 MOD and Site Plan Review 2017-13 MOD to the May 11, 2021 Planning Commission meeting with direction to staff to return with an updated resolution containing appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

**(OR)**

**Motion 3:** Move to continue the public hearing on Conditional Use Permit 2017-11 MOD and Site Plan Review 2017-13 MOD to the May 11, 2021 Planning Commission meeting with direction to staff to return with an updated resolution containing appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

#### **ATTACHMENTS**

Attachment 1: Vicinity Map

Attachment 2: Aerial Photo

Attachment 3: Site Plan

Attachment 4: Planning Commission Resolution for Categorical Exemption





Attachment 1:

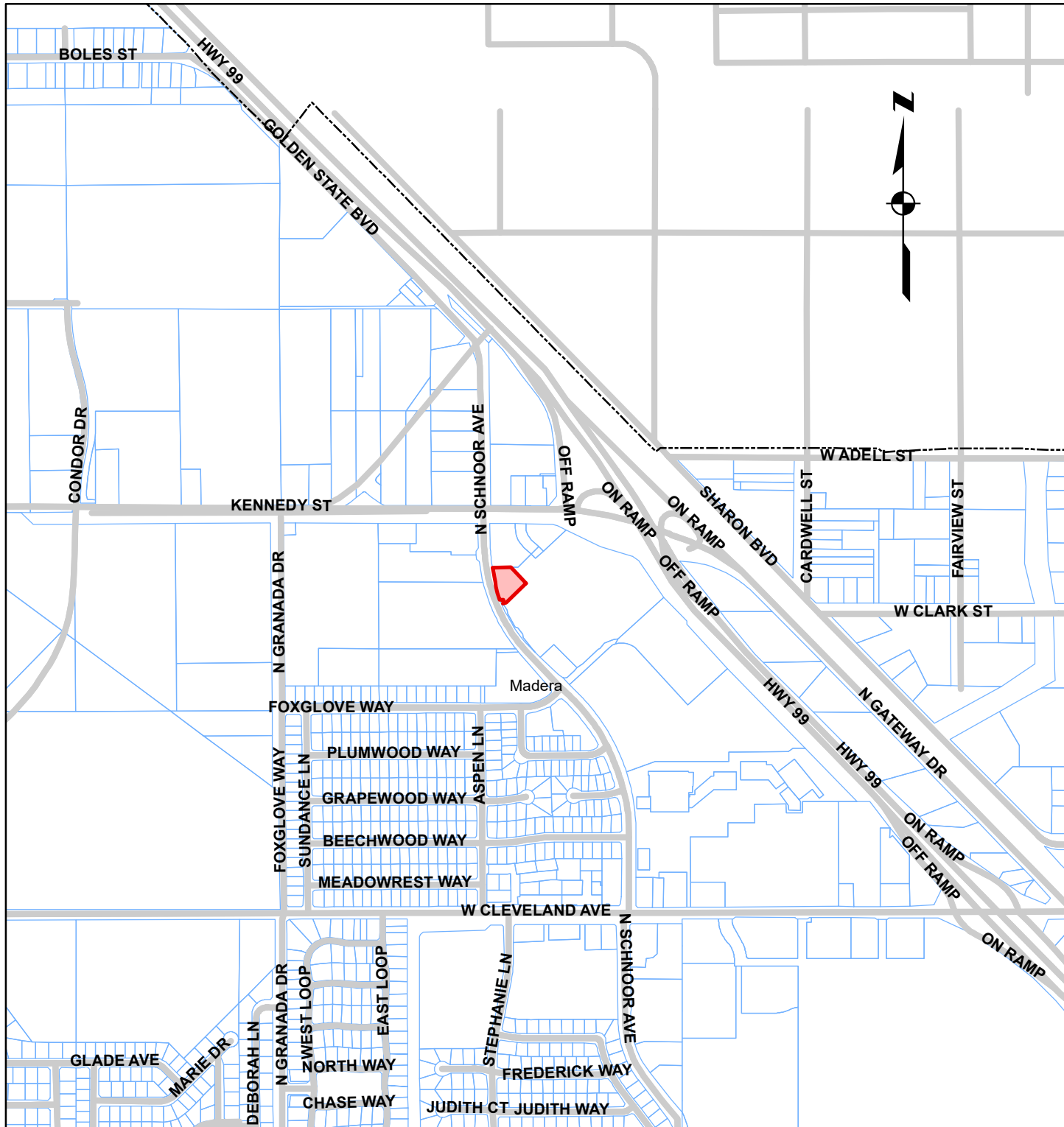
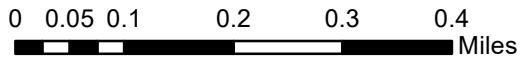
Vicinity Map

CUP 2017-11 MOD & SPR 2017-13 MOD

Taphouse Outdoor Patio

Legend

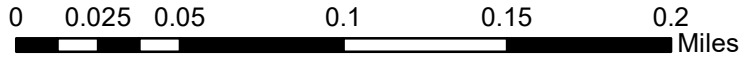
-  Project Site
-  City Limits
-  Parcel Boundries
-  Road



Attachment 2: Aerial Photo

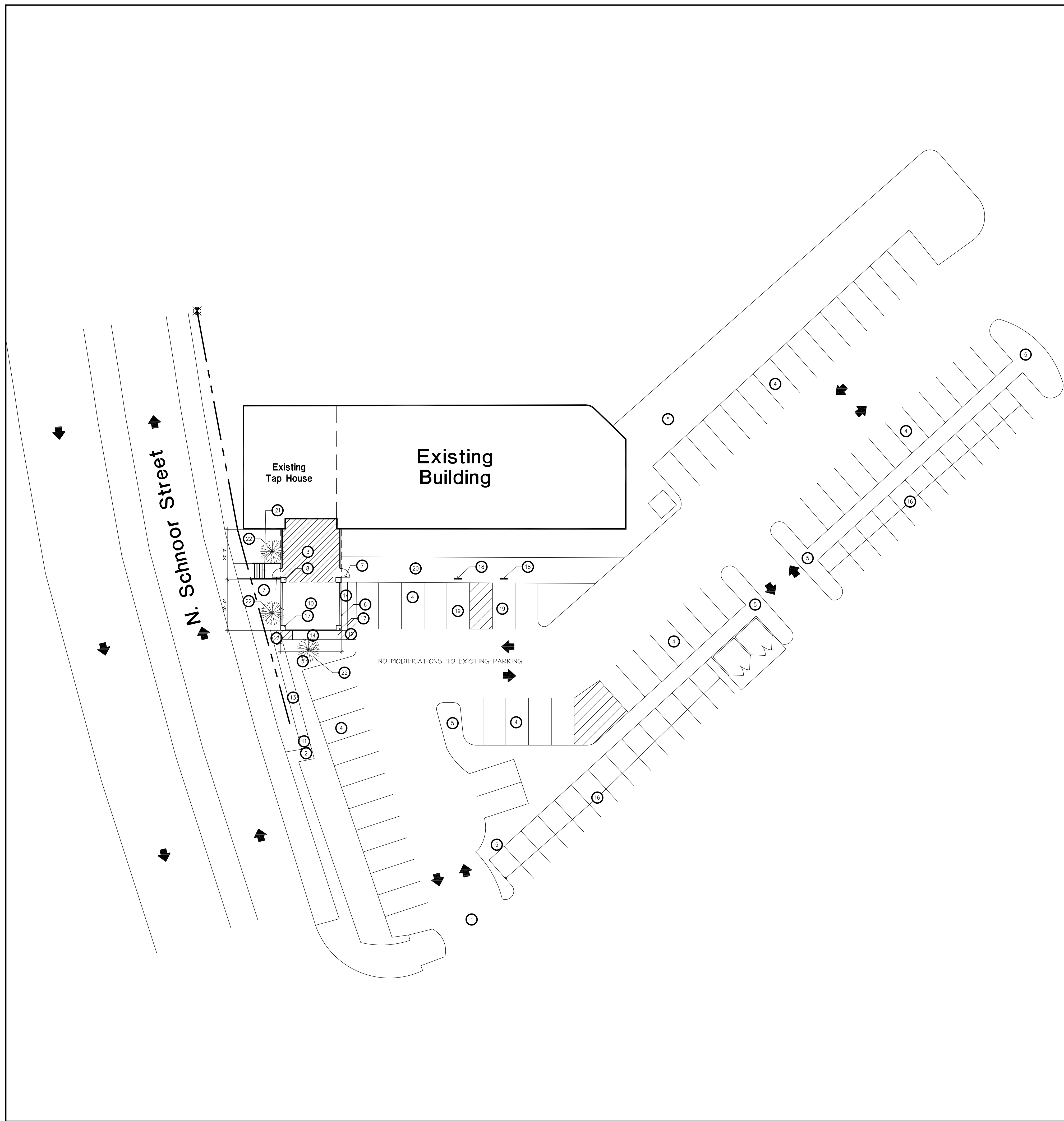
CUP 2017-11 MOD & SPR 2017-13 MOD  
Tap House Outdoor Patio

 Project Site



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

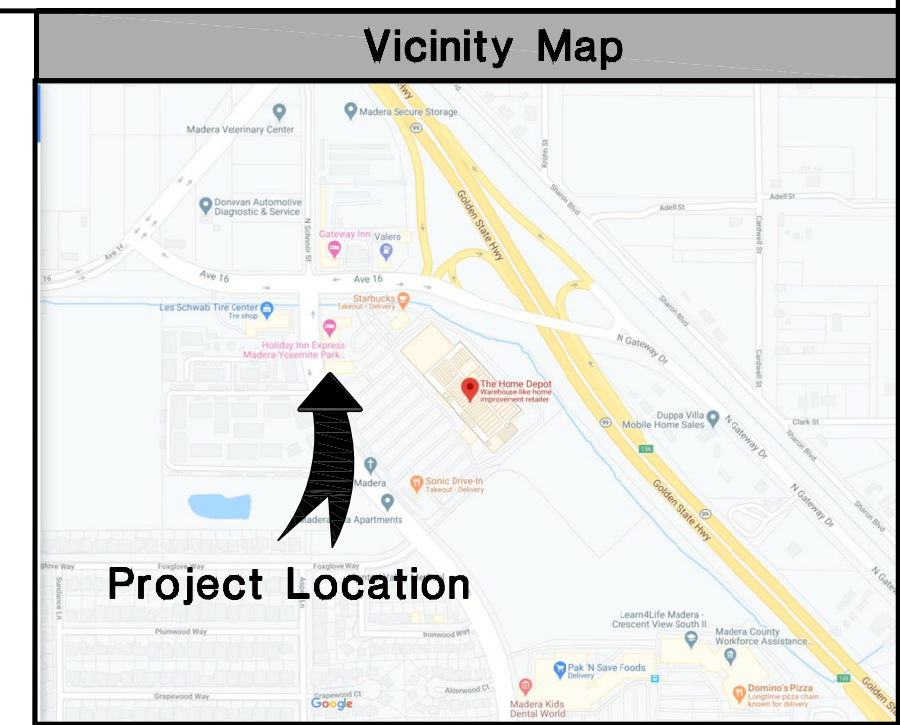
**Attachment 3: Site Plan**



Site Data	
ADDRESS:	2175 N. SCHNOOR STREET, MADERA, 93637
PROPOSED PATIO AREA:	1,030 S.F.
ACCESSIBLE PARKING STALLS	2

Building Data	
LEGAL JURISDICTION:	CITY OF MADERA
BUILDING USE:	-PROPOSED I
OUTDOOR DINING PATIO	
BUILDING ADDRESS:	2175 N. SCHNOOR STREET
CONSTRUCTION TYPE:	VBS
NUMBER OF STORIES:	1
OCCUPANCY TYPE:	B
CURRENT ZONING:	M-1
FIRE ZONE:	3
BUILDING AREAS:	
-OUTDOOR COVERED DINING PATIO:	480 S.F.
-OUTDOOR DINING PATIO (OPEN):	480 S.F.
-TOTAL OUTDOOR DINING:	960 S.F.

- | Key Notes-Proposed Improvements |   |
|---------------------------------|---|
| 1                               | EXISTING DRIVEWAY   |
| 2                               | EXISTING RAMP / PATH OF TRAVEL FROM PUBLIC RIGHT-OF-WAY TO BUILDING |
| 3                               | EXISTING CONCRETE SLAB (FENCED FOR PATIO DINING)                    |
| 4                               | EXISTING PARKING STALLS   |
| 5                               | EXISTING LANDSCAPE AREAS  |
| 6                               | PROPOSED +32" HIGH SECURITY WALL                                    |
| 7                               | 42" WIDE WROUGHT IRON GATE  |
| 8                               | PROPOSED STRUCTURAL COLUMNS (24" SQUARE)                            |
| 9                               | PROPOSED 24'X40' DINING CANOPY                                      |
| 10                              | NEW 3-1/2" THICK CONCRETE PATIO AREA                                |
| 11                              | EXISTING LEVEL LANDING AT RAMP                                      |
| 12                              | PROPOSED LEVEL LANDING AT ACCESSIBLE RAMP                           |
| 13                              | EXISTING ACCESSIBLE RAMP  |
| 14                              | PROPOSED ACCESSIBLE RAMP  |
| 15                              | EXISTING TRASH ENCLOSURES   |
| 16                              | EXISTING PARKING AVAILABLE FOR HOME DEPOT                           |
| 17                              | PROPOSED +36" COLUMNS (24" SQUARE)                                  |
| 18                              | EXISTING ACCESSIBLE SIGN  |
| 19                              | EXISTING ACCESSIBLE PARKING STALL                                   |
| 20                              | EXISTING CONCRETE WALK  |
| 21                              | NEW STAIRS, HANDRAILS AND LANDING (CONCRETE)                        |
| 22                              | NEW SHADE TREES   |



Engineer:

**Adaptive Re-Use Engineering**  
 3550 Watt Avenue  
 Suite 140  
 Sacramento, CA 95821  
 (214) 407-3184  
 chomer@are-eng.com

Contractor:

**Innovative Construction Inc.**  
 7741 E. Saginaw Way  
 Fresno, CA 93737  
 (559) 375-4446  
 innovativecne@gmail.com

PROJECT:

# The Tap House

Site Address: 2175 North Schnoor Street, 101, Madera, CA 93637

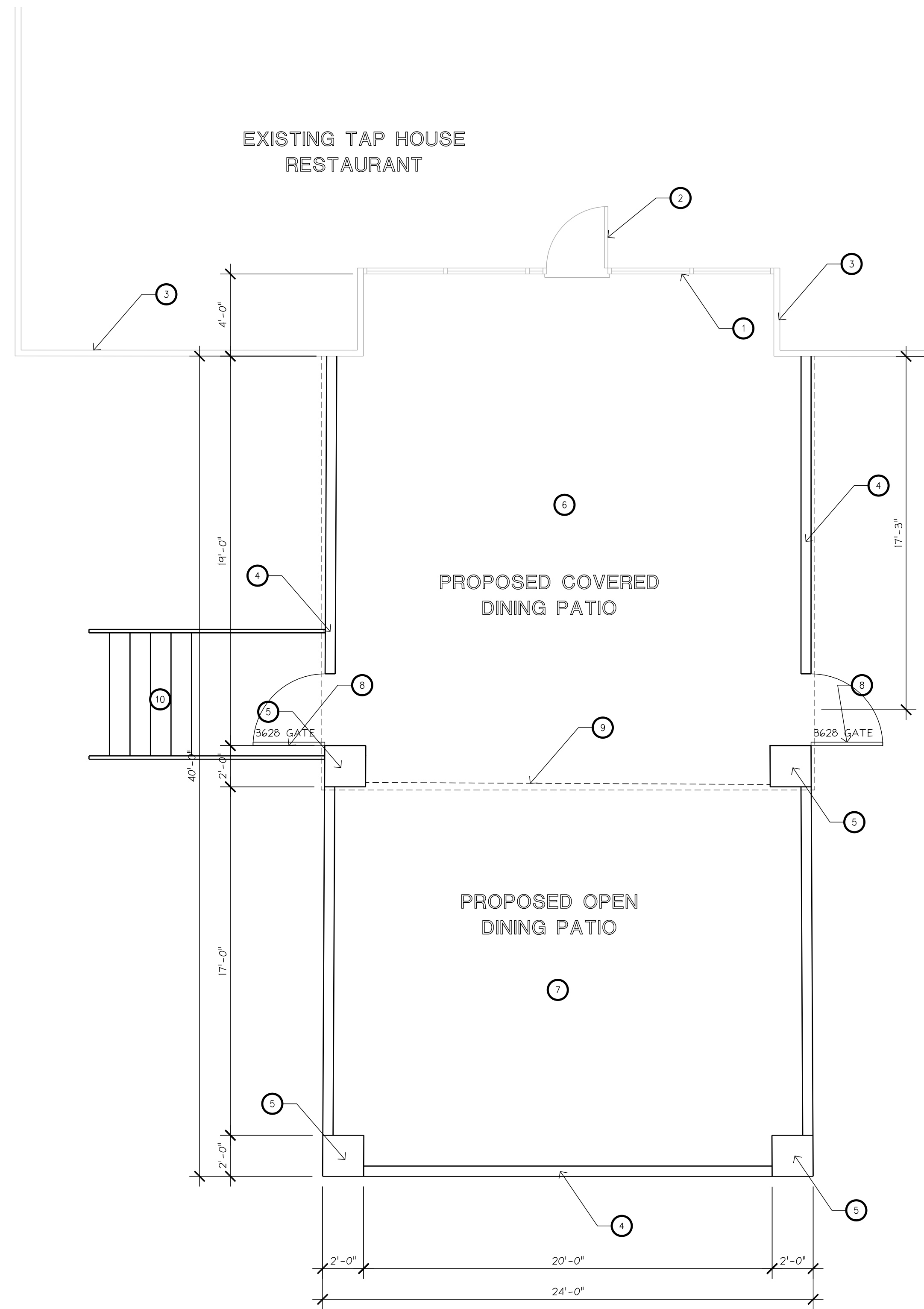
Drafting:

**F.R.A.**  
**F.R. AVILA**  
*Drafting & Design*  
 2268 Ezile Avenue, Clovis, CA. 93611  
 Ph. No.: (559) 287-7056  
 Email: fredavila53@gmail.com

NO.	DESCRIPTION	DATE

PROJECT NO: 20.053  
 DATE: 08/17/20  
 DRAWN BY: F.R.A.  
 SHEET NO. **A-1.0**

**PARTIAL SITE PLAN**  
 SCALE: 1" = 20'-0"



**Key Notes**

- 1 EXISTING STOREFRONT TO REMAIN
- 2 EXISTING ACCESSIBLE DOOR TO REMAIN
- 3 EXISTING EXTERIOR WALL TO REMAIN
- 4 PROPOSED +32" HIGH HALL WALL AT PERIMETER OF PATIO
- 5 PROPOSED 24" SQ. COLUMNS
- 6 EXISTING CONCRETE SLAB
- 7 PROPOSED CONCRETE SLAB AT EXTENDED AREA
- 8 WROUGHT IRON GATE WITH LATCH
- 9 LIMIT OF EXISTING CONCRETE SLAB
- 10 NEW CONCRETE STAIRS AND LANDING W/ HANDRAIL

**S.F. Calculations**

EXISTING PATIO DINING :	480 S.F.
PROPOSED SLAB :	480 S.F.
<b>TOTAL PATIO DINING :</b>	<b>960 S.F.</b>

**Wall Legend**

	EXISTING WALL
	+42" STUCCO HALF WALL W/ STONE CAP
	24" SQUARE COLUMNS

Engineer:  
**Adaptive Re-Use Engineering**  
 3550 Watt Avenue  
 Suite 140  
 Sacramento, CA 95821  
 (214) 407-3184  
 chomer@are-eng.com

Contractor:  
**Innovative Construction Inc.**  
 7741 E. Saginaw Way  
 Fresno, CA 93737  
 (559) 375-4446  
 innovativecne@gmail.com

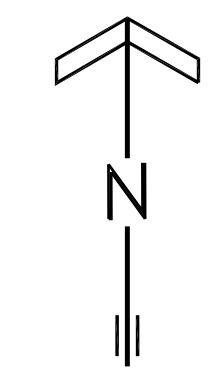
PROJECT:  
**The Tap House**  
 Site Address: 2175 North Schinor Street, 101, Madera, CA 93637

Drafting:  
**F.R.A.**  
**F.R. AVILA**  
*Drafting & Design*  
 2268 Ezle Avenue, Clovis, CA. 93611  
 Ph. No.: (559) 287-7056  
 Email: fredavila53@gmail.com

Revisions:

NO.	DESCRIPTION	DATE

PROJECT NO:	20.053
DATE:	08/17/20
DRAWN BY:	F.R.A.
SHEET NO.	<b>A-2.0</b>

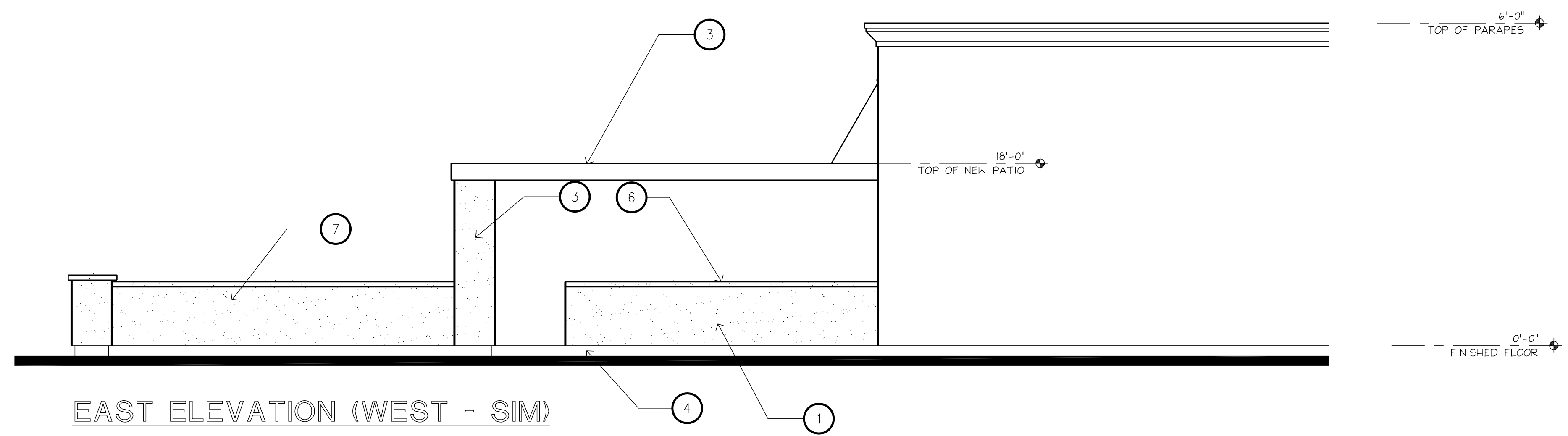
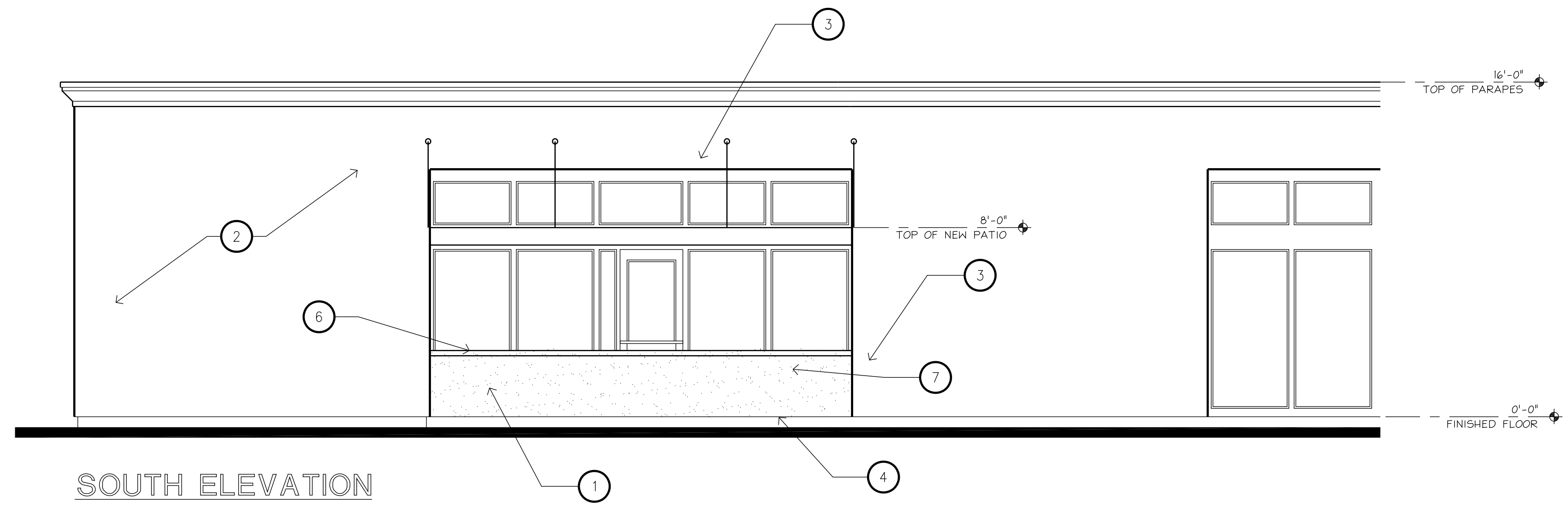


**FLOOR PLAN**  
 SCALE: 1/4" = 1'-0" 960 S.F.



## Key Notes

- 1 PROVIDE 7/8" STUCCO O/ W.P. WOVEN WIRE LATH W/ 16 GA. STAPLES AT 6" O.C. TO 2x WOOD STUDS AT 16" O.C. BETWEEN METAL BUILDING GIRTS
- 2 EXISTING FINISHES ON BUILDING TO REMAIN
- 3 24" SQ. STUCCO COLUMNS
- 4 WEEP SCREED AT BOTTOM OF STUCCO
- 5 NEW 26 GA. G.S.M. ROOFING
- 6 STONE CAP
- 7 +32" HALF WALL



## PROPOSED EXTERIOR ELEVATIONS

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

Engineer:

**Adaptive  
Re-Use  
Engineering**

3550 Watt Avenue  
Suite 140  
Sacramento, CA 95821  
(214) 407-3184  
chomer@are-eng.com

Contractor:

**Innovative  
Construction  
Inc.**

7741 E. Saginaw Way  
Fresno, CA 93737  
(559) 375-4446  
innovativecne@gmail.com

PROJECT: **The Tap House**

Site Address: 2175 North Schmoor Street, 101, Madera, CA 93637

Drafting: **F.R. AVILA**  
*Drafting & Design*

2268 Erie Avenue, Clovis, CA, 93611  
Ph. No.: (559) 287-7056  
Email: fredavila53@gmail.com

**F R A**

Revisions:

NO.	DESCRIPTION	DATE

PROJECT NO: 20.053  
DATE: 08/17/20  
DRAWN BY: F.R.A.  
SHEET NO:

**A-3.0**

**Attachment 4: Planning Commission Resolution**

**RESOLUTION NO. 1877**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES  
SECTIONS 15301 (EXISTING FACILITIES) AND 15332 (IN FILL DEVELOPMENT), AND  
APPROVING CONDITIONAL USE PERMIT 2017-11 MOD AND SITE PLAN REVIEW  
2017-13 MOD (THE TAP HOUSE, 2175 NORTH SCHNOOR AVENUE)**

**WHEREAS**, Anghd Ji, LLC (“Owner”) owns an existing professional commercial structure at 2175 North Schnoor Avenue in Madera, California (“site”); and

**WHEREAS**, Traci Franklin (“Applicant”) is acting on behalf of the Owner; and

**WHEREAS**, the site contains an existing commercial building that is planned for and surrounded by commercial uses; and

**WHEREAS**, the Applicant previously obtained approval of conditional use permit (CUP) 2017-10 and CUP 2017-11, and Site Plan Review 2017-13, for use of the property as a restaurant and bar; and

**WHEREAS**, the Applicant is seeking a site plan review (SPR) modification to allow for the expansion of an existing outdoor dining space adjacent to and associated with an existing commercial structure (and restaurant and bar) at 2175 North Schnoor Street, Suite 101, Madera (APN 013-070-026), as proposed by SPR 2017-13 MOD; and

**WHEREAS**, the Applicants are seeking a modification to CUP 2017-11 to allow the expansion in area of outdoor dining and alcohol consumption from that which the permit initially established at 266 square feet to 1,030 square feet at the commercial structure on APN 013-070-026, as proposed by CUP 2017-11 MOD; and

**WHEREAS**, said proposed modifications would not affect or otherwise modify the conditions of CUP 2017-10 regarding service of alcohol; and

**WHEREAS**, the City performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Sections 15301 (Existing Facility) and 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA) Guidelines as the project represents an existing in-fill project involving new construction of small structures; and

**WHEREAS**, a Categorical Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et. seq.*; and

**WHEREAS**, under the City’s Municipal Code, the Planning Commission is authorized to review and approve site plan reviews, conditional use permits and environmental assessments for associated projects on behalf of the City; and

**WHEREAS**, the City provided notice of the Planning Commission hearing as required by law; and

**WHEREAS**, the Planning Commission received and reviewed SPR 2017-13 MOD and CUP 2017-11 MOD at a duly noticed meeting on April 13, 2021; and

**WHEREAS**, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

**WHEREAS**, the Planning Commission now desires to adopt a finding of Categorical Exemption for the project, and approve SPR 2017-13 MOD and CUP 2017-11 MOD, with conditions.

**NOW THEREFORE**, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.

2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project is exempt under both Sections 15301 (Existing Facilities), and 15332 (In Fill Development) of the State CEQA Guidelines as the project involves the minor alteration of an existing private structure involving negligible expansion of an existing service area. Further, the construction also provides for a news, small, of an accessory structure to an existing structure, with only minor modifications being made in the exterior of the structure. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

3. Findings for CUP 2017-11 MOD: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2017-11 MOD, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.1307. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

a. The proposal is consistent with the General Plan and Zoning Ordinance.

Basis for Finding: The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). The tenant space being improved is located within an existing commercial building. As conditioned, Conditional Use Permit 2017-11 MOD is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

b. The proposed use will be compatible with the surrounding properties.

Basis for Finding: The project site is suited for outdoor dining and alcohol consumption. The project site is located within a larger commercial shopping center and is surrounded by other commercial uses to the north, east, and south, with residential uses to the west. As conditioned, outdoor dining and alcohol consumption will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

c. The establishment, maintenance, or operation of the use or building applied for 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 such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

Basis for Finding: As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The Madera Police Department has reviewed the project and did not oppose the proposed use, and there is no evidence in the administrative record of the following:

- The commission of three or more violent felonies (crimes against the person) and/or narcotic or dangerous drug sales within the subject premises or in the area immediately adjacent thereto.

- The arrest of the owner and/or an employee for violations occurring within the subject premises, or in the area immediately adjacent thereto, which violations can be found to be reasonably related to the operation of the business.
- The sustaining by the subject premises of an administrative suspension or revocation or other such sanction as may be imposed by the California State Department of Alcoholic Beverage Control, including payment in lieu of such suspension or revocation.
- The failure by the owner or other person responsible for the operation of the premises to take reasonable steps to correct objectionable conditions after having been placed on notice by the official of the City that such conditions exist. Such official may include, but not be limited to the: Code Enforcement Officer, Police Chief, Fire Marshall or City Attorney. Objectionable conditions may include, but not be limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. Such conduct shall be attributable to the subject premises whether occurring within the subject premises or in the area immediately adjacent thereto.

4. Findings for SPR 2017-13 MOD: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2017-13 MOD, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. The proposal is consistent with the General Plan and Municipal Code.

Basis for Finding: The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). The tenant space being improved is located within an existing commercial building. As conditioned, Site Plan Review 2017-13 MOD is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

- b. The proposal is consistent with any applicable specific plans.

Basis for Finding: The project site falls within the Specific Plan No. 1 planning area. Specific Plan No. 1 is intended to address land use compatibility, air quality, and safety concerns in conjunction with the Airport Master Plan. The project is a minor expansion of a previously approved commercial building. As conditioned, Site Plan Review 2017-13 MOD is consistent with the provisions and standards of Specific Plan No. 1.

- c. The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.

Basis for Finding: Site Plan Review 2017-13 MOD has been reviewed and is consistent with surrounding uses. The project expands the use of an existing building that is located within a

developed shopping center with adequate parking already provided. The project will not generate significant amounts of noise, light, or traffic.

- d. The proposal is consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality.

Basis for Finding: Site Plan Review 2017-13 MOD requires no street improvements as it is located within an existing commercial center with adequate parking already provided. The project will not have a significant impact on traffic or the environment.

5. Approval of SPR 2017-13 MOD and CUP 2017-11 MOD: Given that all findings can be made, the Planning Commission hereby approves CUP 2017-13 MOD and SPR 2017-11 MOD as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

6. No Modification to CUP 2017-10: Nothing in this Resolution modifies the conditions of approval for CUP 2017-10, which remain in full force and effect.

- 7. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 13th day of April 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Gary Conte, AICP  
Planning Manager

Exhibit "A" – Conditions of Approval for SPR 2017-13 MOD and CUP 2017-11 MOD

**EXHIBIT A**  
**CUP 2017-11 MOD AND SPR 2017-13 MOD**  
**THE TAP HOUSE**  
**CONDITIONS OF APPROVAL**  
**April 13, 2021**

**Notice to Applicant**

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

**IMPORTANT: PLEASE READ CAREFULLY**

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through conditional use permit and site plan review (collectively "permit"), and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval of this permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the zoning ordinance, and all City standards and specifications. This permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for conditional use permit Conditional Use Permit 2017-11 MOD will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission, and all discretionary conditions of approval for Site Plan Review 2017-13 MOD will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to 2175 N. Schnoor Ave., Suite 101 that is being developed under Conditional Use Permit 2017-11 MOD and Site Plan Review 2017-13 MOD by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise. Nothing herein modifies Conditional Use Permit 2017-10, which remains subject to its own conditions of approval as originally approved.

#### **Conditions of Approval**

- Site Plan Review 2017-13 MOD is subject to Conditions of Approval 1, 2, and 5 through 39
- Conditional Use Permit 2017-10 is subject to Conditions of Approval 1, 4, 6, 7, 9 through 10a, 23, 25, and 26 through 30
- Conditional Use Permit 2017-11 MOD is subject to Conditions of Approval 1 through 4, 6, 7, 9 through 39

Modifications to existing conditions are generally noted with additions underlined, and deletions delineated with ~~strike through~~.

#### **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 **Conditional Use Permit 2017-11 MOD and Site Plan Review 2017-13 MOD** within one year following the date of approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit **2017-11 MOD** may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the Conditional Use Permit.



4. Conditional Use Permits 2017-10, **and 2017-11 MOD** will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Site Plan Review 2017-13 **MOD** will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Conditional Use Permits 2017-10, **and 2017-11 MOD** and Site Plan Review 2017-13 **MOD** shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2017-13 **MOD**.
9. It shall be the responsibility of the property owner, **operator**, and/or management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from **applicable agencies** ~~the concerned agency~~ prior to **issuance of a building permit and/or issuance of a certificate of completion, as determined appropriate by the City of Madera establishment of the use.**
10. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the tenant suite and issuance of a business license.

**10a. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys' fees, and damages arising therefrom (collectively "claim").**

**Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City attorneys' fees, expenses of litigation and cost for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any claim, the applicant shall not be required**

to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

10b. The applicant shall submit to the City of Madera Planning Department a check or money order in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check or money order shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on CUP 2017-11 MOD and SPR 2017-13 MOD.

### **Building Department**

11. Building permits are required for all proposed tenant improvements. The uses of all rooms, ~~and~~ activity areas, covered and open patio areas, pedestrian access parking, and landscape improvements shall be identified on any plans submitted for issuance of building permits.
12. The applicant shall submit detailed plans that include interior and exterior improvements and setbacks for ADA compliance to be approved by the Building Department.

### **Engineering Department**

#### General

13. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
14. The developer shall pay all required fees for completion of the project. Fees due may include but shall not be limited to the following: encroachment permit processing and improvement inspection fees.
15. Improvement plans shall be submitted to the Engineering Division in accordance with the submittal process.
16. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

#### Streets

17. The developer shall reconstruct/upgrade the existing handicap access ramp located at the northernmost driveway approach on North Schnoor Avenue to current ADA standards. ~~If the applicant believes that a hardship waiver is applicable based on the cost of this improvement in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.~~

#### Water

18. The existing water service connection(s) shall be upgraded to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City right-of-way and backflow prevention device installed within private property.

### **Fire Department**

19. One (1) 2A10BC-rated fire extinguisher shall be required. The fire extinguisher(s) shall be mounted in visible and accessible locations within a maximum 75 feet of travel distance from all areas within the building.
20. A key box shall be required, or new keys shall be provided if there is an existing key box.

21. In order to limit potential over-crowding ~~of this “B” occupancy~~, a sign indicating ~~“Maximum Occupant Load 49”~~ maximum occupancy shall be posted.

21a. Access gates serving both indoor and outdoor patrons, shall swing in direction of egress and shall be equipped with panic hardware if gates latch closed.

21b. Patio area shall provide two points of egress from the patio area.

21c. Covered section of the patio shall be equipped with and protected by fire sprinklers.

21.d Finish materials shall comply with California Building Code/California Fire Code for flame-spread and smoke generation requirements.

## **Planning Department**

### General

22. Vandalism and graffiti shall be corrected per the Madera Municipal Code.

23. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.

24. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.

25. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of Conditional Use Permit 2017-10, 2017-11 MOD, and/or Site Plan Review 2017-13 MOD.

25a. The Tap Housing interior building space (Suite A) shall not exceed 1,400 square feet and the outdoor patio area shall not exceed 960 square feet of which shall be covered by a 24 foot by 40 foot patio canopy affixed and extending from building’s southern elevation within the limits of the structure’s Suite A façade and supported by two (2) 24-inch squared columns. The overhead patio canopy shall be constructed in a manner and with materials and color consistent with the existing structure and the awnings present along the building’s southern façade. The overhead patio supporting columns shall be constructed in a manner and with materials and color matching original building reflected in the attached Preliminary Approved Conceptual Plan (Exhibit 1). The final improvement plan shall include a color and material board which shall be subject to the approval of the Planning Manager.

25b. Pedestrian and ADA accessibility to be provided consistent with the Preliminary Approved Conceptual Plan (Exhibit 1). The pedestrian accessibility shall include an ADA compliant ramped pathway as well as a stairwell each connecting the building with the sidewalk along North Schnoor Avenue. The stairwell shall align with the western patio access gate.

25c. Final building plans shall indicate the lighting scheme for the patio area. All lighting shall be directed toward the patio area. No diffused or undirected lighting shall be used.

25d. Improvement plans shall reflect orientation and placement of all patio fixtures, furniture as well as seating and table arrangements.

### Operations

26. Conditional Use Permit 2017-10 allows for the sale of beer and wine for on- and off-site consumption in conjunction with the establishment of a restaurant in an existing 1,400 square foot tenant suite. Conditional Use Permit 2017-11 MOD allows for the utilization of up to a 266

1,030 square foot outdoor dining patio in conjunction with the establishment of the restaurant and bar.

27. Hours of operation shall occur as follows:
- Monday – Thursday and Sunday: ~~11:00~~ 10:00 a.m. – 10:00 p.m.
  - Friday – Saturday: 11:00 a.m. – ~~12:00~~ 11:00 a.m.
28. Changes or expansions in the type, sale and/or consumption of alcohol shall require an amendment to Conditional Use Permit 2017-10.
29. The sale of beer and wine for off-site consumption shall be restricted to only the product offered for sale and consumption on the premises.
30. There shall be no allowance for off-sale products to be stored or displayed in areas accessible to the public. All such products shall be accessible to employees only and products requested by customers.
31. The outdoor consumption of beer and wine shall only be allowed in the outdoor dining patio area consistent with the applicable laws of the State of California Department of Alcoholic Beverage Control.
32. No outdoor display of merchandise shall be allowed.
33. No amplified or live performance music shall be allowed in the outdoor dining patio area.
34. Smoking shall be prohibited in the outdoor dining patio, except as provided by law.
35. The sale of beer and wine for on- and off-site consumption is conditioned upon obtaining a Type 41 ABC license from the Department of Alcoholic Beverage Control. The applicants, its operators and successors shall comply with all applicable City, State and Federal requirements and standards.

#### Fences and Walls

36. The applicant shall construct a three (3') foot high half wall with a stone cap or decorative wrought iron fence with up to four foot (4') high pilasters positioned at 16 foot on center around the outdoor dining patio area. The pilasters shall be constructed in a manner and materials, color and texture in keeping with the design of the building. The wall, fence barrier nor outdoor dining patio shall not impede any required ADA path of travel. The location of the wall or fence shall be placed consistent with the approved site plan. The design and placement of the wall or fence barrier shall be approved by the Planning Manager prior to issuance of any building permit.

#### Landscaping

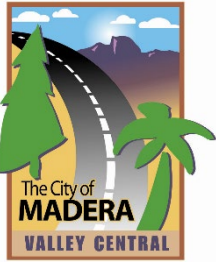
37. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
- 37a. The project shall include the planting of eight 15-gallon, ornamental, 20-foot-wide canopy trees at maturity shall be planted 20 foot on center and off-center from the street trees planted in the North Schnoor Avenue parkway strip to provide a visual screen of the activities and property from the residential use across North Schnoor Avenue. The trees shall be the same species as planted on the west façade.

37b. Vegetation shall be planted between the patio perimeter wall and the re-aligned ADA ramp such that the vegetation upon maturity covers a minimum of 50 percent of the perimeter wall is shielded from view. In addition, vegetation shall be planted adjacent to the perimeter wall facing North Schnoor Avenue such that a minimum of 50 percent of the perimeter wall is shielded from view.

37c. A detailed landscaping plan prepared by a licensed landscape architect shall be submitted to the Planning Department for review and approval. Seventy-five (75%) percent of the landscaped area shall be covered with vegetative matter. The applicant shall demonstrate compliance with the State's Model Water Efficient Landscape Ordinance.

Signage

38. No permanent or temporary signage shall be placed within the outdoor patio dining area or affixed onto the outdoor dining patio fence.
39. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.



# CITY OF MADERA PLANNING COMMISSION

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

## Staff Report: Ellis & D Street Tentative Subdivision Map Extension TSM 2018-07 EXT Item # 2 - April 13, 2021 (Continued from March 9, 2021)

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**PROPOSAL:** Consideration of a request for a two-year time extension of the Ellis & D Street Tentative Subdivision Map (TSM 2018-07), which allows for the creation of 61 single family residential lots. All previously approved conditions of approval remain in effect and three new conditions have been added. New conditions are: (1) Extending the life of the map for the requested two-year extension, (2) Requiring TSM 2018-07 to comply with City's adoption of the Parkland Acquisition Ordinance Act authorizing the City to require dedication of parkland or the payment of fees in-lieu of such dedication in effect since May 21, 2018, and (3) Requiring via City and County agreement excavation of the Ellis Street Basin equivalent to the amount of storm water deposited from the subdivision during a 100-year, 10-day storm event. The Planning Commission continued its consideration on the proposal from March 9, 2021 to the April 13, 2021 Planning Commission meeting due to lack of applicant representation present on March 9, 2021 to respond to Commissioner inquires.

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<b>APPLICANT:</b>	Rick Langdon 5441 W Oakridge Ave Visalia, CA 93291	<b>OWNER:</b>	Hengli 2 LLC 177 E Colorado Blvd, Ste 200 Pasadena, CA 91105
<b>SITE ADDRESS:</b>	Vacant	<b>APNs:</b>	003-200-005 & 003-200-006
<b>APPLICATIONS:</b>	TSM 2018-07 EXT	<b>CEQA:</b>	Negative Declaration (Previously Adopted)

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**LOCATION:** The subject site, composed of two parcels, is located at the southwest corner of the intersection of Ellis Street and North D Street.

**STREET ACCESS:** The subdivision will have access from both Ellis Street and North D Street

**PROJECT SIZE:** Approximately ten (10) acres

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

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

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**SITE CHARACTERISTICS:** The project site is vacant with a few scattered non-native shrubs and one tree located in the southeastern corner of the site. Overhead pole mounted communications parallel the northern and easterly perimeter. The City limits form the site's western, northern, and eastern property boundaries. Surrounding land uses include vacant land and large parcel rural residential uses to the north, east, and west. Adjacent uses to the south include multiple religious worship centers and a gated senior housing apartment complex.

**ENVIRONMENTAL REVIEW:** This project has already been environmentally assessed and a Negative Declaration was adopted for the project as part of the original approvals by the Planning Commission on February 12, 2019. The impacts of the proposed two-year time extension are consistent with impacts anticipated during original approval. Therefore, no additional environmental analysis is required.

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**SUMMARY:** The project is a two-year time extension of the previously approved Ellis & D Street Tentative Subdivision Map (TSM 2018-07) that allows for the creation of 61 single family residential lots. Applicant is requesting a two-year time extension of TSM 2018-07 as they work with City staff on review and approval of construction plans and the Final Map. Future proposed construction of homes will require approval of a Precise Plan as required of developments in Planned Development (PD) zone districts. All previously approved TSM 2018-07 conditions of approval remain in effect and three new conditions have been added. New conditions are: (1) Extending the life of the map for the requested two-year extension, (2) Requiring TSM 2018-07 to comply with City's adoption of the Parkland Acquisition Ordinance Act authorizing the City to require dedication of parkland or the payment of fees in-lieu of such dedication in effect since May 21, 2018, and (3) Requiring via City and County agreement excavation of the Ellis Street Basin equivalent to the amount of storm water deposited from the subdivision during a 100-year, 10-day storm event.

#### **APPLICABLE CODES AND PROCEDURES**

*Madera Municipal Code §10-2.402.8.2 (Tentative Subdivision Map Extensions)  
Government Code §66410 et. Seq. (Subdivision Map Act)*

#### **PRIOR ACTION**

The subject properties were initially evaluated for a potential subdivision in September of 2018 through the Preliminary Project Review ("PPR") process the City offers as a resource for anticipated projects. Based on the City's review of the applicant's PPR material submitted, the City provided a letter to the applicant of PPR 2018-10, Precision Engineering, outlining the application process for the subdivision along with potential conditions of approval the project would be expected to meet. Being that the property at the time was outside of the City Limits, the letter requested submittal of a rezone application in conjunction with the tentative subdivision map application as a precursor to annexation of the site to be considered by Madera Local Agency Formation Commission ("LAFCo").

An application for a rezone (REZ 2018-08) and tentative subdivision map (TSM 2018-07) was received in December of 2018. Both applications, REZ 2018-08 and TSM 2018-07, were reviewed by staff and recommended for approval. At its regularly scheduled meeting on February 12, 2019, the Planning Commission adopted a Negative Declaration for the project and conditionally approved TSM 2018-08. The Commission also adopted a resolution recommending to the City Council adoption of REZ 2018-08 rezoning the subject site PD-6000 (Planned Development) Zone District.

First reading of the rezone was introduced to City Council on March 6, 2019 with direction given to staff to prepare a formal resolution to be brought back for Council action at a later hearing. At the regular meeting of the City Council on March 20, 2019, the second reading of the zoning ordinance amendment was approved and adopted as Ordinance Number 961 C.S.

Annexation of the properties were approved by Madera LAFCo on April 24, 2019. The annexation included properties on the east side of North D Street, south of its intersection with Ellis Street. The inclusion of these properties was at the request of Madera LAFCo in efforts to create logical, consistent agency boundaries to maximize resource efficiency.

At the March 9, 2021 staff presented the information in this report to the Planning Commission including the addition of the three conditions of approval. Due to no applicant representation being present at the hearing, the Planning Commission continued this project to the next hearing, April 13, 2021.

## **ANALYSIS**

The approval date of the Ellis and D Street subdivision (TSM 2018-07) was established by the Planning Commission with its approval of the project at the February 12, 2019 meeting. Subdivision maps are valid for two years from the date of approval, making the expiration date for this map February 12, 2021. Madera Municipal Code (“MMC”) section 10-2.402.8.2 outlines the process for requesting extensions of subdivision maps, which states written request by the subdivider must be filed at least 15 days prior to expiration. The City received an application and written request by the subdivider on January 22, 2021 which meets the requirements of the MMC regarding this subdivision map extension request. The applicant’s reason for extension is to continue working with City staff on review and approval of the final map for recording and construction plans in preparation of Precise Plan (“PPL”) submittal to the City.

All existing conditions of approval remain in effect as part of the original approvals by the Planning Commission. Staff is adding three conditions to the project: (1) clarify the expiration date of the map should the Planning Commission approve the map extension, (2) ensure compliance with the Quimby Act, which was introduced to the MMC in March of 2018, and (3) ensure the Ellis Street Basin has adequate capacity for the storm drain system of the subdivision.

The staff report prepared and presented to the Commission at the February 12, 2019 hearing included mention of the Quimby Act and the calculation for payment of park land in lieu of dedication. For clarity purposes, a condition would ensure compliance is achieved with this requirement. Addition of a condition expressing the date of expiration of the map would clearly identify the expiration should the land ownership change in the future.

A condition has also been added regarding the subdivision’s storm drain system. As part of an agreement the City will enter with the County, the subdivision storm drain system will connect to an existing system which ultimately drains into the Ellis Street Basin. This agreement will require the subdivision to excavate the Ellis Street Basin for the equivalent amount of water deposited during a 100-year, 10-day storm event.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The applicant requests an extension of time for the previously approved Ellis and D Street Tentative Subdivision Map (TSM 2018-07). This project has already been environmentally assessed, and a Negative Declaration (“ND”) was adopted for the project by the Planning Commission as part of the original



approvals on February 12, 2019. The setting for the project has not substantially changed since the adoption of the ND. No additional development in the area has occurred since the approval of TSM 2018-07 that would require additional environmental analysis of the project. The extension of time for a tentative subdivision map does not involve any physical changes in the environment and hence does not have the potential for causing a significant effect on the environment. No substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information, which was not known and could not have been known at the time of the previous negative declaration that the project will have significant effect not discussed in the negative declaration. Finally, since a negative declaration was previously adopted for the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable. Therefore, the adopted negative declaration is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

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

One of the Madera General Plan's vision is a well-planned city. This idea takes into considerations many of the growing needs of a City as it expands. Housing to support our growing population is a great way to encourage new family opportunities in Madera and make our City marketable. The infrastructure improvements to be fulfilled with this subdivision and homes built, support this vision and will provide for the rapidly growing population.

#### **RECOMMENDATION**

The information presented in this report provides support of approval of a resolution approving a two-year time extension to the Tentative Subdivision Map 2018-07. It is recommended that the Commission consider the information in this report, as well as testimony received at the public hearing, and make a determination on TSM 2018-07 EXT, subject to the findings and conditions of approval below.

#### **PLANNING COMMISSION ACTION**

The Commission will be acting on a two-year time extension for Tentative Subdivision Map 2018-07 and determining to either:

- Adopt a resolution approving a two-year time extension for Tentative Subdivision Map TSM 2018-07 as conditioned (Motion 1); or
- Continue the hearing to May 11, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); or
- Move to continue the application for a two-year time extension for TSM 2018-07 to the May 11, 2021 Planning Commission hearing with direction to staff to return with an updated

resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial). (Motion 3).

**Motion 1:** Move to adopt a resolution of the Planning Commission of the City of Madera approving a two-year time extension for the previously approved Ellis and D Street Tentative Subdivision Map 2018-07, based on and subject to the findings and conditions of approval as follows:

Findings to Approve a Tentative Subdivision Map Extension (California Subdivision Map Act - Government Code Section 66474)

*Finding a: There has been no changes to the provisions of the General Plan, any applicable specific plan or the development code applicable to the project since the approval of the tentative map.*

Tentative Subdivision Map 2018-07 remains consistent and compatible with the City's General Plan land use designations for the subject site and surroundings. The subject site is not subject to an adopted Specific Plan.

*Finding b: There has been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of the development code apply to the project.*

Surrounding property existing conditions and uses remain relatively unchanged since the approval of the tentative subdivision map (TSM 2018-07). The project, with the approval of the three new additional conditions of approval, will remain consistent with the City's Zoning Ordinance.

*Finding c: There have been no changes to the capacities of community resources, including but not limited to, water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.*

Adequate service capacity remains available to service the subject site.

*Finding d: There have been no changes in the character of the site, its surroundings, or the project that that would require major revisions to the previous negative declaration or would cause substantial environmental damage or injury to wildlife.*

The adopted negative declaration is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

**CONDITIONS OF APPROVAL (NEW)**

22.1 Subdivider shall not pull an encroachment permit until the City and the County have a working draft, acceptable to both parties, of an agreement to allow the subdivision to connect to the existing storm conveyance system which ultimately drains into the Ellis Street Basin to the west of the project site. As part of the agreement, the Subdivider shall excavate the basin for the equivalent amount of water deposited into the basin during a 100-year, 10-day storm event.

75.1 Subdivider shall provide and dedicate to the City parkland within the subdivision to the satisfaction of the City or provide payment of fees in-leu of such dedication in accordance with the City's Parkland Acquisition Ordinance.

79.1 Approval of TSM 2018-07 EXT allows for a two-year time extension for the previously approved Ellis and D Street Tentative Subdivision Map 2018-07. The approval shall expire on February 12, 2023.

**(OR)**

**Motion 2:** Move to continue the public hearing on a two-year time extension for TSM 2018-07 to the May 13, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

**(OR)**

**Motion 3:** Move to continue the application for a two-year time extension on TSM 2018-07 to the May 11, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

#### **ATTACHMENTS**

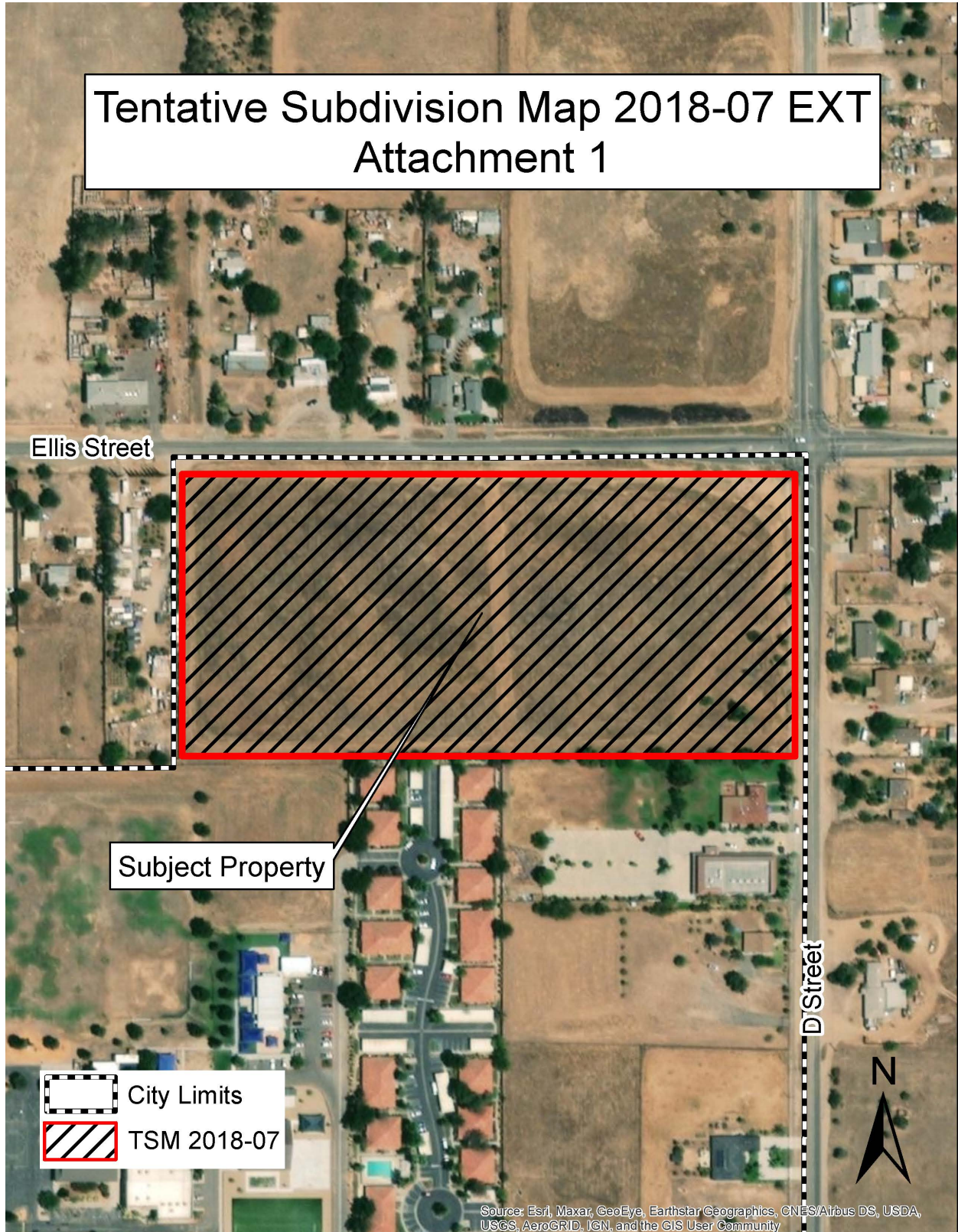
Attachment 1: Aerial Photo

Attachment 2: Tentative Subdivision Map 2018-07

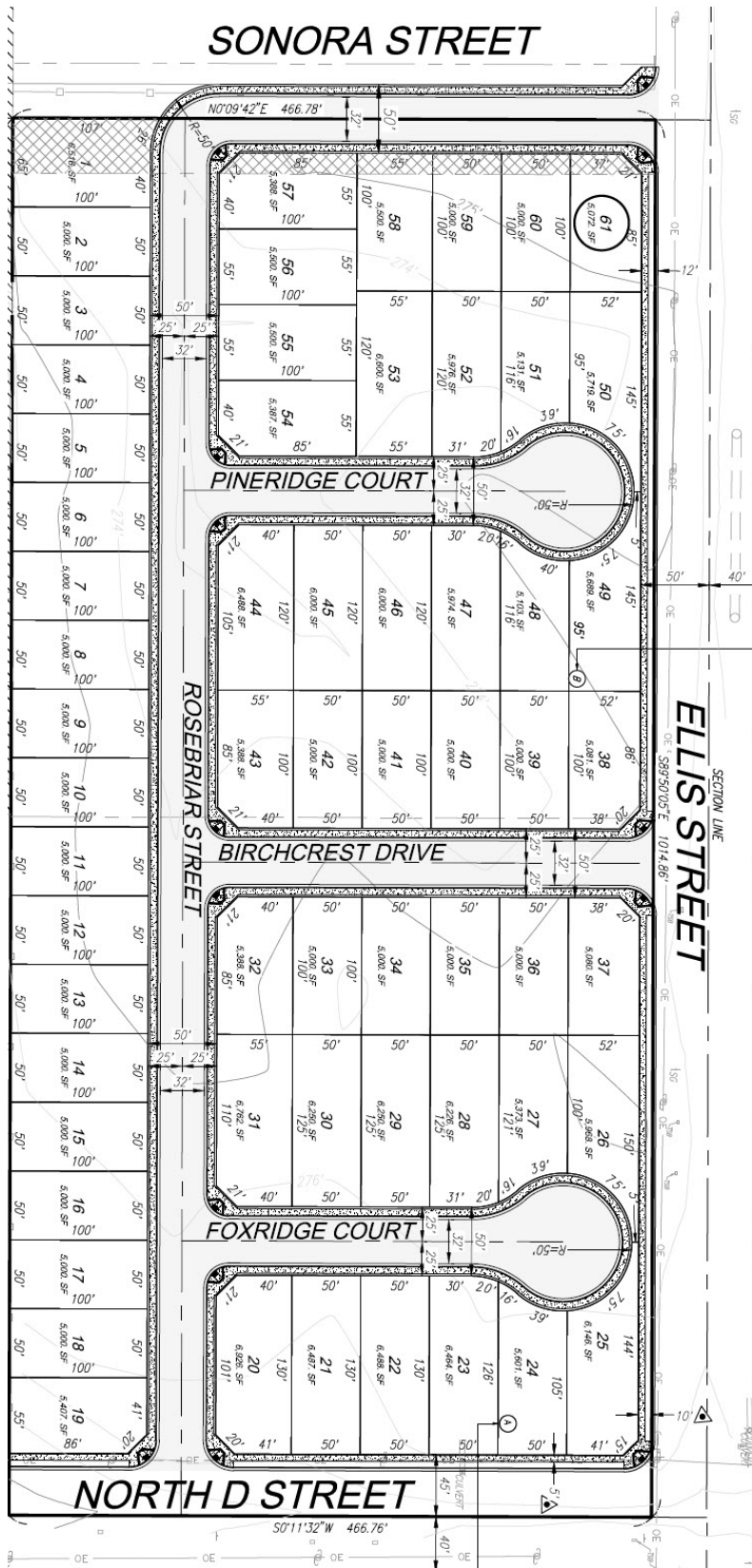
Attachment 3: Negative Declaration for Tentative Subdivision Map 2018-07

Attachment 4: Planning Commission Resolution for TSM 2018-07 EXT (Including Conditions of Approval)

Attachment 1: Aerial Map



Attachment 2: Tentative Subdivision Map 2018-07



**Attachment 3: Negative Declaration for Tentative Subdivision Map 2018-07**

**Attachment 4: Planning Commission Resolution #1878**

INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

**Ellis & D Street Prezone & Subdivision  
Rezone (REZ) 2018-08  
Tentative Subdivision Map (TSM) 2018-07**

**Project:** REZ 2018-08 and TSM 2018-07

**Applicant:** Christian Gonzales  
1234 O Street  
Fresno, CA 93724

**Owner:** Shizao Zheng  
1378 West Zhongshan Road  
Ningbo, China 315016

**Location:** The project site is comprised of two parcels located at the southwest corner of the intersection of North D Street and Ellis Street within the LD (Low Density) general plan land use designation.

**Proposal:**

**REZ 2018-08:** A prezone to change the zoning for seven parcels anticipated for annexation into the City of Madera from the County's AR-5 (Agricultural Rural – 5 acres) Zone District to the PD-6000 (Planned Development) Zone District, to provide consistency with the LD (High Density) General Plan land use designation. This application is in advance of an application for annexation currently being processed by the Madera Local Agency Formation Commission (LAFCo).

**TSM 2018-07:** A tentative subdivision map to subdivide the two project parcels into a 61-lot single-family residential subdivision. Anticipated development of single-family homes will occur at some time in the future.

**Zoning:**                               **Current:** AR-5 (Agricultural Rural – 5 acres)  
  **Proposed:** PD-6000 (Planned Development)

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

**Surrounding Land Uses and Zoning:**

South – Church/senior housing complex  
North – Rural residential/middle school  
West – Rural residential/vacant land  
East – Rural residential/vacant land

**Responsible or Interested Agencies:**

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



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project. None of these factors represents a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture Resources               | <input checked="" type="checkbox"/> Air Quality                |
| <input type="checkbox"/> Biological Resources                   | <input type="checkbox"/> Cultural Resources                  | <input type="checkbox"/> Geology /Soils                        |
| <input type="checkbox"/> Hazards & Hazardous Mat.               | <input type="checkbox"/> Hydrology / Water Quality           | <input type="checkbox"/> Land Use / Planning                   |
| <input type="checkbox"/> Mineral Resources                      | <input checked="" type="checkbox"/> Noise                    | <input type="checkbox"/> Population / Housing                  |
| <input checked="" type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                          | <input checked="" type="checkbox"/> Transportation/Traffic     |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings<br>of Significance |

**DETERMINATION:**

On the basis of this initial evaluation:

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

Signature Robert Holt  
Printed Name: Robert Holt  
Assistant Planner

Date: 12/20/2014

## Explanation of Environmental Checklist

### I. AESTHETICS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** The proposal will not affect a scenic vista or have an overall adverse visual impact on the immediate area. The project will not affect a scenic highway and will not have an overall adverse visual impact on any scenic resources. The project would not result in the creation of light, but the anticipated residential development will add additional sources of light.

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

a) **No Impacts.** The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources, such as a scenic highway, national or state scenic area, or scenic vista.

b) **No Impacts.** The project will not damage scenic resources, including, but not limited to, rock outcroppings and historic buildings within a state scenic highway.

c) **No Impacts.** The project would not degrade the existing visual character or quality of the site and surroundings under examination. The proposed project would not alter the landforms, view sheds, and overall character of the area.

d) **Less Than Significant Impacts.** There will be an increase in light and glare and other aesthetic impacts associated with urban development as an ultimate result of the project when the anticipated construction of homes occur within the subdivision, although it will be a less than significant impact when City standards are implemented. The overall impact of additional light and glare will be minimal.

**AGRICULTURE RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

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

**Discussion:** The project area is located on land identified as Vacant or Disturbed Land within the 2016 California Farmland Mapping and Monitoring Program.

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

**III. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The project area is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by San Joaquin Valley Unified Air Pollution Control District (SJVAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).

Air quality is determined primarily by the type and amount of contaminants emitted into the atmosphere, the size and topography of the Basin, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are "criteria pollutants." The SJVUAPCD also conducts monitoring for two other state standards: sulfate and visibility.

The State of California has designated the project area as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.

The current project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.

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

Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and the development will be subject to Air Pollution Control District review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.

The proposed rezoning and tentative subdivision map for the project site, and the anticipated development of the subject properties, will not create impacts beyond those analyzed and addressed through the General Plan Update and the accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. All phases of development will similarly conform with and implement regional air quality requirements. No additional analysis is required. Any unique features or project impacts which are identified as specific projects are proposed within the project area will be evaluated and addressed on a project-by-project basis.

- a) **Less Than Significant Impacts.** The project would not conflict with or obstruct implementation of the applicable air quality plan.
- b) **Less Than Significant Impacts.** The project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- c) **Less Than Significant Impacts.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors.
- d) **No Impacts.** The project would not expose sensitive receptors to substantial pollutant concentrations.
- e) **No Impacts.** The project would not create any new/permanent objectionable odors affecting a substantial number of people.

**IV. BIOLOGICAL RESOURCES.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. There is no record of special-status species in this project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

The approximately 10-acre project site is void of any natural features, such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. Development of the site will not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan,

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

a) **No Impacts.** The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b) **No Impacts.** The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.

c) **No Impacts.** The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means.

d) **No Impacts.** The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) **No Impacts.** The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) **No Impacts.** The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

V. CULTURAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project will not disturb archaeological resources. The project will not disturb any unique paleontological or geologic resources. The project will not disturb any human remains. In the event any archeological resources are discovered with project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State Law may be applied.

a) **No Impacts.** The project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. There are no known historical resources located in the affected territory.

b) **No Impacts.** The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines. There are no known archaeological resources located in the project area.

c) **No Impacts.** The project would not directly or indirectly destroy any unique paleontological resources or sites or unique geologic features. There are no known paleontological resources, sites or unique geologic features located in the affected territory.

d) **No Impacts.** The project would not likely disturb any human remains, including those interred outside of formal cemeteries. If development occurs in the future and any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state and federal regulations that regulate archaeological and historical resources would be complied with.



VI. **GEOLOGY AND SOILS.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in *The Uniform Building Code* that is utilized by the Madera Building Division to monitor safe construction in the City.

ai.) **No Impacts.** No known faults with evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west, and south of the project site. Due to the geology of the project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal.

a) **No Impacts.** Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.

a) **No Impacts.** Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass, combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. There is no evidence of the presence of these requisite conditions.

a) **No Impacts.** The project will not result in or expose people to potential impacts from landslides or mudflows.

b) **No Impacts.** Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with City of Madera ordinances and regulations, the California Building Code, and professional engineering designs approved by the Madera Engineering Division will mitigate any potential impacts from future urban development, if any.

c) **No Impacts.** The project site would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) **No Impacts.** The project will not result in or expose people to potential impacts from expansive soils.

e) **No Impacts.** Should urban uses be approved in the project area, the City of Madera would provide necessary sewer and water systems.

**VII. GREENHOUSE GAS EMISSIONS.** Would the project:

	Potentially Significant Impact	Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** San Joaquin Valley Unified Air Pollution Control District staff has concluded that existing science is inadequate to support quantification of impacts that project specific GHG emissions have on global climatic change. This is readily understood when one considers that global climatic change is the result of the sum total of GHG emissions, both man-made and natural that occurred in the past; that is occurring now; and will occur in the future. The Air District has advanced a methodology of reducing the (assumed) significance of impacts around performance measures applied to projects, or alternatively, by comparing project-level impacts to an identified GHG emissions threshold.

The Air District's recommended methodology is difficult, if not impossible, to apply to the project currently proposed, which does specify the nature or intensity of uses which may be developed in the future. In the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is currently too speculative to make a significance determination regarding this project's direct and indirect impact with respect to climate change. The City General Plan includes policies in support of GHG emissions reduction and climate change. The City supports local, regional, and statewide efforts to reduce the emission of greenhouse gases linked to climate change.

**VIII. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The subdivision of the property will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be delineated with the accompanying Precise Plan.

- a) **No Impacts.** The project would not create any hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b) **No Impacts.** The project would not create any hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- c) **No Impacts.** The project site is located within one-quarter mile of an existing school, but the development of the property would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste.
- d) **No Impacts.** The land within the project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazard waste and substances sites within the City of Madera ([www.dtsc.ca.gov/database/Calsites/Cortese\\_List.cfm](http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm)).
- e) **No Impacts.** The project site is not located within an airport land use plan or, within two miles of a public airport or public use airport. The proposed project would not bring about a safety hazard related to an airport or aviation activities for people residing or working in the project area.
- f) **No Impacts.** The project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project vicinity related to an airstrip or aviation activities.
- g) **No Impacts.** The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- h) **No Impacts.** The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

**IX. HYDROLOGY AND WATER QUALITY.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

- a) **No Impacts.** Development of the project site will be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development will also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.
- b) **No Impacts.** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- c) **No Impacts.** The project will not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.
- d) **No Impacts.** The project will not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site.
- e) **No Impacts.** The project will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- f) **No Impacts.** The project will not degrade water quality.

g) **No Impacts.** The project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

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

i) **No Impacts.** The project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

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



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

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

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

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

b) **No Impacts.** The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

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

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **No Impacts.** The project would not result in the loss or availability of mineral resources.

b) **No Impacts.** The project would not result in the loss of availability of any locally important mineral resource recovery sites.

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

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

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

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

- d) **Less than significant impact.** The project may result in some temporary increase in ambient noise levels in the project vicinity during anticipated construction within the subdivision.
- e) **No Impacts.** The project site is not located within an airport land use plan or within two miles of a public airport or public use airport.
- f) **No Impacts.** The project is not located within the vicinity of a private airstrip.

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The project will not induce additional substantial growth in this area. The property would not displace any housing. Likewise, the project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

- a) **No Impacts.** Although new residential development may occur, the project will not substantially induce a growth in population by individuals and/or families, directly or indirectly.
- b) **No Impacts.** The project would not displace any existing housing, thereby necessitating the construction of replacement housing elsewhere, since the site is vacant.
- c) **No Impacts.** The project would not displace any people.

### XIII. PUBLIC SERVICES.

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

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

**Discussion:** The development of the existing residential property will not result in substantial adverse physical impacts from new or altered public facilities. As development occurs, there will be a resultant increase in job opportunities, and a greater demand placed upon services, such as fire and police protection, and additional park and school facilities. This additional demand is consistent with the demand anticipated in the General Plan and evaluated in the General Plan EIR.

The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies beyond the levels anticipated in the General Plan and the Water Master Plan. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project area. Initially, the project will rely upon temporary on-site storm drain retention strategies. The project area will be required to provide additional facilities within the development, and comply with the City's Master Plan, Ordinances, and standard practices. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

- i) Fire protection. **Less than significant impact.** The project will not result in substantial adverse physical impacts to fire protection services.
- ii) Police protection. **Less than significant impact.** The project will not result in substantial adverse physical impacts associated with the provision of police protection.
- iii) Schools. **Less than significant impact.** The Madera Unified School District levies a school facilities fee to help defray the impact of residential development. The project will not generate a significant impact to the schools in Madera.

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

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

**XIV. RECREATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** Residential development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.

a) **No Impacts.** The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b) **No Impacts.** The project does not include recreational facilities or facilities which might have an adverse physical effect on the environment.



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

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

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

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

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

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

d) **Less-Than-Significant Impacts.** The project would not increase hazards to transportation systems due to design features such as sharp curves, dangerous intersections, or incompatible uses.

e) **No Impacts.** The project would not result in inadequate emergency access.

f) **No Impacts.** The project would not result in inadequate parking capacity. Any development of the project site will include parking sufficient to serve the proposed project.

g) **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The City's community sewage disposal system will continue to comply with Discharge Permit requirements. The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project. The project area will be required to comply with the City's Master Plan, Ordinances, and standard practices. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

a) **No Impacts.** The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

- b) **No Impacts.** The project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c) **No Impacts.** The project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- d) **Less-Than-Significant Impacts.** There will be sufficient water supplies available to serve the project.
- e) **No Impacts.** The project would not require a determination by a wastewater treatment provider.
- f) **No Impacts.** The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g) **No Impacts.** The project will be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Determination:**

Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Noise, Public Services, Utilities, and Transportation and Traffic.

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

**RESOLUTION NO. 1878**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
APPROVING A TWO-YEAR TIME EXTENSION FOR THE ELLIS AND NORTH D  
STREET TENTATIVE SUBDIVISION MAP 2018-07 (TSM 2018-07 EXT)**

**WHEREAS**, Planning Commission of the City of Madera on February 12, 2019 adopted a Negative Declaration and approved the Ellis and North D Street Tentative Subdivision Map (TSM 2018-07) to subdivide approximately 10 acres north of City Limits to create 61 single family lots; and

**WHEREAS**, Government Code § 56375 outlines rezone requirements to in order to apply for annexation with the County Local Agency Formation Commission; and

**WHEREAS**, Planning Commission of the City of Madera on February 12, 2019 adopted a Negative Declaration and resolution recommending to the City Council of the City of Madera adoption of REZ 2018-08 rezoning the subject site to the PD-6000 Zone District; and

**WHEREAS**, first reading of REZ 2018-08 was introduced to the City Council of the City of Madera on March 6, 2019 with direction provided to return for a second reading of the Zoning Ordinance Amendment; and

**WHEREAS**, second reading of REZ 2018-08 was considered by the City Council of the City of Madera at a regular meeting on March 20, 2019 and was approved and adopted as Ordinance Number 961 C.S.; and

**WHEREAS**, annexation of TSM 2018-07 and adjacent properties to form logical, consistent agency boundaries was considered and approved by the Madera Local Agency Formation Commission on April 24, 2019; and

**WHEREAS**, prior to the expiration of TSM 2018-07 on February 11, 2021, the City of Madera Planning Department received an application and written request on January 22, 2021, from Rick Langdon, representing applicant on behalf of Hengli 2, LLC who filed a request for a two-year extension on TSM 2018-07; and

**WHEREAS**, based on a preliminary environmental assessment, this TSM 2018-07 EXT was determined to be consistent with the Negative Declaration prepared and adopted for the original Ellis and North D Street Tentative Subdivision Map and no further analysis is required; and

**WHEREAS**, under the City's Municipal Code, the Planning Commission is authorized to review and approve tentative subdivision map extensions on behalf of the City; and

**WHEREAS**, the City provided notice of the Planning Commission hearing as required by law; and

**WHEREAS**, the Planning Commission received and reviewed TSM 2018-07 EXT at a duly noticed meeting on March 9, 2021; and

**WHEREAS**, a public hearing was held, the public was provided an opportunity to comment; and

**WHEREAS**, the Planning Commission upon determination by the Chairperson that the applicant nor a representative of the applicant was present, a member of the Commission motioned to continue the TSM 2018-07 EXT public hearing to April 13, 2021 and seconded by a Commissioner; and

**WHEREAS**, the Planning Commission on March 9, 2021 voted unanimously to continue the TSM 2018-07 EXT public hearing to April 13, 2021; and

**WHEREAS**, the TSM 2018-07 EXT March 9, 2021 public hearing was continued to April 13, 2021, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

**WHEREAS**, the Planning Commission now desires to approve TSM 2018-07 EXT with three new additional conditions. All conditions of approval for TSM 2018-07 remain in effect; and

**NOW THEREFORE**, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: This project has been previously assessed. Planning Commission finds that pursuant to CEQA Guidelines Section 15162 subsequent environmental review is not required for TSM 2018-07 EXT based on the following:
  - a. No substantial changes are proposed in the project which will require major revisions of the previous negative declaration (ND) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, TSM 2018-07 maintains the same density, intensity and is otherwise consistent with the development originally proposed for the subject site as contemplated by the ND. As such, no further environmental review is necessary or required.
  - b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, TSM 2018-07 is consistent with the originally approved tentative map that was assessed by the ND and there are no new substantial changes in the physical environment that were not anticipated in the ND, including its analysis in light of development contemplated in the General Plan.
  - c. There is no new information, which was not known and could not have been known at the time of the previous ND that the project will have significant effect not discussed in the ND. The project will not have any more significant effects than that already discussed and assessed in the ND. As a negative declaration was previously adopted for the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, it has been determined that no further environmental documents is required for TSM 2018-07 EXT.

3. Findings for TSM 2018-07 EXT: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of TSM 2018-07 EXT, as conditioned. With the conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-2.402.8.1 and 10-2.402.8.2. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. *There have been no changes to the provisions of the General Plan, any applicable specific plan or the development code applicable to the project since the approval of the tentative map.*

Tentative Subdivision Map 2018-07 remains consistent and compatible with the City's General Plan land use designations for the subject site and surroundings. The subject site is not subject to an adopted Specific Plan.

- b. *There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of the development code apply to the project.*

Surrounding property existing conditions and uses remain relatively unchanged since the approval of the tentative subdivision map (TSM 2018-07). The project, with the approval of the three new additional conditions of approval, will remain consistent with the City's Zoning Ordinance.

- c. *There have been no changes to the capacities of community resources, including but not limited to, water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.*

Adequate service capacity remains available to service the subject site.

- d. *There have been no changes in the character of the site, its surroundings, or the project that that would require major revisions to the previous negative declaration or would cause substantial environmental damage or injury to wildlife.*

The adopted negative declaration is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

4. Approval of TSM 2018-07 EXT: Given that all findings can be made, the Planning Commission hereby approves TSM 2018-07 EXT as conditioned as set forth in the Conditions of Approval attached as Exhibit "A." Tentative Subdivision Map 2018-07 shall now expire on February 12, 2023, unless otherwise timely extended.
5. Effective Date: This resolution is effective immediately.



\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 13<sup>th</sup> day of April 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Gary Conte, AICP  
Planning Manager

**EXHIBIT "A"**  
**TSM 2018-07 EXT (ELLIS AND NORTH D STREET TENTATIVE SUBDIVISION MAP)**  
**(AMENDED APRIL 2021)**  
**CONDITIONS OF APPROVAL**

**General Conditions**

1. The approval of TSM 2018-07 shall be contingent upon completion of the annexation of seven properties (APNs: 038-070-012, 038-082-001, 038-090-002, 038-090-003, 038-090-004, 038-090-005, 038-090-006). The annexation shall be completed by no later than February 12, 2020. If the annexation is not completed by the allotted date or by an extension thereof, the approval of TSM 2018-07 shall be null and void.
2. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within 30 days of the date of approval.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.

**Engineering Department**

**General**

4. Prior to recordation of the final map, the applicant shall, at their sole expense, annex the subdivision property into Community Facilities District (CFD) 2005-01 and pay all applicable fees. All properties included within the subdivision shall be made a part of CFD 2005-01 and subject to its taxes.
5. A final subdivision map shall be required per Section 10-2.502 of the MMC. 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.
6. 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.
7. A benchmark shall be established per City standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The location of the benchmark shall be approved by the City Engineer.

8. All construction vehicles shall access the site by a route approved by the City Engineer that minimizes 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.
9. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
10. Impact fees shall be paid at time of building permit issuance.
11. Improvement plans sealed by an engineer shall be submitted to the Engineering Department according to the engineering plan review submittal sheet and civil plan submittal checklist.
12. The developer shall pay all required fees for processing the subdivision map and completion of the project. Fees due include, but shall not be limited to, the following: subdivision map review and processing fee, plan review, map recordation and improvement inspection fees.
13. Improvements within the City's right-of-way require an encroachment permit from the Engineering Department.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.

#### Sewer

15. The developer shall construct a 21-inch sewer main along Ellis Street, starting from North D Street and extending to the westerly property line of the project site. The sewer main shall be designed and constructed in accordance with the City standard location within the street and preliminary design elevation on file at the City. Inability to construct sewer improvements to City standards within the subdivision that adequately direct flow to North D Street may require construction of a 21-inch sewer main on Ellis Street, starting from North D Street and extending to Country Club Drive.
16. The oversize component (difference in cost between the 21-inch and 8-inch pipe) of the construction of this line is considered reimbursable, subject to the availability of funds in the City's Development Impact Fee program. Half of the 8-inch component is reimbursable from adjacent properties as they develop and connect. Any reimbursement agreement requires approval of the City Council.
17. Sewer lines installed to serve this subdivision shall be sized accordingly and shall be a minimum of eight inches in diameter. Sewer main connections to any existing City main

that is six 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 subdivider.

18. Sewer services shall be located at the approximate centerline of each lot with a clean-out installed per City standards and identified on the curb face. Termination of service shall be ten feet past the property line. Where contiguous sidewalks are installed, the four-inch sewer cleanout shall be located eighteen inches back of sidewalk in a dedicated public utility easement. Sewer cleanouts shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed ten feet beyond the property lines as part of the sewer system installation for testing purposes.
19. Existing septic tanks, if found, shall be removed pursuant to issuance of a permit and inspection by the City of Madera Building Department.
20. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the project property frontage on North D Street prior to issuance of the encroachment permit for all off-site improvements.

#### Storm Drain

21. Storm runoff from this project site is planned to go to the Ellis Basin located northwest of the project site. Through the preparation of a hydrology study or appropriate runoff volume calculations, the developer shall illustrate how runoff from the site will be accommodated in the roadway section or storm conveyance facilities in conformance with the Storm Drainage Master Plan. The developer shall also excavate the Ellis Basin to an amount equivalent to this project's impact on the basin. The developer shall construct the following master-planned improvements:
  - a. 42-inch storm sewer main along Ellis Street, starting from North D Street and extending to approximately 540 feet west of North D Street;
  - b. 48-inch storm sewer main along Ellis Street, starting from approximately 540 feet west of North D Street to the Ellis Basin;
  - c. A pipe of size to be determined as part of the drainage study along project frontage on North D Street.

The construction of these storm drain lines is considered 100 percent reimbursable, subject to the availability of funds in the City's Development Impact Fee program. Any reimbursement agreement requires approval of the City Council.

22. This project shall comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small

Municipal Separate Storm Sewer System (MS4's), as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS0000004.

22.1 Subdivider shall not pull an encroachment permit until the City and the County have a working draft, acceptable to both parties, of an agreement to allow the subdivision to connect to the existing storm conveyance system which ultimately drains into the Ellis Street Basin to the west of the project site. As part of the agreement, the Subdivider shall excavate the basin for the equivalent amount of water deposited into the basin during a 100-year, 10-day storm event.

### Streets

23. The developer shall not oppose annexation into Landscape Maintenance District (LMD) Zone 51 (See Attachment 3) to include the median island and landscape improvements to be constructed on Ellis Street and North D Street. If the annexation into LMD Zone 51 is not attainable, the developer shall, at their sole expense, form a new LMD zone for park strip landscaping adjacent to the subdivision. The subdivider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recordation of any final map.
24. Prior to the approval of any final map, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required LMD Zone 51 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 improvements required to be constructed by the developer and included within the Citywide 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 required by the Parks and Community Services Department for maintenance of eligible landscaping shall be refunded to the developer.
25. Ellis Street shall be developed to a 100-foot street with a ten-foot sidewalk pattern and a sixteen-foot landscape median across the frontage of the subdivision. The southern half shall include, but not be limited to, fire hydrants, streetlights, curb and gutter, park strip and sidewalk. The northern half shall include one permanently paved twelve-foot lane and four-foot shoulder and asphalt dike as depicted on the tentative map. Adequate transition with the existing improvements relative to grade and alignment shall be provided. All improvements shall be constructed per current City standards. The center three lanes (40-feet total), which include the median island, are eligible for reimbursement through the City's Impact Fee program, subject to the availability of funds.

26. North D Street shall be developed to an 80-foot street with a ten-foot sidewalk pattern. The western half shall include, but not be limited to, fire hydrants, streetlights, curb and gutter, park strip and sidewalk. The eastern half shall include one permanently paved twelve-foot lane and four-foot shoulder and asphalt dike as depicted on the tentative map. Adequate transition with the existing improvements relative to grade and alignment shall be provided. All improvements shall be constructed per current City standards. The center three lanes (36 feet total) are eligible for reimbursement through the City's Impact Fee program, subject to the availability of funds.
27. Interior streets shall be constructed in accordance with City standards for a 50-foot residential street, including a five-foot sidewalk, curb and gutter, streetlights, fire hydrants and all other components necessary to complete construction per City standards.
28. Access to the subdivision shall be limited to three access points: one on North D Street and two on Ellis Street. Access points shall be a minimum of 150 feet from the curb line of the intersection of Ellis Street and North D Street.
29. The eastern-most access point on Ellis Street shall be only limited to right-in, right-out turn movements.
30. The developer shall construct concrete sidewalk along the entire project parcel frontages along Ellis Street and North D Street per City standards.
31. "No Parking" signs shall be installed along Ellis Street and North D Street project parcel frontages per City standards.
32. The developer shall install metered streetlights along Ellis Street, North D Street and all interior subdivision streets in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
33. An Offer of Dedication shall be made to dedicate sufficient right-of-way along the entirety of the parcel's frontage on Ellis Street to provide a half-street width of 50 feet, south of the center line, to accommodate for an arterial standard roadway.
34. An Offer of Dedication shall be made to dedicate sufficient right-of-way along the entirety of the parcel's frontage on North D Street to provide a half-street width of 40 feet, west of the center line, to accommodate for a collector standard roadway.
35. The developer shall dedicate a ten-foot wide Public Utility Easement (PUE) along the entire project parcel frontages on all internal subdivision streets.
36. Access ramps shall be installed at all curb returns per City standards.

37. Traffic calming features, as approved by the City Engineer, shall be implemented throughout the interior subdivision streets. The maximum distance between calming devices shall be 300 feet.
38. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall, at occupancy, have full, uninterrupted ADA access from the front door to the nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as part of the improvement plan approval and subdivision agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
39. If developed in phases, each phase shall have two points of vehicular access within a recorded easement for fire and other emergency services personnel. An all-weather access road shall be two inches of type "A" asphalt over six inches of 90 percent compacted native soil or four 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 recordation of the final map for any phased development.
40. 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-inch by 36-inch tracing paper with the City of Madera logo on the bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, street water main lineal feet, sewer line lineal feet, fire hydrant(s) and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City standards. The plans shall include the City of Madera title block and the following:
  - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
  - b. Street plans and profiles, including drainage ditches, culverts and other structures (drainage calculations to be submitted with the improvement plans), streetlights, traffic signals and construction details to include traffic signage and a striping plan;
  - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
  - d. Grading plan indicating flood insurance rate map community panel number and effective date;
  - e. Landscape and irrigation plans for the Ellis Street median, Ellis Street and North D Street frontages, prepared by a landscape architect;

- f. Storm water pollution control plan and permit;
  - g. Itemized quantities of the off-site improvements to be dedicated to the City.
41. Submittals shall include:
- a. Engineering plan review submittal sheet;
  - b. Civil plan submittal checklist;
  - c. Four copies of the final map;
  - d. Two sets of traverse calculations;
  - e. Two preliminary title reports;
  - f. Two signed copies of conditions;
  - g. Six sets of complete improvement plans;
  - h. Three sets of landscaping plans;
  - i. Two sets of drainage calculations;
  - j. Two copies of the engineer's estimate;

Partial submittals will not be accepted by the Engineering Department.

42. 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, all trenches shall be back-filled with a three-sack sand slurry mix extending one foot past the curb and gutter in each direction.
43. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and undergrounding of service lines. A ten-foot public utility easement shall be required along all interior lot frontages.
44. All public utilities shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all street rights-of-way. All public utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the Public Utilities Commission regulations or operating at 70,000 volts or greater.
45. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivision improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
46. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code shall be submitted for review prior to the approval of the improvement plans and the filing of the final



map, if required by the City Engineer. The date and name of the person preparing the report shall be noted on the final map.

47. The subdivider shall enter into a subdivision agreement in accordance with the MMC prior to recordation of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor bond, material bond, cash bond or other bonds as required by the City Engineer, prior to acceptance of the final map.
48. The subdivider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 of the MMC, an encroachment permit, provided improvement plans are approved and submitting a 100 percent performance bond, additional bond (50 percent labor and 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 is determined by the City of Madera Development Application Fees as approved by the City Council and paid at the time of permit issuance.
49. The developer's engineer, upon completion of subdivision-related improvements, shall certify to the City Engineer that the improvements are completed in accordance with City requirements and the approved plans. As-built plans detailing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.

#### Water

50. The water system shall be designed to meet the required fire flow for this type of development, 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.
51. Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of eight 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 installation of eighteen feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections shall be required to be hot-tap type connection to the existing City main. If the subdivision is constructed in phases, blow-offs shall be required at each termination point.
52. The developer shall construct a 24-inch water main along Ellis Street, starting from North D Street and extending to the westerly property line of the project parcels. The water main shall be constructed to current City standards, including butterfly valves. The oversize component (difference in cost between 24-inch and 8-inch pipe) of the construction of this line is considered reimbursable, subject to the availability of funds

in the City's Development Impact Fee program. Half of the eight-inch component is reimbursable from adjacent properties as they develop and connect.

53. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the Fire Protection Planning Officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
54. Water services shall be placed three 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 streetlight locations.
55. One water quality sampling station shall be installed within the subdivision and approved by the Public Works Department.
56. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks shall be inspected for proper air gaps or back-flow prevention devices.
57. Water service connections shall be constructed per current City standards including water meters located within the City's right-of-way.
58. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.
59. Water connections not serving a residence shall be constructed per current City standards, including water meters located within the City's right-of-way and backflow prevention device in private property.
60. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the project frontage along North D Street prior to issuance of the encroachment permit for all off-site improvements.

#### Subdivision Improvement Inspections

61. The Engineering Department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans. Inspection fees shall be due at time that all other fees are due per the subdivision agreement.

62. 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.
63. 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 shall verify, prior to inspection, that the contractor requesting inspection is using plans signed by the City Engineer.
64. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for a final improvement inspection, the generation of a written punch list will require a minimum five working days.

#### Special Engineering Conditions

65. 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.
66. Lot fill more than twelve inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of twelve inches or more will require construction of a retaining wall.
67. Retaining walls, if required, shall be constructed of 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.
68. Prior to the issuance of any building permits or any construction on the subdivision, a storm water pollution plan shall be prepared, and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size.
69. Any construction work on Madera Irrigation District (MID) facilities shall not interfere with either irrigation or storm water flows or MID operations. Prior to any encroachment upon, removal or modification of MID facilities, the subdivider shall submit two sets of preliminary plans for MID approval. Permits shall 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 shall require removal of MID facilities at the owner's expense. Turnouts and gates shall be salvaged and returned to the MID yard.

70. Prior to recordation of the subdivision map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees shall be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.
71. 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 project, all adjacent sidewalks shall retain a minimum clear walkway of five feet.

### **Fire Department**

72. The subdivision shall provide a minimum of two means of fire access with compliant fire roads in accordance with the California Fire Code (CFC).
73. Fire hydrants shall be placed in accordance with the CFC and City of Madera regulations.

### **Planning Department**

#### General

74. Conformance with the goals and policies of the General Plan shall be facilitated through the precise plan process. Prior to recordation of the tentative subdivision map, the applicant shall submit an application for a precise plan with submittals sufficient to make findings of General Plan conformance. The applicant shall submit proposed model floor plans and elevations as a component of the application.
75. Vandalism and graffiti on walls and/or fences shall be corrected pursuant to the MMC.

[75.1 Subdivider shall provide and dedicate to the City parkland within the subdivision to the satisfaction of the City or provide payment of fees in-leu of such dedication in accordance with the City's Parkland Acquisition Ordinance.](#)

#### Street Names

76. The internal street names of the subdivision shall be as follows:

- Sonora Street
- Pineridge Court
- Birchcrest Drive
- Foxridge Court
- Rosebriar Street

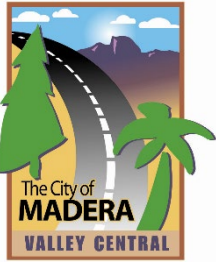
#### Tentative Subdivision Map

77. There shall be no direct access provided on all properties along the perimeter (Ellis Street and North D Street) of the subdivision. This includes lots 19, 20-26, 37-38, 49-50 and 61.
78. The following lots will only take direct access to the following streets within the subdivision:
- Sonora Street: Lots 58-61
  - Pineridge Court: Lots 44-53
  - Birchrest Drive: Lots 32-43
  - Foxridge Court: Lots 20-31
  - Rosebriar Street: Lots 1-19 and 54-57
79. Prior to map submittal, the applicant shall provide clarification of the Sonora Street easement. If specific restrictions exist that do not allow for any private development within the easement, the applicant shall submit for an amendment to the tentative subdivision map to the Planning Department and approved by the Planning Commission.

[79.1 Approval of TSM 2018-07 EXT allows for a two-year time extension for the previously approved Ellis and D Street Tentative Subdivision Map 2018-07. The approval shall expire on February 12, 2023.](#)

#### Fences and Walls

80. A six-foot tall decorative split-faced masonry block wall with capstone shall be constructed along all property lines that abut Ellis Street and North D Street.
81. For lots 19, 37-38 and 61, the construction of the first fifteen feet of the wall, starting at the front property line, shall be three feet in height. The remaining section of the wall shall be six feet in height.
82. For lot 20, the wall shall be constructed to extend from the rear property line along the exterior side property line. Within the first fifteen feet of this extension, starting at the front property line, the wall shall be three feet in height. The remaining section of the wall shall be six feet in height.



# CITY OF MADERA PLANNING COMMISSION

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

## Staff Report: Linden Street Residential Complex Subdivision Map Extension TSM 2018-06 EXT Item #3 – April 13, 2021

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**PROPOSAL:** Consideration of a request for a two-year time extension of the Linden Street Tentative Subdivision Map (TSM 2018-06), which allows for the creation of eight lots; seven will encompass the building footprints and one community lot. All previously approved conditions of approval remain in effect and two new conditions have been added. Previous project conditions have been slightly modified to increase clarity. New conditions are: (1) extending the life of the map for the requested two-year extension and (2) requiring TSM 2018-06 EXT to comply with City's adoption of the Parkland Acquisition Ordinance Act authorizing the City to require dedication of parkland or the payment of fees in-lieu of such dedication in effect since May 21, 2018.

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<b>APPLICANT:</b>	Tom Jarrell 35273 John Albert Drive Madera, CA 93636	<b>OWNER:</b>	Tom Jarrell 35273 John Albert Drive Madera, CA 93636
<b>SITE ADDRESS:</b>	733 Linden Street	<b>APNs:</b>	006-360-042
<b>APPLICATIONS:</b>	TSM 2018-06 EXT	<b>CEQA:</b>	Negative Declaration (Previously Adopted)

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**LOCATION:** The subject site is a single parcel and is located approximately 600 feet north of the intersection of Sunset Ave and Linden Street.

**STREET ACCESS:** The subdivision will have access from Linden Street.

**PROJECT SIZE:** Approximately 1.28 acres.

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

**ZONING DISTRICT:** PD-2000 (Planned Development)

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**SITE CHARACTERISTICS:** The subject site is within the Groves Neighborhood Specific Plan Area. The property has a vacant single-family home surrounded by generally cleared land with sparse mature trees and vegetation. Improvements along Linden Street for the length of the property include a light pole, curb, gutter, and drive approach with overhead utility lines running to the vacant residential home. Surrounding

land uses are vacant land planned for residential homes and apartment complexes to the west and north of the site.

**ENVIRONMENTAL REVIEW:** TSM 2018-06 has already been subject to an environmental assessment and a Negative Declaration was adopted for the project as part of the original approvals by the Planning Commission on September 12, 2017. The impacts of the proposed two-year time extension are consistent with impacts anticipated during original approval. Therefore, no additional environmental analysis is required.

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**SUMMARY:** The proposal is a two-year time extension of the previously approved Linden Street Residential Complex Tentative Subdivision Map (TSM 2018-06) that allows for the creation of eight lots; seven will encompass the building footprints and one community lot. Applicant is requesting a two-year time extension of TSM 2018-06 as they have experienced hardships in working with an engineering firm to produce the map as well as difficulties monetarily due to COVID-19. Considering the project is within a Planned Development (PD) zone district, Precise Plan 2017-04 (PPL 2017-04) was approved for the project which set site design standards for construction of the units. All previously approved TSM 2018-06 and PPL 2017-04 conditions of approval remain in effect and two new conditions have been added. The previously approved conditions for PPL 2017-04 and PPL 2017-04 MOD have been revised slightly to clarify the relationship of the two sets of conditions. New conditions are: (1) extending the life of the map for the requested two-year extension and (2) requiring TSM 2018-06 EXT to comply with City's adoption of the Parkland Acquisition Ordinance Act authorizing the City to require dedication of parkland or the payment of fees in-lieu of such dedication in effect since May 21, 2018.

#### **APPLICABLE CODES AND PROCEDURES**

*Madera Municipal Code (MMC) §10-2.402.8.2 (Tentative Subdivision Map Extensions)*  
*MMC § 10-2.1300 Acquisition of Land and/or Payment of Fees for City Park Facilities*  
*California Government Code §66410 et. Seq. (Subdivision Map Act)*

#### **PRIOR ACTION**

The subject property is located within the Groves Neighborhood Specific Plan Area. This specific plan was reviewed and recommended for adoption by the Planning Commission on October 14, 1997 and adopted by the City Council on November 19, 1997. The specific plan was a supplement to the 1992 General Plan.

An application for a rezone (REZ 2017-02) and a precise plan (PPL 2017-04) were submitted to the City in mid-2017. Both applications, REZ 2017-02 and PPL 2017-04, were reviewed by staff and recommended for approval. At its regularly scheduled meeting of September 12, 2017, the Planning Commission adopted a Negative Declaration for the project and conditionally approved PPL 2017-04. The Commission also adopted a resolution recommending to the City Council adoption of REZ 2017-02 rezoning the subject site to the PD-2000 (Planned Development) Zone District.

First reading of the prezone was introduced to City Council on October 4, 2017 with direction given to staff to prepare a formal resolution to be brought back for Council action at a later hearing. At the regular meeting of the City Council on October 18, 2017, the second reading of the zoning ordinance amendment was approved and adopted as Ordinance Number 946 C.S.

In early 2019, the applicant desired to subdivide the property establishing individual parcels for each of the proposed building footprints and a community parcel to serve the complex. An application was received for a Tentative Subdivision Map (TSM 2018-06) and Precise Plan Amendment (PPL 2017-04 MOD) which would accomplish subdividing the property and requiring Codes, Covenants, and Restrictions (CC&R) for maintenance of the new parcels in the subdivision. The Commission approved TSM 2018-06 and PPL 2017-04 MOD at a regular meeting on April 9, 2019 with all previous conditions remaining and modifying some to accommodate the CC&Rs.

## **ANALYSIS**

The approval date of the Linden Street Residential Complex subdivision (TSM 2018-06) was established by the Planning Commission with its approval of the project at the April 9, 2019 meeting. Subdivision maps are valid for two years from the date of approval, making the expiration date for this map April 9, 2021. Madera Municipal Code (MMC) section 10-2.402.8.2 outlines the process for requesting extensions of subdivision maps, which states written request by the subdivider must be filed at least 15 days prior to expiration. The City received an application and written request by the subdivider on February 19, 2021 which meets the requirements of the MMC regarding this subdivision map extension request. The applicant's reason for requesting an extension is hardships in working with an engineering firm to produce the map as well as difficulties monetarily due to COVID-19.

All existing conditions of approval remain in effect as part of the original approvals by the Planning Commission. To assist project development and understanding of requirements from previously approved PPL 2017-04 and PPL 2017-04 MOD, staff has suggested revisions to original conditions that clarify the relationship of the two sets of conditions. Staff is also recommending adding two conditions to the project: (1) extending the life of the map for the requested two-year extension and (2) requiring TSM 2018-06 EXT to comply with City's adoption of the Parkland Acquisition Ordinance (MMC §10-2.1300 et seq. authorizing the City to require dedication of parkland or the payment of fees in-lieu of such dedication in effect since May 21, 2018.

The staff report prepared and presented to the Commission at the April 9, 2019 hearing included mention of the Quimby Act and Parkland Acquisition Ordinance; however, the Ordinance was not in effect at the time of the approval of TSM 2018-06. For clarity purposes, tentative subdivision map extensions can be, and are subject to, new ordinance adopted subsequent to tentative subdivision map approvals. As such, TSM 2018-06 EXT includes a new condition to ensure the tentative subdivision map is in compliance with MMC §10-2.1300 et seq. In addition, a condition expressing the date of expiration of the map has also been added to the conditions of approval to clearly identify the extension and expiration of the tentative subdivision map.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The applicant requests an extension of time for the previously approved Linden Street Residential Complex Tentative Subdivision Map (TSM 2018-06). This project has already been environmentally assessed, and a Negative Declaration (ND) was adopted for the project by the Planning Commission as part of the original approvals on April 9, 2019. The setting for the project has not substantially changed since the adoption of the ND. No additional development in the area has occurred since the approval of TSM 2018-06 that would require additional environmental analysis of the project. The extension of time for a tentative subdivision map does not involve any physical changes in the environment and hence does not have the potential for causing a significant effect on the environment. No substantial changes are



proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information, which was not known and could not have been known at the time of the previous negative declaration that the project will have significant effect not discussed in the negative declaration. Finally, since a negative declaration was previously adopted for the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable. Therefore, the adopted negative declaration is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

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

One of the Madera General Plan's visions is a well-planned city. This idea takes into consideration many of the growing needs of a City as it expands. Housing to support our growing population is a great way to encourage new family opportunities in Madera and make our City marketable. The infrastructure improvements to be fulfilled with this subdivision and the homes to be built support this vision and will provide for the rapidly growing population.

### **RECOMMENDATION**

The information presented in this report provides support of approval of a resolution approving a two-year time extension to the Tentative Subdivision Map 2018-06. It is recommended that the Commission consider the information in this report, as well as testimony received at the public hearing, and make a determination on TSM 2018-06 EXT, subject to the findings and conditions of approval below.

### **PLANNING COMMISSION ACTION**

The Commission will be acting on a two-year time extension for Tentative Subdivision Map 2018-06 and determining to either:

- Adopt a resolution approving a two-year time extension for Tentative Subdivision Map TSM 2018-06 as conditioned (Motion 1); or
- Continue the hearing to May 11, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); or
- Move to continue the application for a two-year time extension for TSM 2018-06 to the May 11, 2021 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial). (Motion 3).

**Motion 1:** Move to adopt a resolution of the Planning Commission of the City of Madera approving a two-year time extension for the previously approved Linden Street Residential Complex Tentative Subdivision Map 2018-06, based on and subject to the findings and conditions of approval as follows:

Findings to Approve a Tentative Subdivision Map Extension (California Subdivision Map Act - Government Code Section 66474)

*Finding a: There have been no changes to the provisions of the General Plan, any applicable specific plan or the development code applicable to the project since the approval of the tentative map.*

Tentative Subdivision Map 2018-06 remains consistent and compatible with the City's General Plan land use designations for the subject site and surroundings. The subject site is not subject to an adopted Specific Plan.

*Finding b: There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of the development code apply to the project.*

Surrounding property existing conditions and uses remain relatively unchanged since the approval of the tentative subdivision map (TSM 2018-06). The project, with the approval of the two new additional conditions of approval, will remain consistent with the City's Zoning Ordinance.

*Finding c: There have been no changes to the capacities of community resources, including but not limited to, water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.*

Adequate service capacity remains available to service the subject site.

*Finding d: There have been no changes in the character of the site, its surroundings, or the project that that would require major revisions to the previous negative declaration or would cause substantial environmental damage or injury to wildlife.*

The adopted negative declaration is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

**CONDITIONS OF APPROVAL (NEW)**

[5.1 Approval of TSM 2018-06 EXT allows for a two-year time extension for the previously approved Linden Street Residential Complex Tentative Subdivision Map 2018-06. The approval shall expire on April 9, 2023.](#)

[5.2 Subdivider shall provide and dedicate to the City parkland within the subdivision to the satisfaction of the City or provide payment of fees in-leu of such dedication in accordance with the City's Acquisition of Land and/or Payment of Fees for City Park Facilities Ordinance \(MMC 10-2.1300 et seq.\).](#)

**(OR)**

**Motion 2:** Move to continue the public hearing on a two-year time extension for TSM 2018-06 to the May 11, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

**(OR)**

**Motion 3:** Move to continue the application for a two-year time extension on TSM 2018-06 to the May 11, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

#### **ATTACHMENTS**

Attachment 1: Aerial Photo

Attachment 2: Tentative Subdivision Map 2018-06

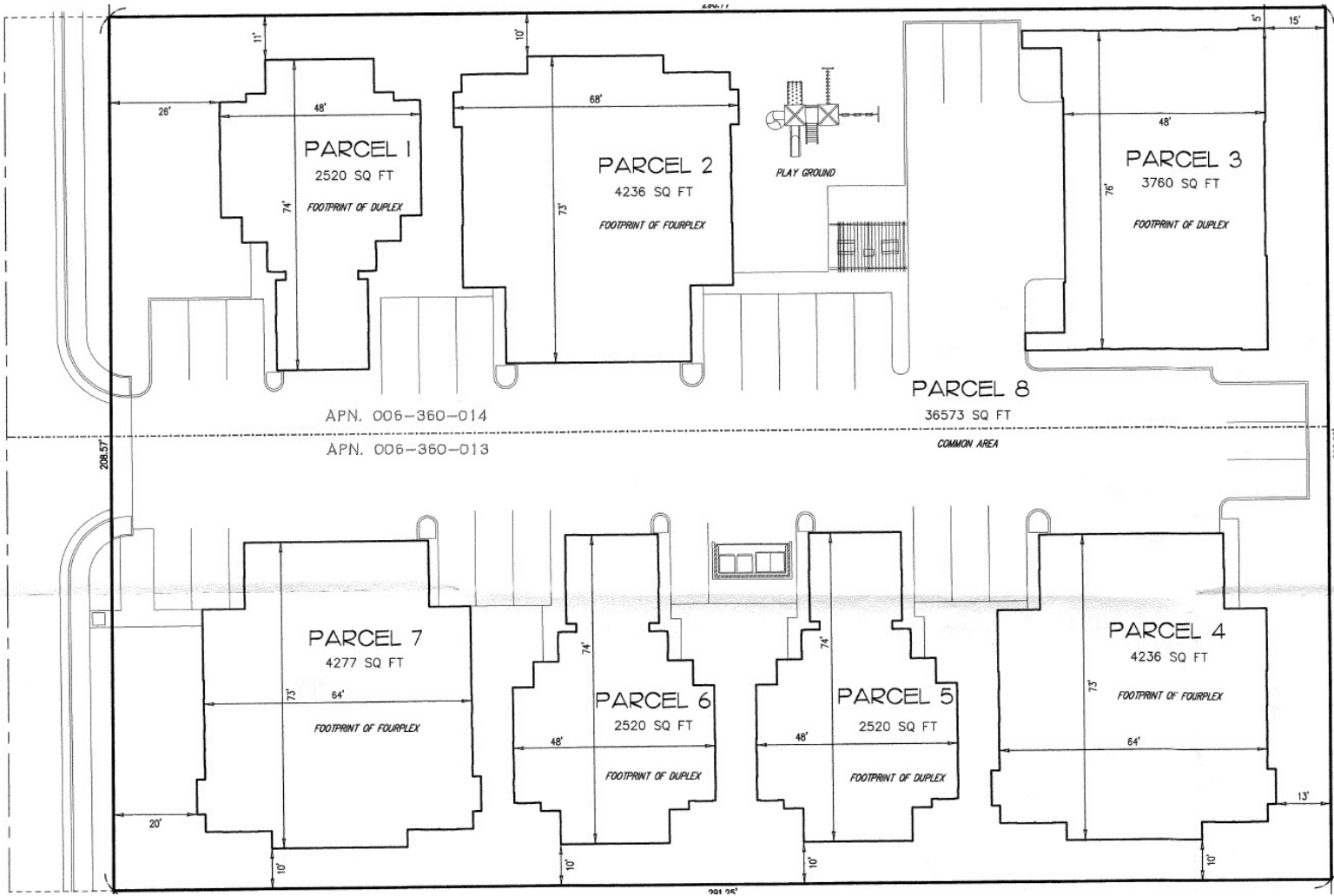
Attachment 3: Negative Declaration for Tentative Subdivision Map 2018-06

Attachment 4: Planning Commission Resolution #1879

Attachment 1: Aerial Map



Attachment 2: Tentative Subdivision Map 2018-06



**Attachment 3: Negative Declaration for Tentative Subdivision Map 2018-06**

## INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

### Linden Street Residential Complex Rezone (REZ) 2017-02 Precise Plan (PPL) 2017-04

This environmental assessment has been prepared to evaluate the impacts of the proposed project as required by the California Environmental Quality Act (CEQA). CEQA requires that public agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects (Public Resources Code [PRC] 21000 et seq.). For this project, the City is the lead agency under CEQA because it has the primary responsibility for approving and implementing the project, and therefore the principal responsibility for ensuring CEQA compliance.

**Project:** Rezone (REZ) 2017-02 and Precise Plan (PPL) 2017-04  
**Applicant:** Tom Jarrell  
**Owner:** Tom Jarrell

**Location:** The project site includes two (2) parcels encompassing approximately 1.40 acres of land. The project site is located east on Linden Street, approximately 635 feet north of the intersection of Linden Street and Sunset Avenue (APNs: 006-360-013 and 006-360-014).

#### **Proposal:**

**REZ 2017-02:** A Rezone to allow for changing the zoning for the project site from the PD 1500 (Planned Development) Zone District to the PD 2000 (Planned Development), providing consistency with the proposed number of units and HD (High-Density Residential) General Plan land use designation.

**PPL 2017-02:** A Precise Plan to allow for the development of a multifamily residential complex comprised of twenty-two units on two parcels. The project site would be improved with the construction of three (3) duplexes encompassing 1,448 square feet of living space per unit and four (4) fourplexes encompassing 1,300 square feet of living space per unit for a total of 29,488 square feet of living space. The project site will also include a paved parkway surface encompassing 17,630 square feet with twenty-two (22) uncovered parking stalls and twenty-two (22) single-car garages. Open space encompasses 20,171 square feet, including a 2,457 square foot children's playground area, 190 square foot shaded barbeque area and 17,524 square feet of landscaped area. Off-site improvements for the project include the construction of ADA accessible concrete sidewalk, removal and replacement of driveway approaches to a street type entrance, required annexation into a Landscape Maintenance District (LMD), and the undergrounding of public utilities.

**Zone District:**                      **Current:**      PD 1500 (Planned Development)  
   **Proposed:**    PD 2000 (Planned Development)

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

#### **Surrounding Land Uses and Zoning:**

South – Existing single-family residential development  
North – Existing single-family residential development  
West – Existing single-family and high-density residential development  
East – Existing single family residential development

**Responsible and Interested Agencies:**

San Joaquin Valley Air Pollution Control District

Madera Irrigation District

Madera Unified School District



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project. None of these factors represents a "Potentially Significant Impact" as indicated by the checklist on the following pages

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture Resources               | <input checked="" type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources                   | <input type="checkbox"/> Cultural Resources                  | <input type="checkbox"/> Geology /Soils                    |
| <input type="checkbox"/> Hazards & Hazardous Mat.               | <input type="checkbox"/> Hydrology /Water Quality            | <input type="checkbox"/> Land Use / Planning               |
| <input type="checkbox"/> Mineral Resources                      | <input checked="" type="checkbox"/> Noise                    | <input type="checkbox"/> Population / Housing              |
| <input checked="" type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                          | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings                |

**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 Robert Holt  
Printed Name : Robert Holt, Assistant Planner

Date: August 15, 2017

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

### **I. AESTHETICS.**

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** The project will not affect a scenic vista and will not have an overall adverse visual impact on the immediate area. The project will not affect a scenic highway, and will not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light. Existing City Standards will insure that the impact is less than significant and will not substantially degrade the existing visual character or quality of the property and its surroundings.

- a. **No Impacts.** The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The project will not have a substantial adverse effect on a scenic vista. The City of Madera is located in a predominantly agricultural area near the base of the Sierra Nevada Mountain Range, which provides for aesthetically pleasing views and open spaces. By developing land within the city's sphere of influence, the proposed project will reduce development pressure on rural lands.
- b. **No Impacts.** The project will not damage scenic resources, including, but not limited to, rock outcroppings, and historic buildings within a state scenic highway.
- c. **No Impacts.** The project would not substantially degrade the existing visual character or quality of the site and surroundings under examination. The proposed project would not alter the landforms, view sheds, and overall character of the area.
- d. **Less than Significant Impacts.** There will be an increase in light and glare and other aesthetic impacts associated with residential development as a result of the project, although it will be a less than significant impact because lighting will be down shielded and directed per the approval of the City Engineer.

**II. AGRICULTURE RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:

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

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

- a. **No Impacts.** The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California resources agency) to non-agricultural use. The project site is identified as Urban and Built-Up Land on the 2016 Madera County Important Farmland Map. The project site has been identified for residential uses within the City of Madera General Plan, and the land has not being utilized for any agricultural purposes for an extended length of time.
- b. **No Impacts.** The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts in the affected territory. The City of Madera General Plan identifies this site for high-density residential uses.
- c. **No Impacts.** The development of this property will not influence surrounding properties to convert from farmland to non-agricultural uses since this property is surrounded by property designated for residential development, consistent with the Madera General Plan.

**III. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The project area is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by San Joaquin Valley Air Pollution Control District (SJVAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).

Air quality is determined primarily by the type and amount of contaminants emitted into the atmosphere, the size and topography of the Basin, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are "criteria pollutants." The SJVAPCD also conducts monitoring for two other state standards: sulfate and visibility.

The State of California has designated the project area as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.

The project will not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans. The SJVAPCD has determined that project specific emissions are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

The type of proposed development is not subject to Rule 9510 (Indirect Source Review) by the SJVAPCD. The project would not create substantial air emissions or deterioration of ambient air quality, and any future development would be subject to SJVAPCD review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.

The project will be required to comply with all applicable rules and regulations of the SJVAPCD, including but not limited to Rules 8041, 8051, 8061 and 8071.

- a. **Less than Significant Impacts.** The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
- b. **Less than Significant Impacts.** The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- c. **Less than Significant Impacts.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors.
- d. **No Impacts.** The proposed project would not expose sensitive receptors to substantial pollutant concentrations.
- e. **No Impacts.** The proposed project would not create any new/permanent objectionable odors affecting a substantial number of people.

**IV. BIOLOGICAL RESOURCES.**

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** ~~With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. The project area has been subjected to residential~~

urbanization in the past, resulting in a highly maintained and disturbed habitat. There is no record of special-status species in this project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore, impacts in this category are not anticipated to exceed the impacts addressed in those documents.

- a. **No Impacts.** The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- b. **No Impacts.** The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.
- c. **No Impacts.** The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.
- d. **No Impacts.** The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e. **No Impacts.** The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f. **No Impacts.** The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

**V. CULTURAL RESOURCES.**

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project will not disturb archaeological resources. The project will not disturb any unique paleontological or geologic resources. The project will not disturb any human remains. Prior clearances have been granted to the City of Madera relative to archeological surveys conducted in the same area. In the event any archeological resources are discovered with project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State Law may be applied.

- a. **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. There are no known historical resources located in the affected territory.
- b. **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines. There are no known archaeological resources located in the project area.
- c. **No Impacts.** The proposed project would not directly or indirectly destroy unique paleontological resources or sites or unique geologic features. There are no known paleontological resources or sites or unique geologic features located in the affected territory.
- d. **No Impacts.** The project would not likely disturb any human remains, including those interred outside of formal cemeteries. If development occurs in the future and any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state and federal regulations that regulate archaeological and historical resources would be complied with.



**VI. GEOLOGY AND SOILS.**

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in *The Uniform Building Code* that is utilized by the Madera Building Division to monitor safe construction in the City.

- a.
- i. **No Impacts.** No known faults with evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west, and south of the project site. Due to the geology of the project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal.
  - ii. **No Impacts.** Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise, and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.
  - iii. **No Impacts.** Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. There is no evidence of the presence of these requisite conditions.
  - iv. **No Impacts.** The project will not result in or expose people to potential impacts from landslides or mudflows.
- b. **No Impacts.** Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with City of Madera ordinances and regulations, the California Building Code, and professional engineering designs approved by the Madera Engineering Division will mitigate any potential impacts from future urban development, if any.
- c. **No Impacts.** The project site would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- d. **No Impacts.** The project will not result in or expose people to potential impacts from expansive soils.
- e. **No Impacts.** Should urban uses be approved in the project area, the City of Madera would provide necessary sewer and water systems.

**VII. GREENHOUSE GAS EMISSIONS.**

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** The San Joaquin Valley Unified Air Pollution Control District staff has concluded that existing science is inadequate to support quantification of impacts that project specific GHG emissions have on global climatic change. This is readily understood when one considers that global climatic change is the result of the sum total of GHG emissions, both manmade and natural that have occurred in the past; that is occurring now; and may occur in the future. The Air District has advanced a methodology of reducing the (assumed) significance of impacts around performance measures applied to projects or alternatively, by comparing project-level impacts to an identified GHG emissions threshold.

In the absence of further regulatory or scientific information related to GHG emission and CEQA significance, it is currently too speculative to make a significant determination regarding this project's direct and indirect impact with respect to climate change. The City General Plan includes policies in support of GHG emissions reduction and climate change. The City supports local, regional, and statewide efforts to reduce the emission of greenhouse gases linked to climate change.

**VIII. HAZARDS AND HAZARDOUS MATERIALS.**

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to <del>urbanized areas</del> or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The project will not bring about a direct increase in the risk of accidental explosion or release of hazardous substances. The project site has not been identified as a hazardous material site. The project will not result in a substantial air safety hazard for people residing in the area or future residents of the project. The project site is not within a quarter mile of any existing or proposed school. The project is within C2 (Primary Traffic Pattern Zone) boundary of the Madera County Airport Land Use Compatibility Plan. The C2 (Primary Traffic Pattern Zone) is considered "Normally Compatible" with multifamily residential projects. The only risks involved with the C2 (Primary Traffic Pattern Zone) include airspace hazards with object heights greater than 150 feet above runway elevation, which the project does not propose. The project will not result in any hazards to air traffic or be a substantial air safety hazard. The project will not interfere with any emergency response or evacuation plans. Truck traffic generated with construction of the project is expected to be insignificant. Traffic generated with development is not expected to be substantially higher than current volumes. The project will not bring about an increase in fire hazards in areas from flammable brush, grass, or trees.

- a. **No Impacts.** The proposed project would not create any hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b. **No Impacts.** The proposed project would not create any hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- c. **No Impacts.** The project would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. **No Impacts.** The land within the project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazard waste and substance sites within the City of Madera ([www.dtsc.ca.gov/database/Calsites/Cortese\\_List.cfm](http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm)).
- e. **Less than Significant Impacts.** The project site is located within the C2 (Primary Traffic Pattern Zone) of the Madera Countywide Airport Land Use Compatibility Plan. The risk concern with the C2 (Primary Traffic Pattern Zone) is primary with uses for which potential consequences are severe, e.g. intensive uses and airspace hazards. Airspace concern is generally with object heights greater than 150 feet above runway elevation. The proposed project does not propose any objects with heights greater than 150 feet, which would not bring about a safety hazard related to the airport or aviation activities for people residing or working in the project area.
- f. **No Impacts.** The project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project vicinity related to an airstrip or aviation activities.
- g. **No Impacts.** The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- h. **No Impacts.** The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

**IX. HYDROLOGY AND WATER QUALITY.**

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Discussion:**

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

The project will not expose people or property to water related hazards. During future construction, the project site may be exposed to increased soil erosion from wind and water. Dust control will be used during any future construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions. Standard construction practices and compliance with City ordinances and regulations, *The Uniform Building Code*, and adherence to professional engineering design approved by the Madera Engineering Department will mitigate any potential impacts from this project. This development will be required to comply with all City ordinances and standard practices which will assure that storm water will be adequately drained into the approved storm water system. The project will not create any impacts on water quality.

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

- a. **No Impacts.** Development of the project site would be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development would also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.
- b. **No Impacts.** The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- c. **No Impacts.** The proposed project would not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.
- d. **No Impacts.** The proposed project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site.

- e. **No Impacts.** The proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. All plant nutrient handling and/or transfer areas will include containment and capture features.
- f. **No Impacts.** The proposed project would not degrade water quality.
- g. **No Impacts.** The project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- h. **No Impacts.** The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- i. **No Impacts.** The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- j. **No Impacts.** The project would not have any potential to be inundated by a seiche, tsunami, or mudflow.



**X. LAND USE AND PLANNING.**

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but no limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

## XI. MINERAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. **No Impacts.** The project would not result in the loss or availability of mineral resources.

b. **No Impacts.** The proposed project would not result in the loss of availability of any locally important mineral resource recovery sites.

**XII. NOISE.**

Would the project result in:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a. **No Impacts.** The proposed project would not result in exposure of persons to or the generation of noise.
- b. **No Impacts.** The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.

- c. **No Impacts.** The proposed project would not result in any permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- d. **Less than Significant Impacts.** The proposed project may result in some temporary increase in ambient noise levels in the project vicinity during construction of the site.
- e. **Less than Significant Impacts.** The proposed project site is located within an airport land use plan or within two miles of a public airport or public use airport. Figure 14 of the Madera Municipal Airport Master Plan Report demonstrates that all 60 and 65 CNEL noise contours are contained entirely within the boundaries of the airport.
- f. **No Impacts.** The project will is not located within the vicinity of a private airstrip.

### XIII. POPULATION AND HOUSING.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The proposed project will not induce additional substantial growth in this area. The property involved has one existing vacant residence that will be displaced, but the project will not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere.

- V. **No Impacts.** The proposed project will provide employment opportunities which may induce a minimal growth in population by individuals and/or families who move to Madera in response to opportunities for employment. Sufficient capacity exists in the City's residential inventory to accommodate that growth.
- VI. **Less than Significant Impacts.** The proposed project would only displace one existing vacant residence, thus not displacing substantial numbers of existing housing.
- VII. **No Impacts.** The proposed project would not displace any people because the existing residence is vacant.

**XIV. PUBLIC SERVICES.**

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** The project will not result in substantial adverse physical impacts from new or altered public facilities. As development occurs, there will be a resultant increase in job opportunities, and a greater demand placed upon services, such as fire and police protection, and additional park and school facilities. This additional demand is consistent with the demand anticipated in the General Plan and evaluated its demand in the General Plan EIR.

The project will not bring about a significant increase in demand for public services. There will be an increase in street, and water and sewer system maintenance responsibility because of this project. However, based on the density of the proposal, the increase in manpower requirements for the Public Works Department will be minimal.

The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are available to serve the project. The project area will be required to provide additional facilities within the development, and comply with the City's Master Plan, Ordinances, and standard practices. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

**V. Fire protection. Less than significant Impacts.** The proposed project would not result in substantial adverse physical impacts to fire protection services.

**VI. Police protection. Less than significant Impacts.** The proposed project would not result in substantial adverse physical impacts associated with the provision of police protection.

- VII. Schools. **Less than significant Impacts.** The Madera Unified School District levies a school facilities fee to help defray the impact of commercial development. The proposed project would not generate a significant impact to the schools in Madera.
- VIII. Parks. **Less than Significant Impacts.** The proposed project would not generate a significant impact to the park facilities in Madera because park features are incorporated into the project's design, including a barbeque/picnic area as well as a children's playground area.
- IX. Other public facilities. **Less than significant Impacts.** The proposed project would not have any impacts on other public facilities.

**XV. RECREATION**

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** Residential development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.

- a. **No Impacts.** The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated because there are no neighborhood and regional parks or other recreational facilities within the Groves Neighborhood Plan area.
- b. **No Impacts.** The project does propose the construction of recreational facilities, including a children’s playground and barbecue/picnic area, although these recreational facilities will not have an adverse physical effect on the environment.



**XVI. TRANSPORTATION/TRAFFIC.**

Would the project:

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

**Discussion:** This residential development of the properties 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. Sunset Avenue, south of the project site, Granada Drive (west), Schnoor Avenue (east), and Riverside Drive (north) are all identified as collector streets per the General Plan.

- a. **Less-Than-Significant Impacts.** The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system that would result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections.
- b. **No Impacts.** The project would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

- c. **Less-Than-Significant Impacts.** The proposed project would not result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- d. **No Impacts.** The proposed project would not increase hazards to transportation systems due to design features such as sharp curves, dangerous intersections, or incompatible uses.
- e. **No Impacts.** The proposed project would not result in inadequate emergency access.
- f. **No Impacts.** The proposed project would not result in inadequate parking capacity.
- g. **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

**XVII. UTILITIES AND SERVICE SYSTEMS.**

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The City's community sewage disposal system will continue to comply with Discharge Permit requirements. The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are available to serve the project. The project area will be required to comply with the City's Master Plan, Ordinances, and standard practices. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

- a. **No Impacts.** The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- b. **No Impacts.** The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c. **Less than Significant Impacts.** The proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The storm runoff from this project will surface drain into existing facilities and eventually into the Madera Irrigation District (MID) Canal. The water runoff must be cleaned before entering the existing storm water system to the satisfaction of the Madera Irrigation District through the use of an on-site oil/water separator or drop inlet inserts.
- d. **No Impacts.** There will be sufficient water supplies available to serve the project.
- e. **No Impacts.** The project would not require a determination by a wastewater treatment provider.
- f. **No Impacts.** The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g. **No Impacts.** Any development project that might be proposed on the project site would be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.**

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Determination:**

Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Greenhouse Gas Emissions, Noise, Public Services, Transportation and Traffic, and Utilities and Service Systems.

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

**Attachment 4: Planning Commission Resolution for TSM 2018-06 EXT**

**RESOLUTION NO. 1879**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
APPROVING A TWO-YEAR TIME EXTENSION FOR THE LINDEN STREET  
RESIDENTIAL COMPLEX TENTATIVE SUBDIVISION MAP 2018-06 (TSM 2018-06  
EXT)**

**WHEREAS**, the Planning Commission of the City of Madera on September 12, 2017 adopted a Negative Declaration and resolution recommending to the City Council of the City of Madera adoption of REZ 2017-02, rezoning APNs 006-360-013 and 006-360-014 from PD-6000 to the PD-2000 Zone District; and

**WHEREAS**, first reading of REZ 2017-02 was introduced to the City Council of the City of Madera on October 4, 2017 with direction provided to return for a second reading of the Zoning Ordinance Amendment; and

**WHEREAS**, second reading of REZ 2017-02 was considered by the City Council of the City of Madera at a regular meeting on October 18, 2017 and was approved and adopted as Ordinance Number 946 C.S.; and

**WHEREAS**, the Planning Commission of the City of Madera on September 12, 2017 adopted a Negative Declaration and approved the Linden Street Residential Complex Precise Plan (PPL 2017-04) which set development standards for a 22-unit multi-family apartment complex; and

**WHEREAS**, the Planning Commission of the City of Madera on April 9, 2019 adopted PPL 2017-04 MOD modifying the originally approved PPL 2017-04 to accommodate a now desired subdivision of the subject property; and

**WHEREAS**, Planning Commission of the City of Madera on April 9, 2019 adopted Tentative Subdivision Map 2018-06 (TSM 2018-06) subdividing the subject property into eight individual lots; and

**WHEREAS**, prior to the expiration of TSM 2018-06 on April 9, 2021, the City of Madera Planning Department received an application and written request on February 19, 2021, from Tom Jarrell, owner of the subject property who filed a request for a two-year extension on TSM 2018-06; and

**WHEREAS**, based on a preliminary environmental assessment, this TSM 2018-06 EXT was determined to be consistent with the Negative Declaration prepared and adopted for the original Precise Plan 2017-04 and Rezone 2017-02 and no further analysis is required; and

**WHEREAS**, under the City's Municipal Code, the Planning Commission is authorized to review and approve tentative subdivision map extensions on behalf of the City; and

**WHEREAS**, the City provided notice of the Planning Commission hearing as required by law; and

**WHEREAS**, the Planning Commission received and reviewed TSM 2018-06 EXT at a duly noticed meeting on April 13, 2021; and

**WHEREAS**, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

**WHEREAS**, the Planning Commission now desires to approve TSM 2018-06 EXT with two new, additional conditions. All conditions of approval for TSM 2018-06 and PPL 2017-04 remain in effect with modifications to clarify requirements; and

**NOW THEREFORE**, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: This project has been previously assessed. The Planning Commission finds that pursuant to CEQA Guidelines Section 15162, subsequent environmental review is not required for TSM 2018-06 EXT based on the following:
  - a. No substantial changes are proposed in the project which will require major revisions of the previous negative declaration (“ND”) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, TSM 2018-06 maintains the same density, intensity and is otherwise consistent with the development originally proposed for the subject site as contemplated by the ND. As such, no further environmental review is necessary or required.
  - b. No substantial changes occur with respect to the circumstances under which the project is undertaken which would require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, TSM 2018-06 is consistent with the originally approved tentative map that was assessed by the ND and there are no new substantial changes in the physical environment that were not anticipated in the ND, including its analysis in light of development contemplated in the General Plan.
  - c. There is no new information, which was not known and could not have been known at the time of the previous ND that the project will have significant effect not discussed in the ND. The project will not have any more significant effects than that already discussed and assessed in the ND. As a negative declaration was previously adopted for the considerations set forth in CEQA Guidelines §15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, it has been determined that no further environmental documents is required for TSM 2018-06 EXT.
3. Findings for TSM 2018-06 EXT: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of TSM 2018-06 EXT, as conditioned. With the conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-2.402.8.1 and 10-2.402.8.2.



The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. *There have been no changes to the provisions of the General Plan, any applicable specific plan or the development code applicable to the project since the approval of the tentative map.*

Tentative Subdivision Map 2018-06 remains consistent and compatible with the City’s General Plan land use designations for the subject site and surroundings. The subject site is not subject to an adopted Specific Plan.

- b. *There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of the development code apply to the project.*

Surrounding property existing conditions and uses remain relatively unchanged since the approval of the tentative subdivision map (TSM 2018-06). The project, with the approval of the two new additional conditions of approval, will remain consistent with the City’s Zoning Ordinance.

- c. *There have been no changes to the capacities of community resources, including but not limited to, water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.*

Adequate service capacity remains available to service the subject site.

- d. *There have been no changes in the character of the site, its surroundings, or the project that that would require major revisions to the previous negative declaration or would cause substantial environmental damage or injury to wildlife*

The adopted negative declaration is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

- 4. Approval of TSM 2018-06 EXT: Given that all necessary findings can be made, the Planning Commission hereby approves TSM 2018-06 EXT, conditioned as set forth in the Conditions of Approval attached as Exhibit “A.” Tentative Subdivision Map 2018-06 shall now expire on April 9, 2023, unless otherwise timely extended.

- 5. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 13<sup>th</sup> day of April 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Gary Conte, AICP  
Planning Manager

**EXHIBIT "A"**  
**TSM 2018-06 EXT (LINDEN STREET RESIDENTIAL COMPLEX TENTATIVE SUBDIVISION MAP)**  
**(AMENDED APRIL 2021)**  
**CONDITIONS OF APPROVAL**

**General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within 30 days of the date of approval.
2. The conditions of approval for Precise Plan 2017-04 (~~Attachment 4~~ [Exhibit A](#)) shall remain effective and are not revised in any way, except as modified herein.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
4. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
5. Any substantial future modifications to the project involving, but not limited to, building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to Precise Plan 2017-04 MOD.
  - 5.1 [Approval of TSM 2018-06 EXT allows for a two-year time extension for the previously approved Linden Street Residential Complex Tentative Subdivision Map 2018-06. The approval shall expire on April 9, 2023.](#)
  - 5.2 [Subdivider shall provide and dedicate to the City parkland within the subdivision to the satisfaction of the City or provide payment of fees in-leu of such dedication in accordance with the City's Acquisition of Land and/or Payment of Fees for City Park Facilities Ordinance \(MMC §10-2.1300 et seq.\).](#)

**Engineering Department**

General

6. Prior to recordation of the final map, the applicant shall, at their sole expense, annex the subdivision properties into Community Facilities District (CFD) 2005-01 and pay all applicable fees. All properties included within the subdivision shall be made a part of CFD 2005-01 and subject to its taxes.
7. A final subdivision map shall be required per Section 10-2.502 of the [Madera Municipal Code \(MMC\)](#).
8. All lots are to be numbered in sequence throughout the entire subdivision with the last lot circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that [also are](#) separately identified. A consecutive

subdivision name shall identify multiple final maps filed in accordance with an approved tentative map.

9. Nuisance onsite lighting shall be redirected, as requested by the City Engineer, within 48 hours of notification.
10. Development impact fees shall be paid at time of building permit issuance. Credits for the existing dwelling unit are allowed.
11. The developer shall reimburse the City for improvements previously installed, as calculated by the City Engineer, whose determination shall be final. Reimbursements for the previously installed improvements shall be paid prior to issuance of a building permit.
12. The developer shall pay all required fees for processing a subdivision map and completion of the project. Fees due include, but shall not be limited to, the following: subdivision map review, plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
13. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Department in accordance with the submittal process.
14. Improvements within the City's right-of-way require an encroachment permit from the Engineering Department.
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.

#### Sewer

17. Sewer service connection(s) shall be constructed or upgraded to current City standards. Each parcel shall have a separate sewer service.
18. Sewer main connections six inches and larger in diameter shall require manhole installation.
19. Existing septic tanks, if found, shall be removed, permitted and inspected by the City of Madera Building Department.
20. Existing sewer service connections that will not be used for the project shall be abandoned per City of Madera standards.

#### Storm Drain

21. Storm runoff from this project site will surface drain into existing facilities and eventually into the Madera Irrigation District (MID) canal. Water runoff from the site shall be cleaned prior to entering the existing storm water system to the satisfaction of MID through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.

22. Support calculations shall be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
23. The project shall comply with the design criteria, as listed on the National Pollutant [Discharge](#) 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. CAS0000004.

#### Streets

24. The developer shall be a proponent of annexing into Landscape Maintenance District (LMD) Zone 4 (~~See Attachment 3~~ [Exhibit B](#)). If the annexation into LMD Zone 4 is not attainable, the developer shall, at their sole expense, form a new Landscape Maintenance District zone. The subdivider shall sign and submit a landscape district formation and inclusion form, an engineer's report, and map prior to recordation of any final map.
25. 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 4 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 improvements required to be constructed by the developer and included within the Citywide 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 required by the Parks and Community Services Department for maintenance of eligible landscaping shall be refunded to the developer.
26. The developer shall construct an ADA-accessible concrete sidewalk along the entire project parcel frontage on Linden Street per City standards.
27. The existing two driveway approaches on Linden Street shall be removed and replaced with concrete sidewalk, curb, and gutter per current City standards.
28. The proposed driveway approach on Linden Street shall be constructed to a street-type entrance with a minimum face curb radius of fifteen feet and be constructed to current City and ADA standards.
29. The developer shall dedicate a Public Utility Easement (PUE) ten-feet wide along the entire project parcel frontage on Linden Street. A \$466 fee or the fee in effect at that time shall be paid with the Engineering Department.
30. The developer shall record a reciprocal ingress/egress, utility, and parking easements acceptable to the City of Madera across the entire project site and applicable to all parcels. The easements shall provide the mutual right of access for all future uses in the project site. This document shall also stipulate that maintenance of all facilities and utilities outside the road right-of-way are private and shall be maintained by the property owners or Homeowner's Association. The developer shall pay associated fees with the Engineering Department.

31. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.
32. 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-inch by 36-inch tracing paper with the City of Madera logo on the bottom-right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, and sewer line lineal feet, a list of items and quantities of all improvements installed and constructed, as well as containing an index schedule. This subdivision is subject to the City standards. The plans shall include the City of Madera title block and the following:
  - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
  - b. Street plans and profiles;
  - c. Drainage ditches, culverts and other structures (drainage calculations to be submitted with the improvement plans);
  - d. Streetlights;
  - e. Traffic signals;
  - f. Construction details including traffic signage and striping plan;
  - g. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
  - h. Grading plan indicating flood insurance rate map community panel number and effective date;
  - i. Landscape and irrigation plan for off-site landscaping improvements shall be prepared by a licensed landscape architect or engineer;
  - j. Storm water pollution control plan and permit;
  - k. Itemized quantities of the off-site improvements to be dedicated to the City.
33. Submittals to the Engineering Department shall include the following:
  - a. Engineering Plan Review Submittal Sheet;
  - b. Civil Plan Submittal Checklist – all required items shall be included on the drawings;
  - c. Four copies of the final map;
  - d. Two sets of traverse calculations;
  - e. Two preliminary title reports;
  - f. Two signed copies of conditions;
  - g. Six sets of complete improvement plans;
  - h. Three sets of landscaping plans;
  - i. Two sets of drainage calculations;
  - j. Two copies of the engineer's estimate.

Partial submittals will not be accepted by the Engineering Department.

34. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a three-sack sand slurry mix extending one-foot past the curb and gutter in each direction.

35. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivision improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
36. The subdivider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 of the MMC, provided that an encroachment permit has been issued and improvement plans have been submitted and approved. As a component of the encroachment permit, the applicant shall submit a 100 percent (100%) performance bond, additional bond (50 percent labor and material), Storm Water Pollution Prevention Plan and insurance certificate prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per [the](#) City of Madera Development Application Fees as approved by the City Council and shall be paid at the time of permit.

#### Water

37. 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.
38. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
39. Water service connections shall be constructed per current City standards.
40. Each parcel shall have a separate domestic water service to be located within the public right-of-way or PUE.
41. A separate water meter and backflow prevention device shall be required for landscape area.
42. Existing water service connections that will not be used for this project shall be abandoned per City of Madera standards.
43. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.
44. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the project parcel frontage prior to issuance of an encroachment permit for off-site improvements.

#### Subdivision Improvement Inspections

45. Engineering Department plan check and inspection fees, along with the engineer's estimated cost of installing off-site improvements, shall be submitted along with the improvement plans. Inspection fees shall be due when all other fees are due per the subdivision agreement.

46. Prior to the installation of any improvements or utilities, the general contractor shall notify the Engineering Department 48 hours prior to construction. The inspector shall verify, prior to inspection, that the contractor requesting inspection uses plans signed by the City Engineer.
47. 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 shall verify, prior to inspection, that the contractor requesting inspection is using plans signed by the City Engineer.
48. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list shall require a minimum of five working days.

#### Special Engineering Conditions

49. 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 calculation prior to issuance of a grading permit.
50. Lot fill more than twelve inches requires a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of twelve inches or more shall require construction of a retaining wall.
51. Retaining walls, if required, shall be constructed of concrete blocks. Design calculations, elevations and location shall be shown on the grading plan. Retaining wall approval is required in conjunction with the grading plan approval.
52. Any construction work on ~~Madera Irrigation District (MID)~~ facilities shall not interfere with irrigation or storm water flows, or MID operations. Prior to any encroachment, modification, or removal of MID facilities, the subdivider shall submit two sets of preliminary plans for MID approval. Permits shall be obtained from MID for the encroachment, modification or removal of MID facilities. Upon project completion, as-built plans shall be provided to MID. The abandonment of agricultural activities shall require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.
53. Prior to recordation of the subdivision map, any current and/or delinquent MID assessments and estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees shall be paid in full. Assessments are due and payable in full November 1 of the year preceding the assessment year.
54. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. Regarding this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.



## Fire Department

55. All homes shall be equipped with residential fire sprinklers in accordance with the California Fire Code, California Residential Code and National Standards.
56. All properties shall have a non-revocable cross-access agreement recorded against them. This shall apply to pedestrian, as well as vehicular, access. The easement shall also apply to co-mingled utilities, such as the fire hydrant.
57. All properties shall have a non-revocable management agreement recorded against them. The management agreement shall define how maintenance is performed for the site for all common areas including, but not limited to, the maintenance of the fire systems, fire sprinklers and alarms, fire hydrant system, Fire Department access, fire lane posting, and accessible pedestrian routes.

## Planning Department

### Precise Plan Amendment

58. [Covenants Conditions & Resolutions \(CC&R's\)](#) shall be submitted to the Planning Department prior to recordation of a final map and shall be approved by the Planning Manager. The CC&R's shall reflect the development standards and conditions of approval of PPL 2017-04 (~~Attachment 4~~ [Exhibit A](#)).
59. The formation of a Homeowner's Association (HOA) shall be completed as a component of the CC&R's. The HOA shall be managed by a private property management company. The HOA shall include an escalator clause that addresses maintenance inflation costs. A monthly fee shall be paid by each unit for the following requirements that shall be addressed within the HOA:
  - Maintenance of each individual structure;
  - Maintenance of all landscape areas;
  - Maintenance of all hardscape areas, including concrete pathways, curbs and the asphalt parking lot;
  - Maintenance of all on-site fencing;
  - No allowance of alterations to the color of all structures from the approved colors and materials board, consistent with PPL 2017-04.
60. All garages shall be utilized for parking of owners and/or renters only. The garages shall not be used as storage for personal belongings.
61. The HOA shall include a mechanism for future major repair work, such as reroofing.
62. There shall be no allowance for the phasing of the project into more than one phase.
63. There shall be no allowance for final occupancy of any structure until all on-site and off-site improvements have been completed.
64. There shall be no allowance of any subsequent subdivision map(s) beyond approval of TSM 2018-06.

EXHIBIT A  
PPL 2017-04 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 plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. Any substantial future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to the Precise Plan.
4. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
5. The project shall be developed in accordance with the operational statement, site plan and elevation drawings ([Attachment 1](#)) as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.
6. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the Citywide Community Facilities District No. 2005-01 and shall pay all applicable fees.

**Engineering Department**

General

7. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
8. Impact fees shall be required to be paid at time of building permit issuance. Credit for the existing dwelling unit is allowed.
9. The developer shall be required to reimburse the City for improvements previously installed, as calculated by the City Engineer, whose determination shall be final. Reimbursements for previously installed improvements shall be required to be paid prior to issuance of a final building permit.
10. The developer shall be required to pay all required fees for completion of the project. Fees due may include, but are not limited to the following: plan review, easement acceptance, Encroachment permit processing and improvement inspection fees.
11. Improvement plans signed and sealed by an engineer shall be required to be submitted to the

Engineering Division in accordance with the submittal process.

12. The improvement plans for the project shall be required to be included in the most recent version of the City's General Notes.
13. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall be required to cease and the Community Development Director or City Engineer shall be required to be notified so that procedures required by State law can be implemented.
14. Improvements within the City's right-of-way shall require an Encroachment Permit from the Engineering Division.
15. All off-site improvements shall be required to be completed prior to issuance of final occupancy.

#### Sewer

16. New or existing sewer service connections(s) shall be required to be constructed or upgraded to current City standards. Each parcel is required to have a separate sewer service.
17. Sewer main connections six (6") inches and larger in diameter shall require manhole installation.
18. The developer shall be required to reimburse their fair share cost to the City for the previously constructed sewer main along the entire project frontage.
19. Existing septic tanks, if found, shall be required to be removed. The removal process requires a permit and inspection by the City of Madera Building Department.

#### Storm Drain

20. Storm runoff from this project will surface drain into existing facilities and eventually into the MID Canal. Water runoff from the site shall be required to be cleaned prior to entering the existing storm water system to the satisfaction of the Madera Irrigation District through the use of an onsite oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
21. Support calculations shall be required to be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.

#### Streets

22. The developer shall be required to construct ADA accessible concrete sidewalk along the entire project parcel frontage on Linden Street, per City standards.
23. The existing driveway approaches (2) on Linden Street shall be required to be removed and replaced with concrete sidewalk, curb, and gutter, per current City standards.
24. The proposed driveway approach on Linden Street shall be required to be constructed to a

street type entrance with a minimum face curb radius of fifteen (15') feet and be constructed to current City and ADA standards.

25. The developer shall be required to dedicate a Public Utility Easement (PUE) ten (10') feet wide along the entire project parcel frontage on Linden Street. A \$405.00 fee or the fee in effect at that time shall be required to be paid with the Engineering Division.
26. The developer shall be required to merge the parcels prior to issuance of a building permit. The developer shall be required to pay the associated fees to the Engineering Division.
27. The developer shall be required to annex into and execute such required documents that may be required to participate in Landscape Maintenance District (LMD) Zone 4 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
28. All public utilities shall be required to be undergrounded, except transformers, which may be mounted on pads.

#### Water

29. Existing or new water service connection(s) shall be required to be upgraded or constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City right-of-way and backflow prevention device installed within private property. Each parcel shall be required to have a separate domestic water service.
30. Each parcel shall be required to have a separate water meter and backflow prevention device for landscaped area.
31. The developer shall be required to reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage.
32. Existing wells, if any, shall be required to be abandoned as directed and permitted by the City of Madera for compliance with State standards.

#### **Fire Department**

33. Building permits are required.
34. 2A10BC-rated fire extinguishers shall be required for each floor of each fourplex. Duplexes are exempt from fire extinguisher requirements.
35. All structures shall be equipped with fire sprinklers.
36. Due to the depth of the lot, an on-site fire hydrant is required.
37. Rated separations shall be required between units both vertically and horizontally.

## Planning Department

### Precise Plan

#### 38. Precise Plan Area

~~Two~~ One (~~2~~1) parcels, approximately 1.4 acres

APNs: 006-360-~~042013, 006-360-014~~

#### Building Area

Twenty-two (22) residential units, as follows:

Three (3) duplexes with 1,448 sq. ft. per unit, 3 bdrm, 2 bath

Three (3) fourplexes with 1,300 sq. ft. per unit, 2 bdrm, 2 bath

One (1) fourplex with 1,218 ~~1,150~~ sq. ft. per unit, ~~1~~ 2 bdrm, ~~1~~ 2 bath

#### 39. The proposed elevations shall include the following features as standard elements of construction:

- Multi-dimensional concrete tile roofing
- Three color exterior painting
- Architectural treatments, including gable decorations, decorative moldings and a stone veneer wainscot consistent with the approved elevations for the models.
- Landscape and irrigation adjacent to garages

#### 40. The development of any temporary construction trailer on the project site requires the approval of a Zoning Administrator's Permit in advance of installation/placement.

#### 41. Vandalism and graffiti shall be corrected pursuant to the Madera Municipal Code.

#### 42. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and the dumping of refuse shall be restricted to the dumpsters owned by the property owner.

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

#### 43. Prior to the issuance of building permits, applicant to 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. Where feasible, electrical/mechanical equipment shall be located in the interior of the proposed new structure(s) within electrical/mechanical service room(s). Utilities (switch boxes, electrical panels and other utility appendages) proposed at the exterior shall be required to be sufficiently screened and/or integrated into building architecture per the approval of the Planning Director.

#### 45. All utility equipment and services shall be screened to the specifications of the Planning Department. If ground-mounted, applicant shall show methods proposed to architecturally integrate equipment locations, or show methods proposed to screen equipment using

- landscaping. Any wall-mounted equipment shall be painted to match the exterior wall and screened when in predominant public views.
46. All ground-mounted HVAC equipment must be screened from view utilizing architectural features or landscaping.
  47. Natural gas meter placement shall be screened from public view per Planning Department approval.
  48. The applicant shall coordinate the installation of utilities consistent with these conditions of approval with Pacific Gas and Electric Company. The applicant may contact David Vandergriff of PG&E at 2871 Airport Drive, Madera, CA 93637 or via telephone at (559) 675-2234.
  49. Roof access ladders (if any) shall be located within the interior of the building.
  50. All ducts and vents penetrating roofs shall use methods to minimize their appearance and visibility from the street. All roof-mounted ducts and vents shall be painted matte black or with a color matching roof materials so as to better minimize their appearance.
  51. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.
  52. Back flow prevention devices must be screened per the approval of the Planning Director.
  53. Transformers and similar pad-mounted utilities must be screened per the approval of the Planning Director.

#### Building Colors, Materials and Lighting Considerations

54. The applicant shall submit a color and materials presentation board as part of the Precise Plan. The color and materials presentation board shall be approved by the Planning Manager and shall be included in the Precise Plan.
55. The applicant shall submit a representative color section rendering of the proposed building(s), using a scale similar to the exterior elevation drawings. The representative color section rendering shall be approved by the Planning Manager and shall be included in the Precise Plan.
56. The construction of building(s) approved as part of the precise plan shall be consistent with the approved color and materials presentation board and representative color section rendering of the proposed building as reviewed and approved by the Planning Department. Any alteration shall require amendment of the precise plan.
57. Building elevations which front/face onto Linden Street shall be enhanced in order to provide consistency with General Plan Policy CD-34.
58. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.

- 59. 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.
- 60. 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.

Landscaping and Open Space

- 61. Onsite and offsite landscaping and irrigation systems shall be installed in accordance with landscaping and irrigation plans approved during building permit plan check. The landscape and irrigation plans shall be prepared and stamped by a licensed landscape architect, shall be consistent with the State of California Model Water Efficient Landscape Ordinance (MWELo) and shall be submitted as part of building permit plan check. Any deviation shall require prior written request and approval. Removal or modification shall be at the developer’s expense.
- 62. A detailed landscaping and irrigation plan shall be submitted to the Planning Manager and Parks Department for review and approval and shall include:
  - Landscaping materials, such as ground cover, shrubs, plants and shade trees, shall be used to enhance the aesthetic of the buildings and grounds by delineating various recreational spaces such as the tot lot, accentuation of the paths of travel and highlighting entrances.
  - Shade trees shall be planted consistent with conditions of approval herein.
  - Landscaped areas shall be provided with permanent automatic irrigation systems.
  - Three (3’) feet tall vertical landscaping screens shall be planted where exposed parking fields are in close proximity to street frontages.
  - A detailed planting list for landscaping, with the number, size, spacing and specie of all plantings.
- 63. Shade trees shall be deciduous and planted throughout the site as follows:

<u>Location</u>	<u>Minimum height at full maturity</u>
Landscape planters adjacent to garages	Twenty (20’) feet in height at full maturity
Along eastern property border	Twenty-five (25’) feet in height at full maturity

- 64. The park strip along the street frontage shall be landscaped and provided with an automatic irrigation system by the applicant. A minimum of one City-approved street tree every thirty (30’) feet shall be provided, along with root guards and root barriers. No trees shall be planted within thirty (30’) feet of any streetlight and/or five (5’) feet from any fire hydrant.
- 65. 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 residential standards, and replacing dead or unhealthy vegetation.

66. The final selection and placement of playground equipment, barbecue features and outdoor furniture, and supporting apparatus such as trash receptacles and light fixtures, shall be reviewed and approved by the Planning Department as a component of building permit plan check submittals. The tot lot area shall be clearly delineated with curbing and landscaping from walkways and lawn areas. The surface under the tot lot area shall be a material approved for use by the Parks Department. Minor alterations and/or amendments may be approved by the Planning Manager. Proposed changes deemed substantial by the Planning Manager shall require an amendment to the precise plan approved by the Planning Commission.
67. The tot lot equipment and all other site amenities shall be maintained in good working condition and appearance.

Parking

68. Minimum Parking Requirements  
 Forty-nine (49) stalls:
- |                 |           |
|-----------------|-----------|
| Uncovered       | 22 stalls |
| Covered         | 22 stalls |
| Visitor Parking | 5 stalls  |
| ADA Handicap    | 1 stall   |
69. No wheel stops shall be incorporated into the parking field/parking stall layout unless required by the Americans with Disabilities Act (ADA) standards.
70. All parking stalls shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep (17' deep with a 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle space is twenty-six (26') feet for primary drive aisles.
71. A parking plan shall be submitted to the Planning Department as a component of building department plan check submittals. The parking plan shall include:
- The parking plan shall delineate provisions for signage on the site so as to assign specific uncovered parking stalls as visitor parking.
  - All uncovered parking stalls should be specifically assigned as either guest stalls or dedicated to a specific residential unit.
  - Each residential unit shall have exclusive utilization of one enclosed garage to be used as a primary parking stall.
  - Garages shall be equipped with automatic garage door openers.
  - All garages shall not be allowed to be used as a storage unit. All garages shall be maintained as the primary parking stall for the assigned unit at all times. Lease documents shall delineate the required utilization of garage parking.
  - Lease and/or rental agreements shall formally notify residents of parking requirements and associated limitations of the parking plan.
  - Any modifications in the approved parking layout shall require approval by the Planning Department.

Walls and Fences

72. The perimeter fencing of the project shall be a six (6') foot split-faced masonry block wall along



the southern, eastern and northern boundaries of the properties. Specific wall design shall be reviewed and approved by the Planning Department.

73. A trash enclosure shall be constructed of masonry block, consistent with City standards with a stucco finish and color complementary or matching the residential structures. Trash enclosure gates shall be of steel construction and painted a color approved by the Planning Manager.

Air Quality Measurement Requirements

74. The developer shall comply with Regulation VII (Fugitive PM10 Prohibitions) of the San Joaquin Valley Air Pollution Control District concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizers/suppressants to control dust emissions from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction related speeds to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more)

**ATTACHMENT 1**  
**PPL 2017-04 CONDITION #5 (SITE PLAN & ELEVATIONS)**

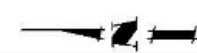
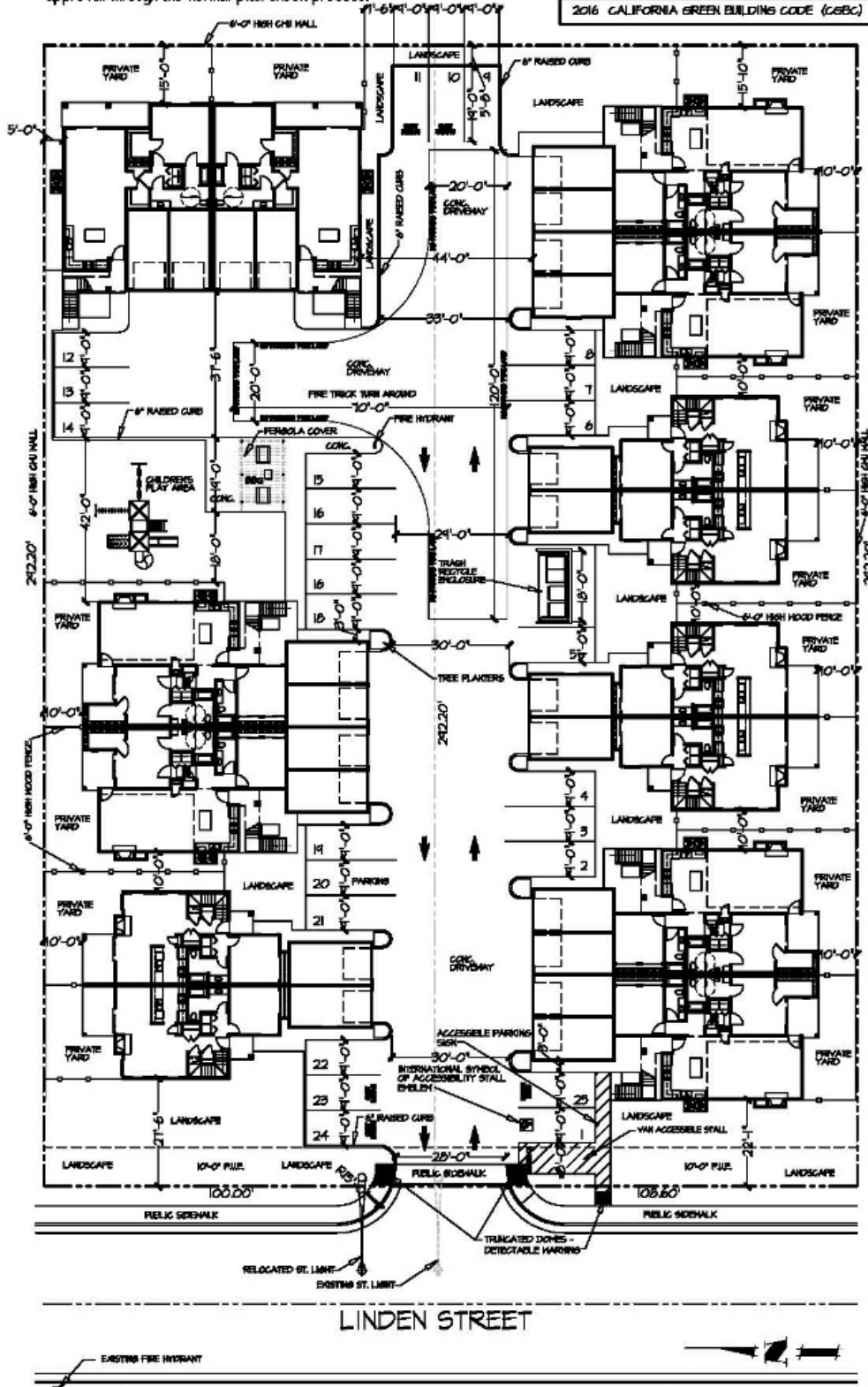
**REFERENCE NOTES :**

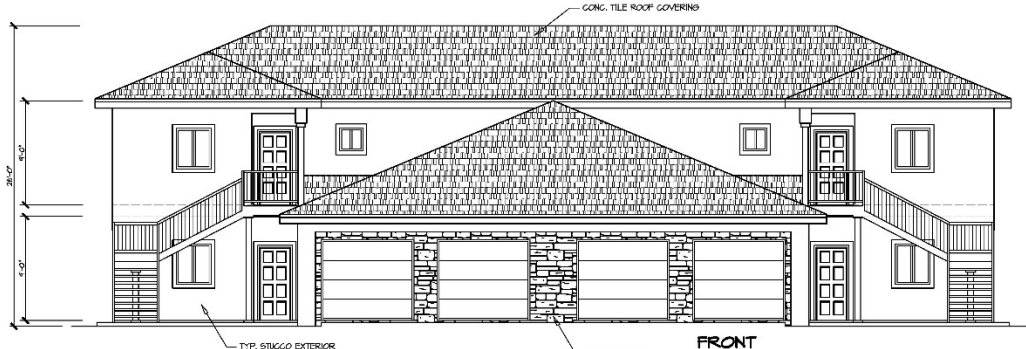
Job card req'd to be available for signature at job site.

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

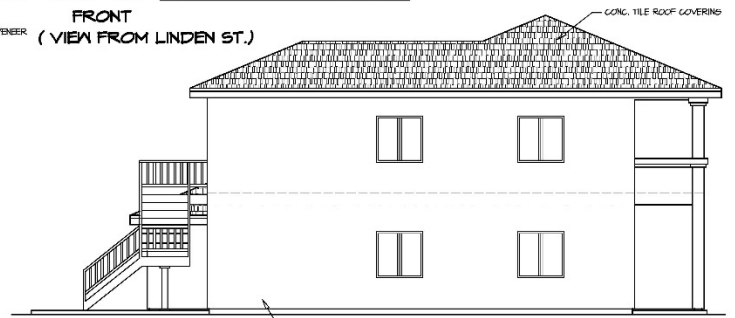
**THIS PROJECT SHALL COMPLY WITH:**

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

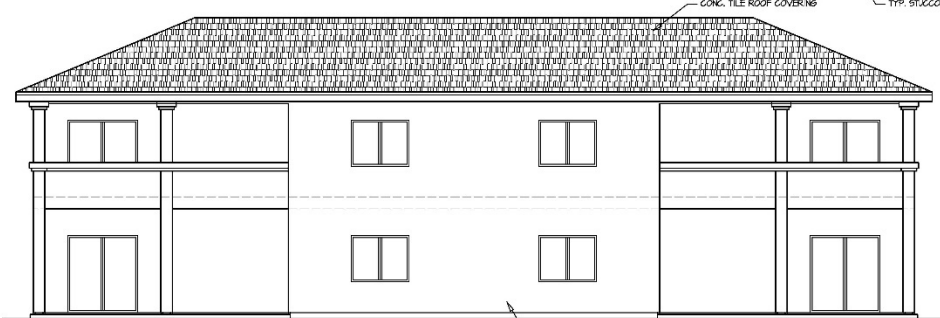




FRONT  
(VIEW FROM LINDEN ST.)



RIGHT / LEFT OPPOSITE

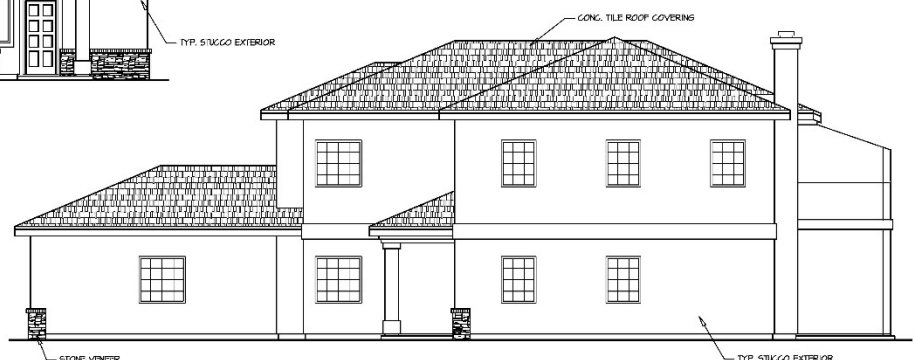


REAR

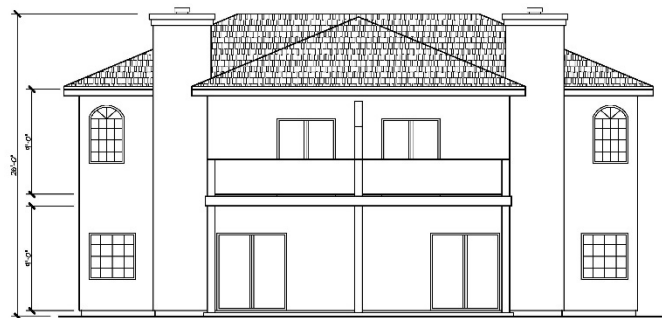
ELEVATIONS PLAN  
ONE BEDROOM UNIT PLAN



(VIEW FROM LINDEN ST.)



RIGHT / LEFT OPPOSITE

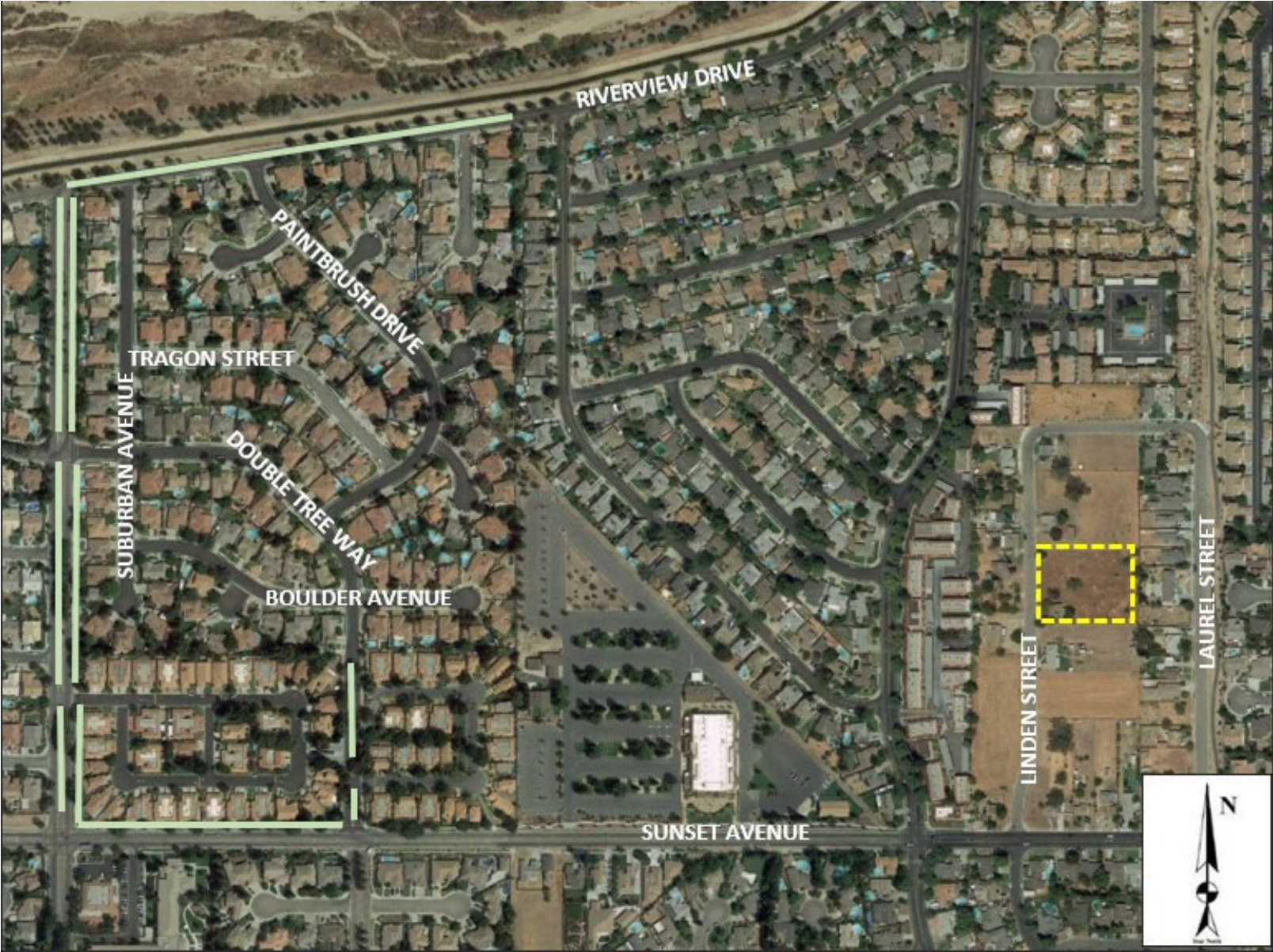


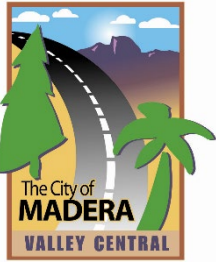
REAR

ELEVATIONS PLAN  
DUPLEX PLAN



EXHIBIT B  
PPL 2017-04 MOD CONDITION #24 - LMD ZONE 4





# CITY OF MADERA PLANNING COMMISSION

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

## Staff Report: Vallarta Monument Sign Variance VAR 2021-01 and Environmental Determination Item # 4 — April 13, 2021

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**PROPOSAL:** An application for a sign variance from the Sign Regulations of the Madera Municipal Code (MMC) for consideration to allow an additional twenty foot (20 ft) tall freestanding monument sign to serve an anchor tenant, Vallarta Supermarkets, and a minor tenant (or tenants) on a future pad along Country Club Drive as well as other present or future minor building tenants within the shopping center. The variance request is to allow more than the maximum number of freestanding monument signs permitted per Shopping Center as specified under Section 10-6.09 of the Sign Regulations.

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**APPLICANT:** Baykur Madera Partners, LLC  
15615 Alton Parkway, Suite 450  
Irvine, CA 92618

**OWNER:** Baykur Madera Partners, LLC  
15615 Alton Parkway, Suite 450  
Irvine, CA 92618

**ADDRESS:** 1467 Country Club Drive

**APN:** 003-210-018

**APPLICATION:** VAR 2021-01

**CEQA:** Categorical Exemption

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**LOCATION:** The property is located on the southeast corner of the intersection of County Club Drive and West Clark Street.

**STREET ACCESS:** The project site is accessible via Country Club Drive, Sherwood Drive and West Clark Street.

**PARCEL SIZE:** Approximately five acres (proposed freestanding monument sign footprint area is 28 square feet)

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

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

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**SITE CHARACTERISTICS:** The subject site (APN 003-210-018) is one (1) of six (6) parcels that form the 15-acre Country Club Village Shopping Center located on Country Club Drive between West Sherwood Drive to the south and to West Clark Street to the north – spanning a distance of approximately 935 linear feet along Country Club Drive. Five (5) of the six (6) parcels are developed with single building structure each, some of which serve multiple minor tenants and others a single minor tenant. Three (3) driveways serve the shopping center from Country Club Drive. Three (3) driveways serve the shopping center from West Sherwood Way and three (3) driveways serve the center from West Clark Street.

Three (3) freestanding cabinet signs serving the shopping center are present along Country Club Drive. Two of the three monument signs serve multiple minor tenants located within the shopping center and are positioned on opposite sides of the shopping center's southern driveway, located approximately 225 feet north of north of the Country Club Drive / West Sherwood Drive intersection. The third monument sign, which only serves one minor tenant within the shopping center, is positioned approximately 55 feet north of the Country Club Drive / West Sherwood Drive intersection. There are no freestanding monument signs on either West Sherwood Way or West Clark Street.

The area of the five-acre parcel site on which the freestanding monument sign is proposed lies between a vacant building pad planned for a future minor tenant or tenants (APN 003-210-019) and a developed pad (APN 003-210-009) located adjacent to Country Club Drive and West Clark Street. The Vallarta Supermarkets and its supportive parking occupy the five-acre parcel on which the freestanding monument sign is proposed. The Vallarta Supermarkets is located setback approximately 350 feet east of Country Club Drive and approximately 35 feet south of West Clark Street. Land development surrounding the project site include rural residential and undeveloped properties to the north, multiple-family residential to the east, and commercial retail and auto sales to the south and west. (Refer to Attachment A)

**ENVIRONMENTAL REVIEW:** Staff have preliminary assessed the project and determined it to be categorically exempt under Section 15311(a) (On-premise signs) of the California Environmental Quality Act (CEQA) Guidelines.

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**SUMMARY:** The applicant is requesting a variance from Section 10-6.09, Table D Shopping Centers of the Sign Regulations of the Madera Municipal Code (MMC) to allow for an additional freestanding illuminated 20-foot tall monument sign with a face area of 100 square feet (sf) on both sides. Table D specifies each street frontage of a shopping center with a street frontage of 700 linear feet or greater is allowed a secondary tenant freestanding sign. However, the number of secondary signs allowable shall not exceed one per main drive approach for a maximum of two and only be granted for minor tenants within the center located more than 150 feet from the street the business intends to serve. No freestanding sign is permitted to exceed 100 sf of sign area, nor exceed a height of 20 feet.

#### **APPLICABLE CODES AND PROCEDURES**

MMC §10-3.1401 Variances

MMC §10-6.01 Sign Regulations – Purpose and Intent

MMC §10-6.02 Sign Regulations – Definitions

MMC §10-6.09 Sign Regulations – Commercial/Business Districts

MMC §10.6.15 Sign Regulations – Sign Permit Application

MMC §10-6.20 Illegal and Non-Conforming Signs

Design and Development Guidelines for Commercial Development, Chapter 4 Signage

A sign variance may be granted by the Planning Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict and literal application of any of the provisions of the ordinance. If the Planning Commission cannot make the appropriate findings, the variance request should be denied. Conditions may be attached to the approval of the variance to ensure compatibility. Project design may be altered, and on- or off-site improvements required in order to make the project compatible with nearby uses.

Signs have an obvious impact on the character, quality, and economic health of the City of Madera. As a prominent part of the scenery, signs may attract the viewing public, help set the visual tone of the

community, and affect the safety of vehicular and pedestrian traffic. Application of the sign ordinance prevents the degradation of the visual quality of the City which can result from the proliferation of excessive amounts of signage, poorly designed signage, inappropriately located signage, and/or signage maintained in a hazardous or unsightly fashion.

The design and development guidelines are intended to provide a clear indication of the features the City believes can be incorporated into most projects, leading to project approval. The City's intent is that all projects constructed be developed to the highest quality possible, given the specific circumstances associated with each project.

## **PRIOR ACTION**

A Master Sign Program was approved and recorded in 1989 as part of the Country Club Village Shopping Center development. The Master Sign Program includes signage requirements for the tenants within the shopping center as well as for the placement of monument and pylon signs to serve the shopping center. The Master Sign Program excludes the two original major tenants that occupied the center at the time of the development of the shopping center as well as their successors from the Master Sign Program regulations. The original major tenants were Mervyn's and K-Mart. The K-Mart building has since been remodeled and divided into multiply minor tenant spaces. The former Mervyn's Department Store was recently remodeled and is now occupied by Vallarta Supermarkets.

Vallarta Supermarkets secured Site Plan Review (SPR 2019-30) approval permitting the establishment of a supermarket within the former Mervyn's Department Store/Fallas Paredes Clothing Store on December 23, 2019 subject to conditions of approval. Building elevations submitted at that time identified the placement of signs on the building. The site plan did not identify or propose off-building signage. Following approval of SPR 2019-30, Vallarta Supermarkets requested a variance for on-building signage. A sign variance for on-building signs was granted (VAR 2020-04) on August 11, 2020 permitting approximately 140 square feet of additional on-building sign coverage. The variance represented a 70 percent increase over the amount of on-building sign coverage permitted pursuant to MMC §10-6.09.

## **ANALYSIS**

### Background

The proposed project lies within an established shopping center – Country Club Village Shopping Center. At the time the shopping center was approved and largely developed, the center was within an unincorporated area of Madera County. The center was approved by the County of Madera. Neither the shopping center or its master sign program were originally subject to the City's Municipal Code, or Development Standards and Regulations at the time the center was approved.

The shopping center currently consists of 2 major tenant anchor buildings, 3 existing pad buildings (Outlots A, B and D) and 1 vacant building pad (Outlot C). A Master Sign Program was approved in 1989 as part of the development of the Country Club Village Shopping Center. The Master Sign Program addressed signage all tenants in the shopping center for the purpose of assuring a coordinated sign program for the benefit of all occupants of the center. The Master Sign Program excluded the original tenants of the two anchor buildings – Mervyn's and K-Mart – as well as their successors from the shopping center's Master Sign Program regulations.

Exhibit B of the Master Sign Program specifies the placement of freestanding monument and pylon signs to serve the shopping center. Master Sign Program proposed 2 freestanding pylon signs and (4) freestanding monument signs to be positioned along Country Club Drive. One (1) pylon sign was to be positioned at the northside of the center's central driveway and 1 pylon sign was to be positioned at



southside of the center's southern driveway. Each pylon sign was to independently serve the two original major tenants of the shopping center – one for Mervyn's and the other for K-Mart. as intended to serve The freestanding monument signs, which were to be of a lesser size than the pylon signs designed to serve the minor tenants occupying the Outlots, were to be positioned at each of the three (3) original driveways plus one (1) monument sign to be positioned at the intersection of Country Club Drive and West Sherwood Way. The Master Sign Program does not allow for the placement of freestanding pylon or monument signs at the intersection of Country Club Drive and West Clark Street, nor along West Clark Drive or West Sherwood Way.

There are two (2) multi-tenant freestanding pylon cabinet sign structures and one (1) single tenant freestanding monument cabinet sign structure currently present along Country Club Drive. One is in the location identified by the Master Sign Program and the other is located where the Master Sign Program identified where a monument sign was to be erected to serve Outlot C. Of the two (2) multi-tenant freestanding pylon cabinet sign structures originally designed to serve Mervyn's and K-Mart, one (1) equates to a total of approximately 56 square feet in sign space and has a maximum structural height of 14 feet. This freestanding pylon sign originally designed to serve K-Mart is now shared by three (3) tenants of the former K-Mart building and each tenant has approximately 18 square feet of sign face area. This freestanding sign is located on the southside of the southern shopping center entrance between two (2) other freestanding cabinet sign structures serving other tenants within the shopping center. This freestanding pylon sign is erected at the location identified by the Master Sign Program.

The second multi-tenant freestanding pylon cabinet sign structure originally designed to serve only Mervyn's equates to a total of approximately 200 square feet in sign space and has a maximum structural height of 20 feet. This freestanding pylon sign, which is shared by two (2) tenants, has a total of approximately 100 square feet of sign face area for each tenant. This freestanding sign, which was modified to accommodate two independent cabinet structures is located on the northside of the southern shopping center entrance. This freestanding pylon cabinet sign structure serves O'Reilly Auto Parts (tenant of Outlot B) and the former tenant of the original Mervyn's building (Fallas Parades Clothing Store). This freestanding pylon cabinet sign structure has fallen into disrepair. The cabinet sign box housing the sign blade serving the original Mervyn's building is significantly damaged such that components of the cabinet box are missing or are being secured together by tie-down straps.

The single tenant serving freestanding monument cabinet sign structure present along Country Club Drive has a total of 67 square foot of cabinet sign space. This freestanding sign structure is 14 feet tall. This sign structure is located approximately 55 feet north of the intersection of Country Club Drive and West Sherwood Drive and serves the Carl's Jr. restaurant (tenant of Outlot A) located at the corner of Country Club Drive and West Sherwood Drive.

No freestanding monument signs were ever erected to serve Outlots C or D.

#### Madera Sign Ordinance

The purpose of the City's Sign Regulations (MMC, Title X, Chapter 6) is prevent the degradation of the visual quality of the City which can result from the proliferation of excessive amounts of signage, poorly designed signage, in appropriately located signage, and/or signage maintained in a hazardous or unsightly fashion.

MMC §10-6.02 defines a freestanding sign as “[a] sign installed upon, or mounted on top of the ground, in a permanent fashion, which sign is self-supporting, not attached to a building...” and defines a monument style sign as “[a] freestanding sign where the height of the sign is equal to or less than the length of the base of the sign and having a maximum height of ten (10) feet. The area below the sign copy

shall be solid from the ground to the lower edge of the copy area.” The copy area is “[the] design of a sign facing consisting of letters, colors, patterns, images and/or similar content.”

The Sign Regulations establishes criteria for signs allowed in a C-1 (Light Commercial) Zone District. The sign regulations for Shopping Centers of 501 lineal feet or greater street frontage allows for one (1) monument sign of up to 20 feet in height and 120 sf in face area. In addition, the ordinance allows shopping centers with a street frontage of 700 lineal feet or greater a secondary tenant freestanding identification sign is permitted. The ordinance states the number of secondary signs shall not exceed one (1) per main drive approach for a maximum of two (2) signs. The amount of existing freestanding signs for the shopping center currently exceeds the amount allowed by the sign ordinance. There are currently two (2) freestanding pylon signs and one (1) monument sign for a total of three (3) freestanding signs along Country Club Drive. The addition of the proposed freestanding pylon sign would increase the number of freestanding signs along Country Club Drive to four (4).

Pursuant to MMC §10-6.20(A)(1), any sign conforming to County laws at the time the property is annexed is made non-conforming under the provisions of the City Sign Regulations it must either be removed or brought into conformance within five (5) years after the date it became non-conforming. Thus, even though a master sign program had been approved and recorded for the shopping center, it cannot be legally enforced if the provisions of the master sign program conflicts with the City’s Ordinances including its Sign Regulations. All existing and proposed signs within the shopping center must be conform with the City’s Sign Regulations.

#### Proposed Signage

Applicant proposes to erect a new double-faced multi-tenant illuminated freestanding pylon sign. The freestanding pylon sign structure would be composed of an aluminum frame construction with double steel pipe supports with concrete footings. The aluminum frame will be wrapped with 1/8-inch thick aluminum cladding with a textured finish. The textured finish will complement the finish and color of the existing buildings within the shopping center. The 14-foot wide pylon sign structure will have a maximum height of 20 feet and depth of 3 feet.

The proposed new pylon sign would be erected approximately 90 feet south of the northernmost drive entrance to the Vallarta Supermarket’s parking lot along Country Club Drive between the vacant pad (Outlot C) and the developed building pad (Outlot D) located at the intersection of Country Club Drive and West Clark Street (refer to Attachment C).

The proposed pylon sign is to serve the present tenant of one the major tenant buildings – Vallarta Supermarkets and up to four (4) minor tenants occupying either Outlots C or D. Signage for Vallarta Supermarkets is proposed to occupy 50 square feet of sign space. The total sign space proposed for dedication towards minor tenants is 50 square feet. The total proposed sign area of 100 square feet would be in compliance with MMC §10-6.09.

An 11 square foot Vallarta Supermarkets logo compiled of two (2) palm trees on island and the sun will be positioned just below the cap at of the monument sign followed by a combined 39 square feet of signage spelling out “Vallarta Supermarkets.” The logo will be composed of five (5) inch deep channels with clear acrylic face, exposed neon tube outline. The graphics will be vinyl over white alum baffle with white trim cap edges and returns. The “Vallarta” letters will be composed of three (3) inch deep channels with red vinyl overlay, trim caps and returns all internally illuminated with red LEDs. The “Supermarkets” lettering will be composed of three (3) inch deep channels with green overlay, trim caps and returns and internally illuminated with white LEDs.

The tenant sign space will be composed of five (5) inch deep single face sign cabinets with acrylic faces, all internally illuminated by LEDs. Sign copies (blades) are to be transparent. Individual sign blade design and colors will be subject review and approval by the property owner and subject to City's Sign Regulations.

The proposed freestanding pylon sign would result in the erection of a third freestanding pylon sign at the shopping center. Presently, there are two (2) freestanding pylon signs erected at the shopping center's southern entrance along Country Club Drive, one which has been erected to serve the former Mervyn's (present Vallarta Supermarkets) building. That sign structure is presently in disrepair. A third freestanding pylon sign serving the shopping center would be conflict with Table D of §10-6.09 of the City's Sign Regulations.

To allow for the requested additional freestanding pylon sign, the approval of a variance by the Planning Commission is required. If approved by the Commission, the variance would grant an additional freestanding pylon exceeding the permitted freestanding pylon signs allowed per MCC §10-6.09.

#### Justification for Variance

The approval of a variance from the Sign Regulations of the City of Madera follows the same path as required for all variances from the Zoning Ordinance. Ordinance states that "Where practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted."

Findings in support of a variance can be made based on the consistency of the request with the purpose and intent of the Sign Regulations itself. The Sign Regulations states:

- (A) The purpose of this chapter is to regulate signs in the City. Signs have an obvious impact on the character, quality, and economic health of the City of Madera. As a prominent part of the scenery, signs may attract the viewing public, help set the visual tone of the community, and affect the safety of vehicular and pedestrian traffic. This chapter shall prevent the degradation of the visual quality of the City which can result from the proliferation of excessive amounts of signage, poorly designed signage, inappropriately located signage, and/or signage material in a hazardous or unsightly fashion. The intent of this chapter is to:
- (1) Advance the economic vitality of the City.
  - (2) Improve the character and natural beauty of the community and its various neighborhoods and districts.
  - (3) Promote the visibility of businesses through signage.
  - (4) Enhance the public's ability to identify uses and premises without confusion.
  - (5) Prevent the proliferation of sign clutter.
  - (6) Ensure the safety of pedestrian and vehicular traffic.
  - (7) Provide specific instruction for the permitting of signage within the City.
  - (8) Implement the community design objectives expressed in the General Plan's Vision 2025.
- (B) Signs in the city shall:
- (1) Be of sufficient quality as to enhance rather than detract from the aesthetic value of structures and places.
  - (2) Be proportionate to the scale of architecture.

- (3) Be compatible to the environment in which the signage is proposed to be located.
- (4) Be sensibly sized for public view.
- (5) Be commensurate with the purpose of the zone district in which the signage is proposed to be located.
- (6) Provide information as opposed to advertisement.
- (7) Should never compromise the safety of the public.

The Vallarta Supermarkets building is 1 of 2 original major tenant buildings at the shopping center. It may be reasonably argued that the maximum of two (2) freestanding signs limitation of signage coverage does not adequately serve the advertisement of the major tenant and the free-standing sign would be easily visible. Moreover, it can also be reasonably argued that given the location of the two existing freestanding pylon cabinet signs positioned at the southern entrance do not adequately benefit the businesses located in the immediate vicinity of the shopping center's northern entrance and that freestanding signage at the north end would provide a balance of signage for the overall shopping center and the potential success of the businesses located at the northern end of the shopping center.

If can be reasonably argued that additional secondary freestanding pylon sign would provide a balance of signage for the overall shopping center, it would also be reasonable to recommend that the new freestanding sign be of similar size, both in height and sign face area as well as in form as the existing freestanding cabinet signs presently located at the shopping center's southern entrance to provide uniformity.

Conversely, it can also be reasonably argued that the Vallarta Supermarket has already benefitted from the previously sign variance (VAR 2020-04) approved by the Planning Commission on August 11, 2020 which increased the Vallarta Supermarket's on-building signage by 70 percent and that no additional signage is warranted. Justification for approval of VAR 2020-04 was founded on the fact the allowable sign coverage did not adequately serve the structure's scale and mass and that the 350-foot setback of the structure from the street frontage warranted increased signage to satisfy the market's required and necessary visibility from County Club Drive and surroundings.

Should the Planning Commission support an additional secondary freestanding sign to be erected near the shopping center's northern entrance, it is staff recommendation that the Planning Commission limit the freestanding sign's maximum height to 20 feet, limit the total sign area coverage to 100 square feet and that form of the sign complement the existing form, texture and color of the existing buildings within the shopping center. Staff also recommends that present damaged cabinet sign box mounted below the cabinet sign box advertising the O'Reilly Auto Parts store which is presently advertising "Fallas Parades Clothing Store" be removed from the existing freestanding pylon sign prior to construction of the new secondary freestanding pylon sign at the north end of the shopping center. Furthermore, staff also recommends that no additional freestanding pylon or monument signs be permitted within the shopping center. Staff reasons that the shopping center is presently saturated with an abundance of freestanding signs and that further signage would lead to the degradation of the visual quality along Country Club Drive and in the area as a whole.

#### Precedent

It is possible that approval of the sign variance could set a precedence for other future sign variances for this shopping center as well as others in the City. The Planning Commission should consider the implications of their decision. Any decision by the Planning Commission could set a pattern for future requests for aggressive or excessive sign coverage in Commercial Districts of the City.

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

Though approval of a variance from the sign regulations of the City is not specifically addressed in the vision or action plans, the overall project does indirectly support the goal of Good Jobs and Economic Opportunity which acknowledges “Maderans support their community by shopping locally” to be recognized as one of the key drivers in the local economy.” Conversely, Strategy 201.3 directs staff to “Enforce zoning and redevelopment codes and regulations.”

## **SUMMARY OF RECOMMENDATIONS**

It is recommended that the Planning Commission consider the information presented in this report, and other information presented or made available, in its determination as to whether approval of the variance is appropriate given the required findings of approval and recommendations presented by staff. The information presented in this report supports conditional approval of the variance.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on Variance 2021-01. Approval of the attached resolution will approve Variance 2021-01.

Motion 1: Move to approve a resolution of the Planning Commission approving Variance 2021-01 and adopting a finding of categorical exemption pursuant to CEQA Guidelines Section 15311(a) (On-premise Signs) (Vallarta Supermarket Sign Variance).

**(OR)**

Motion 2: Move to continue the application for Variance 2021-01 to the May 12, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – The Planning Commission should articulate reasons for denial)

**(OR)**

Motion 3: Move to continue the application for Variance 2021-01 to the May 12, 2021 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – The Planning Commission should articulate reasons for denial).

## **ATTACHMENTS**

- Attachment 1: Aerial Photo Site Location Map
- Attachment 2: Master Sign Agreement
- Attachment 3: Sign Permit Proposal
- Attachment 4: Planning Commission Resolution #1880

Attachment 1:  
Variance 2021-01

Clark Street

Proposed Monument Sign Location

Existing Monument Signs

Sherwood Way

Country Club Drive

Shopping Center



## **Attachment 2: Master Sign Agreement**

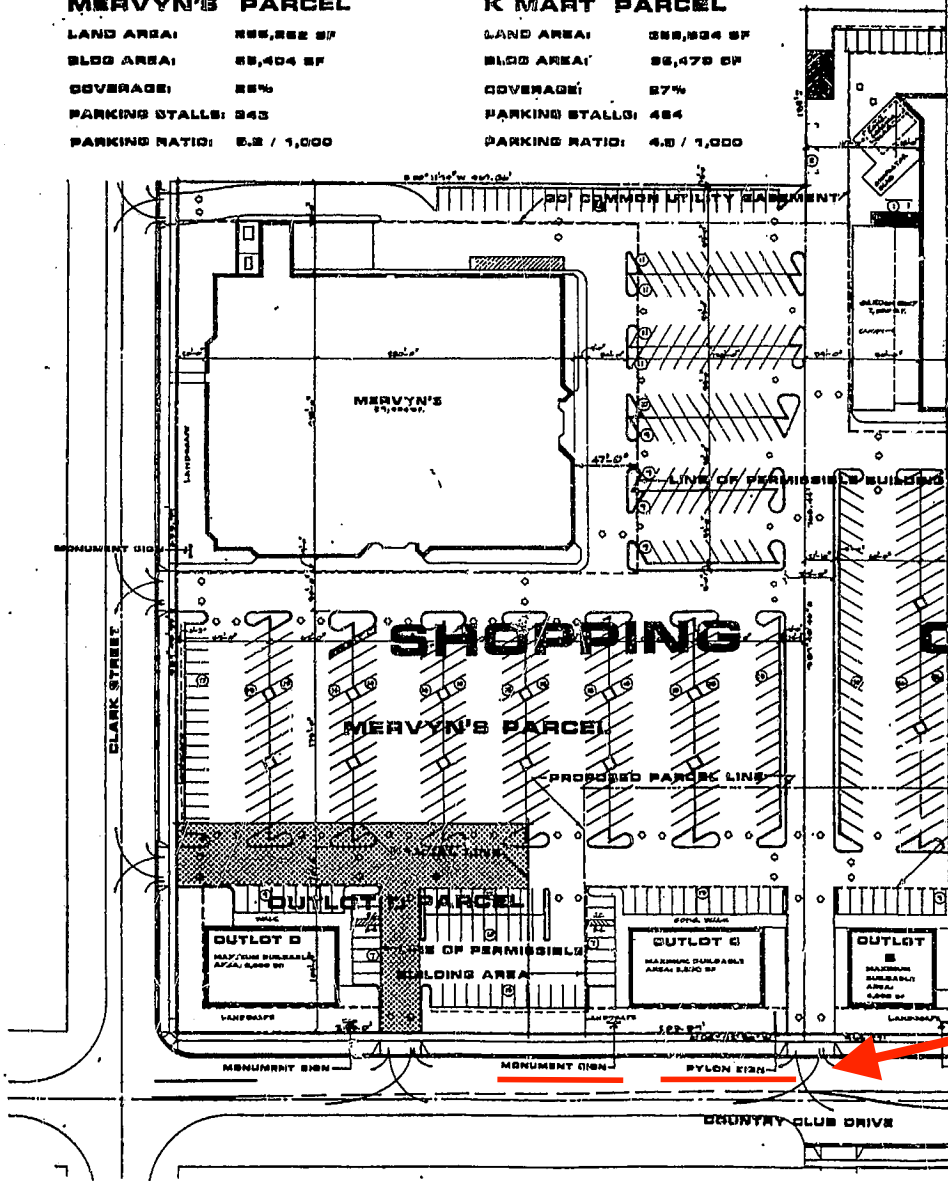
EXHIBIT B

**MERVYN'S PARCEL**

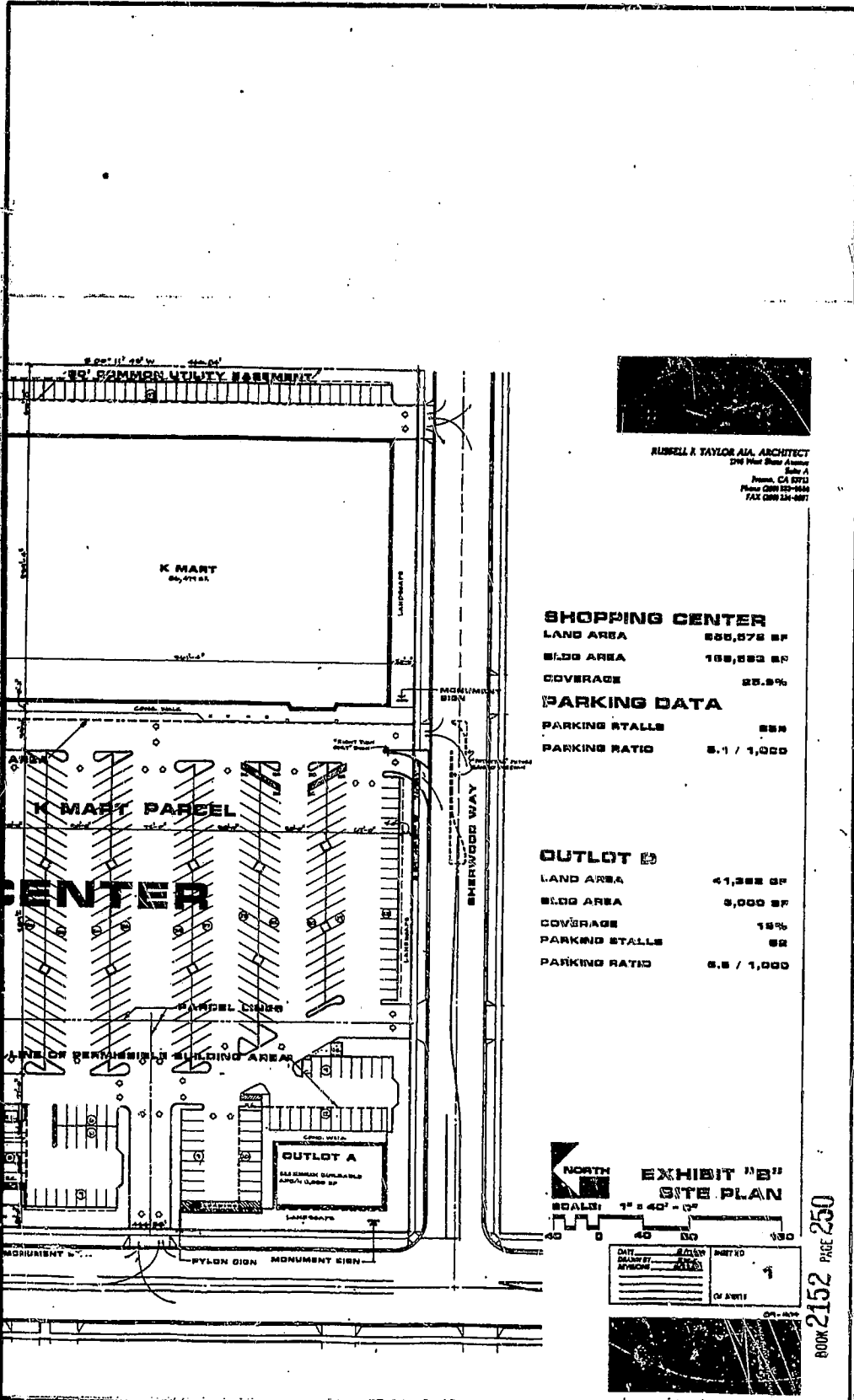
LAND AREA: 388,882 SF  
BLDG AREA: 88,404 SF  
COVERAGE: 22%  
PARKING STALLS: 243  
PARKING RATIO: 0.6 / 1,000

**K MART PARCEL**

LAND AREA: 388,884 SF  
BLDG AREA: 86,478 SF  
COVERAGE: 22%  
PARKING STALLS: 484  
PARKING RATIO: 1.2 / 1,000







**RUSSELL K. TAYLOR AIA, ARCHITECT**  
 274 West Street Avenue  
 Suite A  
 Fresno, CA 93713  
 Phone (209) 232-1646  
 FAX (209) 232-4887

**SHOPPING CENTER**  
 LAND AREA 686,878 SF  
 BLDG AREA 188,882 SF  
 COVERAGE 27.5%  
**PARKING DATA**  
 PARKING STALLS 888  
 PARKING RATIO 6.1 / 1,000

**OUTLOT B**  
 LAND AREA 41,000 SF  
 BLDG AREA 5,000 SF  
 COVERAGE 12%  
 PARKING STALLS 62  
 PARKING RATIO 6.8 / 1,000

**EXHIBIT "B"**  
**SITE PLAN**  
 SCALE: 1" = 40' - 0"  
 NORTH  
 DATE: 8/20/07  
 DRAWN BY: [signature]  
 CHECKED BY: [signature]  
 DIVISION: [signature]  
 SHEET NO. 1  
 OF 10/11

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MADERA COUNTY

1. Painted lettering will not be permitted.
2. Flashing, moving or audible signs will not be permitted.
3. All electrical signs shall bear the UL label, and their installation must comply with all local building and electrical codes.
4. No exposed conduit, tubing light source, or raceways will be permitted.
5. No exposed neon lighting shall be used on signs, symbols or decorative elements.
6. All conductors, transformers, and other equipment shall be concealed.
7. Electrical service to all signs shall be on the meter of the Occupant owning such sign and shall be part of such Occupant's construction and operation costs.
8. All bolts, fastenings, clips, etc., shall be painted out with sign mounting surface.
9. No signmaker's label or other identification will be permitted on the exposed surface of any sign, except for those required by local ordinance which shall be placed in an inconspicuous location.
10. All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight condition.
11. Each Occupant shall cause the contractor who installed the sign to repair any damage to any work caused by such installation. Damage to structure that is not repaired by the sign contractor shall become the Occupant's responsibility to correct.
12. Each Occupant shall be fully responsible for the work of its sign contractor and shall indemnify, defend and hold the Parties harmless from damages or liabilities on account thereof.

D. Miscellaneous Requirements:

1. No window signs will be permitted except that each Occupant will be permitted to place upon each entrance of its demised premises not more than 144 square inches of gold leaf or decal application lettering, not to exceed two inches (2") in height, indicating hours of business, emergency telephone number, etc.
2. Each Occupant who has a non-customer door for receiving merchandise shall have uniformly applied on said door, in location as directed by the project architect, in four inch (4") high block letters, the Occupant's name and address. Where more than one Occupant uses the same door, each Occupant's name and address shall be applied. Color of letters shall be approved by the Parties.

This sign criteria is for the shops BUILDING signs and excludes the former Mervyns and Kmart buildings. This was sent to Jesus last year as well when asked if there was a Sign Criteria for the center. The permitted monument and pylon signs are on the site plans included. See above pages.

**EXHIBIT C**  
**SIGN CRITERIA**

These criteria have been established for the purpose of assuring a coordinated sign program for the benefit of all occupants of the Shopping Center. As used herein, "Occupant" shall mean any occupant of the Shopping Center other than K mart or Mervyn's. Conformance will be strictly enforced. Any installed non-conforming or unapproved sign must be brought into conformance at the non-conforming Occupant's expense.

**A. General Requirements:**

1. Before fabrication of any sign, each Occupant shall submit or cause to be submitted to the Parties for approval at least three (3) copies of detailed drawings including all lettering and/or graphics, background color, sign trim color, sign shape, and the material of which the sign will be constructed.
2. All permits for signs and their installations shall be obtained by the Occupant or its representative at its expense.
3. Each Occupant shall be responsible for the fulfillment of all requirements and specifications.

**B. Design Requirements:**

1. Signs shall be permitted only on the facia of the buildings.
2. Total sign area (rectangle enclosing each group of letters, symbols or logos) shall not exceed one square foot of sign area per each lineal foot of store frontage, except that in any case the minimum total allowed shall be at least 16 square feet. In case of conflict, city requirements shall govern.
3. Height of signs shall be two (2) feet.
4. No signs of any sort shall be permitted on a building roof.
5. Wording of sign shall not include the product sold except as a part of the Occupant's trade name or insignia.
6. Length of sign shall not exceed 50% of the store frontage.
7. The maximum number of signs per occupancy shall be one, unless otherwise approved by the Parties.

**C. General Specifications:**

E. K mart and Mervyn's Signs.

1. The provisions of this Exhibit C shall not be applicable to the identification signs or logos of K mart or Mervyn's, or their successors or assigns, it being understood and agreed that they may install and maintain their customary and usual identification signs and/or logos on their store building (and any and all changes or replacements thereof), as the same exists on similar buildings operated from time to time by K mart or Mervyn's; provided, however, that there shall be no roof-top signs, or signs which are flashing, moving or audible.

F. Administration:

1. If any conflict of interpretation (between any Occupant and the Parties) as to the application of these criteria cannot be satisfactorily resolved, the Parties' decision shall be final and binding upon the Occupant.

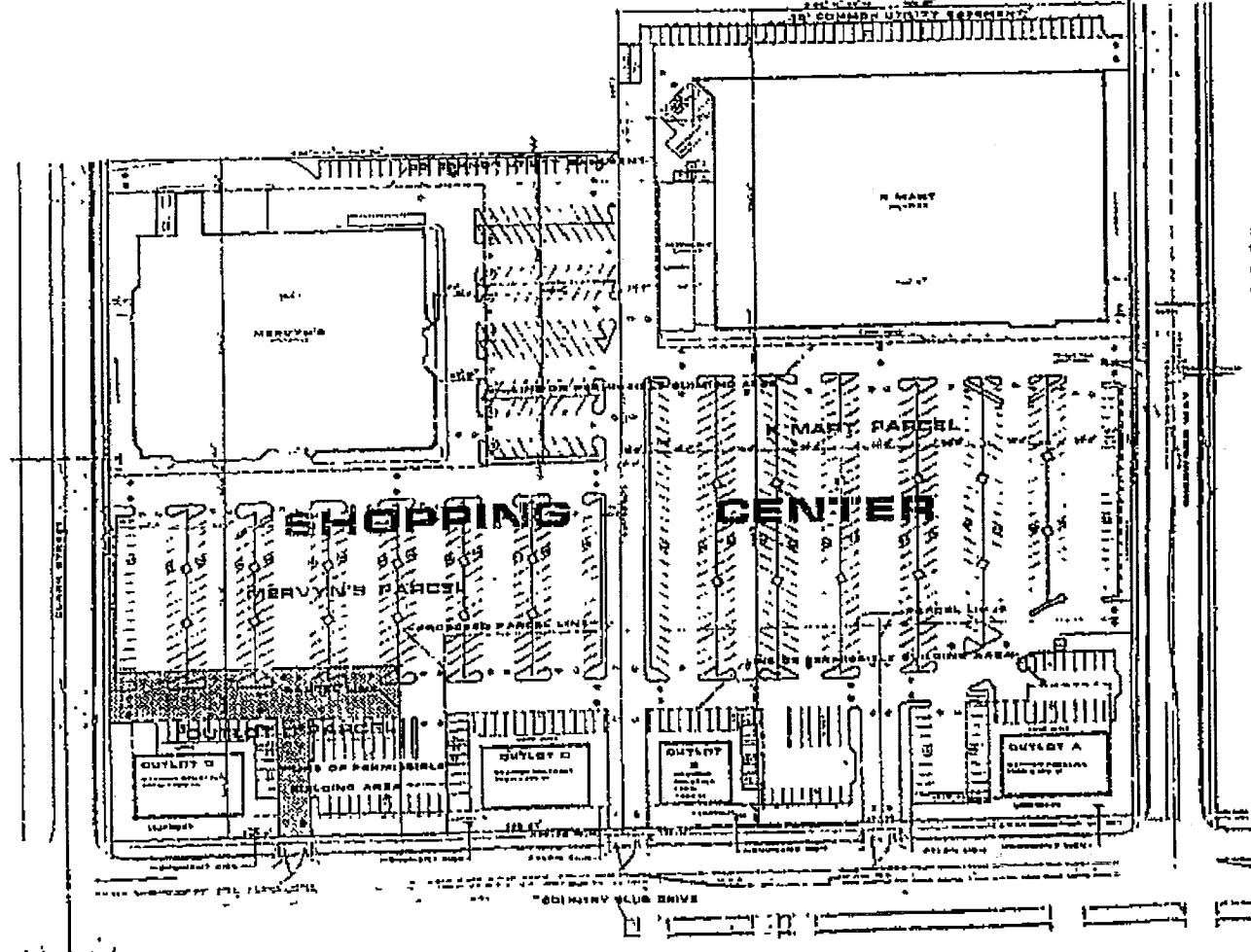
END OF DOCUMENT

BOOK 2152 PAGE 253

18281

RECORDED IN OFFICIAL RECORDS OF MADERA COUNTY CALIFORNIA	
AUG 31 1989	
TIME 2:05 PM	FEE \$ 8.70
COUNTY RECORDER	

9807188



**SHOPPING CENTER**  
 LAND AREA 188,874 SF  
 BUILD AREA 188,874 SF  
 COVERAGE 100%

RECORDING WITH THIS PAGE DOES NOT IMPLY

SCALE: 1" = 120'

EXHIBIT B

1

## **Attachment 3: Sign Permit Proposal**

## SIGN REVIEW APPLICATION

### INSTRUCTIONS:

Sign permits are issued by the City's Community Development Department. To receive a sign permit, please submit a completed building permit application, three (3) sets of construction plans and specifications, the appropriate submittal fee, and this application form to the Madera Planning Department. Planning and Building Department staff will utilize this information to determine if the proposed signage meets the requirements of the City's Sign Regulations. Authorization of the property owner (or an authorized agent) must accompany the application. Incomplete or inaccurate permit application packages may delay the issuance of a sign permit.



### IF YOU NEED HELP:

For additional information about the sign permit process and how to obtain an approved sign permit, please call (559) 661-5430 or visit the Planning Department at 205 West 4<sup>th</sup> Street in Madera. Planning Department staff are available at the Planning Department counter to explain the regulations and the sign permit process.

Applicant Name Baykur Madera Partners LLC Phone: 949-633-4828

Applicant Address: 15615 Alton Parkway, Suite 450

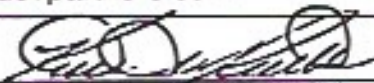
City: Irvine State: Ca Zip Code: 92618

Project Name (Business Name): Vallarta Shopping Center

Project Address: 1467 Country Club Drive, Madera

Contact Person: Kurt Kurtti Contact Phone: 949-633-4828

Contact email: kurt@kgdevpartners.com

Applicant Signature:  Date: \_\_\_\_\_

Please turn over this application and complete the information on the back of the application form.

### OFFICE USE ONLY

APN(s): \_\_\_\_\_ Zone District: \_\_\_\_\_

Shopping Center (if applicable): \_\_\_\_\_ Master Sign Program:  Y  N

Valuation of Signage: \$ \_\_\_\_\_ Planning Fee: \$ \_\_\_\_\_

Application Date: \_\_\_\_\_ Approval Date: \_\_\_\_\_

Approved By: \_\_\_\_\_

**On-Building Signs**

N/A

Qty.	Type (i.e. canister, pan channel letter)	Dimension	Square Footage
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Length of applicable lease frontage or building frontage: \_\_\_\_\_ ft. Building Square Footage: \_\_\_\_\_

End of building? Yes \_\_\_\_\_ No \_\_\_\_\_ Within 150 feet from property line? Yes \_\_\_\_\_ No \_\_\_\_\_

Lease Area or Building Square Footage: \_\_\_\_\_ Total On-Building Sign Area Proposed: \_\_\_\_\_

Remarks: \_\_\_\_\_

Include detailed drawings of each proposed on-building sign and its placement on the exterior elevation of the building.

**Freestanding Signs**

Qty.	Type (monument, pole, menu, etc.)	Height	Square Footage
<u>1</u>	<u>Pole</u>	<u>20'</u>	<u>SEE DRWG.</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Corner Parcel? Yes  No \_\_\_\_\_ Setback From Property Line: 0'

Street Frontage Length: ± 230' Second Street Frontage (if applicable): ± 500'

Illuminated? Internal  External \_\_\_\_\_ Total Freestanding Sign Area Proposed SEE DRWG

Remarks: APPLICANT IS APPLYING FOR (1) POLE SIGN ON MAIN ST -  
CONVENTRY CLUB DRIVE AS THIS IS MAJOR THOROUGHFARE AND  
TENANT IS 69,000 S.F. MAJOR RETAIL GROCERY STORE

Include detailed drawings of each freestanding sign proposed and its placement in the sight.

Total Valuation of Signage \$ 45,000<sup>00</sup>



Date: 02/21/20  
 Salesperson: BOB/MN  
 Coordinator: MN  
 Designer: MN  
 Scale: As Noted

**Revisions**

- 02/21/20 20' c.a. height
- 03/10/20 sq. ft. hrs

**CUSTOMER APPROVAL**

Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 COPY, COLORS & SIZES

May be used for reproduction or distribution without the express written permission of MEGAHERTZ. THE DESIGNER ASSUMES NO LIABILITY FOR THE RESPONSIBILITY OF OTHERS.

Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This design is the exclusive property of Mega Hertz Electric. Signs and copy will be reproduced in black and white unless otherwise specified in writing on the plan, without your prior written approval.



FOR OVER 50 YEARS, THE METALLIC APPEARANCE OF THE SIGNAGE HAS BEEN A MAJOR PART OF OUR SUCCESS. WE'VE MADE IT A TRADE SECRET SINCE 1968.

Drawing Number: \_\_\_\_\_

Work Order Number: \_\_\_\_\_

Sheet: 1 of 1

**SPECIFICATIONS:**  
 MFR AND INSTALL 1/2" DOUBLE FACE PYLON SIGN ALUMINUM FRAME CONSTRUCTION 1/8" THICK ALUMINUM CLADDING WITH TEXTURED FINISH.

**LOOK:**  
 5" DEEP CHANNEL WITH CLEAR ACRYLIC FACE. EXPOSED NEON TUBE OUTLINE GRAPHICS TO BE VINYL OVER WHITE ALUM. BAFFLE. WHITE TRIM CAP EDGES AND RETURNS.

**VALLARTA LETTERS:**  
 3" DEEP CHANNEL LETTERS WITH RED VINYL OVERLAY INTERNAL RED LED ILLUM. RED TRIM CAP AND RETURNS.

**SUPERMARKETS:**  
 3" DEEP CHANNEL LETTERS WITH GREEN VINYL OVERLAY INTERNAL WHITE LED ILLUM. GREEN TRIM CAP AND RETURNS.

**FRESH PRODUCE / MEAT:**  
 DOUBLE FACE ALUMINUM CABINET WITH WHITE ACRYLIC FACES AND RED VINYL OVERLAY CUT OUT FOR WHITE COPY. INTERNALLY ILLUMINATED WITH WHITE LED.

DOUBLE STEEL PIPE SUPPORTS WITH CONCRETE FOOTING PER ENGINEERING.



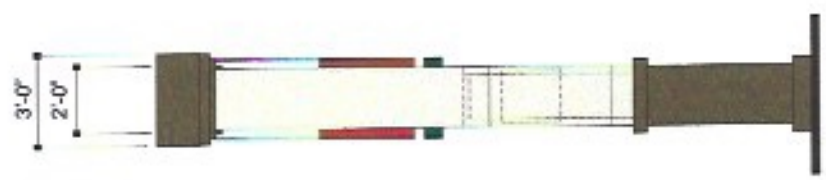
**A** DOUBLE FACE POLE SIGN

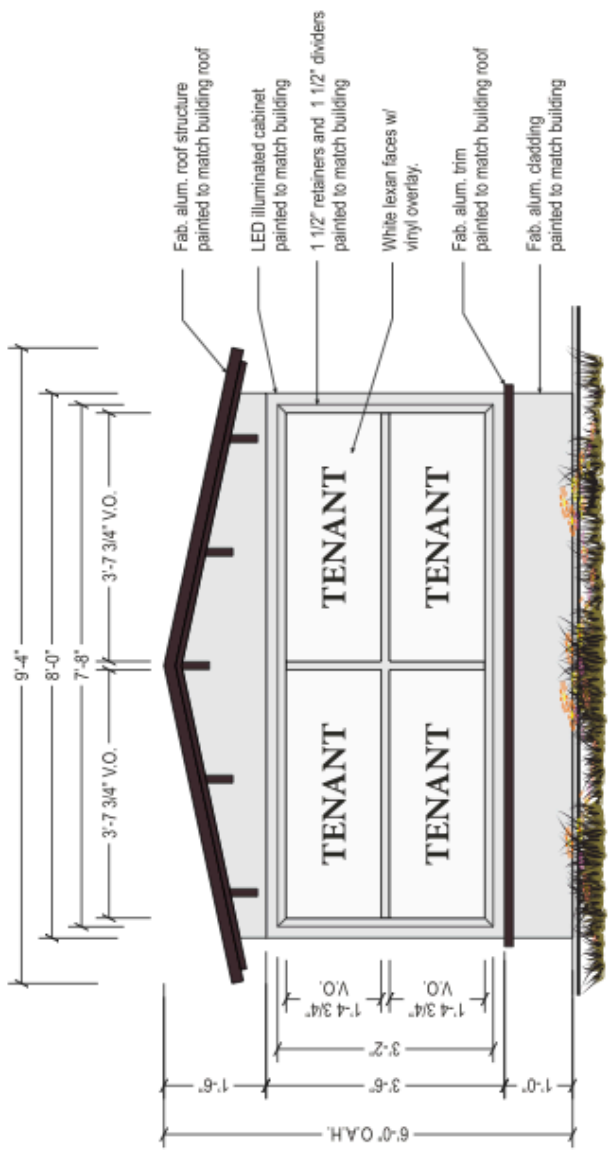
Scale: 1/4" = 1'-0"



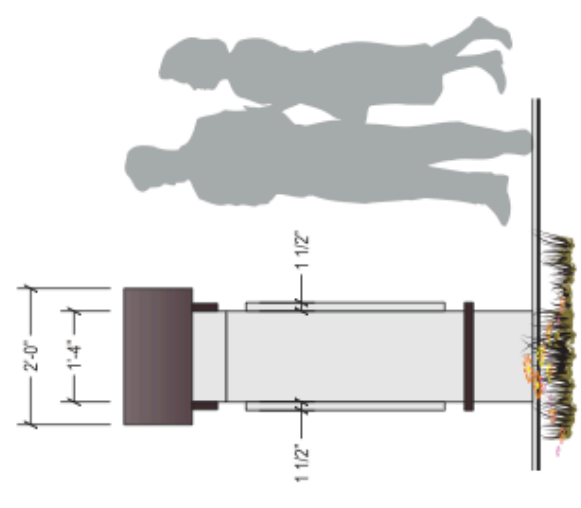
- COLORS**
- 485 RED
  - 348 GREEN
  - 1655 ORANGE
  - 116 YELLOW
  - 272 BLUE
  - DEW340 WHITE PT1
  - DECT56 WEATHERED BROWN PT2

**SIDE VIEW**





**D/F LED ILLUMINATED MONUMENT SIGN**  
 Scale: 1/2" = 1'-0"



**SIDE VIEW**  
 Scale: 1/2" = 1'-0"

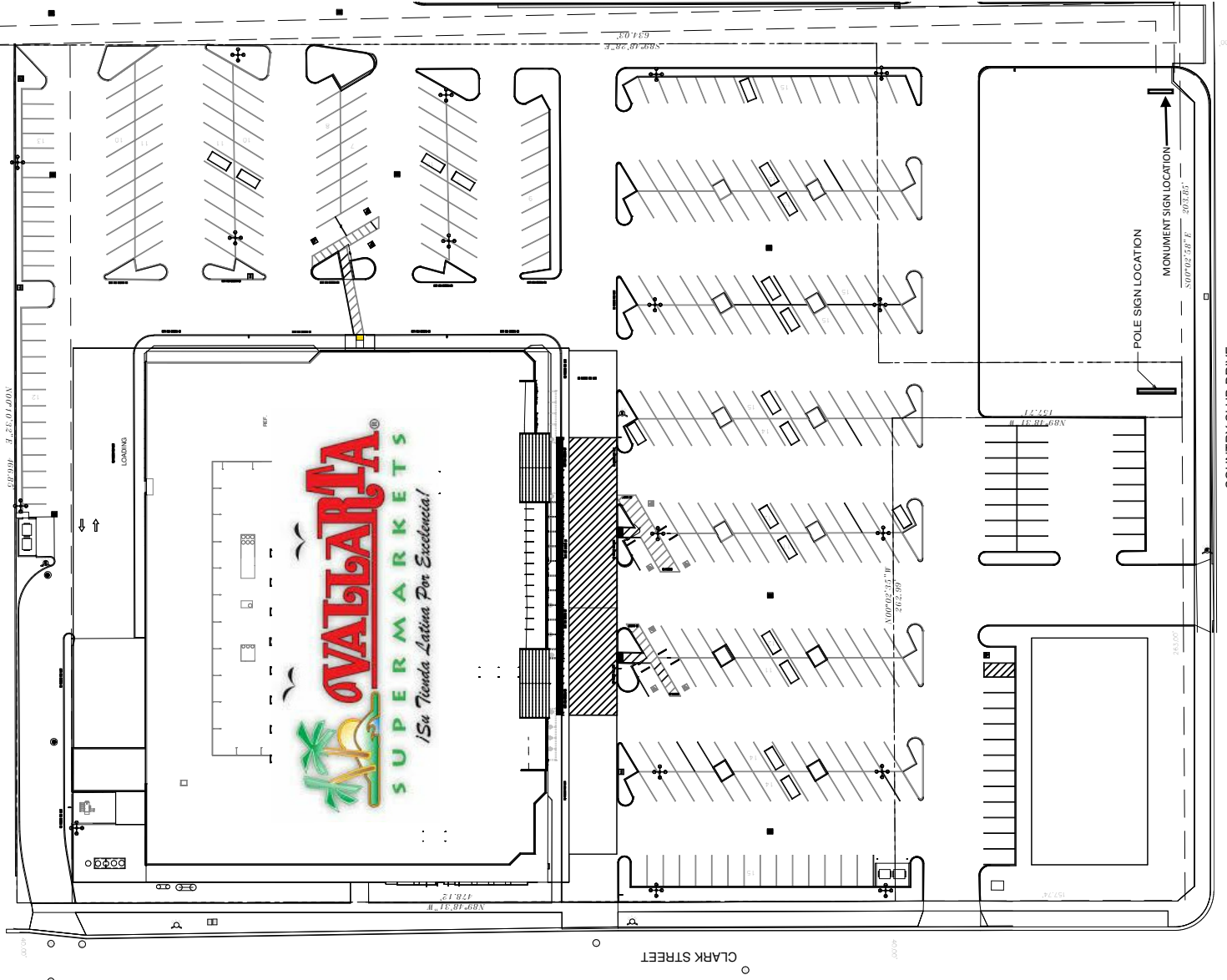
Number	Description	Date

**Vallarta**  
**Supermarkets**

10/2021  
 12-23-2019  
 1487 Country Club Drive  
 Madera, Ca

# SP-1

**POLE SIGN SITE**  
**PLAN**



**1 POLE SIGN - SITE PLAN**  
 1/1/2020

**Attachment 4: Planning Commission Resolution #1880**

**RESOLUTION NO. 1880**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA APPROVING VARIANCE 2021-01 FOR AN ADDITIONAL FREESTANDING PYLON SIGN TO BE ERECTED AT AN ESTABLISHED SHOPPING CENTER (VAR 2021-01) AND ADOPTING A FINDING OF A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15311(a) ACCESSORY STRUCTURES (ON-PREMISE SIGNS)**

**WHEREAS**, BayKur Madera Partners, LLC, is seeking a variance and sign permit to erect an additional freestanding pylon sign within an established shopping center located on Country Club Drive; and

**WHEREAS**, the shopping center is subject to an approved Master Sign Program recorded on August 13, 1989; and

**WHEREAS**, the Master Sign Program describes and delineates the quantity and location of all freestanding pylon and monument signs within the shopping center; and

**WHEREAS**, the freestanding pylon sign proposed would exceed the quantity of freestanding pylon signs permitted by the Master Sign Program or by Section 10-6.09 of the Sign Regulations of Madera Municipal Code; and

**WHEREAS**, the additional freestanding pylon sign is discretionary project subject to review and approval of a variance by the Planning Commission; and

**WHEREAS**, the City performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Section 15311(a) of the California Environmental Quality Act (CEQA) Guidelines as the project involves installation of on-premise sign; and

**WHEREAS**, under the City's Municipal Code, the Planning Commission is authorized to review and approve variances and environmental assessments for associated projects on behalf of the City; and

**WHEREAS**, the City provided notice of the Planning Commission hearing as required by law; and

**WHEREAS**, the Planning Commission received and reviewed VAR 2021-01 at a duly noticed meeting on April 13th; and

**WHEREAS**, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

**WHEREAS**, the Planning Commission now desires to approve VAR 2021-01, with conditions, and adopt a finding of a categorical exemption for the project.

**NOW THEREFORE**, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning

Commission finds and determines that the project falls within the Class 11 Categorical Exemption set forth in CEQA Guidelines Section 15311(a) as the project involves installation of on-premise freestanding pylon sign at an established shopping center, and the inclusion of new sign is a minor structure that will result in no expansion to the existing commercial buildings and facilities. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply to this project. As such, the Planning Commission adopts a finding of a Categorical Exemption under CEQA Guidelines section 153011(a) (On-Premise signs) for this project.

3. Findings for VAR 2021-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the adoption of VAR 2021-01, as conditioned, is it is consistent with the requirements of the Municipal Code including Section 10-3.1307. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. This includes practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of Chapter 6 of Title X of the Municipal Code may result from the strict and literal application of any of the provisions of that Chapter.

Basis for Finding: The Vallarta Supermarkets building is one of two original major tenant buildings at the shopping center. Special circumstances arise that due to the size, shape, and layout of the property and its unique configuration (including ingress and egress locations). Due to these issues, the maximum of two free standing signs limitation of signage coverage does not adequately serve the advertisement of the major tenant and the free-standing sign would be easily visible. As the two existing freestanding pylon cabinet signs positioned at the southern entrance do not adequately benefit the businesses located in the immediate vicinity of the shopping center's northern entrance, and the addition of a freestanding signage at the north end would provide a balance of signage for the overall shopping center and the potential success of the businesses located at the northern end of the shopping center.

An additional secondary freestanding pylon sign would provide a balance of signage for the overall shopping center, it is reasonable and consistent with the purposes of the City's signage ordinance to allow for a new freestanding be of similar size, both in height and sign face area as well as in form as the existing freestanding cabinet signs presently located at the shopping center's southern entrance to provide uniformity, which is currently proposed by VAR 2021-01.

- b. The use of land which is in conformity with the use regulations specified for the district in which the land is located.

Basis for Finding: The property is zoned C-1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). The C-1 district permits shopping centers. Signage, including freestanding pylons signs, is consistent with this use for this district.

- c. The variance is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Basis for Finding: As conditioned, the freestanding pylon sign will be compatible with the surrounding properties. The project site is part of a larger shopping center with retail sales, restaurants and other commerce type uses distributed throughout the center. A majority of the businesses within the center have sign faces on individual or multi-tenant freestanding pylon or monument signs suited for their businesses. The project is in compliance with CEQA, and will not have any substantial, adverse impacts on the surrounding environment as it is subject to a Categorical Exemption as discussed above.

With the conditions imposed, including the requirement to come into conformity with the Municipal Code before commencing operations under this Variance, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City, will not constitute a grant of special privileges, etc.

- 4. Approval of VAR 2021-01: Given that all findings can be made, the Planning Commission hereby approves VAR 2021-01 as set forth in the Conditions of Approval attached as Exhibit "A."
- 5. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 13<sup>th</sup> day of April, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
Robert Gran Jr. Planning Commission  
Chairperson

Attest:

\_\_\_\_\_  
Gary Conte, AICP  
Planning Manager

## **EXHIBIT "A"**

### **Conditions of Approval For VAR 2021-01 (Vallarta Monument Sign)**

#### NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

#### IMPORTANT: PLEASE READ CAREFULLY

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through conditional use permit review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this variance shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this variance may become null and void if development is not completed in accordance with all the conditions and requirements imposed on this variance, the sign ordinance, and all City standards and specifications. This variance is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this variance. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised variance is required if the sign specifications changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the variance permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting



from the variance or sign permit review process or for additions or alterations to any construction plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the variance and sign permit and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this variance permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, permittee, or any other person or entity making use of this use permit.

#### CONDITIONS OF APPROVAL

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 (30) days of the date of approval for this use permit.
2. The variance may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the variance and owners of the property voluntarily submitting to the City a written request to permanently extinguish the variance.
3. The permittee’s failure to utilize this variance within six (6) months following the date of this approval shall render the variance null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
4. Variance 2021-01 will expire and be rendered null and void if the use is discontinued for a six (6) month period.
5. This variance shall also 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 City Staff to be in violation of the conditions of approval, City Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the variance.
6. Any proposed future sign modifications to the site, including, but not limited to, on-building signage, sign monuments, temporary or permanent on- or off-site signs, banners, flags shall require an amendment to this variance.
7. It shall be the responsibility of the permittee / property owner and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to installation of the freestanding pylon sign.
8. Building permits are required for the requested signage.
9. Permittee shall not hold the City of Madera or any of its employees responsible for any incidents regarding the variance. Permittee is full responsible for signs and any happenings that may transpire while they are in use.
10. Permittee shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, processing, and improvement inspection fees.
11. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the

- Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on SPR 2021-05.
12. The Permittee/owner shall be responsible for the removal of all graffiti from the signs with 72 hours of its appearance on the property.
  13. Permittee shall comply with all local, state, and federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
  14. If the City's Community Development Director or Planning Manager finds and determines that the permittee or successors-in-interest has complied or cannot comply with the terms and conditions of this variance, or the Planning Department determines that the signs constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in this variance, the matter shall be referred to the Planning Commission for permit modification, suspension or termination, or to the appropriate enforcement authority.
  15. As between the City and the permittee, any violation of this variance may be a "nuisance per se". The City may enforce the terms and conditions of this variance in accordance with its Codified Ordinances and/or state law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
  16. Permittee shall not be permitted to maintain a "nuisance", which is anything which (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of any annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.
  17. Applicant shall remove the cabinet sign box that formerly served as the Mervyn's and Fallas Parades Clothing Store's freestanding sign mounted beneath the freestanding pylon cabinet sign box presently serving the O'Reilly Auto Parts store. Said sign shall be removed prior to the construction of the new freestanding double-faced pylon sign.
  18. No additional freestanding pylon or monument sign shall be permitted or erected within the shopping center without prior approval of the Planning Commission.
  19. The requested variance from the Sign Regulations of the Madera Municipal Code shall be granted for signage, as follows:
    - A freestanding double-faced pylon sign shall be erected in the location specified in the attached sign detail sheet.
    - Location of the freestanding pylon sign shall not be less than one (1) foot inside the property line and shall not interfere with the safety of vehicle traffic entering or existing the shopping center or with vehicular traffic or pedestrians.
    - Freestanding double-faced pylon sign shall be dimensioned and constructed as specified in the attached sign detail sheet, including, but not limited to submitted colors and materials.

- The total sign area coverage of the freestanding pylon sign shall not exceed 50 square feet for the Vallarta Supermarkets sign space and the total sign space dedication towards minor tenants shall not exceed 50 square feet.
  - No additional signage shall be allowed on or off the structure.
20. Sign shall be maintained and in good working order.
  21. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
  22. The sign shall be in compliance with the Madera Sign Ordinance as per this variance. The sign is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

-END OF CONDITIONS-

APPLICANT'S ACKNOWLEDGMENT

I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for Variance Permit 2021-01.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kurt T. Kurtti  
Baykur Madera Partners, LLC