

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

**CITY HALL – COUNCIL CHAMBERS
TUESDAY
November 9, 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: [#88678425866](https://www.zoom.us/j/88678425866) followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/88678425866>. Public comment will also be accepted via email at planningcommissionpubliccomment@madera.gov.

Effective Wednesday October 6, 2021, the Council Chambers are again open to the public. This Planning Commission meeting will be held in the Council Chambers located at City Hall, 205 W. 4th St., as well as being available via zoom with the information provided above.

CALL TO ORDER

ROLL CALL

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

INTRODUCTION OF STAFF

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

The first fifteen minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until the hearing is opened. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

MINUTES: None

CONSENT ITEMS:

1. Addendum to the Initial Study / Negative Declaration for the Grove Gardens Project (Derek Sylvester)

A proposal to correct the adopted Initial Study/Negative Declaration (IS/ND) for the Grove Gardens Project previously adopted by the Planning Commission on May 12, 2020. Following the adoption of the IS/ND, the project proponent submitted subsequent applications for project related street and alley abandonments, lot line adjustment, and a precise plan modification not originally included as part of the project description nor analyzed in the IS/ND adopted on May 12, 2020. At the October 12, 2021, regular meeting of the Planning Commission, these applications were considered and approved, along what should have been identified as an “addendum” to the IS/ND for the Grove Gardens Project. The staff report and attachments of that October 12, 2021, report incorrectly referred to the addendum of the IS/ND as a an “amendment.” Staff has made the necessary correction to the IS/ND to reflect the appropriate terminology.

PUBLIC HEARING ITEMS:

1. GPA 2020-01, REZ 2021-01, SPR 2021-01 MOD & VAR 2020-01 – Sunset Apartments (Sara Allinder)

A noticed public hearing to consider a request for a General Plan Amendment, Rezone, and Site Plan Review that would allow construction of a 15-unit multi-family residential development to include two-bedroom and three-bedroom apartments on a 0.875-acre site. A new two-story building is proposed to accommodate 11 units while the existing building on-site would be renovated for 4 two-story units. The General Plan Amendment proposes to amend the land use designation for the property from C (Commercial) to HD (High Density Residential). The Rezone proposes to rezone the northern approximately 0.2 acres of the property from the R1 (One unit per 6,000 square feet of site area) zone district to the R3 (One unit per 1,800 square feet of site area) zone district. The site is located at the northeast corner of Orchard Avenue and Sunset Avenue. APN: 006-182-007

An Initial Study/Negative Declaration has been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA).

2. CUP 2021-07 & SPR 2021-04 – GMG Gas Station (Sara Allinder)

A noticed public hearing to consider a request for a Site Plan Review that would allow construction of a 1,640 square foot addition to an existing convenience store building on an approximately 0.37-acre site. Conditional Use Permit 2021-07 would memorialize the use of a gas station on the site. The site is located at the northeast corner of Madera Avenue and East Almond Avenue in the C1 (Light Commercial) zone district and has a C (Commercial) General Plan land use designation. APN: 012-133-025

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (In-Fill Development Projects).

3. CUP 2021-05 & SPR 2021-23 MOD – Gateway & Almond Convenience Store (Sara Allinder)

A noticed public hearing requesting to modify a previously approved Site Plan Review and approve a Conditional Use Permit that would accommodate the construction and operation of a drive through facility in association with a quick serve restaurant to be located within a previously approved building on an approximately one-acre site. The site is located at the northeast corner of South Gateway Drive and East Almond Avenue in the CH (Highway

Commercial) zone district and has a C (Commercial) General Plan land use designation. APN: 012-390-023

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (In-Fill Development Projects).

Staff is Requesting this item be continued to the December 14, 2021, Planning Commission Meeting.

NON-PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

The next regular meeting will be held on December 14, 2021.

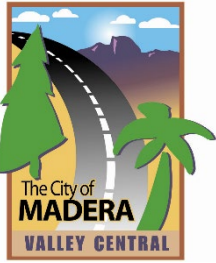
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Addendum to the Initial Study/Negative Declaration for the Grove Gardens Project Consent Item # 1 – November 9, 2021

PROPOSAL: Correction to the adopted Initial Study/Negative Declaration (IS/ND) for the Grove Gardens Project. An IS/ND was adopted by the Planning Commission for the Grove Gardens Project on May 12, 2020. Following the adoption of the IS/ND, the project proponent submitted subsequent applications for project related street and alley abandonments, lot line adjustment, and a precise plan modification not originally included as part of the project description nor analyzed in the IS/ND adopted on May 12, 2020. At the October 12, 2021, regular meeting of the Planning Commission, these applications were considered and approved, along with what should have been identified as an “addendum” to the IS/ND for the Grove Gardens Project. The staff report and attachments of that October 12, 2021, report incorrectly referred to the addendum of the IS/ND as an “amendment.” Staff has made the necessary correction to the IS/ND to reflect the appropriate terminology.

SUMMARY: The original Grove Gardens Project composed of a General Plan Amendment (GPA 2020-02), rezone (REZ 2020-01) precise plan (PPL 2020-03) and a variance (VAR 2020-02) was conditionally approved by the Planning Commission on May 12, 2020, to guide the site design and development. In conjunction with approval of the various entitlements, an IS/ND was adopted for the project.

As the project progressed towards preparing for construction, it was uncovered that developing the site according to approved entitlements was challenging due to various site design restraints. At the October 12, 2021, meeting of the Planning Commission, multiple entitlement applications were considered to remedy the design conflicts that the approved IS/ND for the Grove Gardens development did not consider. The entitlement applications included a precise plan modification (PPL 2020-03 MOD), lot line adjustment (LLA 2020-04) and an alley and two street abandonments (ABN 2020-01, ABN 2020-02 and ABN 2021-01). These applications were added to the scope of work in the IS/ND and provided to the Commission for adoption as an “amendment” to the previously adopted IS/ND. The Planning Commission approved the additional applications, along with the “amendment” to the IS/ND.

Following the October 12, 2021, Commission meeting, staff became aware the title of the IS/ND adopted by the Commissioners was mistitled as “Amendment to Initial Study/Negative Declaration for Grove Gardens Project,” whereas the correct titled should have read “Addendum to Initial Study/Negative Declaration for Grove Gardens Project.” CEQA Guidelines Section 15164 provides legal basis for addendums to Negative Declarations. Section 15164(b) states that minor technical changes or additions to a Negative Declaration need not be recirculated for review, and Section 15164(d) states the decision-making body shall consider the addendum prior to deciding on the project.

Given the addendum to the IS/ND for the Grove Garden project was considered at the October 12, 2021, Planning Commission meeting as the “amendment”, it is necessary to only make the change to the document in areas where “amendment” language is used rather than “addendum.” Staff has prepared

the Addendum to the IS/ND for the Grove Garden Project as Attachment 1, which reflects these changes. A resolution has also been prepared to memorialize the correction and is presented as Attachment 2.

RECOMMENDATION

Staff recommends the Commission consider the information in this report and approve the addendum to the Initial Study/Negative Declaration for the Grove Gardens Project, which has been corrected to replace the word “amendment” with the “addendum”, along with the attached resolution.

PLANNING COMMISSION ACTION

The Commission will be acting on a resolution regarding this matter, adopting the change in text of the addendum to the IS/ND to the Grove Gardens Project:

Motion: Move to adopt a Resolution of the Planning Commission of the City of Madera correcting language in the Addendum to the Initial Study/Negative Declaration for the Grove Garden Project previously adopted for the project at the October 12, 2021, hearing.

ATTACHMENTS

Attachment 1: Addendum to the Initial Study/Negative Declaration for the Grove Gardens Project

Attachment 2: Resolution

Attachment 1: Addendum to the Initial Study / Negative Declaration



PLANNING DEPARTMENT

Gary Conte, AICP, Planning Manager

Date: November 9, 2021
To: City of Madera Planning Commission
From: Derek Sylvester, Associate Planner
Subject: Addendum to Initial Study/Negative Declaration for Grove Gardens

Introduction

The Addendum to Initial Study/Negative Declaration for the Grove Gardens (Addendum to IS/ND) includes the analysis of the subsequent right-of-way abandonments and lot line adjustment in response to the right-of-way abandonments and modifications to the project not previously contemplated in the adopted Initial Study/Negative Declaration for the Grove Gardens project. The original Initial Study/Negative Declaration for Grove Gardens project was adopted by the Planning Commission of the City of Madera on May 12, 2020. The Addendum IS/ND provides additional information to be incorporated into the Initial Study and covered by the Negative Declaration. The addendum provides information for clarification and amplification purposes and does not constitute a substantial revision per the California Environmental Quality Act (CEQA) Guidelines Section 15073.5 (b), which would warrant recirculation of the Initial Study/Negative Declaration.

Addendum to Project

The proposed project is modified in the addendum to include the abandonment of an alley abutting and parallel to Noble Street, running the entire length of the project site's westerly boundary (ABN 2020-01, the southern terminus of Grove Street (ABN 2020-02), and the abandonment of Noble Street right-of-way on the southeast corner of its intersection with Maple Street (ABN 2021-01). A lot line is also proposed to realign the existing property lines in conformance with the proposed property lines resulting from the proposed abandonments (LLA 2020-04). The proposed abandonments will add approximately 16,927 square feet to the developable portion of the project site.

Modifications to the approved project precise line are also proposed (PPL 2020-03 MOD). While the overall footprint of each building is to remain, the interior floorplan of the units is revised from a two-bedroom, one-bathroom units to units composed of three-bedroom and two-bathrooms.

The site layout depicted in PPL 2020-03 MOD proposes a similar design to the original precise plan. Building A to the northeast of the property remains the same except for the community garden along the eastern elevation being repositioned and expanded to maximize utility. Directly south of Building A, the parking area has been rearranged for increased efficiency in utilization of space and a barbeque area and tot-lot have been proposed.

Building B to the interior of the site remains in the same location. The open space area along the northern elevation of the building has increased in size due to corrections made in depiction of the property line neighboring with the adjoining property. Building B is the location of the manager's residence and leasing office.

Building C is located along Noble Street and is repositioned more so than the others as proposed in PPL 2020-03 MOD. The building is proposed to be located at a slight angle to provide appropriate spacing between Building B as well as adequate front, side, and rear yards. The shortest distance between Building C and Building B, as well as the property line shared with the neighboring residence, is approximately 17 feet. This modification reduced the rear yard from 12 feet to 5 feet. The loss of yard open space between the buildings, is accounted for by the addition of a tot-lot located to the southeast corner of the site. The addition of the tot-lot resulted in a reduction of three parking spaces as well as reconfiguration of parking area. The loss of three parking spaces results in a 2.5 percent deviation from the parking requirements of the City's Municipal Code.

Addendum to Initial Study/Negative Declaration

The proposed abandonments, lot line adjustment and modifications to the previously approved precise plan would not result in any additional impacts that would not be addressed by the Initial Study/Negative Declaration previously adopted. Because the changes presented would not result in any new significant impacts or increase impact significance from what was identified in the original IS/ND, recirculation of the Grove Gardens project is not required.

CITY OF MADERA

ADDENDUM TO INITIAL STUDY / ENVIRONMENTAL CHECKLIST

I. BACKGROUND AND PROJECT DESCRIPTION

1. **Application No.:**
GPA 2020-02, REZ 2020-01, PPL 2020-03 MOD, LLA 2020-04, ABN 2020-01, ABN 2020-02, ABN 2021-01 & VAR 2020-02
2. **Project Title:**
Grove Gardens
3. **Lead Agency Name and Address:**
City of Madera, 205 W. 4th St., Madera, CA 93637
4. **Contact Person and Phone Number:**
Derek Sylvester ~~Jesus R. Orozco~~ (559) 661-5436
5. **Project Location:**
304 Grove Street / Southeast corner of Maple Street and Noble Street
6. **Project Applicant's/Sponsor's Name and Address:**
Berry Construction – 413 W. Yosemite Avenue, Madera, CA 93637
7. **General Plan Designation:**
Current: I (Industrial) Proposed: HD (High Density)
8. **Zoning:**
Current: I (Industrial) Proposed: PD-2000 (Planned Development)
9. **Project Background/Description:**
The proposal is an application for a General Plan Amendment from the I (Industrial) to an HD (High Density) concurrent with a rezone from the I (Industrial) zone district to the PD-2000 (Planned Development) zone district providing consistency between the land use and the zone district that will allow for the development of a multi-family apartment complex (see Figures in Environmental Setting section). The precise plan application will guide the development of a 34-unit multi-family apartment complex composed of four, three story buildings. As a result of providing the necessary parking requirements, the project will be deficient in open space as required by ordinance. The variance will allow for the development of less than the required minimum open space area of 25,500 square feet. The project will provide for approximately 18,200 square feet of landscape open area to include open area for passive recreation and three community garden areas, and other landscape features surrounded by perimeter fencing. The overall development is contingent upon the future abandonments of a segment of public right-of-way and a lot line adjustment. These abandonments include portions of Noble and Grove Streets and an alley adjacent to the western property line, that currently bisects the project site and the recordation a parcel map. The future abandonments and lot line adjustment will be subject to applicable State government code and municipal code. ~~The parcel map will be subject to the Subdivision Map Act~~

and municipal code.

10. **Public Agencies Whose Approval or Review Is Required:**
Madera Irrigation District, Madera Unified School District and San Joaquin Valley Air Pollution Control District.
11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**
California Native American tribes traditionally and culturally affiliated with the project area did not request consultation pursuant to Public Resources Code Section 21080.3.1.

II. ENVIRONMENTAL SETTING

The project site encompasses two separate properties and the future abandonments of public right-of-way. As of February 2019, the site vacated five building structures, two single family residences and their associated structures. The project site is currently vacant unattended open space. The project site encompasses approximately 1.80-acres. Access to the property will occur from Noble Street and Grove Street. The project site is surrounded by single-family residential dwellings to the north, an open sports complex to the east, and commercial services/light industrial uses to the south and west.

Figure 1



Figure 2

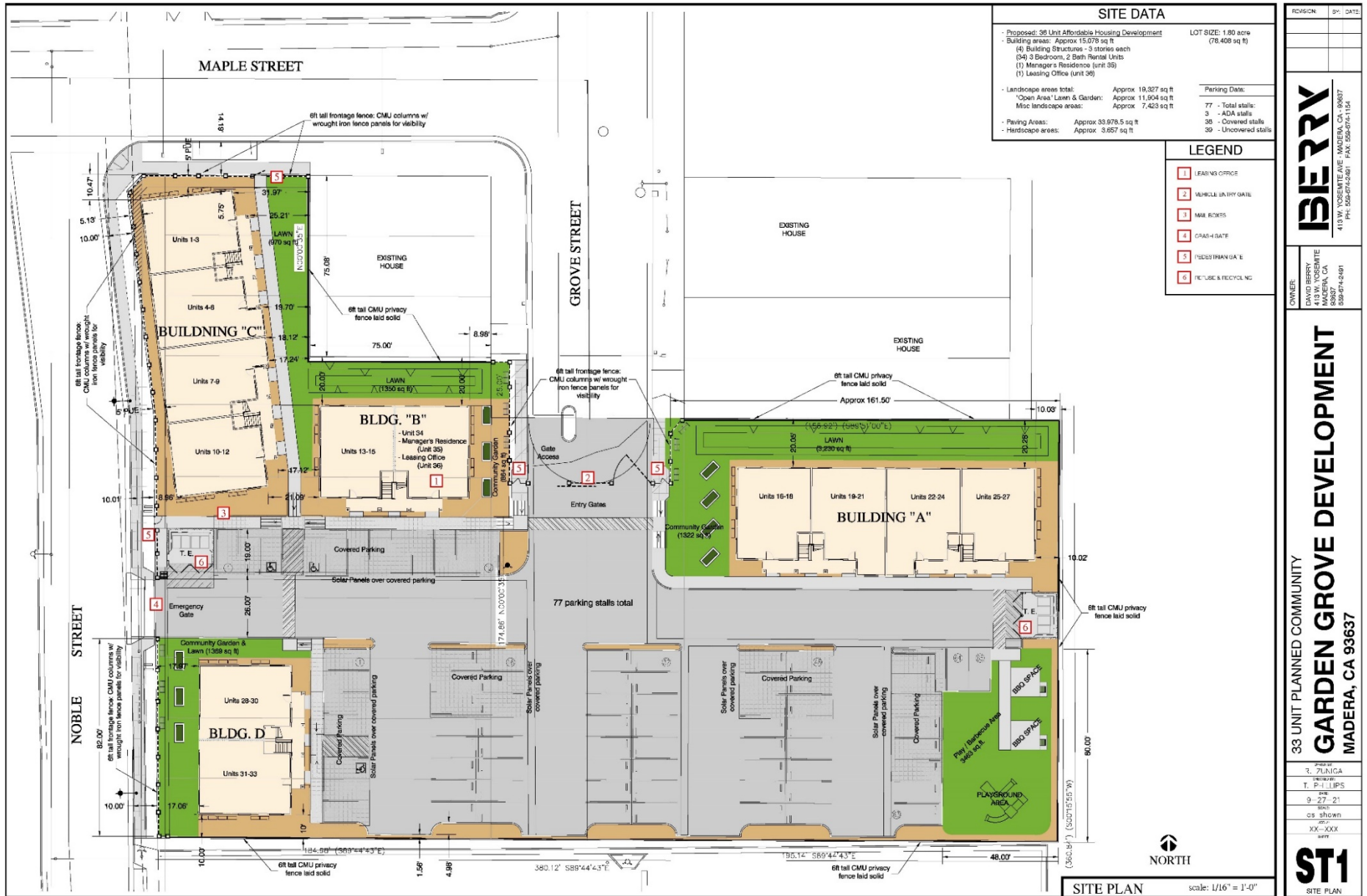


Figure 3



FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



BACK ELEVATION

BUILDINGS "A" & "C"

ELEVATION PLANS

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

REVISION	BY	DATE

BERRY 413 W. TOLENTINE AVE. MADERA, CA 93637 TEL: 559-674-2461 FAX: 559-674-1134	OWNER: DAVID BERRY 3333 VIOLENTE MADERA, CA 93637 559-674-2461
	33 UNIT PLANNED COMMUNITY GROVE GARDEN DEVELOPMENT MADERA, CA 93637

DRAWN BY: R. Z. ANGA CHECKED BY: J. CHILDS DATE: 10-20 SCALE: NONE SHEET NO: 300-XXX 10/20/14	A3 ELEVATION PLAN
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Figure 4



III. ENVIRONMENTAL CHECKLIST

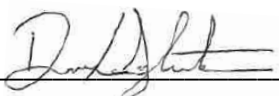
Environmental Factors Potentially Affected by the Project: Some of the environmental factors checked below would be potentially affected by this project, although none of the environmental factors have a "Potentially Significant Impact" or "Potentially Significant Impact Unless Mitigation Incorporation," as indicated by the checklist on the following pages.

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

IV. DETERMINATION

Based on this initial evaluation:

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

Signature: 

Date: 10/12/2021

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				✓
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	
<p>Discussion Development of 34-unit multi-family apartment complex composed of four, three story buildings does not affect a scenic vista or have an overall adverse visual impact on the immediate area. The project would not affect a scenic highway and would not have an overall adverse visual impact on any scenic resources. The project will add some additional sources of light within the urban environment. The site is not proximate to locally prominent scenic or visually significant resources. The project would conform with and incorporate General Plan policies and requirements. No additional analysis is required.</p> <p>Less than Significant Impacts d) There will be an increase in light and glare and other aesthetic impacts associated with the development as a result of the project, although it will be a less than significant impact upon implementation of City standards. Exterior lighting on building and in open areas will be shielded or muted by design of fixtures, surrounding buildings and substantial landscaping. The overall impact of additional light and glare will be minimal.</p> <p>No Impacts a. The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks or formally classified scenic resources, such as a scenic highway, national or state scenic area, or scenic vista. b) The project will not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. c) The project will not substantially degrade the existing visual character or quality of the site and its surroundings. The project does not also conflict with applicable zoning and other regulations governing scenic quality.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement Methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓
<p><u>Discussion</u></p> <p>The project site is located on land identified as "Urban and Built-Up Land" on the 2016 California Farmland Mapping and Monitoring Program map.</p> <p><u>No Impacts</u></p> <p>a) The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency) to non-agricultural use. The project site is identified as "Urban and Built-Up Land" on the 2016 California Farmland Mapping and</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Monitoring Program map, which includes land that is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. The project site has been identified for industrial use within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.</p> <p>b) The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property.</p> <p>c) The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production because the project property is not defined as forest land (as defined by Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).</p> <p>d) The project would not result in the loss of forest land or conversion of forest land to a non-forest use because the parcel is not defined as forest land (as defined by Public Resources Code Section 12220(g)).</p> <p>e) The project, which will facilitate the development of 34-unit multi-family apartment complex composed of four three story buildings, will not involve other changes in the existing environment, due to the project property's location or nature, that would result in the conversion of Farmland to a non-agricultural use or conversion of forest land to non-forest use.</p>				
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			✓	
c) Expose sensitive receptors to substantial pollutant concentrations?			✓	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			✓	

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><u>Discussion</u></p> <p>The project site is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).</p> <p>Air quality is determined by the type and amount of contaminants emitted into the atmosphere, the size and topography of the SJVAB, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are “criteria pollutants.” The SJVAPCD also conducts monitoring for two other state standards: sulfate and visibility.</p> <p>The State of California has designated the project site as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.</p> <p>The project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.</p> <p>Similarly, the project will be evaluated to determine required compliance with District Rule 9510, which is intended to mitigate a project’s impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit and Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit would be made a condition of project approval.</p> <p>Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and the development will be subject to SJVAPCD review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.</p> <p>The proposed General Plan amendment and rezoning for the project site, and the development of the project site will not create impacts beyond those analyzed and addressed through the General Plan Update and the accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. All phases of development will</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
similarly conform with and implement regional air quality requirements. No additional analysis is required. Any unique features or project impacts which are identified as specific projects are proposed within the project site will be evaluated and addressed on a project-by-project basis.				
<p>Less than Significant Impacts</p> <p>a) According to the San Joaquin Valley Air Pollution Control District (SJVAPCD), the project is subject to some District Rules. The project will not conflict with or obstruct implementation of the applicable air quality plan.</p> <p>b) According to the SJVAPCD, the project would have a less than significant impact on air quality when compared to the significance thresholds of the following annual criteria pollutant emissions: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides in nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).</p> <p>c) The project would not expose sensitive receptors to substantial pollutant concentrations.</p> <p>d) The development of the project would not result in other emissions, such as those leading to odors adversely affecting a substantial number of people.</p>				
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓
<p><u>Discussion</u></p> <p>With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. There is no record of special-status species in the project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore, impacts in this category are not anticipated to exceed the impacts addressed in those documents.</p> <p>The project site is void of any natural features, such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. Development of the site would not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.</p> <p><u>No Impacts</u></p> <p>a) The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.</p> <p>b) The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p> <p>c) The project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>d) The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.</p> <p>e) The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p> <p>f) The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.</p>				
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				✓
c) Disturb any human remains, including those interred outside of formal cemeteries?				✓
<p>Discussion</p> <p>The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project would not disturb any archaeological resources. The project would not disturb any unique paleontological or geologic resources. The project would not disturb any human remains. In the event any archaeological resources are discovered during project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State law may be applied.</p> <p>No Impacts</p> <p>a) The project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 because there are no known historical resources located in the affected territory.</p> <p>b) The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 because there are no known archaeological resources located in the affected territory.</p> <p>c) The project would not disturb any human remains, including those interred outside of formal cemeteries, because there are no known human remains located in the affected territory. When development occurs in the future and if any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
21083.2 and 21084.1), and all local, state, and federal regulations affecting archaeological and historical resources would be complied with.				
6. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓
Less than Significant Impacts				
a) The project could utilize inefficient or unnecessary consumption of energy resources during project construction or operation, but because the project will be built to comply with Building Energy Efficiency of the California Building Code (Title 24), the project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.				
No Impacts b) State and local authorities regulate energy use and consumption. These regulations at the state level intended to reduce energy use and greenhouse gas (GHG) emissions. These include, among others, Assembly Bill (AB) 1493 – Light-Duty Vehicle Standards, California Code of Regulations Title 24, Part 6 – Energy Efficiency Standards, California Code of Regulations Title 24, Part 11 – California Green Building Standards. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.				
7. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
ii. Strong seismic ground shaking?				✓
iii. Seismic-related ground failure, including liquefaction?				✓
iv. Landslides?				✓

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

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<p>ii. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking. Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.</p> <p>iii. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction. Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction.</p> <p>iv. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides.</p> <p>b) The project would not result in substantial soil erosion or the loss of topsoil. Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with the City of Madera ordinances and regulations, the California Building Code, and professional engineering designs approved by the Madera Engineering Department will mitigate any potential impacts from future urban development, if any.</p> <p>c) The project would not be located on a geologic unit or soil that is unstable as a result of the project, and not potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.</p> <p>d) The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), not creating substantial direct or indirect risks to life or property.</p> <p>e) The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. The City of Madera would provide necessary sewer and water systems upon project approval.</p> <p>f) The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>				

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8. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	
<p>Discussion</p> <p>Climate change is a public health and environmental concern around the world. Globally, temperature, precipitation, sea level, ocean currents, wind patterns, and storm activity are all affected by the presence of greenhouse gas (GHG) emissions in the atmosphere. Human activity contributes to emissions of six primary GHG gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Human-caused emissions of GHGs are linked to climate change.</p> <p>In 2006, the California State Legislature adopted AB32, the California Global Warming Solutions Act of 2006, which aims to reduce GHG emissions in California. GHGs, as defined by AB 32, includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 requires the California Air Resources Board (ARB), the State agency which regulates statewide air quality, to adopt rules and regulations that would achieve GHG emissions equivalent to 1990 statewide levels by 2020.</p> <p>As part of the 2011 City of Madera General Plan update, the Conservation Element includes several goals, policies and programs in the Air Quality, GHG Emissions and Climate Change sections which address and promote practices that meet or exceed all state and federal standards and meet or exceed all current and future state-mandated targets for reducing GHG emissions. The City also requires applicants for all public and private development integrate appropriate methods that reduce GHG emissions consistent with the Energy and Green Building sections of the Conservation Element, General Plan Policy CON-40 through 46.</p> <p>Less than Significant Impacts</p> <p>a) The project would not, by itself, generate significant GHG emissions or contribute to global warming because the new development that is proposed will be required to adhere to local, regional and state regulations.</p> <p>b) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.</p>				
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				

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a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✓
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓

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<p>Discussion</p> <p>The project will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be delineated with the accompanying site plan.</p> <p>No impacts</p> <p>a) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</p> <p>b) The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p> <p>c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school.</p> <p>d) The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create a significant hazard to the public or the environment.</p> <p>e) The project site is not located within an airport land use plan and would result in a safety hazard or excessive noise for people residing or working in the project area.</p> <p>f) The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p> <p>g) The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires.</p>				
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				✓
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or				✓

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river or through the addition of impervious surfaces, in a manner which would; i. Result in substantial erosion or siltation on- or off-site;				
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				✓
iii. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or				✓
d) In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?				✓
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓
<p><u>Discussion</u></p> <p>The project would not violate any water quality standards or waste discharge requirements. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. Services will be provided in accordance with the City's Master Plans. The project would not change any drainage patterns or stream courses, or the source or direction of any water movement. During construction, the project site may be exposed to increased soil erosion from wind and water. Dust control would be used during construction. With completion of the project, the project would not bring about erosion, significant changes in topography or unstable soil conditions.</p> <p>The project would not expose people or property to water-related hazards. Standard construction practices and compliance with City ordinances and regulations, The Uniform Building Code, and adherence to professional engineering design approved by the Madera Engineering Department would mitigate any potential impacts from this project. This development would be required to comply with all City ordinances and standard practices which will assure that storm water would be adequately drained into the approved storm water system. The project would not create any impacts on water quality.</p> <p>Based on a review of the City's FEMA maps, the site is located in Zone X and the project would not place housing or other land uses in a 100-year flood hazard area. These areas outside of the 500-year flood area. The project would not expose people or structures to a significant risk because of dam or levee failure. The project would not expose people or structures to a significant risk because of a seiche, mudflow, or tsunami.</p>				

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<p>No Impacts</p> <p>a) The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The development of the project site will be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development will also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.</p> <p>b) The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.</p> <p>c)</p> <p>i. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not result in substantial erosion or siltation on- or off-site.</p> <p>ii. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.</p> <p>iii. The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.</p> <p>d) The project is not located in flood hazard, tsunami or seiche zones and it will not risk release of pollutants due to project inundation.</p> <p>e) The project does not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.</p>				
11. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				✓
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the				✓

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purpose of avoiding or mitigating an environmental effect?				
<p><u>Discussion</u></p> <p>The project will not provide conflict with the General Plan and Zoning Ordinance because the General Plan Amendment and the rezone will provide consistency with the proposed 34-unit apartment complex as well as build a bridge between the single-family residential uses to the north and the commercial service/light industrial uses to the south and west.</p> <p><u>No Impacts</u></p> <p>a) The project would not physically divide an established neighborhood. The project logically allows development to occur in an orderly manner, adjacent to future urban development.</p> <p>b) The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.</p>				
12. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓
<p><u>No Impacts</u></p> <p>a) The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.</p> <p>b) The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</p>				
13. NOISE: Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?				✓
b) Generation of excessive ground borne vibration or ground borne noise levels?				✓
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted,				✓

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within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
<p>Discussion</p> <p>These potential impacts were addressed in the General Plan EIR, and goals and mitigation measures were adopted to reduce potential impacts to a less than significant level. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan, and its EIR. Use of outdoor leisure areas, particularly those designed for children, will result in the generation of associated noise. The development's design shelters and buffers these areas from adjacent residential properties. Therefore, impacts in this category are not anticipated to exceed the impacts addressed in these documents. Construction activities must comply with applicable noise policies and standards established by the City.</p> <p>No Impacts</p> <p>a) The project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.</p> <p>b) The project would not generate excessive ground borne vibration or ground borne noise levels.</p> <p>c) The project site is not located within the vicinity of a private airstrip or an airport land use plan and would not expose people residing or working in the project area to excessive noise levels.</p>				
14. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓
<p>Discussion</p> <p>The proposed project would not induce additional substantial growth in this area. The project site would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.</p> <p>Less than Significant Impacts</p> <p>a) The project does induce unplanned population growth in the area directly with the construction of thirty-four new dwelling units, but the growth will not be substantial.</p>				

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

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e) The project would not result in substantial adverse physical impacts on other public facilities.				
16. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓
<p><u>Discussion</u></p> <p>Residential development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.</p> <p><u>Less Than Significant Impact</u></p> <p>a) The project would cause some increase on 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. The project will provide open space areas consistent with zone districts open space requirements, which would reduce the impacts to existing neighborhood and regional parks or other recreational facilities to a less than significant impact.</p> <p><u>No Impacts</u></p> <p>b) The project will include the construction of large open space community areas including a playground, covered lounge areas, a tree surrounded by a seat wall and tot lot that would provide for recreational activities, but they will not have an adverse physical effect on the environment.</p>				
17. TRANSPORTATION. Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				✓
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				✓
c) Substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				✓

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d) Result in inadequate emergency access?				✓
<p>Discussion</p> <p>The project site was included in the General Plan and its accompanying EIR and the potential traffic generated from the eventual development of this land is considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development.</p> <p>No Impacts</p> <p>a) The project would not conflict with any program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. All pedestrian walkways will be constructed consistent with the City of Madera Engineering Department standards and Americans with Disabilities Act (ADA) standards.</p> <p>b) The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The project is not located within one-half mile of an existing major transit stop or along an existing high-quality transit corridor.</p> <p>c) The project would not substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment).</p> <p>d) The project would not result in inadequate emergency access.</p>				
18. Tribal Cultural Resources. Would the project:				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				✓
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
lead agency shall consider the significance of the resource to a California Native American tribe				
<p>No Impacts</p> <p>a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and the project is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). As described above, no known TCRs have been identified (as defined in Section 21074) within the project area. Therefore, the project would not cause a significant adverse change in the significance of a TCR that is either listed in, or eligible for listing in, the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).</p> <p>b) The project is not a resource determined by the lead agency (City of Madera), in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. The project site is not listed as a historical resource in the California Register of Historical Sources. As described above, no known TCRs have been identified (as defined in Section 21074) within the project area, and no substantial information has been provided to the City to indicate otherwise. Therefore, the project would not cause a significant adverse change, based on substantial evidence, in the significance of a TCR.</p>				
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?			✓	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				✓
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				✓
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✓
<p><u>Discussion</u></p> <p>The City's community sewage disposal system would continue to comply with Discharge Permit requirements. The project would not bring about the need for new wastewater treatment facilities. The project would not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There would not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project would not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project. The project site would be required to comply with the City's Master Plan, ordinances and standard practices. The project would not bring about a significant increase in the demand for solid waste disposal services and facilities.</p> <p><u>Less than Significant Impacts</u></p> <p>a) The project would require the relocation of electric power, natural gas, but the construction would not cause significant environmental effects. The developer will be subject to local and regional requirements for the relocation, expansion and/or installation of any mandatory utility services.</p> <p><u>No Impacts</u></p> <p>b) The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.</p> <p>c) The project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.</p> <p>d) The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.</p> <p>e) The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.</p>				
<p>20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</p>				

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response and/or emergency evacuation?				✓
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✓
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✓
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✓
<p><u>Discussion</u></p> <p>The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The project will be developed consistent with all regulations of the California Fire Code and would provide no impact to wildfire hazards.</p> <p><u>No Impacts</u></p> <p>a) The project would not substantially impair an adopted emergency response and/or emergency evacuation.</p> <p>b) The project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.</p> <p>c) The project would not require the installation or maintenance of roads and will not exacerbate fire risk or result in temporary or ongoing impacts to the environment as the project is also not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.</p> <p>d) The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.</p>				

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

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><u>No Impacts</u></p> <p>a) The project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.</p> <p>b) The project would not have cumulatively considerable impacts that are beyond less than significant.</p> <p>c) The project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.</p>				

Attachment 2: Resolution

RESOLUTION NO. 1897

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING GRAMMATICAL CHANGES TO AND ADOPTING THE ADDENDUM
TO THE NEGATIVE DECLARATION FOR THE GROVE GARDENS PROJECT**

WHEREAS, an Initial Study/Negative Declaration was previously prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA) for the Grove Gardens Project (General Plan Amendment 2020-02, REZ 2020-01, PPL 2020-03 and VAR 2020-02), and was found that the project will not individually or cumulatively have an adverse effect on wildlife resources, and the City of Madera Planning Commission approved the assessment at a duly noticed meeting on May 12, 2020; and

WHEREAS, an addendum to the previously adopted Initial Study/Negative Declaration for Grove Gardens Project was drafted that considers the addition of project scope to include the abandonments of an alley and the portion of two roadways (ABN 2020-01, ABN 2020-02 and ABN 2021-01) and lot line adjustment (LLA 2020-04) as well as the site plan and floor plan modifications proposed in PPL 2020-03 MOD, and it is determined the previously Negative Declaration adopted by the Planning Commission on May 12, 2020, is sufficient and no additional environmental analysis is required; and

WHEREAS, the addendum to the previously adopted Initial Study/Negative Declaration for Grove Gardens Project was adopted by the Planning Commission on October 12, 2021 where staff erroneously titled the addendum as “Amendment to the Initial Study/Negative Declaration for Grove Gardens Project”; and

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines Section 15164 provides procedural steps for addendums to Negative Declarations and Section 15164(b) states that minor technical changes or additions to a Negative Declaration are not required to be recirculated for review; and

WHEREAS, the City provided notice of the November 9, 2021, Planning Commission hearing as required by law; 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 grammatical error in the title of the Initial Study/Negative Declaration referring to the document as an “amendment” rather than an “addendum” has been corrected to properly reflect the provisions of CEQA Guidelines Section 15164, and is hereby approved as an Addendum to the Initial Study/Negative Declaration for the Grove Gardens 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: The Planning Commission finds and determines that the correction of grammatical errors is not a “project” for the purposes of CEQA pursuant to CEQA Guidelines Section 15378 as it involves minor grammatical changes and does not change the validity of the adopted

Initial Study/Negative Declaration by the commission on October 12, 2021, for the Grove Gardens Multifamily Housing Project and adopts the Addendum to the Initial Study/Negative Declaration for the Grove Gardens Project.

3. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of November 2021, by the following vote:

AYES:

NOES:

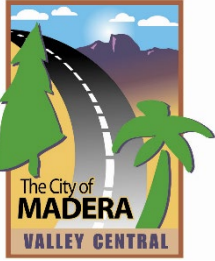
ABSTENTIONS:

ABSENT:

Attest:

Robert Gran Jr.
Planning Commission Chairperson

Gary Conte, AICP
Planning Manager



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Sunset Apartments GPA 2020-01, REZ 2021-01 & SPR 2020-01 Item # 1 – November 9, 2021

PROPOSAL: An application for a site plan review (SPR 2020-01) for a 15-unit apartment complex (Sunset Apartments) on approximately 0.875 acres. The applicant has requested a General Plan Amendment (GPA 2020-01) to change the land use designation from C (Commercial) to HD (High Density Residential). In addition, the applicant has requested a Rezone (REZ 2021-01) for the northern one-quarter of the site (approximately 0.2 acres) to be zoned R3 for consistency with the existing zoning for the southern three-quarters of the site (approximately 0.7 acres) and for consistency with the HD designation.

APPLICANT:	Gary A. Rogers, Architect 1816 Howard Rd. Suite #8 Madera, CA 93637	OWNER:	Aftab Naz 1111 W. 4 th Street Madera, CA 93637
SITE ADDRESS:	1803 Sunset Avenue	APN:	006-182-007
APPLICATIONS:	GPA 2020-01, REZ 2021-01, SPR 2020-01	CEQA:	Negative Declaration

LOCATION: The subject property is bounded by Sunset Avenue to the south, Orchard Avenue to the west, single family residences to the north, and a City owned alleyway to the east that backs up to single family residences.

STREET ACCESS: The project site presently has street access from Orchard and Sunset Avenues.

PROJECT SIZE: 0.875 acres

GENERAL PLAN DESIGNATION: Current – C (Commercial)
Proposed – HD (High Density Residential)

ZONING DISTRICT: Current – R3 (*One unit per 1,800 square feet of site area*)
R1 (*One unit per 6,000 square feet of site area*)
Proposed – R3 (*One unit per 1,800 square feet of site area*)

SITE CHARACTERISTICS: The project is located on a previously developed lot that was damaged due to a fire. Surrounding uses include single family residences to the north, east, and south as well as a church to the west.

ENVIRONMENTAL REVIEW: An Initial Study/Negative Declaration has been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA).

SUMMARY

The applicant, Gary Rogers on behalf of Aftab Naz, is proposing SPR 2020-01, a 15-unit apartment complex (Sunset Apartments) on approximately 0.875 acres. The proposed project would require GPA 2020-01 in order to change the land use designation of the site from C (commercial) to HD (High Density Residential). In addition, REZ 2021-01 would change the designation of the northern one-quarter of the property from R1 to R3 (approximately 0.2 acres), to be consistent with the southern three-quarters of the property (approximately 0.7 acres) and with the HD land use designation. After review of the proposed project, the site plan is anticipated to be compatible with the surrounding land uses in the area. Conditions, as appropriate, have been recommended for the SPR 2020-01 to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies.

SURROUNDING LAND USES

The site is bordered to the north, east, and south by single family residences planned for Low Density Residential, and to the west by the Sunset Avenue Church of Christ which is planned for High Density Residential.

Table 1. Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

Direction from Project Site	Existing Use	General Plan Designation	Zone District
North	Single Family Residences	Low Density Residential	R1
East	Single Family Residences	Low Density Residential	R1
South	Single Family Residences	Low Density Residential	R1
West	Sunset Avenue Church of Christ	High Density Residential	R1
<i>R1 – (One unit per each 6,000 square feet)</i>			

BACKGROUND AND RELATED PROJECTS AND APPROVALS

The 0.875-acre project site was developed into an athletic club in 1954 and has more recently served as a Gold's Gym and Thrive Fitness location. In 1963, the site was annexed into the City of Madera and the zoning of the site was changed from a commercial district (County zoning) to a residential district (City zoning). CUP 1963-23 was granted to allow the site to continue to operate as an athletic club. Over time, the site obtained various conditional approvals, including for development of a parking facility across Orchard Avenue and a five-stall parking reduction variance. In 2016, the Planning Commission revoked CUPs 1963-23, 1989-30, and 1991-13 associated with the site due to noncompliance with the conditions of approval and an increasing rate of complaints received. An appeal to City Council was filed later in 2016 subsequent to Planning Commission revocation action and the Council upheld the revocation. The current property owner purchased the site following Council's action and submitted applications to the City Planning Department, proposing to develop the property into a multi-family apartment complex.

The applicant, Gary Rogers on behalf of the property owner, Aftab Naz, had proposed to convert the former Golds Gym athletic club site, a commercial designated site, into a 20-unit multi-family residential development. The applicant had originally planned on a partial demolition of the existing commercial building to form two separate apartment buildings to accommodate the 20 residential units with a centralized parking area and landscape features. The number of units was subsequently reduced to 15 following input from the surrounding neighborhood. Access to and from the site was restricted to Orchard Avenue. To redevelop the site as a multi-family development, the applicant submitted an application for a General Plan Amendment (GPA 2020-01), Variance (VAR 2020-01), and Site Plan Review (SPR 2020-01). The General Plan Amendment was requesting a change to the site's General Plan land use designation from Commercial to High Density Residential. The purpose of the Variance was to memorialize the existing building's 2.5-foot encroachment into the required 10-foot street setback along Sunset Avenue. The Site Plan Review was for development of the site with the proposed 15 units and related improvements, such as parking and open space areas. The project, at that time, did not include a rezone request.

The Site Plan Review and Variance applications were approved with conditions by the Planning Commission on June 6, 2020, contingent upon the adoption of a Negative Declaration and approval of the General Plan Amendment by City Council. However, prior to the City Council public hearing to consider the adoption of the Negative Declaration and approval of the General Plan Amendment, the former Thrive Fitness building was destroyed by fire, leaving only a portion of the former building standing. Consequently, neither the General Plan Amendment nor the adoption of the Negative Declaration were considered by the City Council. Based on this lack of action by City Council within a specified timeframe, the previous Planning Commission approvals for the Site Plan Review and Variance have expired.

Of the original building on site, only the northern portion had been salvaged following the fire. The unsalvageable remnants of the building were demolished, and debris removed from the property. As a result, the applicant revisited and revised the original site plan to accommodate for the loss of the majority of the building, resulting in the request currently being reviewed under SPR 2020-01, as described in more detail below.

PROJECT PROPOSAL

At this time, the applicant still desires to amend the project site's General Plan Land Use designation as well as rezone a portion of the property to enable the construction of a 15-unit residential apartment complex based on the revised site plan. The 15 units proposed reflect revisions to the project based on the loss of a majority of the existing building on site due to the fire as well as a redesign of the project to address the issues raised during the review of the previous proposal. Based on the revised site plan, the original variance request (VAR 2020-01) for an encroachment into the required setback along Sunset Avenue is no longer applicable. Following are the applications currently being evaluated:

- GPA 2020-01 to amend the land use designation for the entire property from C (Commercial) to HD (High Density Residential) to provide consistency between the land use designation and the current R3 (High Density Residential) zone district applicable to the southern three-quarters of the site.
- REZ 2021-01 to change the zoning of the northern one-quarter of the property (approximately 0.2 acres) from the R1 district to the R3 district. The proposed R3 district would be consistent with

the existing zoning of the southern three-quarters of the site and the proposed HD land use designation.

- SPR 2020-01 proposes a 15-unit apartment complex comprised of two separate buildings: a 4-unit building on the north end of the project site and an 11-unit building on the south end of the project site. The 4-unit building will renovate the existing building remaining on site after the fire and the 11-unit building will be new construction. Both buildings are proposed to be two stories in height with a mix of two- and three-bedroom units. An office is proposed on-site that will be used as a leasing office to collect and manage tenant rents. The project design includes approximately 9,900 square feet of open space areas, a total of 36 parking spaces on-site (15 covered), and perimeter fencing. All vehicular access will be from Orchard Avenue.

ANALYSIS

GPA 2020-01

The General Plan currently designates the project site C (Commercial). The commercial designation provides for a broad range of commercial related activities and business services. The Commercial land use designation was in place to facilitate the use of the property at the time the current General Plan was adopted in 2009, which was the former Madera Athletic Club and later Gold's Gym and Thrive Fitness. However, the existing R3 (High Density Residential) zone district, which applies to a majority of the property, and R1 (Single Family Residential) zone district for the property is not consistent with the existing Commercial land use designation. Due to the inconsistency between the zoning and land use designation, the applicant is requesting an amendment from the C (Commercial) to the HD (High Density Residential) General Plan land use designation.

The density requirements for the HD land use designation range between 15.1 and 50 dwelling units per acre (du/ac). As such, the HD land use would allow for the approximately 0.875-acre project site to be developed with between 13 and 45 units. As proposed, the project would provide 17.14 du/ac.

REZ 2021-01

The southern three-quarters of the property (approximately 0.7 acres) is currently zoned R3 (*One unit per 1,800 square feet of site area*). The remaining northern one-quarter of the property (approximately 0.2 acres) is zoned R1 (*One unit per 6,000 square feet of site area*). REZ 2021-01 would rezone the northern one-quarter of the project site to R3 for consistency with the rest of the property. The R3 zone district is also consistent with the HD land use designation, proposed under GPA 2020-01.

The R3 zone district, which is consistent with the proposed HD land use designation, allows for residential developments at a maximum density of one unit for every 1,800 square feet of site area, which would allow up to 21 dwelling units on the property. As proposed, the project would provide one unit for every 2,541 square feet of site area and would be consistent with the R3 zone district.

SPR 2020-01

SPR 2020-01 proposes a 15-unit apartment complex on the 0.875-acre site. Four units are proposed in the existing structure on-site located at the north end of the property, proposed for renovation. The remaining 11 units will be new construction at the south end of the site. Nine 2-bedroom units and six 3-bedroom units are proposed, resulting in a density of approximately 17 du/ac, which is consistent with the R3 zone district and HD land use designation density allowances. An on-site leasing office is also

proposed to collect and manage tenant rents. Upon review, the proposed project is consistent with the requirements of the Zoning Ordinance and General Plan policies, including the provision of infrastructure. Compatibility with surrounding uses has also been addressed, as described in the following analyses.

Access and Parking

Access to the site will be solely from Orchard Avenue. No vehicular access will be provided from Sunset Avenue or the alley along the east property line. The minimum parking requirement is 33 spaces: two parking spaces for each unit (a minimum of 30 spaces) plus one parking space for every four units (an additional three spaces). The project will provide 36 parking stalls in total, 15 of which would be covered. This exceeds the minimum required parking spaces by three parking spaces, providing extra accommodations for guests and any employees that may be working in the office on-site. All parking spaces have been designated to a specific unit or as guest parking, as noted on Exhibit A, Site Plan.

Fencing

There is an existing six-foot block wall located along the northern property line, which will remain. A new six-foot block wall will be constructed along a majority of the eastern property line (abutting the alley), except where noted on Exhibit A, Site Plan. These exceptions include where the existing building on-site is located, where the trash enclosure is located as access for garbage service is proposed from the alley, and within 40 feet of the property line along Sunset Avenue. A three-foot high decorative fence with pilasters is proposed at property line along Sunset Avenue and Orchard Avenue, except where driveway access is programmed. The proposed fencing height, materials, and placement are consistent with City requirements.

Open Space

The project is required to provide a minimum of 500 square feet of open space per unit, in accordance with the R3 zone district. This results in a minimum requirement of 7,500 square feet of open space for the project. The project will provide 9,900 square feet of open space, exceeding the minimum requirement by 2,400 square feet. This results in approximately 660 square feet of open space per unit. The open space calculation includes two open grass areas along Orchard Avenue as well as a courtyard area internal to the 11-unit building, including front porch areas.

Compatibility with Surrounding Uses

The project site is located directly adjacent to an existing single-family residence to the north and across the alley from existing single-family residences to the east. General Plan Policy CD-36 requires design standards that ensure privacy and land use compatibility with existing single-family residences. To address compatibility with the residences to the east, across the alley, vehicular access for residents and guests of the project is prohibited from the alley. There are also no windows proposed along the eastern elevations of either building proposed on-site.

To ensure compatibility with the single-family residence to the north, the project is required to integrate landscape screening along the northern property line to obscure views from the second story windows (see discussion under Landscaping below). While it is not feasible to eliminate windows from the northern elevation of the 4-unit building due to building code requirements, the conditions of approval do require that the windows integrate either privacy glass or casement window openings that would limit the swing of the window while still allowing egress per building code requirements.

Landscaping

The project will provide a detailed landscaped plan for approval before construction can begin, which is required to meet general landscape and irrigation requirements of the State and City regulations. The conditions of approval reflect requirements specific to the project. Anti-graffiti landscaping is being required along the eastern elevation of the proposed 4-unit building to cover the exposed surface of the building. Anti-graffiti landscaping typically includes vines or similar landscape materials growing on the surface of building or walls to prevent tagging or other graffiti. A 50 percent shading requirement for parking areas, including parking stalls and drive aisles, has also been included in the conditions of approval. While the project integrates shade structures over a portion of the parking spaces, they will need to demonstrate through the landscape plan that shading of at least 50 percent of the parking areas will be achieved within 10 years. Finally, the landscape plan will need to demonstrate through the type and spacing of landscape materials along the northern property line, that views from the second story of the 4-unit building are obscured to the extent feasible. This landscaping is required to address compatibility with the existing single-family residence to the north of the project site.

Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code (MMC) and the Madera General Plan are available to serve the proposed apartment complex. Existing infrastructure includes sewer, water, storm drainage and street infrastructure consistent with the City's master plans. Improvements to existing infrastructure, such as sidewalk and driveway improvements, may be required; however, no major improvements are anticipated for compliance with City standards as the existing infrastructure is in place and is adequate to serve the proposed development.

Noise

During construction, elevated noise levels at the project site are expected. However, the Madera Municipal Code allows for construction activities to be in excess of operational noise levels because construction activities are temporary and would cease upon project completion. Construction hours are limited to between the hours of 7 am and 8 pm. Once construction is complete, the project would be subject to the same noise restrictions as the surrounding residential areas, as identified in the Madera Noise Ordinance and the General Plan.

Traffic

As noted under Access and Parking above, site access would be provided from Orchard Avenue only. Two driveways are proposed along Orchard, which will be constructed to City standards. A calculation of trips generated as a result of the project through the ITE (Institute of Traffic Engineers) Trip Generation Manual found that the project would result in seven vehicle trips during the morning peak hours (7 am to 9 am) and nine vehicle trips during the evening peak hour (4 pm to 6 pm). The roads in the vicinity are adequate to accommodate the traffic generated by the project. For comparison, the former gym use resulted in an estimated 34 vehicle trips during the morning peak hour and 88 vehicle trips in the evening peak hour.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project has been reviewed for compliance with CEQA. The City prepared an initial study and, on that basis, determined that the proposed project will not have significant adverse effects on the environment and that a Negative Declaration could be prepared. The Initial Study/Negative Declaration (IS/ND) was published for a 21-day review and comment period commencing on September 29, 2021. One comment letter was received during the review period, which ended on October 19, 2021. See Attachment 19.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

A continuation of the City's planned growth for residential land uses, as proposed by SPR 2020-01, and further facilitated by GPA 2020-01 and REZ 2021-01, supports the vision for Well Planned Neighborhoods and Housing. This principle recognizes that the provision of housing opportunities is a key component in the implementation of the City's General Plan and vision for the community.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution by the Planning Commission adopting a Negative Declaration for the project and approving SPR 2020-01, subject to the findings and conditions of approval, and further recommending to the City Council approval of GPA 2020-01 and REZ 2021-01. 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 resolution included as Attachment 20 of this staff report.

PLANNING COMMISSION ACTION

The Commission will be acting on the Negative Declaration, SPR 2020-01, GPA 2020-01, and REZ 2021-01 and determining to either:

- Adopt a resolution adopting a Negative Declaration for the project and approving SPR 2020-01, as conditioned, as well as making a recommendation to the City Council to approve GPA 2020-01 and REZ 2021-01 (Motion 1); or
- Continue the hearing to December 14, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval or the recommendations to City Council for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval or recommendations) (Motion 2); or
- Move to continue the applications for SPR 2020-01, GPA 2020-01, and REZ 2021-01 to the December 14, 2021, Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial and/or a recommendation of denial to the City Council 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 the Negative Declaration for the project and approving SPR 2020-01, based on and subject to the findings and conditions of approval as follows. The resolution also includes a recommendation to the City Council for approval of GPA 2020-01 and REZ 2021-01.

Findings to Approve a Site Plan Review

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

SPR 2020-01 is conditioned on the approval of GPA 2020-01 and REZ 2021-01, which would amend the land use designation to HD (High Density Residential) and change the zone district for a portion of the property (approximately 0.2 acres) to the R3 (*One unit for every 1,800*

square feet of site area) zone district, consistent with the remainder of the existing zoning on-site. The 15-unit apartment complex, as proposed under SPR 2020-01, would be in compliance with the purpose and intent of the R3 zone district, which is consistent with the proposed High Density Residential land use designation. SPR 2020-01, as conditioned, does not conflict with City standards or other provisions of the Code and is consistent with applicable General Plan policies.

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

The project site is not located within a specific plan area.

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.

SPR 2020-01 has been reviewed and, as conditioned, is compatible with surrounding uses and with all applicable requirements for development in the R3 zone district, including provisions for access to and from the site, parking facilities, drainage, and lighting. The construction of a new apartment complex would add a residential use to a site planned and zoned for residential use. Based on the environmental analysis prepared, 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.

SPR 2020-01 requires no street improvements as it is located within an urban area that was previously developed with adequate infrastructure. While minor improvements may be required, such as sidewalk and driveway improvements, no major improvements are required as the project is located on a previously developed site with existing street infrastructure. The project will not have a significant impact on traffic or the environment as the surrounding street system is adequate to accommodate project traffic.

(OR)

Motion 2: Move to continue the public hearing on SPR 2020-01, GPA 2020-01, and REZ 2021-01 to December 14, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval or recommendations to City Council for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

(OR)

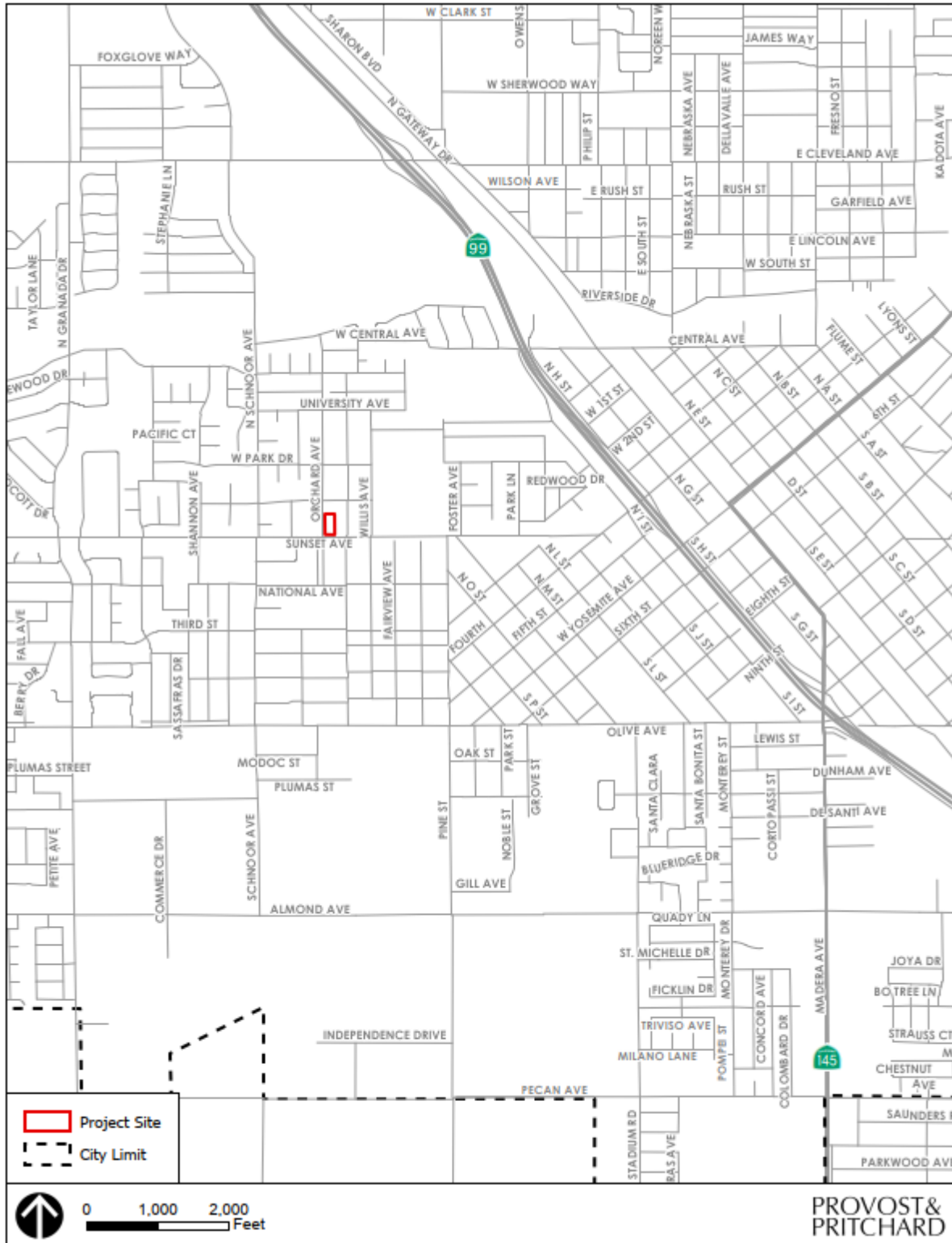
Motion 3: Move to continue the application for SPR 2020-01, GPA 2020-01, and REZ 2021-01 to the December 14, 2021, Planning Commission hearing with direction to staff to return with an updated

resolution with appropriate findings for denial and/or a recommendation of denial to City Council for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

ATTACHMENTS

Attachment 1: Vicinity Map
Attachment 2: Aerial Photo
Attachment 3: General Plan Land Use Map (Existing)
Attachment 4: General Plan Land Map (Proposed – GPA 2020-01)
Attachment 5: Zoning Map (Existing)
Attachment 6: Zoning Map (Proposed – REZ 2021-01)
Attachment 7: Assessor's Parcel Map Page
Attachment 8: Exhibit A, Site Plan (SPR 2020-01)
Attachment 9: Proposed Site Plan (Detailed View)
Attachment 10: Exhibit B-1, 4-unit Building Elevations (SPR 2020-01)
Attachment 11: Exhibit B-2, 11-unit Building Elevations (SPR 2020-01)
Attachment 12: Exhibit B-3, Rendered Elevations (SPR 2020-01)
Attachment 13: Exhibit C, Landscape Plan (SPR 2020-01)
Attachment 14: Proposed Landscape Plan (Detailed View)
Attachment 15: Exhibit D-1, 4-unit Building Floor Plan (SPR 2020-01)
Attachment 16: Exhibit D-2, 11-unit Building Floor Plan, 1st Floor (SPR 2020-01)
Attachment 17: Exhibit D-3, 11-unit Building Floor Plan, 2nd Floor (SPR 2020-01)
Attachment 18: Initial Study/Negative Declaration (IS/ND) ENV 2021-52
Attachment 19: Comment Letter, Gendron, dated October 7, 2021
Attachment 20: Resolution

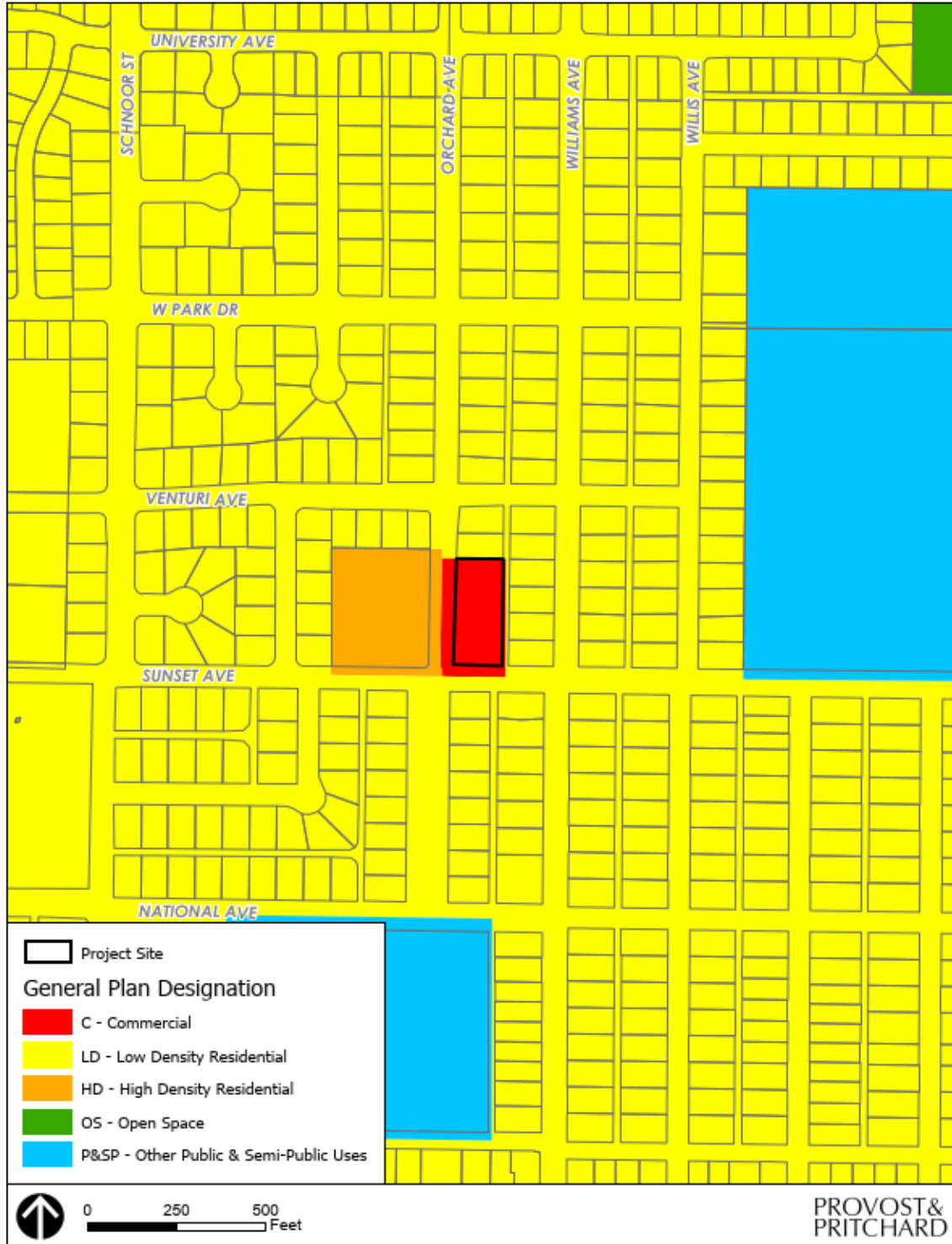
Attachment 1: Vicinity Map



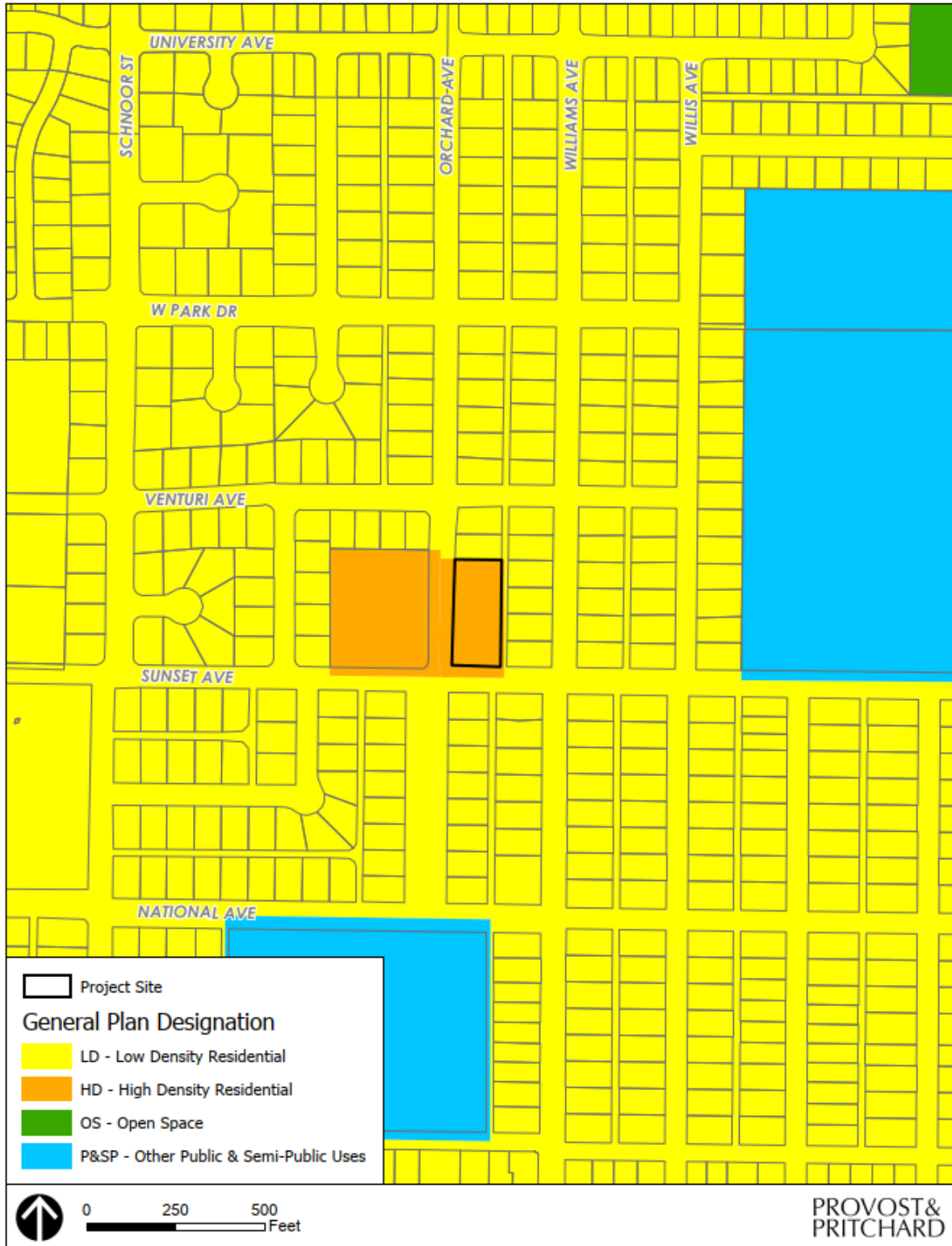
Attachment 2: Aerial Photo



Attachment 3: General Plan Land Use Map (Existing)



Attachment 4: General Plan Land Use Map (Proposed – GPA 2020-01)



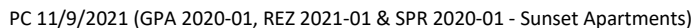
Attachment 5: Zoning Map (Existing)



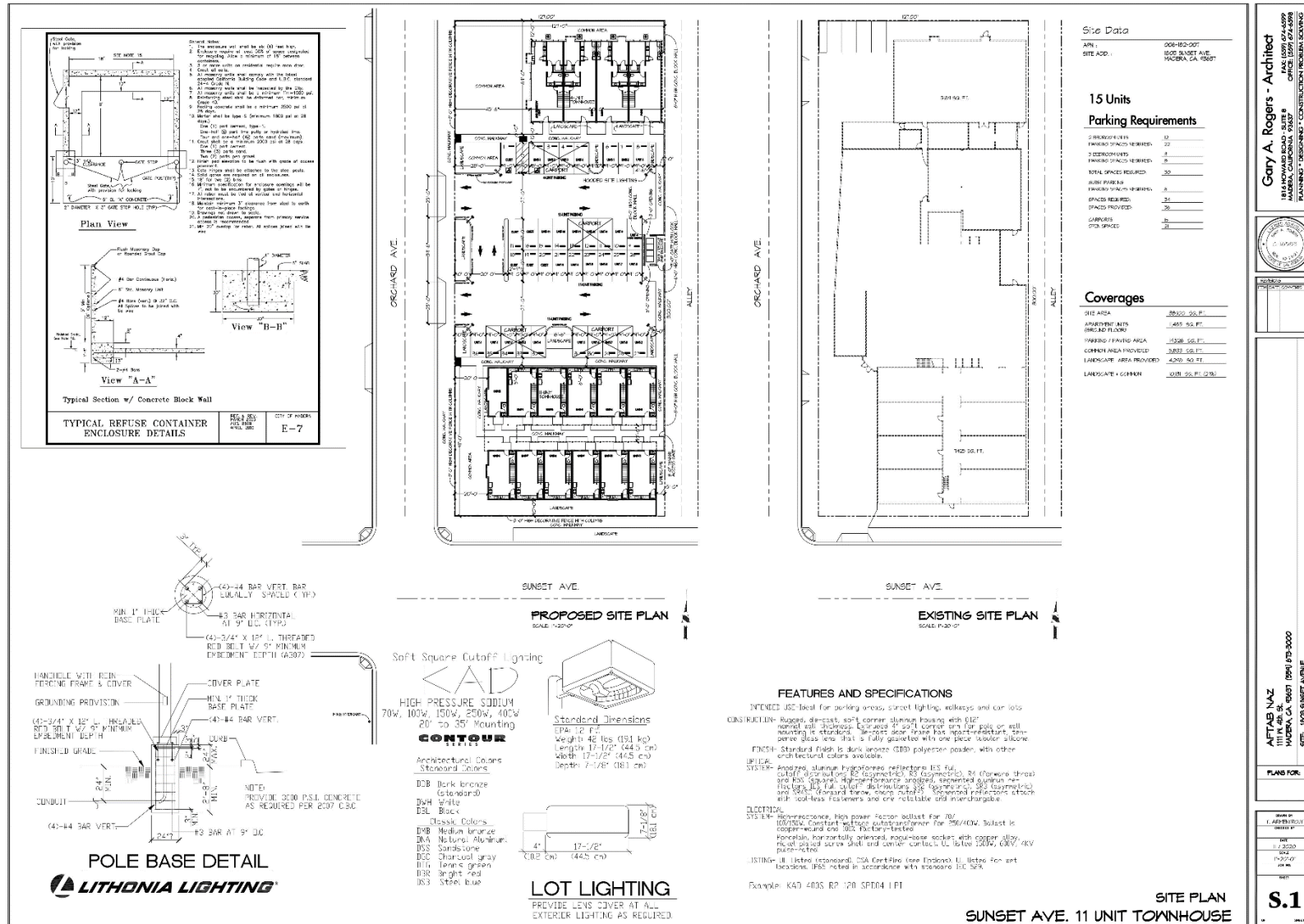
Attachment 6: Zoning Map (Proposed – REZ 2020-01)



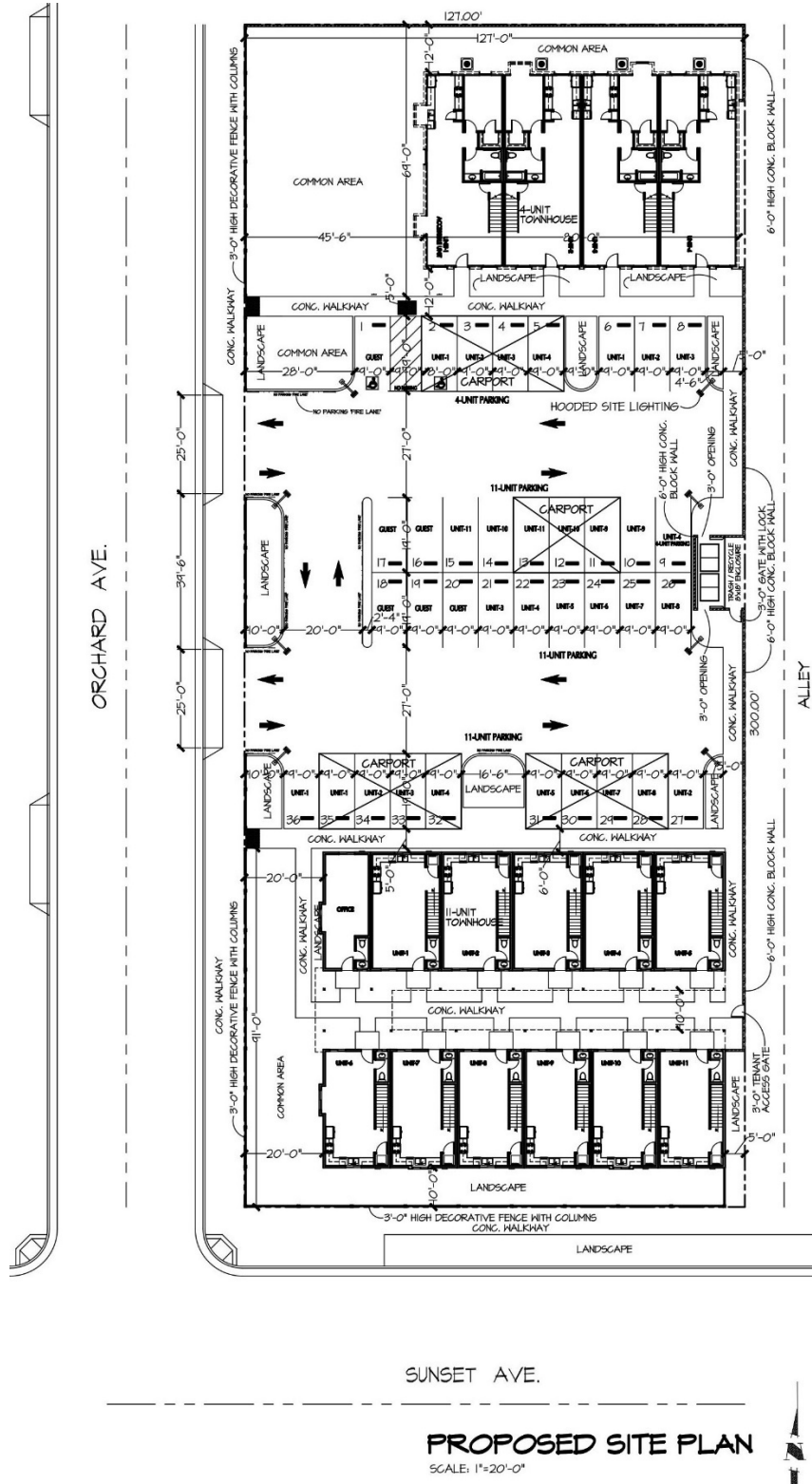
06-18



Attachment 8: Exhibit A, Site Plan (SPR 2020-01)




Attachment 9: Proposed Site Plan (Detailed View)




Attachment 10: Exhibit B-1, 4-unit Building Elevations (SPR 2020-01)

**SW 6172
Hardware**
Interior / Exterior
Location Number: 211-C5




**SW 7638
Jogging Path**
Interior / Exterior
Location Number: 217-C2




**SW 7654
Lattice**
Interior / Exterior
Location Number: 239-C2

Trim color: Sherwin Williams 'Lattice'


**SW 6227
Meditative**
Interior / Exterior
Location Number: 220-C3



**SW 9135
Whirlpool**
Interior / Exterior
Location Number: 220-C4



**SW 9140
Blustery Sky**
Interior / Exterior
Location Number: 221-C5



Metal sheet roofing in Sherwin Williams 'Hardware' to match existing columns

Hardie fiber cement shingle siding in Sherwin Williams 'Jogging Path'

Jeld-Wen 36" x 80" Craftsman prehung door in 'Denim' & 'Natural Oak'

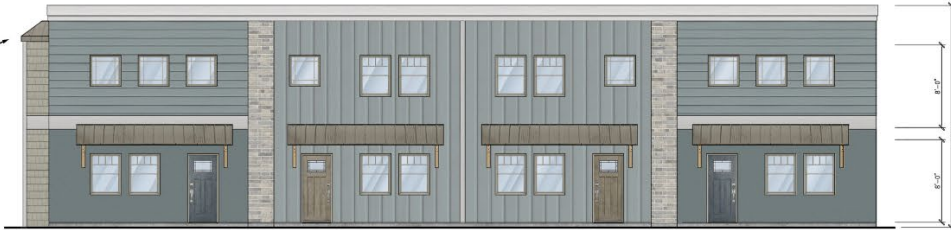
Anderson Windows 200 series with 'Craftsman' & 'Prairie' style grilles

Hardie fiber cement board & batten siding in Sherwin Williams 'Meditative'


Hardie fiber cement lap siding in Sherwin Williams 'Whirlpool'

Smooth trowel stucco in Sherwin Williams 'Blustery Sky'


Redland Brick 915 Cheswick Modular




4 UNIT - SOUTH ELEVATION



4 UNIT - WEST ELEVATION



4 UNIT - NORTH ELEVATION



4 UNIT - EAST ELEVATION

Gary A. Rogers - Architect
1803 Sunset Ave.,
Madera, CA 93637
OFFICE (559) 673-3000
PLANNING • DESIGN • CONSTRUCTION PROJECT SOLUTIONS

ARCHITECT
C-16583
12/15/2019

1803 Sunset Ave,
Madera, CA 93637
PLANS FOR:

PROJECT COMMENTS

DATE

BY

DATE

BY

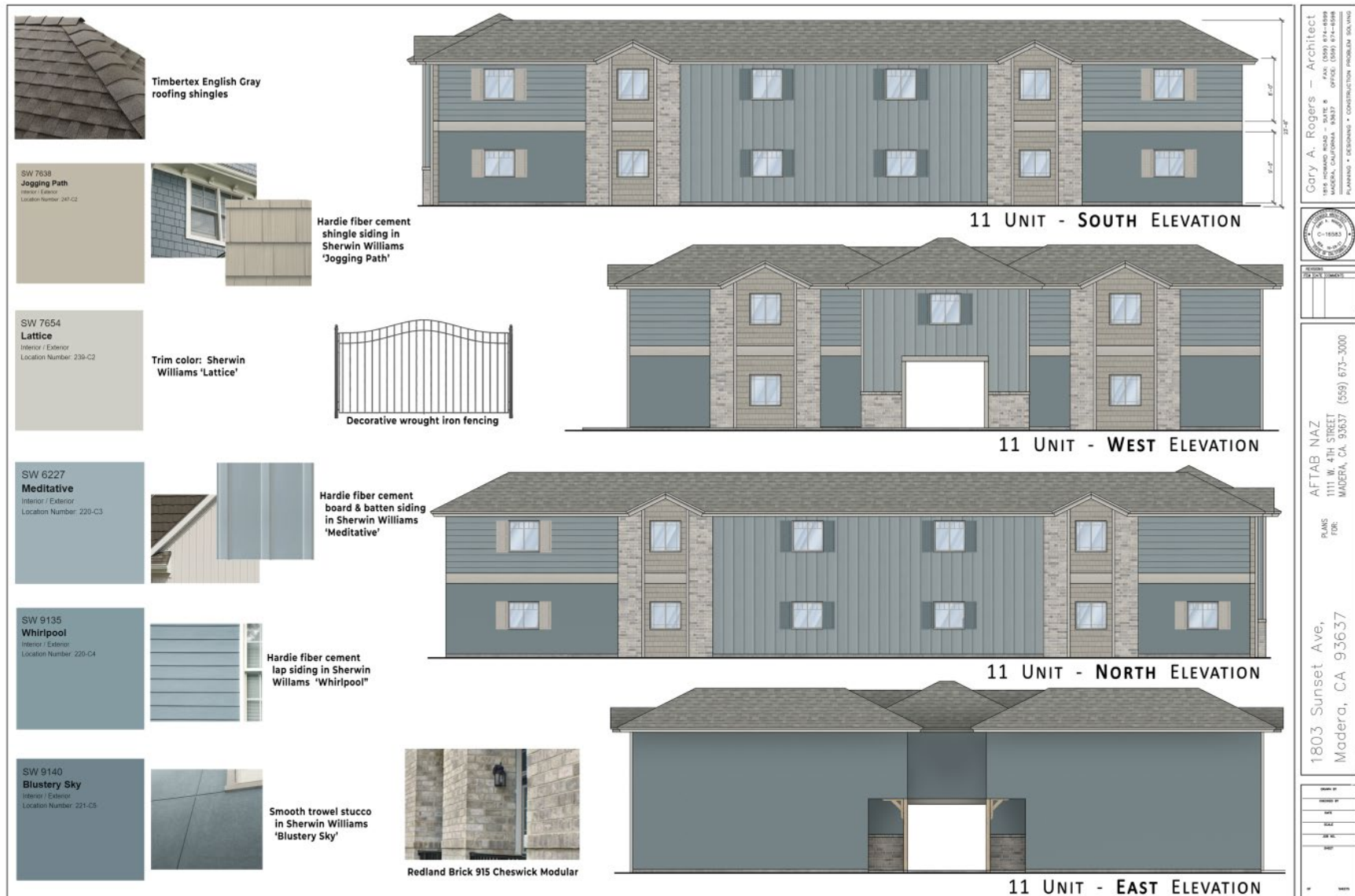
DATE

BY

DATE

BY

Attachment 11: Exhibit B-2, 11-unit Building Elevations (SPR 2020-01)



Attachment 12: Exhibit B-3, Rendered Elevations (SPR 2020-01)



View from Orchard Avenue



View from Sunset Avenue



West view of 4 - unit Townhome



West view of 11 - unit Townhome

Gary A. Rogers - Architect
1818 HOWARD ROAD - SUITE 8
MADERA, CALIFORNIA 93637
OFFICE (559) 674-8888
FAX (559) 674-8888
PLANNING • DESIGNING • CONSTRUCTION PROBLEM SOLVING



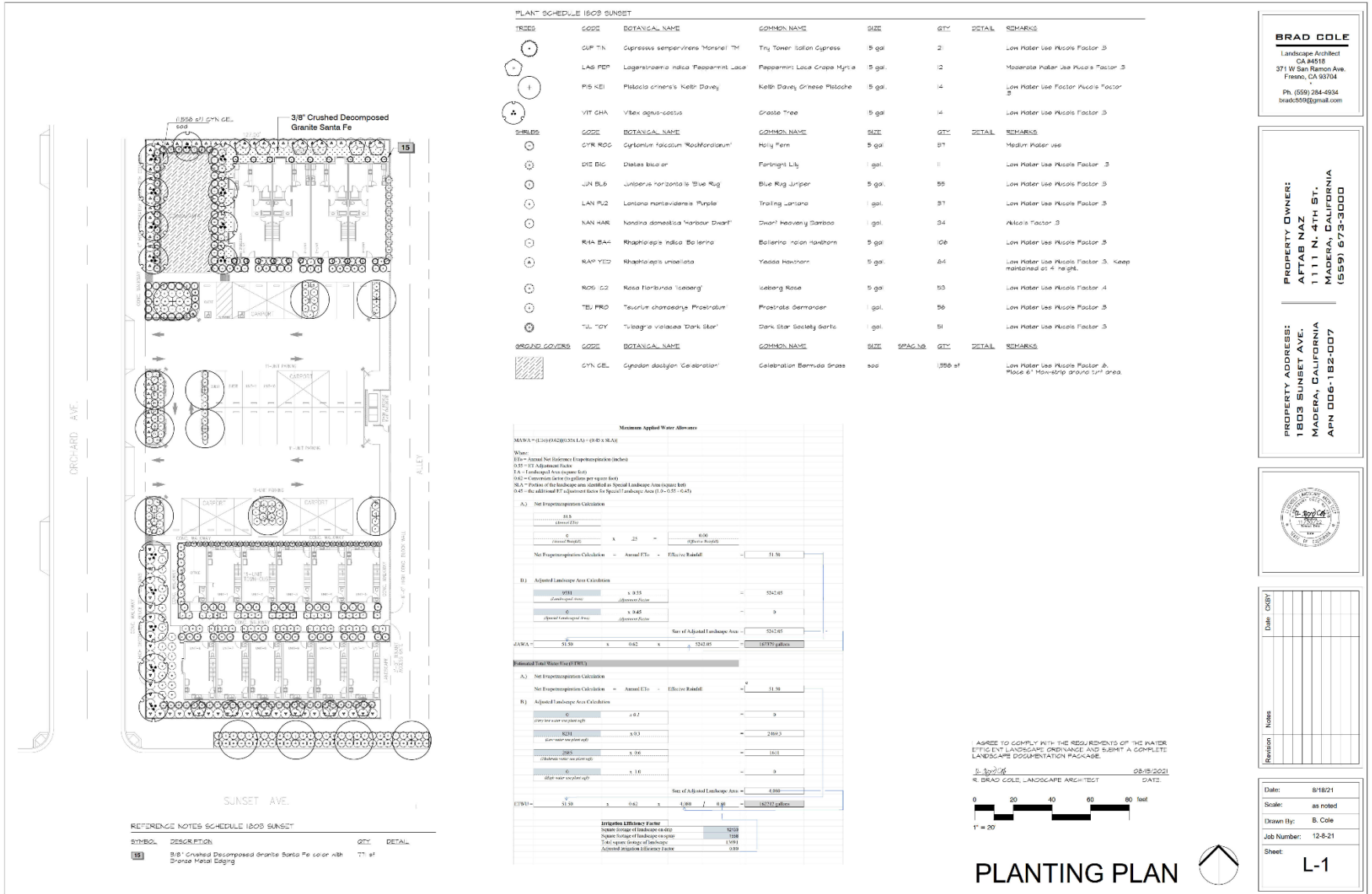
REVISION	DATE	COMMENTS

AFTAB NAZ
1111 W. 4TH STREET
MADERA, CA 93637
(559) 673-3000
PLANS FOR:

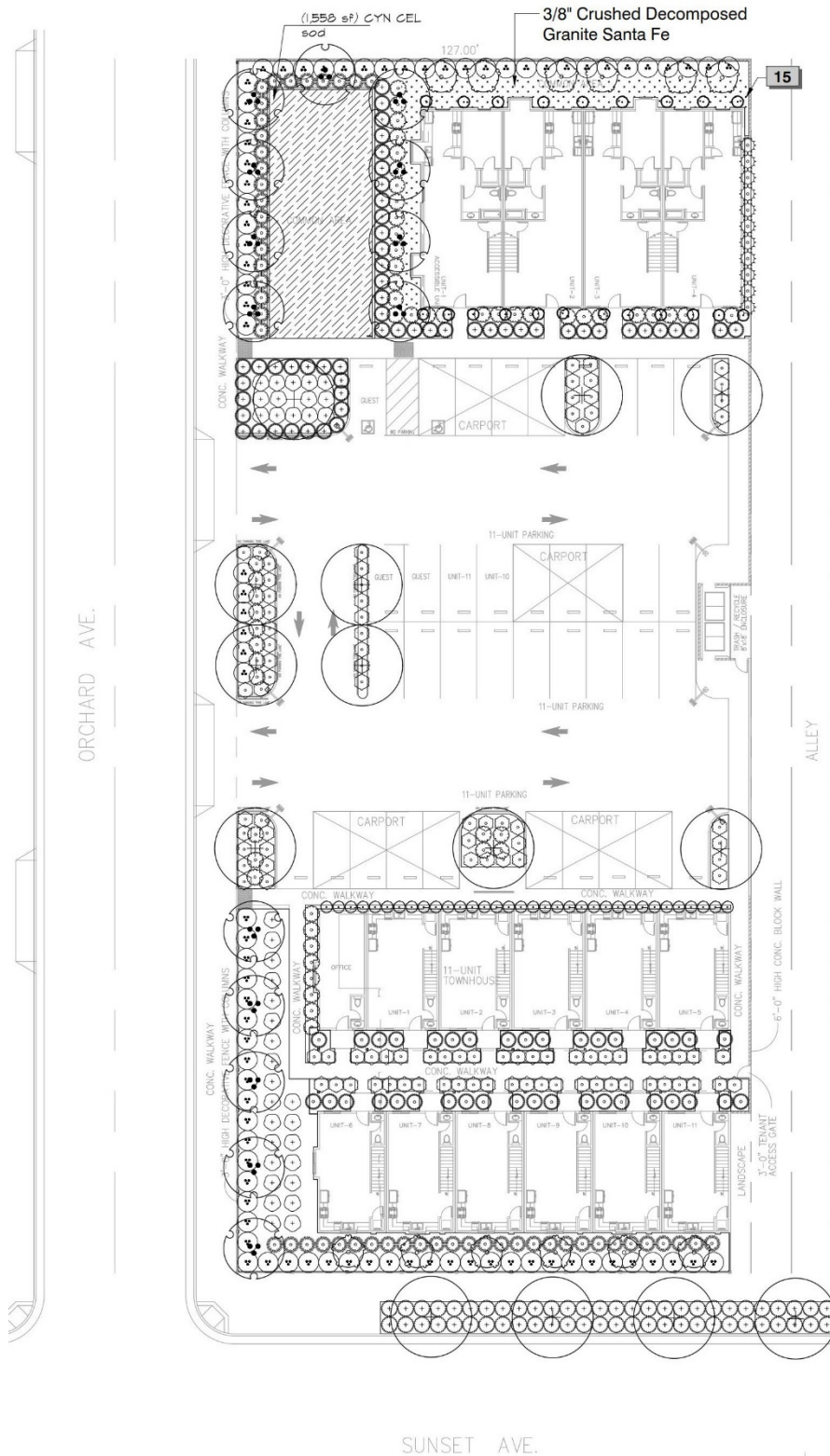
1803 Sunset Ave,
Madera, CA 93637

DATE	BY

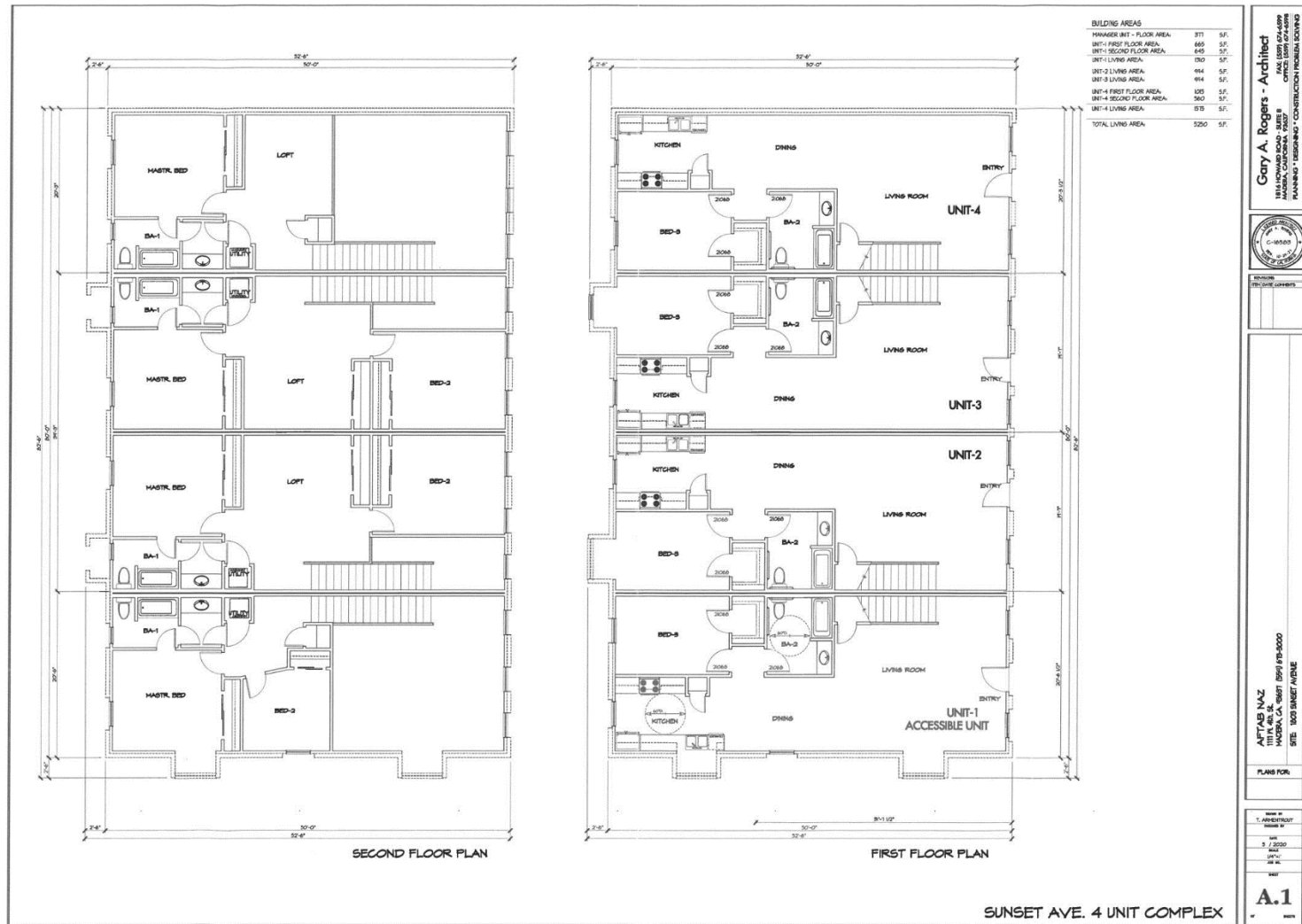
Attachment 13: Exhibit C, Landscape Plan (SPR 2020-01)



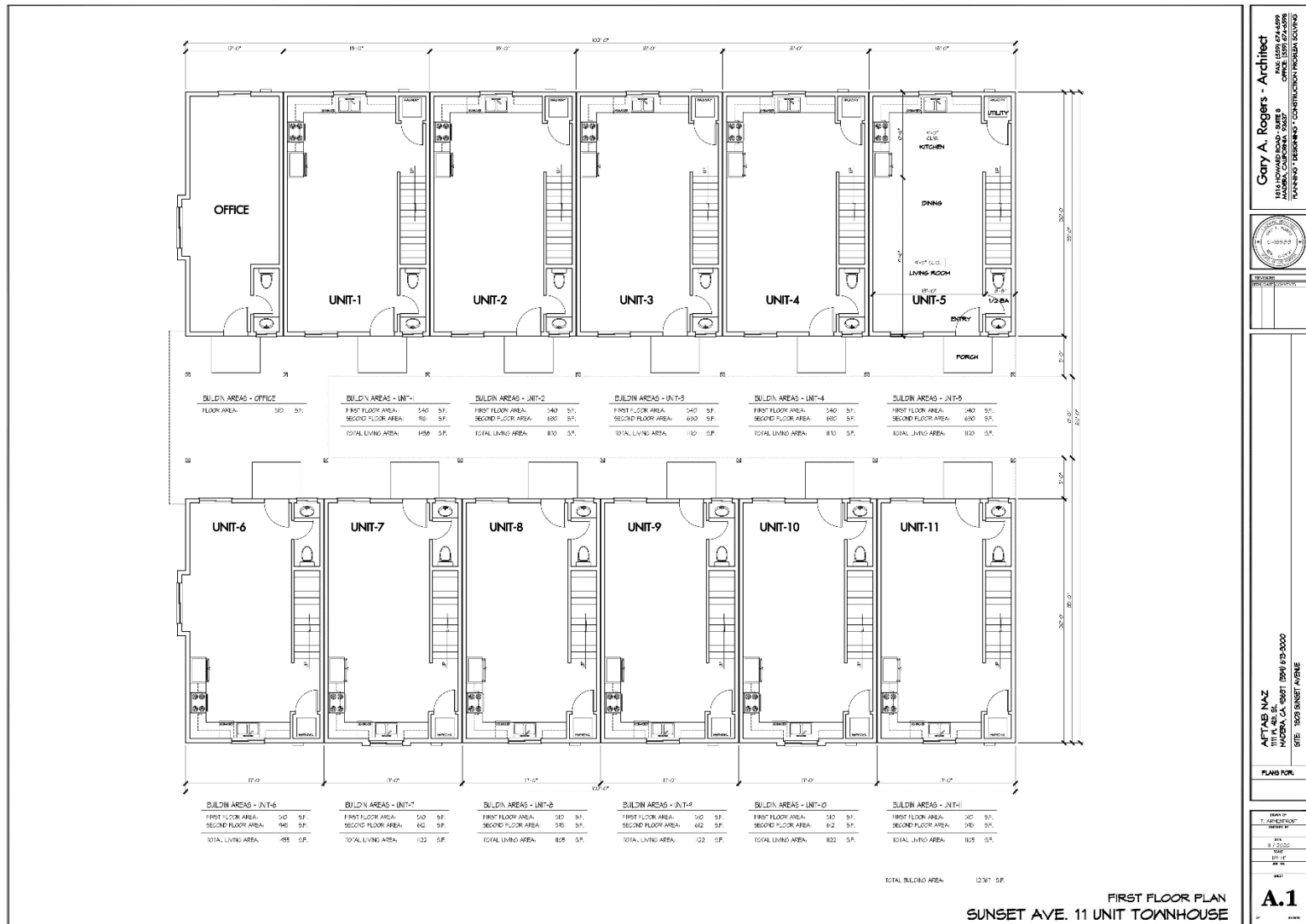
Attachment 14: Proposed Landscape Plan (Detailed View)



Attachment 15: Exhibit D-1, 4-unit Building Floor Plan (SPR 2020-01)



Attachment 16: Exhibit D-2, 11-unit Building Floor Plan, 1st Floor (SPR 2020-01)



SECOND FLOOR PLAN
SUNSET AVE. 11 UNIT TOWNHOUSE

Attachment 18: Initial Study/Negative Declaration (IS/ND) ENV 2021-52

Initial Study/Negative Declaration distributed as a separately bound document and also posted on the City's website on the Planning Department page under Current Projects and Environmental Review at the following website address: <https://www.madera.gov/home/departments/planning/>.

Please refer to the separately bound document titled "Sunset Apartments (GPA 2020-1, REZ 2021-01, SPR 2020-01, ENV 2021-52) Initial Study / Negative Declaration, September 2021."

Attachment 19: Comment Letter, Gendron, dated October 7, 2021

Virginia S. Gendron
700 Williams Ave.
Madera, CA 93637
(559) 674-7793

OBJECTION

October 7, 2021

Gary Conte, AICP
Planning Manager
City of Madera Planning Dept.
205 W. 4th Street
Madera, CA 93637

Re: Sunset Apartments Project

Mr. Conte:

I am a resident in the area where the Sunset Apartments are planned. I strongly object to the approval of the project as presently contemplated. It will transform our residential area into a ghetto by cramming (what I can only assume) will be extremely small units into a small area. To add to that each apartment will be allotted a car space...where? This area was originally to be three residential parcels. With fifteen units, at least one car per unit...that means 15 extra cars, plus their guests and potentially a second vehicle to an apartment. A true recipe for disaster again.

The previous business, with its new owner, caused great distress to the home owners in the area due to the excessive cars, trash, drug paraphernalia, etc., and refused to take care of the problem. I can foresee that happening again.

I also object to the rezoning of the area to High Density for my reasons stated above.

Should you have any questions, I can be reached at the number and address above.

Sincerely,


Virginia S. Gendron

VSG/sje

Attachment 20: Resolution

RESOLUTION NO. 1898

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING SITE PLAN REVIEW (SPR) 2020-01, ADOPTING THE NEGATIVE
DECLARATION FOR THE PROJECT, AND RECOMMENDING APPROVAL OF
GENERAL PLAN AMENDMENT (GPA) 2020-01 AND REZONE (REZ) 2021-01
(SUNSET APARTMENTS)**

WHEREAS, Aftab Naz (“Owner”) owns APN 006-182-007 in Madera, California (“site”); and

WHEREAS, the 0.875-acre site was previously developed and occupied by a commercial (gym) use and is planned C (Commercial); and

WHEREAS, the southern three-quarters of the property (approximately 0.7 acres) is zoned R3 (*One unit per 1,800 square feet of site area*) and the northern one-quarter of the property (approximately 0.2 acres) is zoned R1 (*One unit per 6,000 square feet of site area*) for residential land uses; and

WHEREAS, the Owner is seeking a General Plan Amendment (GPA 2020-01) to amend the General Plan land use designation of the site from C (Commercial) to HD (High Density Residential); and

WHEREAS, the Owner is seeking a Rezone (REZ 2021-01) to change the zone district of the northern one-quarter of the property (approximately 0.2 acres) from R1 (One unit per each 6,000 square feet of site area) to R3 (One unit per each 1,800 square feet of site area); and

WHEREAS, the Owner is seeking a Site Plan Review (SPR 2020-01) to allow for development of a 15-unit apartment complex, including parking and open space areas within the area of the site; and

WHEREAS, an Initial Study/Negative Declaration (IS/ND) has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., the Guidelines for implementation of CEQA, Title 14 California Code of Regulations, Chapter 3, Section 15000, et seq., and the Madera Municipal Code; and

WHEREAS, the Planning Commission has independently reviewed and considered the information contained in the IS/ND; and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve site plan reviews on behalf of the City; and

WHEREAS, under the City’s Municipal Code and State Planning and Zoning Law, the Planning Commission is authorized to review and make recommendations to the City Council for general plan amendments and rezones 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 GPA 2020-01, REZ 2021-01, and SPR 2020-01 at a duly noticed meeting on November 9, 2021; and

WHEREAS, at the November 9, 2021, Planning Commission hearing, 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 SPR 2020-01 and the negative declaration for the project per the California Environmental Quality Act and provide recommendations to the City Council on GPA 2020-01, REZ 2021-01, and the negative declaration for the project per the California Environmental Quality Act.

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: The Planning Commission adopts the Initial Study/Negative Declaration (IS/ND) for the project, finding the negative declaration is adequate and has been completed in compliance with the California Environmental Quality Act and the State CEQA Guidelines.
3. Findings for SPR 2020-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2020-01, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-3.4.01. 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:

Findings to Approve a Site Plan Review

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

SPR 2020-01 is conditioned on the approval of GPA 2020-01 and REZ 2021-01, which would amend the land use designation to HD (High Density Residential) and change the zone district for a portion of the property to the R3 (*One unit for every 1,800 square feet of site area*) zone district, consistent with the remainder of the existing zoning on-site. The 15-unit apartment complex, as proposed under SPR 2020-01, would be in compliance with the purpose and intent of the R3 zone district, which is consistent with the proposed High Density Residential land use designation. SPR 2020-01, as conditioned, does not conflict with City standards or other provisions of the Code and is consistent with applicable General Plan policies.

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

The project site is not located within a specific plan area.

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.

SPR 2020-01 has been reviewed and, as conditioned, is compatible with surrounding uses and with all applicable requirements for development in the R3 zone district, including provisions for access to and from the site, parking facilities, drainage, and lighting. The construction of a new apartment complex would add a residential use to a site planned and zoned for residential use. Based on the environmental analysis prepared, 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.

SPR 2020-01 requires no street improvements as it is located within an urban area that was previously developed with adequate improvements. While minor improvements may be required, such as sidewalk improvements and new driveway locations, no major improvements are required as the project is located on a previously developed site with existing street infrastructure. The project will not have a significant impact on traffic or the environment as the surrounding street system is adequate to accommodate project traffic.

4. Approval of SPR 2020-01: Given that all findings can be made, the Planning Commission hereby approves SPR 2020-01 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A" which approvals are contingent upon the following:

The conditional approval of SPR 2020-01 shall be final and effective immediately only after the City Council of the City of Madera approves the applicant's request to amend the project site's land use designation to HD (High Density Residential) and rezone a portion of the property to the R3 (*One unit for every 1,800 square feet of site area*) zone district. If the Council approval is not made within 180 days of the adoption of this Resolution, then SPR 2020-01 shall be returned to the Planning Commission for further consideration and a final decision. If Council approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council in a manner that could reasonably affect the findings of the Planning Commission herein or require a modification or addition of a condition of approval to be consistent with a Council approval, then SPR 2020-01 shall be returned to the Planning Commission for further consideration and a final decision.

5. Recommendation to City Council to approve GPA 2020-01: The Planning Commission finds and determines that GPA 2020-01 is consistent with the City of Madera's planned growth for residential land uses and supports the vision for Well Planned Neighborhoods and Housing, recognizing that the provision of housing opportunities is a key component in the implementation of the City's General Plan and vision for the community. Therefore, based on the evidence in the record, the Planning Commission recommends that the City Council approve GPA 2020-01 amending the General Plan land use designation for the project site from C (Commercial) to HD (High Density Residential).

6. Recommendation to City Council to approve REZ 2021-01: The Planning Commission finds and determines that the proposed R3 zone district as requested under REZ 2021-01 described herein is consistent with the HD (High Density Residential) planned land use designation. Therefore, based on the evidence in the record, the Planning Commission recommends that City Council approve REZ 2021-01 changing the zone district for the northern one-quarter of the subject property (approximately 0.2 acres) from R1 (*One unit per 6,000 square feet of site area*) to R3 (*One unit per 1,800 square feet of site area*).

7. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of November 2021, 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 SPR 2020-01

EXHIBIT "A"
SPR 2020-01 (Sunset Apartments)
CONDITIONS OF APPROVAL
November 9, 2021

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. 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 plan 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.

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 SPR 2020-01 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.

GENERAL CONDITIONS

1. 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.
2. The applicant shall submit to the City of Madera Planning Department a check 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 shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on SPR 2020-01.
3. 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 ten (10) days of the date of approval for this permit.
4. SPR 2020-01 shall expire one year from date of issuance, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
5. 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 be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
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 City-wide Community Facilities District No. 2005-01 and shall pay all applicable fees.
7. Development of the project shall conform to the plans designated by the City as Exhibits A through D, subject to the conditions noted herein. Minor modifications to the approved Site Plan Review 2020-01 necessary to meet regulatory, engineering, or similar constraints may be made at the discretion of the Planning Manager without an amendment to SPR 2020-01. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to SPR 2020-01 be filed for review and approval through the applicable City process.
8. Deferrals are not permitted for any condition included herein, unless otherwise stated.
9. All construction shall cease, and the Planning Manager and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during

construction. All construction shall immediately stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's and/or successors-in-interest's expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.

10. All construction shall cease if any human remains are uncovered, and the Planning Manager, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
11. Approval of SPR 2020-01 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").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

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's attorneys' fees, expenses of litigation, and costs 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.

PLANNING DEPARTMENT

General

12. SPR 2020-01 is subject to approval of GPA 2020-01, which would redesignate the subject property to the HD (High Density Residential) designation, and approval of REZ 2021-01, which would rezone the northern one-quarter (approximately 0.2 acres) of the subject property to the R3 (*One unit per 1,800 square feet of site area*) zone district, consistent with the existing R3 zone on the remainder of the property. SPR 2020-01 shall not proceed until GPA 2020-01 and REZ 2021-01 are approved and become effective.
13. All on- and off-site improvements shall be completed prior to final building inspection and shall be completed in conformance with SPR 2020-01 Conditions of Approval to the satisfaction of

the City of Madera prior to issuance of a certificate of completion, occupancy permit, and/or issuance of a business license.

14. The project site shall be subject to periodic review 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, the property owner and/or operator may be subject to corrective action.
15. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
16. The property owner, operator, and/or manager shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
17. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster on the site.
18. The developer is encouraged to provide a minimum of one (1) dwelling unit to persons with extremely low-income, defined as 30 percent of the Area Median Income. (General Plan Housing Element Policy H-4.1)
19. Prior to the issuance of building permits, the applicant shall identify on the site plan, landscape plans, and/or elevations the following information for Planning Department review and approval. All equipment shall be screened from view.
 - a) The location of all-natural gas and electrical utility meter locations
 - b) The location of all HVAC (heating, ventilation or air conditioning) equipment
 - c) The location of all compressor equipment, and mechanical and electrical equipment

Elevations

20. Second story windows on the northern elevation of the 4-unit building will integrate either privacy glass or casement window openings that would limit the swing of the window while still allowing egress per building code requirements to obscure direct sightlines into the adjacent yard to the north.

Lighting

21. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
22. All parking lot lights/lighting shall be incorporated into landscaped areas.
23. The project proponent shall contact the City Engineer when all site lighting is operational. Additional light screening may be required to ensure compliance with City standards and conditions of approval.

Open Space Requirements

24. Open space areas shall be provided in accordance with Exhibit C, Landscape Plan and at a minimum rate of 500 square feet per unit.

Landscaping

25. Landscape screening shall be provided between the 4-unit building and the northern property line in a manner that shall obscure the view to the extent feasible from the second story windows into the adjacent yard to the north.
26. The project shall incorporate anti-graffiti landscaping along the eastern elevation of the 4-unit building.
27. Trees shall be required to achieve fifty percent shading of all parking areas, inclusive of parking stalls and drive aisles, within 10 years. Carports may be used to account for shading of paved areas.
28. A landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
 - a) Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b) Provide permanent automatic irrigation systems for all landscaped areas;
 - c) Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d) Locate landscape material in such a way that it does not interfere with utilities above or below ground;
 - e) Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas; and,
 - f) Integrate, to the extent feasible, low impact development practices to reduce, treat, infiltrate, and manage runoff flows caused by storms, urban runoff, and impervious surfaces.
29. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved under SPR 2020-01.
30. 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, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
31. Street trees shall be provided in accordance with City standards along the Orchard Avenue and Sunset Avenue frontages and shall be consistent with the City's Street Master Tree List, as determined by the City.
32. A maintenance agreement is required for all landscaping located within the public right-of-way. Such agreement shall be entered into prior to issuance of a certificate of completion.

Parking

33. As approved under SPR 2020-01 and shown on the Exhibit A, Site Plan, a minimum of 36 total parking spaces, 15 of which are covered, shall be provided. The required number of ADA compliant parking spaces shall be provided in accordance with the Building Code.

34. Off-street parking areas shall be paved and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed to cross sidewalks, unless approved by the City Engineer.
35. Each off-street parking space shall have a width of not less than nine feet and a length of not less than 19 feet except that up to 25% of the required parking spaces may be designated for compact car use.
36. Parking spaces shall be easily accessible by standard-size automobiles, shall be so designed as to be accessible from Orchard Avenue, and shall be located so that sufficient area is available for maneuvering purposes.
37. Plans of the proposed parking area shall be submitted to the Building Department at the time of an application for a building permit for any building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot.
38. The developer is encouraged to provide electric vehicle chargers to its tenants. (General Plan Policy CON-33)
39. Parking spaces reserved for residents living on-site shall be marked with numbers corresponding with their respective unit number. Each unit shall be designated with one covered and one uncovered parking stall. Designation of parking stalls shall always be clearly visible. Guest parking shall also be designated.
40. Covered parking structures shall be constructed in conformance with the exhibits approved under SPR 2020-01.

Walls and Fences

41. All fences shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood.
42. A three-foot wrought iron fence with columns, as depicted on Exhibit A, Site Plan, shall be constructed along Orchard and Sunset Avenues.
43. A six-foot tall block wall shall be constructed along the north and east property lines, as depicted on Exhibit A, Site Plan.
44. Two pedestrian gates shall be provided from the development to Orchard Avenue where the concrete walkways terminate at the sidewalk, as depicted on Exhibit A, Site Plan.

Trash Enclosures

45. A trash enclosure shall be constructed in accordance with City standards and applicable requirements of the waste provider. The location of the trash enclosure shall be located consistent with Exhibit A, Site Plan.
46. Trash enclosures shall be secured and shall be inaccessible by the general public. Gates used for securing and screening the trash enclosures shall not be designed such that use of the alley is impeded.

Signage

47. All signage shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage, with the exception of required signs in accordance with City

standards, is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.

48. All proposed construction announcement signs used shall conform to the Municipal Sign Ordinance.

BUILDING DEPARTMENT

49. Building permits are required for all construction on-site. At the time of submittal for building permit plan check, a minimum of three sets of the following plans to the Building Department are required. Plans shall be prepared by an individual licensed to practice architecture and include the following required drawings drawn to an appropriate scale and shall be consistent with all conditions of approval and related requirements for SPR 2020-01:

- a) Site plan bearing City approval or a plan incorporating all site-related conditions.
- b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering, or architecture.
- c) Floor plan – the uses of all rooms and activity areas shall be identified on the plans.
- d) All exterior elevations.
- e) Site utility plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities.

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

ENGINEERING DEPARTMENT

General

51. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
52. Development impact fees shall be paid at time of building permit issuance. Impact fees shall be based on the difference in impact between the existing use and that of the proposed use.
53. The developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
54. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Department in accordance with the submittal process.
55. The improvement plans for this project shall include the most recent version of the City's General Notes.
56. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Division.
57. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Sewer

- 58. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
- 59. The existing sewer connection shall be upgraded to include a cleanout per City standards, if not previously installed.
- 60. Existing sewer connections that will not be used for this project shall be abandoned at the mains per current City of Madera standards.
- 61. Sewer main connections 6-inches and larger in diameter shall require manhole installation.

Storm Drain

- 62. Storm runoff from this project will surface drain into existing facilities and eventually into the Madera Irrigation District (MID) canal. Water runoff from the site must be cleaned before entering the existing storm water system to the satisfaction of the MID through the use of an on-site oil/water separator or drop inlet inserts at the drop inlets that receive runoff from the site. The developer shall coordinate with MID and obtain MID's approval signature on the final improvement plans prior to submittal to the City for approval.
- 63. An MID approval block shall be shown on the final improvement plans.
- 64. A detailed drainage plan shall be provided to support the design of the drainage conveyance and storage facilities.
- 65. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall be subject to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

Streets

- 66. An Irrevocable Offer of Dedication shall be made to dedicate five (5) feet of right-of-way along the entire project parcel frontage on Orchard Avenue to provide a half street width of thirty-five (35) feet, east of the center line.
- 67. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk to current City of Madera and ADA standards. The limit of repairs will be established by the City Engineering Inspector.
- 68. The existing driveway approach on Sunset Avenue shall be abandoned and replaced with curb, gutter and sidewalk.
- 69. The existing ADA access ramp on the northeast corner of Sunset Avenue and Orchard Avenue shall be upgraded to meet current City and ADA standards.
- 70. The alley shall be improved along the property frontage to meet City standards.
- 71. Throat lengths for driveway approaches shall be sufficient in length as to eliminate the possibility of vehicles queuing into the City right-of-way.
- 72. "No Parking" signs shall be installed along the Sunset Avenue project frontage per City standards.

73. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance Zone District Zone 10A for the purposes of participating in the cost of maintaining landscape improvements within said zone.

Water

74. Existing or new water service connection(s) shall be upgraded or constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City's right-of-way and a backflow prevention device installed within private property.
75. A separate water meter and backflow prevention device shall be required for landscaped areas.
76. Fire hydrants shall be installed along the property frontage in accordance with City standards as determined by the City of Madera Fire Marshal.
77. Existing water service connections that will not be used for this project shall be abandoned at the mains per City of Madera standards.

FIRE DEPARTMENT

78. All improvements to the property shall require a building permit. A separate permit is required for each structure. A separate permit is required for the fire protection systems.
79. Fire access shall comply with the California Fire Code (CFC). Signage to identify fire lanes shall be required.
80. Fire extinguishers shall be provided in accordance with the CFC. A minimum of one 2A10BC rated fire extinguisher is required for each 3,000 square feet or fraction thereof on each floor level and the travel distance shall not exceed 75 feet from any point in the structure to reach a fire extinguisher.
81. Addresses shall be established for each structure and shall be clearly posted on each structure.
82. A location for the fire alarm system shall be required to be provided with a closet for the fire alarm control unit (FACU) which the current plans do not reflect.
83. Access to the roof equipment wells is required and must be shown on the construction documents.

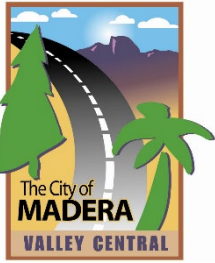
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

84. The applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM10 Prohibitions) and Rule 9510 (Indirect Source Review).

MADERA UNIFIED SCHOOL DISTRICT

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

-END OF CONDITIONS-



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: GMG Gas Station CUP 2021-07 & SPR 2021-04 Item # 2 – November 9, 2021

PROPOSAL: An application for a site plan review to allow for expansion of an existing convenience store and gas station (GMG Gas Station) on approximately 0.37 acres. The applicant has also applied for a conditional use permit, which would memorialize the existing gas station use.

APPLICANT: Gary A. Rogers, Architect
1816 Howard Rd. Suite #8
Madera, CA 93637

OWNER: Satnum Singh Pabla
755 Madera Ave.
Madera, CA 93637

SITE ADDRESS: 755 Madera Ave.

APN: 012-133-025

APPLICATIONS: CUP 2021-07 & SPR 2021-04

CEQA: Categorical Exemption

LOCATION: The subject property is bounded by East Almond Avenue to the south, Madera Avenue (SR 145) to the west, the Almond Wood Apartments to the north, and commercial uses to the east.

STREET ACCESS: The project site has street access from East Almond Avenue and Madera Avenue.

PROJECT SIZE: 0.37 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (*Light Commercial*)

SITE CHARACTERISTICS: The project is located at a site that is already in use as a convenience store and gas station. As conditioned, the Project would result in an approximately 1,640 square foot addition to the convenience store building. Surrounding uses include apartments to the north, commercial businesses to the east and west, and vacant land to the south.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt from the preparation of environmental documents pursuant to Section 15332 of the State California Environmental Quality Act (CEQA) Guidelines.

SUMMARY

The applicant, Gary A. Rogers, is proposing SPR 2021-04, for the addition of approximately 1,840 square feet to an existing convenience store (GMG Gas Station) on approximately 0.37 acres. The applicant is also applying for CUP 2021-07 (Gas station use). After review of the proposed project, the site plan is anticipated to be compatible with the surrounding land uses in the area. Conditions, as appropriate, have been recommended for the site plan (SPR 2021-04) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies, including the requirement for an increased setback along the north property line adjacent to the existing apartment complex. The increased setback will reduce the square footage of the proposed expansion to approximately 1,640 square feet. Conditions, as appropriate, have also been recommended for the conditional use permit (CUP 2021-07) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies.

SURROUNDING LAND USES

The site is bordered to the north by apartments, to the east and west by commercial businesses, and to the south by vacant land. Land to the north is planned for residential use, while land to the east, west, and south is planned for commercial uses.

Table 1. Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

Direction from Project Site	Existing Use	General Plan Designation	Zone District
North	Apartments	High Density Residential	R3
East	Businesses	Commercial	C1
South	Vacant	Commercial	C2
West	Businesses	Commercial	R1
R1 – (One unit per each 6,000 sq ft) R3 – (One unit per each 2,000 sq ft) C1 – (Light Commercial) C2 – (Commercial)			

BACKGROUND AND PROJECT PROPOSAL

The project site is currently developed with a gas station that includes four fuel pumps and a convenience store building. The site was originally constructed in 1986. The current property owner acquired the property in 2005 and has been operating the gas station and convenience store, including the sale of alcohol and tobacco, continuously since that time. The owner has existing, active licenses from the Department of Alcoholic Beverage Control and the Department of Tax and Fee Administration for the sale of off-sale general alcohol (including beer, wine, and distilled spirits), an ABC Type 21 Liquor License, and the sale of tobacco products. In addition, the site has current permits to operate a retail market and fuel station with the Madera County Environmental Health Department.

The applicant is proposing an expansion to the convenience store building to accommodate a storage room and redesigned bathroom with some limited display areas, which requires a site plan review (SPR 2021-04). Upon review of the permit history for the project site, no records were located confirming that

a conditional use permit for the gas station use was previously approved for the property. Therefore, CUP 2021-07 has been submitted to memorialize the existing gas station use. The license history was confirmed for the sale of alcohol and tobacco on-site, which has been ongoing since before the City of Madera required CUPs for either of these uses. The sale of alcohol has required approval of a CUP since 1998, while the sale of tobacco has required a CUP since 2015. Both the alcohol sales and tobacco sales have been occurring on-site since before these dates. Therefore, such uses have been grandfathered in and do not require conditional use permits at this time.

The following applications are currently being evaluated:

- SPR 2021-04 to add approximately 1,840 square feet to an existing convenience store. The addition is proposed primarily for storage with a new bathroom. A limited number of new display areas will be added.
- CUP 2021-07 to memorialize the existing use of a gas station on the site. The gas station currently provides four pumping stations. No expansion of the gas station pumps is proposed.

ANALYSIS

SPR 2021-04

The project is proposing to construct an approximately 1,840 square foot addition to the existing convenience store building. The addition will result in added storage area for the existing site, as well as an increase in limited display areas. The addition will also allow a new bathroom to be placed in the expanded area.

Compatibility with Surrounding Uses

The addition is proposed along the north side of the current building, adjacent to the existing apartments located north of the subject site. The original proposal has a setback distance of five feet from the northern property line, abutting a residential zone. According to Madera Municipal Code (MMC) Section 10-3.805 regarding yard requirements in light commercial zones, a site shall have a building setback requirement of at least ten feet where its rear and side yards abut a residential zone. As a result, the project is conditioned to increase the setback along the northern property line to ten feet, which would reduce the proposed addition by approximately 200 square feet for a total addition of approximately 1,640 square feet. A block wall already exists along the northern and eastern property lines where the site directly abuts adjacent properties.

Propane Refill Station

The project site includes an existing propane refill station. The propane refill station is located in the project site parking area adjacent to the northern property limits, east of the existing trash enclosure. The proposed project improvements include the removal of the propane refill station. This action would include the removal of the propane tank, tank equipment and safety bollards defining and surrounding the refill station.

Trash Enclosure

The existing trash enclosure is undersized to meet current State waste disposal and collection standards. The present enclosure is sized to contain one trash bin. State standards require commercial establishments such as the existing convenience store to provide a minimum of two trash bins – one for

general waste and one for waste recycling. Consistent with the City's commercial design and development guidelines, trash facilities should be fully enclosed on all sides by either some type of wall or similar structure congruent with the massing and design of the principal building, and accessibility of these trash dumpsters should be provided through decorative metal gates/doors that include gate latches and locks. All enclosures must be at least five feet-eight inches in height and rise a minimum of six inches above the height of any collector placed within the structure.

Parking

The site currently has 13 parking spaces provided on-site, including one handicap parking space. Additionally, there are four gas pumping stations, which provide additional parking areas. The project, as conditioned, would result in the addition of 1,640 square feet to the existing 2,000 square foot building, resulting in a total of approximately 3,640 square feet. Based on a requirement of one parking space for every 250 square feet of gross floor area, a minimum of 14 parking spaces is required to accommodate the additional square footage. In addition to the 13 parking spaces provided on-site, the project also includes 4 pumping stations, which will accommodate cars using the site and accessing the convenience store. Counting gas pumping stations as a parking space at a rate of one space for every two pumps, the site will have a total of 15 parking spaces available (13 parking spaces plus 2 equivalent spaces at the pumping stations). No additional parking spaces are required.

Architecture

The applicant is proposing a contemporary commercial architecture elevation finish for the building extension as well as for a makeover of the existing building exterior motif. The building exterior character, as proposed, provides very limited articulation to break up the mass of the structure. Articulation is limited to the incorporation of a small, covered entry that is not proportional to the overall run of the building. To aid in breaking up the mass of the building, the proposed building elevation should be augmented or articulated with stonework or other forms of material and veneers to anchor the lower façade of the building or articulate or accentuate the overall building form. The addition of glazing (windows) as well as architectural options such as wall sconces, columns, parapets, and a multiple color treatment would aid in the breakup of the massing of the proposed building extension and cement stucco refinish proposed for the entirety of the building. Architectural improvements are not proposed for the existing fuel island.

Landscaping

The applicant will be required to submit a landscaping plan to ensure compliance with state water efficient landscaping requirements. The perimeter of the site is required to be landscaped, except where walks or accessways are proposed. Review and approval of the submitted landscape plan and related irrigation plans are required prior to building permit issuance.

Public Infrastructure

To alleviate traffic safety concerns, a median shall be installed along East Almond Avenue to prevent left turn movements directly into the site from eastbound vehicles. This requirement is reflected in the conditions of approval. The site has sufficient utility service and would not put additional stress on the City of Madera's public infrastructure and utilities systems. The necessary water, electricity, and waste services associated with the commercial use are available on-site.

CUP 2021-07 – Gas Station Use

CUP 2021-07 would memorialize the existing use of a gas station on the project site. The project site has operated as a gas station with four gas pumps since 1986, when the existing building was originally

constructed. The site is planned and zoned for commercial use. The use of a gas station is compatible with the surrounding properties and is consistent with applicable requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Staff have performed a preliminary environmental assessment and have determined that the project is exempt under Section 15332 of the State CEQA Guidelines because the project is in an area that is substantially urbanized within the City limits, is less than 5 acres in size, does not have any value to an at-risk plant or animal species, and does not result in any potential environmental impacts under CEQA. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though operation of a convenience store and gas station 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.

CONSISTENCY WITH THE DESIGN AND DEVELOPMENT GUIDELINES FOR COMMERCIAL DEVELOPMENT

Site plan reviews for commercial development projects are subject to the City's *Design and Development Guidelines for Commercial Development*. The proposed project improvements as well as the overall project site, due to the initiation of the proposed improvements, are subject to the City's commercial design and development standards found in the Guidelines. As proposed, the building elevation lacks architectural relief, details, pop-outs or glazing (windows) that would aid in the break-up of an expansive monotone flat stucco finish and provide visual interest along East Almond and Madera Avenues. Consistent with the Guidelines, the building needs to provide varying colors, materials, and lighting to enhance building presence and visual interest along East Almond and Madera Avenues. The project's conditions of approval specify architectural features, material, colors, glazing, and lighting to be applied to break-up the expansive flat space and provide visual interest along East Almond and Madera Avenues.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution conditionally approving CUP 2021-07 and conditionally approving SPR 2021-04 and. 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 CUP 2021-07 and SPR 2021-04, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on CUP 2021-07 and SPR 2021-04 and determining to either:

- Adopt a resolution adopting a Finding of a Categorical Exemption pursuant to CEQA Guidelines Section 15332 for the project, and approving CUP 2021-07 and SPR 2021-04 as conditioned (Motion 1); or

- Continue the hearing to December 14, 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 CUP 2021-07 and SPR 2021-04 to the December 14, 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 Section 15332 (Infill Development) and approving CUP 2021-07 and SPR 2021-04, based on and subject to the findings and conditions of approval as follows:

Findings to Approve a Conditional Use Permit

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

The property is zoned C1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). CUP 2021-07 would memorialize the existing use of a gas station, with a convenience store which is conditionally allowed within the C1 zone district.

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

The project site is planned and zoned for commercial use. The project site is located at an existing commercial site and is surrounded by other commercial uses to the east and west, with a commercially planned area to the south. The property to the north is zoned residential and is developed with apartments. As conditioned, the use of a gas station (CUP 2021-07) will be compatible with surrounding properties and is consistent with applicable requirements regulating such uses.

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 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.

Findings to Approve a Site Plan Review

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

The property is zoned C1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). SPR 2021-04 is consistent with the purpose and intent of the C1 (Light 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 is not subject to any specific plan.

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.

SPR 2021-04 has been reviewed and is consistent with surrounding uses. The project, as conditioned, includes construction of an approximately 1,640 square feet (sqft) addition to an existing building that would connect to existing utilities. A median along East Almond Avenue is required to address safety as a result of additional vehicle trips generated by the proposed project. 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.

SPR 2021-04 is conditioned to install a median along East Almond Avenue to address safety as a result of additional vehicle trips generated by the proposed project and increased access to the project site. Modifications to the American with Disabilities Act (ADA) access ramp at

Madera and East Almond Avenues will be required and any broken or damaged concrete improvements including curb, gutter, and sidewalk will be repaired to current City and ADA standards. As conditioned, the project will not have a significant impact on traffic or the environment.

(OR)

Motion 2: Move to continue the public hearing on CUP 2021-07 and SPR 2021-04 to December 14, 2021, Planning Commission hearing 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)

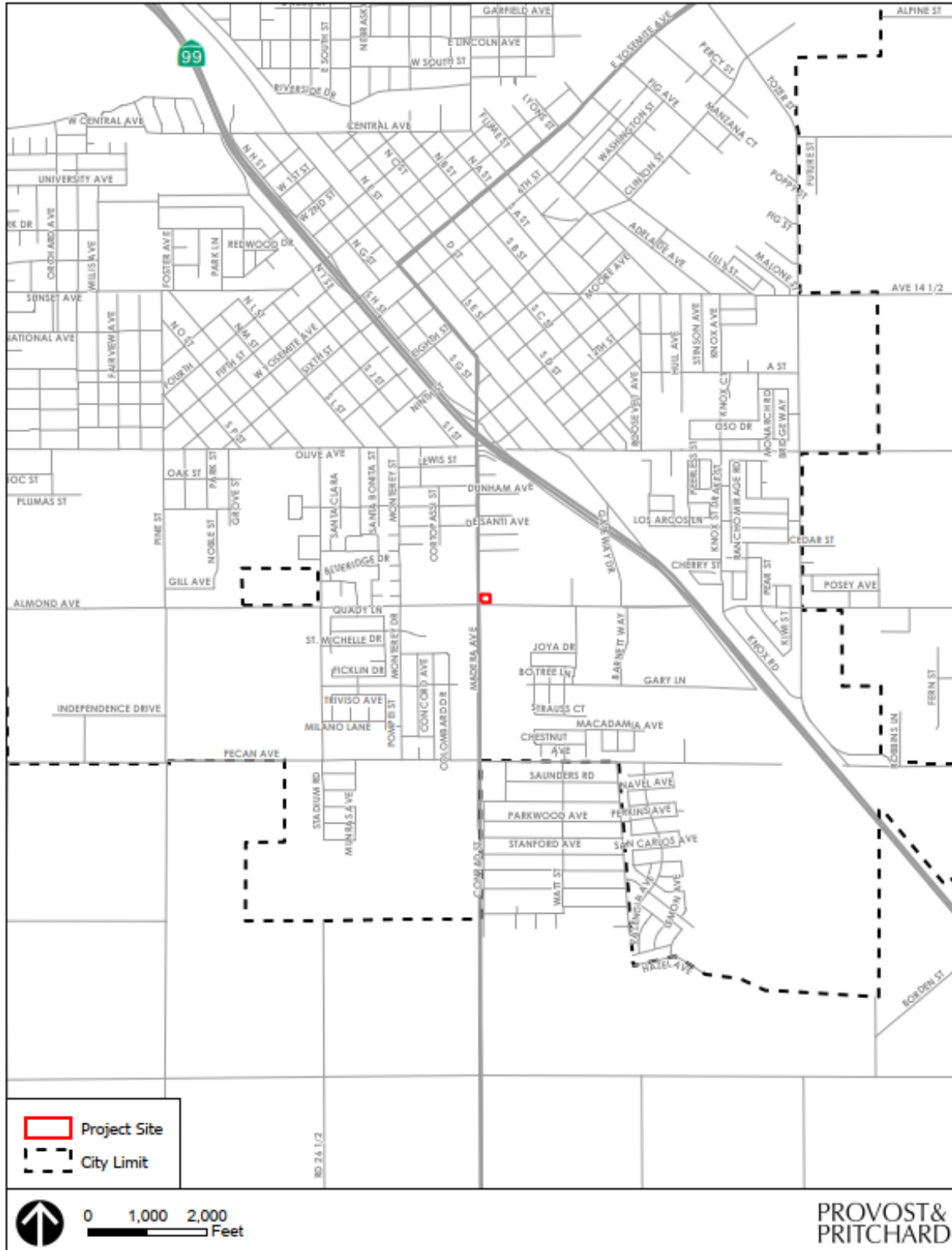
(OR)

Motion 3: Move to continue the public hearing on CUP 2021-07 and SPR 2021-04 to December 14, 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.)

ATTACHMENTS

- Attachment 1: Vicinity Map
- Attachment 2: Aerial Photo
- Attachment 3: General Plan Land Use Map
- Attachment 4: Zoning Map
- Attachment 5: Exhibit A - Site Plan
- Attachment 6: Exhibit B - Elevations
- Attachment 7: Exhibit C - Floor Plan
- Attachment 8: Planning Commission Resolution

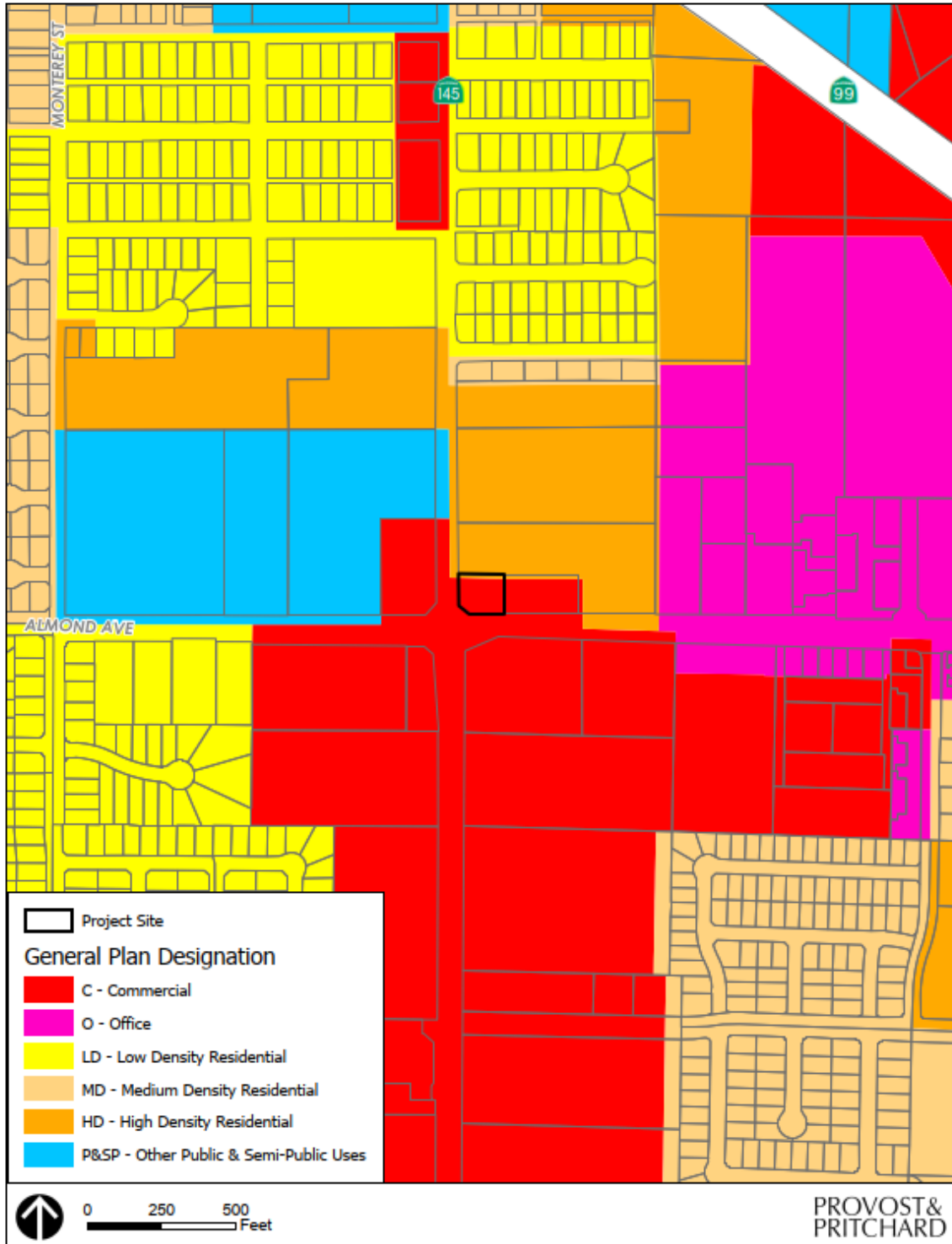
Attachment 1: Vicinity Map



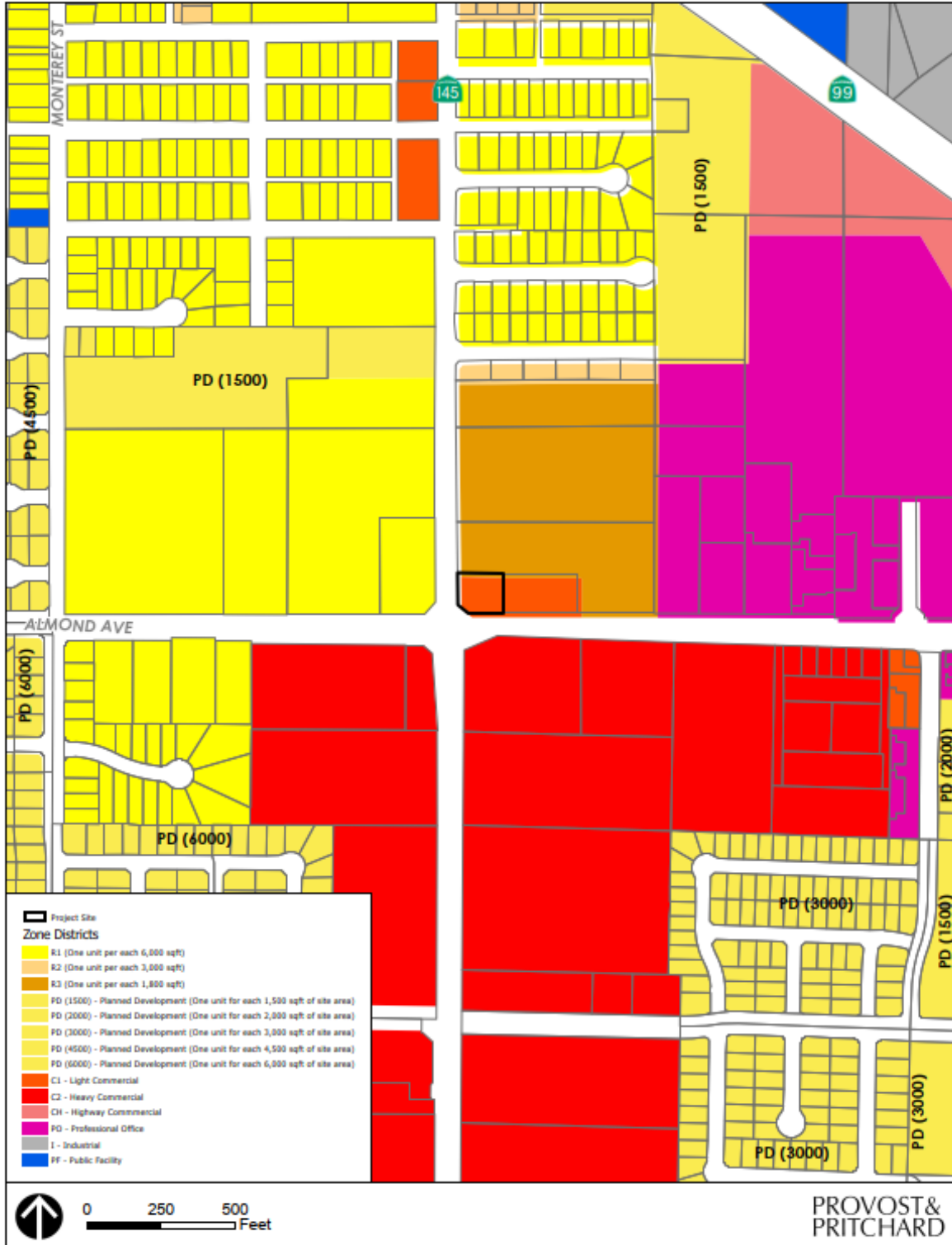
Attachment 2: Aerial Photo



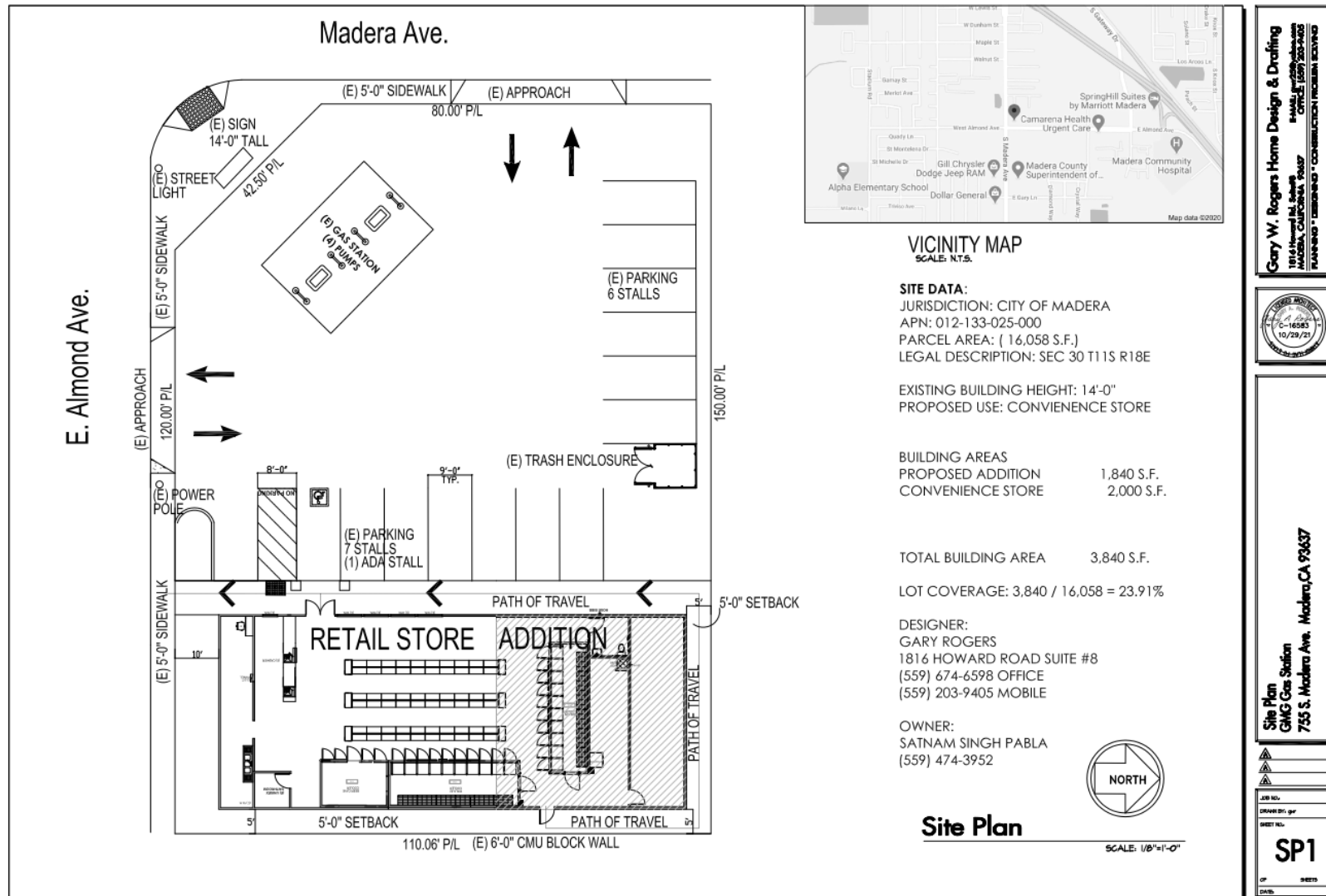
Attachment 3: General Plan Land Use Map



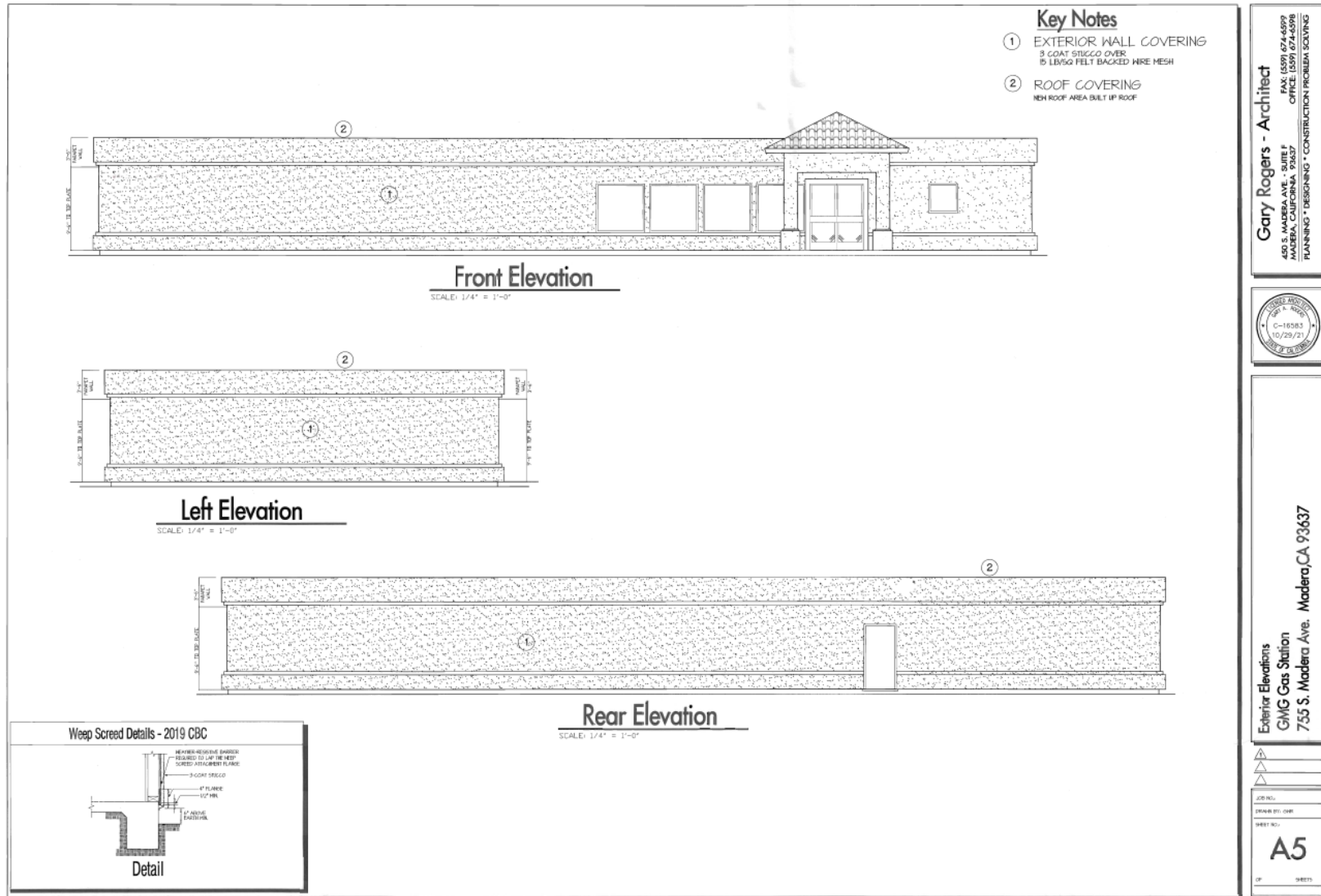
Attachment 4: Zoning Map



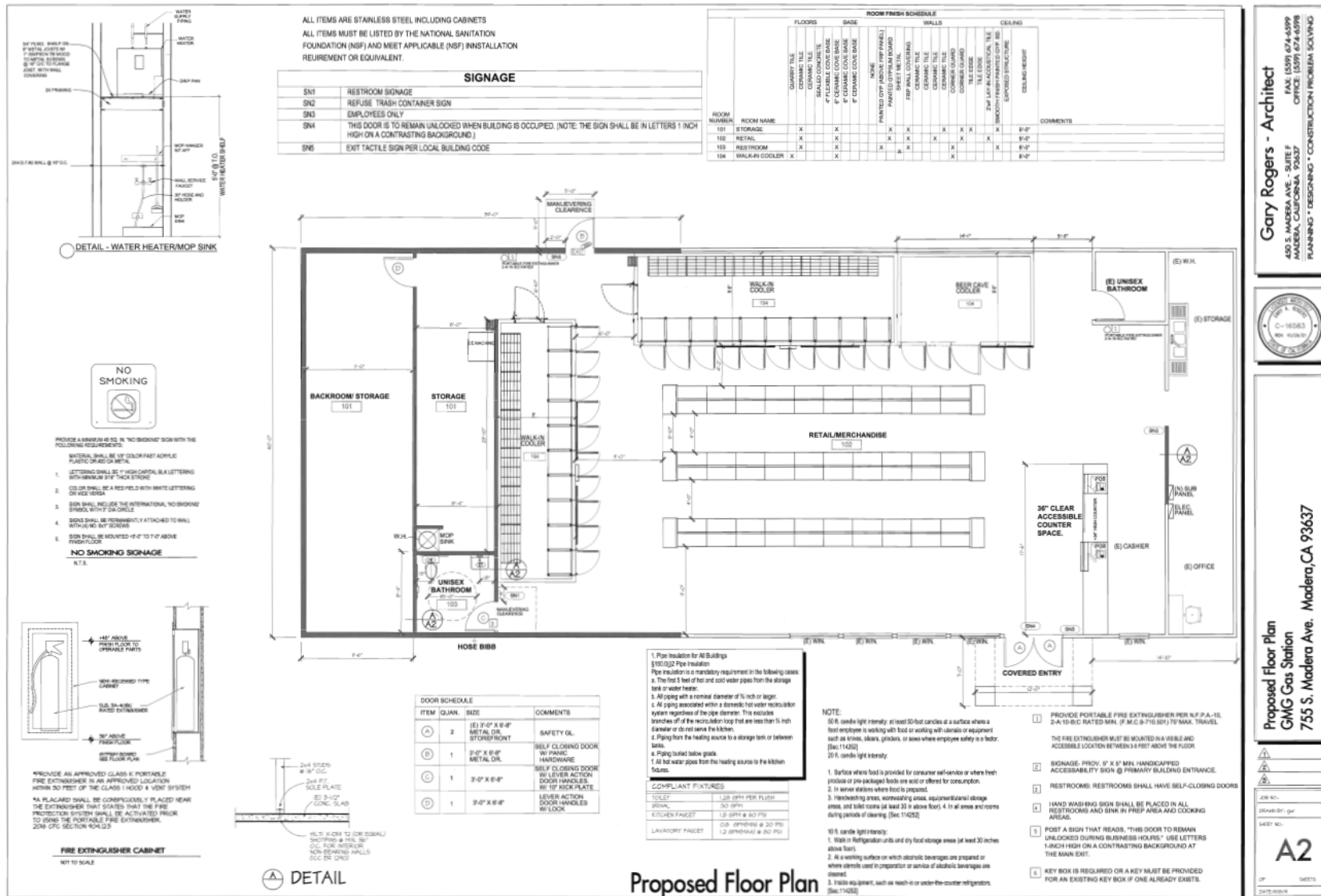
Attachment 5: Exhibit A - Site Plan



Attachment 6: Exhibit B - Elevations



Attachment 7: Exhibit C - Floor Plan



Attachment 8: Resolution

RESOLUTION NO. 1899

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING CONDITIONAL USE PERMIT 2021-07 AND SITE PLAN REVIEW 2021-
04 (GMG GAS STATION)**

WHEREAS, Satnum Singh Pabla ("Owner") owns APN 012-025-133 in Madera, California ("site");
and

WHEREAS, the 0.37-acre site is an existing gas station with convenience store located at 755 Madera Avenue at the northeast corner of Madera Avenue (SR 145) and East Almond Avenue; and

WHEREAS, the site is planned Commercial and zoned C1 (Light Commercial) for commercial land uses; and

WHEREAS, the Owner is seeking Conditional Use Permit (CUP) 2021-07 (Gas station) to memorialize the existing gas station on-site; and

WHEREAS, the Owner is seeking a Site Plan Review (SPR) to allow for development of an approximately 1,640 square foot addition to the existing convenience store building already operating on the site to include increased storage and retail space for the existing gas station; 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 15332 of the California Environmental Quality Act (CEQA) Guidelines as the project is characterized as in-fill development; and

WHEREAS, under the City's Municipal Code, the Planning Commission is authorized to review and approve site plan reviews and conditional use permits 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 CUP 2021-07 and SPR 2021-04 at a duly noticed meeting on November 9, 2021; and

WHEREAS, at the November 9, 2021, Planning Commission hearing, 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 CUP 2021-07 and SPR 2021-04, with conditions, and a Class 32 Categorical Exemption for the project per the California Environmental Quality Act.

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 32 Categorical Exemption set forth

in CEQA Guidelines Section 15332 as the project is characterized as in-fill development and meets the required conditions described in said Section. As described in further detail below, the project is consistent with the General Plan and its policies, as well as with the applicable zoning designation and regulations. The proposed development occurs within City limits on a project site of approximately 0.37 acres, which is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effect relating to traffic, noise, air quality, or water quality. Additionally, the site can adequately be served by all required utilities and public services. 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 15332 (In-Fill Development Projects) for this project.

3. Findings for SPR 2021-04 and CUP 2021-07: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2021-07 and SPR 2021-04, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.01 (Site Plan Review) and Section 10-3.13 (Use Permits). 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:

Findings to Approve a Conditional Use Permit

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

The property is zoned C1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). CUP 2021-07 would memorialize the existing use of a gas station, with a convenience store which is conditionally allowed within the C1 zone district.

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

The project site is planned and zoned for commercial use. The project site is located at an existing commercial site and is surrounded by other commercial uses to the east and west, with a commercially planned area to the south. The property to the north is zoned residential and is developed with apartments. As conditioned, the use of a gas station (CUP 2021-07) will be compatible with surrounding properties and is consistent with applicable requirements regulating such uses.

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 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.

Findings to Approve a Site Plan Review

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

The property is zoned C1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). Site Plan Review 2021-04 is consistent with the purpose and intent of the C1 (Light 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 is not subject to any specific plan.

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 2021-04 has been reviewed and is consistent with surrounding uses. The project, as conditioned, includes construction of an approximately 1,640 square feet (sqft) addition to an existing building that would connect to existing utilities. A median along East Almond Avenue is required to address safety as a result of additional vehicle trips generated by the proposed project. 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 2021-04 is conditioned to install a median along East Almond Avenue to address safety as a result of additional vehicle trips generated by the proposed project and increased access to the project site. Modifications to the American with Disabilities Act (ADA) access ramp at Madera and East Almond Avenues will be required and any broken or damaged concrete improvements including curb, gutter, and sidewalk will be repaired to current City and ADA standards. As conditioned, the project will not have a significant impact on traffic or the environment.

4. Approval of CUP 2021-07 and SPR 2021-04: Given that all findings can be made, the Planning Commission hereby approves CUP 2021-07 and SPR 2021-04, as conditioned 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 9th day of November 2021, 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 CUP 2021-07 and SPR 2021-04 (GMG Gas Station)

EXHIBIT "A"
CUP 2021-07 and SPR 2021-04 (GMG Gas Station)
CONDITIONS OF APPROVAL
November 9, 2021

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. 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 plan 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.

Approval for CUP 2021-07 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. Approval for SPR 2021-04 will ultimately be deemed final unless appealed to 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, 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 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(s), 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(s).

GENERAL CONDITIONS

1. Approval of this application for site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative to disclose and delineate all facts and information relating to the subject property and proposed uses.
2. Site plan 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 fifteen (15) days of the date of approval for this site plan.

3. Site Plan Review 2021-04 will expire one year from date of issuance, unless positive action is taken on the project as provided in the City of Madera Municipal Code (MMC) or required action is taken to extend the approval before expiration date.
4. Conditional Use Permit 2021-07 will expire 12 months from date of issuance, unless positive action is taken on the project as provided in the MMC or required action is taken to extend the approval before expiration date.
5. Approval is not an authorization to commence construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading or building permits.
6. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.
7. Any proposed further modifications to the site beyond the scope of SPR 2021-04, including but not limited to building exteriors, parking/loading areas, fence/walls, lighting, new buildings, landscaping or use of the site shall require an amendment (modification) to SPR 2021-04 as specified in the MMC.
8. Any proposed further modifications use beyond the scope of CUP 2021-07, including but not limited to an expansion of use, security, display, or signage shall require an amendment to CUP 2021-07, as applicable, as specified in the MMC.
9. It shall be the responsibility of the applicant, property owner and/or successor-in-interest 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.
10. The applicant, property owner and / or successors-in-interest shall comply with all federal, State and local laws. Material violation of any applicable laws concerning the use of subject site will be cause for revocation of SPR 2021-04 or CUP 2021-07, as applicable.
11. Development of the project shall conform to the plans designated by the City as Exhibits A through C, subject to the conditions noted herein. Minor modifications to the approved SPR 2021-04 exhibits necessary to meet regulatory or engineering constraints may at a minimum be made with the approval of the Planning Manager.
12. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by City Council, through a separate deferral process.
13. All conditions of approval shall be the sole financial responsibility of the applicant/owner and/or successors-in-interest, except where specifically noted in the conditions or mandated by statutes.
14. The project site shall be subject to periodic review and inspection by the City to determine compliance with the conditions of approval. If, at any time, the use is determined by staff to be in violation of the conditions, the property owner and/or operator may be subject to corrective action.
15. All on- and off-site improvements shall be completed prior to final building inspection and shall be completed in conformance with these Conditions of Approval to the satisfaction of the City of Madera prior to issuance of a certificate of completion, occupancy permit and/or issuance of a business license.

16. All construction shall cease, and the Planning Manager and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction shall immediately stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's and/or successors-in-interest's expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.
17. All construction shall cease if any human remains are uncovered, and the Planning Manager, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
18. 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 2021-04 and CUP 2021-07.
19. Approval of SPR 2021-04 and CUP 2021-07 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").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

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's attorneys' fees, expenses of litigation, and costs 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.

PLANNING DEPARTMENT**General**

20. On-site vandalism and graffiti shall be corrected per the MMC.
21. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster on the site.
22. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
23. The applicant shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use(s) may be cause for revocation of said permit. Such conditions that constitute such violation include, but are not limited to:
 - 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.

Site Plan and Elevations

24. Non-permitted shipping containers present on site shall be removed within 30 days of SPR 2021-04 approval.
25. A minimum setback of 10 feet shall be provided between the building and property line to the north.
26. The addition to the building and refinished building exterior walls shall be in conformance with the approved elevation drawings, as conditioned and approved by the Commission.
27. East and west elevations shall incorporate a base composed of stone or veneer of a minimum height of four (4) feet measured from the top of the building concrete pad.
28. Cement plaster walls shall incorporate vertical and horizontal reveals. Reveals to align with the vertical and top horizontal window planes.
29. Building extension shall provide glazing (windows) of like type, size and spacing present on existing west building elevation. Said placement of windows shall extend the length of west building elevation until it meets the interior entry door of the unisex bathroom.

30. Building exterior elevations, as conditioned herein, shall include a minimum three (3) color exterior painting/material scheme.
31. The addition to the building and trash enclosure shall be consistent with the existing building, with an approved color and materials board reviewed and approved by the Planning Department prior to submittal of a building permit. Any substantial alteration may be subject to Commission approval as determined by the Planning Manager.
32. Any outdoor display of merchandise for sale, including vending and dispensary machines and equipment shall not occur without the approval of Zoning Administrator Permit.
33. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for Planning Department review and approval:
 - The location of all-natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
34. All roof mounted equipment shall be screened from public view.
35. All utilities serving the project site shall be brought into and installed within interior utility rooms. No switch boxes, electrical panels or other utility appendages shall be installed on the exterior of the building. The only exception shall be natural gas metering, which shall be screened and landscaped.
36. 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. West and south exterior on-building lighting shall be in the form of decorative lighting fixtures. On-building wall-pack lighting is prohibited on the west and south exterior. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
37. All parking lot lights/lighting shall be incorporated into landscaped areas.
38. The project proponent shall contact the City Engineer when all site lighting is operational. Additional light screening may be required.
39. Security fencing and gates shall not exceed a maximum height of six (6) feet and shall be composed of decorative metal. Use of chain-link fencing and barbwire are prohibited. Gates shall swing in the direction of egress and have panic hardware if gates are to be secured.
40. Parking shall be provided as shown on Exhibit A, Site Plan. Each off-street parking space shall have a width of not less than nine feet and a length of not less than 19 feet except that up to 25% of the required parking spaces may be designated for compact car use.
41. Site improvement plans shall identify and provide a minimum of two (2) bicycle parking spaces for customers. Bicycle parking structure shall be in the form of “staple”, “loop” or “post & ring” type rack and shall be visible of the main building entrance. Bicycle parking area shall be well lit and placed outside of any doorway, walkway, Americans with Disabilities Act (ADA) path or emergency corridor.
42. The existing propene tank located on-site shall be removed prior to issuance of a building permit.

Landscaping

43. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect and be submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
 - a. Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.
 - b. Areas throughout the project shall be planted so as to provide a minimum of 70% vegetative cover upon maturity.
 - c. Landscaped areas shall be provided with permanent automatic irrigation systems.
 - d. A detailed planting list for landscaping, with the number, size, spacing (where applicable) and species of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
 - e. Landscape plan shall include street trees planted along East Almond Avenue at a ratio of one (1) tree per thirty (30) feet of frontage. Street trees shall be of the same street tree species planted to the east of the project site along East Almond Avenue.
44. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

Signage

45. All non-permitted on-building, window and free-standing signs shall be removed.
46. Building shall incorporate decorative form and material for building address. No plastic, vinyl or similar type of material shall be used for the building address.
47. All signage, including temporary signage, shall be in accordance with City Municipal Sign Ordinance, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign permit(s). Approval of SPR 2021-04 constitutes neither a basis for, nor approval of, any exceptions to the Sign Ordinance.
48. All proposed construction announcement signs used shall conform to the Municipal Sign Ordinance.
49. All signage required by Chapters 22 and 79 of the California Fire Code shall be required for fueling stations.

Trash Enclosure

50. Existing trash enclosure shall be replaced with new expanded trash enclosure constructed on three sides with masonry wall composed of finish consist with the color of the primary building. Trash enclosure gates shall include composed of metal and hinged on the outside with can bolts to hold gates open.
51. New enclosure shall be sized to accommodate a minimum of one (1) general waste bin, one (1) recycle bin and one (1) green waste bin in accordance to the City's waste hauler specifications. All non-permitted on-building, window and free-standing signs shall be removed. The location of the trash enclosure shall be generally located consistent with Exhibit A, Site Plan.

52. Travel aisle shall provide unobstructed access for collection vehicles to directly access trash enclosure without need of the waste hauler to rollout or reorient bins for dumping operations and provide a minimum of 22 feet of overhead vertical clearance.

Gas Station

Conditions 53 through 55 apply specifically to the memorialization of the existing gas station use as approved under CUP 2021-07.

53. Pump stations shall be provided and maintained in accordance with Exhibit A, Site Plan.
54. Hours of the operations for the service (gas) station shall be the same as the hours of operation for the convenience store, which is operating 24 hours, 7 days a week.
55. Light emitted from the service (gas) station canopy shall be installed to be down shielded to the extent possible to reduce glare on the surrounding residential uses.

BUILDING DEPARTMENT

56. Site improvements shall be consistent with the conditionally approved site plan and floor plan. The use of all rooms and activity areas shall be identified on plans submitted for issuance of building permits.
57. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking herein.
58. Site plan and all existing structures and improvements requiring correction or alteration shall comply with current codes and ordinances.

ENGINEERING DEPARTMENT**General**

59. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
60. Impact fees shall be paid at time of building permit issuance.
61. The developer shall pay all required fees for completion of the project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
62. Improvement plans shall be signed and sealed by an engineer and submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Check Submittal Checklist.
63. The improvement plans for the project shall include the most recent version of the City's General Notes.
64. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Division.
65. All off-site improvements shall be completed prior to issuance of final occupancy.

Water

66. New or existing water service connection(s), including landscape areas, shall be upgraded or constructed to current City standards including Automatic Meter Reading (AMR) water meter

installed within City right-of-way and backflow prevention device installed within private property.

67. A separate water meter and backflow prevention device will be required for existing or proposed landscape areas.
68. Existing water service connections that will not be used for the project shall be abandoned at the mains per City standards.
69. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.

Sewer

70. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
71. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
72. Existing septic tanks, if found, shall be removed pursuant to issuance of a permit and inspection by the City of Madera Building Department.

Streets

73. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk, as necessary, to current City and ADA standards.
74. The existing ADA access ramp on the northeast corner of Madera Avenue and Almond Avenue shall be removed and reconstructed, as necessary, to meet current City and ADA standards.
75. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on Madera Avenue and Almond Avenue. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
76. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
77. The developer shall construct a 2-foot-wide raised median on the west bound approach to the intersection of Almond Avenue and Madera Avenue extending 100 feet from the crosswalk to the east.

Dry Utilities

78. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.

FIRE DEPARTMENT

79. A building permit is required for all changes to the building.
80. A knox box is required.
81. Exterior walls of retail sales within 10 feet of property line must be fire rated.
82. The new second exit/new exterior opening is within 10 feet of the property line and will need to be fire rated.
83. Exit signs and emergency lighting are required.
84. An additional 2A10BC rated fire extinguisher may be required to protect the added area.
85. No propane/liquid petroleum gas dispensing or storage for resale is permitted without approval of the Planning Department and Fire Department and modifications to the conditions of approval.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

86. The applicant shall secure and provide proof of all appropriate San Joaquin Valley Pollution Control District permits and fees required of project prior to issuance of building permit and shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District.

MADERA COUNTY ENVIRONMENTAL HEALTH DIVISION

87. Contact Madera County Department of Environmental Health's Food Program to obtain an approval letter for construction.

-END OF CONDITIONS-

CUP 2021-05 & SPR 2021-23 MOD
Gateway & Almond Convenience Store

**Staff is requesting this item be continued to the
December 14th Planning Commission meeting.**