



SPECIAL MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Tuesday, April 12, 2022
6:00 p.m.**

**Council Chambers
City Hall**

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 82442432014# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/82442432014>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

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

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: None

PUBLIC COMMENT:

The first 15 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. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened.

PUBLIC HEARINGS:

- 1. Conditional Use Permit 2021-19 and Site Plan Review 2021-39 – In-N-Out Burger for a new drive-thru restaurant located at 1830 W. Cleveland Ave.**

Recommendation:

- A. Continue the public hearing and make the necessary findings.
- B. Adopt a resolution adopting findings of a Categorical Exemption pursuant to CEQA Guidelines Section 15332 for the project and approving Conditional Use Permit 2021-19 and Site Plan Review 2021-39 allowing for the construction of a 3,879 sq. ft. restaurant with a 747 sq. ft. patio structure and a drive-thru on an approximately 1.45-acre site.

- 2. Site Plan Review 2021-41 – Amond World Cold Storage Warehouse**

Recommendation:

- A. Conduct a public hearing and make the necessary findings.
- B. Adopt a Resolution adopting a Mitigated Negative Declaration for the project and approving SPR 2021-41, subject to the findings and conditions of approval that would authorize the construction of a cold storage warehouse building that is 253,947 sq. ft. including ancillary areas for an employee office, a shipping office and attached annex building with site improvements including on-site parking, landscaping, stormwater treatment and extension of the public street Condor Road north from Aviation Drive up to and along the entire western property frontage. No development is proposed for the remaining 15.00-acre neighboring parcel to the west which will be part of a future phase of development.

- 3. Variance 2022-02 and Site Plan Review 2022-01 – Madera Police Department Secured Employee Parking Area**

Recommendation:

- A. Conduct a public hearing and make the necessary findings.
- B. Adopt a Resolution adopting a finding of a Categorical Exemption pursuant to CEQA Guidelines Section 15301 for the project and approving VAR 2022-02 and Site Plan Review 2022-01 subject to the findings and conditions of approval that authorizing 42 parking stalls secured by an eight-foot-high slatted chain linked fence that would extend onto a parcel of approximately 0.32 acres, or 14,209 sq. ft. located at 320 South C Street.

- 4. Conditional Use Permit 2022-01 and Site Plan Review 2022-03 – Compa Franks Alcohol Sales**

Recommendation:

- A. Conduct a public hearing and make the necessary findings.
- B. Adopt a resolution adopting a finding of a Categorical Exemption pursuant to CEQA Guidelines Section 15301 for the project and approving Conditional Use Permit 2022-01 and Site Plan Review 2022-03 subject to the findings and conditions of approval that would allow the on-site sale and consumption of alcohol. The site is located within a commercial center.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

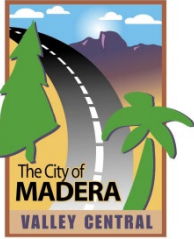
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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.



REPORT TO THE PLANNING COMMISSION

Prepared by:
Provost & Pritchard

Meeting of: April 12, 2022
Agenda Item: 1

SUBJECT

In-N-Out Burger

RECOMMENDATION

Conduct a public hearing and:

1. Adopt a resolution approving CUP 2021-19 and SPR 2021-39, subject to the findings and conditions of approval.

Supplemental Staff Report:

This item was continued from the February 8, 2022 Planning Commission (Commission) hearing. This staff report supplements the report presented to the Commission during the February 8, 2022 meeting. The complete staff report, and packet is attached for reference, as well as written comments received.

PRIOR DISCUSSION AND ACTION

The project was presented to the Commission on February 8th, 2022 where it was motioned to be continued to the March 8th, 2022 Commission meeting with direction to provide additional traffic analysis for the site and the surrounding area. The Commission was particularly concerned with the potential increase of traffic volumes to an area that already experiences traffic issues, particularly on Wednesdays and Sundays during the operation of the Madera Flea Market at the fairgrounds. In order to provide the applicant's traffic consultant enough time to complete additional traffic analysis, the project was again continued to the April 12th, 2022 Commission meeting.

PUBLIC COMMENTS RECEIVED

The City received three comment letters prior to the February 8th, 2022 Commission, which were each read into the record during that hearing. The City has since received an additional six comment letters. All nine comment letters are included as Attachment D of this report.

FOCUSED TRAFFIC ANALYSIS

The applicant submitted a Focused Traffic Analysis (FTA) as part of their original application packet, which was provided as an attachment in the Commission packet for the February 8th, 2022 meeting. The FTA is included as Attachment 11 of the original staff report, which is contained as Attachment C of this report. The FTA, dated June 25, 2021, included trip generation rates for the proposed In-N-Out restaurant, a drive-

through queuing analysis, existing (2021) traffic counts for weekday and Saturday, an intersection Level of Service (LOS) analysis for the project in opening year (2023), and an intersection and driveway queuing analysis for opening year (2023). The analysis contained in the FTA evaluated the opening year conditions with the proposed modification to the existing pork chop island located at the Commons East Access Drive and Cleveland Avenue. As noted in the original staff report, the modification would reconstruct the pork chop island to allow for left turn movements from westbound Cleveland Avenue onto the Commons East Access Drive, which are currently restricted by the pork chop island.

The FTA summarized the net new trips that would result from the proposed In-N-Out. Net new trips account for the replacement of the existing Sugar Pine Smokehouse, which currently generates vehicle trips, being discounted from the anticipated trips from a new In-N-Out Restaurant. Table 2: Project Trip Generation (page 17 of the FTA) identifies a new net daily total of 616 trips on weekdays and 716 trips on Saturday, with a new net peak hour total of 52 trips on weekdays and 103 trips on Saturday.

SUPPLEMENTAL TRAFFIC COUNTS

As noted above under *Prior Discussion and Action*, the Commission continued this item to allow for further study of traffic movements during the Flea Market held on Wednesdays and Sundays at the fairgrounds. The traffic consultant conducted additional intersection turning movement counts through on-site observations on Wednesday and Sunday during the Flea Market hours of operation from 6:00 am to 3:00 pm. The counts collected on Wednesday and Saturday are included in a Traffic Management Plan (TMP), dated April 8, 2022 (Attachment A) augment the information contained in the FTA, which focused on weekday and Saturday operations.

Additional turning movement counts were taken at three intersections, including:

- The Commons Center Access Drive/Cleveland Avenue
- The Commons East Access Drive/Cleveland Avenue
- The Commons West Access Drive/Fairgrounds Loop Road

The traffic consultant also documented existing vehicle queues for the westbound left turn from Cleveland Avenue to The Commons Center Access Drive. Figure 2 of the TMP shows the maximum westbound left turn queues for Cleveland Avenue at The Commons Center Access Drive during the Flea Market hours of operation (6:00 am through 3:00 pm). A peak queue length of 13 cars was observed on Wednesday at 11:45 am. A peak queue length of 25 cars was observed on Sunday at 10 am. The existing peak queue length on Wednesday would not interfere with eastbound left turn movements from Cleveland Avenue accessing properties to the north (i.e., Midland Tractor, Knight's Inn, Perko's, Chevron). The existing peak queue length on Sunday would interfere with some of these movements, limiting access to Midland Tractor, Knight's Inn, and Perko's. These queue lengths represent existing conditions observed in association with operation of the Flea Market.

TRAFFIC MANAGEMENT PLAN

In addition to documenting the additional turning movement counts on Wednesday and Sunday, the TMP also included the net new trips resulting from the In-N-Out for Sunday, which were not previously documented in the FTA. Table 1: Project Sunday Trip Generation (page 6 of the TMP) identifies a new net daily total of 605 trips and a new net peak hour total of 60 trips on Sunday.

Analysis

While net new trips will increase with the In-N-Out, the focus of concern was queuing lengths, particularly along Cleveland Avenue, during the Flea Market hours of operation on Wednesday and Sunday. The TMP analysis focuses on Sunday conditions as they represented a worst-case when compared to Wednesday conditions.

Existing Conditions

As noted above, under *Supplemental Traffic Counts*, a peak queue length of 13 cars was observed on Wednesday at 11:45 am and a peak queue length of 25 cars was observed on Sunday at 10 am. In-N-Out opens at 10:30 am and closes at 1:00 am Monday through Thursday and Sunday and 1:30 am on Friday and Saturday, with peak traffic volumes occurring at 1:00 pm on weekends (Saturday and Sunday). Some overlap with higher queue lengths (over 20 car lengths) are likely at 11:00 am and 11:15 am; however, In-N-Out would not open until after the peak queue length along Cleveland Avenue occurs at 10:00 am on Sunday.

Forecasted Conditions

The TMP also includes a Synchro/SimTraffic analysis focused on simulated Sunday peak hour conditions to assess the net effect of additional trips generated by In-N-Out. The queuing analysis did not show an appreciable worsening of the maximum queue for the westbound left turn lane at The Commons Access Center Drive from Cleveland Avenue. The maximum queue length forecast showed an increase of less than one vehicle with In-N-Out contributing approximately 7.5% of the total number of Sunday midday peak hour trips turning left from Cleveland Avenue.

Recommendations

The TMP presents recommendations for In-N-Out, which focus on operational or signage solutions that are within their control to implement. These are outlined below under the Drive Through Lane Management Plan measures. The TMP also makes recommendations to be implemented by the fairgrounds to address the existing traffic conditions created by the operation of the Flea Market, which are beyond the responsibility and control of In-N-Out to remedy. These recommendations are also outlined below. The intent behind all recommendations is to improve the movement of traffic within the project site and surrounding areas to minimize the impact to queuing lengths within the public rights-of-way (primarily Cleveland Avenue).

Drive Through Lane Management Plan

Traffic control measures presented within the Drive Through Lane Management Plan (page 4 of the TMP) have been added as condition 55 to the Conditions of Approval. This includes implementing the following measures should the drive through lane queue exceed the available storage capacity.

- Delineators shall be installed to block ingress from Fairgrounds Loop Road.
- An In-N-Out associate will use a handheld ordering system and will direct drive through customers to the back of the drive through lane queue.
- Temporary directional signage will be placed on The Commons East Access and Fairgrounds Loop Road to direct drive through customers to enter from the driveway on The Commons East Access.

In addition, condition 53 has been modified to remove reference to a Circulation Management Plan, as that has now been satisfied with the submittal of the above Drive Through Land Management Plan.

Traffic Management Plan (Fairgrounds)

The TMP, on page 3, identifies measures that are recommended to help control traffic in the area associated with the Flea Market. While In-N-Out is not responsible for remedying existing traffic congestion, which occurs in association with the Flea Market, the TMP submitted by the applicant does provide the following recommendations for implementation by the fairgrounds during Sunday operations of the Flea Market to address the traffic concerns that have been identified. Many of these recommendations are similar to those used by the fairgrounds during the Madera Fair.

- A. Install permanent directional signage along Cleveland Avenue, Schnoor Drive, and Dutra Way driveways to direct fairgrounds visitors to Parking Lots C and D.
- B. When Flea Market Parking Lots A and B are full, install temporary signage along internal roads to inform visitors the lots are full and provide directions to additional parking in Lots C and D.

These are recommendations to be implemented first. They are expected to alleviate traffic flow and are anticipated to become more effective over time as patrons of the Flea Market become accustomed to using Parking Lots C and D initially or as Lots A and B become full.

Should queues for the westbound left turn lane at The Commons East Access regularly reach available storage capacity and consistently block the adjacent westbound through lane, the following measure is an available option to be implemented.

- C. If necessary, close ingress only at The Commons East Access with delineators and “Do Not Enter”/directional sign at The Commons East Access during the Sunday peak hours (generally 10:00 am to 12:30 pm and in no event outside the hours of 9:00 am to 2:00 pm).

The fairgrounds and Flea Market are very successful operations within the City. As such, traffic is an existing issue that pre-exists the application for In-N-Out to occupy the subject site. In the event that In-N-Out does not build a restaurant on the site, traffic will continue to be a problem. In-N-Out would be a minor contributor to traffic volumes for the area, as shown in the FTA and the subsequent TMP.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution conditionally approving CUP 2021-19 and a resolution conditionally approving SPR 2021-39. 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 2021-19 and SPR 2021-39, subject to the findings and conditions of approval.

COMMISSION ACTION

The Commission will be acting on CUP 2021-19 and SPR 2021-39. Staff recommends that the Commission:

1. Move to adopt a resolution of the Planning Commission adopting a Finding of Categorical Exemption pursuant to CEQA Guidelines Section 15332 for the project, and approving CUP 2021-19 as conditioned and SPR 2021-39 as conditioned, based on and subject to the findings and conditions of approval as contained in Attachment B.

ALTERNATIVES

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the May 10, 2022 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)
2. Move to continue the public hearing to the May 10, 2022 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

1. Traffic Management Plan, dated April 8, 2022
2. Planning Commission Resolution
3. February 8, 2022 Staff Report for CUP 2021-19 and SPR 2021-39
4. Comment Letters Received (9)

Attachment 1 – Traffic Management Plan dated April 8, 2022



April 8, 2022

Ms. Michelle Bennett, Project Manager
IN-N-OUT BURGER
13502 Hamburger Lane
Baldwin Park, CA 91706

RE: Traffic Management Plan for Madera Flea Market and In-N-Out
Project No. 19379

Dear Ms. Bennett:

Ganddini Group, Inc. is pleased to provide this supplemental Traffic Management Plan for the existing Madera Flea Market and proposed In-N-Out project in the City of Madera, California.

A focused traffic analysis for the proposed project was previously prepared on July 8, 2021. The focused traffic analysis includes evaluation of left turn queuing for various driveways and intersections along the two-way left-turn median lane along Cleveland Avenue between the Commons Center Access and the State Route 99 (SR-99) Southbound Ramps based on the Opening Year (2023) with Project conditions. Additionally, the focused traffic analysis includes an evaluation of the storage capacity for the drive-through lane.

The purpose of this supplemental Traffic Management Plan (TMP) is to evaluate site access conditions during peak hours of operation for the existing Madera Flea Market that takes place on Wednesdays and Sundays. This TMP also provides recommendations to improve any existing deficiencies and maintain adequate circulation with modification of the existing “pork chop” median at The Commons East Access to allow left turn in access from Cleveland Avenue and accommodate addition of the proposed In-N-Out.

The recommendations provided herein are intended to serve as a starting point and may be modified as appropriate based on future observations once the proposed project is in operation and as agreed to by relevant parties (i.e., City of Madera, In-N-Out, and Madera Fairgrounds).

EXISTING CONDITIONS

Existing Circulation and Traffic Controls

Figure 1 shows the existing circulation map for The Commons shopping center and Fairgrounds. The flea market is located at the east end of Fairgrounds Loop Road with parking provided in Lot A and Lot B. Additional parking is also provided in Lot C and Lot D at the south end of The Commons Center Access and the east end of Dutra Way. Based on discussion with Fairgrounds staff, Parking Lot A and Lot B are currently more popular parking areas utilized by flea market patrons, so these two lots typically reach capacity in the morning with heavy inbound traffic on Cleveland Avenue at The Commons Center Access and on Fairgrounds Loop Road. Parking Lot C and Lot D are generally under-utilized even though the website for the flea market directs patrons to utilize these two parking lots.

Existing Volumes and Queuing

Intersection turning movement counts were conducted on a typical Wednesday and Sunday during the flea market hours of operation from 6:00 AM to 3:00 PM in February 2022 at the following key access points most likely to be affected by the proposed “pork chop” median modification:

- The Commons Center Access/Cleveland Avenue
- The Commons East Access/Cleveland Avenue
- The Commons West Access/Fairgrounds Loop Road

Consistent with the focused traffic analysis, the new February 2022 counts were increased by a factor of 1.113 to adjust for pre-lockdown conditions and vehicles making an illegal westbound left turn into The Commons East Access were re-assigned to The Commons Center Access. Vehicle queues were also documented for the existing westbound left turn lane at The Commons Center Access/Cleveland Avenue. Appendix A shows the intersection volume and queuing count worksheets.

Figure 2 graphically shows the observed maximum westbound left turn queues in 15-minute increments for Cleveland Avenue at The Commons Center Access during the flea market hours of operation. As shown on Figure 2, a peak queue of 13 vehicles was observed on Wednesday at approximately 11:45 AM and a peak queue of 25 vehicles was observed on Sunday at approximately 10:00 AM.

Figure 3 illustrates the available storage capacity and the observed peak queues for Wednesday and Sunday conditions. The distance between The Commons Center Access and the raised median at the SR-99 ramps is approximately 800 feet, which can accommodate roughly 32 vehicles. The distance between The Commons East Access and the raised median at the SR-99 ramps is approximately 300 feet, which can accommodate roughly 12 vehicles. As shown in Figure 2 and Figure 3, the existing westbound left turn queues on Cleveland Avenue can be accommodated within the center median for both Wednesday and Sunday conditions without blocking westbound through traffic.

Field observations also indicated that the all-way stop control at The Commons Center Access/Fairgrounds Loop Road causes southbound queues along The Commons Center Access to spill back to Cleveland Avenue, thus contributing to additional queuing in the westbound left turn lane from Cleveland Avenue.

With the proposed In-N-Out project to modify the existing “pork chop” median at The Commons East Access to allow westbound left turn in access from Cleveland Avenue, the westbound left turn storage capacity on Cleveland Avenue between The Commons East Access and the raised median at the SR-99 ramps would be approximately 12 vehicles. As shown on Figure 2, the existing westbound left turn queue lengths on Cleveland Avenue generally did not exceed the 12-vehicle queuing capacity on Wednesday, except by one vehicle for a short duration (less than 15 minutes) at approximately 11:45 AM. Although the proposed “pork chop” modification would allow left turns at The Commons East Access, a portion of the existing westbound left turn volume is expected to continue using the left turn lane at The Commons Center Access. Therefore, no special measures are anticipated to be necessary to manage Wednesday Flea Market conditions. Since the observed queues on Wednesday were substantially less than the observed queue lengths on Sunday, the following sections of this report focus on traffic management measures for peak Sunday Flea Market conditions.

It is important to note that the peak queue of 25 vehicles occurred at approximately 10:00 AM on Sunday before In-N-Out opens. After 1:00 PM (during typical In-N-Out peak on weekends), the existing queues did not exceed 15 vehicles. Therefore, peak hours of operation for the flea market and In-N-Out do not overlap on Sundays.

TRIP GENERATION RATE CALCULATIONS

Table 1 shows the project trip generation forecast on Sundays. Trip generation for the existing sit-down restaurant to be displaced is based on trip generation rates obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (11th Edition, 2021) for High-Turnover (Sit-Down) Restaurant (Land Use Code 932). The Sunday trip rates for In-N-Out are assumed to be same as the Saturday trip rates used in the project's original Focused Traffic Analysis (Ganddini Group, Inc., July 2021) as derived from trip generation surveys of other In-N-Out restaurants throughout California. Furthermore, a 15 percent internal capture adjustment is assumed during Sundays since an appreciable number of customers are expected to be attracted by the existing shopping center and Flea Market. The vehicles associated with these walk-in customers are existing, would remain parked at the Fairgrounds/shopping center parking lots, and thus would not generate new vehicular trips to/from the In-N-Out site.

As shown in Table 1, the proposed In-N-Out project is forecast to result in 605 net new trips per day on Sundays, including 60 net new trips during the Sunday mid-day peak hour.

For context, the westbound left turn lane at The Commons Center Access/Cleveland Avenue has an existing Sunday peak hour volume of 479 trips per hour. Based on the forecast increase of 36 inbound trips from the westbound direction associated with In-N-Out, the In-N-Out project would represent approximately 7.5 percent of the existing volume.

TRAFFIC MANAGEMENT PLAN

Figure 4 illustrates a summary of the following recommended traffic management measures to be implemented by the Fairgrounds/Flea Market on Sundays:

- A. Install permanent directional signage along Cleveland Avenue, Schnoor Drive and Dutra Way driveways to direct Fairgrounds visitors to Parking Lots C and D.
- B. When Flea Market parking lots A and B are full, install temporary signage along internal roads to inform visitors the lots are full and provide directions to additional parking in Lots C and D.

Implementation of Measures A and B are recommended first. These measures are expected to become more effective over time as regular Flea Market patrons become accustomed to the new traffic patterns. For purposes of this analysis, Measures A and B are estimated to redirect at least five percent of the trips currently entering from westbound Cleveland Avenue to Schnoor Drive and Dutra Way driveways.

If queues for the westbound left turn lane at The Commons East Access regularly reach the available storage capacity and consistently block the adjacent westbound through lane, the following measure is available as a "last resort" to discourage queuing at The Commons East Access:

- C. If necessary, close ingress only at The Commons East Access with delineators and "Do Not Enter"/directional sign at The Commons East Access during Sunday peak hours (generally 10:00 AM – 12:30 PM and in no event outside the hours of 9:00 AM to 2:00 PM).

Many of the above measures are similar to those utilized by the Fairgrounds during the annual Madera Fair and may also be extended to other large events as necessary.

Although In-N-Out drive through lane queue is not expected to exceed the proposed on-site storage capacity, Figure 5 shows a drive through lane management plan as a contingency measure should drive through lane

queue exceed expectations, in particular during flea market hours of operation when any off-site spillover into Fairgrounds Loop Road could impact internal circulation for the shopping center/Fairgrounds. The major components of the drive through lane management plan for the In-N-Out project include:

- If drive through lane queue exceeds available storage capacity, close drive through lane ingress from Fairgrounds Loop Road with delineator posts, as necessary.
- In-N-Out associates should implement hand-held ordering and direct drive through customers to the back of the drive through lane queue.
- Install temporary directional signage on The Commons East Access and Fairgrounds Loop Road to direct drive through customer to enter from the driveway on The Commons East Access.

QUEUING CONDITIONS WITH PROJECT AND TMP MEASURES

Implementation of the proposed TMP measures would effectively allow for westbound left turn movements at both The Commons Center Access and East Access during non-Flea Market peak hours, maintain the existing westbound left turn lane access at The Commons Center Access only during Sunday Flea Market peak hours (similar to existing conditions), preclude spillover of left turn queues into the westbound through lanes along Cleveland Avenue, and offset additional vehicles/queues generated by the proposed In-N-Out project. The proposed directional signage is anticipated to redirect a portion of the existing westbound left turn traffic on Cleveland Avenue from The Commons Center Access to alternate parking areas (Lot C and Lot D) at the east end of Dutra Way. The proposed temporary internal direction signage would alert Flea Market patrons when Lots A and B are full and direct them to Lots C and D, thereby reducing congestion associated with vehicles searching for a parking space and minimizing queue spill over into Cleveland Avenue. If necessary, the proposed In-N-Out drive through lane management would minimize any off-site overflow and obstructions to Fairgrounds Loop Road.

A simulated queuing analysis was performed using the Synchro/SimTraffic software suite to assess the potential impact of the proposed In-N-Out project during peak Sunday conditions. While existing queues were not calibrated to observations, the simulation is useful for assessing the net effect of additional trips generated by In-N-Out. Based on the SimTraffic queuing analysis, with implementation of no TMP measures, the proposed In-N-Out project is forecast to cause the average queue to increase by less than one vehicle for the westbound left turn lane at The Commons Center Access/Cleveland Avenue during Sunday peak hour conditions. Additionally, the maximum queue for the proposed westbound left turn in at The Commons East Access is forecast to equal 275 feet, which can be accommodated within the available storage length, assuming the directional signage associated with Measures A and B will redirect at least five percent of the trips currently entering from westbound Cleveland Avenue to Schnoor Drive and Dutra Way driveways. Queue worksheets are provided in Appendix B.

CONCLUSIONS

The proposed In-N-Out project is forecast to result in 605 net new trips per day on Sundays, including 60 net new trips during the Sunday mid-day peak hour.

Figure 4 illustrates a summary of the following recommended traffic management measures to be implemented by the Fairgrounds/Flea Market on Sundays:

- A. Install permanent directional signage along Cleveland Avenue, Schnoor Drive and Dutra Way driveways to direct Fairgrounds visitors to Parking Lots C and D.

Ms. Michelle Bennett
IN-N-OUT BURGER
April 8, 2022

- B. When Flea Market parking lots A and B are full, install temporary signage along internal roads to inform visitors the lots are full and provide directions to additional parking in Lots C and D.

If queues for the westbound left turn lane at The Commons East Access regularly reach the available storage capacity and consistently block the adjacent westbound through lane, the following measure is available as a "last resort" to discourage queuing at The Commons East Access:

- C. If necessary, close ingress only at The Commons East Access with delineators and "Do Not Enter"/directional sign at The Commons East Access during Sunday peak hours (generally 10:00 AM – 12:30 PM and in no event outside the hours of 9:00 AM to 2:00 PM).

With implementation of no TMP measures, the proposed In-N-Out project is forecast to cause the average queue to increase by less than one vehicle for the westbound left turn lane at The Commons Center Access/Cleveland Avenue during Sunday peak hour conditions. Additionally, the maximum queue for the proposed westbound left turn in at The Commons East Access is forecast to equal 275 feet, which can be accommodated within the available storage length, assuming the directional signage associated with Measures A and B will redirect at least five percent of the trips currently entering from westbound Cleveland Avenue to Schnoor Drive and Dutra Way driveways.

The recommendations provided herein are intended to serve as a starting point and may be modified as appropriate based on future observations once the proposed project is in operation and as agreed to by relevant parties. Once the project is in operation, the City of Madera, In-N-Out, and Madera Fairgrounds should monitor circulation for typical daily operations as well as during special events and work cooperatively to implement modifications to the traffic management as necessary.

It has been a pleasure to assist you with this project. Should you have any questions or if we can be of further assistance, please do not hesitate to call at (714) 795-3100.

Sincerely,
GANDDINI GROUP, INC.



Tom Huang, TE
Senior Traffic Engineer



Giancarlo Ganddini, TE, PTP
Principal Traffic Engineer

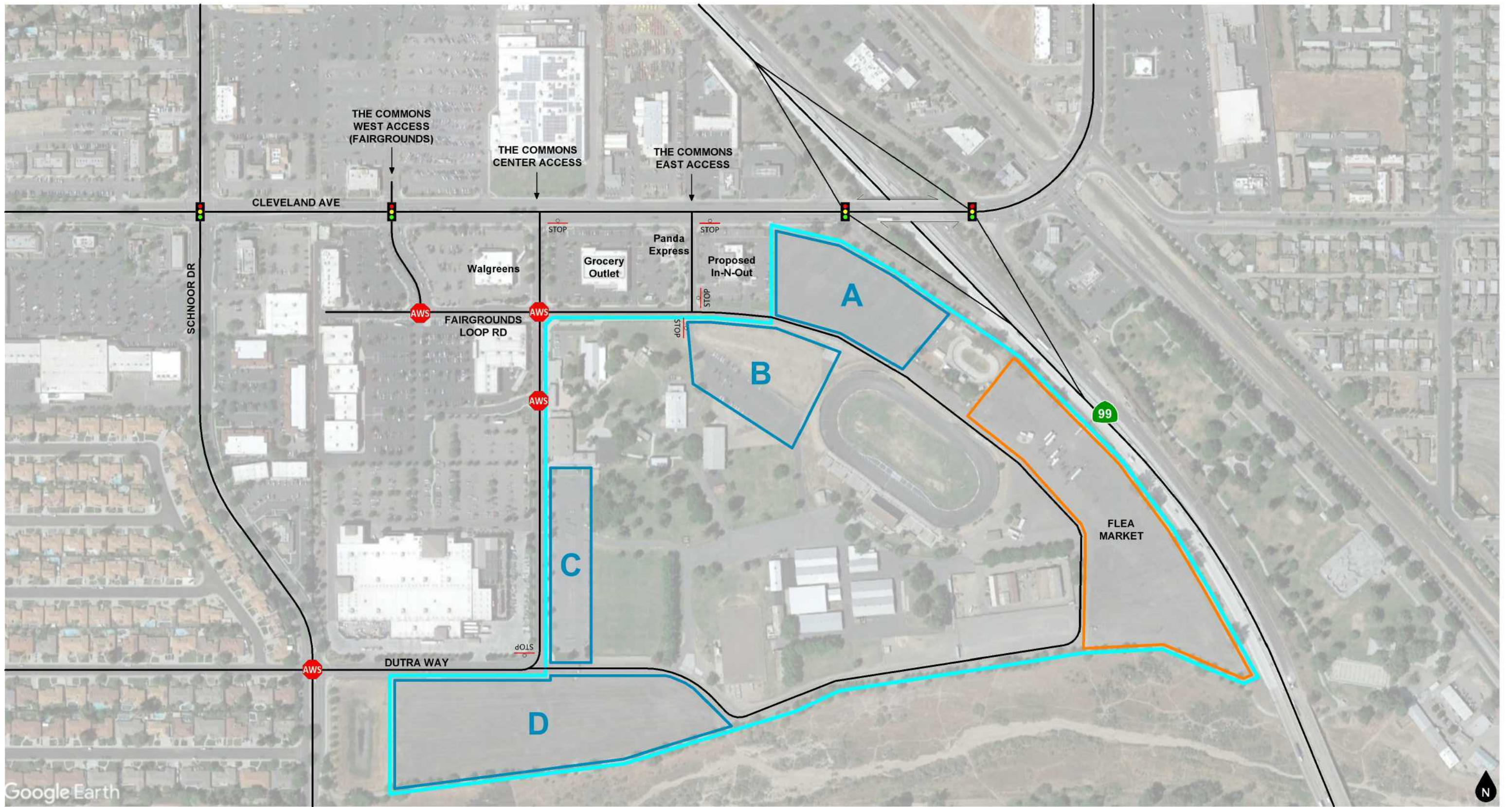
**Table 1
Project Sunday Trip Generation**

Trip Generation Rates							
No.	Land Use	Rate Code ¹	Units ²	Sunday Mid-Day Peak Hour			Sunday Daily
				% In	% Out	Total	
1	High-Turnover (Sit-Down) Restaurant	ITE 932	TSF	50%	50%	19.40	142.64
2	In-N-Out Burger w/ Drive-Thru	Survey ³	TSF	51%	49%	69.04	601.00

Trips Generated							
No.	Land Use	Quantity ²	Sunday Mid-Day Peak Hour			Sunday Daily	
			In	Out	Total		
1	<u>Previous Entitled Use</u>						
	High-Turnover (Sit-Down) Restaurant	6.671 TSF	65	65	130	952	
	Internal Capture During Flea Market ⁶	15% ⁶	-10	-10	-20	-143	
	Pass-By Trips ⁴	40% ⁵	-22	-22	-44	-324	
	Subtotal Net Trips		33	33	66	485	
Total Previous Entitled Use Gross Trips		6.671 TSF	65	65	130	952	
Internal & Pass-By Adjustments			-32	-32	-64	-467	
Total Previous Entitled Use Net Trips with Pass-By Trips			33	33	66	485	
2	<u>Proposed Use</u>						
	In-N-Out Burger w/ Drive-Thru	3.879 TSF	136	132	268	2,331	
	Internal Capture During Flea Market ⁶	15% ⁶	-20	-20	-40	-350	
	Pass-By Trips ⁴	45% ⁵	-52	-50	-102	-891	
	Subtotal Net Trips		64	62	126	1,090	
Total Proposed Use Gross Trips		3.879 TSF	136	132	268	2,331	
Internal & Pass-By Adjustments			-72	-70	-142	-1,241	
Total Proposed Use Net Trips with Trip Reduction			64	62	126	1,090	
Project Net Gross Trip Difference without Trip Reduction			+71	+67	+138	+1,379	
Overall Project Net Trip Difference			+31	+29	+60	+605	

Notes:

- (1) ITE = Institute of Transportation Engineers (ITE) *Trip Generation Manual* (11th Edition, 2021); ### = Land Use Code. Sunday mid-day peak hour trip generation rate for ITE 932 is based on time-of-day distributions provided in the ITE *Trip Generation Manual* appendices indicating that approximately 13.6 percent of the daily trips occur between 12:00 PM - 1:00 PM.
- (2) TSF = Thousand Square Feet
- (3) Based on trip generation surveys of existing In-N-Out restaurants throughout California (see *In-N-Out at 1830 Cleveland Avenue Project Focused Traffic Analysis*, Ganddini Group Inc., July 2021). Sunday trip rates are assumed to be same as Saturday.
- (4) Pass-By Trips: ITE *Trip Generation Handbook* (3rd Edition, 2017).
Table E.30, Land Use Code 932 - High-Turnover (Sit-Down) Restaurant, Average Pass-By Trip Percentage = 43%.
Table E.32, Land Use Code 934 - Fast-Food Restaurant with Drive-Through Window, Average Pass-By Trip Percentage = 50%.
- (5) A more conservative (lower) pass-by trip reduction percentage is utilized in the trip generation calculations.
- (6) A 15% internal capture during Sunday's Flea Market is assumed because some customers will walk over from the Flea Market and shopping center. The vehicles for these walk-in customers will also remain parked at the Flea Market/shopping center parking lots and thus will not generate new vehicle trips.






- Legend
- Fairgrounds Boundary
 - Fairgrounds Parking Lots
 - Flea Market
 -  Traffic Signal
 -  All Way Stop
 -  Stop Sign

Figure 1
Existing Circulation Map

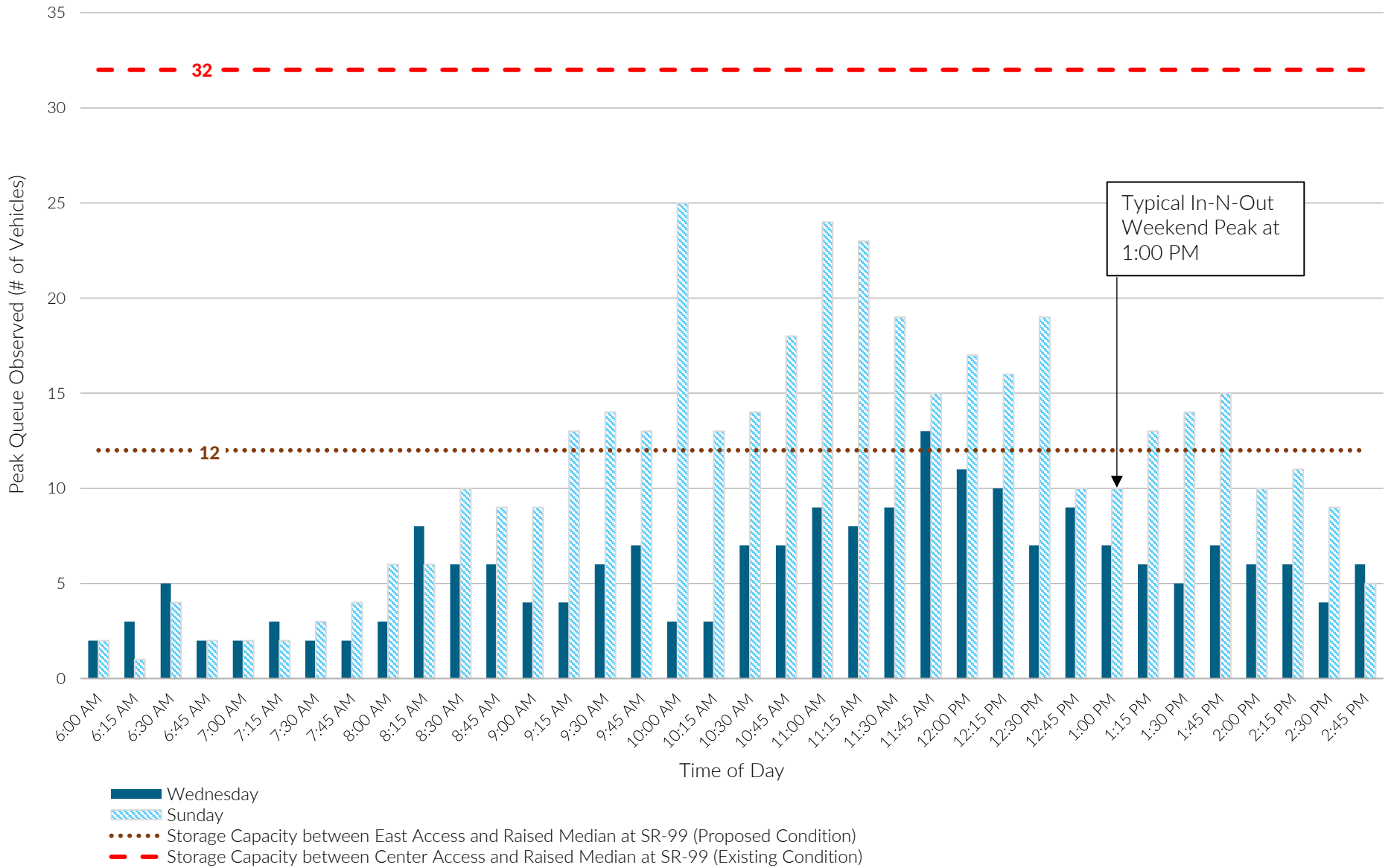


Figure 2
Average Westbound Left Turn Queues on Cleveland Avenue

Madera Flea Market and In-N-Out
 Traffic Management Plan
 19379

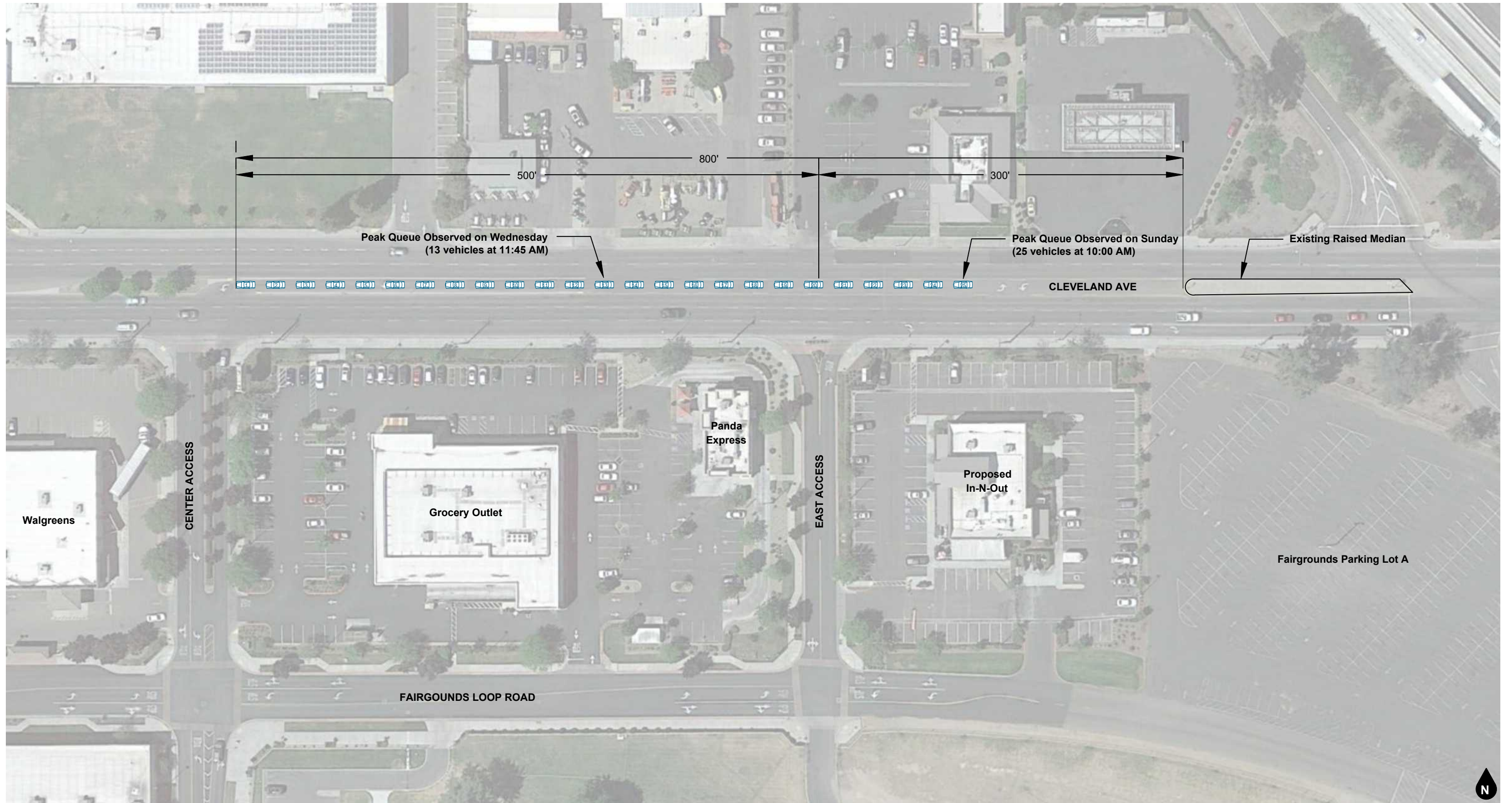
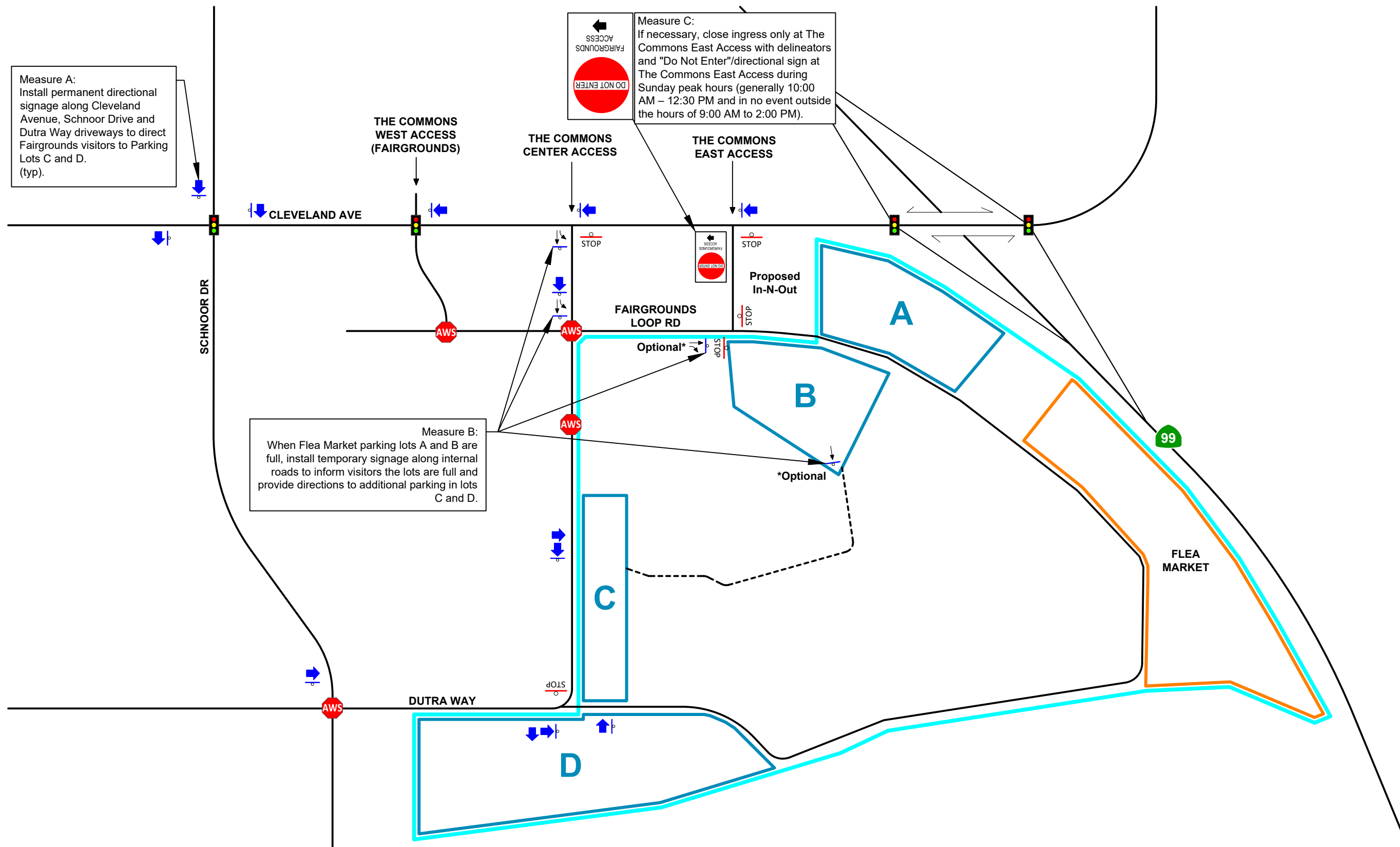


Figure 3
Existing Peak Queues Observed During Flea Market Conditions (6 AM - 3 PM)



Legend

- Traffic Signal
- Permanent Directional Sign
- All Way Stop
- Temporary Directional Sign
- Stop Sign

Example Permanent Directional Signs:

FAIRGROUNDS PARKING

FAIRGROUNDS PARKING

Example Temporary Directional Signs:

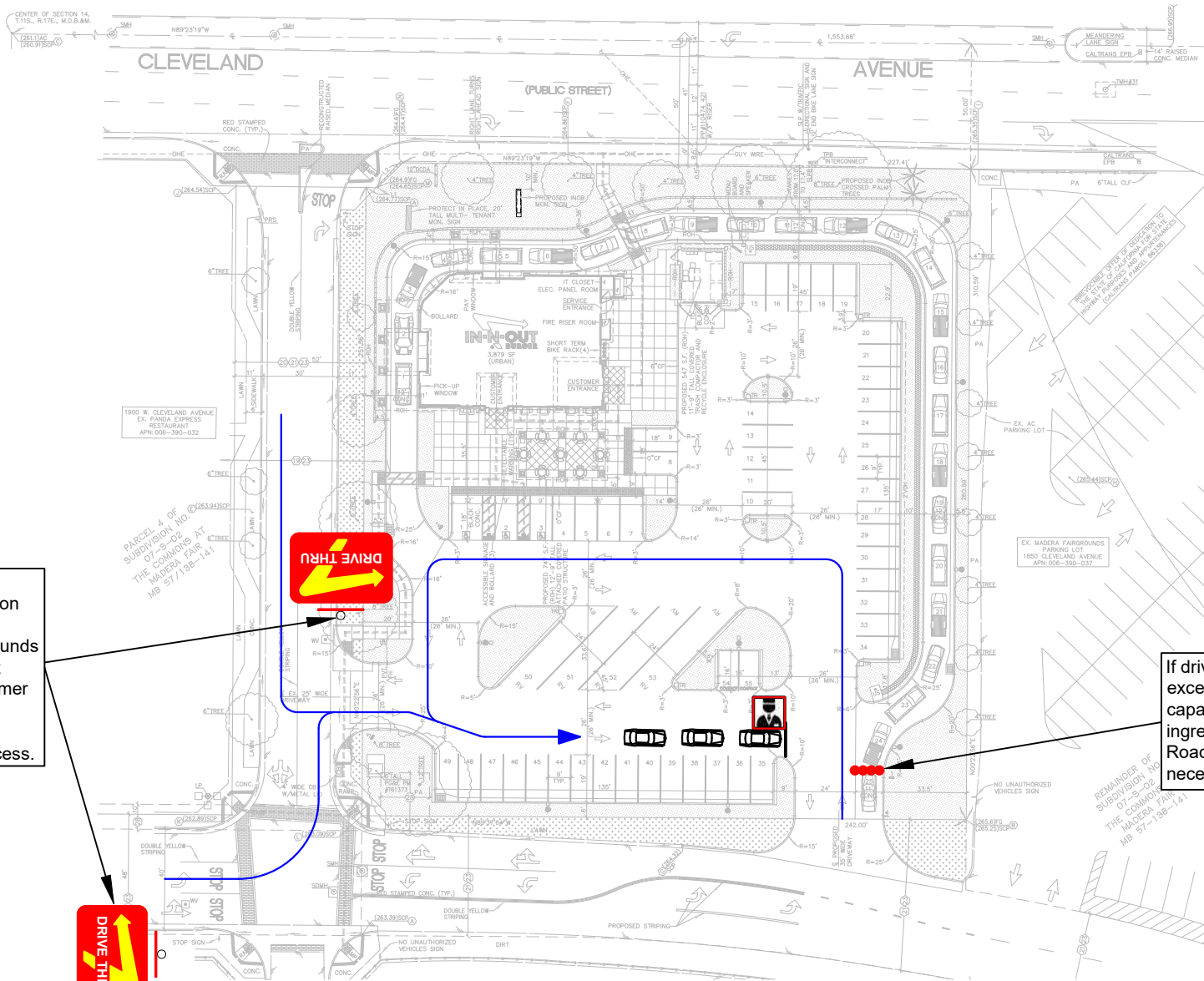
FLEA MARKET
LOT FULL
ADD'L PARKING

FLEA MARKET
LOT FULL
ADD'L PARKING

FLEA MARKET
ADD'L PARKING



Figure 4
Recommended Traffic Management Plan Measures



Install temporary directional signage on the Commons East Access and Fairgrounds Loop Road to direct drive through customer to enter from the driveway on The Commons East Access.

If drive through lane queue exceeds available storage capacity, close drive through lane ingress from Fairgrounds Loop Road with delineator posts, as necessary.



Legend



In-N-Out Associate

Figure 5
In-N-Out Drive Through Lane Management

APPENDIX A

EXISTING INTERSECTION VOLUME AND QUEUING COUNT WORKSHEETS

Queue WB left turn
Madera
The Commons Center Access and C
2/16/2022 Wednesday

Time	Peak Queue Length
6:00 AM	2
6:15 AM	3
6:30 AM	5
6:45 AM	2
7:00 AM	2
7:15 AM	3
7:30 AM	2
7:45 AM	2
8:00 AM	3
8:15 AM	8
8:30 AM	6
8:45 AM	6
9:00 AM	4
9:15 AM	4
9:30 AM	6
9:45 AM	7
10:00 AM	3
10:15 AM	3
10:30 AM	7
10:45 AM	7
11:00 AM	9
11:15 AM	8
11:30 AM	9
11:45 AM	13
12:00 PM	11
12:15 PM	10
12:30 PM	7
12:45 PM	9
1:00 PM	7
1:15 PM	6
1:30 PM	5
1:45 PM	7
2:00 PM	6
2:15 PM	6
2:30 PM	4
2:45 PM	6

Prepared by AimTD LLC
cs@aimtd.com
714.253.7888

Queue WB left turn
Madera
The Commons Center Access and C
2/13/2022 Saturday

Time	Peak Queue Length
6:00 AM	2
6:15 AM	1
6:30 AM	4
6:45 AM	2
7:00 AM	2
7:15 AM	2
7:30 AM	3
7:45 AM	4
8:00 AM	6
8:15 AM	6
8:30 AM	10
8:45 AM	9
9:00 AM	9
9:15 AM	13
9:30 AM	14
9:45 AM	13
10:00 AM	25
10:15 AM	13
10:30 AM	14
10:45 AM	18
11:00 AM	24
11:15 AM	23
11:30 AM	19
11:45 AM	15
12:00 PM	17
12:15 PM	16
12:30 PM	19
12:45 PM	10
1:00 PM	10
1:15 PM	13
1:30 PM	14
1:45 PM	15
2:00 PM	10
2:15 PM	11
2:30 PM	9
2:45 PM	5

Prepared by AimTD LLC
cs@aimtd.com
714.253.7888

INTERSECTION TURNING MOVEMENT COUNTS

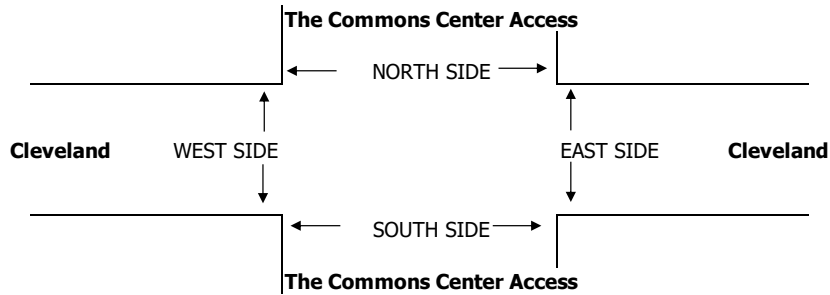
PREPARED BY: AimTD LLC. tel: 714 253 7888 cs@aimtd.com

DATE: Sun, Feb 13, 22	LOCATION: Madera NORTH & SOUTH: The Commons Center Access EAST & WEST: Cleveland	PROJECT #: SC3291 LOCATION #: 1 CONTROL: STOP N
---------------------------------	--	---

NOTES:	AM		▲	
	PM		N	
	MD	◀ W	S	E ▶
	OTHER		▼	

LANES:	NORTHBOUND <small>The Commons Center Access</small>			SOUTHBOUND <small>The Commons Center Access</small>			EASTBOUND <small>Cleveland</small>			WESTBOUND <small>Cleveland</small>			TOTAL
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	
	X	X	1	X	X	X	X	3	0	1	3	X	

	NORTHBOUND <small>The Commons Center Access</small>			SOUTHBOUND <small>The Commons Center Access</small>			EASTBOUND <small>Cleveland</small>			WESTBOUND <small>Cleveland</small>			TOTAL	
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR		
MD	10:00 AM	0	0	40	0	0	0	0	166	10	121	216	0	553
	10:15 AM	0	0	60	0	0	0	0	182	10	117	185	0	554
	10:30 AM	0	0	51	0	0	0	0	199	12	115	195	0	572
	10:45 AM	0	0	53	0	0	0	0	178	20	122	237	0	610
	11:00 AM	0	0	60	0	0	0	0	203	14	91	265	0	633
	11:15 AM	0	0	64	0	0	0	0	195	17	90	279	0	645
	11:30 AM	0	0	84	0	0	0	0	238	9	99	210	0	640
	11:45 AM	0	0	83	0	0	0	0	216	13	111	284	0	707
	12:00 PM	0	0	74	0	0	0	0	239	8	105	223	0	649
	12:15 PM	0	0	85	0	0	0	0	223	8	98	234	0	648
	12:30 PM	0	0	105	0	0	0	0	237	13	89	274	0	718
	12:45 PM	0	0	89	0	0	0	0	231	11	90	230	0	651
	1:00 PM	0	0	97	0	0	0	0	229	16	83	238	0	663
	1:15 PM	0	0	79	0	0	0	0	238	6	83	245	0	651
	1:30 PM	0	0	94	0	0	0	0	233	15	92	256	0	690
	1:45 PM	0	0	81	0	0	0	0	226	15	80	241	0	643
VOLUMES	0	0	1,199	0	0	0	0	3,433	197	1,586	3,812	0	10,227	
APPROACH %	0%	0%	100%	0%	0%	0%	0%	95%	5%	29%	71%	0%		
APP/DEPART	1,199	/	0	0	/	1,755	3,630	/	4,660	5,398	/	3,812	0	
BEGIN PEAK HR	11:45 AM													
VOLUMES	0	0	347	0	0	0	0	915	42	403	1,015	0	2,722	
APPROACH %	0%	0%	100%	0%	0%	0%	0%	96%	4%	28%	72%	0%		
PEAK HR FACTOR	0.826			0.000			0.957			0.897			0.948	
APP/DEPART	347	/	0	0	/	432	957	/	1,275	1,418	/	1,015	0	



INTERSECTION TURNING MOVEMENT COUNTS

PREPARED BY: AimTD LLC. tel: 714 253 7888 cs@aimtd.com

DATE:
Sun, Feb 13, 22

LOCATION:
NORTH & SOUTH:
EAST & WEST:

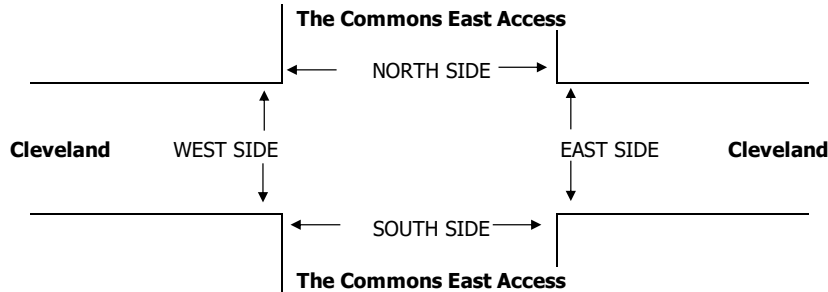
Madera
The Commons East Access
Cleveland

PROJECT #: SC3291
LOCATION #: 2
CONTROL: STOP N/S

NOTES: <p style="text-align: center; color: blue;">Queue EB/WB PM</p>	AM		▲	
	PM		N	
	MD	◀ W		E ▶
	OTHER		S	
	OTHER		▼	

	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			TOTAL
	The Commons Center Access			The Commons Center Access			Cleveland			Cleveland			
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	
LANES:	X	X	1	0	X	0	0	3	0	0	2	0	

MD	10:00 AM	0	0	57	5	0	10	8	191	9	2	339	9	630
	10:15 AM	0	0	57	2	0	12	3	221	13	8	273	6	595
	10:30 AM	0	0	79	5	0	5	4	242	13	16	312	5	681
	10:45 AM	0	0	68	8	0	6	2	225	6	15	348	8	686
	11:00 AM	0	0	65	3	0	7	2	255	6	10	350	12	710
	11:15 AM	0	0	61	6	0	14	6	244	19	15	342	7	714
	11:30 AM	0	0	46	5	0	8	6	292	14	13	292	8	684
	11:45 AM	0	0	51	2	0	9	5	289	15	12	374	6	763
	12:00 PM	0	0	61	4	0	11	9	306	10	3	323	6	733
	12:15 PM	0	0	35	6	0	7	6	292	4	8	329	2	689
	12:30 PM	0	0	29	1	0	9	2	338	9	2	351	6	747
	12:45 PM	0	0	37	1	0	10	6	295	5	6	305	8	673
	1:00 PM	0	0	50	5	0	10	6	336	7	0	308	0	722
	1:15 PM	0	0	45	0	0	7	3	298	13	7	332	3	708
	1:30 PM	0	0	41	4	0	7	2	327	4	2	335	6	728
1:45 PM	0	0	43	4	0	8	2	291	5	6	305	4	668	
VOLUMES	0	0	825	61	0	140	72	4,442	152	125	5,218	96	11,131	
APPROACH %	0%	0%	100%	30%	0%	70%	2%	95%	3%	2%	96%	2%		
APP/DEPART	825	/	167	201	/	271	4,666	/	5,334	5,439	/	5,359	0	
BEGIN PEAK HR	11:45 AM													
VOLUMES	0	0	176	13	0	36	22	1,225	38	25	1,377	20	2,932	
APPROACH %	0%	0%	100%	27%	0%	73%	2%	95%	3%	2%	97%	1%		
PEAK HR FACTOR	0.721			0.817			0.920			0.907			0.961	
APP/DEPART	176	/	40	49	/	63	1,285	/	1,414	1,422	/	1,415	0	



INTERSECTION TURNING MOVEMENT COUNTS

PREPARED BY: AimTD LLC. tel: 714 253 7888 cs@aimtd.com

DATE:
Sun, Feb 13, 22

LOCATION:
NORTH & SOUTH:
EAST & WEST:

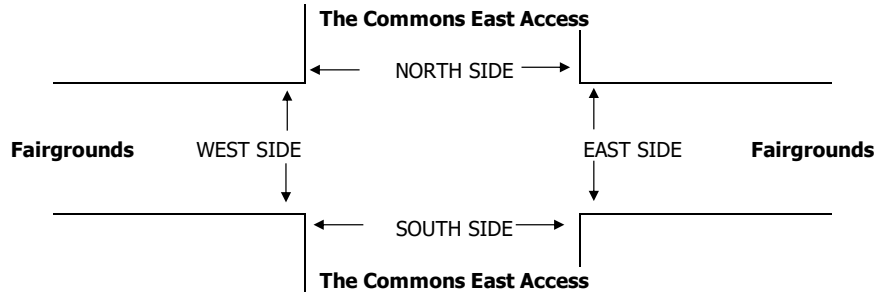
Madera
The Commons East Access
Fairgrounds

PROJECT #: SC3291
LOCATION #: 5
CONTROL: STOP E/W

NOTES:	AM		▲	
	PM		N	
	MD	◀ W	S	E ▶
	OTHER		▼	

	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			TOTAL
	The Commons Center Access			The Commons Center Access			Cleveland			Cleveland			
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	
LANES:	X	X	1	0	X	0	0	3	0	0	2	0	

MD	10:00 AM	13	28	1	5	3	4	5	67	60	1	18	41	246
	10:15 AM	17	21	0	4	3	3	4	75	45	0	22	38	232
	10:30 AM	19	26	2	14	4	8	3	81	28	4	26	44	259
	10:45 AM	19	27	0	17	4	3	8	74	40	5	32	41	270
	11:00 AM	26	34	0	7	2	6	3	56	52	6	32	35	259
	11:15 AM	30	22	1	15	7	11	9	63	45	1	27	36	267
	11:30 AM	36	15	1	16	3	6	4	47	34	8	45	30	245
	11:45 AM	28	16	2	12	3	8	2	67	36	2	42	29	247
	12:00 PM	25	26	1	9	1	7	13	55	36	3	45	38	259
	12:15 PM	37	13	2	9	2	4	6	53	32	1	47	17	223
	12:30 PM	39	6	1	7	1	5	5	44	27	1	45	25	206
	12:45 PM	44	10	2	6	2	5	9	62	29	1	34	22	226
	1:00 PM	33	9	2	4	1	6	3	38	24	0	65	34	219
	1:15 PM	30	16	2	10	0	12	4	42	17	0	53	31	217
	1:30 PM	34	9	2	3	0	3	7	42	21	1	48	28	198
1:45 PM	19	18	0	7	0	7	3	45	13	0	46	32	190	
VOLUMES	449	296	19	145	36	98	88	911	539	34	627	521	3,763	
APPROACH %	59%	39%	2%	52%	13%	35%	6%	59%	35%	3%	53%	44%		
APP/DEPART	764	/	905	279	/	609	1,538	/	1,075	1,182	/	1,174	0	
BEGIN PEAK HR	10:30 AM													
VOLUMES	94	109	3	53	17	28	23	274	165	16	117	156	1,055	
APPROACH %	46%	53%	1%	54%	17%	29%	5%	59%	36%	6%	40%	54%		
PEAK HR FACTOR	0.858			0.742			0.947			0.926			0.977	
APP/DEPART	206	/	288	98	/	198	462	/	330	289	/	239	0	



APPENDIX B
QUEUING ANALYSIS WORKSHEETS

Lanes, Volumes, Timings
 1: The Commons Center Access & Cleveland Ave

04/07/2022



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑↑		↵	↑↑		↵
Traffic Volume (vph)	1018	47	476	1130	0	386
Future Volume (vph)	1018	47	476	1130	0	386
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0	800		0	0
Storage Lanes		0	1		0	1
Taper Length (ft)			0		25	
Lane Util. Factor	0.91	0.91	1.00	0.95	1.00	1.00
Frt	0.993					0.865
Flt Protected			0.950			
Satd. Flow (prot)	5050	0	1770	3539	0	1611
Flt Permitted			0.950			
Satd. Flow (perm)	5050	0	1770	3539	0	1611
Link Speed (mph)	30			30	25	
Link Distance (ft)	509			1029	345	
Travel Time (s)	11.6			23.4	9.4	
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	1072	49	501	1189	0	406
Shared Lane Traffic (%)						
Lane Group Flow (vph)	1121	0	501	1189	0	406
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	0	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes		
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	60.4%
ICU Level of Service	B
Analysis Period (min)	15

Queuing and Blocking Report
Sunday Midday Existing

04/07/2022

Intersection: 1: The Commons Center Access & Cleveland Ave

Movement	EB	EB	EB	WB	NB
Directions Served	T	T	TR	L	R
Maximum Queue (ft)	7	22	22	417	177
Average Queue (ft)	0	1	2	179	65
95th Queue (ft)	4	8	11	323	114
Link Distance (ft)	395	395	395		252
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)				800	
Storage Blk Time (%)					
Queuing Penalty (veh)					

Lanes, Volumes, Timings
 1: The Commons Center Access & Cleveland Ave

04/07/2022



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑↑		↵	↑↑		↵
Traffic Volume (vph)	1043	47	488	1130	0	386
Future Volume (vph)	1043	47	488	1130	0	386
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0	800		0	0
Storage Lanes		0	1		0	1
Taper Length (ft)			0		25	
Lane Util. Factor	0.91	0.91	1.00	0.95	1.00	1.00
Frt	0.994					0.865
Flt Protected			0.950			
Satd. Flow (prot)	5055	0	1770	3539	0	1611
Flt Permitted			0.950			
Satd. Flow (perm)	5055	0	1770	3539	0	1611
Link Speed (mph)	30			30	25	
Link Distance (ft)	509			1029	345	
Travel Time (s)	11.6			23.4	9.4	
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	1098	49	514	1189	0	406
Shared Lane Traffic (%)						
Lane Group Flow (vph)	1147	0	514	1189	0	406
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	0	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes		
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	61.6%
ICU Level of Service	B
Analysis Period (min)	15

Queuing and Blocking Report
Sunday Midday Existing Plus Project (No Left In at East Access)

04/07/2022

Intersection: 1: The Commons Center Access & Cleveland Ave

Movement	EB	EB	EB	WB	NB
Directions Served	T	T	TR	L	R
Maximum Queue (ft)	22	26	25	360	176
Average Queue (ft)	1	1	2	194	77
95th Queue (ft)	6	6	12	320	141
Link Distance (ft)	395	395	395		252
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)				800	
Storage Blk Time (%)					
Queuing Penalty (veh)					

Lanes, Volumes, Timings
 1: The Commons Center Access & Cleveland Ave

04/07/2022



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑↑		↵	↑↑		↵
Traffic Volume (vph)	1043	47	243	1156	0	386
Future Volume (vph)	1043	47	243	1156	0	386
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0	800		0	0
Storage Lanes		0	1		0	1
Taper Length (ft)			0		25	
Lane Util. Factor	0.91	0.91	1.00	0.95	1.00	1.00
Frt	0.994					0.865
Flt Protected			0.950			
Satd. Flow (prot)	5055	0	1770	3539	0	1611
Flt Permitted			0.950			
Satd. Flow (perm)	5055	0	1770	3539	0	1611
Link Speed (mph)	30			30	25	
Link Distance (ft)	509			529	345	
Travel Time (s)	11.6			12.0	9.4	
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	1098	49	256	1217	0	406
Shared Lane Traffic (%)						
Lane Group Flow (vph)	1147	0	256	1217	0	406
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	0	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes		
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	58.4%
ICU Level of Service	B
Analysis Period (min)	15

Lanes, Volumes, Timings 2: The Commons East Access & Cleveland Ave

04/07/2022



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑↑		↵	↑↑		↵
Traffic Volume (vph)	1363	67	243	1386	0	230
Future Volume (vph)	1363	67	243	1386	0	230
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0	300		0	0
Storage Lanes		0	1		0	1
Taper Length (ft)			25		25	
Lane Util. Factor	0.91	0.91	1.00	0.95	1.00	1.00
Frt	0.993					0.865
Flt Protected			0.950			
Satd. Flow (prot)	5050	0	1770	3539	0	1611
Flt Permitted			0.950			
Satd. Flow (perm)	5050	0	1770	3539	0	1611
Link Speed (mph)	30			30	30	
Link Distance (ft)	529			500	354	
Travel Time (s)	12.0			11.4	8.0	
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Adj. Flow (vph)	1363	67	243	1386	0	230
Shared Lane Traffic (%)						
Lane Group Flow (vph)	1430	0	243	1386	0	230
Enter Blocked Intersection	Yes	No	No	Yes	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	0	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane	Yes			Yes		
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)		9	15		15	9
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 55.4% ICU Level of Service B
 Analysis Period (min) 15

Queuing and Blocking Report
 Sunday Midday Existing Plus Project (East Access Open)

04/07/2022

Intersection: 1: The Commons Center Access & Cleveland Ave

Movement	EB	EB	EB	WB	NB
Directions Served	T	T	TR	L	R
Maximum Queue (ft)	7	17	18	172	191
Average Queue (ft)	0	1	2	76	76
95th Queue (ft)	4	11	12	136	138
Link Distance (ft)	395	395	395		252
Upstream Blk Time (%)					0
Queuing Penalty (veh)					0
Storage Bay Dist (ft)				800	
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 2: The Commons East Access & Cleveland Ave

Movement	EB	EB	EB	WB	WB	WB	NB
Directions Served	T	T	TR	L	T	T	R
Maximum Queue (ft)	7	15	44	256	295	144	194
Average Queue (ft)	0	1	4	136	34	9	77
95th Queue (ft)	6	8	22	275	214	109	148
Link Distance (ft)	473	473	473		428	428	262
Upstream Blk Time (%)					1	0	
Queuing Penalty (veh)					7	1	
Storage Bay Dist (ft)				300			
Storage Blk Time (%)				3	0		
Queuing Penalty (veh)				24	0		

Zone Summary

Zone wide Queuing Penalty: 31

Attachment 2 – Resolution

RESOLUTION NO.1903

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING CONDITIONAL USE PERMIT 2021-19 AND
SITE PLAN REVIEW 2021-39 (In-N-Out)**

WHEREAS, Newman Development Group of Madera, LLC (“Owner”) owns APN 006-390-033 in Madera, California (“site”) and has authorized Michelle Bennett (“Applicant”) to submit applications for development on the site; and

WHEREAS, the 1.45-acre site has been previously developed with a 6,940 square foot (sq. ft.) restaurant building and is planned C (Commercial) and zoned C2 (Heavy Commercial) for commercial land uses; and

WHEREAS, the Applicant is seeking Conditional Use Permit (CUP) 2021-19 to allow for operation of a drive through associated with the proposed restaurant.

WHEREAS, the Applicant is seeking Site Plan Review (SPR) 2021-39 to allow for construction of a 3,879 sqft In-N-Out Burger restaurant building and a 747 sq. ft. covered patio area with related site improvements; and

WHEREAS, the existing building will be demolished allowing for new construction on the site; 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 2021-19 and SPR 2021-39 at a duly noticed meeting on February 8, 2022; and

WHEREAS, at the February 8, 2022 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 continued CUP 2021-19 and SPR 2021-39 to the March 8, 2022 Planning Commission hearing with direction to provide additional traffic analysis; and

WHEREAS, the Planning Commission further continued CUP 2021-19 and SPR 2021-39 from the March 8, 2022 Planning Commission hearing to the April 12, 2022 Planning Commission hearing; and

WHEREAS, at the April 12, 2022 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 adopt a Class 32 Categorical Exemption per the California Environmental Quality Act and approve CUP 2021-19 and SPR 2021-39, with conditions.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project 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 polices, as well as with the applicable zoning designation and regulations. The proposed development occurs within City limits on a project site of approximately 1.45 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 CUP 2021-19 and SPR 2021-39: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2021-19 and SPR 2021-39, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.13 (Use Permits) and Section 10-3.4.01 (Site Plan Review). 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 C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). CUP 2021-19 would allow the operation of a drive through which is conditionally allowed within the C2 zone district. CUP 2021-19 is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is suited for commercial uses and the operation of a drive through. The project site is located within a larger commercial development area and is surrounded by other commercial uses to the north and west, as well as public facilities to the east and south. As conditioned, the operation of a drive through for the restaurant on site will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The proposed use will result in the operation of a drive through on the project site. The request will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of people residing or working in the neighborhood.

Findings to Approve a Site Plan Review

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

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). Development of the restaurant use, as proposed under SPR 2021-39, is consistent with the purpose and intent of the C2 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 proposed project is subject to Specific Plan No. 1 and found to be consistent with the Specific Plan intended uses for the site and the conditions of approval ensure the project will not conflict with the development standards applicable to the site or intended use of the site.

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 2021-39 has been reviewed and is consistent with surrounding uses. The project includes the construction of a 3,879 sqft building, with a 747 sqft patio structure, and a drive through lane that meets all the requirements of the Zoning Ordinance and applicable policies. Public improvements will be installed to ensure that vehicular and pedestrian circulation is provided and that utilities on-site will be accommodated consistent with City standards. The site has also been conditioned to implement drive through lane management measures to facilitate traffic flow during peak hours, as needed. Review of the site determined that the project would not result in a significant generation 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 2021-39, as conditioned, will require repairment or replacement of all broken or damaged concrete improvements, including curb, gutter and sidewalk to current City and ADA standards. The recommendations from the FTA have been accommodated in the project

design and conditions of approval. As conditioned, the project will not have a significant impact on traffic or the environment.

4. Approval of CUP 2021-19 and SPR 2021-39: Given that all findings can be made, the Planning Commission hereby approves CUP 2021-19 and SPR 2021-39 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 12th day of April 2022, 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 2021-19 and SPR 2021-39

Exhibit "A"
CUP 2021-19, SPR 2021-39 (In-N-Out)
CONDITIONS OF APPROVAL
April 12, 2022

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 CUP 2021-19 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. Approval for SPR 2021-39 will ultimately be deemed final 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 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 2021-39.**
3. CUP 2021-19 shall expire 12 months 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 10-3.1311, Termination and Revocation).
4. SPR 2021-39 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. Development of the project shall conform to the plans designated by the City as Exhibits A through E subject to the conditions noted herein. Minor modifications to the approved SPR 2021-39 necessary to meet regulatory, engineering, or similar constraints may at the discretion of the Planning Manager without an amendment to CUP 2021-19 and SPR 2021-39. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to CUP 2021-19 and SPR 2021-39 be filed for review and approval through the applicable City process.

7. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
8. 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.
9. 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.
10. Approval of CUP 2021-19 and SPR 2021-39 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

11. 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.
12. CUP 2021-019 and SPR 2021-39 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.
13. 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 CUP 2021-16 and SPR 2021-33. 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 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.
14. 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 CUP 2021-19 and SPR 2021-39 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. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
17. 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.
18. 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.

19. Prior to the issuance of issuance of building permits, the applicant shall identify on the site plan 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

Lighting

20. 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.
21. All parking lot lights/lighting shall be incorporated into landscaped areas.
22. 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.

Landscaping

23. 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.
24. 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; and
 - 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.
 - 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.
25. 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 CUP 2021-19 and SPR 2021-39.

26. 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.
27. Street trees shall be provided in accordance with City standards along the Cleveland Avenue frontage and shall be consistent with the City's Street Master Tree List, as determined by the City.
28. 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

29. As approved under CUP 2021-19 and SPR 2021-39 and shown on the Exhibit A, Site Plan, a minimum of 51 total automobile parking spaces shall be required, as well as four recreational vehicle parking spaces. The required number of ADA compliant parking spaces shall be provided in accordance with the Building Code.
30. 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.
31. 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.
32. Parking spaces shall be designed to be accessible from a public street or alley and will provide maneuverability for standard size automobiles. Designated RV parking spaces shall provide enough space for RVs to circulate through the parking lot and internal drive aisles for the site.
33. 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.

Trash Enclosures

34. 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.
35. All exterior trash facilities should be fully enclosed on all sides by either some type of wall or opaque structure congruent with the massing and design of the principal building.
36. All enclosures must be at least five feet-eight inches (5'8") in height and rise a minimum of six (6) inches above the height of any collector placed within structure.
37. Trash containers/enclosures should not be placed within the public right of way or driveways in such a way that they may potentially cause traffic hazards.
38. Plans for trash enclosure should be drawn to scale and submitted for review.

Signage

39. 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.
40. The project shall comply with all applicable master sign programs. Compliance with master sign programs will be reviewed prior to the issuance of a sign permit.
41. All proposed construction announcement signs used shall conform to the Municipal Sign Ordinance.

Building and Site Aesthetics

42. The construction of all buildings approved as part of CUP 2021-19 and SPR 2021-39 shall be in close conformance with the elevation drawings, as reviewed and approved by the Commission.
43. The construction of buildings approved as part of CUP 2021-19 and SPR 2021-39 shall be consistent with an approved color and materials board and representative color section rendering of the proposed buildings to be reviewed and approved by the Planning Commission. Any substantial alteration shall require Commission approval.
44. 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
45. All electrical/mechanical equipment shall be located within an electrical/mechanical room in the interior of the structure, with exception to transformers.
46. 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.
47. All parking lot lighting shall be incorporated into landscaped areas.
48. Roof access ladders shall be located within the interior of the building.
49. Roof-mounted equipment placements should be completely screened from view and architecturally integrated into the roof using roof wells, continuous building perimeter fascia screening, etc.
50. All rooftop ducts and vents should be directed away from the public street/sidewalk to minimize their appearance, visibility, and noise pollution.

Drive Through (CUP 2021-19)

Conditions 51 through 55 apply specifically to the operation of a drive through as approved under CUP 2021-19.

51. The location of directional signs, menu board, and preview board shall be identified on the site plan prior to building permit submittal. The size and design of the directional signs, menu board, and preview board shall conform to the City's Sign Ordinance, the City of Madera Design and Development Guidelines for Commercial Development, and any other applicable master sign

program. 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.

52. A three-foot decorative masonry block wall shall be constructed along the drive-thru lane perimeter sufficient to screen headlight glare into the public right-of-way and shall be setback a minimum of two (2) feet from the back edge of the sidewalk. The decorative wall shall be reviewed and approved by the Planning Manager prior to issuance of a building permit.
53. The drive-thru stacking lanes shall be developed consistent with Exhibit A, Site Plan. Queuing of vehicles shall not result in the blocking of traffic circulation on-site, shall not impede access to or from parking areas, and shall not impede the flow of traffic within the public rights-of-way.
54. The drive-thru shall be allowed one (1) preview board, one (1) menu board and one (1) digital ordering screen. No additional freestanding signage associated with operation of the drive-thru shall be allowed as a component of the In-N-Out Burger restaurant.
55. Should the drive through lane queue exceed available storage capacity, the following measures shall be implemented during those times:
 - Delineators shall be located to block ingress from Fairgrounds Loop Road.
 - An In-N-Out associate will use a handheld ordering system and will direct drive through customers to the back of the drive through lane queue.
 - Temporary directional signage will be placed on The Commons East Access and Fairgrounds Loop Road to direct drive through customers to enter from the driveway on The Commons East Access.

BUILDING DEPARTMENT

56. At time of submittal for building permit plan check, a minimum of three (3) sets of the following plans to the Building Department is required. Plans shall be prepared by an individual licensed to practice architecture and include the following required drawings drawn to an appropriate scale:
 - a) Site plan bearing City approval or a plan incorporating all site related conditions
 - b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c) Floor plan - The uses of all rooms and activity areas shall be identified on the plans
 - d) All exterior elevations
 - e) Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities
57. 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

58. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
59. 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.
60. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
61. The improvement plans for the project shall include the most recent version of the City's General Notes.
62. The Developer is responsible to confirm whether existing and/or proposed utilities will be in conflict with the proposed improvements. Developer shall coordinate with any impacted utility to resolve the conflict(s).
63. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Water

64. New or existing water service connection(s), including landscape areas, shall be constructed or upgraded 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.
65. Existing water service connection(s) that will not be used for the project shall be abandoned at the mains per City standards.

Sewer

66. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
67. Existing sewer service connection(s) that will not be used for the project shall be abandoned at the mains per current City standards.

Streets

68. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk to current City and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
69. The proposed site plan illustrates the modification of the existing "pork chop" median island at the driveway immediately west of the subject site. The developer has prepared a focused traffic analysis (FTA) addressing this proposal. The FTA has concluded there are no storage or operational impacts created by the modification. Improvement plans shall reflect these modifications, consistent with the FTA.
70. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on Cleveland 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.

71. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 3 for the purpose of participating in the cost of maintaining landscape improvements within said zone.

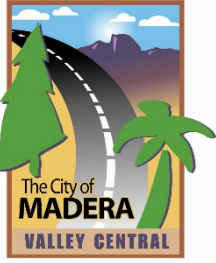
FIRE DEPARTMENT

72. Building Permits are required for the construction of all improvements. Separate permits are required for fire sprinklers, fire alarm and the kitchen hood suppression systems as applicable.
73. A Knox Box must be provided for access. The location of the Knox box shall be subject to the approval of the Fire Department prior to the issuance of building permits.
74. Fire Lanes are required at the site and must be clearly posted.
75. The landscaping may not interfere with access to the existing fire hydrant or FDC.
76. Panic hardware is required. The location of panic hardware shall be subject to the approval of the Fire Department prior to the issuance of building permits.
77. The occupant load must be posted and plainly visible.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD)

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

Attachment 3 – February 8th Staff Report



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: In-N-Out Burger CUP 2021-19 and SPR 2021-39 Item # 3 – February 8, 2022

PROPOSAL: An application for a site plan review (SPR 2021-39) for the construction of a new In-N-Out Burger restaurant on approximately 1.45 acres of land that currently is occupied by the Sugar Pine Smokehouse. As a part of the project, the existing building, parking area, and landscaping will be demolished, resulting in new construction for the In-N-Out Burger restaurant. The applicant has also applied for CUP (CUP 2021-19), which would allow for the operation of a drive through on the project site.

APPLICANT:	Michelle Bennett In-N-Out Burger 13502 Hamburger Lane Baldwin Park, CA, 91706	OWNER:	Newman Development Group of Madera LLC 2255 Van Ness Avenue, Suite 102 San Francisco, CA, 94109
SITE ADDRESS:	1830 W Cleveland Avenue	APN:	006-390-033
APPLICATIONS:	CUP 2021-19, SPR 2021-39	CEQA:	Categorical Exemption 32 (Infill)

LOCATION: The project site, located at the northeasterly corner of The Commons at Madera Fair Shopping Center (The Commons), is bounded by a Madera fairgrounds parking lot to the east, internal drive aisles to the south and west, and West Cleveland Avenue to the north.

STREET ACCESS: The project site has indirect street access from West Cleveland Avenue via the Commons east access and Madera fairgrounds internal drive aisles located to the south and west.

PROJECT SIZE: 1.45 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (*Heavy Commercial*)

SPECIAL PLANNING AREAS: Specific Plan No. 1

SITE CHARACTERISTICS: The project is located at a site that is currently occupied by the Sugar Pine Smokehouse, which would be demolished to facilitate the construction of the new In-N-Out Burger. The project is part of The Commons retail center. As conditioned, the project would result in an approximately 3,879 square foot (sqft) restaurant building, with a 747 sqft covered patio structure. Surrounding uses include commercial businesses to the north and west, Madera fairgrounds to the south, and a fairgrounds parking lot to the east.

ENVIRONMENTAL REVIEW: A Categorical Exemption has been prepared consistent with the California Environmental Quality Act (CEQA). The project would utilize the Class 32 Categorical Exemption, allowed for infill development.

SUMMARY: The applicant, Michelle Bennett of In-N-Out Burger, is proposing SPR 2021-39, for the construction of an approximately 3,879 sqft building (In-N-Out Burger), with a 747 sqft covered structure area, on approximately 1.45 acres. Demolition of the existing Sugar Pine Smokehouse restaurant and related site improvements would be required. The applicant is also applying for CUP 2021-19 (drive through use). Conditions, as appropriate, have been recommended for the site plan (SPR 2021-39) 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 east by a fairgrounds parking lot, to the south by the Madera fairgrounds, to the west by a Panda Express, and to the north by a Perko’s Cafe and Chevron gas station across West Cleveland Avenue. Land to the east and south of the site is planned P&SP (Other Public and Semi-Public Uses) and land to the west and north is planned for C (Commercial) uses. Land to the east and south of the site is zoned PF (Public Facilities), while land to the west and north is zoned C2 (Heavy Commercial).

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	Perko’s Cafe/Chevron	Commercial	C2
East	Fairgrounds parking	Other Public and Semi-Public Uses	PF
South	Fairgrounds	Other Public and Semi-Public Uses	PF
West	Panda Express	Commercial	C2
C2 – (Heavy Commercial) PF – (Public Facilities)			

PROJECT BACKGROUND

The Project site is occupied by a Sugar Pine Smokehouse restaurant building that is 6,940 sqf in size. As a part of the project, the existing building and parking area improvements would be demolished and removed to enable the construction of a new In-N-Out Burger restaurant. The site improvements, including the parking areas would also be reconstructed to facilitate the In-N-Out Burger and associated drive through.

PROJECT PROPOSAL

SPR 2021-39 is a request to construct an In-N-Out Burger restaurant on a 1.45-acre site. The building would be 3,879 sqft in size, with a 747 sqft patio structure. In addition, the application includes CUP 2021-19 which would allow for the operation of a drive through associated with the restaurant building being constructed. Included as a part of the application package for the project was a focused traffic analysis (FTA) (see Attachment 10). The FTA has been reviewed by the City, with considerations identified in the FTA being incorporated into the project design and conditions.

Following is a summary of the applications for Planning Commission review and action:

- Conditional Use Permit 2021-19 for the operation of a drive through, including related signage such as menu boards, related to the restaurant to be located within the proposed building.
- Site Plan Review (SPR) 2021-39 to construct a 3,879 sqft In-N-Out Burger, with a 747 sqft patio structure and drive through lane.

ANALYSIS

Site Plan Review 2021-39

The project is proposing to construct an approximately 3,879 sqft building, with a 747 sqft patio structure. The building will include a drive through lane with two windows, one for payment and one for pickup. The site will include a total of 55 parking spaces (48 standard, three handicap, and four recreational vehicle spaces). The site has sufficient utility service and will 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 as it is located within an existing commercial development area.

Parking

With the construction of a 3,879 sqft restaurant building, and the requirement of one parking space for every three fixed seats provided (122 total seats), a minimum of 41 parking spaces is required. The site will have a total of 55 parking stalls, including three handicap stalls and four recreational parking spaces located on the eastern and southern sides of the building. In addition, the project will provide four bicycle parking spaces in the form of a bike rack located portion the east side of the building.

Landscaping

Development of SPR 2021-39 will be conditioned to conform with the landscape plan submitted by the applicant. 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. Landscaping installed as a part of the project will adhere to the guidelines set forth in the Design and Development Guidelines for Commercial Development.

Elevations

The construction of the building approved under SPR 2021-39 would be conditioned to conform with the elevation drawings submitted and approved by the Planning Commission. Construction of the building would be conditioned to be consistent with the approved color and materials board as approved by the Planning Commission. Review and approval of submitted elevations and material and color boards are required prior to approval of SPR 2021-39.

Public Infrastructure

As conditioned, the project would be responsible for repair or replacement of all broken or damaged concrete improvements within the City right-of-way, including curb, gutter and sidewalk to current City and American with Disabilities Act (ADA) standards. The project would also modify and reconstruct the "pork chop" median island at the drive aisle connecting the project to Cleveland Avenue, immediately west of the project site. The modification would allow for improved safety and circulation for cars entering the site from Cleveland Avenue going westbound.

Conditional Use Permit 2021-19 – Drive Through

CUP 2021-19 is a request to operate a drive through, serving the restaurant use on site. A drive through is compatible with the surrounding properties and is consistent with applicable requirements regulating such use.

Queuing

The drive through lane would have a capacity of approximately 25 cars from the pickup service window to the start of the drive through line. The restaurant would utilize a floating menu/ordering staff to minimize wait times in the queuing line. The FTA prepared for the project recommends a queuing storage of 17 cars. SPR 2021-39 provides a queuing storage quantity of 25 cars (see Attachment 5), exceeding what has been recommended in the FTA. The project will also be required to complete a circulation management plan in order to display how queuing will be managed, in the event that the storage length of 25 cars is exceeded.

Design and Development Standards for Commercial Development

The drive through is subject to specific design standards, as contained in the Design and Development Guidelines for Commercial Development, which provides standards for the design of the drive through as well as criteria for the associated signage, including directional signs, menu boards, and preview boards. The conditions of approval reflect the requirement to identify the location and size of the proposed signage in association with the drive through. The conditions also confirm that a separate sign permit will be required for the proposed signage, in conformance with the standards of the Design Guidelines and the Sign Ordinance as well as any applicable master sign program. Additionally, the conditions require that a block wall of at least three feet in height be provided to screen the drive through from public view.

The operation of the drive through, as conditioned, would be compatible with the surrounding properties and is consistent with applicable requirements and standards regulating such use.

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 would be in an area that is substantially urbanized within the city limits, would be less than 5 acres in size, would not have any value to an at-risk plant or animal species, and would 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 approval of a restaurant with a drive through is not specifically addressed in the vision or action plans, the overall project does indirectly support one of the four visions for the City: Good Jobs and Economic Opportunities. This principle recognizes the need to provide commercial opportunities within the City.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution conditionally approving CUP 2021-19 and a resolution conditionally approving SPR 2021-39. 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 2021-19 and SPR 2021-39, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on CUP 2021-19 and SPR 2021-39 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 2021-19 as conditioned and SPR 2021-39 as conditioned (Motion 1); or
- Continue the hearing to March 8, 2022, 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 applications for CUP 2021-19 and SPR 2021-39 to the March 8, 2022, 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), approving CUP 2021-19 and SPR 2021-39, 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 C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). CUP 2021-19 would allow the operation of a drive through which is conditionally allowed within the C2 zone district. CUP 2021-19 is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is suited for commercial uses and the operation of a drive through. The project site is located within a larger commercial development area and is surrounded by other commercial uses to the north and west, as well as public facilities to the east and south. As conditioned, the operation of a drive through for the restaurant on site will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such

proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The proposed use will result in the operation of a drive through on the project site. The request will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of people residing or working in the neighborhood.

Findings to Approve a Site Plan Review

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

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). Development of the restaurant use, as proposed under SPR 2021-39, is consistent with the purpose and intent of the C2 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 proposed project is subject to Specific Plan No. 1 and found to be consistent with the Specific Plan intended uses for the site and the conditions of approval ensure the project will not conflict with the development standards applicable to the site or intended use of the site.

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 2021-39 has been reviewed and is consistent with surrounding uses. The project includes the construction of a 3,879 sqft building, with a 747 sqft patio structure, and a drive through lane that meets all the requirements of the Zoning Ordinance and applicable policies. Public improvements will be installed to ensure that vehicular and pedestrian circulation is provided and that utilities on-site will be accommodated consistent with City standards. Review of the site determined that the project would not result in a significant generation 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 2021-39, as conditioned, will require repairment or replacement of all broken or damaged concrete improvements, including curb, gutter and sidewalk to current City and ADA standards. The recommendations from the FTA have been accommodated in the project design and conditions of approval. 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 2021-19 and SPR 2021-39 to March 8, 2022, 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 2021-19 and SPR 2021-39 to March 8, 2022, 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-1, Elevations, South and East

Attachment 7: Exhibit B-2, Elevations, North and West

Attachment 8: Exhibit C, Floor Plan

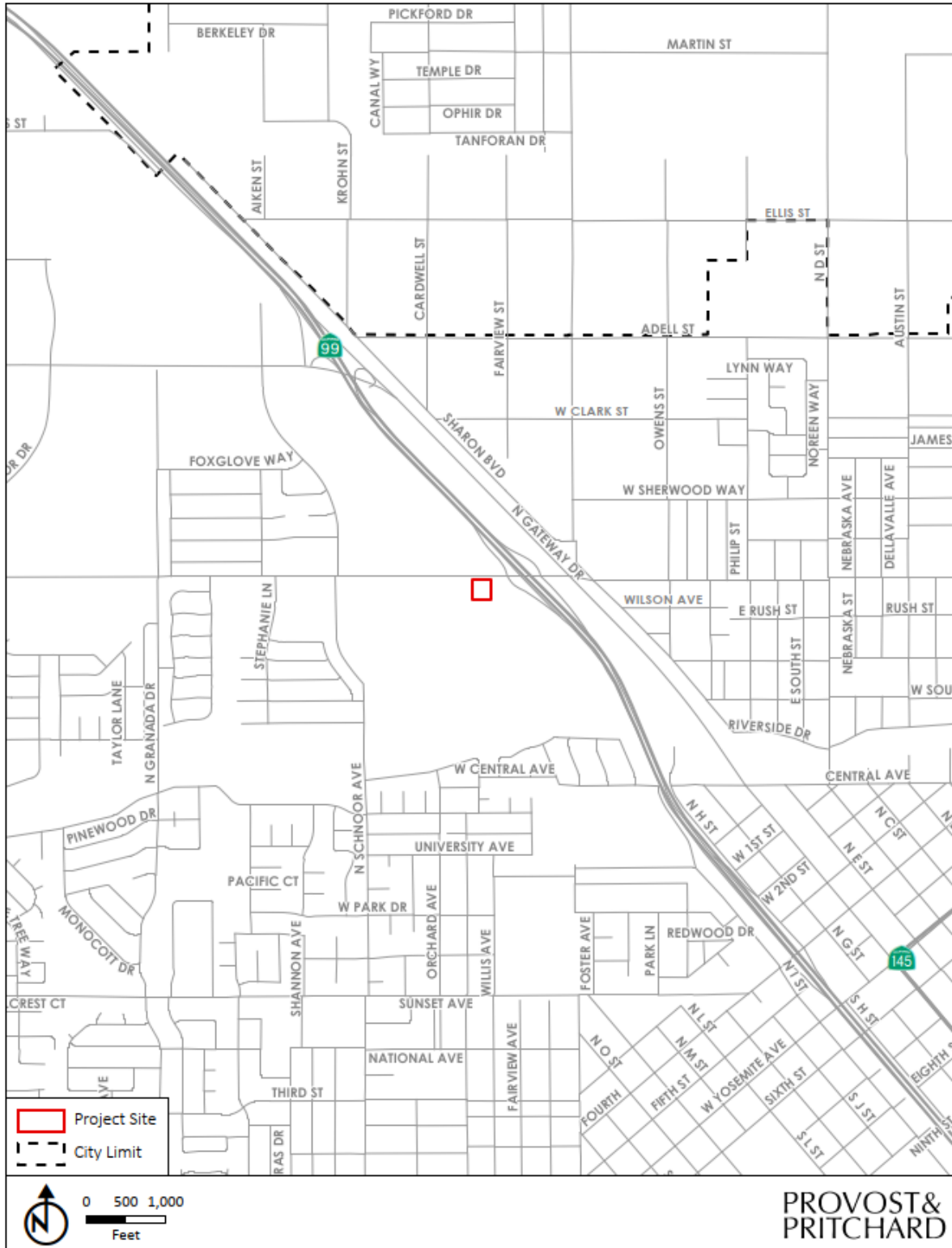
Attachment 9: Exhibit D, Trash Enclosure

Attachment 10: Exhibit E, Landscape Plan

Attachment 11: Focused Traffic Analysis

Attachment 12: Planning Commission Resolution for CUP 2021-19, SPR 2021-39

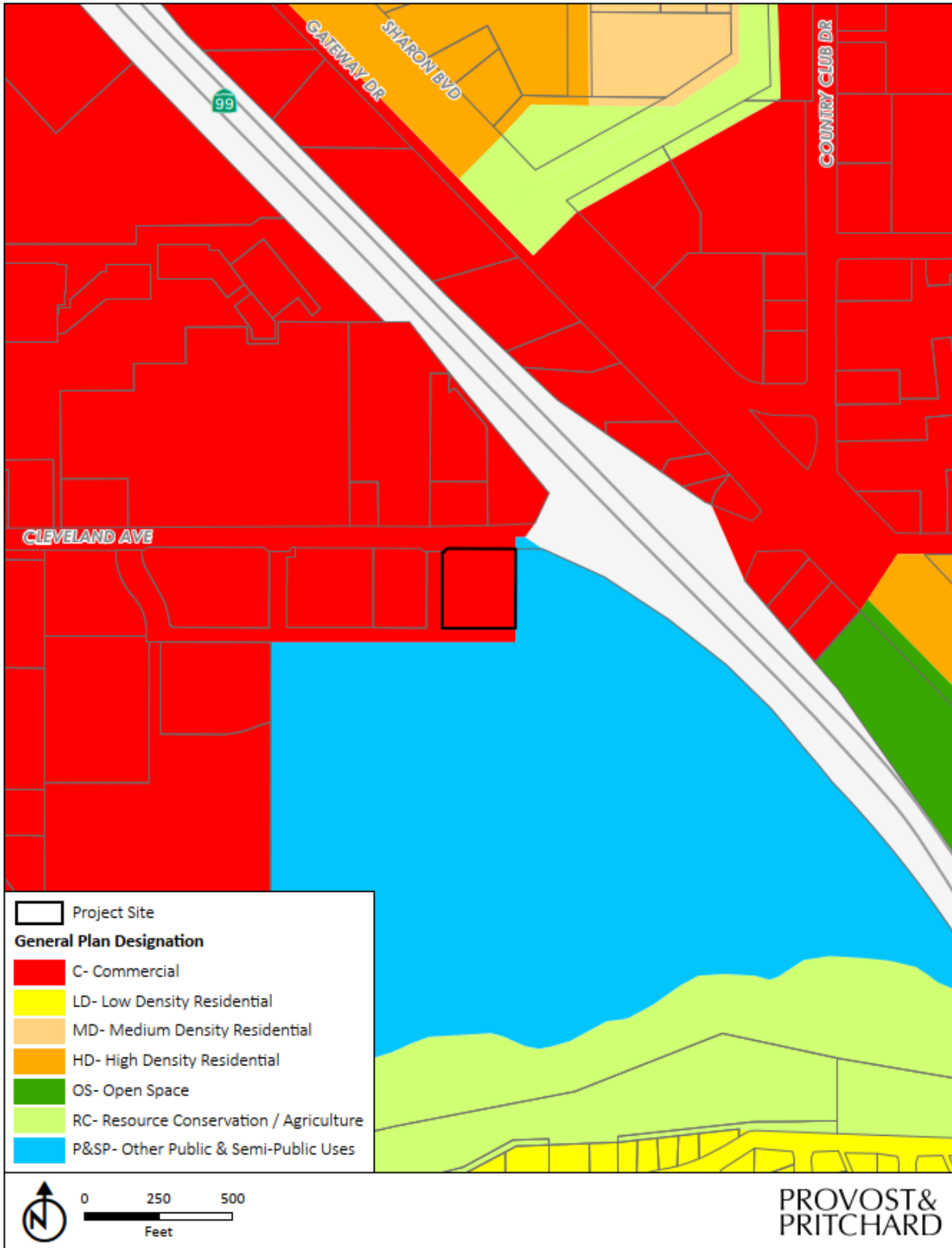
Attachment 1: Vicinity Map



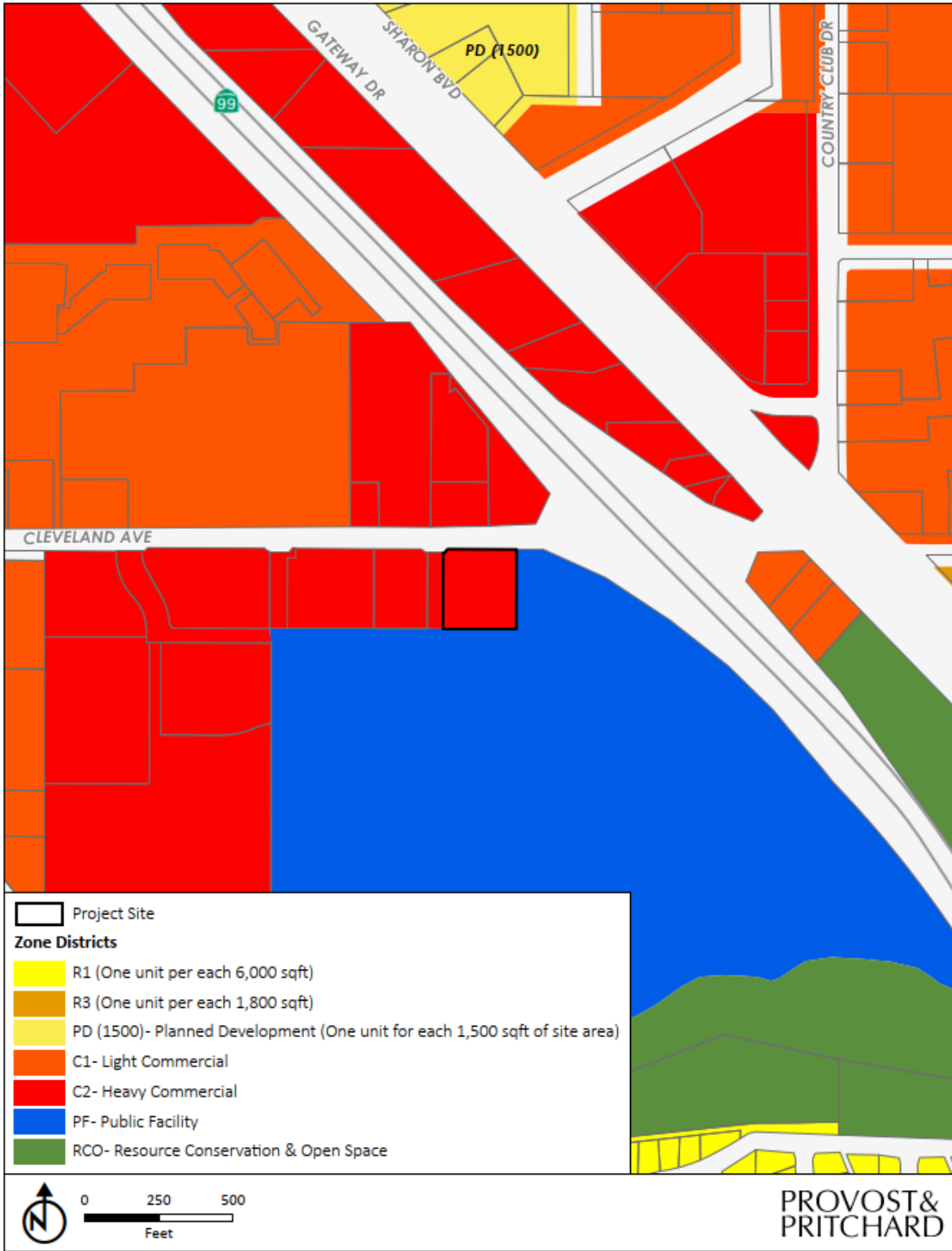
Attachment 2: Aerial Photo



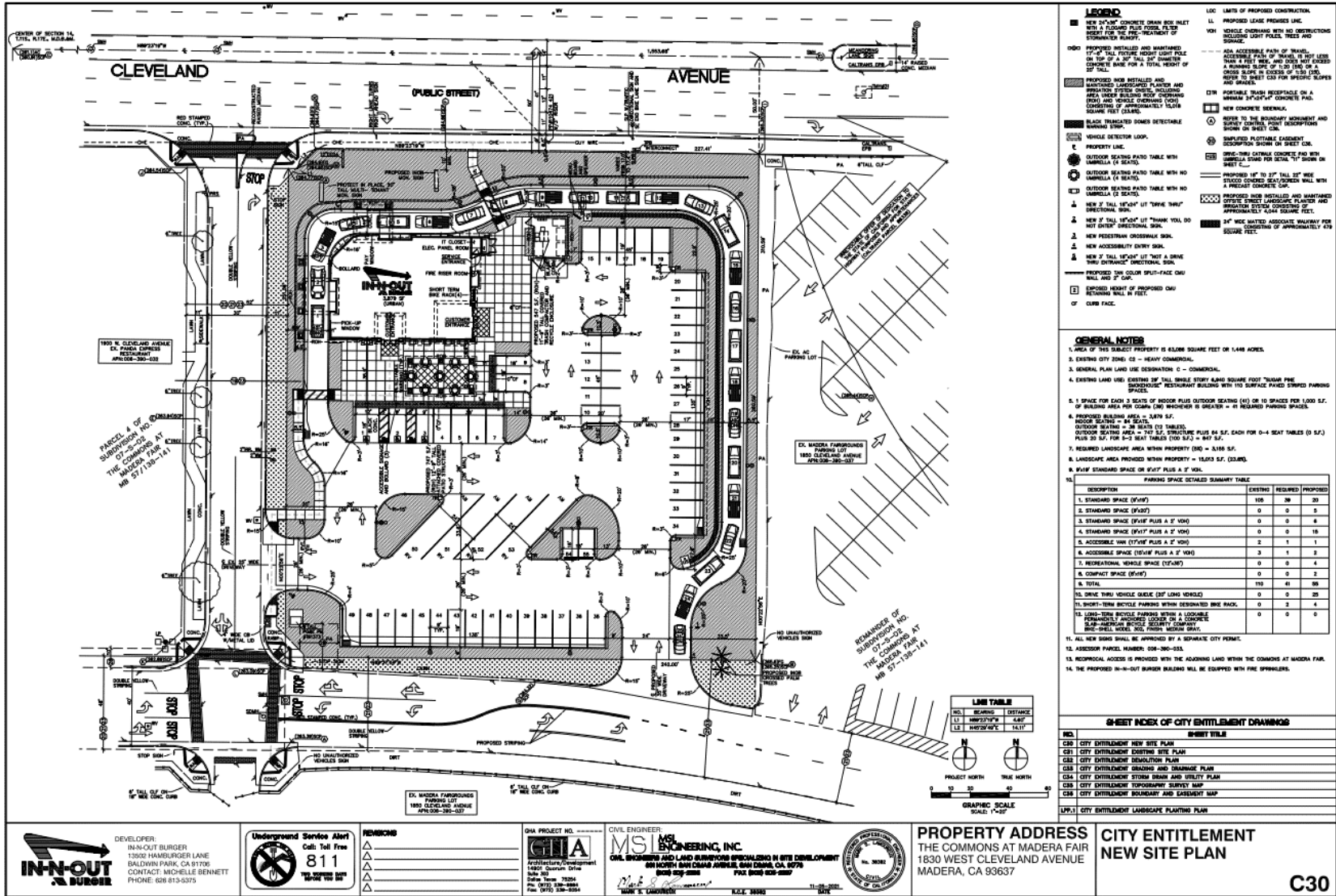
Attachment 3: General Plan Land Use Map



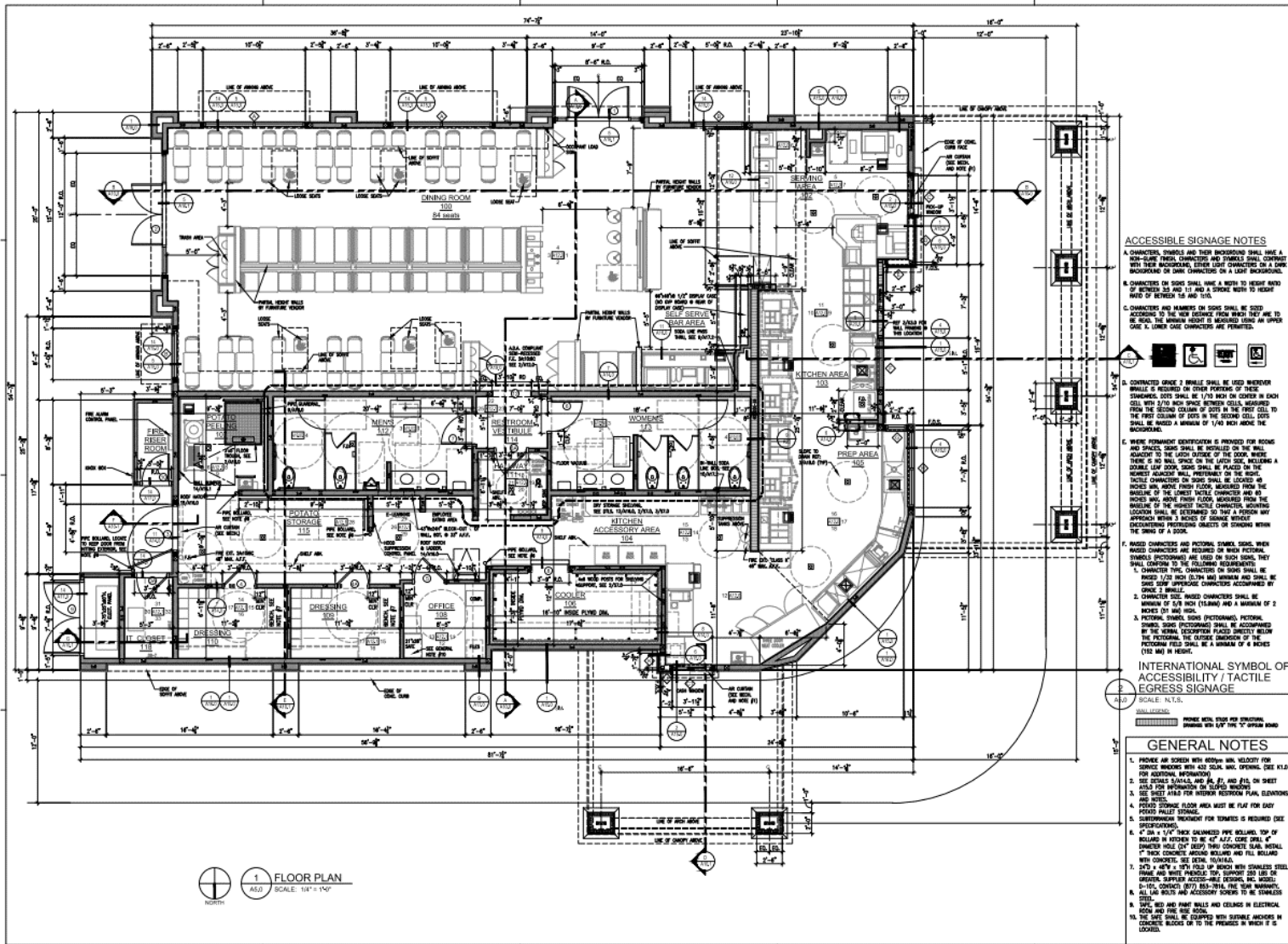
Attachment 4: Zoning Map



Attachment 5: Exhibit A, Site Plan



Attachment 8:Exhibit C, Floor Plan



14301 Quinon Drive
Suite 100
Dallas, Texas 75234
PH: 972.253.6344
FX: 972.253.6345

ISSUE RECORD
DATE: 10/21/2021
DIA CLASSIC PROJECT #10

NO.	DATE	DESCRIPTION

REVISION RECORD

PROFESSIONAL SEAL

PROJECT NAME:
IN-N-OUT BURGER

MADERA CALIFORNIA

1630 WEST CLEVELAND AVE
MADERA, CA 93537

IN-N-OUT BURGER

MADERA CALIFORNIA

1630 WEST CLEVELAND AVE
MADERA, CA 93537



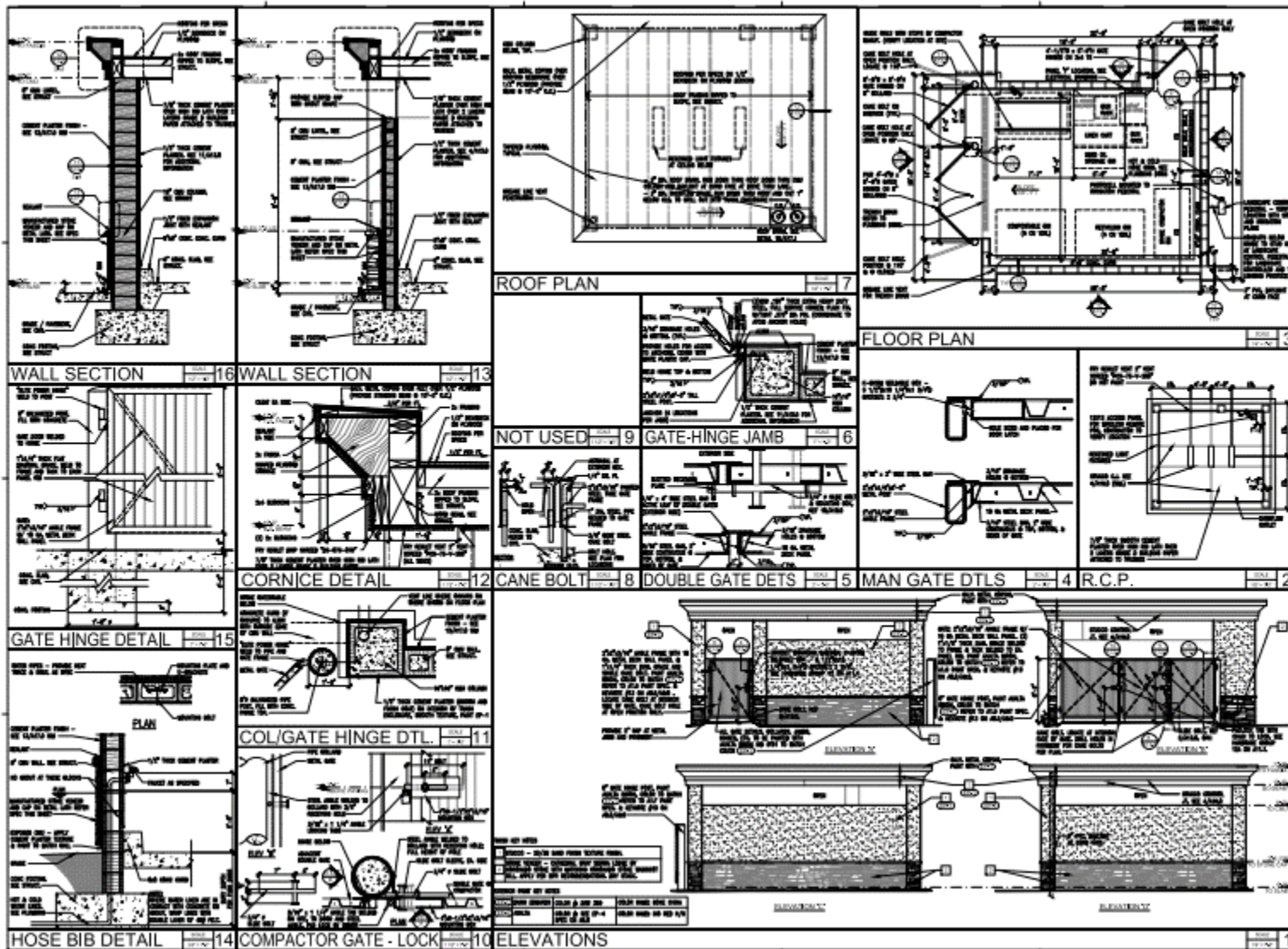
GOD BLESS AMERICA

PROJECT NUMBER
200448

SHEET TITLE
FLOOR PLAN

SHEET NUMBER
A5.0

Attachment 9: Exhibit D, Trash Enclosure



A

1681 Sycamore Drive
 Suite 100
 Chino, Texas 75014
 (940) 621-1111
 www.aarchitect.com

PROJECT NAME
 TRASH ENCLOSURE
 1681 SYCAMORE DRIVE
 CHINO, TEXAS 75014

PROFESSIONAL SEAL

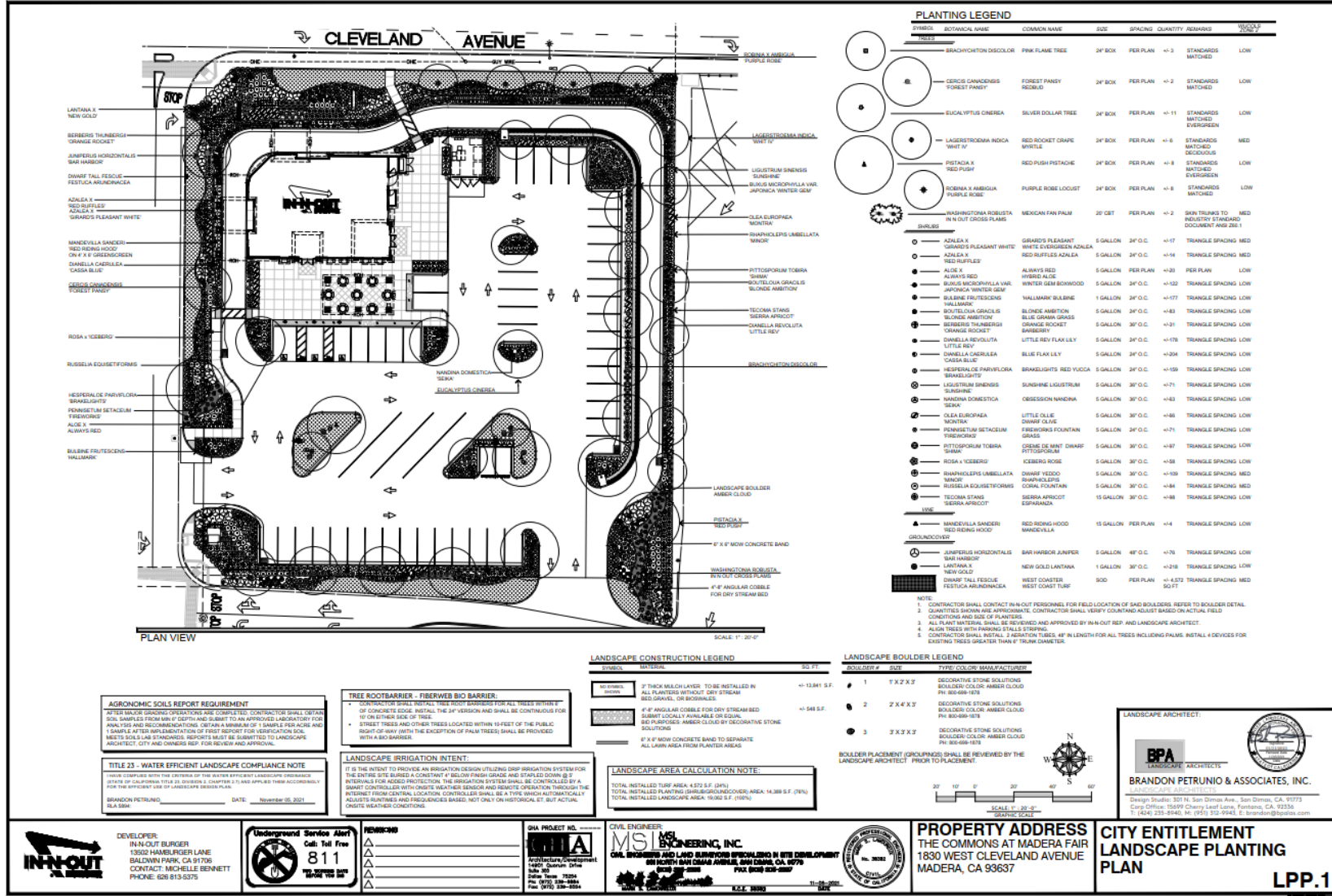
PROJECT NUMBER
 202408

SHEET TITLE
 TRASH ENCLOSURE
 PLANS & ELEVATIONS
 OPTION "B"

DATE
 08/28/2024

A13.0

Attachment 10: Exhibit E, Landscape Plan



Attachment 11: Focused Traffic Analysis

<https://www.madera.gov/wp-content/uploads/2022/02/In-N-Out-Traffic-Study-FINAL.pdf>

Attachment 12: Planning Commission Resolution for CUP 2021-19 and SPR 2021-39

RESOLUTION NO. 1903

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING CONDITIONAL USE PERMIT 2021-19
AND SITE PLAN REVIEW 2021-39 (In-N-Out)**

WHEREAS, Newman Development Group of Madera, LLC (“Owner”) owns APN 006-390-033 in Madera, California (“site”) and has authorized Michelle Bennett (“Applicant”) to submit applications for development on the site; and

WHEREAS, the 1.45-acre site has been previously developed with a 6,940 square foot (sqft) restaurant building and is planned C (Commercial) and zoned C2 (Heavy Commercial) for commercial land uses; and

WHEREAS, the Applicant is seeking Conditional Use Permit (CUP) 2021-19 to allow for operation of a drive through associated with the proposed restaurant.

WHEREAS, the Applicant is seeking Site Plan Review (SPR) 2021-39 to allow for construction of a 3,879 sqft In-N-Out Burger restaurant building and a 747 sqft covered patio area with related site improvements; and

WHEREAS, the existing building will be demolished allowing for new construction on the site; 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 2021-19 and SPR 2021-39 at a duly noticed meeting on February 8, 2022; and

WHEREAS, at the February 8, 2022, 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 adopt a Class 32 Categorical Exemption per the California Environmental Quality Act and approve CUP 2021-19 and SPR 2021-39, with conditions.

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

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

Commission finds and determines that the project 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 polices, as well as with the applicable zoning designation and regulations. The proposed development occurs within City limits on a project site of approximately 1.45 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 CUP 2021-19 and SPR 2021-39: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2021-19 and SPR 2021-39, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.13 (Use Permits) and Section 10-3.4.01 (Site Plan Review). 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 C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). CUP 2021-19 would allow the operation of a drive through which is conditionally allowed within the C2 zone district. CUP 2021-19 is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is suited for commercial uses and the operation of a drive through. The project site is located within a larger commercial development area and is surrounded by other commercial uses to the north and west, as well as public facilities to the east and south. As conditioned, the operation of a drive through for the restaurant on site will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The proposed use will result in the operation of a drive through on the project site. The request will not result in a detriment to

the health, safety, peace, morals, comfort, or general welfare of people residing or working in the neighborhood.

Findings to Approve a Site Plan Review

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

The property is zoned C2 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). Development of the restaurant use, as proposed under SPR 2021-39, is consistent with the purpose and intent of the C2 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 proposed project is subject to Specific Plan No. 1 and found to be consistent with the Specific Plan intended uses for the site and the conditions of approval ensure the project will not conflict with the development standards applicable to the site or intended use of the site.

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 2021-39 has been reviewed and is consistent with surrounding uses. The project includes the construction of a 3,879 sqft building, with a 747 sqft patio structure, and a drive through lane that meets all the requirements of the Zoning Ordinance and applicable policies. Public improvements will be installed to ensure that vehicular and pedestrian circulation is provided and that utilities on-site will be accommodated consistent with City standards. Review of the site determined that the project would not result in a significant generation 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 2021-39, as conditioned, will require repairment or replacement of all broken or damaged concrete improvements, including curb, gutter and sidewalk to current City and ADA standards. The recommendations from the FTA have been accommodated in the project design and conditions of approval. As conditioned, the project will not have a significant impact on traffic or the environment.

4. Approval of CUP 2021-19 and SPR 2021-39: Given that all findings can be made, the Planning Commission hereby approves CUP 2021-19 and SPR 2021-39 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 8th day of February 2022, 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 2021-19 and SPR 2021-39

Exhibit "A"
CUP 2021-19 and SPR 2021-39 (In-N-Out)
CONDITIONS OF APPROVAL
February 8, 2022

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 CUP 2021-19 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. Approval for SPR 2021-39 will ultimately be deemed final 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 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 2021-39.
3. CUP 2021-19 shall expire 12 months 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 10-3.1311, Termination and Revocation).
4. SPR 2021-39 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. Development of the project shall conform to the plans designated by the City as Exhibits A through E subject to the conditions noted herein. Minor modifications to the approved SPR 2021-39 necessary to meet regulatory, engineering, or similar constraints may at the discretion of the Planning Manager without an amendment to CUP 2021-19 and SPR 2021-39. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to CUP 2021-19 and SPR 2021-39 be filed for review and approval through the applicable City process.

7. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
8. 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.
9. 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.
10. Approval of CUP 2021-19 and SPR 2021-39 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

11. 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.
12. CUP 2021-019 and SPR 2021-39 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.
13. 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 CUP 2021-16 and SPR 2021-33. 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 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.
14. 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 CUP 2021-19 and SPR 2021-39 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. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
17. 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.
18. 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.

19. Prior to the issuance of issuance of building permits, the applicant shall identify on the site plan 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

Lighting

20. 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.
21. All parking lot lights/lighting shall be incorporated into landscaped areas.
22. 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.

Landscaping

23. 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.
24. 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; and
 - 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.
 - 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.
25. 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 CUP 2021-19 and SPR 2021-39.

26. 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.
27. Street trees shall be provided in accordance with City standards along the Cleveland Avenue frontage and shall be consistent with the City's Street Master Tree List, as determined by the City.
28. 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

29. As approved under CUP 2021-19 and SPR 2021-39 and shown on the Exhibit A, Site Plan, a minimum of 51 total automobile parking spaces shall be required, as well as four recreational vehicle parking spaces. The required number of ADA compliant parking spaces shall be provided in accordance with the Building Code.
30. 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.
31. 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.
32. Parking spaces shall be designed to be accessible from a public street or alley and will provide maneuverability for standard size automobiles. Designated RV parking spaces shall provide enough space for RVs to circulate through the parking lot and internal drive aisles for the site.
33. 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.

Trash Enclosures

34. 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.
35. All exterior trash facilities should be fully enclosed on all sides by either some type of wall or opaque structure congruent with the massing and design of the principle building.
36. All enclosures must be at least five feet-eight inches (5'8") in height and rise a minimum of six (6) inches above the height of any collector placed within structure.
37. Trash containers/enclosures should not be placed within the public right of way or driveways in such a way that they may potentially cause traffic hazards.
38. Plans for trash enclosure should be drawn to scale and submitted for review.

Signage

39. 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.
40. The project shall comply with all applicable master sign programs. Compliance with master sign programs will be reviewed prior to the issuance of a sign permit.
41. All proposed construction announcement signs used shall conform to the Municipal Sign Ordinance.

Building and Site Aesthetics

42. The construction of all buildings approved as part of CUP 2021-19 and SPR 2021-39 shall be in close conformance with the elevation drawings, as reviewed and approved by the Commission.
43. The construction of buildings approved as part of CUP 2021-19 and SPR 2021-39 shall be consistent with an approved color and materials board and representative color section rendering of the proposed buildings to be reviewed and approved by the Planning Commission. Any substantial alteration shall require Commission approval.
44. 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
45. All electrical/mechanical equipment shall be located within an electrical/mechanical room in the interior of the structure, with exception to transformers.
46. 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.
47. All parking lot lighting shall be incorporated into landscaped areas.
48. Roof access ladders shall be located within the interior of the building.
49. Roof-mounted equipment placements should be completely screened from view and architecturally integrated into the roof using roof wells, continuous building perimeter fascia screening, etc.
50. All rooftop ducts and vents should be directed away from the public street/sidewalk to minimize their appearance, visibility, and noise pollution.

Drive Through (CUP 2021-19)

Conditions 51 through 54 apply specifically to the operation of a drive through as approved under CUP 2021-19.

51. The location of directional signs, menu board, and preview board shall be identified on the site plan prior to building permit submittal. The size and design of the directional signs, menu board, and preview board shall conform to the City's Sign Ordinance, the City of Madera Design and Development Guidelines for Commercial Development, and any other applicable master sign

program. In the event that the City of Madera Sign Ordinance and Design and Development Guidelines for Commercial Development conflict, the stricter requirement shall apply. 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.

52. A three-foot decorative masonry block wall shall be constructed along the drive-thru lane perimeter sufficient to screen headlight glare into the public right-of-way and shall be setback a minimum of two (2) feet from the back edge of the sidewalk. The decorative wall shall be reviewed and approved by the Planning Manager prior to issuance of a building permit.
53. The drive-thru stacking lanes shall be developed consistent with Exhibit A, Site Plan. Queuing of vehicles shall not result in the blocking of traffic circulation on-site, shall not impede access to or from parking areas, and shall not impede the flow of traffic within the public rights-of-way. A circulation management plan shall be submitted to the Planning Department for review and approval to ensure that the queuing of vehicles does not impede circulation or access on- or off-site.
54. The drive-thru shall be allowed one (1) preview board, one (1) menu board and one (1) digital ordering screen. No additional freestanding signage associated with operation of the drive-thru shall be allowed as a component of the In-N-Out Burger restaurant.

BUILDING DEPARTMENT

55. At time of submittal for building permit plan check, a minimum of three (3) sets of the following plans to the Building Department is required. Plans shall be prepared by an individual licensed to practice architecture and include the following required drawings drawn to an appropriate scale:
 - g) Site plan bearing City approval or a plan incorporating all site related conditions
 - h) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - i) Floor plan - The uses of all rooms and activity areas shall be identified on the plans
 - j) All exterior elevations
 - k) Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities
56. 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

57. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
58. 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.

59. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
60. The improvement plans for the project shall include the most recent version of the City's General Notes.
61. The Developer is responsible to confirm whether existing and/or proposed utilities will be in conflict with the proposed improvements. Developer shall coordinate with any impacted utility to resolve the conflict(s).
62. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Water

63. New or existing water service connection(s), including landscape areas, shall be constructed or upgraded 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.
64. Existing water service connection(s) that will not be used for the project shall be abandoned at the mains per City standards.

Sewer

65. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
66. Existing sewer service connection(s) that will not be used for the project shall be abandoned at the mains per current City standards.

Streets

67. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk to current City and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
68. The proposed site plan illustrates the modification of the existing "pork chop" median island at the driveway immediately west of the subject site. The developer has prepared a focused traffic analysis (FTA) addressing this proposal. The FTA has concluded there are no storage or operational impacts created by the modification. Improvement plans shall reflect these modifications, consistent with the FTA.
69. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on Cleveland 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.
70. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 3 for the purpose of participating in the cost of maintaining landscape improvements within said zone.

FIRE DEPARTMENT

71. Building Permits are required for the construction of all improvements. Separate permits are required for fire sprinklers, fire alarm and the kitchen hood suppression systems as applicable.

72. A Knox Box must be provided for access. The location of the Knox box shall be subject to the approval of the Fire Department prior to the issuance of building permits.
73. Fire Lanes are required at the site and must be clearly posted.
74. The landscaping may not interfere with access to the existing fire hydrant or FDC.
75. Panic hardware is required. The location of panic hardware shall be subject to the approval of the Fire Department prior to the issuance of building permits.
76. The occupant load must be posted and plainly visible.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD)

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

Attachment 4 – Comment Letters Received (9)

Brandi Garcia

From: aavargas57@yahoo.com
Sent: Wednesday, February 9, 2022 10:02 AM
To: >Planning Info
Subject: Sugar Pine Smokehouse Restaurant

You don't often get email from aavargas57@yahoo.com. [Learn why this is important](#)

Dear Planning Commission,

Please keep SPS in its current location. This establishment brings a certain classic feel to Madera. An In&Out in the location will bring a lot of traffic to an all ready busy thoroughfare. A great location would be near Pilot or Loves.

Please keep Madera Classic and Cleveland useable.

Thank you,

Angel Vargas

Brandi Garcia

From: Betty Jablonsky <bjabo53@gmail.com>
Sent: Monday, February 28, 2022 7:49 PM
To: >Planning Info
Subject: Suger Pine Smokehouse

You don't often get email from bjabo53@gmail.com. [Learn why this is important](#)

Just enjoyed meeting family and friends at this restaurant. Please do not replace this restaurant with In and Out. Formerly from Madera, I have family and friends still living in and around Madera. Perfect family place to enjoy good food and company. In and Out is a successful FAST Food Enterprise that could never give that same family feel. I live in Southern California and noticed every In and Out tends to purchase an area that does not have enough space to deal with the traffic it tends to attract. There are always lines of cars blocking either business or streets. You as a City also need to take in account the other businesses and people this will impact. I'm sure Madera has other more suitable areas In and Out can locate without losing another successful MADERA Family Business.

Brandi Garcia

From: Christine van Loon <cvanloon9@hotmail.com>
Sent: Monday, February 28, 2022 8:59 PM
To: >Planning Info
Subject: Sugar Pine smokehouse Restaurant vs In and Out

You don't often get email from cvanloon9@hotmail.com. [Learn why this is important](#)

Dear planning commision,

I was just made aware of a possible proposal to tear down the Sugar Pine Smokehouse Restaurant for an In and Out . Why?! That would be a huge mistake. Local owned businesses should be encouraged and supported. I believe they have proven to provide a comfortable setting, good food and wonderful service. Not to mention giving back to the community. There is no good reason to terminate a successful restaurant. Madera needs more nice family restaurants.

That location would be terrible for an In and Out. Every In and Out I have seen , has had backed up traffic. What a safety hazard! Cleveland has constant backed up traffic around the Sugar Pine Restaurant.

In and Out will be successful wherever it is located. It should not have to be one or the other. Madera has room for both.

Thank you for your time,
Christine van Loon

Brandi Garcia

From: Jacqueline Vigil <jfvigil@sbcglobal.net>
Sent: Monday, February 28, 2022 7:34 PM
To: >Planning Info
Subject: Sugar Pine Smokehouse

You don't often get email from jfvigil@sbcglobal.net. [Learn why this is important](#)

Please do not tear down Sugar Pine Smokehouse to be replaced by In-N-Out. There are plenty of other places an In-N-Out can be built and succeed.

Thank you,

Jacqueline F. Vigil

Brandi Garcia

From: Emily Rockhold <emily_rockhold22@yahoo.com>
Sent: Wednesday, February 2, 2022 12:22 PM
To: >Planning Info
Subject: CONCERNED CITIZEN

You don't often get email from emily_rockhold22@yahoo.com. [Learn why this is important](#)

To Whom It May Concern:

My name is Emily Rockhold, I'm 30 years old, and I was born and raised in Madera. I've been an employee of Sugar Pine Smokehouse for just under three years. As a lifelong citizen of this big little town, it would be a true tragedy to see the beautiful building we call home, 1830 W Cleveland ave torn down, especially for something as traffic inducing as In n Out Burger or Dutch Bros!

I can't even get into my job's parking lot on Wednesdays and Sundays because of the Swap Meet traffic. I see accidents all the time during those rushes. I just can't imagine it's a safe or smart decision demographically speaking, respectfully.

Now morally speaking, getting rid of such a great establishment created by the huge-hearted Miss Lisa Gill would be a disservice to our hometown. Sugar Pine Smokehouse is constantly giving back to its community. There are always events and specials going on that benefit the community, the economy, small business, etc. That is what hometown heart is all about. And our establishment has that.

Madera doesn't have anything else quite like Sugar Pine, it is absolutely beloved by so many members of our community and passers by. Please don't take the building, please don't ruin that space with traffic jams, and please consider the family centered wholesomeness that Sugar Pine offers Madera.

Thank you so much for your time.

-Emily Rockhold
559-474-5576

Brandi Garcia

From: Brandi Garcia <bgarcia@madera.gov> on behalf of >Planning Info <planninginfo@madera.gov>
Sent: Monday, February 7, 2022 11:33 AM
To: Sara Allinder; Wyatt Czeshinski
Subject: FW: Suge Pine Smokehouse



Brandi Garcia – Administrative Assistant

City of Madera | Planning Department
205 West 4th Street, Madera, CA 93637
p. (559) 661.5432
bgarcia@madera.gov



From: diane vargas <dizanne1@yahoo.com>
Sent: Thursday, February 3, 2022 5:04 PM
To: >Planning Info <planninginfo@madera.gov>
Subject: Suge Pine Smokehouse

You don't often get email from dizanne1@yahoo.com. [Learn why this is important](#)

Dear Planning Commission,

Please keep SPS in it's current location and place In n Out in a more appropriate location.

SPS is a fantastic local restaurant that we love. The building is like a historical museum. When guests come to town this is our go to place that we're really proud of.

Let's keep Madera strong and local and NOT corporate.

Best regards,
Diane Vargas
559-674-4358

[Sent from Yahoo Mail on Android](#)

Brandi Garcia

From: Derick Gangbin <dgangbin@yahoo.com>
Sent: Wednesday, February 9, 2022 7:54 AM
To: >Planning Info
Subject: Sugar pine restaurant

You don't often get email from dgangbin@yahoo.com. [Learn why this is important](#)

To Whom it may concern:

It has been brought to my attention that Madera plans on removing the Sugar Pine restaurant and replacing it with something else. This is a family owned establishment that has every right to continue to do business in the current location. Please do not remove them from there location to provide room for someone else. This is not an eminent domain issue and might lead to legal action from the current tenants. Myself and many others in this community value having such a business like this to enjoy.

Thank You
Derick Gangbin

ECV Chapter #4149

Brandi Garcia

From: Corrie Van Loon <corrie8756@gmail.com>
Sent: Monday, February 28, 2022 8:15 PM
To: >Planning Info
Subject: NO to In & Out on Cleveland Ave

[You don't often get email from corrie8756@gmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Planning Committee...What are you thinking! The purposed location where Sugar Pine Smokehouse Restaurant presently stands in exchange for a future In & Out Burger, is the most ridiculous, dangerous, unwarranted proposal that could be made by your commission.

I have witnessed & been involved in the horrific traffic congestion in that area. I've seen auto accidents right there in front of the restaurant causing ridiculous back ups. Placing an In & Out Burger there WILL increase the traffic gridlock (as it does at every one of their locations) & bring more danger to drivers & pedestrians in that specific area!

Why replace a unique beautiful full functioning building that actually enhances the area, to put up a common looking run of the mill cookie cutter In & Out Building.

Can't Madera ever have a Upscale place to dine in(at practical prices!)? Why must everything be low end? Always Fast foods? Madera's population is large enough to support a decent Family Owned & Operated Restaurant with delicious food choices.

Sugar Pine Smokehouse Restaurant also does amazing Madera Community Support & Donating!

There are other great areas along Hwy 99 that Madera can place an In & Out Burger that won't bring on the traffic dangers & I'm sure dedicated In & Out Lovers will be happy to drive to. (As long as it's not to Fresno) Please reconsider the idea of Tearing down one business to install another that would be successful just about any where you put it!!!

Madera is large enough to support both these businesses...Leave Sugar Pine Smokehouse where it is!!!

Corrie van Loon

Sent from my iPhone

Brandi Garcia

From: tanna <tannavl@hotmail.com>
Sent: Wednesday, February 2, 2022 12:02 PM
To: >Planning Info
Subject: Sugar Pine Smokehouse

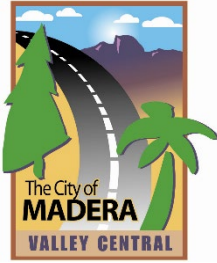
You don't often get email from tannavl@hotmail.com. [Learn why this is important](#)

My name is Tanna van Loon, I am writing on behalf of Sugar Pine Smokehouse. In my opinion, tearing down a beautiful, successful, locally owned business to replace it with a corporate building is absurd and not in the best interest of the city.

Traffic is a huge concern for that area. SPS prides themselves on giving back to the community and providing a place for family food and entertainment. Corporate will not do any of these things. There are many other locations that make sense that wouldn't require tearing down a perfectly good family owned business. I hope this idea gets completely shut down and Sugar Pine can resume being an awesome asset to Madera, without the thought of being shut down any time.

Thank you for your time and consideration

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REPORT TO PLANNING COMMISSION

Prepared by: Robert Smith

Meeting of: April 12, 2022

Agenda Item: 2

SUBJECT:

Amond World Site Plan Review (SPR 2021-41) and related Mitigated Negative Declaration (ENV 2021-61)

This item was continued from the March 8, 2022 Planning Commission (Commission) hearing. The original staff report has been amended to report incorporate the comment letter received on March 7, 2022, one day prior to the March 8, 2022 Commission hearing, from Lozeau Drury, LLP warranting Staff's recommendation to continue the March 8, 2022 Commission hearing to allow time to review and respond to the comments received. Subsequent to the March 8, 2022 Commission hearing, staff received a comment letter from Blum Collins & Ho, LLP. The Lozeau Drury, LLP comment letter and a response to their comments are provided as Attachments 11 and 12, respectively, and the Blum Collins & Ho, LLP comment letter and a response to their comments are provided as Attachments 13 and 14 respectively of this staff report

RECOMMENDATION:

Re-open the public hearing for limited purpose of addressing the comments letters received and responses to the comment letters, and adopt a resolution recommending Planning Commission approve Site Plan Review 2021-41 (SPR 2021-41), subject to conditions of approval, and Mitigated Negative Declaration prepared as detailed in Environmental Assessment 2021-61 (ENV 2021-61), subject to mitigation measures for the Amond World Cold Storage Warehouse Project.

PROPOSAL:

An application to develop a vacant 15.6-acre parcel with construction of a cold storage warehouse of 253,947 square feet (sf) with site improvements including but not limited to on-site parking, landscaping, stormwater treatment, and trash enclosure.

As part of the project the applicant will extend the public right of way, Condor Drive north from Aviation Drive up to and along the entire western property frontage.

Table 1: Project Overview	
<i>Project Number:</i>	Site Plan Review (SPR) 2021-41 and Environmental Assessment ENV 2021-61
<i>Applicant:</i>	Rex Ramsey - VR Design Inc
<i>Property Owner:</i>	Adam Hayner - Origo Madera Cold, LLC
<i>Location:</i>	Existing vacant parcel north of Aviation Drive and west of Golden State Blvd.

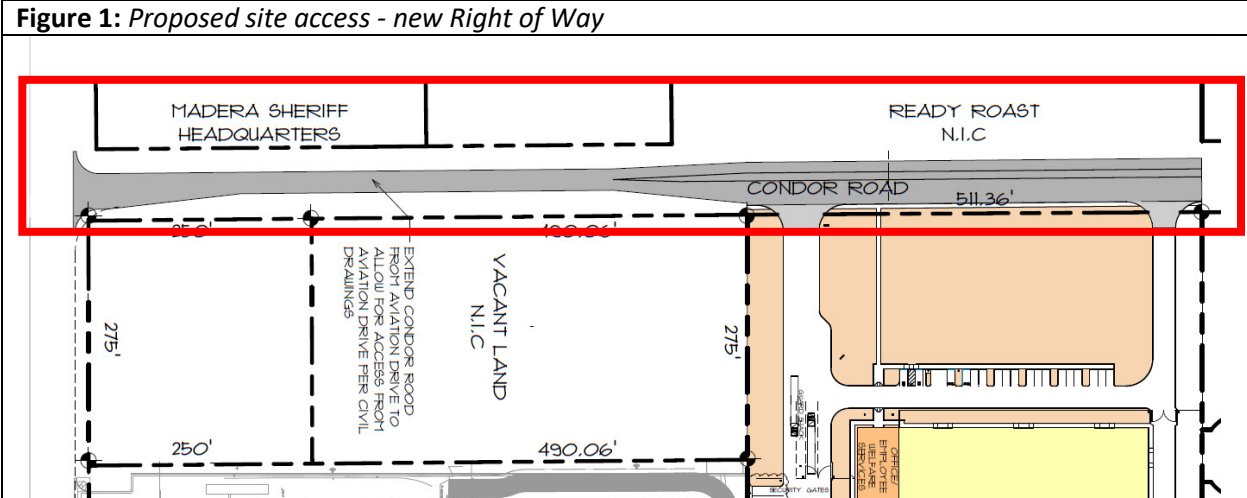
<i>Project Area:</i>	15.6-acres, for a 253,947-sf building
<i>Plan Land Use:</i>	I (Industrial)
<i>Zoning District:</i>	I (Industrial)
<i>Site Characteristics</i>	<p>The site is generally level over the entirety of the site, disced for vegetation management and was formerly agricultural land. The existing biotic condition is ruderal, composed of herbaceous vegetation, with no shrubs or trees present on the site, but large mature trees exist in limited areas along neighboring property lines in the vicinity. Aviation Drive, a single-lane east-west Collector runs along the south of neighboring parcels to the south of the project site.</p> <p>The proposed extension to Condor Drive will create a new public right of way to access the project site. The right of way will be developed at a width of 48' along the length of the property frontage narrowing to 24' at the neighboring parcels to the south and expanding back to 42' at the intersection with Aviation Drive.</p>

SUMMARY:

Construction of a 253,947-sf cold storage warehouse with employee office, shipping office, attached annex building, trash enclosure, on-site parking, loading, site landscaping, stormwater treatment, site fencing, and truck docks is consistent with the General Plan land use and Zoning District. The site will have two access/egress points at the south and north onto Condor Drive. The card access entry gate will provide for site security. Proposed onsite parking consists of surface level stalls for standard vehicles, industrial sized loading stalls for trucks, trailers, and additional Madera Municipal Code (MMC) required loading stalls.

Site Access

Off-site improvements include a new right of way from Aviation Drive, terminating at the northerly property boundary with curb, gutter, installation/extension of public utilities, and other requirements to meet City right of way standards. This constitutes the construction of new City Street sections to connect the site to the existing roadway network.



SURROUNDING LAND USES:

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Vacant, Residential	I – Industrial	I – Industrial
<i>East</i>	Industrial (Madera Self-Storage, DPF Filters)	I – Industrial	I – Industrial
<i>South</i>	Vacant, Industrial	I – Industrial	I – Industrial
<i>West</i>	Industrial (Ready Roast Co.)	I – Industrial	I – Industrial

The project site is surrounded by existing industrial development and vacant land planned and zoned for Industrial development. Surrounding uses include industrial manufacturing to the south (California Custom Processing), Self-Storage to the west and food-processing to the west (Madera Self Storage and Ready Roast Co. respectively), and disced fields to the north and south. To the northeast portion of the Phase II development of the neighboring 15-acre site and approximately 300 feet from this application site are four (4) single-family residential dwellings, located off Boles Street, and accessed from Golden State Blvd.

ANALYSIS:

The MMC establishes procedures for the review and approval of Site Plan Reviews (Section 10-3.4). Section 10-3.1001 through 10-3.1004 of the MMC also establishes standards specific to development within the I (Industrial) zoning districts (Table 2). The proposal is consistent with the Zoning District Standards, General Plan including community design, land use, circulation, infrastructure goals and Specific Plan No. 1.

Table 3: Zone District Development Standards		
<i>Standard</i>	<i>Required</i>	<i>Proposed</i>
Street setback (minimum)	No minimum	0-170 ft. (landscape buffer) 260 and 210 ft (fence) 230 ft. (main building)
Rear and side setback	No minimum	60 ft. north 170 ft. south 200 ft. west
Building height	65 ft.	34 ft.
FAR	0.8 max	0.6
Parking Stalls	26 Vehicle Stalls 2 Accessible Stalls 14 Loading Stalls	26 Vehicle Stalls 2 Accessible Stalls 14 Loading Stalls

Circulation and Parking

The project includes two (2) looped drive isle with two (2) ingress/egress driveways off the proposed Condor Drive extension. The interior surfaced drive isle will serve the warehouse tenant employees, customer parking area, and truck traffic with access to the tenant space and truck loading/unloading docks.

The City's parking standards specifically identify parking ratios for "warehouse space" occupancy (Section 10-3.1205) as follows:

One (1) space for each two (2) employees, plus one (1) space for each 300 sf of office space and customer net floor area.

Section 10-3.1207 (L) Loading spaces:

(1) In any zone, in connection with every building, or part thereof, erected on, or after, August 4, 1978, having a floor area of 5,000 square feet or more, which building is to be occupied by...storage, warehouse...there shall be provided and maintained on the same parcel with such building at least one off-street loading space, plus one additional loading space for each additional 20,000 square feet, or fraction thereof, of gross floor area.

The project meets the required parking standards and includes the office space (6,203 sf) requirement for twenty-one (21) stalls and ten (10) employees, requiring five (5) parking stalls. Warehouse space requires fourteen (14) vehicle loading stalls. Two accessible stalls provided meet the American with Disabilities Act (ADA) requirements.

Site Plan and Elevations

The single story (34' tall at roof pitch and 28' at parapet), pre-engineered metal building is intended for a single tenant. To accommodate the size of trucks and trailers, four truck dock doors are proposed at 4 feet below grade to assist with loading and unloading. Towards the front of the site, a powder coated metal rail fence including security gates to access points will provide site security.

Building Architecture

The City's General Plan Community Design Element Policy CD-62 addresses Goal 13 of the General Plan, which is well-designed industrial development. Policy CD-62 states:

Development in industrial areas which are visible from public roadways and/or from adjacent properties shall incorporate high-quality design principles, including:

- Offices and enclosed structures oriented toward street frontages.
- Building facades that provide visual interest.
- Loading facilities and storage areas which are screened from public view along collectors and arterials.
- Visually appealing fences and walls.
- The use of landscaped buffers around parking lots and industrial structures.

The General Plan further expands on industrial development design within the Land Use Element and Policy LU-28, which states:

To maintain the quality of life and aesthetic value of the major circulation routes used by both industrial and non-industrial traffic; the portions of industrial sites in public view along arterials and collectors shall be subject to the same standards for architectural review as commercial buildings, including architecture, street trees, frontage and parking lot landscaping, and screening of outdoor storage visible from public rights-of-way.

Aviation Drive is a collector street according to the General Plan's Circulation and Infrastructure Element. The project is subject to Policy LU-28 and commercial development standards apply. The project is considered to be a well-designed industrial development with offices oriented to the front, variation in elevation colors to provide visual interest and the utilitarian functions of the use positioned along the south elevation away from the most prominent views. The application of the Commercial Design and Development Guidelines provides for a visually appealing building façade in views from Aviation Drive and State Route 99, in accordance with both General Plan Policies CD-62 and LU-28.

Landscaping

Landscape improvements are proposed along each side of the project property lines (Attachment 5). Enhanced planting is proposed along the westerly project frontage per General Plan Policy CD-62 and LU-28. Incorporating zeroscape encourages native and low water use vegetation. Trees are proposed to the benefit of parking lot shading and building screening. Street trees are secured by condition with species selection in accordance with the City street tree list.

Signage

The proposal is subject to Section 10-6.09 of the City's Sign Regulations. One (1) sign is proposed with this site plan review and a separate sign permit must be applied for specifically approving any sign.

Tenant Occupancy Limitations

The building will be occupied by a single tenant as a permitted use. Should the tenancing circumstances change, the types of uses allowable at the site would be subject to the limitations within the zoning code, which would include, prohibited uses and those specifically restricted by California Building Code.

The project will provide a connection to the Madera Irrigation District detention basin in compliance with the project conditions of approval. Development of the project site will not put additional stress on the City of Madera's public infrastructure and utilities systems. The necessary water, wastewater, storm drainage, and roadway improvements to serve the project site have been reflected in the conditions of approval for SPR 2021-041.

ENVIRONMENTAL REVIEW:

The proposed project has been reviewed for compliance with CEQA. The City has prepared an initial study and determined that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project. The Initial Study/Mitigated Negative Declaration (IS/MND) was published for a 21-day review and comment period commencing on February 12, 2022 and ending on March 7, 2022. This item was continued from the March 8, 2022 Planning Commission meeting to allow Staff time to review and provide responses to public comments received on March 7, 2022 regarding the CEQA Initial Study Mitigated Negative Declaration (ENV 2021-61). Subsequent to March 8, 2022 Planning Commission meeting Staff received additional comments on the proposed project. The public comment letters and responses to the comments received are included in this report as Attachments.

RECOMMENDED ACTION:

The Commission will be acting on the Site Plan Review 2021-41. Staff recommends that the Commission:

1. Move to adopt a resolution of the Planning Commission adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approving Site Plan Review 2021-41, based on and subject to the findings and conditions of approval as contained in Attachment B.

The Commission’s action is final unless appealed for consideration by the City Council.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the application for SPR 2021-41 to the May 10, 2022, 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.)
2. Move to continue the application for SPR 2021-41 to the May 10, 2022 Planning Commission hearing with direction to staff with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. General Plan Land Use Map
4. Zoning Map
5. Site Plan
6. Elevations
7. Landscape Plan
8. Planning Commission Resolution for SPR 2021-41
9. Initial Study/ Mitigated Negative Declaration (IS/MND) for SPR 2021-41
10. Plan set
11. Comment Letter from Lozeau Drury
12. Response Letter to Lozeau Drury Comment Letter
13. Comment Letter from GSEJA
14. Response Letter to GSEJA Comment Letter

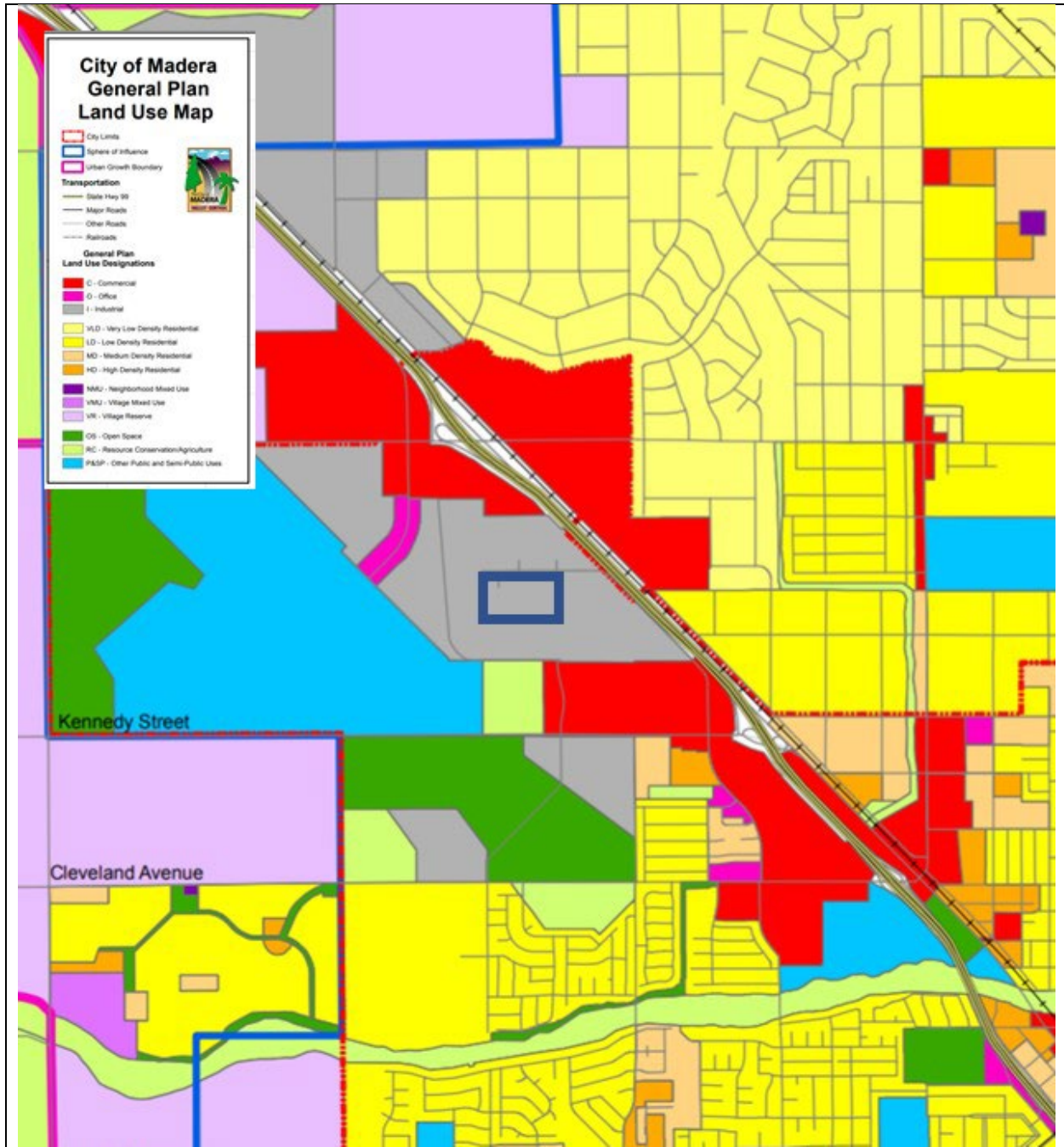
Attachment 1: Vicinity Map



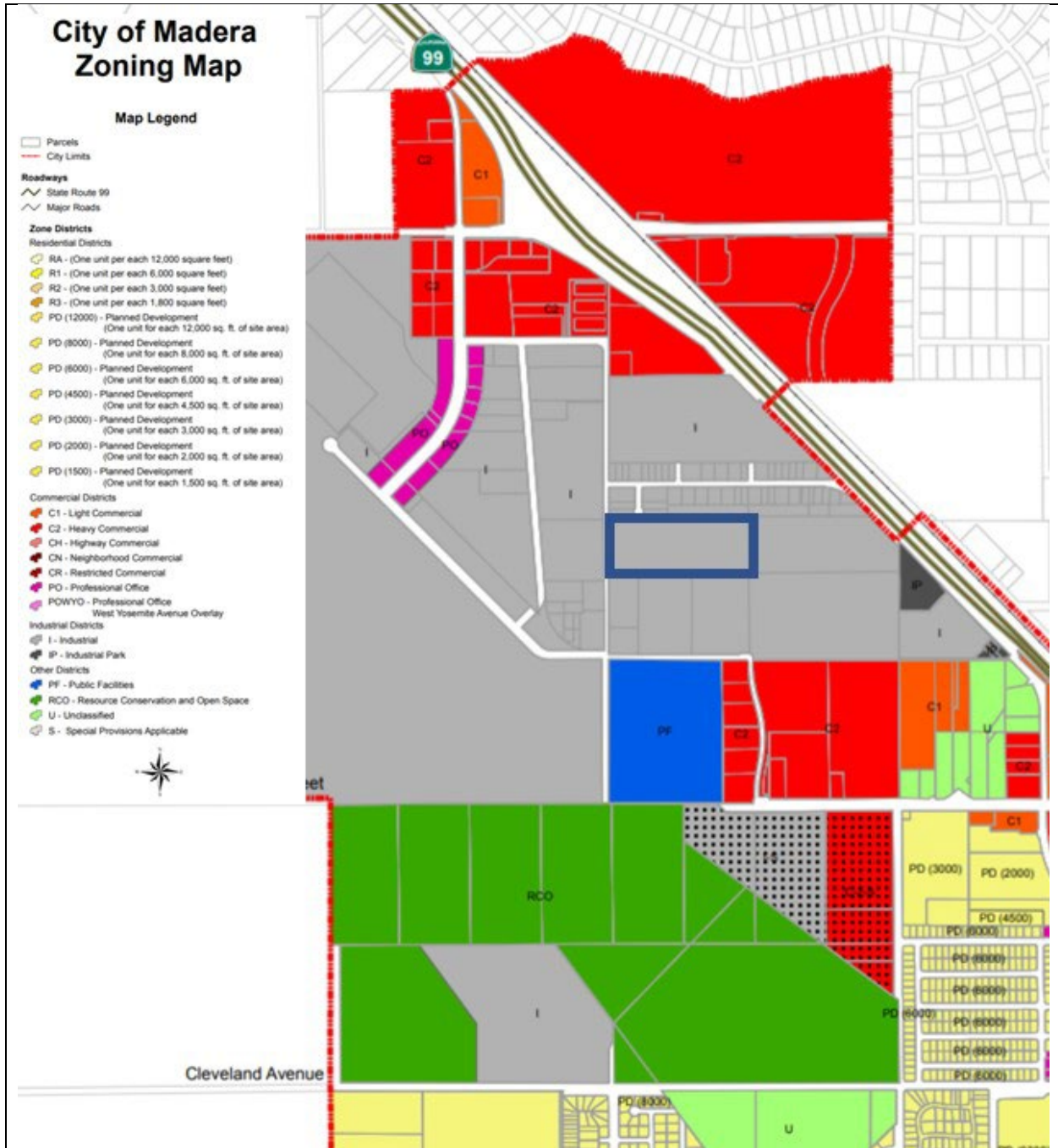
Attachment 2: Aerial Photo



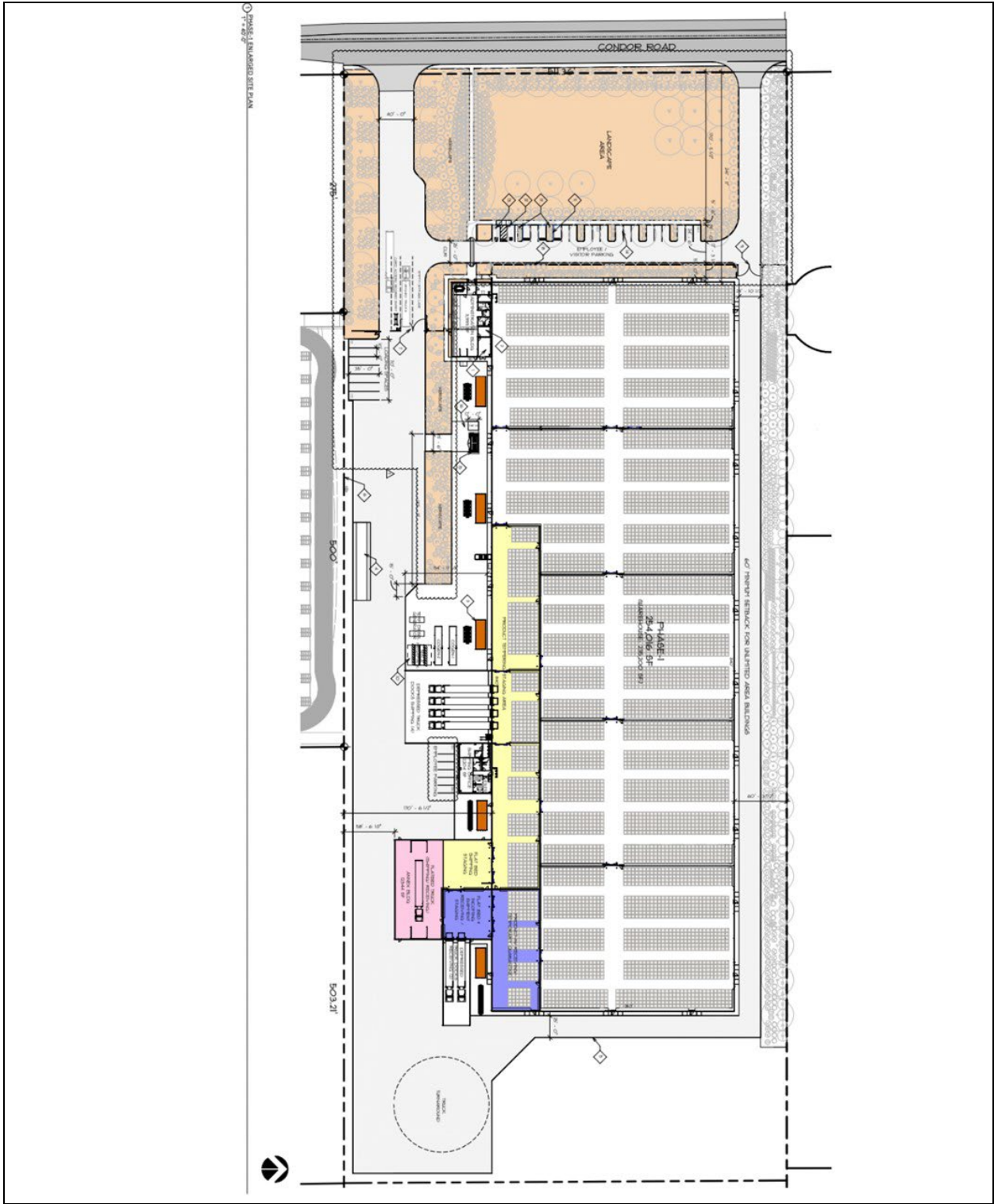
Attachment 3: General Plan Land Use Map



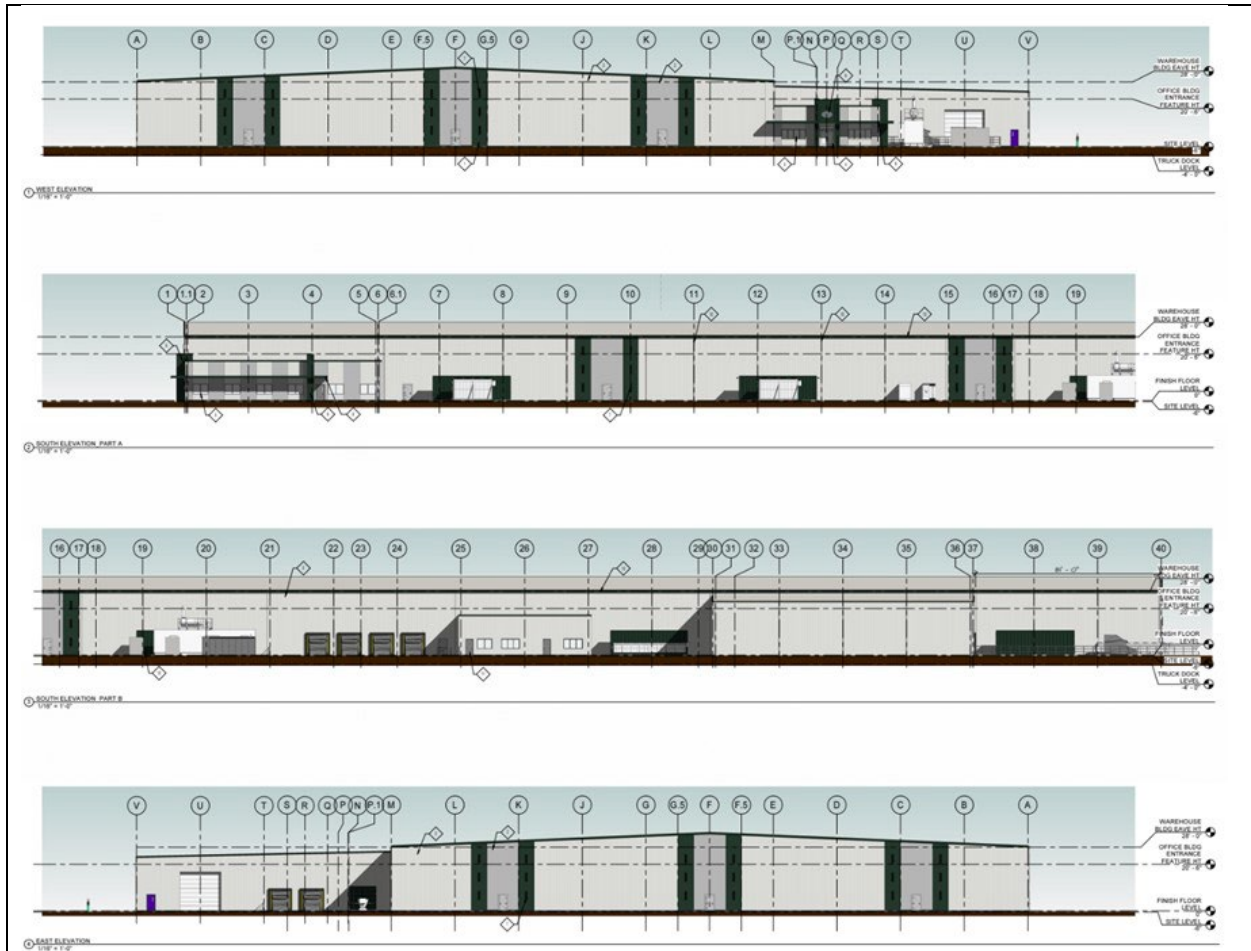
Attachment 4: Zoning Map



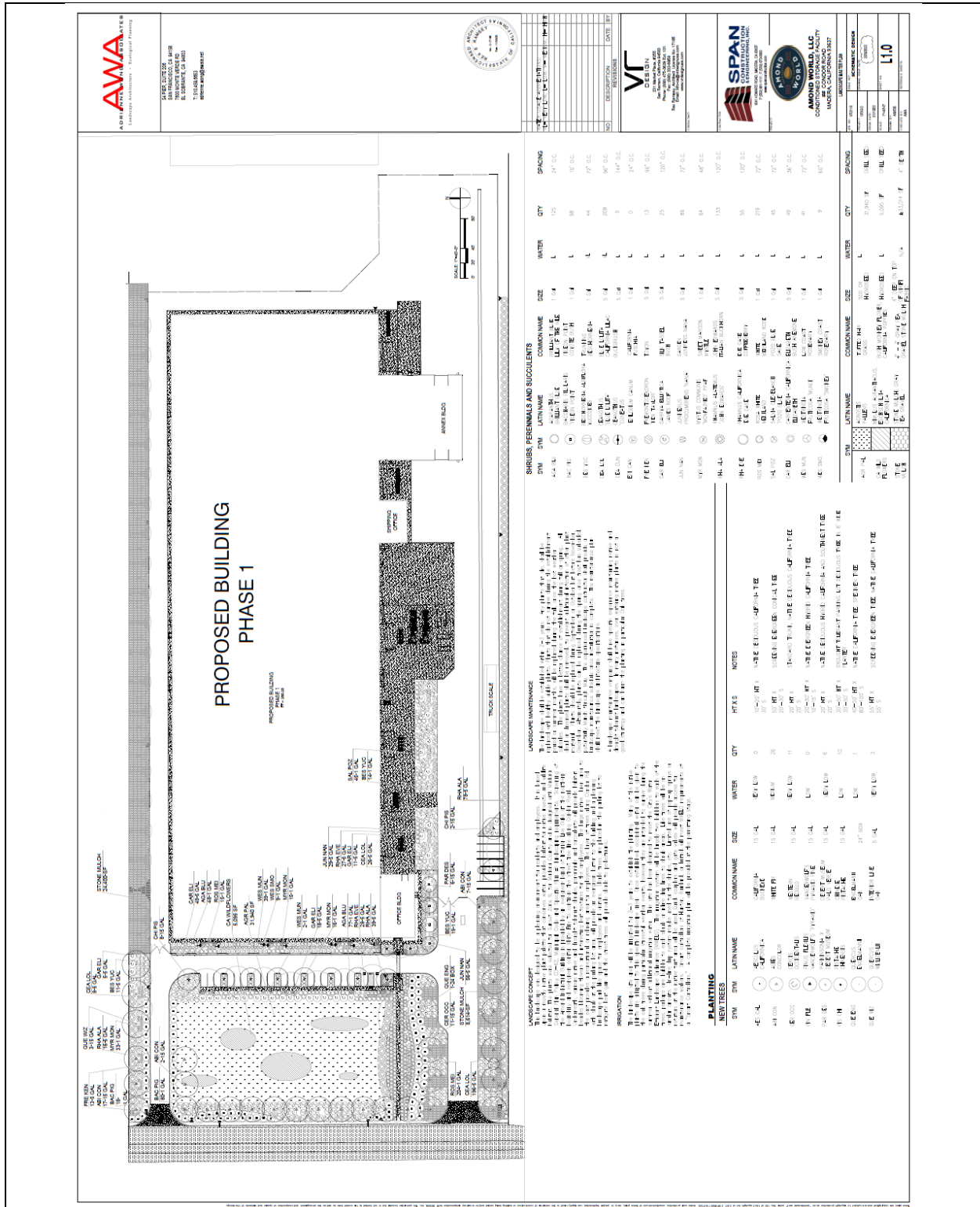
Attachment 5: Site Plan



Attachment 6: Elevations



Attachment 7: Landscape Plan



AWA
ADAPTIVE WATERWAYS
ARCHITECTURAL PLANNING

SHEER LUTHER
ARCHITECTS
1150 W. 10TH STREET
E. SUITE 101
DENVER, CO 80202

DESIGNED BY
AWA
ARCHITECTURAL PLANNING

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	10/1/2021	AWA
2	REVISED	10/1/2021	AWA
3	REVISED	10/1/2021	AWA
4	REVISED	10/1/2021	AWA

VF
DESIGN
1150 W. 10TH STREET
E. SUITE 101
DENVER, CO 80202

SPAN
CONSTRUCTION INC.
1150 W. 10TH STREET
E. SUITE 101
DENVER, CO 80202

AMOND WORLD LLC
1150 W. 10TH STREET
E. SUITE 101
DENVER, CO 80202

SYN	SYMBOL	SYMBOL NAME	COMMON NAME	SIZE	WATER	QTY	SPACING
1	(Symbol)	PLANT	PLANT	1.00	L	100	30' x 30'
2	(Symbol)	PLANT	PLANT	1.50	L	10	30' x 30'
3	(Symbol)	PLANT	PLANT	1.50	L	48	30' x 30'
4	(Symbol)	PLANT	PLANT	1.50	L	48	30' x 30'
5	(Symbol)	PLANT	PLANT	1.50	L	9	30' x 30'

SHRUBS, PERENNIALS AND SUCCULENTS

SYN	SYMBOL	SYMBOL NAME	COMMON NAME	SIZE	WATER	QTY	SPACING
1	(Symbol)	PLANT	PLANT	1.50	L	100	30' x 30'
2	(Symbol)	PLANT	PLANT	1.50	L	10	30' x 30'
3	(Symbol)	PLANT	PLANT	1.50	L	48	30' x 30'
4	(Symbol)	PLANT	PLANT	1.50	L	48	30' x 30'
5	(Symbol)	PLANT	PLANT	1.50	L	9	30' x 30'

LANDSCAPE CONCEPT
This landscape plan is intended to provide a conceptual design for the proposed building phase 1. The plan shows a large rectangular building footprint with a central courtyard area. The courtyard area is divided into several sections, some with circular features. The plan includes various landscape elements like trees, shrubs, and walkways. A north arrow and a scale bar (0 to 30 feet) are present. The plan is surrounded by a site boundary and includes various annotations and callouts.

PLANTING

SYN	SYMBOL	SYMBOL NAME	COMMON NAME	SIZE	WATER	QTY	NOTES
1	(Symbol)	PLANT	PLANT	1.50	L	100	30' x 30'
2	(Symbol)	PLANT	PLANT	1.50	L	10	30' x 30'
3	(Symbol)	PLANT	PLANT	1.50	L	48	30' x 30'
4	(Symbol)	PLANT	PLANT	1.50	L	48	30' x 30'
5	(Symbol)	PLANT	PLANT	1.50	L	9	30' x 30'

LANDSCAPE MAINTENANCE
This landscape plan is intended to provide a conceptual design for the proposed building phase 1. The plan shows a large rectangular building footprint with a central courtyard area. The courtyard area is divided into several sections, some with circular features. The plan includes various landscape elements like trees, shrubs, and walkways. A north arrow and a scale bar (0 to 30 feet) are present. The plan is surrounded by a site boundary and includes various annotations and callouts.

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2	(Symbol)	PLANT	PLANT	1.50	L	10	30' x 30'
3	(Symbol)	PLANT	PLANT	1.50	L	48	30' x 30'
4	(Symbol)	PLANT	PLANT	1.50	L	48	30' x 30'
5	(Symbol)	PLANT	PLANT	1.50	L	9	30' x 30'

Attachment 8: Resolution

RESOLUTION NO. 1905

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING SITE PLAN REVIEW 2021-41 (SPR 2021-41), AND MITIGATED
NEGATIVE DECLARATION (ENV 2021-61), SUBJECT TO MITIGATION MEASURES
(AMOND WORLD COLD STORAGE WAREHOUSE PROJECT)**

WHEREAS, Origo Madera Cold, LLC (“Owner”) owns APN 013-20-004 in Madera, California (“site”); and

WHEREAS, the project site is a vacant 15.60-acre property located north of Aviation Drive on the west side of Golden State Boulevard and is planned and zoned for Industrial land uses; and

WHEREAS, the applicant, VR Design Inc, is seeking a Site Plan Review (SPR) to allow for the construction of an industrial building of 253,947 square feet (sf) including a 6,203-sf employee office, as proposed by SPR 2021-41; and

WHEREAS, Environmental Assessment 2021-61 (ENV 2021-61), which includes an Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program, 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, under the City’s Municipal Code, the Planning Commission is authorized to review and approve site plan reviews and environmental assessments associated projects on behalf of the City; and

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

WHEREAS, the Planning Commission received and reviewed SPR 2021-41 and ENV 2021-61 at a duly noticed meeting on March 8, 2022; and

WHEREAS, on March 8, 2022, the Planning Commission opened the public hearing, closed the public hearing for SPR 2021-41 and ENV 2021-61 and continued the item to the next meeting on April 12, 2022; and

WHEREAS, the Planning Commission received and reviewed SPR 2021-41 and ENV 2021-61 at a duly noticed meeting on April 12, 2022; and

WHEREAS, the Planning Commission has completed its review of the staff report and documents submitted for SPR 2021-41 and ENV 2021-61, evaluated the information contained in the mitigated negative declaration, and considered testimony received as a part of the public hearing process; and

WHEREAS, the Planning Commission now desires to approve ENV 2021-61 and SPR 2021-41, subject to conditions of approval and mitigation measures.

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 an environmental assessment initial study and mitigation monitoring and reporting program were prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the Planning Commission finds that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project. The Planning Commission further finds the Initial Study and Mitigated Negative Declaration were timely and properly published and noticed as required by CEQA. As such, the Planning Commission adopts a Mitigated Negative Declaration (ENV 2021-61) and the mitigation monitoring and reporting program for the project.

3. Findings for SPR 2021-41: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2021-41, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-3.4 and Sections 10-3.1001 through 10-3.1004. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The property is zoned I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). SPR 2021-41 is consistent with the purpose and intent of the I (Industrial) zoning district and does not conflict with City standards or other provisions of the Code.

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

The property has a specific plan overlying with Specific Plan number 1. The proposal is consistent with the existing specific plan and identified development standards within this Specific plan. The project meets the purpose and intent of the specific plan.

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.*

The project (SPR 2021-41) has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the Industrial zoning district, including provisions for access to and from the site, parking and loading facilities, drainage, lighting, on-site and off-site improvements. Based on the environmental analysis prepared, the project will not generate significant amounts of noise, light, traffic, or other environmental impacts.

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

The project (SPR 2021-41) will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for curb, gutter, storm drainage, utilities and other related street infrastructure in conformance with City standards. The project site has access to Aviation Drive via the proposed Condor Dr. street improvement, which can accommodate traffic generated from the proposed project. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

4. Approval of SPR 2021-41: Given that all findings can be made, the Planning Commission hereby approves SPR 2021-41 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 12th day of April 2022, 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 2021-41

Exhibit "B" – Mitigation Monitoring and Reporting Program for ENV 2021-61

EXHIBIT "A"
SPR 2021-41 AND ENV 2021-61 AMOND WORLD COLD STORAGE WAREHOUSE PROJECT
CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM
April 12, 2022

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through site 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 2021-41 (Amond World Cold Storage Warehouse Project) 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, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of APN 013-200-005 that are being developed under SPR 2021-41 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

GENERAL CONDITIONS

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. 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 2021-41.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
4. SPR 2021-41 will expire one (1) year from the effective date, 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 review or the required action is taken to extend the approval before expiration date (Municipal Code 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. Deferrals are not permitted for any condition included herein, unless otherwise stated.
7. Development of the project shall conform to the plans designated by the City including those submitted and dated 02.23.2022 and comprising 29 pages (including L 1.0 received 2/25/2022), subject to the conditions noted herein. Minor modifications to the approved Site Plan Review 2021-41 Improvement Plans necessary to meet regulatory, engineering or similar constraints may at a minimum be made at the discretion and approval of the Planning Manager. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to SPR 2021-41 be filed for review and approval through the applicable City process.
8. Any proposed modifications to the approved site plan and elevations of SPR 2021-41, including but not limited to building exteriors, access drive locations, parking/loading areas, fence/walls, lighting, new buildings, landscaping or use of the site shall require an amendment (modification) to SPR 2021-41 as specified in the MMC.

9. Site Plan Review 2021-41 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, encroachment, or building permits.
10. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.
11. 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.
12. 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 2021-41.
13. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys' fees, and damages arising therefrom (collectively "claim").

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.

14. The project shall comply with all mitigation measures contained in the attached Mitigation Monitoring and Reporting Program.

PLANNING DEPARTMENT

General Conditions

15. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with SPR 2021-41 to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
16. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and/or manager may be subject to corrective action.

17. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
18. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties and shall keep the property clear of all trash, rubbish, and debris at all times.
19. Occupancy or use is subject to the issuance of a Business License.

Building Architecture, Materials and Colors

20. All roof and ground mounted utility, electrical and mechanical equipment shall be screened to the specifications of the Planning Department. If ground mounted, applicant shall identify proposed methods to architecturally integrate equipment locations or identify proposed methods to screen equipment using landscaping. Any roof mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. Any wall mounted equipment shall be painted to match the exterior wall.
21. All ducts and vents penetrating roofs or exterior building walls shall be directed away from the front of project site entrance sides of the buildings using methods to minimize their appearance and visibility from the street. All roof mounted ducts and vents shall be painted matt black or with a color better suited to minimize their appearance.
22. Fire sprinkler risers shall be located within the interior of the buildings or located out of public view.
23. Prior to submittal of a building permit, applicant and / or successors-in-interest shall identify the following information on one (1) or more site plans for the Planning Department review and approval:
 - a) Location of natural gas and electrical utility meters.
 - b) Location of all exterior heating, ventilation and air conditioning (HVAC) and / or evaporative cooler equipment.
 - c) Location of exterior mechanical and electrical equipment.
24. Any ground mounted electrical transformer or other type of ground mounted electrical cabinet shall be screened from the public viewshed visible from Condor Road.
25. Roof access ladders on buildings shall be located within the interior of the buildings or out of public view.
26. Prior to submittal of a building permit application, the applicant shall submit to the Planning Department for review and approval, a materials and color presentation board(s) detailing building; mechanical enclosure; and trash enclosure materials, colors (minimum of three) and color elevations. All mechanical equipment shall be screened from view.
27. Prior to submittal of a building permit application, the applicant shall submit to the Planning Department for review and approval, a photometric plan including type and specifications of exterior lighting fixtures to be installed on the site. All exterior lighting shall be directed away from adjoining properties, shielded against the night sky, and not interfere with the driving safety of vehicular traffic. Exposed bulbs are not permitted.

Parking

28. Parking areas shall be constructed according to the conditionally approved site plan. Any deviation from the conditionally approved site plan shall be evaluated by the Planning Manager to determine the need for modification to the site plan. Flow through planters shall be incorporated to all landscape parking areas.
29. 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.
30. Parking areas shall be constructed in accordance with City of Madera Standard E-4, have a width of not less than nine (9) feet and a length of not less than nineteen (19) feet except that up to 25 percent of the required parking spaces may be designated for compact car use.
31. No wheel stops shall be incorporated into the parking field/parking space layout except to allow for the protection of plantings, buildings, structures, trees, etc. In no case, will any parking space incorporate a wheel stop to provide for less than a nine (9) foot by nineteen (19) foot dimension parking space.
32. No overnight outdoor storage of materials or equipment shall be permitted. Parking of vehicles in parking lot shall be limited to seventy-two (72) consecutive hours. Storage or parking of inoperative vehicles in the parking lot shall be prohibited.
33. The site's parking area shall not be used for alternative uses other than parking of vehicles.
34. 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.

Trash Enclosures

35. Outdoor trash areas shall be screened on three sides with masonry wall composed of an exterior cement plaster finish painted consistent with building colors to reduce the visual appearance from Condor Road.
36. Trash enclosures gates shall be composed of metal and shall be hinged on the outside with cane bolts to hold the gates open.
37. Driveways or travel aisles shall provide unobstructed access for waste collection vehicles to directly access trash enclosures without need of the waste hauler to rollout or reorient waste bins for loading operations, consistent and compliant with the servicing requirements established by the City's waste hauling operations. In loading areas, the minimum overhead vertical clearance shall be twenty-two (22) feet for loading operations.
38. Separate containers shall be provided for compositable/food waste in accordance with State requirements.

Fencing

39. All walls and fences shall be consistent with the Madera Municipal Code. No wall or fence shall exceed a maximum height of six (6) feet measured from finish grade. Installation of barbed wire or other form of security wire is prohibited.

40. Fencing materials, location, and height shall conform to those listed on the approved Site Plan. All fences shall be properly maintained so as not to create a hazard, public nuisance, or blight in the surrounding neighborhood.

Landscaping

41. Landscaping shall be installed in accordance with the submitted landscape sheets L1.0, showing landscaping on the south and west property lines, subject to final approval by the Planning Manager prior to issuance of building permits.
42. The Landscaping plan shall include a landscaped 10' berm along the eastern property line, subject to final approval by the Planning Manager prior to issuance of building permits.
43. The Landscaping plan shall include a landscaping along the northern property line, subject to final approval by the Planning Manager prior to issuance of building permits.
44. 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 comply with all the specific landscape requirements and be approved by the Planning Department, unless specific deviation from the standards are approved by the Planning Manager, 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 with design to have moisture and/or rain sensor shutoff (weather based automatic, self-adjusting), minimize irrigation runoff, promote surface infiltration where possible, minimize the use of fertilizers and pesticides that can contribute to storm water pollution;
 - c) Provide vegetative matter coverage of a minimum of seventy percent (70%) of all landscaped areas;
 - d) Street trees shall be planted at a maximum thirty (30) foot intervals. Street tree selection shall be from the City's "Approved City Street Tree List". Trees must be established to the satisfaction of the planning Manager after five (5) years or shall be enhanced or replaced subject to the above condition for a further five (5) year period of establishment or to the Planning Managers satisfaction;
 - e) Locate landscape material in such a way that it does not interfere with utilities above or below ground. All existing and proposed site utility features shall be fully screened with landscaping at appropriate clearances. A detail of screening shall be included on the plans and approved prior to building permit issuance and subject to Planning Manager review; and
 - f) 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 tree staking, soil preparation techniques for all landscaped areas.
 - g) Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff, particularly the use of flow through planters from areas of impermeable paving (such as parking and circulation areas). In areas of water detention species shall be tolerant of saturated soil conditions and prolonged exposure to water shall be specified.

45. Parking lot shade trees should be planted within the parking area to provide a minimum of 50% shade coverage over parking bays at high noon or a rate of one 24" box tree for each 3 parking stalls including loading stalls.
46. On-site and off-site landscaping and irrigation shall not be installed until a landscape plan(s) is approved by the Planning Department. Any deviation from the approved plan(s) shall require written request and approval by the Planning Department.
47. Approved landscape and irrigation plan(s) shall be fully installed and operational prior to granting occupancy.
48. 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 certificate of completion, a landscape maintenance and irrigation program for the first three (3) years to ensure that streetscapes and landscaped areas are installed and maintained as approved under SPR 2021-41.
49. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
50. 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.

Signage

51. No signs apart from "No Parking" and are approved as part of SPR 2021-41. Approval of SPR 2021-41 constitutes neither a basis for, nor approval of, any exceptions to the Madera Sign Ordinance Section 10.6 and all permanent signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.
52. Applicant shall prepare and submit a Master Sign Program for the purpose of providing a cohesive, complementary, and proportionate signage for the entire project site. Master Sign Program shall at a minimum: 1) identify and define complex on-building and freestanding identification signage allowance, type, dimensions, material, colors, and location; 2) directional signage allowance, type, dimensions, material, color and location(s); 3) on-building signage allowances type, dimensions, material color and locations for each building as well as for individual tenant; and 4) address sign designs – no plastic, vinyl or similar type of material shall be used for building addresses. Master Sign Program is subject review and approval of the Planning Department prior to submittal of a building permit application.

ENGINEERING

General Conditions

53. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
54. Impact fees shall be paid at time of building permit issuance.
55. 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.

56. 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.
57. The improvement plans for the project shall include the most recent version of the City's General Notes.
58. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Division.
59. All off-site improvements shall be completed prior to issuance of final occupancy.
60. The developer shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Water

61. The developer shall confirm the existence of a 12-inch water main along Condor Road from Aviation Drive to Yeager Drive from which water service connections can be made. Should it be determined that said water line does not exist, the developer shall install water line between Aviation Drive and Yeager Drive.
62. New or existing water service connection(s), including landscape areas, shall be constructed or upgraded 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. Each parcel shall have a separate water service.
63. A separate water meter and backflow prevention device will be required for landscape areas.
64. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
65. 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

66. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards. Each parcel shall have a separate sewer service.
67. Sewer main connections six (6) inches and larger in diameter shall require manhole installation.
68. The developer shall construct, at a minimum, a 12-inch sewer main from the intersection of Aviation Drive and Condor Road to the most southern property line of the proposed project on Condor Road in accordance with Madera Airport Area Infrastructure Master Plan-Final. Between the southern and northern property lines, a minimum 10-inch sewer main shall be constructed. The oversize component (difference in cost between the pipe installed and 8-inch pipe) of the construction of the sewer main on Condor Road is considered reimbursable, subject to the availability of funds, under the City's Development Impact Fee Program.
69. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
70. Existing septic tanks, if found, shall be removed, permitted and inspected by City of Madera Building Department.

Storm Drain

71. Storm runoff from this project is planned to go to the Airport Basin located south of this project. Runoff volume calculations shall be provided, and the developer shall excavate the basin to an amount equivalent to this project's impact on the basin. Dirt shall be stockpiled in a location designated by the Madera Irrigation District (MID). MID shall be contacted prior to contractor securing permission to enter basin. Water runoff from the site must be cleaned prior to entering the existing City owned storm water system to the satisfaction of the MID through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
72. A Madera Irrigation District (MID) approval block shall be shown on the final improvement plans.
73. The developer shall verify whether the storm drain outlet to the west of the proposed project parcel will need to be addressed in regard to cleaning runoff prior to entering the outlet to the satisfaction of MID.
74. Developer shall construct a 48-inch storm drain pipeline from Aviation Drive to the southern project property line and a 42-inch pipeline along the property frontage to the northern property line in Condor Road in accordance with the City's Storm Drainage Master Plan. The construction of this line is considered 100% reimbursable, subject to the availability of funds, under the City's Development Impact Fee Program.
75. 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 relative to retention or treatment of storm water. This portion of this condition with regard to post development runoff volume shall be satisfied subject to the Madera Irrigation District acceptance of increased runoff volume.

Streets

76. The east half of Condor Road along the entire project frontage shall be improved to an 80-foot collector roadway standard. The east half of the street shall include but not be limited to fire hydrants, streetlights, curb and gutter, park strip, sidewalk, and a 28-foot paved asphalt section. The west half of the street shall include one permanently paved 12-foot travel lane, one half (6-foot) of a 12-foot center turn lane and a paved 1-foot shoulder and drainage swale; or one 12-foot travel lane, one half (6-foot) of a 12-foot center turn lane and a combination of shoulder/AC dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. The center three lanes (36-foot total) are eligible for reimbursement through the City's Development Impact Fee program, subject to the availability of funds.
77. A 26-foot paved asphalt section with 24-foot striped shall be constructed on Condor Road from the southern property line of the project parcel to Aviation Drive with a minimum 50-foot transition to the full collector roadway or a sufficient length supported through presentation of turning moving templates for the largest anticipated vehicle accessing the site. The paved portion of this improvement, if constructed to permanent structural section, is eligible for reimbursement through the City's Development Impact Fee program, subject to the availability of funds.
78. Note, there are existing design drawings for the ultimate road buildout of the west side of Condor Road adjacent to the Madera County Sheriff's building, available upon request.

79. An approved off-site turn-around, or cul-de-sac, shall be provided at the end of Condor Road sufficient for fire apparatus turning movements or as may be determined by the Fire Marshal.
80. A permanent curb return shall be constructed on the east half of Condor Road at the intersection of Condor Road and Aviation Drive in its ultimate location in accordance with City and ADA Standards.
81. Curb access ramps shall be constructed at all curb returns in accordance with current City and ADA standards.
82. All proposed drive approaches on Condor Road shall be constructed to street-type entrances in accordance with City and ADA standards with minimum face of curb radii of 15 feet and maximum width of 40 feet to accommodate truck turn movements into the site without impacting egress.
83. The driveway approach shall have a minimum throat length of thirty (30) feet from face of curb. The throat length shall be justified based on anticipated operation of the facility and the ability to ensure vehicle queues do not extend into the public right-of-way.
84. The developer shall confirm adequate sight distance is provided for vehicles exiting Condor Road at Aviation Drive and provide any necessary mitigation measures if sight distance at this location is insufficient. Mitigation of sight distance concerns may also be addressed through extension of Condor Road north to Yeager Drive. The paved portion of any extension using permanent structural section would be considered reimbursable.
85. "No Parking" signs shall be installed along the Condor Road project frontage in accordance with City standards.
86. The developer shall install streetlights along the Condor Road project frontage in accordance with current City Standards. Streetlights shall be LED using Beta Lighting standards or equivalent in accordance with City of Madera Standards.
87. The developer shall dedicate a Public Utility Easement 10-foot wide along the entire project parcel frontage on Condor Road. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
88. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 1 for the purpose of participating in the cost of maintaining landscape improvements within said zone.
89. 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.

BUILDING DEPARTMENT

90. Submit five (5) full sets and one (1) full digital set in Portable Document Format (PDF) of plans for review and approval prior to obtaining all required permits for construction of project.
91. A building permit is required for all construction on the site.
92. A business license is required, and a business license inspection shall be conducted prior to operation.

93. State and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be verified at the permit stage and confirmed at final inspection.

FIRE DEPARTMENT

94. Permits shall be submitted for the required fire sprinklers, fire alarm, underground fire main systems, and fire pump.
95. A Knox Box type and location must be reviewed and approved and must be provided for access.
96. Fire Lanes are required at the site and must be clearly posted with signs and red curb according to City Standards.
97. Sufficient clearances and height limits shall be applied to landscaping surrounding and existing or proposed fire hydrants or FDCs, so that it may not interfere with access or visibility.
98. If high piled storage is proposed, it must comply with Chapter 32 of the California Fire Code. This includes increased fire sprinkler density, fire access doors, smoke and heat vents, etc.
99. Fire extinguisher placement shall comply with the CFC.
100. The address shall be posted and plainly visible from the street.
101. Provision shall be made in the project design and construction to allow for the discharge of fire sprinkler test water to an on-site vegetated area. If this is not feasible, provide for discharge to the sanitary sewer in accordance with the current plumbing codes.
102. On site fire hydrants shall be required due to the size of the structure.
103. Additional public road access must comply with the CFC including Appendix D, as well as the City of Madera Engineering Department Standards.

AIRPORT LAND USE COMMISSION

104. No component of operations of the facility shall create, or cause to be created, electrical interference with aircraft communications or navigation; and
105. No component of operations of the facility shall create, or cause to be created, any form of visual or other sensory distractions to those aircraft landing or taking off from the airport.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

106. Applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD), including but not limited to compliance with Regulation VIII (Fugitive PM10 Prohibitions), Rules 2010 and 2201 (Air Quality Permitting for Stationary Sources), Rule 9410 (Employer Based Trip Reduction), and Rule 9510 (Indirect Source Review).
107. Applicant shall submit to, and have approved by, the SJVAPCD an Authority to Construct (ATC) application and present a copy of an approved ATC application to the City prior to issuance of a grading or building permit.
108. Applicant shall submit to, and have approved by, the SJVAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit.
109. Applicant shall submit to, and have approved by, the SJVAPCD a "Dust Control Plan" and present a copy of an approved Dust Control Plan to the City prior to issuance of a grading or building permit.

-END OF CONDITIONS-

Chapter 5 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Amond World Cold Storage Warehouse (SPR 2021-041) in the City of Madera. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number.

The first column of **Table** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the City of Madera to ensure that individual mitigation measures have been complied with and monitored.

Table 5-1 Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Biological Resources					
<p>Mitigation Measure BIO-1.1: 14 days prior to Project activities, a pre-construction survey shall be conducted by a qualified biologist knowledgeable in the identification of burrowing owls. The pre-construction survey shall include walking transects to identify presence of burrowing owls and their burrows. For burrowing owls, the transects shall be spaced at no greater than 30-foot intervals to obtain a 100 percent coverage of the Project site and a 250-foot buffer.</p> <ol style="list-style-type: none"> 1. If no evidence of this species is detected, no further action is required. 2. If dens or burrows that could support these species are discovered during the pre-construction survey, avoidance buffers outlined below shall be established. Unless a qualified biologist approves and monitors development activity, no work shall occur within these buffers. 	14 days prior to Project Construction	Prior to and During Project Construction	City of Madera	Review of Documentation Submittal	

Chapter 5 Mitigation Monitoring and Reporting Program
 Amond World Cold Storage Warehouse (SPR 2021-41)

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Burrowing Owl (active burrows): <ol style="list-style-type: none"> a. Non-breeding season (September 1 to January 31): 160 feet b. Breeding season (February 1 to August 31): 250 feet 					
<p>Mitigation Measure BIO-1.2: If Project activities must occur during the nesting season (February 1 to September 15), pre-activity nesting bird surveys shall be conducted within seven (7) days prior to the start of construction on the construction site and a 500-foot buffer for raptors (other than Swainson’s hawk).</p> <ol style="list-style-type: none"> 1. If no active nests are found, no further action is required. However, existing nests may become active, and new nests may be built at any time prior to and throughout the nesting season, including when construction activities are in progress. 2. If active nests are found during the survey or at any time during construction of the Project, an avoidance 	7 days prior to Project Construction	Prior to and During Project Construction	City of Madera	Review of Documentation Submittal	

Chapter 5 Mitigation Monitoring and Reporting Program
 Amond World Cold Storage Warehouse (SPR 2021-41)

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<p>buffer ranging from 50 feet to 500 feet may be required, with the avoidance buffer from any specific nest being determined by a qualified biologist. The avoidance buffer will remain in place until the biologist has determined that the young are no longer reliant on the adults or the nest. Work may occur within the avoidance buffer under the approval and guidance of the biologist, but full-time monitoring may be required. The biologist shall have the ability to stop construction if nesting adults show any sign of distress.</p>					
<p>Mitigation Measure BIO-1.3: If Project activities must occur during the Swainson's hawk nesting season (February 15 to August 31), pre-construction surveys shall be conducted for Swainson's hawk nests in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's</p>	<p>Prior to Project Construction</p>	<p>Prior to and During Project Construction</p>	<p>City of Madera</p>	<p>Review of Documentation Submittal</p>	

Chapter 5 Mitigation Monitoring and Reporting Program
 Amond World Cold Storage Warehouse (SPR 2021-41)

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<p>Central Valley, Swainson’s Hawk Technical Advisory Committee (CDFG, 2000). The surveys would be conducted on the Project site plus a 0.5-mile buffer. To meet the minimum level of protection for the species, surveys shall be conducted during at least two survey periods.</p> <ol style="list-style-type: none"> 1. If no Swainson’s hawk nests are found, no further action is required. 2. If an active Swainson’s hawk nest is discovered at any time within 0.5 miles of active construction, a qualified biologist shall complete an assessment of the potential for current construction activities to impact the nest. The assessment would consider the type of construction activities, the location of construction relative to the nest, the visibility of construction activities from the nest location, and other existing disturbances in the area that are not related to the construction activities of this Project. Based on this assessment, the 					

Chapter 5 Mitigation Monitoring and Reporting Program
 Amond World Cold Storage Warehouse (SPR 2021-41)

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<p>biologist will determine if construction activities can proceed and the level of nest monitoring required. Construction activities shall not occur within 500 feet of an active nest, but this distance may be reduced depending upon conditions at the site. Full-time monitoring to evaluate the effects of construction activities on nesting Swainson’s hawks may be required. The qualified biologist shall have the authority to stop work if it is determined that Project construction is disturbing the nest. These buffers may need to increase depending on the sensitivity of the nesting Swainson’s hawk to disturbances and at the discretion of the qualified biologist.</p>					
Cultural Resources					

Chapter 5 Mitigation Monitoring and Reporting Program
 Amond World Cold Storage Warehouse (SPR 2021-41)

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Mitigation Measure CUL-1: “The Planning Department shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.”	During Project Construction	During Project Construction	City of Madera	Review of Documentation Submittal	
Mitigation Measure CUL-2: “All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California’s Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.”	During Project Construction	During Project Construction	City of Madera	Review of Documentation Submittal	
Mitigation Measure CUL-3: “All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California’s Health	During Project Construction	During Project Construction	City of Madera	Review of Documentation Submittal	

Chapter 5 Mitigation Monitoring and Reporting Program
 Amond World Cold Storage Warehouse (SPR 2021-41)

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
and Safety Code. In the event of discovery or recognition of any human remains, Public Resources Code Section 5097.98 must be followed. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.”					
Geology and Soils					
Mitigation Measure GEO-1: “Subsequent to a preliminary City review of the project grading plans, a soils report, inclusive of information on expansive soils, shall be conducted. The following procedures shall be followed: <ul style="list-style-type: none"> • If expansive soils are not found, excavation and/or construction activities can commence. • If there is evidence that the Project site includes expansive soils, foundations for buildings and structures founded on expansive soils shall be designed in accordance with IBC Section 	Prior to Project Construction	Prior to Project Construction	City of Madera	Review of Documentation Submittal	

Chapter 5 Mitigation Monitoring and Reporting Program
 Amond World Cold Storage Warehouse (SPR 2021-41)

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
1808.6.1 or 1808.6.2 unless 1) the expansive soil is removed in accordance with Section 1808.6.3 or 2) the building official approves stabilization of the soil in accordance with Section 1808.6.4.”					
Hydrology					
Mitigation Measure HYD-1: Prior to issuing of grading or building permits, if required, (a) the Project applicant shall submit to the Lead Agency (1) the approved Storm Water Pollution Prevention Plan (SWPPP) and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and NPDES shall be incorporated into design specifications and construction contracts.	Prior to issuing of grading or building permits	Prior to Project Construction	City of Madera	Review of Documentation Submittal	
Noise					
Mitigation Measure NOISE-1: Truck movements should not occur along the north side of the building,	During Project Operations	During Project Operations	City of Madera	Developer to provide (or comply), City of Madera to verify	

Chapter 5 Mitigation Monitoring and Reporting Program
 Amond World Cold Storage Warehouse (SPR 2021-41)

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
between the nighttime hours of 10:00 p.m. to 7:00 a.m.					
<p>Mitigation Measure NOISE-2: Per the City of Madera Municipal Code, construction activities should not occur outside the hours of 6:00 a.m. to 8:00 p.m.</p> <p>All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source.</p> <p>Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor.</p> <p>All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from any noise-sensitive land uses.</p> <p>Locate construction staging areas, to the extent possible, at the greatest possible distances from any noise-sensitive land uses.</p> <p>Signs shall be posted at the construction site and near adjacent sensitive receptors displaying</p>	During Project Construction	During Project Construction	City of Madera	Developer to provide (or comply), City of Madera to verify	

Chapter 5 Mitigation Monitoring and Reporting Program
 Amond World Cold Storage Warehouse (SPR 2021-41)

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
hours of construction activities and providing the contact phone number of a designated noise disturbance coordinator.					

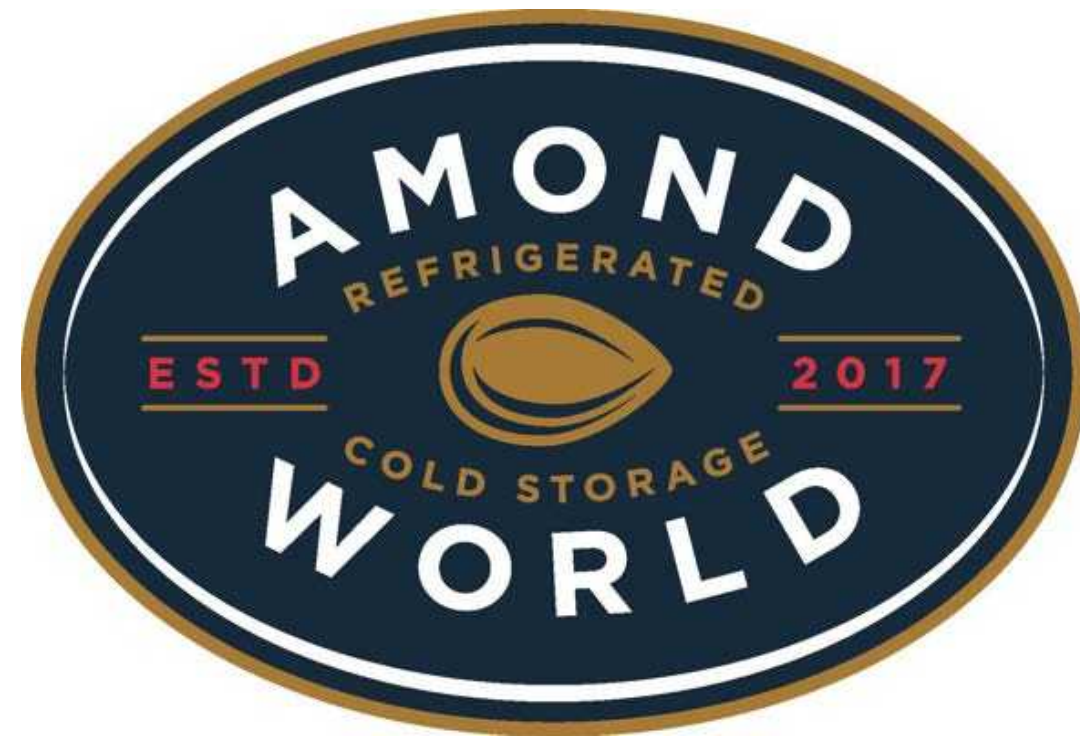
Attachment 9: Initial Study/Mitigated Negative Declaration (IS/MND) for SPR 2021-41

<https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011>

Attachment 10: Plan Set

GENERAL NOTES

- 1. VISIT THE SITE TO BECOME FAMILIAR WITH THE EXISTING CONDITIONS TO BETTER UNDERSTAND THE REQUIREMENTS OF THE CONTRACT DOCUMENTS. VERIFY ALL DIMENSIONS, ELEVATIONS AND CONDITIONS PRIOR TO BEGINNING ANY WORK AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES. DO NOT SCALE DRAWINGS.
2. UNLESS OTHERWISE INDICATED ON THESE DRAWINGS OR IN THE PROJECT MANUAL AS BEING N.I.C. OR EXISTING, ALL ITEMS, MATERIALS, ETC. AND INSTALLATION OF THE SAME ARE PART OF THE CONTRACT DEFINED BY THESE DRAWINGS AND SPECIFICATIONS.
3. SOLELY AS A CONVENIENCE TO THE OWNER AND CONTRACTOR, THE ARCHITECT MAY INCLUDE DOCUMENTS (OR INCORPORATE RECOMMENDATIONS) PREPARED BY CERTAIN OWNER CONSULTANTS INTO THE DOCUMENTS ISSUED BY THE ARCHITECT. IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT FOR ANY INFORMATION PROVIDED BY SAID CONSULTANTS, THE ARCHITECT ASSUMES NO LIABILITY, REGARDLESS OF SUCH INCLUSION.
4. THE SOIL REPORT FOR THIS PROJECT IS FOR REFERENCE ONLY. NOTIFY THE ARCHITECT, ENGINEER AND OWNER OF ANY DISCREPANCY BETWEEN THIS REPORT AND THE PLANS OR SPECIFICATIONS PRIOR TO BEGINNING WORK.
5. IN THE EVENT OF A DISCREPANCY BETWEEN PLANS AND SPECIFICATIONS, THE MORE STRINGENT REQUIREMENT SHALL APPLY.
6. CODE (AS AMENDED), ALL ORDINANCES AND REGULATIONS OF THE STATE, COUNTY OR CITY WITH JURISDICTION, AND ANY SPECIAL REQUIREMENTS INDICATED IN THE BUILDING SUMMARY OR THESE GENERAL NOTES.
7. ALL EXTERIOR SIGNAGE IS EXCLUDED FROM THIS CONTRACT. THE SIGN CONTRACTOR WILL OBTAIN SEPARATE APPROVALS AND PERMITS FROM GOVERNING AGENCIES FOR SIGNAGE.
8. BE RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL PERMITS, LICENSES, INSPECTIONS AND TESTING AS REQUIRED BY THE CONTRACT DOCUMENTS OR ANY GOVERNMENT AGENCY.
9. PROVIDE ALL LABOR, MATERIALS, EQUIPMENT, TOOLS, TRANSPORTATION, UTILITIES, OTHER SERVICES AND RELATED TASKS NECESSARY FOR PROPER EXECUTION OF THE CONSTRUCTION REQUIRED BY THE CONTRACT DOCUMENTS.
10. ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOBSITE CONDITIONS. COMPLY WITH SAFETY REGULATIONS AND RESTRICTIONS AS REQUIRED FOR WORKER AND PEDESTRIAN PROTECTION DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT. PROVIDE PROTECTION AS REQUIRED TO PREVENT ANY DAMAGE TO EXISTING CONSTRUCTION WITHIN AND ADJACENT TO THE JOBSITE, WHERE DAMAGE OCCURS, REPAIR OR REPLACE DAMAGED AREA AND/OR MATERIAL AS REQUIRED TO THE OWNER'S APPROVAL AT NO ADDITIONAL COST. THESE REQUIREMENTS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL HOURS.
11. BRING ANY REVISION OR ADDITIONAL WORK REQUIRED BY FIELD CONDITIONS OR LOCAL GOVERNING AUTHORITIES TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING.
12. VERIFY THE SIZE AND LOCATION OF ALL UTILITY LINES AND STUBS TO THE BUILDING(S) THAT ARE INDICATED ON THE PLANS. BRING ALL UTILITY LINES (WATER, SEWER, GAS AND ELECTRICAL, ETC.) INTO THE BUILDING, FROM TERMINATION POINTS AS INDICATED ON THE SITE PLANS, READY FOR SERVICE. PRIOR TO THE COMMENCEMENT OF THIS WORK, BRING ANY DISCREPANCIES TO THE ATTENTION OF THE ARCHITECT.
13. PRIOR TO PLACEMENT OF CONCRETE FOOTINGS AND SLABS, RETAIN THE SERVICES OF A REGISTERED CIVIL ENGINEER OR LICENSED LAND SURVEYOR TO INSPECT THE FORMS FOR FOOTING PLACEMENT, LOCATION OF BUILDING PAD AND ELEVATION OF FINISHED FLOOR. SUBMIT SIGNED DOCUMENTATION TO THE ARCHITECT THAT THE FOREGOING CONFORM WITH THE APPROVED DRAWINGS.
14. NO ADDITIONAL ROOF OPENINGS OR ROOF MOUNTED EQUIPMENT BEYOND THAT WHICH IS SHOWN ON THESE PLANS SHALL BE ALLOWED WITHOUT WRITTEN CONSENT OF THE ARCHITECT AND/OR STRUCTURAL ENGINEER.
15. NO STRUCTURAL MEMBER SHALL BE CUT FOR PIPES, HVAC DUCTS, ETC., UNLESS SPECIFICALLY DETAILED AND/OR APPROVED BY THE STRUCTURAL ENGINEER.
16. ALL SHOP WELDING IS TO BE DONE IN A CERTIFIED LICENSED SHOP. ALL FIELD WELDING SHALL BE DONE ONLY BY CERTIFIED WELDERS UNDER CONTINUOUS SPECIAL INSPECTION, WITH CERTIFICATE ISSUED AS REQUIRED BY THE BUILDING OFFICIAL.
17. WHERE LARGER STUDS AND/OR FURRING ARE REQUIRED TO COVER DUCTS, PIPING, COLUMNS, SADDLES, BOLTS, CONDUIT, ETC., THE LARGER SIZE STUD AND/OR FURRING SHALL EXTEND THE FULL LENGTH AND HEIGHT OF THE SURFACE WHERE THE FURRING OCCURS.
18. SHOULD ANY ASPHALTIC CONCRETE REQUIRE PATCHING ADJACENT TO BUILDINGS, IT SHALL BE OF THE SAME SECTION AND DRAINAGE PROFILE AS THE ADJACENT PAVED AREAS.
19. SEAL ALL OPEN JOINTS IN THE EXTERIOR BUILDING ENVELOPE TO PREVENT AIR AND WATER INFILTRATION. COMPLY WITH ANY FIRE RATING REQUIREMENTS.
20. ALL EXTERIOR OPENINGS SHALL COMPLY WITH THE CITY SECURITY ORDINANCES.
21. NO BUILDING OR PORTION OF A BUILDING SHALL BE OCCUPIED OR USED FOR STORAGE PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. APPROVAL FOR OCCUPANCY IS ONLY GRANTED AFTER ACCEPTANCE BY GOVERNING AGENCIES.



AMOND WORLD CONDITIONED STORAGE FACILITY

###, CONDOR ROAD, MADERA, CALIFORNIA 93637

SHEET INDEX

Table with columns: NO SHEET, SHEET NAME, REV NO, REV DATE. Lists sheets 1 through 29, including TO.O, A1.0, A1.1, A2.0, A3.0, A3.1, A3.2, A4.0, A8.0, C1.1, C1.2, C2.1, C2.2, C2.3, C3.1, C3.2, C3.3, L1.0, and Photometrics sheets 25-29.

FIRE NOTES

- 1. INCLUDED AS A DEPARTMENT OF FIRE PREVENTION REQUIREMENT.
2. THE MAXIMUM FLAME SPREAD CLASSIFICATION OF FINISH MATERIAL USED ON INTERIOR WALLS AND CEILINGS SHALL NOT EXCEED THAT SET FORTH IN THE CALIFORNIA BUILDING CODE (CBC).
3. PROVIDE FIRE STOPPING TO CUT OFF ALL CONCEALED DRAFT OPENINGS (BOTH VERTICAL AND HORIZONTAL) AT 10' 0" O.C. EACH WAY.
4. EXIT SIGNS SHALL MEET THE REQUIREMENTS OF THE BUILDING AND FIRE CODES. SEE FLOOR PLANS, REFLECTED CEILING PLANS, AND ELECTRICAL LIGHTING PLANS FOR LOCATION OF EXIT LIGHTING. PROVIDE EXIT PATH LIGHTING GIVING A VALUE OF ONE FOOT CANDLE MINIMUM AT FLOOR LEVEL. ILLUMINATED EXIT SIGNS SHALL BE POWERED FROM SEPARATE CIRCUITS AND SEPARATE SOURCES.
5. ALL EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. ONLY THE MAIN EXIT DOOR MAY HAVE KEY OPERATED HARDWARE AND SHALL BE LABELED "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS" IN BLOCK LETTERS A MINIMUM OF 1" HIGH ON CONTRASTING BACKGROUND. EFFORT TO OPERATE IS NOT TO EXCEED 5 LBS. FOR EXTERIOR DOORS, 5 LBS. FOR INTERIOR DOORS AND 15 LBS. FOR FIRE RATED DOORS.
6. WITHIN A STRUCTURE MAINTAIN AISLES LEADING TO REQUIRED EXITS CONTINUOUSLY TO A PUBLIC WAY OR APPROVED REFUGE AREA.
7. MAINTAIN EXTERIOR WALKWAYS WITH A MIN. WIDTH OF 44" TO A PUBLIC WAY.
8. ONE-HOUR FIRE RATED CORRIDORS SHALL HAVE DOOR OPENINGS PROTECTED BY TIGHT-FITTING SMOKE AND DRAFT CONTROL ASSEMBLIES RATED WITH A 20 MINUTE LABEL EXCEPT OPENINGS IN INTERIOR WALLS OF EXTERIOR EXIT BALCONIES. DOORS SHALL BE MAINTAINED SELF-CLOSING OR BE AUTOMATIC CLOSING BY ACTION OF A SMOKE DETECTOR. DOORS SHALL BE GASKETED TO PROVIDE A SMOKE AND DRAFT SEAL WHERE THE DOOR MEETS THE STOP ON SIDES AND TOP.
9. PROVIDE FIRE DAMPERS WHERE DUCTWORK PENETRATES A FIRE RATED WALL OR CEILING ASSEMBLY.
10. DURING CONSTRUCTION AND/OR DEMOLITION, PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2A OR 2A10BC WITHIN 75' TRAVEL DISTANCE OF ALL PORTIONS OF THE BUILDING ON EACH FLOOR.
11. AT THE TIME OF OCCUPANCY PERMIT, PROVIDE EXTINGUISHERS OF THE SIZE AND TYPE REQUESTED BY THE FIRE OFFICIAL. FIRE EXTINGUISHERS LOCATIONS SHALL BE DETERMINED BY FIELD INSPECTION IF NOT INDICATED ON THE APPROVED PLANS. LOCATIONS SHALL BE AGREED UPON BY THE INDIVIDUAL TENANTS AND THE FIRE OFFICIAL. ALL FIRE EXTINGUISHERS TO HAVE UL APPROVAL.
12. PRIOR TO DELIVERY OF COMBUSTIBLE BUILDING MATERIAL TO THE PROJECT SITE, THE SITE WATER SYSTEM SHALL PASS ALL REQUIRED TESTS AND BE CONNECTED TO THE PUBLIC WATER SUPPLY SYSTEM. IN ADDITION, AN APPROVED ALL WEATHER ROAD SHALL BE IN PLACE TO PROVIDE ADEQUATE AND PERMANENT ACCESS FOR EMERGENCY VEHICLES.
13. MAINTAIN GOOD HOUSEKEEPING AT ALL TIMES. ACCUMULATION OF COMBUSTIBLE WASTE MATERIALS IN THE BUILDING IS NOT ALLOWED.
14. INSTALL A KNOX KEY BOX AT MAIN ENTRANCE / EXIT TO EACH BUILDING (LOCATION AS DETERMINED BY THE FIRE MARSHAL). PLACE KEYS FOR FIRE DEPARTMENT EMERGENCY ACCESS IN KNOX BOX.
15. CLEARLY IDENTIFY FIRE-PROTECTION EQUIPMENT AND FIRE HYDRANTS, IN A MANNER APPROVED BY THE FIRE MARSHAL, TO PREVENT OBSTRUCTION BY PARKING AND OTHER OBSTRUCTIONS.
16. PROTECT ABOVE GROUND GAS METERS, REGULATORS, SWITCHGEAR AND PIPING EXPOSED TO VEHICULAR DAMAGE DUE TO PROXIMITY TO ALLEYS, DRIVEWAYS OR PARKING AREAS IN AN APPROVED MANNER.
17. ALL INSULATION MATERIAL, INCLUDING FACINGS, SUCH AS VAPOR BARRIERS OR BREATHER PAPERS INSTALLED WITHIN FLOOR-CEILING ASSEMBLIES, ROOF-CEILING ASSEMBLIES, WALLS, CRAWL SPACES OR ATTICS SHALL HAVE A FLAME-SPREAD RATING NOT TO EXCEED 25 AND A SMOKE DENSITY NOT TO EXCEED 450.
18. INSTALL REQUIRED FIRE HYDRANTS PRIOR TO CONSTRUCTION BEYOND FOUNDATION OR AT EARLIEST REQUIREMENT BY LOCAL FIRE AGENCY OR ORDINANCE.

PROPOSED BUILDING CONCEPTUAL VIEW



PROJECT PROFILE

Table with columns: BUILDING DEPARTMENT, BUILDING CODE, OCCUPANCY CLASSIFICATION, OCCUPANCY SEPARATION, TYPE OF CONSTRUCTION, SEISMIC DESIGN CATEGORY, NUMBER OF STORIES, ASSESSOR'S PARCEL NUMBER, OCCUPANCY TYPE, TOTAL AREA.

PROJECT TEAM

Table listing project team members: OWNER / PROPERTY DEVELOPER (Origo Investments), DESIGN-BUILD CONTRACTOR (Span Construction & Engineering Inc), ARCHITECT (Vr Design Inc), CIVIL ENGINEER (Northstar Engineering Inc), LANDSCAPE ARCHITECT (Adrienne Wong Associates).

SCOPE OF WORK

- 1. THE SCOPE OF WORK UNDER THIS PROJECT TO SECURE THE NECESSARY PLANNING APPROVALS TO PERMIT CONSTRUCTION OF NEW TEMPERATURE CONTROLLED WAREHOUSE/ STORAGE BUILDING FOR THE STORAGE OF NUTS.
2. THE PROJECT INVOLVES CONSTRUCTION OF THE BUILDING IN TWO PHASES. PHASE1 INVOLVES CONSTRUCTION OF AN APPROX 264,000 SF BUILDING. PHASE-2 INVOLVES THE EXPANSION OF THE STORAGE FACILITY BY 250,000 SF.

LOCATION MAP



ABBREVIATIONS

Comprehensive table of abbreviations used in the project, including terms like ACQUST, ABS, ADJ, AFF, AGG, ALUM, AB, L, ANOD, APPROX, AD, AC, ASB, ASSY, AUTO, AVG, BM, BRG, BVL, BITUM, BLKG, BD, BOT, BRK, BRZ, BSMT, BUR, BLDG, CAD, CPT, CSMT, CB, CLG, CL, CEM, CER, CT, CLEAR, CLR, CLS, CND, COW, COL, COMB, COMP, CONC, CONM, CONT, CONST, CORR, CRK, CU, CU FT, CU YD, DP, DLD, DTL, DWG, DIA, DIM, DIV, DR, DBL, DH, DFL, DS, DN, DOW, DWG, FLR, FR, FTS, FND, GALV, GI, GSK, EQ, EQPT, GC, EXC, EXH, EXP, EXP JT, EXP, FOS, FOF, FOM, FOS, FFB, FGL, HDWR, HDR, FIN, FH, FE, FEC, FPL, FLG, FB, FHM, FHMV, FLUOR, FR, FRS, FTS, FND, GALV, GI, GSK, EQ, EQPT, GC, EXC, EXH, EXP, EXP JT, EXP, FOS, FOF, FOM, FOS, FFB, FGL, HDWR, HDR, FIN, FH, FE, FEV, FEH, FEI, FEJ, FEK, FEL, FEM, FEN, FEV, FEW, FEY, FEZ, FE1, FE2, FE3, FE4, FE5, FE6, FE7, FE8, FE9, FE10, FE11, FE12, FE13, FE14, FE15, FE16, FE17, FE18, FE19, FE20, FE21, FE22, FE23, FE24, FE25, FE26, FE27, FE28, FE29, FE30, FE31, FE32, FE33, FE34, FE35, FE36, FE37, FE38, FE39, FE40, FE41, FE42, FE43, FE44, FE45, FE46, FE47, FE48, FE49, FE50, FE51, FE52, FE53, FE54, FE55, FE56, FE57, FE58, FE59, FE60, FE61, FE62, FE63, FE64, FE65, FE66, FE67, FE68, FE69, FE70, FE71, FE72, FE73, FE74, FE75, FE76, FE77, FE78, FE79, FE80, FE81, FE82, FE83, FE84, FE85, FE86, FE87, FE88, FE89, FE90, FE91, FE92, FE93, FE94, FE95, FE96, FE97, FE98, FE99, FE100.

Table with columns: NO, DESCRIPTION, DATE, BY. Contains a revision entry for SDR-2021-141.

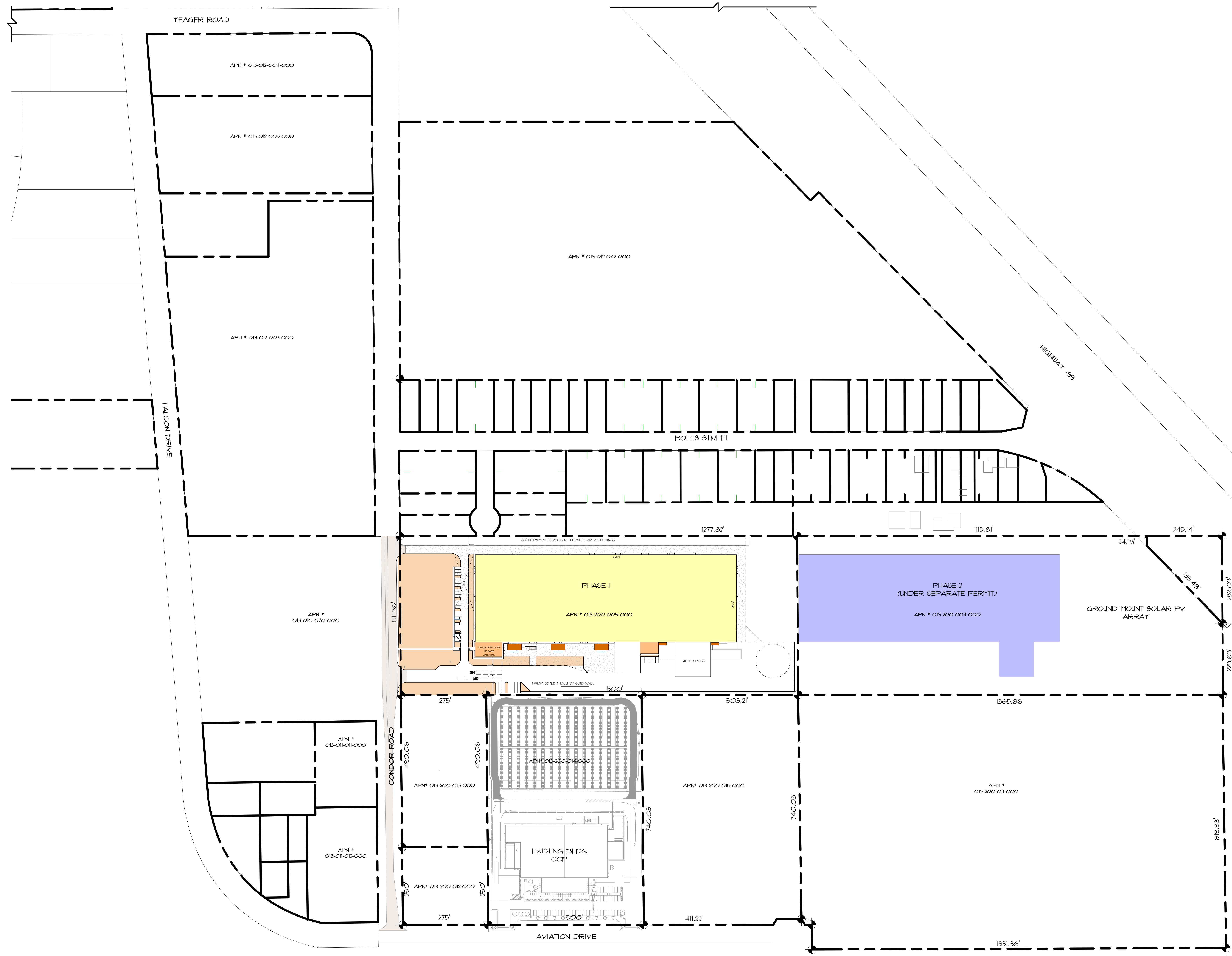


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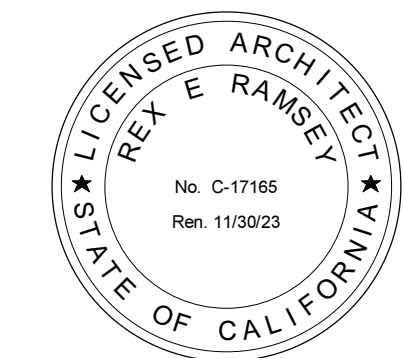
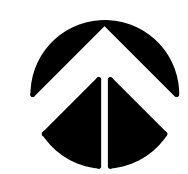
231 MARKET PLACE #255
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FAX: (925) 332-6586
info-ca@vrfdesign.com
Rex Ramsey, Architect License No. 17165
www.vrfdesign.com



CONDITIONED STORAGE FACILITY
CONDOR ROAD
MADERA, CALIFORNIA 93637
TITLE SHEET
10.0
SCALE: AS SHOWN
DRAWN BY: HV
CHECKED BY: RBZ
ISSUE DATE: 02/23/22



① OVERALL MASTER PLAN
1" = 120'-0"



NO	DESCRIPTION	DATE	BY
1	SDR-2021-11_PLAN CHECK RESPONSE #2	02.23.2022	



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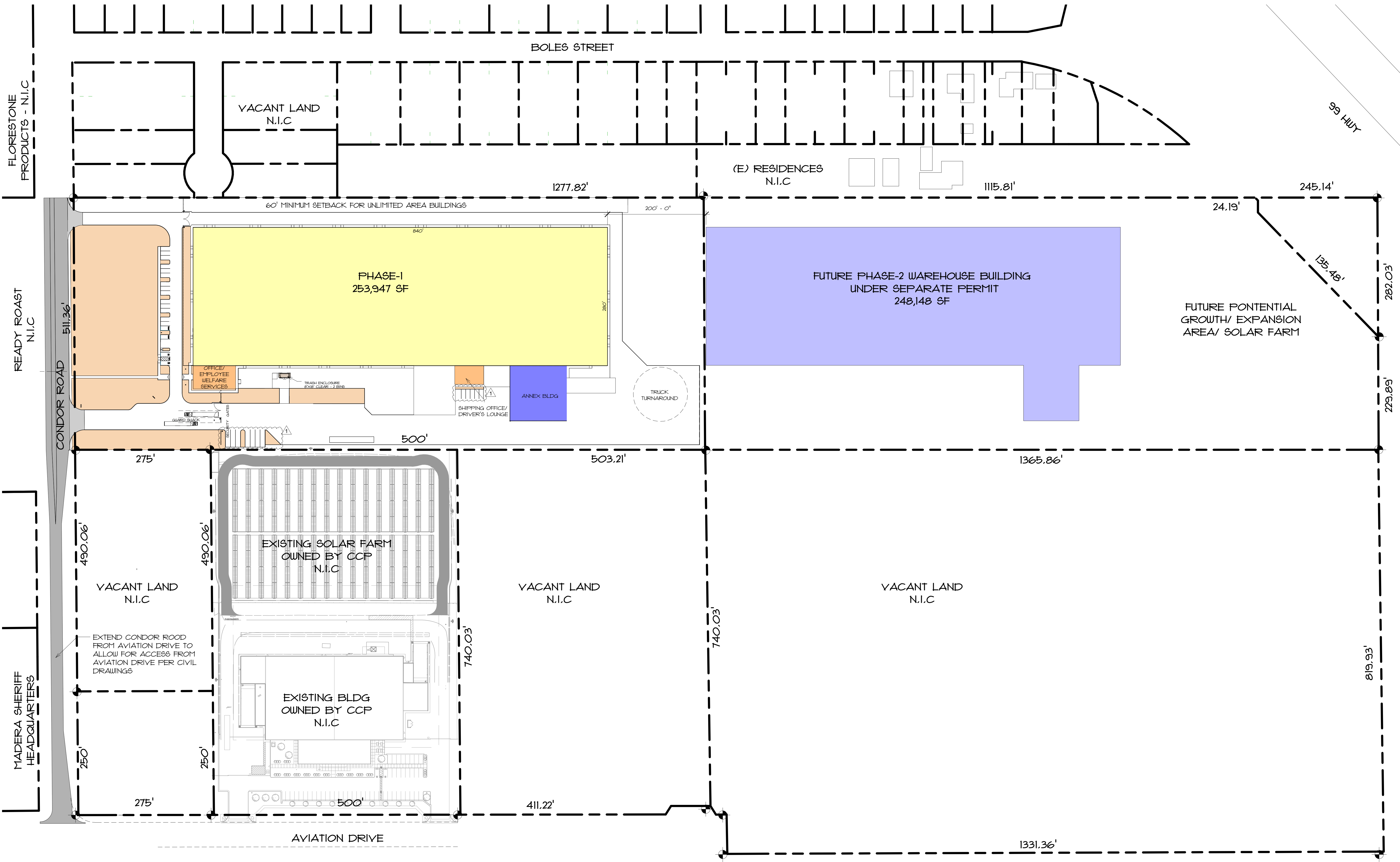


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CONDITIONED STORAGE FACILITY
CONDOR ROAD
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OVERALL MASTER PLAN

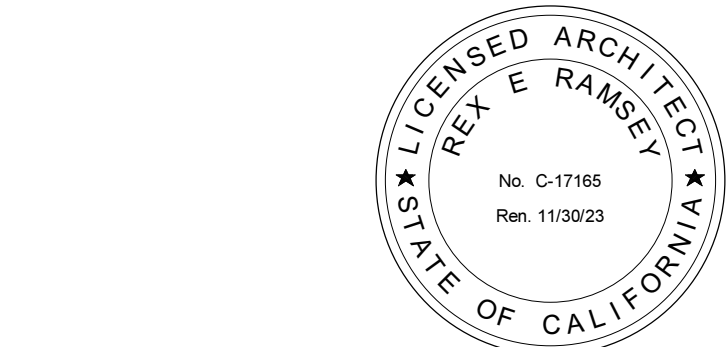
JOB NO	VRD102
PROJECT	ORISGO
SCALE	1" = 120'-0"
DRAWN BY	AP/WVG
CHECKED BY	NER
ISSUE DATE	11/16/21

A1.0



1 OVERALL PHASE-1 & 2 SITE PLAN
1" = 80'-0"

FIRE DEPARTMENT NOTES	PUBLIC WORKS DEPARTMENT NOTES	BUILDING DEPARTMENT NOTES	LANDSCAPING NOTES
<ol style="list-style-type: none"> AN CLEAR PATH FOR EMERGENCY VEHICLE ACCESS ROAD IS PROPOSED AROUND THE PERIMETER OF THE BUILDING. FINAL DESIGN WILL BE COORDINATED FOR TURNING RADIUS, WIDTHS, AND ROADWAY MATERIALS ALONG WITH LOCATIONS FOR NEW POST INDICATOR VALVES AND FIRE HYDRANT LOCATIONS. WAREHOUSE WILL BE FIRE SPRINKLERED AND DESIGNED FOR HIGH PILE STORAGE REQUIREMENTS. SMOKE AND HEAT VENTS, AND FIRE DEPARTMENT ACCESS DOORS WILL BE INSTALLED PER CALIFORNIA BUILDING AND FIRE CODES. 	<ol style="list-style-type: none"> THE STORM WATER DRAINAGE WILL BE DESIGNED TO MEET CITY OF MADERA PUBLIC WORKS AND CALIFORNIA STATE WATER RESOURCES CONTROL BOARD INDUSTRIAL STORM WATER PERMIT REQUIREMENTS. ALL STORM WATER FROM NON-PERVIOUS SURFACES SHALL BE EFFECTIVELY TREATED PRIOR TO DISCHARGE TO MUNICIPAL STORM WATER SYSTEM. LOW IMPACT DESIGN MEASURES SHALL BE MET. 	<ol style="list-style-type: none"> CALIFORNIA BUILDING CODE (CBC) AND AMERICANS WITH DISABILITY ACT (ADA) REQUIREMENTS WILL BE MET AS A PART OF THIS ADDITION. THE PROJECT WILL MEET CALIFORNIA GREEN BUILDING AND CALIFORNIA ENERGY CONSERVATION CODES. THE PROPOSED WAREHOUSE IS A CONDITIONED SPACE AND WILL MEET THE REQUIREMENTS OF THE CALIFORNIA MECHANICAL CODE AND CALIFORNIA GREEN BUILDING CODE FOR REFRIGERATED FACILITIES. 	<ol style="list-style-type: none"> THE LANDSCAPING WILL BE DESIGNED TO MEET CITY OF MADERA REQUIREMENTS. LOW IMPACT AND LOW IRRIGATION WATER USAGE DESIGN WILL BE IMPLEMENTED. GROUND COVER IS MINIMAL TO ADDRESS RODENT CONTROL REQUIREMENTS AT FOOD PROCESSING BUILDINGS.



NO	DESCRIPTION	DATE	BY
1	SDR-2021-41 PLAN CHECK RESPONSE #2	02/23/2022	

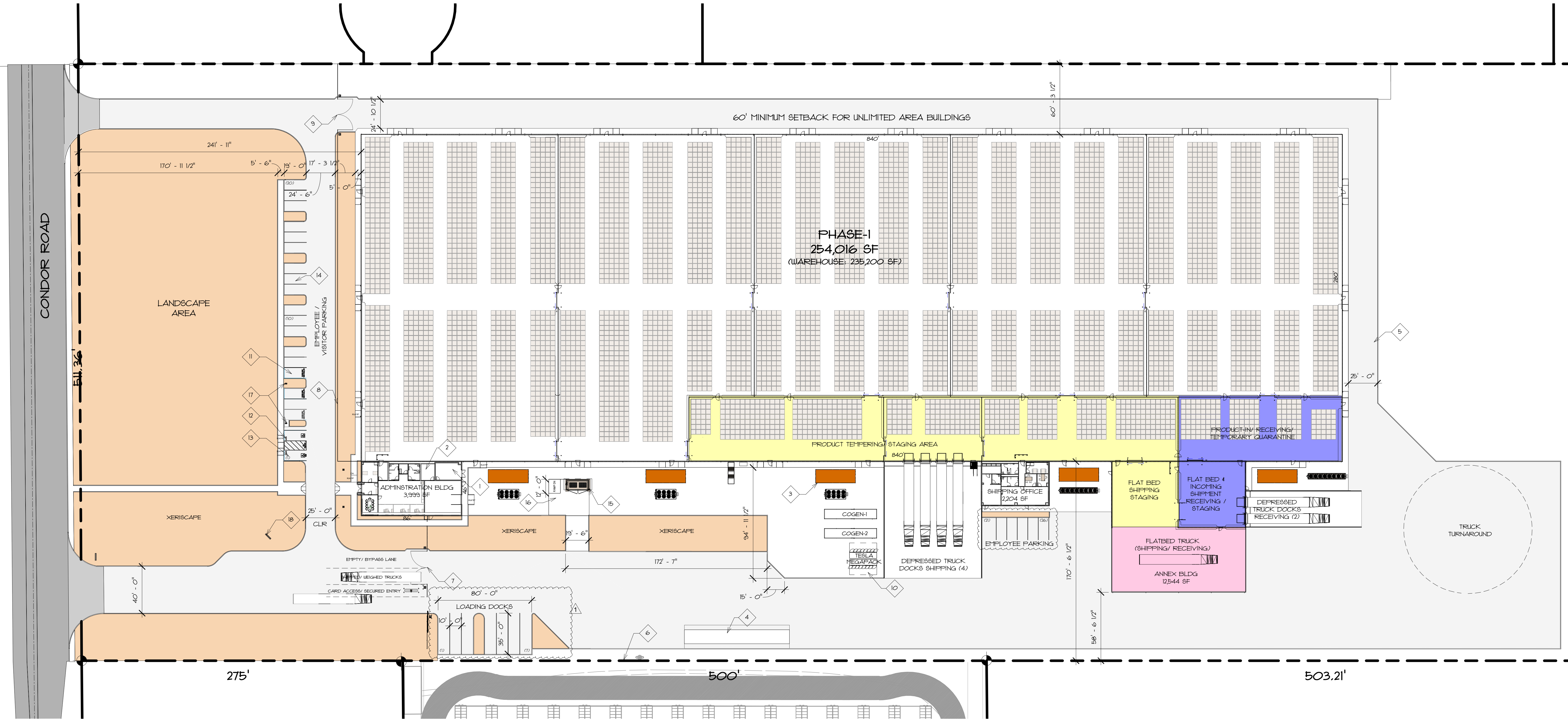
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Rex Ramsey, Architect License No: 17165
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AMOND WORLD
ORIGO INVESTMENTS
CONDITIONED STORAGE FACILITY
CONDOR ROAD
MADERA, CALIFORNIA 93637
OVERALL PHASE-1 & 2 SITE PLAN

PROJECT: ORIGO
SCALE: 1" = 80'-0"
DRAWN BY: HV
CHECKED BY: REB
ISSUE DATE: 02/23/22

A1.1



1 PHASE-1 ENLARGED SITE PLAN
1" = 40'-0"

KEYNOTES

- 1 FIRE RISER ROOM
- 2 MAIN ELECTRICAL ROOM
- 3 MODULAR SELF CONTAINED REFRIGERATION EQUIPMENT ENCLOSURE - TYPICAL
- 4 FUTURE - TRUCK WEIGHING SCALE (INCOMING AND OUT BOUND)
- 5 LIMITS OF PHASE-1 PAVED SURFACE
- 6 6' TALL CHAINLINK FENCE ALONG PROPERTY PERIMETER U.O.N
- 7 6' TALL TRUCK ACCESS GATES
- 8 6' TALL POWDER COATED BLACK WROUGHT IRON FENCE ON THE WEST SIDE FACING CONDOR ROAD ONLY
- 9 FIRE DEPARTMENT ACCESS GATES
- 10 OUTDOOR EQUIPMENT YARD
- 11 CLEAN AIR VEHICLE PARKING. PAINT THE WORDS "CLEAN AIR/VAN/POOL/EV" IN PAINT USED FOR STALL STRIPING SUCH THAT THE LOWER EDGE OF THE LAST WORD ALIGNS WITH THE END OF THE STALL STRIPING AND IS VISIBLE BENEATH A PARKED VEHICLE.
- 12 PRE-CAST WHEEL STOPS - TYPICAL
- 13 VAN ACCESSIBLE PARKING STALL
- 14 PROPOSED 9'x19' PARKING STALLS
- 15 TRASH ENCLOSURE PER CITY OF MADERA STANDARD DIAG E-7
- 16 CONCRETE APRON
- 17 ELECTRIC VEHICLE CHARGING STATION
- 18 MONUMENT SIGN PER CITY OF MADERA STANDARDS

SITE ACCESS NOTES

1. NIGHT TIME SECURITY GATES: SHALL REMAIN OPEN DURING BUSINESS HOURS AT ALL TIMES AND SHALL BE CLOSED ONLY WHEN THE ENTIRE WAREHOUSE OPERATIONS IS SHUTDOWN
 2. TRUCK ACCESS GATES: SECURED AT ALL TIMES AND ACCESS BY CARD READER OR BY SECURITY PERSONNEL ONLY. LOOPED AUTOMATED EXITS
 3. FIRE DEPARTMENT ACCESS GATE: SECURED AT ALL TIMES AND FOR USE BY FIRE DEPARTMENT ONLY AS REQUIRED
- NOTE: ALL GATES SHALL HAVE KNOX BOX LOCATED FOR FIRE DEPARTMENT ACCESS PER CITY OF MADERA STANDARDS



ZONING CRITERIA

CITY OF MADERA			
STREET IMPROVEMENTS			
CONDOR ROAD - RIGHT OF WAY EASEMENT PER 11-P-03		80'	WIDE
PROJECT SITE			
APN: 013-200-004	15.60	ACRES	
APN: 013-200-005	15.00	ACRES	
TOTAL SITE AREA	30.60	ACRES	
PROPOSED BUILDING INFORMATION			
COLD STORAGE WAREHOUSE BUILDING	2,35,200	SF	
FLATBED TRUCK UNLOADING/ ANNEX BLDG	12,544	SF	
ADMINISTRATION/ OFFICE BLDG	3,999	SF	
SHIPPING OFFICE	2,204	SF	
TOTAL BUILDING AREA	2,53,947	SF	
MUNICIPAL CODE 10-3-1001 TO 10-3-1004			
	MIN REQD	PROVIDED	SPECIFIC PLAN #1 (Item III)
LOT COVERAGE	60%		
PHASE-1 FLOOR AREA RATIO (FAR)		19.05%	
PROJECTED FLOOR AREA RATIO AT COMPLETION OF PHASE-2		37.80%	
FRONT YARD SETBACK	0'	241' 11"	241' 11"
SIDE YARD SETBACK	10'	-60' Avg	-60' Avg
REAR YARD SETBACK	0'	60'	60'
MIN LANDSCAPE ALONG FRONT AND STREET SIDE YARDS		8'	17'
MIN LANDSCAPE FOR % OF PARKING LOT		5%	EXCEED/ COMPLY
MAXIMUM BUILDING HEIGHT	65'		
OFFSITE PARKING	SEE PARKING CALCULATIONS		

PARKING CALCULATIONS

CITY OF MADERA			
SITE PARKING CALCULATIONS			
BUILDING USE:		WAREHOUSE	
TOTAL NO. OF EMPLOYEES	10		
PARKING PER EMPLOYEE RATIO @ (1 SPACE PER 2 EMPLOYEE)	0.5		
OFFICE PARKING RATIO PER SF		1/ 300	
LOADING SPACE WAREHOUSE RATIO PER SF (PLUS 1 ADDITIONAL STALL)		1/ 20000	
ADMINISTRATION AND SHIPPING OFFICE	6,203	SF	
COLD STORAGE WAREHOUSE/ TEMPERING AREAS	2,47,744	SF	
PARKING PER EMPLOYEE RATION @ 2/ EMPLOYEE	5	STALLS	
OFFICE PARKING	20.7	STALLS	
REQD OFFICE PARKING:	26	STALLS	
REQD LOADING SPACE FOR WAREHOUSE	14	STALLS	
TOTAL ACCESSIBLE PKNG REQD PER 2019 CBC 11B-208.2	2	STALLS	
OFFICE PARKING:			
TOTAL NUMBER OF EMPLOYEE PARKING STALLS PROVIDED:	26	STALLS	
ACCESSIBLE PARKING PROVIDED	2	STALLS	
WAREHOUSE PARKING:			
LOADING/ UNLOADING DOCKS	6	DOCKS	
FLAT BED TRUCK UNLOADING	1		
ADDITIONAL UNLOADING AREAS (10' W x 35' L)	7	STALLS	
TOTAL NUMBER OF LOADING/ UNLOADING AREAS	14	STALLS	

NO	DESCRIPTION	DATE	BY
1	SDR-2021-41_PLAN CHECK RESPONSE #2	02/23/2022	
REVISIONS			

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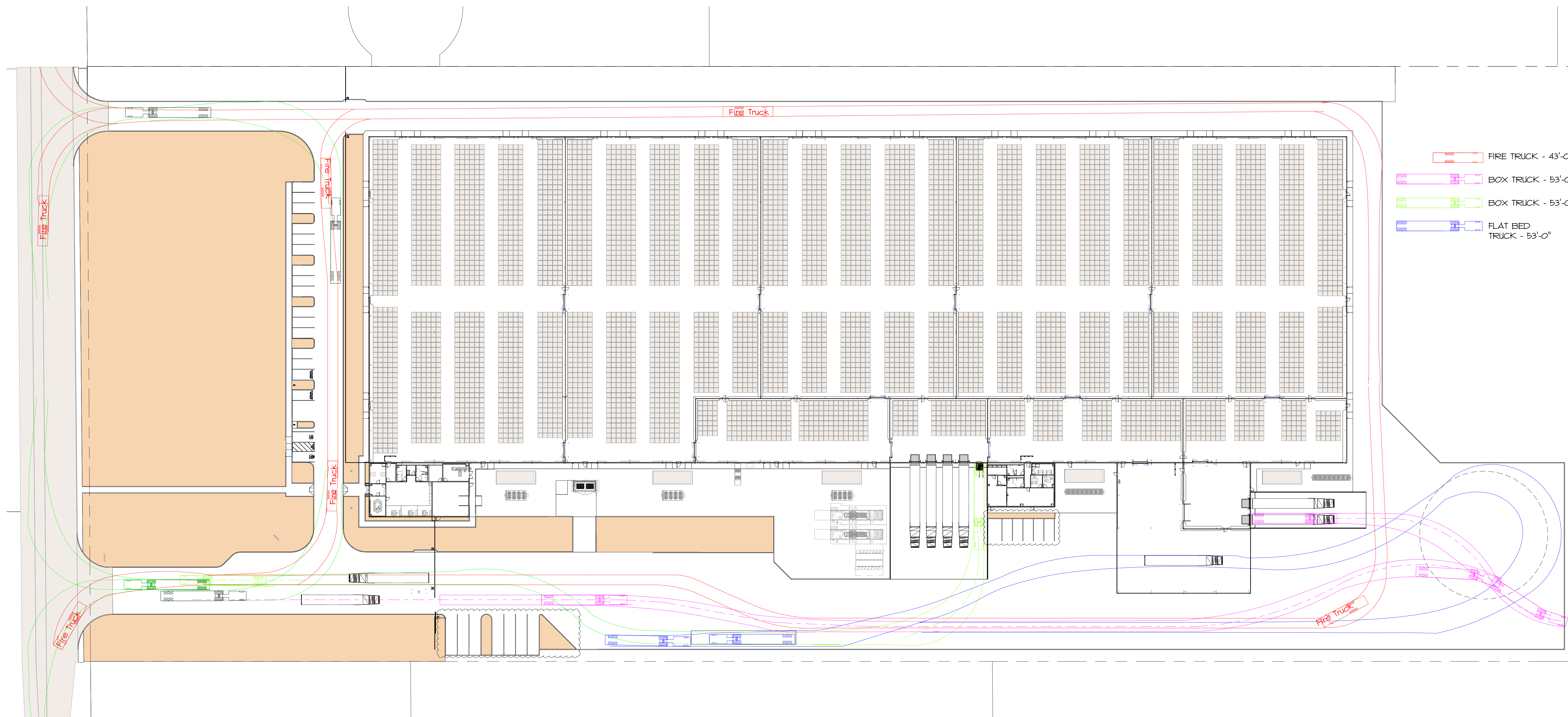
VF DESIGN
231 MARKET PLACE #255
SAN RAMON, CALIFORNIA 94583
PHONE: (888) 475-3629 x 101
FAX: (925) 332-6256
info-ca@vrdesignusa.com

Re: Ramsey, Architect License No: 17165
www.vrdesignusa.com

ORION INVESTMENTS
CONDITIONED STORAGE FACILITY
CONDOR ROAD
MADERA, CALIFORNIA 93637
PHASE-1 ENLARGED SITE PLAN

AXIS NO: V01010
PROJECT: ORIGO
SCALE: 1" = 40'-0"
DRAWN BY: HV
CHECKED BY: REB
ISSUE DATE: 02/23/22

A1.2



- FIRE TRUCK - 43'-0"
- BOX TRUCK - 53'-0"
- BOX TRUCK - 53'-0"
- FLAT BED TRUCK - 53'-0"

① TRUCK TRAFFIC CIRCULATION PLAN
1" = 40'-0"



NO	DESCRIPTION	DATE	BY
1	SDR-2021-41, PLAN CHECK RESPONSE #2	02/23/2022	

NO	DESCRIPTION	DATE	BY
REVISIONS			

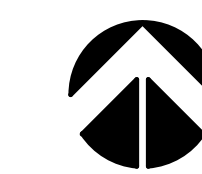
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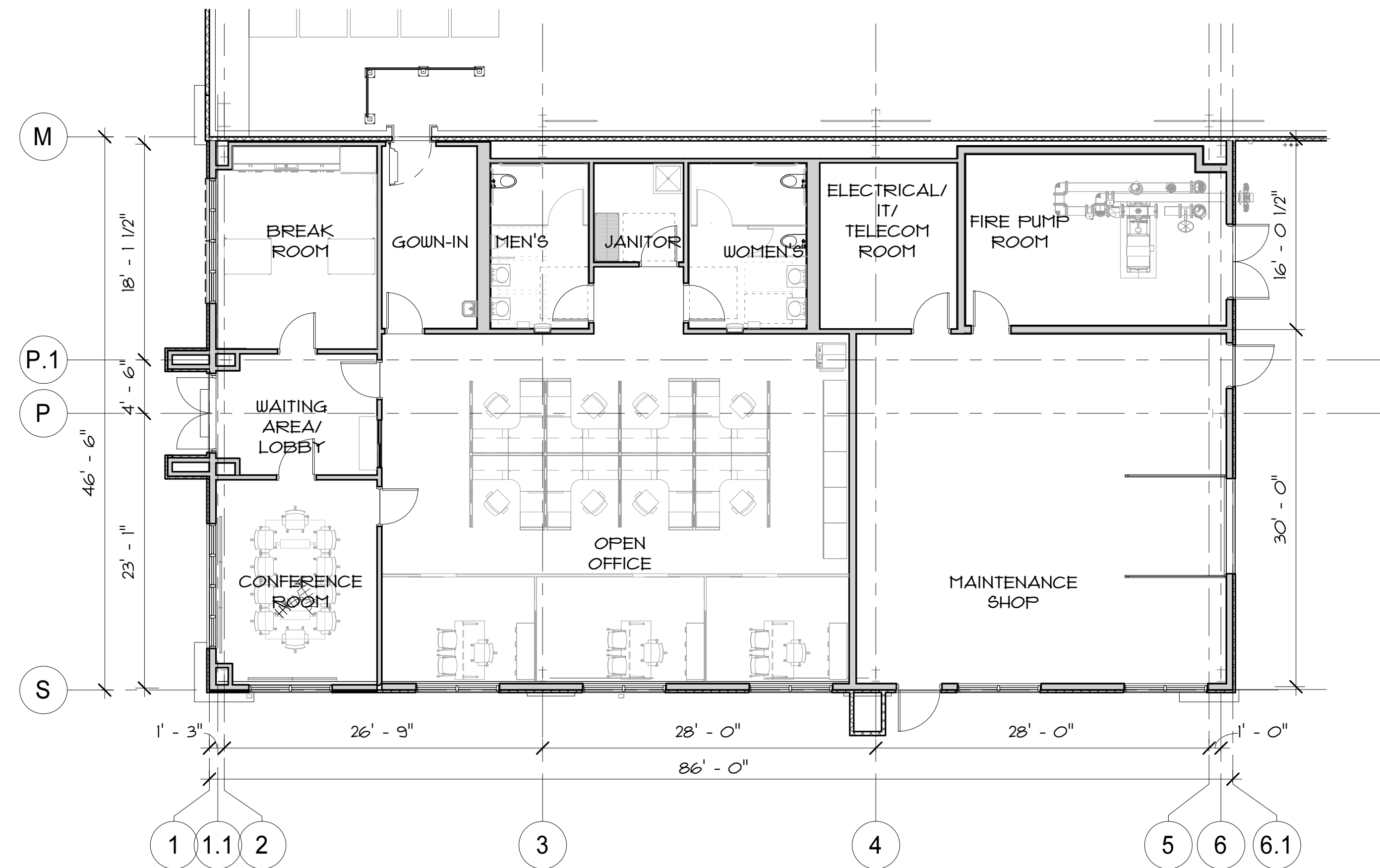
VR DESIGN
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ORIGONVESTMENTS
 CONDITIONED STORAGE FACILITY
 ### CONDOR ROAD
 MADERA, CALIFORNIA 93637
 TRUCK TRAFFIC CIRCULATION PLAN

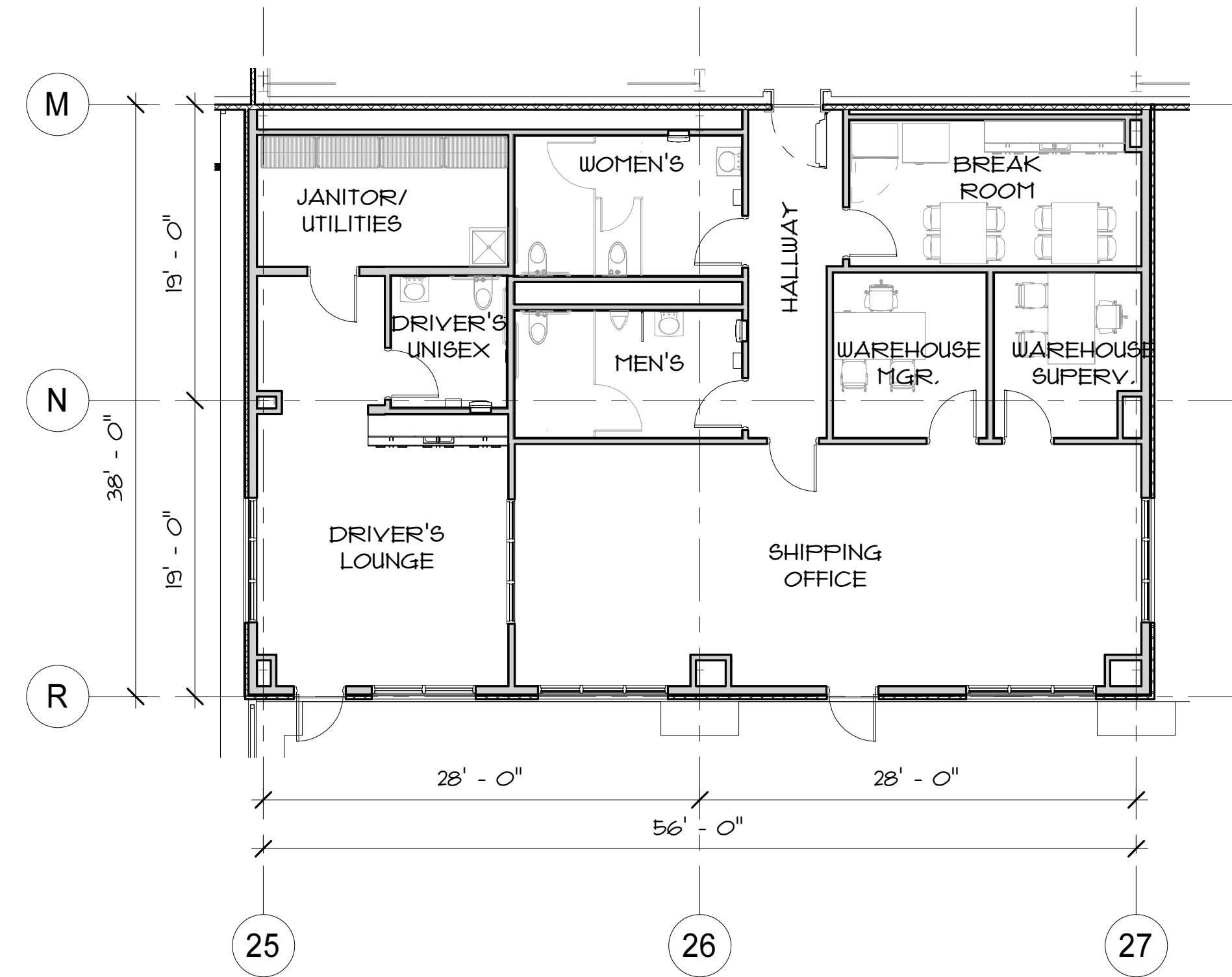
JOB NO	VR010
PROJECT	ORIGO
SCALE	1" = 40'-0"
DRAWN BY	AP
CHECKED BY	REB
ISSUE DATE	02/23/22

A1.3

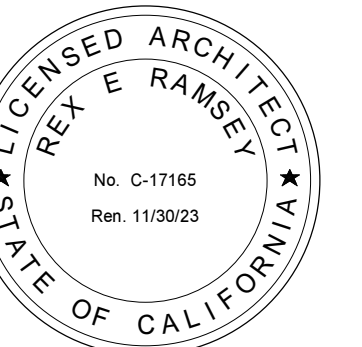




① ENLARGED ADMIN BLDG PLAN
1/8" = 1'-0"



③ ENLARGED SHIPPING OFFICE
1/8" = 1'-0"



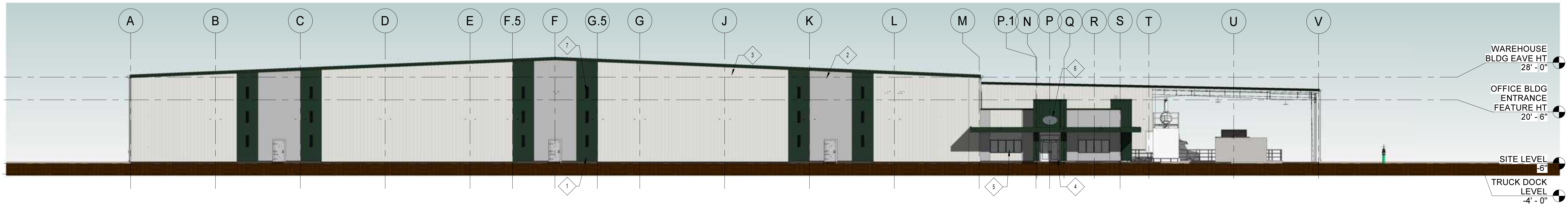
NO	DESCRIPTION	DATE	BY
1	SDR 2021-41 PLAN CHECK RESPONSE #2	02/23/2022	



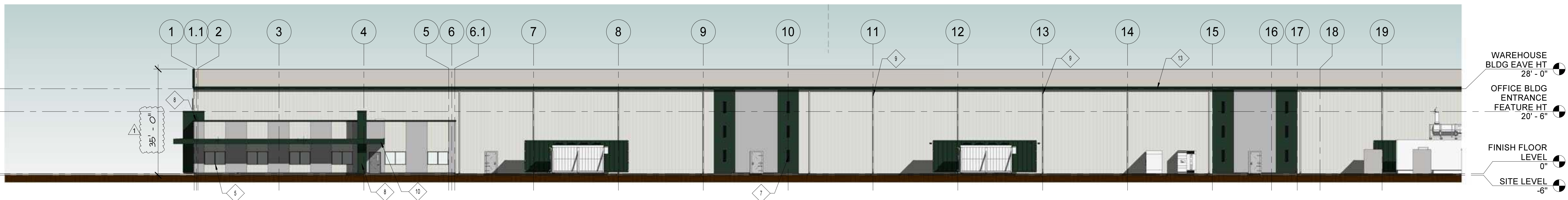
AMOND WORLD, LLC
CONDITIONED STORAGE FACILITY
CONDOR ROAD
MADERA, CALIFORNIA 93637
ENLARGED FLOOR PLANS

JOB NO: VTD1510
 PROJECT: CONDOR
 SCALE: 1/8" = 1'-0"
 DRAWN BY: AP
 CHECKED BY: NER
 ISSUE DATE: 02/23/22

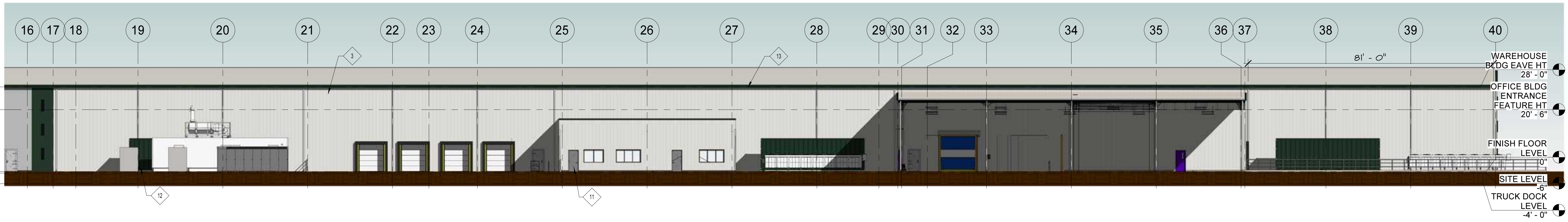
A2.0



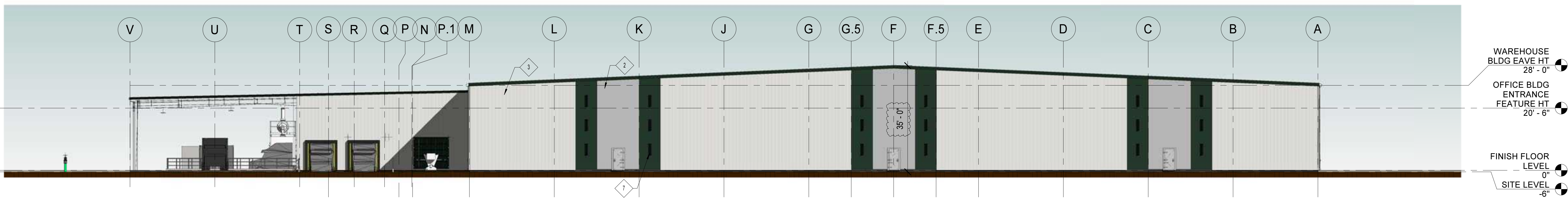
1 WEST ELEVATION
1/16" = 1'-0"



2 SOUTH ELEVATION, PART A
1/16" = 1'-0"



3 SOUTH ELEVATION, PART B
1/16" = 1'-0"

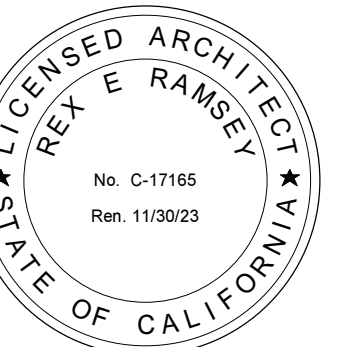
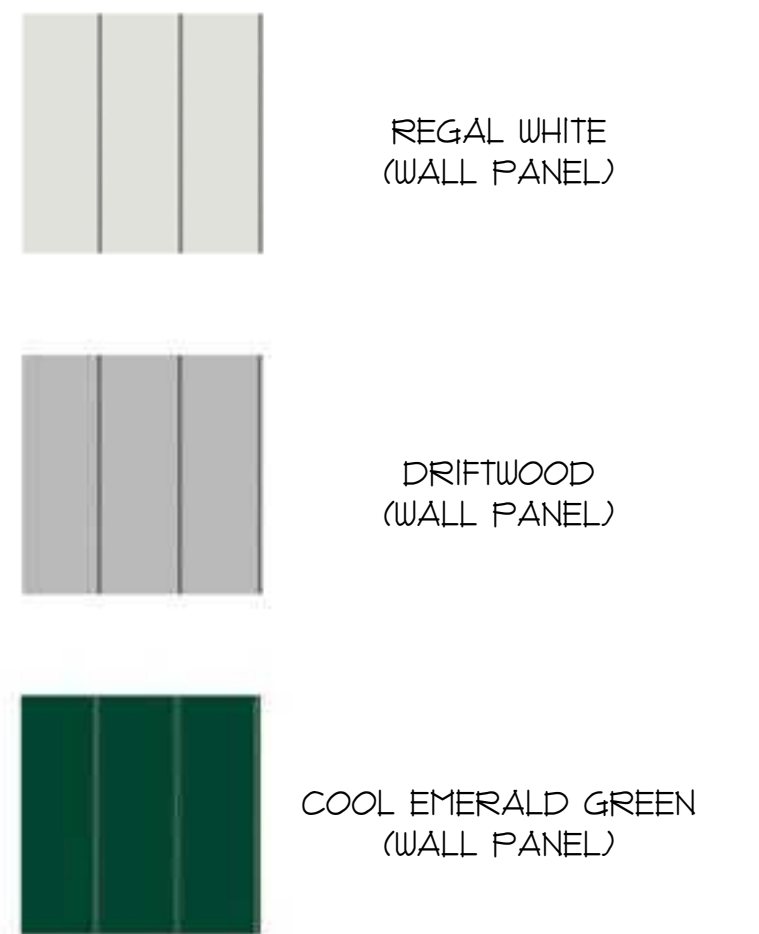


4 EAST ELEVATION
1/16" = 1'-0"

KEYNOTES

- 1 4" INSULATED METAL PANEL WALL - COOL EMERALD GREEN COLOR
- 2 4" INSULATED METAL PANEL WALL - DRIFTWOOD COLOR
- 3 4" INSULATED METAL PANEL WALL - REGAL WHITE COLOR
- 4 MAIN OFFICE STORE FRONT ENTRANCE
- 5 ANODIZED ALUMINUM STOREFRONT WINDOWS W/ GREEN TINTED TEMPERED GLAZING - TYPICAL
- 6 LIGHTED SIGNAGE PER CITY OF MADERA STANDARDS
- 7 SURFACE MOUNTED ACCENT LIGHT FIXTURES
- 8 OFFICE ENTRY FEATURE WALL W/ SMOOTH PANELS TO MATCH COOL EMERALD GREEN COLOR
- 9 6" DOWNSPOUTS TO MATCH REGAL WHITE COLOR TYPICAL
- 10 OFFICE CANOPY OVERHANG TO MATCH COOL EMERALD GREEN COLOR
- 11 3'X7' WM OR FREEZER DOORS TO MATCH DRIFTWOOD PANEL COLOR - TYPICAL
- 12 REFRIGERATED EQUIPMENT BUILDING/ CONTAINER - METAL PANEL TO MATCH COOL EMERALD GREEN PANEL COLOR
- 13 FEM-B GUTTER AND TRIM TO MATCH COOL EMERALD GREEN TYPICAL

PANEL COLORS



NO	DESCRIPTION	DATE	BY
1	SDR 2021-41 PLAN CHECK RESPONSE #2	02/23/2022	

REVISIONS



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** CONDOR ROAD
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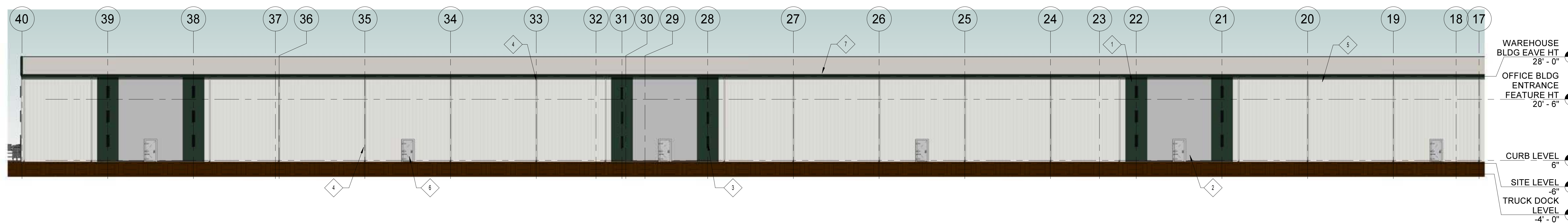
ELEVATIONS

JOB NO	VR010
PROJECT	CONDOR
SCALE	1/8" = 1'-0"
DRAWN BY	AP/PVG
CHECKED BY	NER
ISSUE DATE	02/23/22

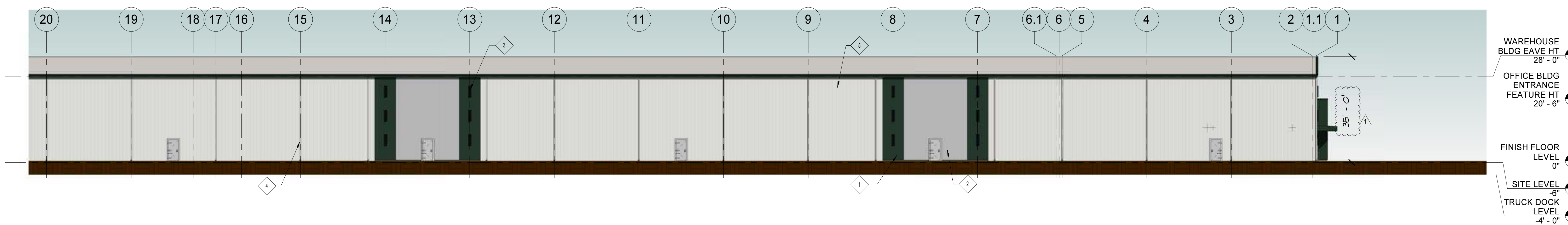
A3.0

KEYNOTES

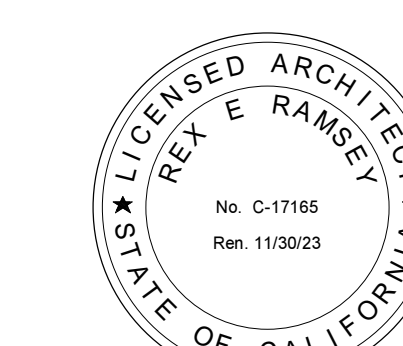
- 1 4" INSULATED METAL PANEL WALL - COOL EMERALD GREEN COLOR
- 2 4" INSULATED METAL PANEL WALL - DRIFTWOOD COLOR SURFACE MOUNTED ACCENT LIGHT FIXTURES
- 3 6" DOWNSPOUTS TO MATCH REGAL WHITE COLOR TYPICAL
- 4 4" INSULATED METAL PANEL WALL - REGAL WHITE COLOR
- 5 3'x7' HM OR FREEZER DOORS TO MATCH DRIFTWOOD PANEL COLOR - TYPICAL
- 6 FEME- GUTTER AND TRIM TO MATCH COOL EMERALD GREEN TYPICAL



5 NORTH ELEVATION PART A
1/16" = 1'-0"



6 NORTH ELEVATION PART B
1/16" = 1'-0"



NO	DESCRIPTION	DATE	BY
1	SDR 2021-41 PLAN CHECK RESPONSE #2	02/23/2022	

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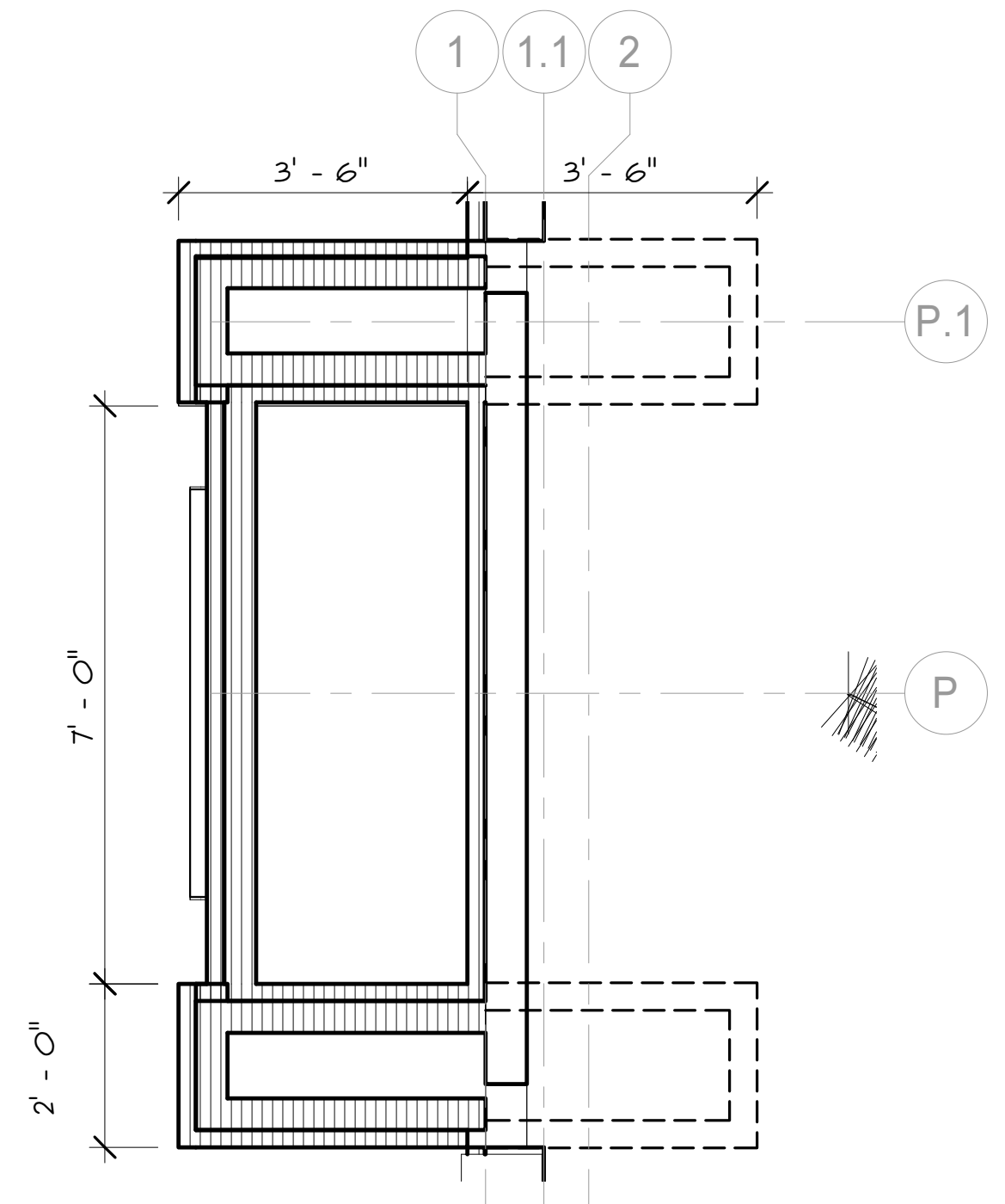
ELEVATIONS

JOB NO	VR010
PROJECT	CONDOR
SCALE	1/8" = 1'-0"
DRAWN BY	APV YG
CHECKED BY	NER
ISSUE DATE	02/23/22

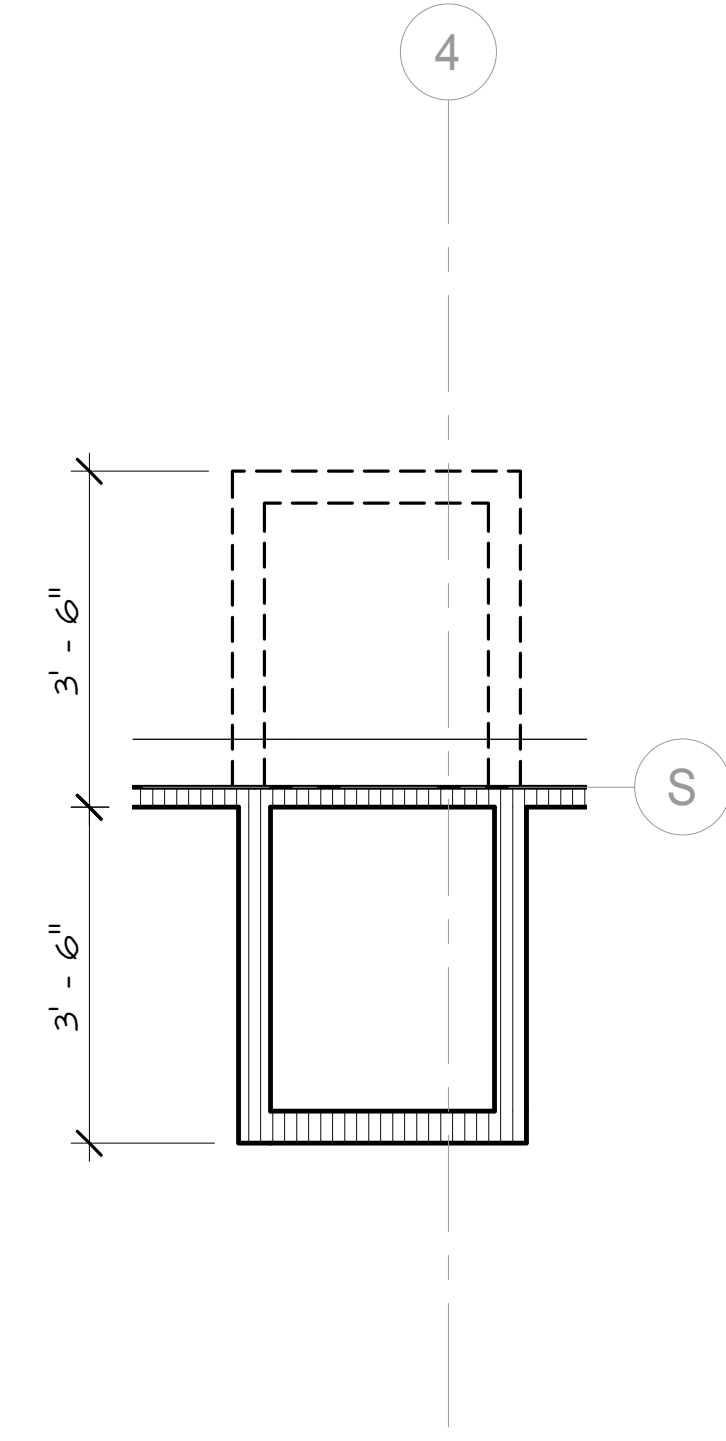
A3.1



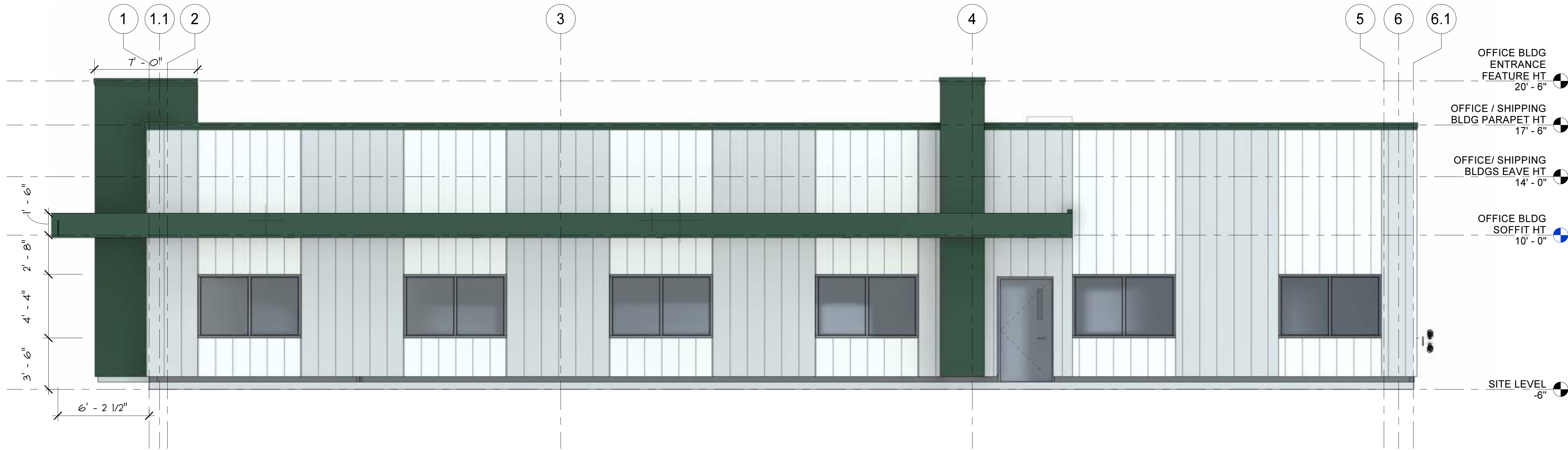
2 OFFICE BUILDING- ELEVATION 1
1/4" = 1'-0"



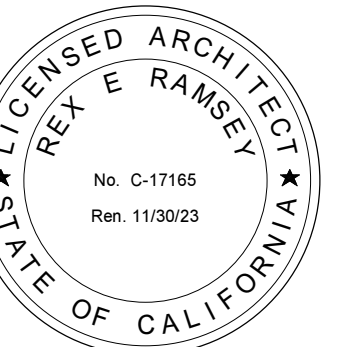
3 OFFICE BLDG DETAIL 2
1/2" = 1'-0"



4 OFFICE BLDG DETAIL 1
1/2" = 1'-0"



5 OFFICE BUILDING- ELEVATION 2
1/4" = 1'-0"



NO	DESCRIPTION	DATE	BY

NO	DESCRIPTION	DATE	BY
1	SDR 2021-41 PLAN CHECK RESPONSE #2	02/23/2022	



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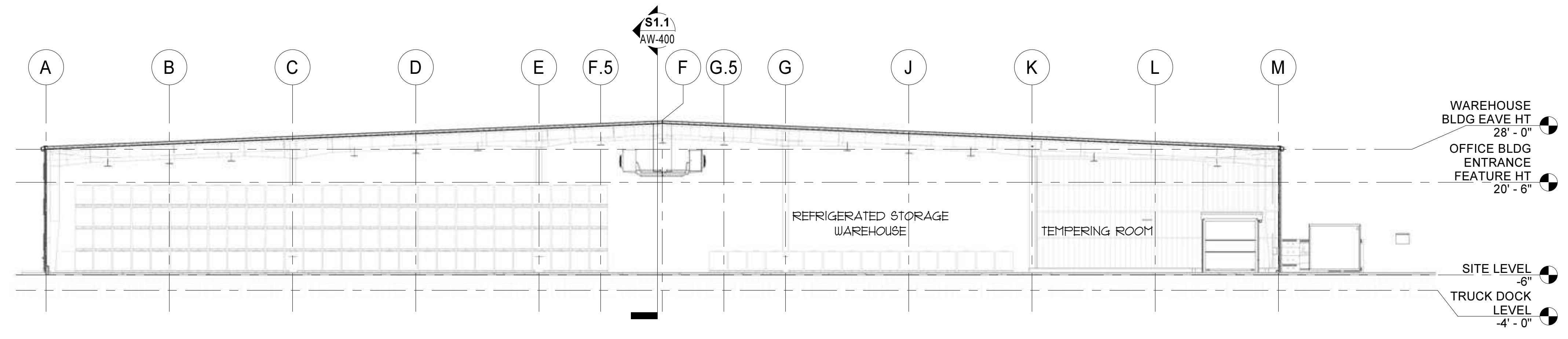


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PHONE: (888) 475-3629 x 101
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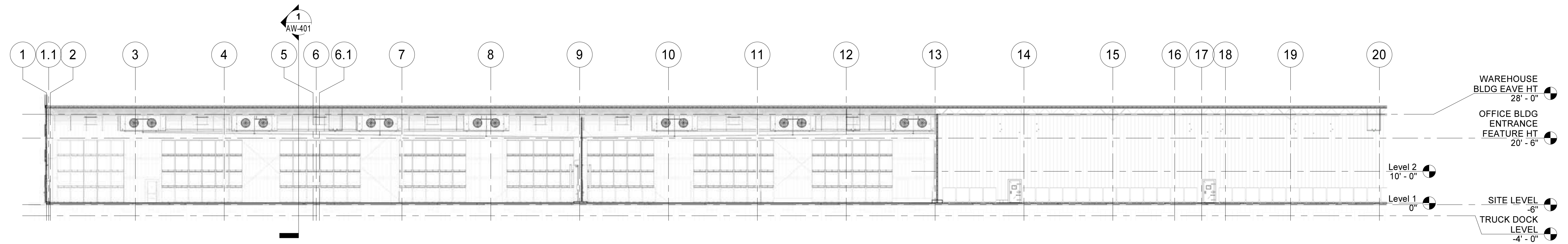


JOB NO	VRD1010
PROJECT	ORNDG
SCALE	As Indicated
DRAWN BY	AP/PVG
CHECKED BY	NER
ISSUE DATE	02/23/22

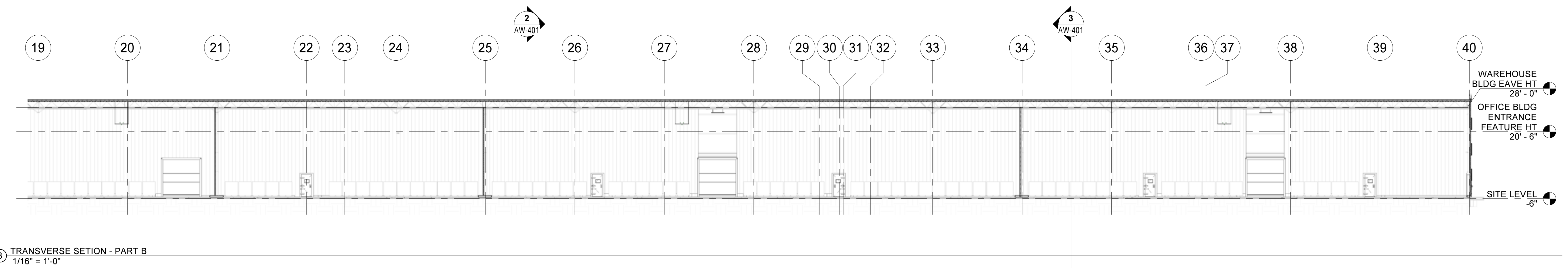
A3.2



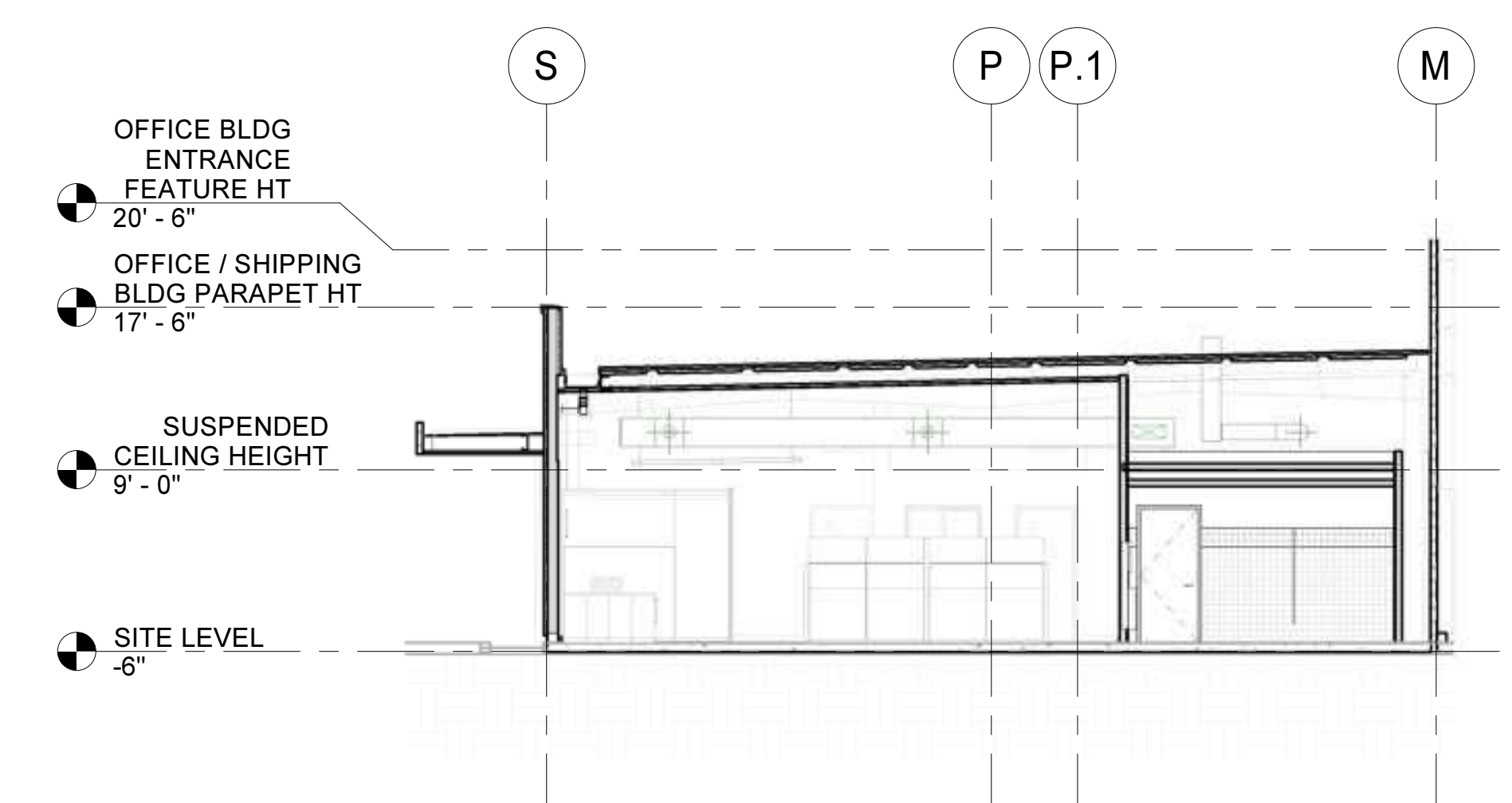
1 LONGITUDINAL SECTION THRU WAREHOUSE
1/16" = 1'-0"



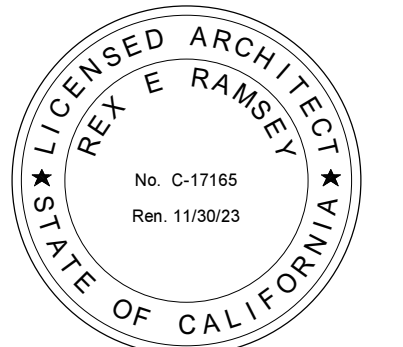
2 TRANSVERSE SECTION - PART A
1/16" = 1'-0"



3 TRANSVERSE SECTION - PART B
1/16" = 1'-0"



4 LONGITUDINAL SECTION THRU ADMIN BLDG
1/8" = 1'-0"



NO	DESCRIPTION	DATE	BY
1	SDR 2021-41 PLAN CHECK RESPONSE #2	02.23.2022	

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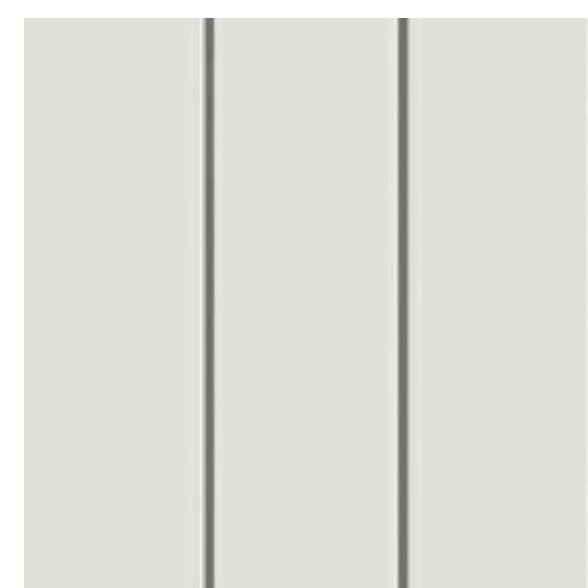
AMOND WORLD
AMOND WORLD, LLC
CONDITIONED STORAGE FACILITY
** CONDOR ROAD
MADERA, CALIFORNIA 93637

SECTIONS
JOB NO: VR010
PROJECT: CONDOR
SCALE: As Indicated
DRAWN BY: JH
CHECKED BY: RER
ISSUE DATE: 02/23/22

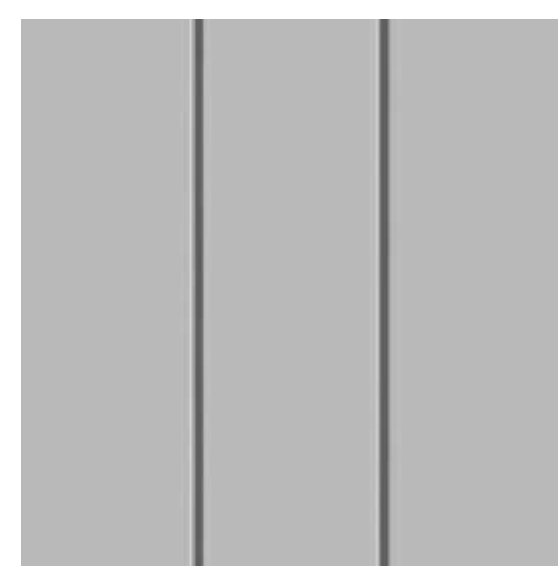
A4.0



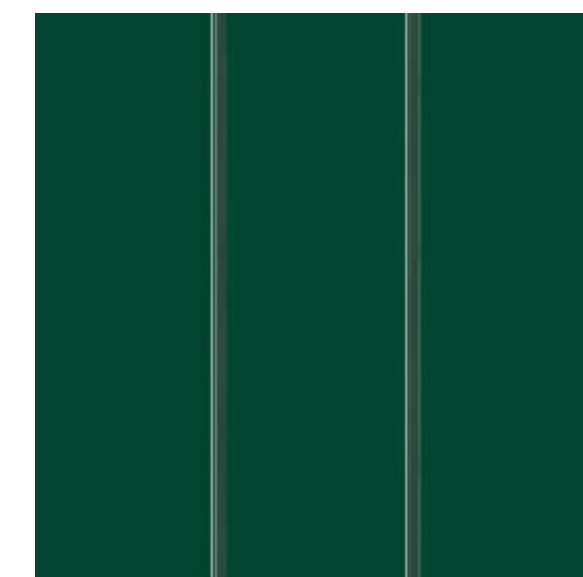
① 3D VIEW
1 1/2" = 1'-0"



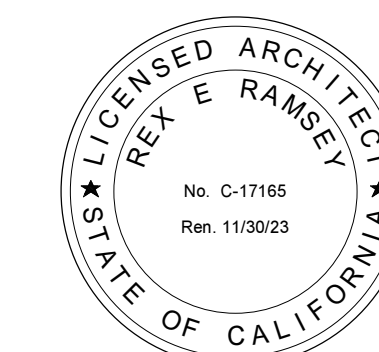
REGAL WHITE
(WALL PANEL)



DRIFTWOOD
(WALL PANEL)



COOL EMERALD GREEN
(WALL PANEL)



NO	DESCRIPTION	DATE	BY
1	SDR 2021-41 PLAN CHECK RESPONSE #2	02/23/2022	

NO	DESCRIPTION	DATE	BY
REVISIONS			

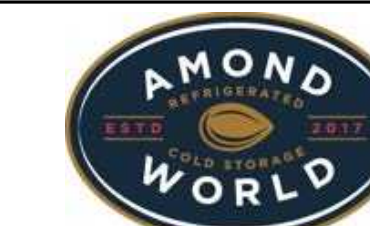


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MADERA, CALIFORNIA 93637

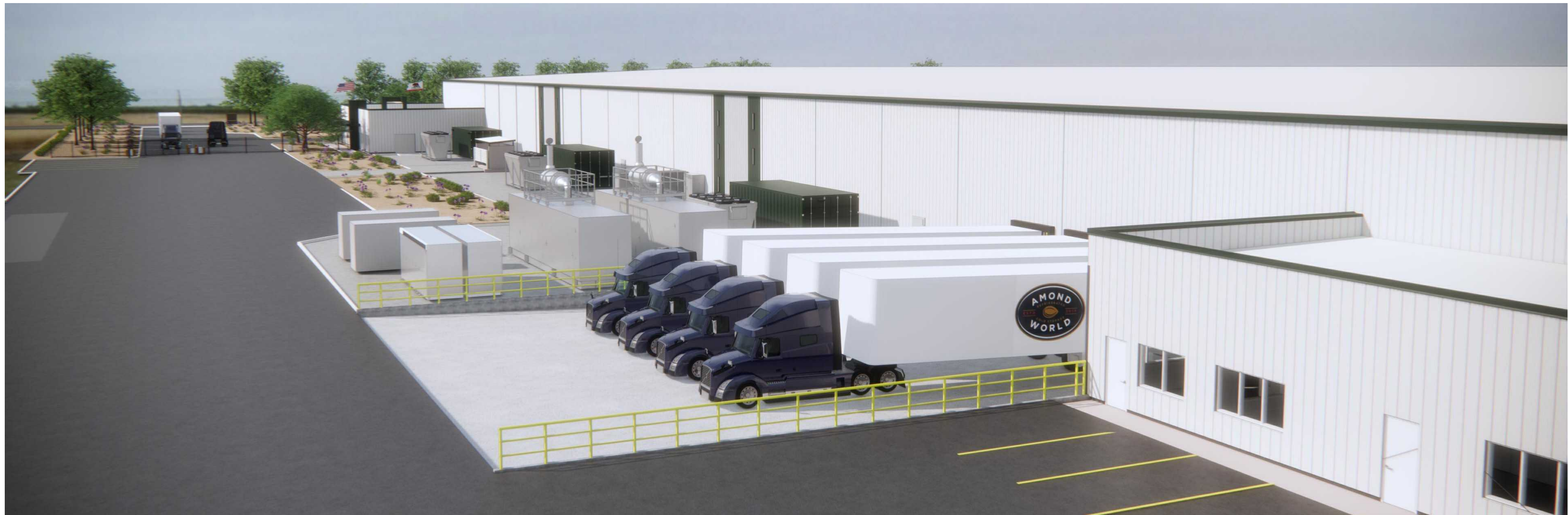
PERSPECTIVE VIEW

JOB NO	VRD10
PROJECT	CONDOR
SCALE	1/2" = 1'-0"
DRAWN BY	AP/PVG
CHECKED BY	NER
ISSUE DATE	02/23/22

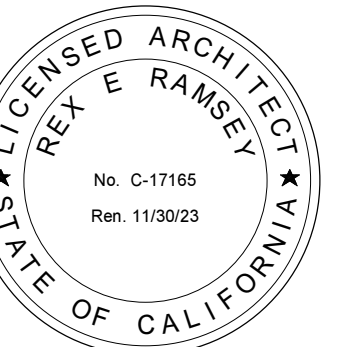
A8.0



① 3D VIEW - FRONT
1 1/2" = 1'-0"



② 3D VIEW - REAR
1 1/2" = 1'-0"



NO	DESCRIPTION	DATE	BY

NO	DESCRIPTION	DATE	BY
1	SDR 2021-41 PLAN CHECK RESPONSE #2	02/23/2022	



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** CONDOR ROAD
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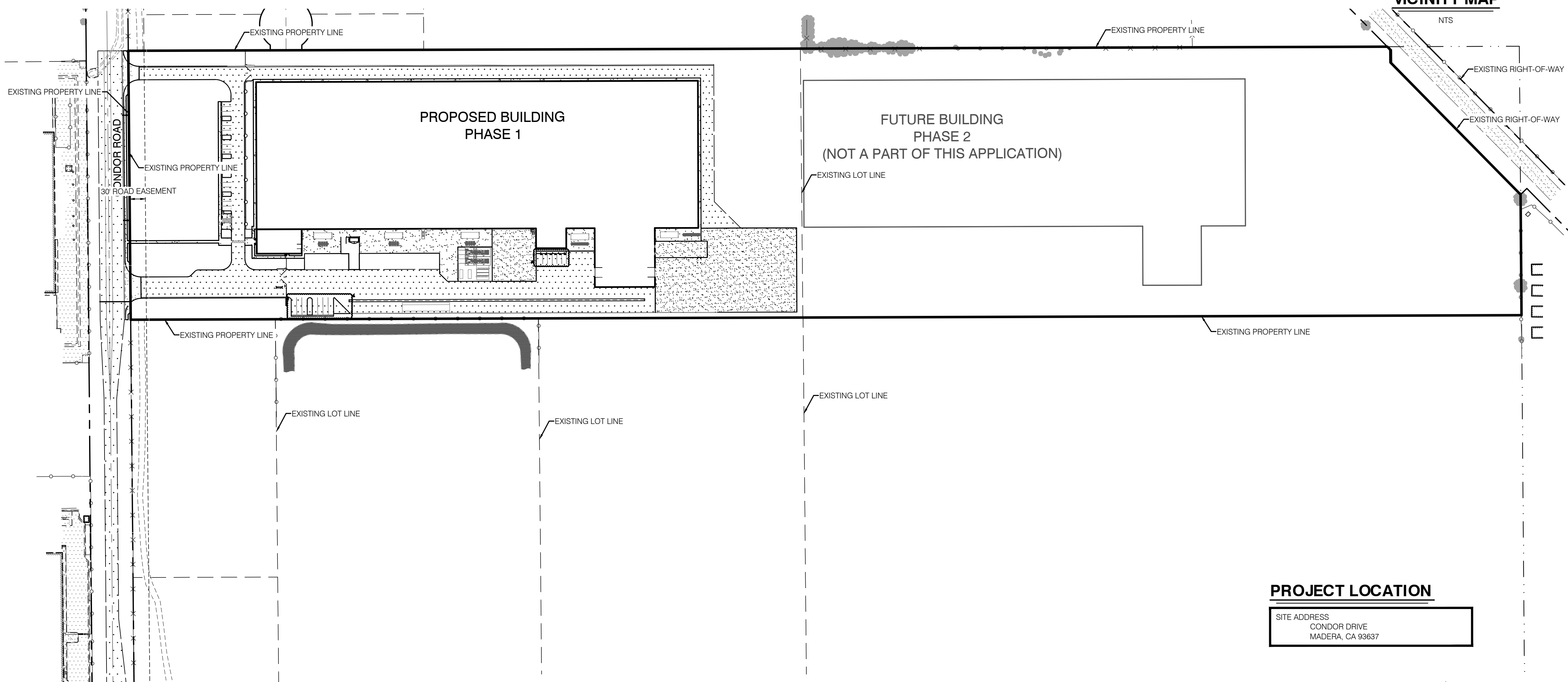
PERSPECTIVE VIEW

JOB NO.	VRD10	A8.1
PROJECT	CONDOR	
SCALE	1 1/2" = 1'-0"	
DRAWN BY	AP/PVG	
CHECKED BY	NER	
ISSUE DATE	02/23/22	

PRELIMINARY GRADING AND DRAINAGE PLANS FOR AMOND WORLD MADERA, CALIFORNIA

LEGEND

	EXISTING	PROPOSED
BOUNDARY LINE	---	---
CENTERLINE	---	---
RIGHT-OF-WAY	---	---
PARCEL LINE	---	---
MONUMENT	⊙	⊙
SAWCUT	N/A	▨
CURB, GUTTER AND SIDEWALK	---	---
EDGE OF PAVEMENT	---	---
CONCRETE VALLEY GUTTER	---	---
TRENCH DRAIN	---	---
STORM DRAIN (MAIN)	---	---
FORCE MAIN	---	---
DRAINAGE SWALE	---	---
STORM DRAIN MAINTENANCE HOLE	⊙	⊙
CURB INLET	⊙	⊙
DRAIN INLET	⊙	⊙
DRAIN INLET ON MAINTENANCE HOLE	⊙	⊙
STORM DRAINAGE FILTER	N/A	⊙
WATER (MAIN)	---	---
WATER (SERVICE)	---	---
WATER VALVE	⊙	⊙
WATER BLOW OFF VALVE	⊙	⊙
BACK FLOW PREVENTER	⊙	⊙
DOUBLE CHECK DETECTOR ASSEMBLY	⊙	⊙
POST INDICATOR VALVE (SINGLE)	⊙	⊙
FIRE DEPARTMENT CONNECTION	⊙	⊙
FIRE HYDRANT	⊙	⊙
WATER METER	⊙	⊙
SERVICE STUB	---	---
CLEANOUT	⊙	⊙
SEWER MAINTENANCE HOLE	⊙	⊙
GREASE TRAP	⊙	⊙
SEWER (MAIN)	---	---
JOINT TRENCH (APPROX LOCATION)	---	N/A
TRANSFORMER (APPROX LOCATION)	⊙	⊙
OVER HEAD ELECTRICAL	---	N/A
SERVICE POLE	⊙	N/A
JOINT POLE	⊙	N/A
JOINT POLE WITH LIGHT	⊙	N/A
POWER POLE	⊙	N/A
TELEPHONE POLE	⊙	N/A
GUY	---	N/A
ELECTRICAL MANHOLE	⊙	N/A
ELECTROLIER	⊙	N/A
UTILITY BOX	⊙	N/A
GAS LINE	---	N/A
GAS VALVE	⊙	N/A
PAD ELEVATION	N/A	N/A
FINISH FLOOR ELEVATION (PROPOSED)	N/A	FF=100.00
BUILDING PAD	N/A	10.0
TOP OF CURB ELEVATION	8.66 TC	8.66 TC
ORIGINAL GROUND	8.65 FG	N/A
DIRECTION OF FLOW	6.1%	6.1%
CONTOURS	32	32
WALL (SEE LABEL FOR TYPE)	---	---
FENCE (CHAINLINK OR VINYL)	---	---
FENCE (WIRE OR HOGWIRE)	---	---
FENCE (WOOD OR WROUGHT IRON)	---	---
FENCE (SPLIT RAIL)	---	---
TREE OR SHRUB	⊙	N/A
TREE STUMP	⊙	N/A
IRRIGATION LINE	---	---
IRRIGATION VALVE	⊙	⊙
IRRIGATION PRESSURE MANHOLE/VENT	⊙	⊙
SIGN	---	---
KEYNOTE SYMBOL	⊙	⊙

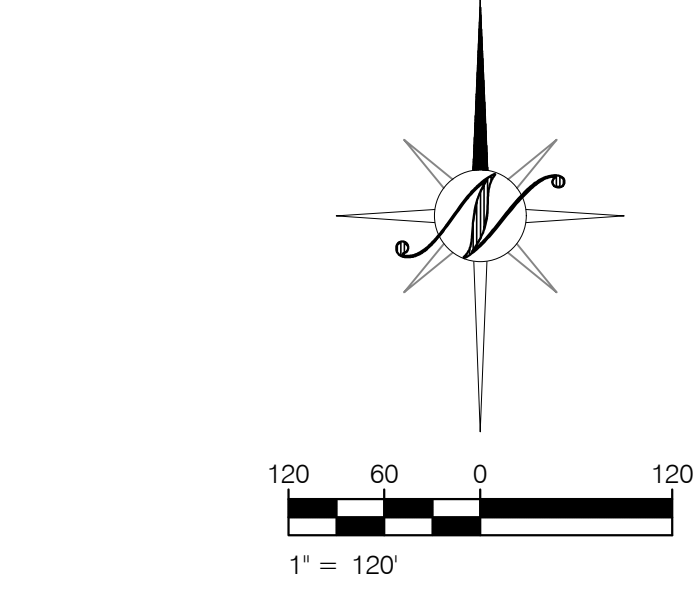


PROJECT LOCATION

SITE ADDRESS
CONDOR DRIVE
MADERA, CA 93637

ABBREVIATIONS

±	PLUS OR MINUS (NOT EXACT)	DIP	DUCTILE IRON PIPE	JT	JOINT TRENCH	RD	ROAD
@	AT	(DOM)	DOMESTIC	MAX	MAXIMUM	RET	RETURN
AB	AGGREGATE BASE	DR	DRIVE	MC	MADERA COUNTY	RV	RESISTANCE VALUE
AC	ASPHALT CONCRETE	DW	DRIVEWAY	MH	MAINTENANCE HOLE	RP	REDUCED PRESSURE
ACC	ACCESSIBLE	E	EAST	MIN	MINIMUM	SP	BACKFLOW PREVENTER
ADTT	AVERAGE DAILY TRUCK TRAFFIC	EC	END OF CURVE	M.I.D	MODESTO IRRIGATION DISTRICT	S	SLOPE OR SOUTH
AG	ATRIUM GRATE	ELC	ELECTROLIER	N	NORTH	SD	STORM DRAIN
ALT	ALTERNATE	ELEV	ELEVATION	NDS	NDS INC. (MANUFACTURER)	SG	SUB-GRADE
APN	ASSESSORS PARCEL NUMBER	EP	EDGE OF PAVEMENT	NIC	NOT INCLUDED	SHT	SHEET
ASR	AUTOMATIC SPRINKLER RISER	ER	END OF RETURN	NSE	NORTHSTAR ENGINEERING	SIM	SIMILAR
AVE	AVENUE	ESMT OR EASE	EASEMENT	NTS	NOT TO SCALE	SNS	STREET NAME SIGN
BC	BEGIN CURVE	EX OR EXIST	EXISTING	OC	ON CENTER	ST	STREET
BORY	BOUNDARY	FDC	FIRE DEPARTMENT CONNECTION	OF	OFFSET	STL	STEEL
BFP	BACK FLOW PREVENTOR	FES	FLARED END SECTION	OG	ORIGINAL GROUND / GRADE	STA	STATION
BK	BOOK	FF	FINISH FLOOR	OHE	OVER HEAD ELECTRIC	STD	STANDARD
BM	BENCH MARK	FG	FINISH GRADE	P OR PAV	PAVEMENT	SW OR SW	SIDEWALK
BW	BACK OF WALK	FH	FIRE HYDRANT	PCC	POINT OF COMPOUND CURVE OR PORTLAND CEMENT CONCRETE	SS	SANITARY SEWER
BSL	BUILDING SETBACK LINE	FL	FLOW LINE	PG	PAGE	TC	TOP OF CURB
BVC	BEGIN VERTICAL CURVE	FRM	FORCE MAIN	PGAE	PACIFIC GAS AND ELECTRIC	TD	TRENCH DRAIN
C&G OR C.G.	CURB AND GUTTER	FS	FIRE SERVICE	P	PRESSURE INDICATOR VALVE	TDC	TOP OF DRIVE OVER CURB
CB	CATCH BASIN	FSR	FIRE SPRINKLER RISER	PIV	PROPERTY LINE	TEMP	TEMPORARY
CDS	CONTINUOUS DEFLECTION SEPARATORS	GB	GRADE BREAK	PL	PARCEL MAP	TG	TOP OF GRATE
CIP	CAST IRON PIPE	GR	GRATE, GRADE, OR GROUND	PM	POINT OF CONNECTION	THRU	THROUGH
CL	CENTER LINE	GS	GROUND SHOT ELEVATION	POC	POINT OF CONNECTION	TI	TRAFFIC INDEX
CMP	CORRUGATED METAL PIPE	GS/GW	GROUND SHOT AT WALL	PP	POWER POLE	TW	TOP OF WALL
CO	CLEAN OUT	GV	GATE VALVE	PRC	POINT OF REVERSE CURVATURE	TPE	TREE PLANTING EASEMENT
COM OR C.O.M.	CITY OF MADERA	HORIZ	HORIZONTAL	PROF	PROFILE	TVC	TOP OF VERTICAL CURB
COMP	COMPACTION	HP	HIGH POINT	PT	POINT	TYP	TYPICAL
CONC OR CC	CONCRETE	HPS	HIGH PRESSURE SODIUM	PTDF	PRESSURE TREATED DOUGLAS FIR	UNOT	UNLESS OTHERWISE NOTED
CR	CURB RETURN	HT	HEIGHT	PUE	PUBLIC UTILITY EASEMENT	VERT	VERTICAL
CT.	COURT	Hwy	HIGHWAY	PVC	POLYVINYL CHLORIDE PIPE	VCP	VITRIFIED CLAY PIPE
CV	CHECK VALVE	IDV	INSIDE DIAMETER	RW	RECLAIMED WATER	W	WATER OR WEST
DCV	DOUBLE DETECTOR CHECK VALVE	IR	IRRIGATION	RW	RIGHT-OF-WAY	WM	WATER METER
D	DRAIN INLET	IRR	IRRIGATION	R	RADIUS	WS	WATER SERVICE
DIA	DIAMETER	LF	LINEAL FEET OR LINEAR FEET	RC	RELATIVE COMPACTION	WY	WAY
		LN	LANE	RCP	REINFORCED CONCRETE PIPE	W/	WITH
		LP	LOW POINT	R.D.	RELATIVE DENSITY	WWF	WELDED WIRE FABRIC



SHEET INDEX

GENERAL INFORMATION	
1.	C1.1 COVER SHEET
2.	C1.2 DETAILS AND CROSS SECTIONS
SITE PLANS	
3.	C2.1 TOPOGRAPHIC PLAN
4.	C2.2 TOPOGRAPHIC PLAN
5.	C2.3 TOPOGRAPHIC PLAN
6.	C3.1 PRELIMINARY GRADING AND DRAINAGE PLAN
7.	C3.2 PRELIMINARY GRADING AND DRAINAGE PLAN
8.	C3.3 PRELIMINARY GRADING AND DRAINAGE PLAN
9.	C4.1 PRELIMINARY UTILITY
10.	C4.2 PRELIMINARY UTILITY
11.	C4.3 PRELIMINARY UTILITY



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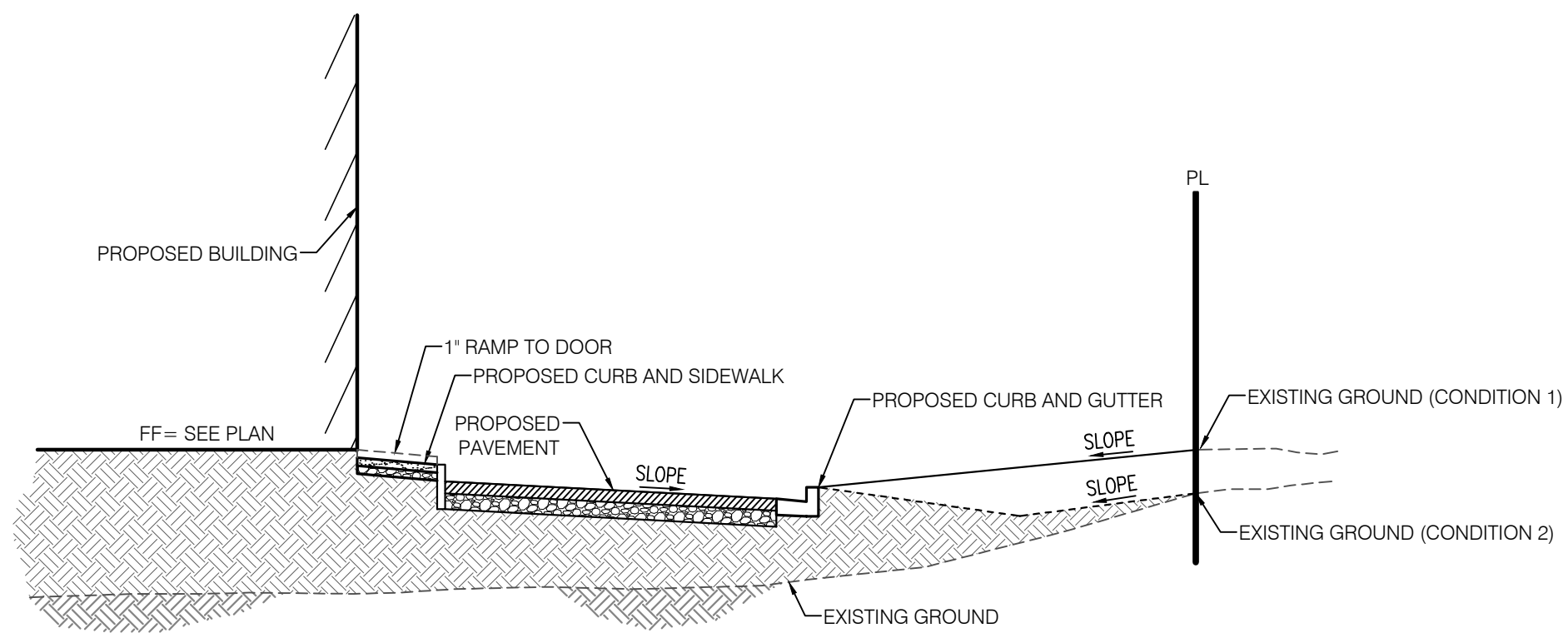
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PRELIMINARY GRADING AND DRAINAGE PLANS FOR
AMOND WORLD
MADERA, CALIFORNIA

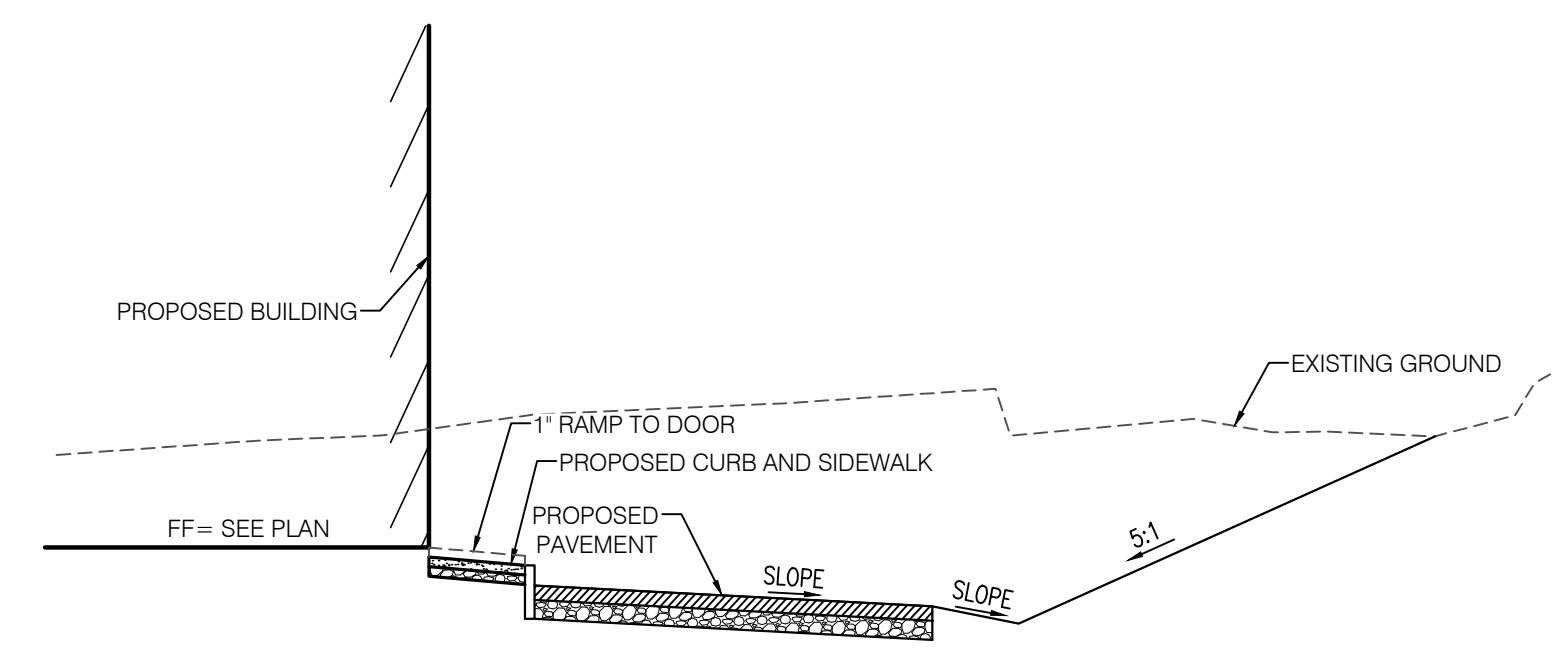


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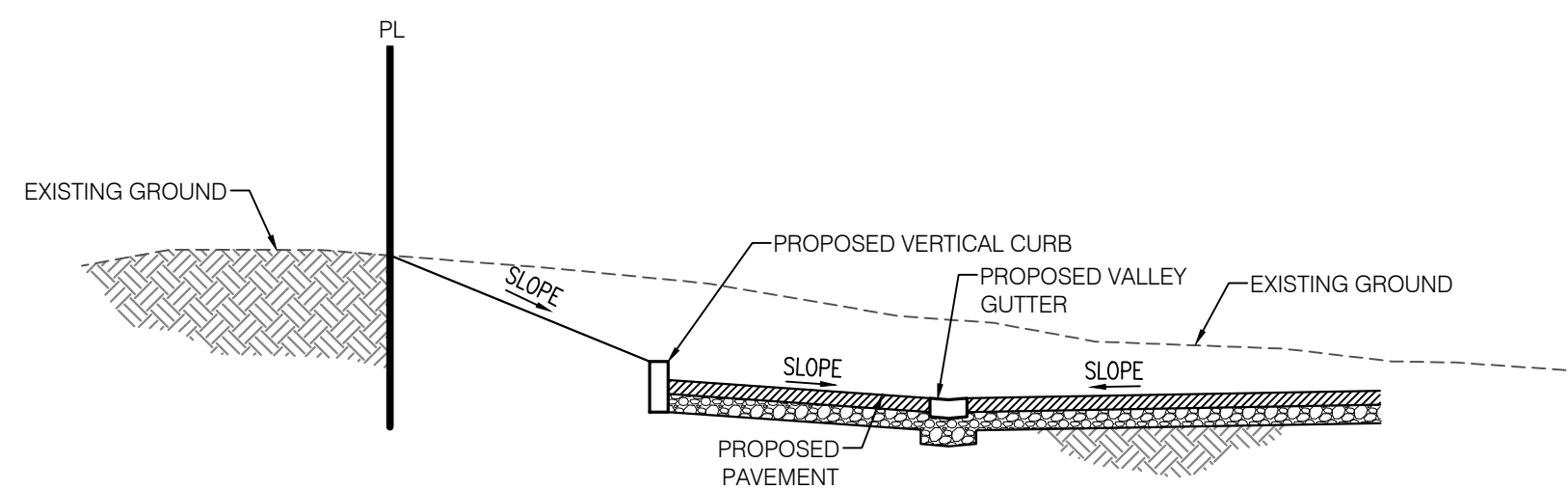
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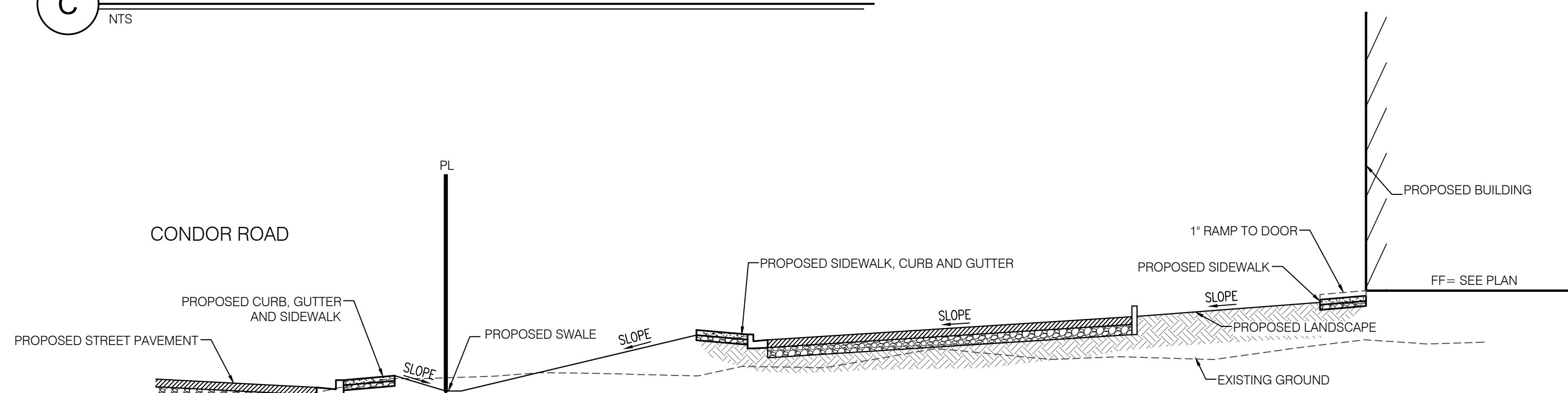
A CROSS SECTION "A"
NTS



B CROSS SECTION "B"
NTS



C CROSS SECTION "C"
NTS



D CROSS SECTION "D"
NTS

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 DRAWING: 02/23/2022 1:45:06 PM
 DRAWING: 02/23/2022 1:45:06 PM



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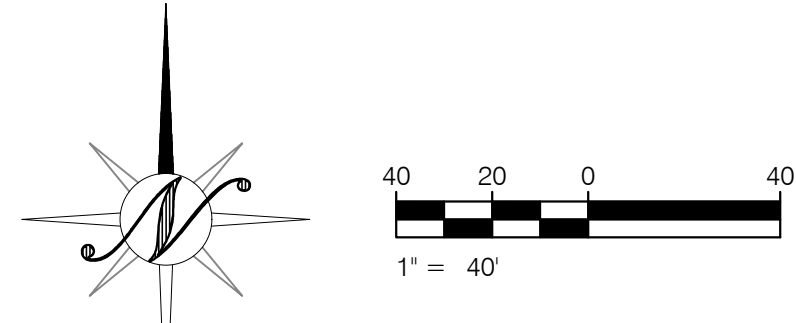
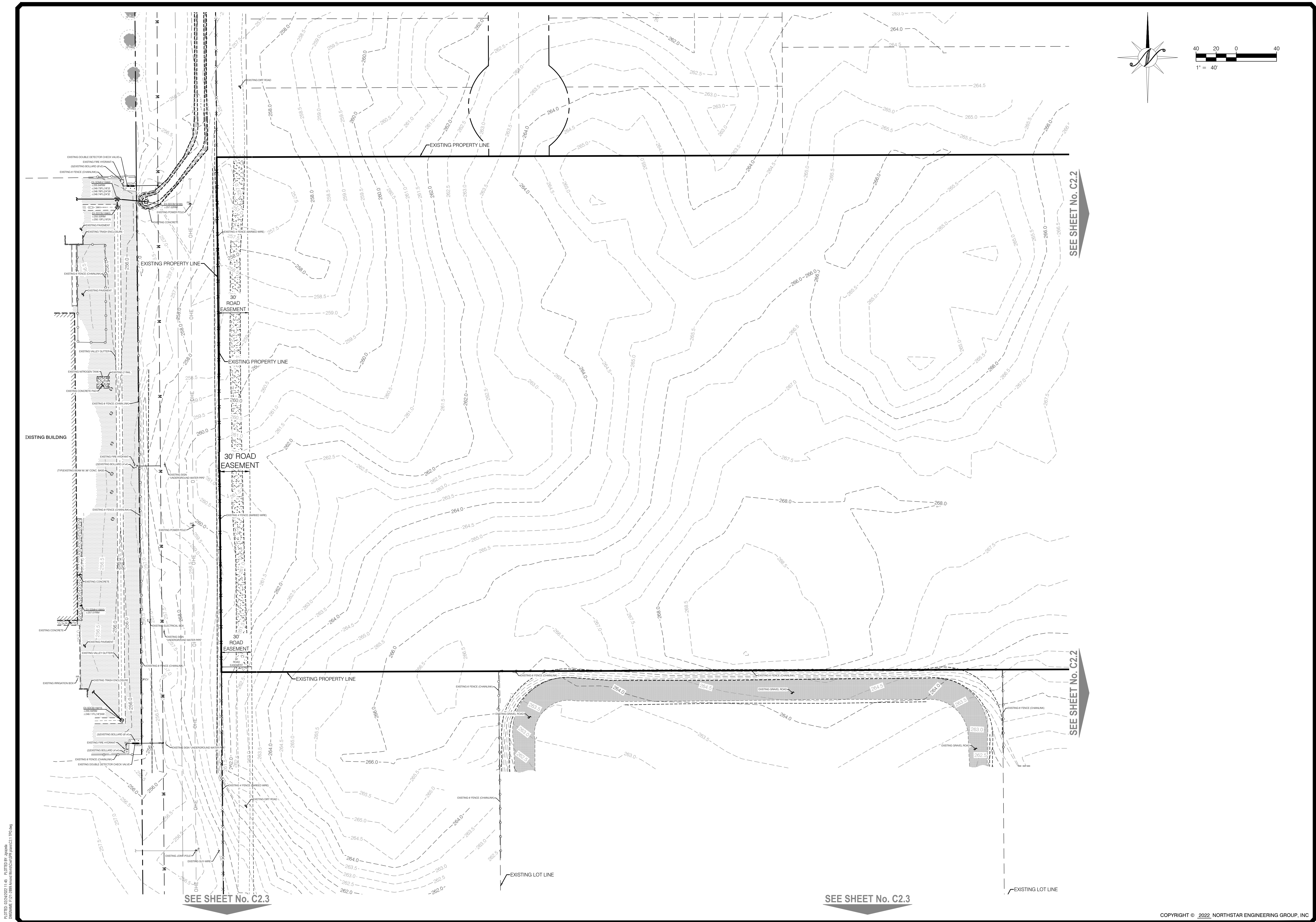
DETAILS AND CROSS SECTIONS
PRELIMINARY GRADING AND DRAINAGE PLANS FOR
AMOND WORLD
MADERA, CALIFORNIA



JOB #:	21-2899
DATE:	02/23/2022
SCALE:	AS SHOWN
DRAWN:	JG/NM
DESIGN:	TG
CHKD:	CTG

SHEET NUMBER

C1.2



SEE SHEET No. C2.3

SEE SHEET No. C2.3

SEE SHEET No. C2.2

SEE SHEET No. C2.2



NO.	REVISIONS	DESCRIPTIONS	DATE	APPROVED
1	SDR-2021-41	PLAN CHECK RESPONSE #2	02.23.21	

TOPOGRAPHIC PLAN
PRELIMINARY GRADING AND DRAINAGE PLANS FOR
AMOND WORLD
MADERA, CALIFORNIA

Northstar
Engineering Group, Inc.
 • CIVIL ENGINEERING • SURVEYING • PLANNING
 620 12th Street
 Madera, CA 95354
 (209) 324-3225 Phone (209) 324-3226 Fax

JOB #:	21-2899
DATE:	02/23/2022
SCALE:	AS SHOWN
DRAWN:	JG/NM
DESIGN:	TG
CHKD:	CIG

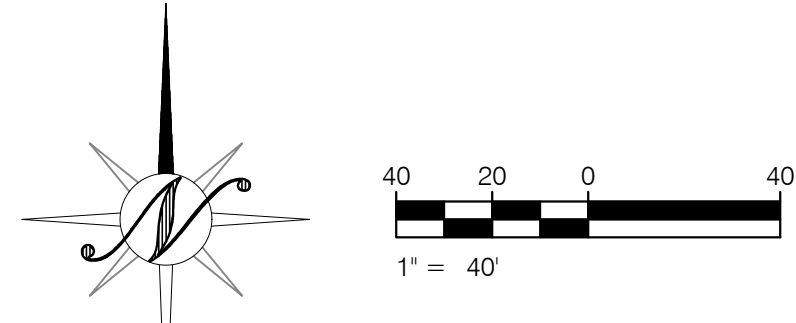
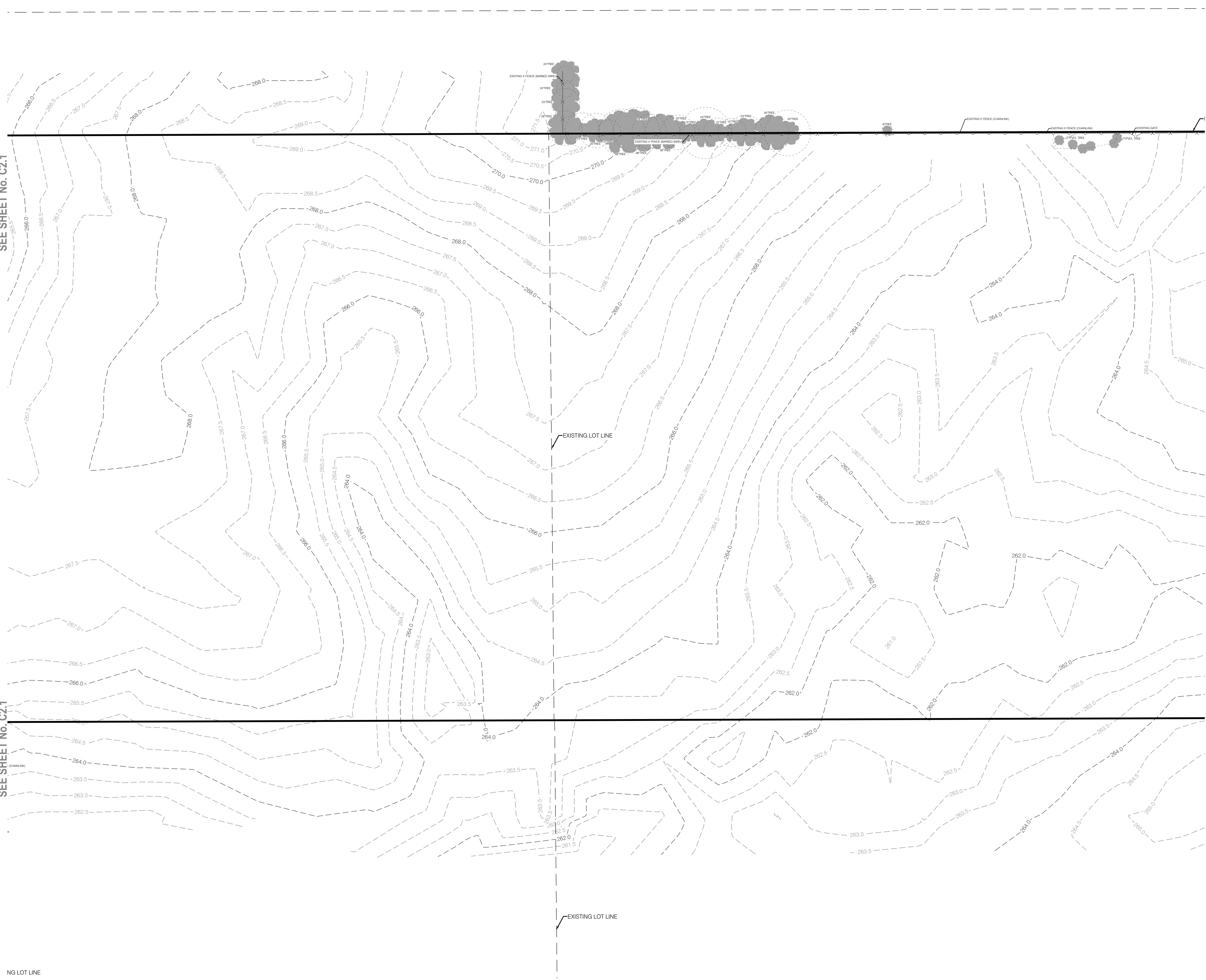
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 CHECKED: JG/NM
 DATE: 02/23/2022
 TIME: 10:16:28 AM

SEE SHEET No. C2.1

SEE SHEET No. C2.1



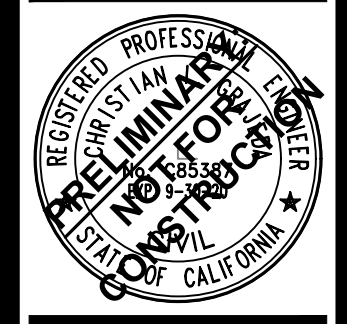
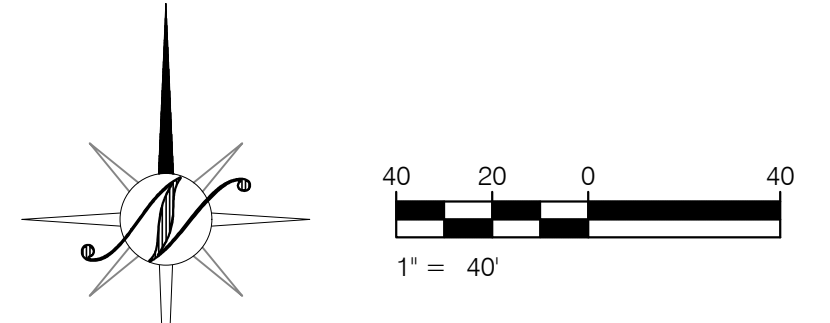
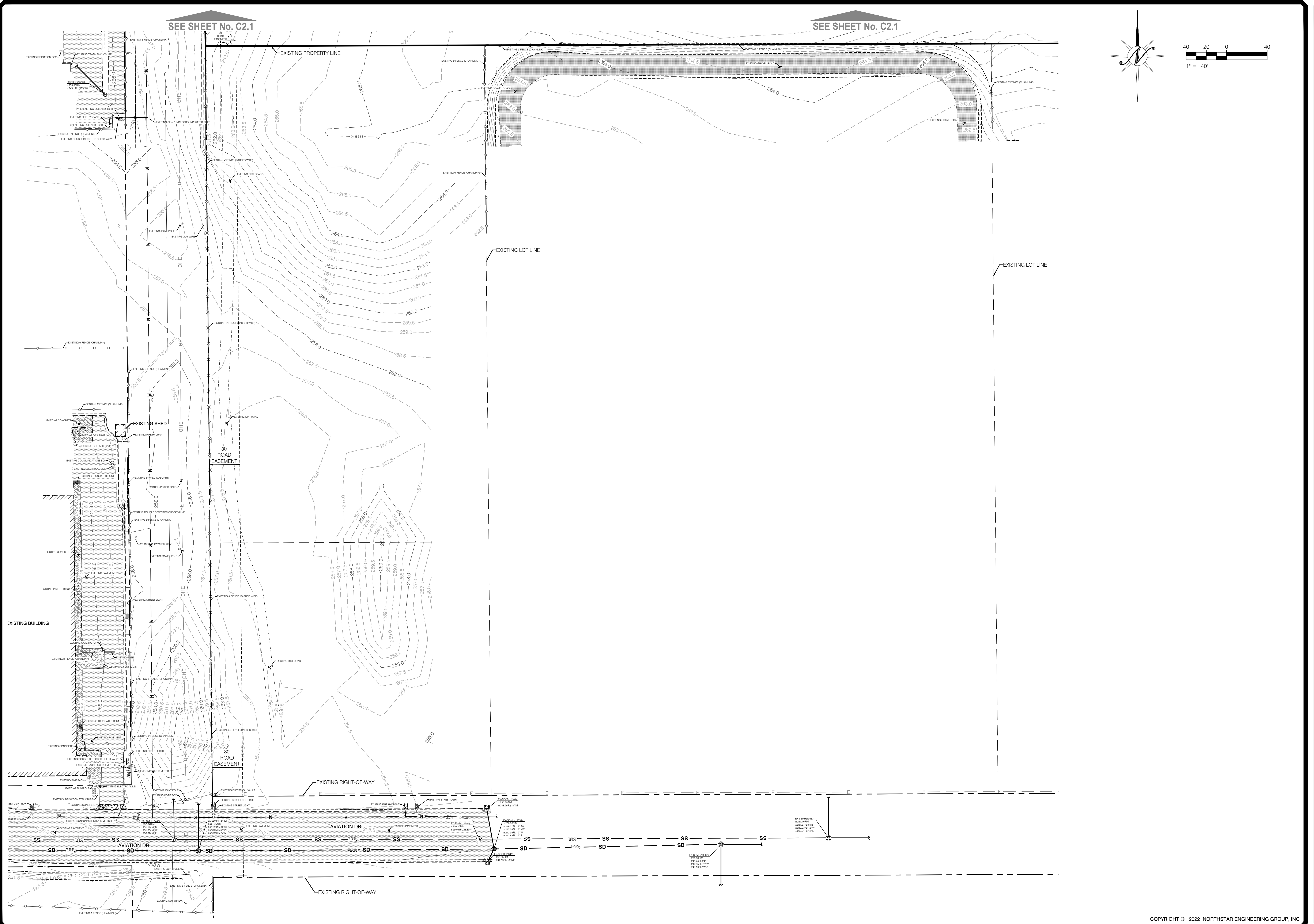
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TOPOGRAPHIC PLAN
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 • CIVIL ENGINEERING • SURVEYING • PLANNING •
 620 12th Street Madera, CA 95354
 (209) 324-3225 Phone (209) 324-3226 Fax

JOB #: 21-2899
 DATE: 02/23/2022
 SCALE: AS SHOWN
 DRAWN: JG/NM
 DESIGN: JG
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C2.2



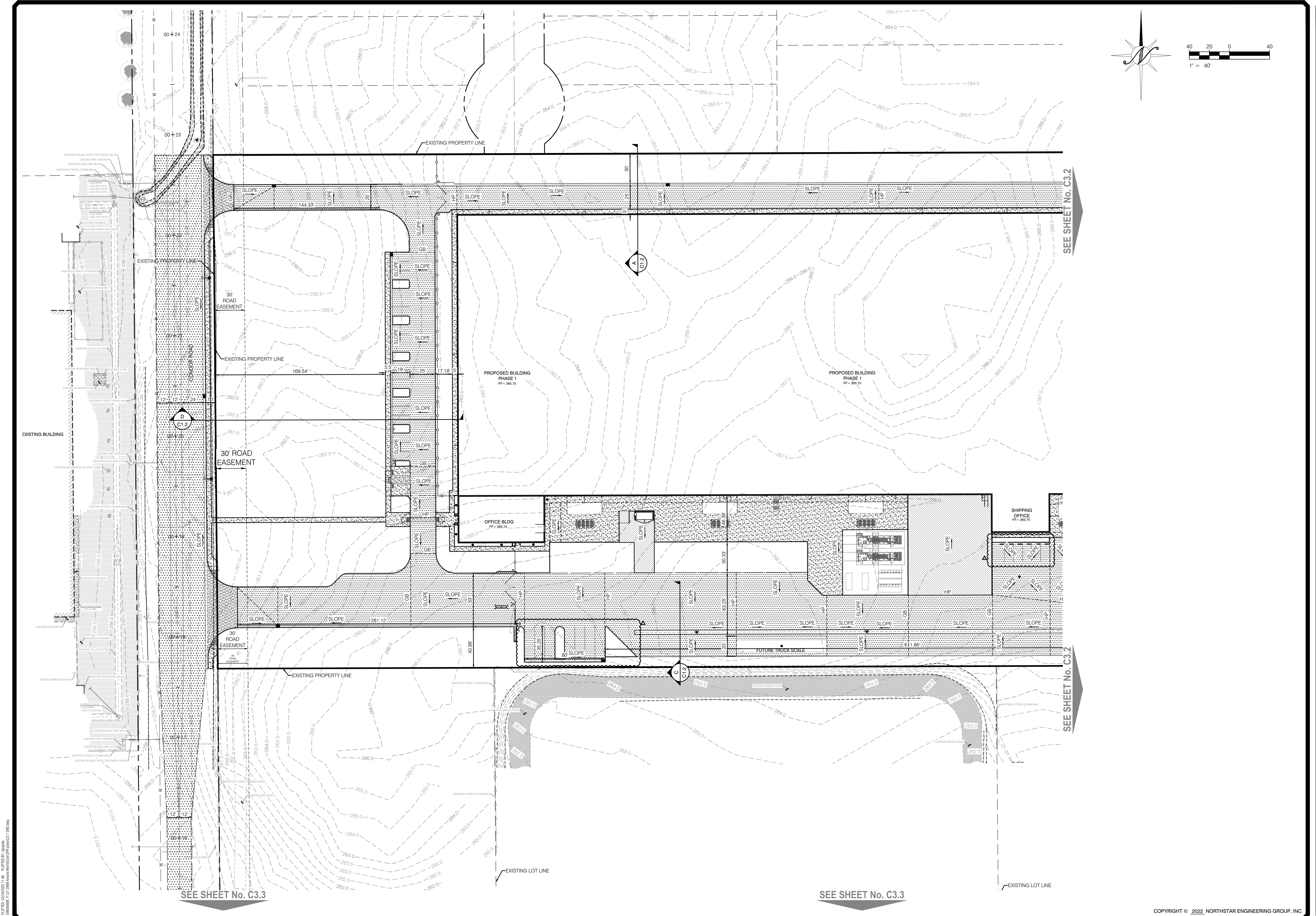
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1	SDR-2021-41 PLAN CHECK RESPONSE #2	02/23/21	

TOPOGRAPHIC PLAN
PRELIMINARY GRADING AND DRAINAGE PLANS FOR
AMOND WORLD
MADERA, CALIFORNIA

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 • CIVIL ENGINEERING • SURVEYING • PLANNING •
 620 12th Street Madera, CA 95354
 (209) 324-3225 Phone (209) 324-3226 Fax

JOB #:	21-2899
DATE:	02/23/2022
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DESIGN:	TG
CHKD:	CTG

SHEET NUMBER
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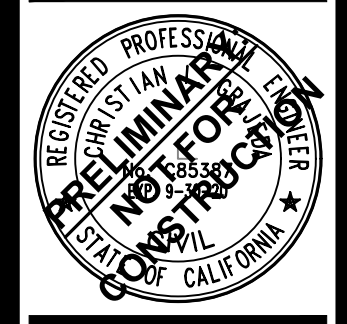


SEE SHEET No. C3.3

SEE SHEET No. C3.3

SEE SHEET No. C3.2

SEE SHEET No. C3.2



NO.	REVISIONS	DATE	APPROVED
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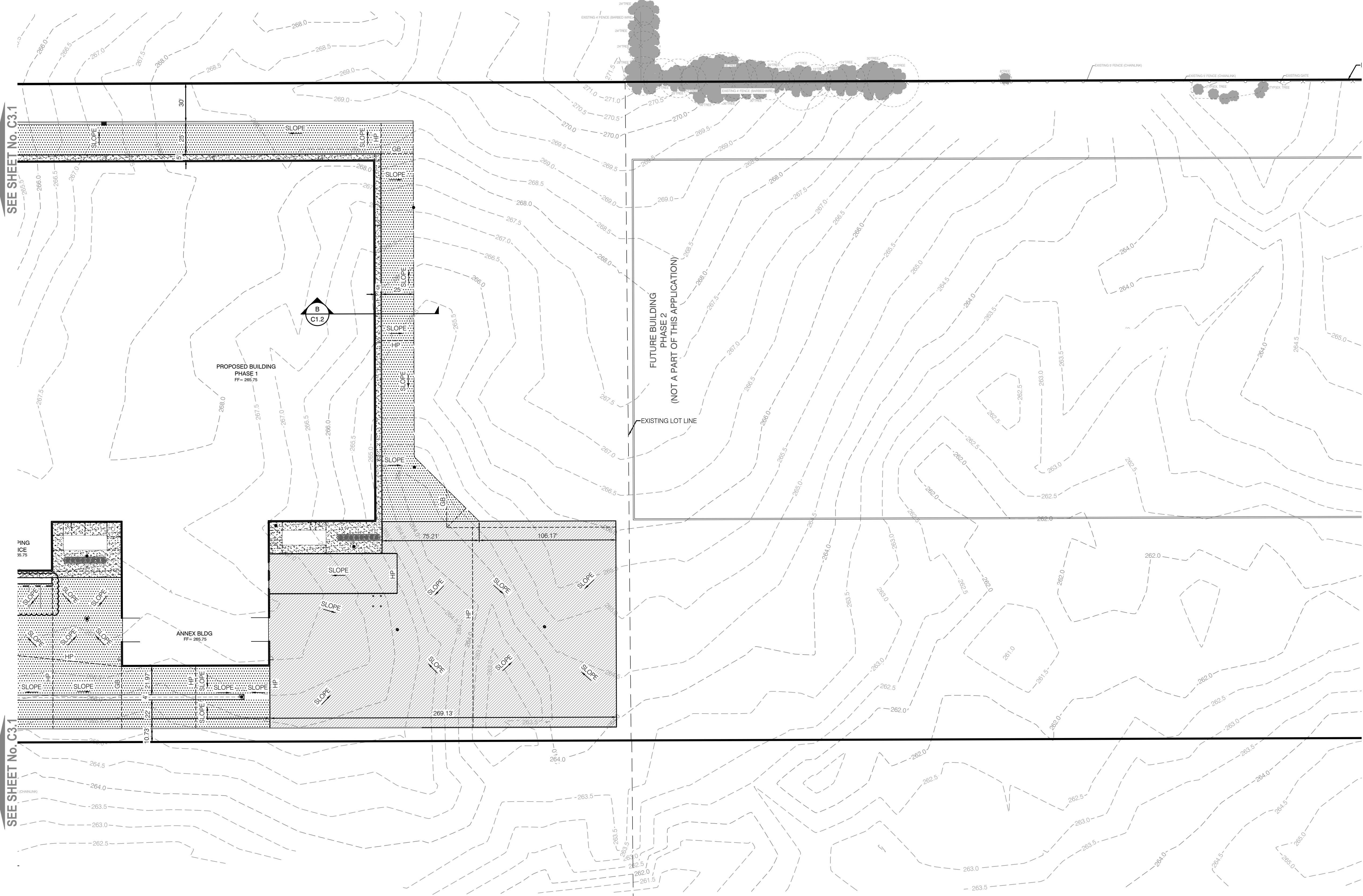
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AND DRAINAGE PLAN
PRELIMINARY GRADING AND DRAINAGE PLANS FOR
AMOND WORLD
MADERA, CALIFORNIA



JOB #:	21-2899
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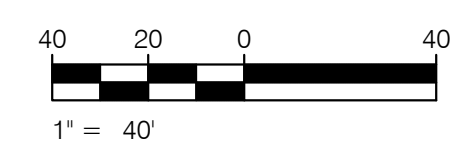
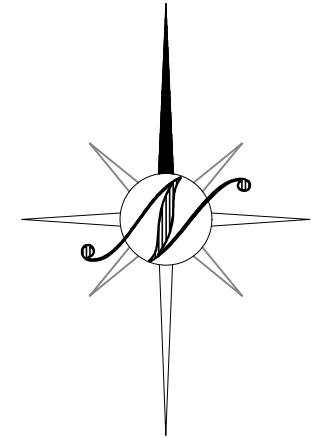
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SEE SHEET No. C3.1

SEE SHEET No. C3.1



NO.	REVISIONS	DATE	APPROVED
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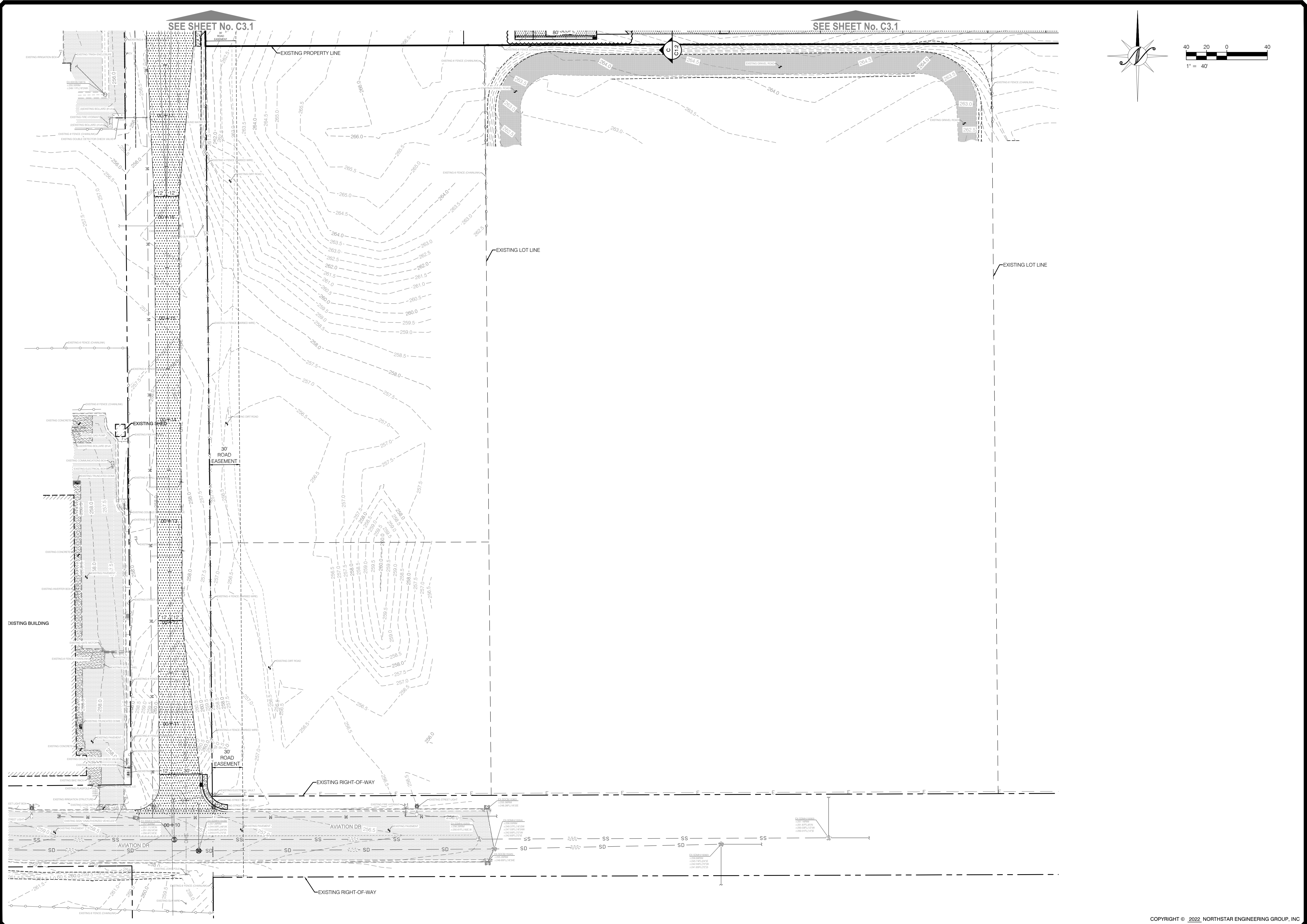
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AND DRAINAGE PLAN
PRELIMINARY GRADING AND DRAINAGE PLANS FOR
AMOND WORLD
MADERA, CALIFORNIA



JOB #: 21-2899
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SHEET NUMBER

C3.2



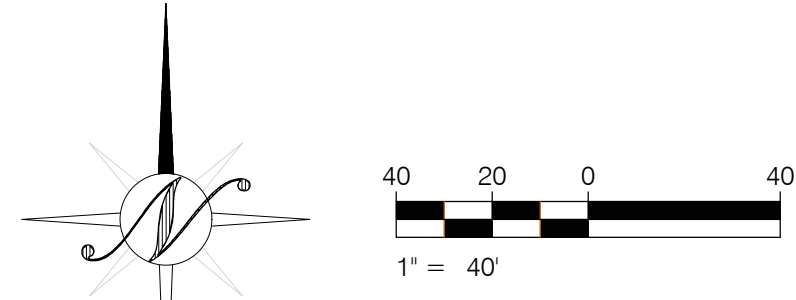
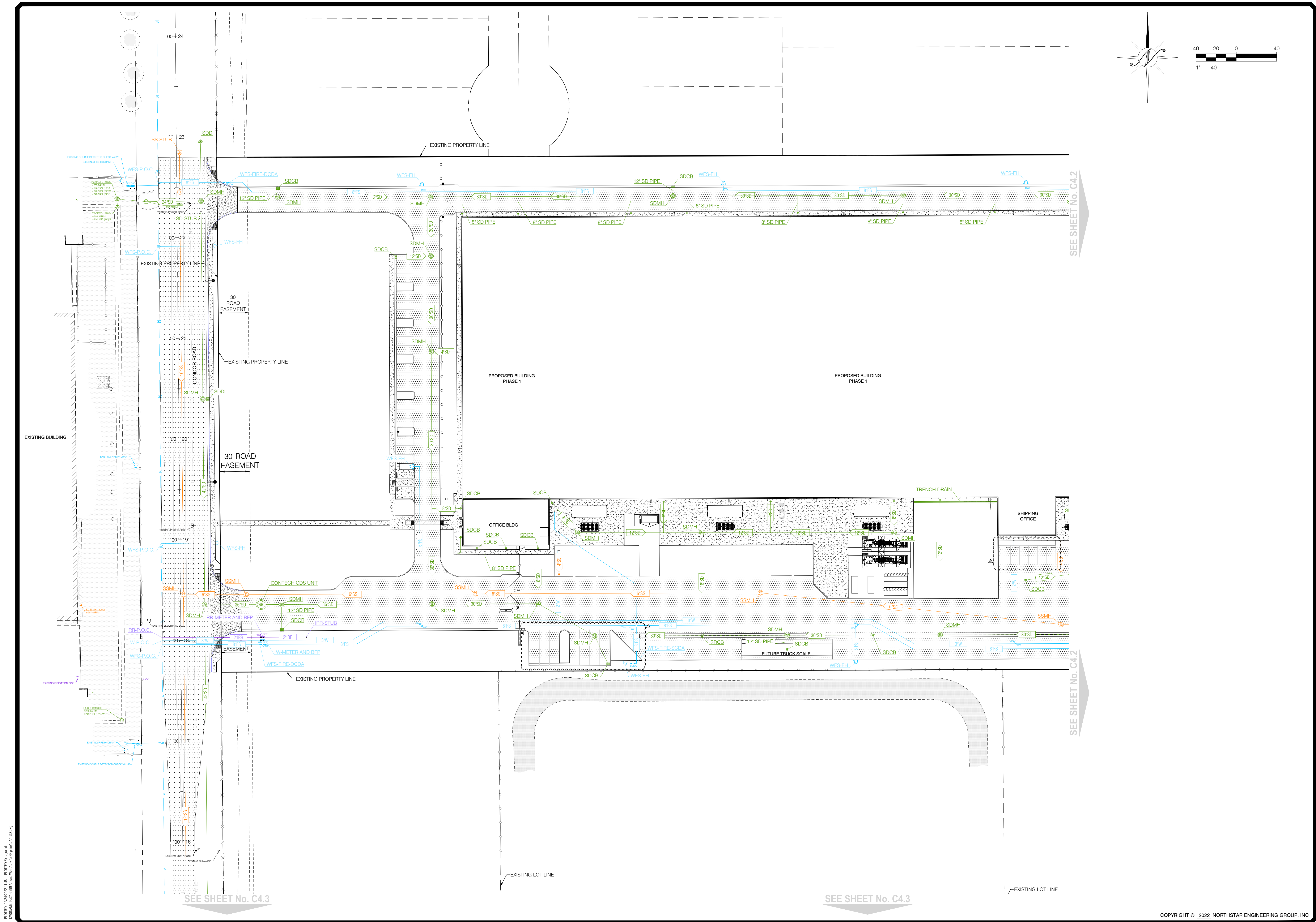
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PRELIMINARY GRADING AND DRAINAGE PLAN
AND DRAINAGE PLAN
PRELIMINARY GRADING AND DRAINAGE PLANS FOR
AMOND WORLD
MADERA, CALIFORNIA



JOB #:	21-2899
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SHEET NUMBER
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NO.	REVISIONS	DATE	APPROVED
1	DESCRIPTIONS	02/23/21	
	SDR-2021-41 PLAN CHECK RESPONSE #2		

PRELIMINARY UTILITY PLAN
PRELIMINARY GRADING AND DRAINAGE PLANS FOR
AMOND WORLD
MADERA, CALIFORNIA

Northstar
Engineering Group, Inc.
 • CIVIL ENGINEERING • SURVEYING • PLANNING
 6300 12th Street
 Madera, CA 93854
 (209) 524-3225 Phone (209) 524-3226 Fax

JOB #:	21-2899
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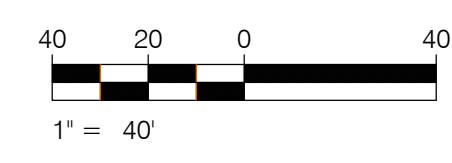
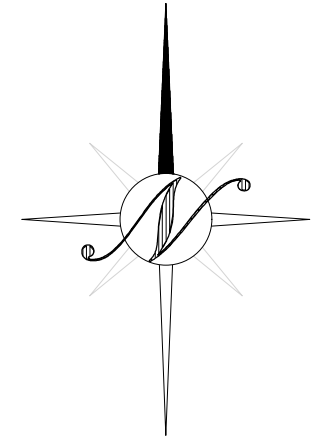
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CHECKED: JG/NM 02/23/2022 11:48 AM

SEE SHEET No. C4.1

SEE SHEET No. C4.1



NO.	REVISIONS	DATE	APPROVED
1	SDR-2021-41 PLAN CHECK RESPONSE #2	02/23/21	

PRELIMINARY UTILITY PLAN

PRELIMINARY GRADING AND DRAINAGE PLANS FOR

AMOND WORLD

MADERA, CALIFORNIA



JOB #:	21-2899
DATE:	02/23/2022
SCALE:	AS SHOWN
DRAWN:	JG/NM
DESIGN:	TG
CHKD:	JG

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C4.2

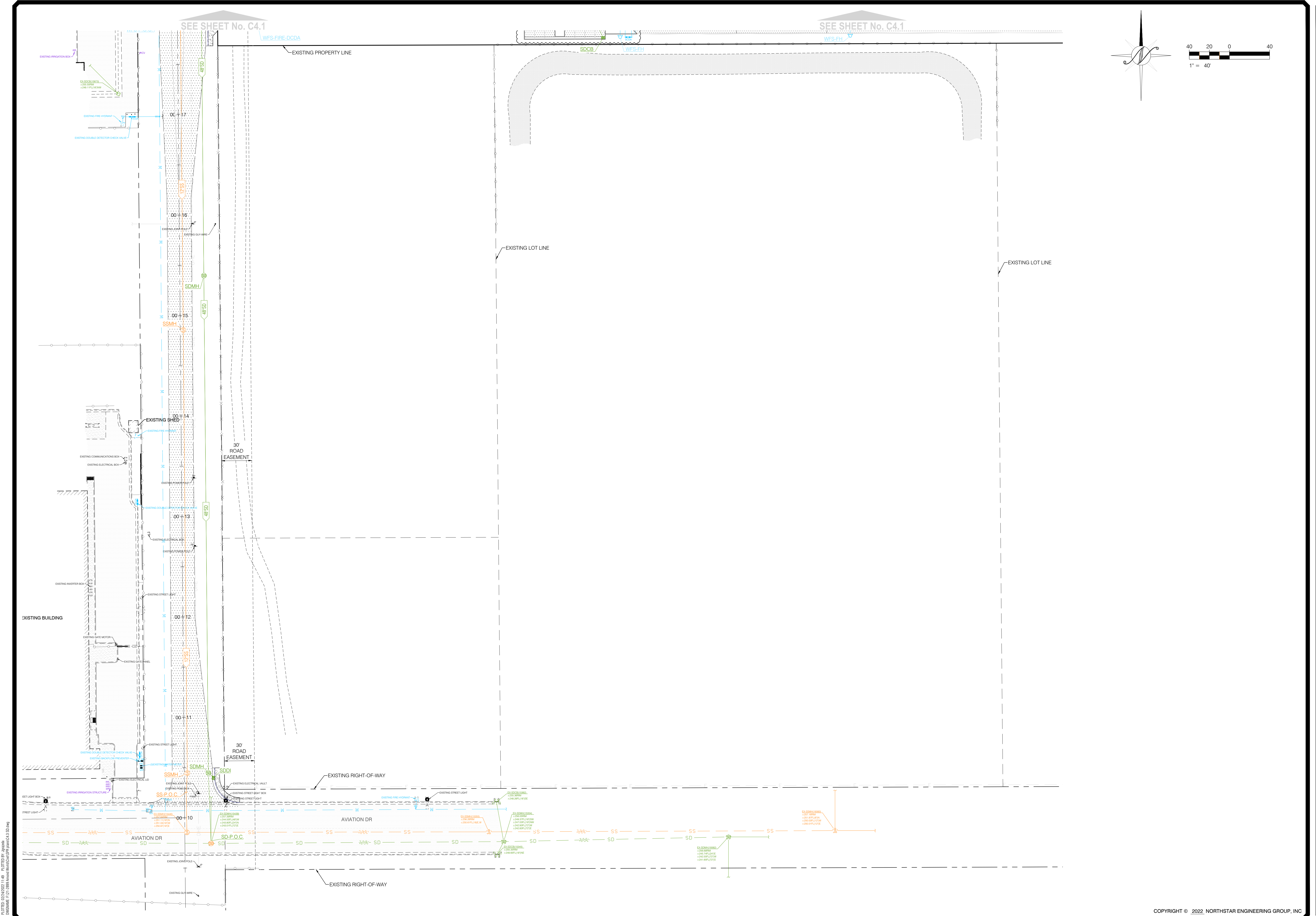


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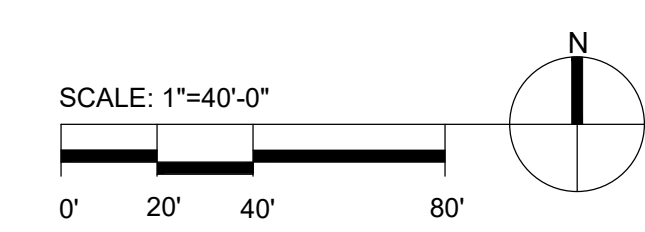
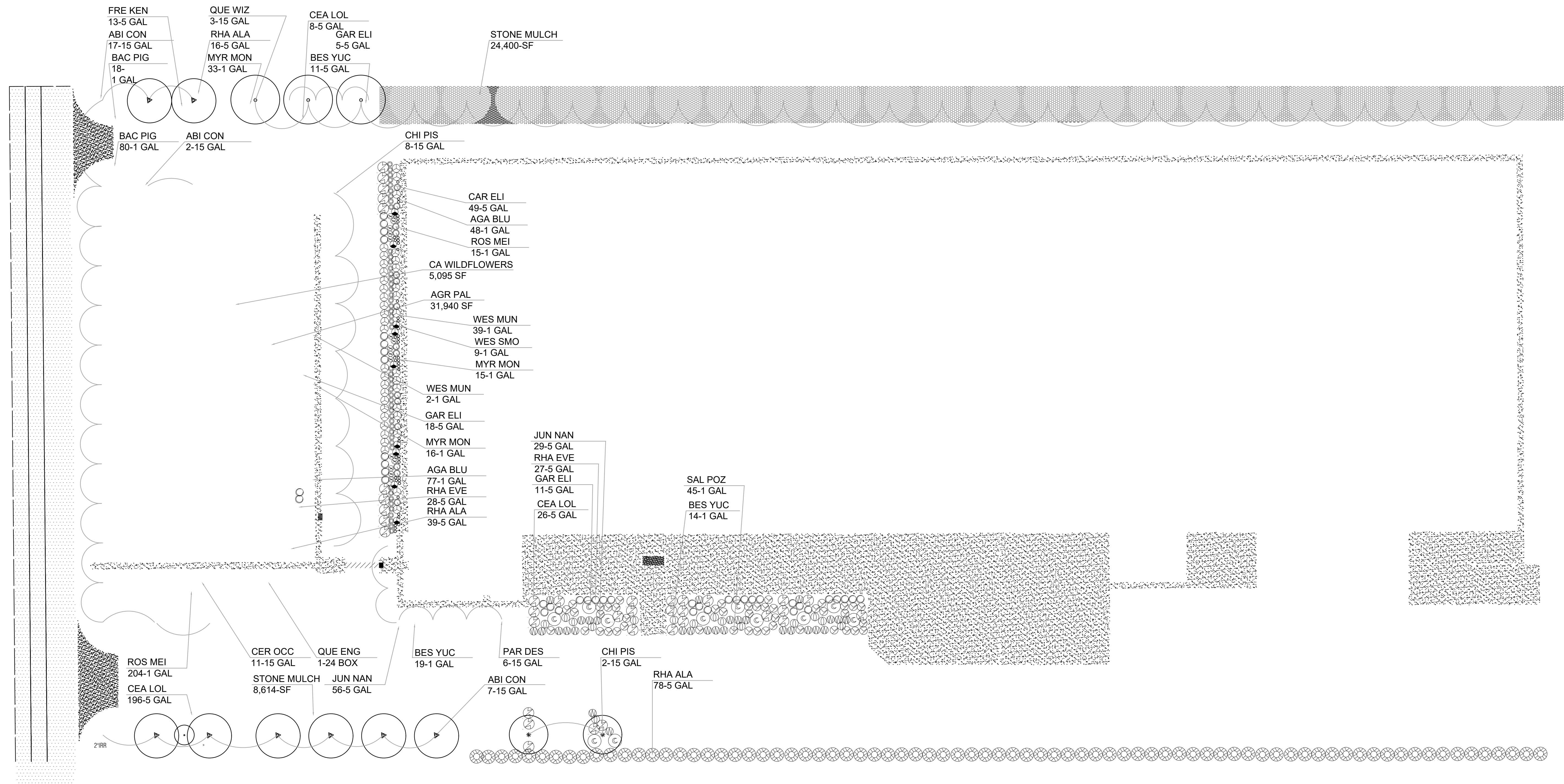
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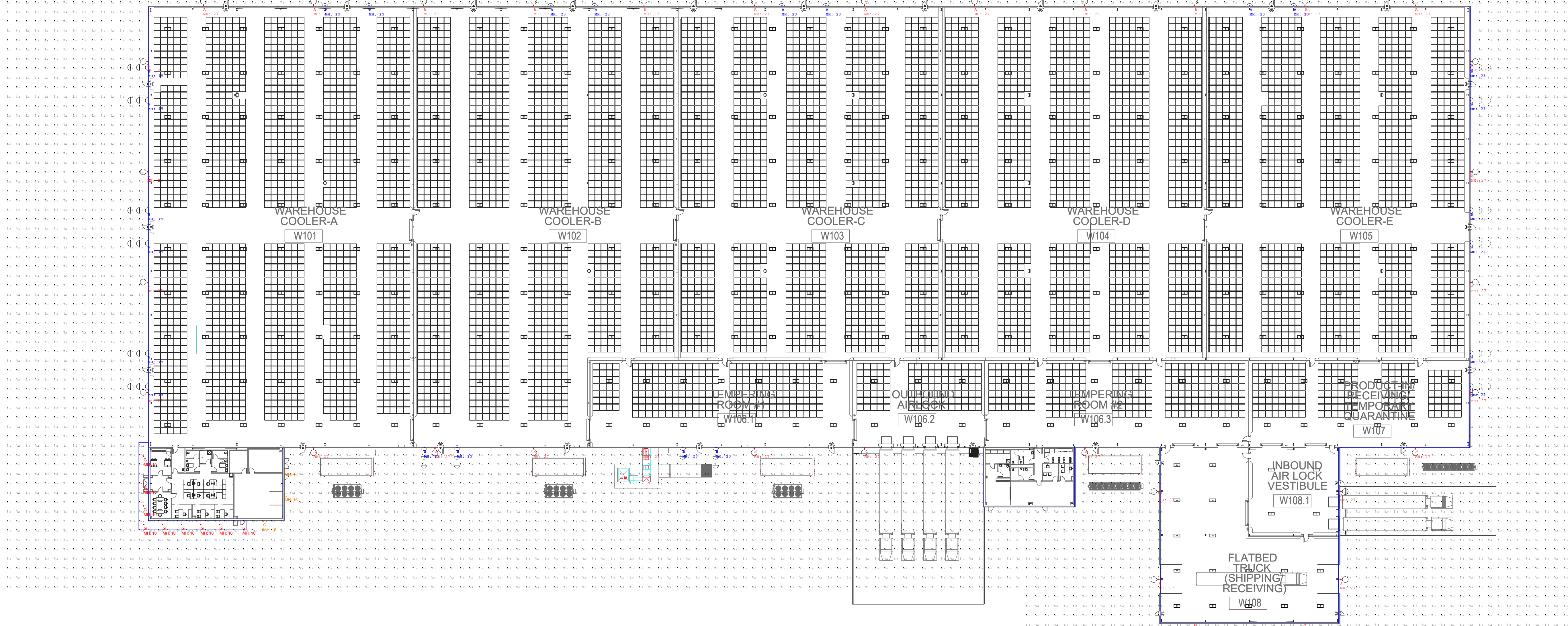
PRELIMINARY UTILITY PLAN
PRELIMINARY GRADING AND DRAINAGE PLANS FOR
AMOND WORLD
MADERA, CALIFORNIA



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C4.3





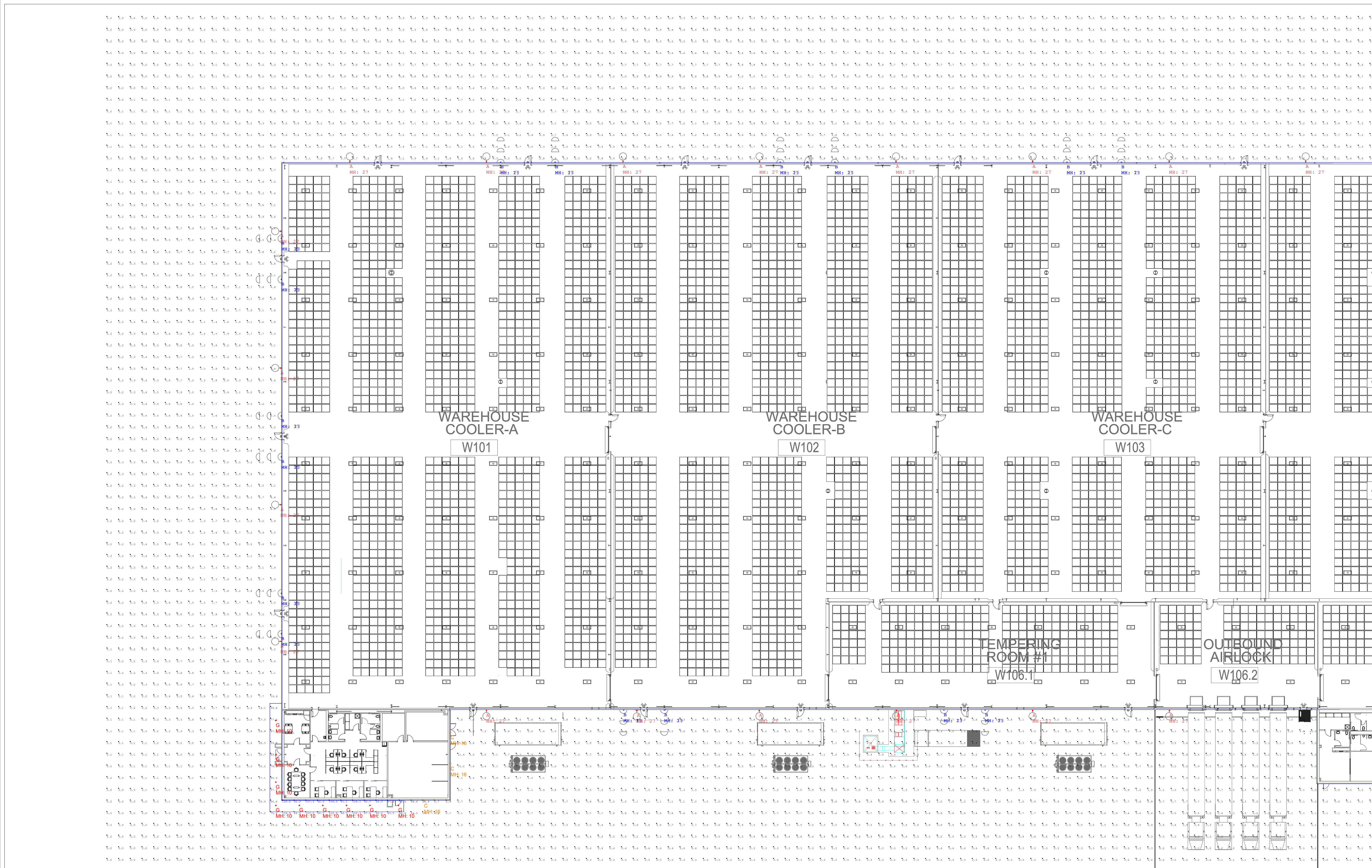
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All values shown are maintained horizontal Footcandles at grade level.
 The lighting calculations provided in this report approximate the light levels expected within the space as defined and are based on the information provided to Cal Lighting. Please verify the data to assure the accuracy of the report. Cal Lighting is not responsible for light output of lamps and ballasts, or design variables.

#	Date	Comments
Revisions		

Drawn By: Tania Goldstein
 Checked By:
 Date: 2/3/2022
 Scale:

AMOND WORLD



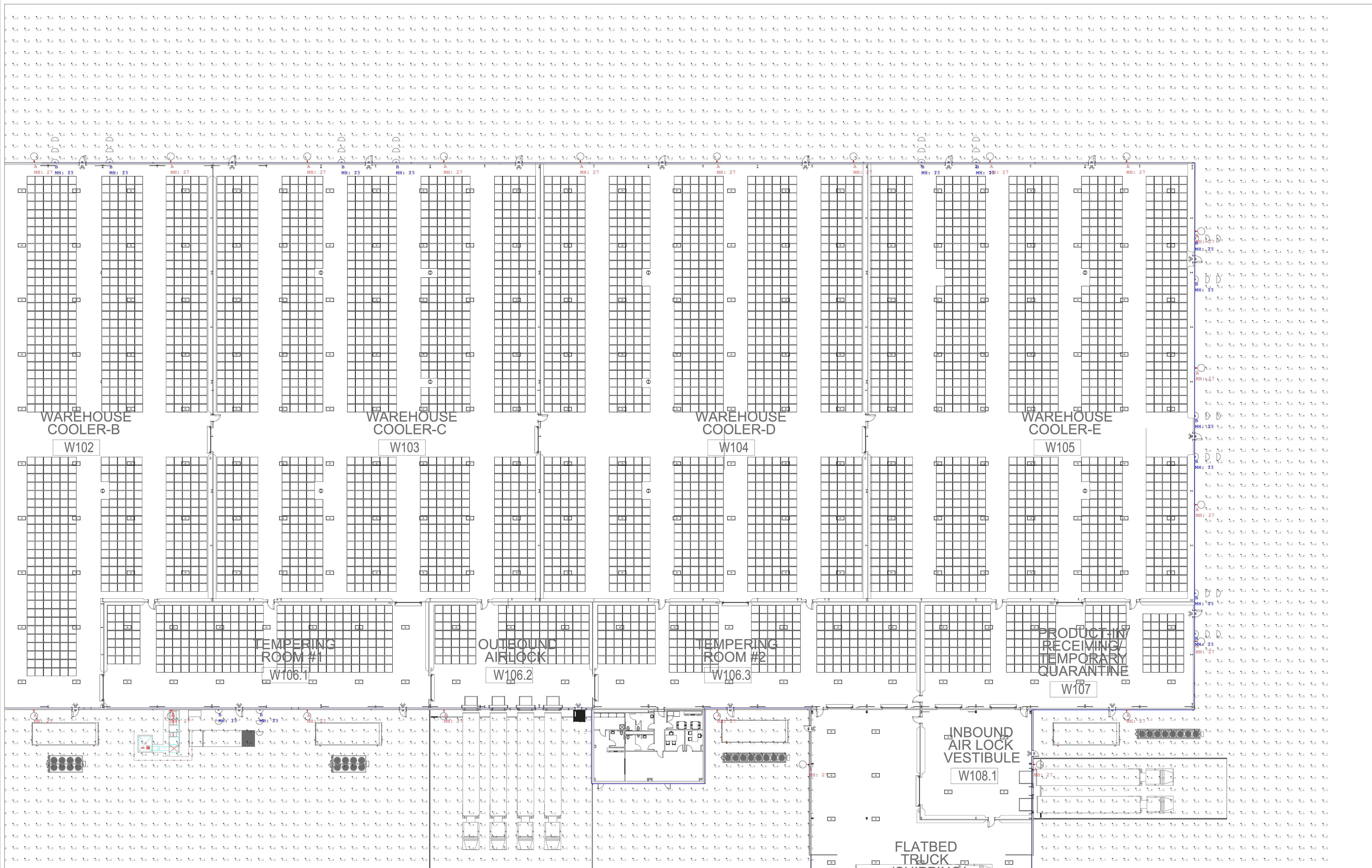
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All values shown are maintained horizontal Footcandles at grade level.
 The lighting calculations provided in this report approximate the light levels expected within the space as defined and are based on the information provided to Cal Lighting. Please verify the data to assure the accuracy of the report. Cal Lighting is not responsible for light output of lamps and ballasts, or design variables.

#	Date	Comments
Revisions		

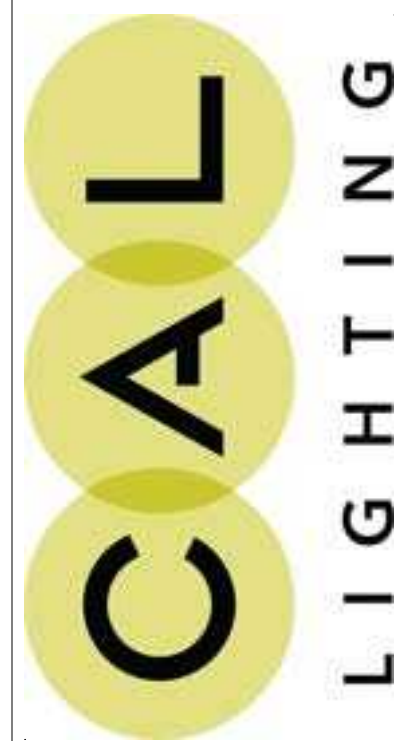
Drawn By: Tania Goldstein
 Checked By:
 Date: 2/3/2022
 Scale:

AMOND WORLD



Scale: 1 inch= 23 Ft.

All values shown are maintained horizontal Footcandles at grade level.
 The lighting calculations provided in this report approximate the light levels expected within the space as defined and are based on the information provided to Cal Lighting. Please verify the data to assure the accuracy of the report. Cal Lighting is not responsible for light output of lamps and ballasts, or design variables.



#	Date	Comments
Revisions		

Drawn By: Tania Goldstein
 Checked By:
 Date: 2/3/2022
 Scale:

AMOND WORLD



AMOND WORLD

Drawn By: Tania Goldstein
 Checked By:
 Date: 2/3/2022
 Scale:

#	Date	Comments



Luminaire Schedule									
Symbol	Qty	Label	Arrangement	Lum. Lumens	LLF	LLD	LDD	BF	Description
→	34	A	SINGLE	8502	0.900	1.000	0.900	1.000	XTOR8B
·	72	B	SINGLE	2253	0.900	1.000	0.900	1.000	MERW-650-LED-U-32W
+	9	G	SINGLE	26210	0.900	1.000	0.900	1.000	HC615D010-HM612835-61MDH
→	3	C	SINGLE	4269	0.900	1.000	0.900	1.000	XTOR4B

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
CalcPts_1	Illuminance	Fc	1.83	109.9	0.0	N.A.	N.A.

#	Date	Comments

Drawn By: Tania Goldstein	Checked By:	Date: 2/3/2022	Scale:
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AMOND WORLD

Attachment 11: Lozeau Drury CEQA Comment Letter

<https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011>

Attachment 12: Response Letter to Lozeau Drury Comment Letter



1234 O Street
Fresno, CA 93721
(559) 449-4500

Via Email

March 22, 2022

Robert Gran Jr., Chairperson
City of Madera Planning Commission
205 W. 4th Street
Madera, CA 93637

Robert Smith, Senior Planner
City of Madera
205 W. 4th Street
Madera, CA 93637
rsmith@madera.gov

RE: Response Letter to Comment Letter received from Lozeau Drury LLP on the Initial Study/Mitigated Negative Declaration (ISMND) for the Amond World Cold Storage Warehouse, Site Plan Review (SPR) No. 2021-41

Dear Chairperson Robert Gran Jr. and Members of the Planning Commission:

On behalf of Origo Investments and the City of Madera, Precision Civil Engineering, Inc. (PCE) has prepared the following letter in response to the comment letter received from Lozeau Drury LLP on March 7, 2022, about the Initial Study and Mitigated Negative Declaration (IS/MND) for the Amond World Cold Storage Warehouse, Site Plan Review (SPR) No. 2021-41.

Comments received from Lozeau Drury LLP are focused on impacts related to Air Quality/Greenhouse Gas Emissions, Biological Resources, and Noise. Therefore, the responses on the following pages are concentrated on such impact areas.

This response letter has been prepared with the assistance of the following technical experts (See Attached Resumes):

- **Air Quality/GHG:** Kimber Johnson, Debbie Johnson, and Richard Miller of Johnson, Johnson, and Miller Air Quality Specialists
- **Biological Resources:** Kathy Kinsland of Argonaut Ecological Consultants, Inc.
- **Noise:** Walter J. Van Groningen of WJV Acoustics, Inc.

Responses from these technical experts are incorporated herein by reference.

Air Quality/Greenhouse Gas Emissions

1. “The IS/MND relied on unsubstantiated input parameters to estimate project emissions and thus the project may result in significant air quality impacts.”

Response:

The comment raises concerns related to the assumptions and values that were used to estimate the project’s estimation of air pollutant emissions during construction and operations of the project. These emission estimates were used in the air quality impact analysis to make significance determinations related to the project’s potential to adversely affect air quality resources. Specifically, SWAPE (the environmental consulting firm that prepared the letter) found that the following values used in the IS/MND’s air quality analysis were either inconsistent with information provided in the IS/MND or otherwise unjustified:

- a. “Failure to Model All Proposed Land Uses. Ex. A, p. 2-3.”
- b. “Unsubstantiated Reductions to Architectural and Area Coating Emission Factors and Areas. Ex. A, p. 3-5.”
- c. “Incorrect Construction Schedule. Ex. A, p. 5-6.”
- d. “Failure to Substantiate Amount of Required Material Import and Export. Ex. A, p. 6-7.”
- e. “Incorrect Application of Operational Mitigation Measures. Ex. A, p. 7-8.”

The commenter’s concerns for each input called out in the comment letter are addressed below.

- a. “Failure to Model All Proposed Land Uses. Ex. A, p. 2-3.”

Response:

The comment states that the values input into the model were unsubstantiated or inconsistent with the information provided in the IS/MND, which the commenter purports result in an underestimation of the project’s emissions.

Specifically, the commentor raises concerns related to the land use selection used in the CalEEMod modeling. As documented as part of Appendix A of the IS/MND, under Attachment A of the Air Quality, Health Risk Analysis, And Greenhouse Gas Technical Memorandum prepared for the project—CalEEMod Output and Additional Supporting Information—the inputs used to represent the project’s land use are consistent with information provided in the stable project description used throughout the IS/MND.

For construction, it is important that the full amount of building square footage and the total area to be disturbed are accounted for in the land use summary. When

estimating construction emissions, these two considerations will impact other factors that CalEEMod will populate. For instance, there are several factors that are based on the total acreage of all land uses represented in the land use development summary that are solely based on the acreage and not the specific land use input in the model. Therefore, any changes to the land use selected would not change the construction estimates unless the total building square footage or total acreage were altered. Therefore, the commenter's concerns do not provide any evidence that construction emission were underestimated.

Specific emission factors associated with land use type are pertinent for the estimation of operational emissions. The representation of land uses used in the CalEEMod files to estimate the project's generation of emissions are based on project-specific information that matches information provided in the stable project description used throughout the IS/MND. Since the total building area is accounted for in CalEEMod as "Refrigerated Warehouse-No Rail", CalEEMod estimated emissions associated with operations of the building based on a Refrigerated Warehouse land use. Emissions associated with the building include energy, waste, water, and some area-source emissions. In each instance, any portion of the building that would be dedicated to office uses rather than warehouse uses were represented in CalEEMod as a Refrigerated Warehouse. This assumption represents a conservative estimate of emission based on the building type; therefore, these emissions were not underestimated in the IS/MND.

The remaining area sources for the project would be estimated in CalEEMod based on the total size of the project. The CalEEMod runs conservatively assumed the full project site would be developed, resulting in the maximum amount of area-source emissions for those categories based on project site. The remaining category estimated in CalEEMod that is affected by the land use development selections include mobile sources. For project operations, the largest contributor to air most air pollutant emissions come from mobile sources (automobiles). Rather than relying on CalEEMod default values dependent on the land use selection for mobile-sources, the air quality analysis included in the IS/MND relied on project-specific information supported by substantial evidence (see the operational modeling assumptions discussion contained in the Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum starting on PDF page 161 of the IS/MND). The analysis in the IS/MND and the associated less-than-significant conclusions for related to the project's potential impacts to air quality resources remain accurate.

- b. "Unsubstantiated Reductions to Architectural and Area Coating Emission Factors and Areas. Ex. A, p. 3-5."

Response:

The emission estimates presented in the IS/MND accurately represented the project's estimation of ROG emissions during construction. The adjustment to the

architectural coating emission factor to 50 g/L was supported by substantial evidence. Specifically, the adjustment reflects compliance with SJVAPCD Rule 4601. As a result, the emission estimates included in Attachment A of the IS/MND do not underestimate the project's generation of emissions and can be relied upon. As such, the less-than-significant conclusion related to the project's generation of construction emissions remains accurate.

- c. "Incorrect Construction Schedule. Ex. A, p. 5-6."

Response:

The construction schedule used to estimate emissions in the IS/MND is based on reasonable assumptions and best practices. CalEEMod contains built-in default inventories of construction equipment for a variety of land use construction projects that incorporate estimates of the number of equipment, their age, their horsepower, and emission control equipment tier mix from which rates of emissions are developed. These inventories were developed based on construction surveys for several land use projects. Where project-specific information was unknown, the CalEEMod default values were retained. Where available, project-specific information provided by the applicant was relied upon.

For the construction duration, a request for information was provided to the project sponsor for input related to project-specific construction parameters. The construction schedules used in the CalEEMod modeling files were based on this information, as well as information provided in the project description included in the IS/MND. In the CalEEMod model, the default equipment hours do not change when the CalEEMod default construction schedule is changed. As shown in Appendix A of the IS/MND, the CalEEMod default values for construction phase lengths were revised in the modeling for the IS/MND based on project-specific information.

In order to retain the same total CalEEMod default construction equipment usage estimates prior to the change in schedule, the usage hours for each piece of equipment were adjusted to match the total equipment hours. The resulting construction schedule and associated average daily construction usage does not improperly spread-out construction, as it relies on project-specific information and counteracts any arbitrary benefits from altering the schedule by adjusting the construction HP hours to match the CalEEMod default construction HP hours estimated without adjustments to the schedule. Therefore, the emission estimates presented in the IS/MND represent a conservative estimate of both total and maximum daily construction emission estimates.

- d. "Failure to Substantiate Amount of Required Material Import and Export. Ex. A, p. 6-7."

Response:

Where project-specific information was unknown, the CalEEMod default values were retained. Where available, project-specific information provided by the applicant was relied upon. Prior to commencement of the emissions modeling, a request for information was provided to the project sponsor for input related to project-specific construction parameters. Based on the responses to the request for information, it was assumed the cut and fill would be balanced on-site for the entire project. This assumption is also consistent with the CalEEMod default values, as the CalEEMod default value for grading haul trips is zero. In addition, the CalEEMod runs used to estimate emission included additional haul trips to account for miscellaneous trips (see PDF pages 160-161 of the IS/MND). As a result, the construction emissions presented in the IS/MND represent a conservative estimate of project emissions.

- e. “Incorrect Application of Operational Mitigation Measures. Ex. A, p. 7-8.”

Response:

The commenter’s assertion that the operational mitigation measures were incorrectly applied is inaccurate. The CalEEMod application nominally classifies compliance with regulations not already accounted for in the model as “mitigation measures.” However, compliance with regulations legally required in the project area would not constitute mitigation required specifically for this project. The input parameters used in the CalEEMod files used to estimate the project’s emissions (included in Appendix A of the IS/MND) are based on project-specific information to accurately reflect the project as it is described in the project description included in the IS/MND and the assumption used in the project-specific traffic analysis. As stated in the CalEEMod User’s Guide, “[f]or any project that substantially deviates from the types and features included in the surveys, site-specific data that are supported by substantial evidence should be used, if available.” As such, site-specific data was used that was provided by the project sponsor with direct knowledge of the project and is the most appropriate for use in CalEEMod.

Further, reflecting compliance with regulations that are already in effect (but not reflected in the CalEEMod default values) is also appropriate. The IS/MND outlines the changes that were made to CalEEMod input values and provides substantial evidence for these non-default values. Parameters specific to the greenhouse gas analysis are described in the GHG sections of the IS/MND and the GHG section of the technical analysis prepared for the project. These regulations include: Renewables Portfolio Standard (RPS) requirements for year 2030, Green Building Code Standards (indoor water use), California Model Water Efficient Landscape Ordinance (outdoor water), CalRecycle 75 Percent Initiative (solid waste). Other adjustments are discussed and substantiated in the “Assumptions” section of the Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum prepared for the project. The low-VOC adjustment

appears in the CalEEMod output files due to the emission factor adjustments made to reflect compliance with SJVAPCD Rule 4601—Architectural Coatings. Landscaping adjustments are based on the SJVAPCD-recommended value for representing statewide averages for electric landscaping equipment (3%) and does not require additional supporting evidence beyond what has been provided by the SJVAPCD for use by the public. As a result, the emission estimates included in Attachment A of the IS/MND do not underestimate the project’s generation of air pollutant emissions and can be relied upon.

In summary, the model inputs included in Appendix A to the IS/MND are consistent with information disclosed in the IS/MND. In addition, inputs were selected to reflect the most accurate project information and values were selected to ensure a conservative estimate of project-generated emissions. As a result, the emission estimates included in Attachment A of the IS/MND do not underestimate the project’s generation of emissions for either construction or operations. Furthermore, the IS/MND provides substantial evidence for the use of the thresholds used to make the significance determinations for the air quality impacts that relied upon emission estimates. The analysis in the IS/MND and the associated less-than-significant conclusions for related to the project’s potential impacts to air quality resources remain accurate.

2. “An updated air model analysis found that the project will have a significant air quality impact.”

Response:

To more accurately determine the Project’s construction and operational emissions, SWAPE prepared an updated CalEEMod model using more site-specific information and corrected input parameters. See Ex. A, p. 8. SWAPE’s updated analysis demonstrates that the Project’s construction-related ROG emissions for Phase I and Phase II are 370.3 and 365.7, respectively, both of which exceed the applicable SJVAPCD threshold of 100 pounds per day. *Id.* at 8-9. Based on SWAPE’s application of the model, they purport that there is substantial evidence of a fair argument that the Project may result in a potentially significant air quality impact and thus an EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the surrounding environment. The problem is that SWAPE’s application of the model is flawed.

The comment alleges that the IS/MND’s analysis, as well as the subsequent less-than significant impact conclusion related to the project’s generation of air pollutant emissions during the construction period, is incorrect because the commenter believes the project’s emissions of ROG during the construction period were underestimated. The alternative analysis presented by SWAPE shows an exceedance of the SJVAPCD’s 100-pound-per-day screening for ROG. It should be noted that the SJVAPCD’s on-site maximum daily screening thresholds are only

for NOX, CO, PM10, and PM2.5. On-site emissions of ROG were shown in the IS/MND for informational purposes only. Nonetheless, the commenter’s concerns related to estimation of ROG are addressed below.

As shown in Appendix A of the IS/MND and noted by the commenter, architectural coating emission factors associated with nonresidential interior and exterior surfaces were reduced from the default values of 150- to 50-grams per liter (“g/L”). It should be noted that the commenter states that emission factors for “architectural coating and area coating” were adjusted; however, the adjustments were specifically made to the architectural coating emission factors. The emission factor affects construction emissions under the “architectural coating” phase and is accounted for in operations (from occasional repainting of buildings) under “area source”. Therefore, addressing the adjustment to architectural coating emission factors fully addresses the commenter’s concern related to reductions to architectural and area coating emissions factors.

The justification for the adjustments to the architectural coating emission factors are supported by substantial evidence in Appendix A of the IS/MND (PDF page 162 of the IS/MND). As stated in the Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum prepared for the project, the project will be required to comply with the SJVAPCD Rule 4601—Architectural Coatings. The rule requires flat paints to meet a standard of 50 grams per liter (g/l) by 2012 Effective January 1, 2022, nonflat gloss and semigloss paints are also required to meet the 50 g/l standard. Any building painting that would occur on-site would use flat or nonflat gloss and semigloss paints that would be subject to SJVAPCD Rule 4601. Paints that have higher allowable emission factors are specialized and would not be included as part of the on-site construction activities. Emission factors associated with painting of the parking lot lines were not adjusted in the modeling included in the IS/MND. Because the project would be constructed after January 1, 2022, it is appropriate to assume compliance SJVAPCD Rule 4601 and therefore, adjust the building interior and exterior emission factor values to 50 g/l to reflect compliance with this rule.

In summary, the emission estimates presented in the IS/MND accurately represented the project’s estimation of ROG emissions during construction. The adjustment to the architectural coating emission factor to 50 g/L was supported by substantial evidence. Specifically, the adjustment reflects compliance with SJVAPCD Rule 4601. As a result, the emission estimates included in Attachment A of the IS/MND do not underestimate the project’s generation of emissions and can be relied upon. As such, the less-than-significant conclusion related to the project’s generation of construction emissions remains accurate.

3. “There is substantial evidence of a fair argument that the project may have a significant health impact as a result of diesel particulate emissions.”

Response:

This comment states that Soil/Water/Air Protection Enterprise (SWAPE) prepared a screening-level Health Risk Assessment (HRA) to evaluate potential impacts from project construction and operation. The comment states that the SWAPE found that the excess cancer risk for infants over the course of project construction and operation are approximately 45.01 in 1 million. The comment states that this analysis constitutes substantial evidence that the proposed project may have a significant health impact as a result of diesel particulate emissions. The comment states that the City must prepare a EIR including discussion of a completed HRA must be prepared disclosing the health risk impacts from TACS from project construction.

The commenter's attempt to re-evaluate health risks based on a screening-level analysis is acknowledged. However, it should be clearly understood that a "screening-level" analysis should inherently contain more conservative assumptions to avoid underestimating emissions when performing a "screening-level" analysis. This is the case for SCREEN3 and AERSCREEN (used for the commenter's screening analysis) compared to more detailed AERMOD model, which was used for the health risk assessment included as part of the IS/MND. Therefore, it is likely that the commenter's conclusion of a significant impact, which differs from the IS/MNDs analysis, is a result of those more conservative assumptions and the lack of project-specific information that was the basis for the IS/MND analysis.

By contrast, the air quality analysis and construction HRA presented in the IS/MND used project-specific information from the project applicant, the stable project description used throughout the IS/MND, and location-based inputs such as terrain and meteorological data. In other words, the health risk impacts presented in the IS/MND relied on modeling that used project-specific information and appropriate location-based parameters that result in a more robust and refined analysis compared to one prepared using a "screening-level" level model such as AERSCREEN. Thus, the IS/MND analysis provides an accurate and conservative estimate of the project's health risk impacts.

Furthermore, other localized air impacts were adequately addressed in the IS/MND. As described on page 4-16 of the IS/MND, The SJVAPCD's 2015 GAMAQI does not currently recommend analysis of TAC emissions from project construction activities, but instead focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years. In addition, the most intense construction activities of the project's construction would occur during site preparation and grading phases over a short period. There are no conditions unique to the project site that would require more intense construction activity compared to typical development. Examples of situations that would

warrant closer scrutiny may include sites that would require extensive excavation and hauling due to existing site conditions. In addition, the project screened out of needing to complete a more refined analysis to determine the project's potential to expose sensitive receptors to substantial concentrations of TACS during project construction based on the screening analysis summarized on page 4-15 of the IS/MND. Because construction is short-term, it is appropriate to use the localized screening analysis to determine if a more refined analysis is necessary to determine the project's potential to exposure sensitive receptors to elevated levels of TACs during the construction period. It is common for PM_{2.5} or PM₁₀ to be used as a proxy for diesel particulate matter (DPM). As shown on page 4-15 of the IS/MND, the project's maximum on-site daily emissions of PM would not exceed the SJVAPCD's 100-pounds-per day screening thresholds for either PM_{2.5} or PM₁₀. Based on this information, coupled with the proposed project's anticipated construction schedule, it can be concluded that the health risks resulting from construction of the proposed project would not exceed the SJVAPCD's applicable thresholds.

4. "The IS/MND failed to adequately analyze the project's greenhouse has impacts and thus the project may result in significant greenhouse gas emissions."

Response:

The IS/MND estimates that in 2023, the Project would generate net annual GHG emissions of 10,213 metric tons of carbon dioxide equivalent per year ("MTCO_{2e}/year"), without regulations and design features, and 3,786 MTCO_{2e}/year with them. IS/MND, p.4-50, Table 4-10. In 2030, the IS/MND estimates 10,190 MTCO_{2e}/year without regulations and design features, and 3,321 MTCO_{2e}/year with them. *Id.* The IS/MND relies on consistency with CARB's Adopted Scoping Plans and GHG Reduction Goals for 2050 under Executive Order S-3-05 to conclude that the project would have a less-than-significant GHG impact. However, SWAPE states that the IS/MND's analysis and conclusion about greenhouse gas impacts is incorrect for two reasons:

- a. "Incorrect and Unsubstantiated Air Model. Ex. A, p. 16."
- b. "Unsubstantiated Reduction Measures. Ex. A, p. 16-17."

SWAPE's analysis demonstrates a potentially significant GHG emission impact from the project that necessitates mitigation, and it proposes numerous feasible mitigation measures. The City must prepare an EIR with an updated GHG analysis and requiring the implementation of these measures.

It should be noted that Impact GHG (b) did not rely on the estimation of the project's GHG emissions to make a significance conclusion; therefore, the concerns being addressed are relevant to Impact GHG (a) of the IS/MND. The two main points brought up in the comment are addressed separately below.

- a. “Incorrect and Unsubstantiated Air Model. Ex. A, p. 16.”

Response:

The comment states that the conclusions that “[t]he IS/MND’s qualitative GHG analysis relies upon unsubstantiated reduction measures” was because the inputs used to estimate the GHG emissions were not consistent with information disclosed in the IS/MND. The comment refers back to the review of the CalEEMod inputs discussed in comment 1, a-e and does not bring up any new concerns with input values that would only be relevant estimating GHG emissions. The concerns related to these input values were discussed in responses to previous comments and are summarized again below.

1.a. “Concern from Comment: Failure to Model All Proposed Land Uses”

Response:

As documented as part of Appendix A of the IS/MND, under Attachment A of the Air Quality, Health Risk Analysis, And Greenhouse Gas Technical Memorandum prepared for the project—CalEEMod Output and Additional Supporting Information—the inputs used to represent the project’s land use are consistent with information provided in the stable project description used throughout the IS/MND. Rather than relying on CalEEMod default values dependent on the land use selection for mobile-sources, the air quality analysis included in the IS/MND relied on project-specific information supported by substantial evidence (see the operational modeling assumptions discussion contained in the Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum starting on PDF page 161 of the IS/MND). Emissions associated with the building include energy, waste, water, and some area-source emissions. In each instance, any portion of the building that would be dedicated to office uses rather than warehouse uses were represented in CalEEMod as a Refrigerated Warehouse. This assumption represents a conservative estimate of emission based on the building type; therefore, these emissions were not underestimated in the IS/MND.

1.b. “Unsubstantiated Reductions to Architectural and Area Coating Emission Factors and Areas”

Response:

The adjustments to the architectural coating emission factors to 50 g/L was reflects compliance with SJVAPCD Rule 4601 and is supported by substantial evidence.

1.c. “Incorrect Construction Schedule”

Response:

The construction schedule used to estimate emissions in the IS/MND is based on reasonable assumptions and best practices, including relying on project-specific information. Adjustments were made to retain the total CalEEMod-default construction HP hours to avoid underestimating emissions by altering the construction schedule.

1.d. “Failure to Substantiate Amount of Required Material Import and Export”

Response:

Inputs were based on project-specific information, with additional haul trips included to estimate emissions from miscellaneous construction trips.

As such, the model inputs included in Appendix A to the IS/MND are consistent with information disclosed in the IS/MND. In addition, inputs were selected to reflect the most accurate project information and values were selected to ensure a conservative estimate of project-generated emissions. As a result, the emission estimates included in Attachment A of the IS/MND do not underestimate the project’s generation of GHG emissions and can be relied upon. Furthermore, the IS/MND provides substantial evidence for the use of the thresholds used to make the significance determination for whether the project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (evaluated under Impact GHG (a) in the IS/MND). As noted on page 4-52 of the IS/MND, the project exceeds the required 29 percent below BAU guidance provided by the SJVAPCD. Furthermore, the proposed project shows significant reductions in the year 2030, demonstrating that it would not inhibit the State’s progress in achieving the 2030 GHG emissions target. The less-than-significant conclusion for Impact GHG (a) remains accurate.

b. “Unsubstantiated Reduction Measures. Ex. A, p. 16-17.”

Response:

The comment states that the values input into the model were unsubstantiated because the project’s GHG reduction design features are not formally included as mitigation measures. The comment goes on to state that because the GHG reduction features are not formally included as mitigation measure, there is no guarantee that they would be implemented, monitored, and enforced on the project site.

It should be noted that the commenter only references the statement that “the project’s emission estimates include compliance with regulation and design features” and not specifically state which model input(s) (or “GHG reduction measures”) they believe result in an underestimation of emissions. As such, this

response addresses key inputs that may appear to reduce the project's generation of GHG emissions.

The commenter's assertion that the GHG reduction measures would not be enforced or included in the project design is incorrect. The CalEEMod application nominally classifies compliance with regulations not already accounted for in the model as "mitigation measures." However, compliance with regulations legally required in the project area would not constitute mitigation required specifically for this project. The input parameters used in the CalEEMod files used to estimate the project's GHG emissions (included in Appendix A of the IS/MND) are based on project-specific information to accurately reflect the project as it is described in the project description included in the IS/MND and the assumption used in the project-specific traffic analysis.

As stated in the CalEEMod User's Guide, "[f]or any project that substantially deviates from the types and features included in the surveys, site-specific data that are supported by substantial evidence should be used, if available." As such, site-specific data was used that was provided by the project sponsor with direct knowledge of the project and is the most appropriate for use in CalEEMod. Further, reflecting compliance with regulations that are already in effect (but not reflected in the CalEEMod default values) is also appropriate. The IS/MND outlines the changes that were made to the CalEEMod input values and provides substantial evidence for these non-default values.

As noted on page 4-49 of the IS/MND, there are several regulations that have not been incorporated in the default CalEEMod emission factors and require adjustments to show compliance. These regulations include: Renewables Portfolio Standard (RPS) requirements for year 2030, Green Building Code Standards (indoor water use), California Model Water Efficient Landscape Ordinance (outdoor water), CalRecycle 75 Percent Initiative (solid waste). As a cold storage project, the GHG emission estimates also included fugitive refrigerants. As noted on page 4-53 of the IS/MND and described in more detail in Appendix A of the IS/MND (IS/MND PDF page 164 – Refrigerants Section of the Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum), California Air Resources Board's (CARB's) Refrigerant Management Program requires all supermarket and industrial refrigeration systems with a full recharge capacity of 50 pounds (22.7 kilograms) or greater to limit the refrigerants used to 150 GWP. None of the above mentioned "GHG reduction features" would require mitigation to be enforced and implemented and part of the proposed project.

As a result, the emission estimates included in Attachment A of the IS/MND do not underestimate the project's generation of GHG emissions and can be relied upon. Furthermore, the IS/MND provides substantial evidence for the use of the thresholds used to make the significance determination for whether the project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (evaluated under Impact GHG (a) in the

IS/MND). As noted on page 4-52 of the IS/MND, the project exceeds the required 29 percent below BAU guidance provided by the SJVAPCD. Furthermore, the proposed project shows significant reductions in the year 2030, demonstrating that it would not inhibit the State's progress in achieving the 2030 GHG emissions target. The less-than-significant conclusion for Impact GHG (a) remains accurate. CEQA does not require the imposition of mitigation measures with regard to less than significant impacts (Public Resources Code section 21100; CEQA Guidelines section 15126.4.).

Biological Resources

1. "The IS/MND is inadequate in its characterization of the existing environmental setting as it relates to wildlife."

Response:

The commentor indicates that the IS/MND did not address the potential impacts of habitat loss to breeding birds and provides numerical projections of the resulting loss of fledglings per year and the lost capacity. First, CEQA standards of significance do not include a specific standard of significance for the loss of bird breeding habitat. Instead, the loss of breeding habitat is generally included within the standard of significant for impacts on special status species. That said, Dr. Smallwood's projections assume there is, in fact, breeding habitat for a wide range of avian species within the Study Area. The biological study performed by Precision Engineering, Inc, that served as the basis for the IS/MND indicates that the Study Area does not support any shrubs or trees. The lack of suitable nesting habitat (shrubs or trees) precludes nesting by many bird species. Thus, projections of the potential future loss of successful nesting by species that require shrubs or trees for nesting is not applicable to this Study Area, regardless of all the statistical analysis presented that is, purportedly, designed to prove otherwise.

It should be noted that Dr. Smallwood's biological comments implies that the Biological Assessment prepared by Precision Civil Engineering, failed to detect many bird species that could be present.

Close examination of the ebird list of species (found in Dr. Smallwood's report) of the extensive list of roughly 75 bird species listed, only roughly 10 were actually observed onsite. The remaining species were either flying by the site or perched someone near the site. All the remaining species are either known to occur "in the region" or were observed "nearby". A similar result could be found in any urbanized park or housing complex. A nearby occurrence is not indicative of occurrence within the Study Area. Dr. Smallwood list includes species such as American white pelican, golden eagle, Peregrine falcon, long-billed curlew – species that would not be present because of the lack of suitable habitat. Including these species in the

comment letter is, at best, simply an attempt to cast the widest net to create the impression that the site support high quality or unique habitat, when in fact, the site habitat is farmland, annually disked, and provides bird habitat, but little in the way of nesting habitat.

The commentor implies that biological assessment is deficiency because it did not include a query of the eBird database. The eBird database is a database used by the birding community but is not typically used as part of CEQA analysis. Certainly, as implied by the commentor, failure to query eBird is not in any way a deficit or flaw in the biological impact assessment since the database is not site specific but simply allows for characterization of the avian community on a regional basis only.

CEQA also does not factor into the impact assessment any birds, whether special status or not, that are simply observed flying in the area, especially birds that soar during flight, such as raptors and vultures. To suggest that because a bird flies in the airspace above a project site, the development of the site will impact the bird is beyond ludicrous. Certainly, any bird species could use a any site temporarily for resting or foraging, but that temporal use does not constitute a direct impact unless the temporal use is for nesting.

The species that could be present and that nest on the upland ground within this region primarily includes killdeer and burrowing owl. The Study Area's recurring disturbance likely limits the suitability of the site for nesting, as does the presence of potential predators (domestic cats as noted by Dr. Smallwood). Nonetheless, the IS/MND includes mitigation to minimize the potential effect on ground nesting birds, specifically burrowing owl (a species of concern), by requiring a pre-construction survey and additional mitigation if nesting burrowing owl is present. The commentor correctly indicates that, at a minimum, the pre-construction survey should be conducted in accordance with CDFW's Burrowing Owl Survey and Mitigation Guidelines (California Burrowing Owl Consortium, April 1993).

The commentor indicates that since the IS/MND did not address habitat loss that will affect bird species, the City must prepare an EIR (based on a fair argument). The IS/MND does address habitat impacts and acknowledges habitat loss, but the finding is that the loss does not result in "substantial adverse effect" based on both the quality of the habitat, habitat unit, and impacts on special status species. As a result, the impact does not rise to the level of significance under CEQA. CEQA does not require a finding of significance for impacts that are speculative based, especially those based on flawed assumptions.

2. "The IS/MND fails to adequately analyze potential biological impacts to wildlife."
 - a. "Habitat Loss"

Response:

The commentor indicates that the IS/MND did not address the potential impacts of habitat loss to breeding birds and provides numerical projections of the resulting loss of fledglings per year and the lost capacity. These concerns are addressed above under Comment 1.

b. “Wildlife Movement”

Response:

The commentor indicates that the IS/MND improperly dismisses the Project’s potential to impact wildlife movement because it relies on a flawed reading of the CEQA standard that focuses on the presence of a wildlife corridor. The commentor asserts that the site is “critically important for wildlife movement” because it is within an area of diminishing open space. While it is acknowledged that site development will, in fact, impede movement of native wildlife species (those that currently reside on the site), that loss of movement is not substantial given the species will relocate to another site. This comment does correctly suggest that urbanization results in a cumulative impacts on wildlife movement those cumulative impacts were taken into consideration by the City of Madera as part of their General Plan Update EIR (2009) and acknowledged that the planned development could result in impacts to wildlife movement (Impact 10.4.4 of the EIR) within the planning area, but implementation of adopted policies would minimize the impact. The Study Area is located within a commercial/industrial zone along a major freeway (Highway 99) that is consistent with those General Plan policies and avoids removal of habitat near or adjacent to sensitive areas (waterways) that are critically important for wildlife movement.

c. “Wildlife Mortality”

Response:

The commentor suggests that the proposed security fencing is designed to cause harm to wildlife. While it is certainly possible wildlife could be injured from the fencing, it is as likely possible that the presence of the fencing could protect wildlife from the activities within the proposed cold storage project (movement of equipment and trucks, mechanical fans, etc.). Comparison of the proposed fencing to a “utility-scale solar project” in terms of wildlife injury is disingenuous. The commentor estimates the project would kill 27.4 birds per year. By comparison, in the United States, domestic cats are responsible for the death of 1.3 to 3.7 billion birds per year.

d. “Traffic Impacts to Wildlife”

Response:

The commentor provides a plethora of information, data, and statistical analysis regarding the potential impacts of traffic on wildlife. CEQA standards of significance for biological resources does not specifically address impacts to wildlife from traffic generation. Thus, there is no clear standard of significance for evaluation, nor does CEQA require such an analysis. That said, without a doubt, traffic does, unfortunately, result in the loss of wildlife every year but whether the projected loss as a direct result of this project is a significant impact is speculative at best.

e. “Cumulative Impacts”

Response:

Neither the scale of the proposed project nor the anticipated impacts to wildlife or birds warrants preparation of the EIR. The IS/MND’s “interpretation” of the CEQA standards for cumulative impacts is consistent with the City of Madera’s “interpretation” of cumulative impacts used in the General Plan Update EIR. The unfortunate fact that North America has lost nearly a third of its birds over the past half century appears to be more attributable to domestic cats than any other factor. This is not intended to minimize the potential impacts of the proposed project, but to merely highlight that there are other more injurious factors unrelated to the proposed project to be considered when assessing cumulative loss of birds.

With respect to the IS/MND proposed mitigation (pre-construction surveys for burrowing owl), Dr. Smallwood agrees that the surveys are warranted. However, he advocates for more robust-breeding season detection surveys before the pre-construction surveys are undertaken. The project mitigation should be revised to condition the mitigation measure to indicate that surveys be conducted in accordance with the Burrowing owl survey protocol, as previously discussed.

Noise

1. “The IS/MND contains errors in its references which render it inadequate as an informational document.”

Response:

Two items were raised in this section. First, the Wilson Ihrig reports that “there were corrupted graphics in the Project Description”. In fact, there are no corrupted graphics, but an error in the link for Figure 2-3. Figure 2-3 is still contained in the document, is clear, and not corrupted. Any layperson could easily navigate to the figure, despite the link error.

The purported lack of reference to Madera Municipal Code section 3-11.01 (second item) is not relevant. The noise analysis identifies the relevant code section pertaining to the noise analysis (Section 3-11.02). Section 3-11.01 is a generic statement related to unlawful noise. This section also includes a provision on exceptions to the noise ordinance, which is not relevant to the analysis. Including this code section would not change the analysis.

Based on the above, it is clear that there are no significant errors that would require the document to be recirculated or republished.

2. “The thresholds of significance used in the IS/MND are not properly developed and the impact analyses are incomplete.”

Response:

The report clearly defines the thresholds of significance (regulatory setting) applicable to the project. These are provided on pages 3-5 of the technical noise report. The CEQA noise checklist states the following, in regard to the determination of a potential noise impact: *“Would the project result in 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?”* The report clearly provides these applicable quantifiable local noise standards. Furthermore, in regard to the portion of the comment which states, *“must clearly show that the mitigation would eliminate significant effects”* WJVA considers this comment to be irrelevant, as the findings of the analysis did not identify any “significant effects” requiring mitigation. The report does state, in the Impact Summary, that a noise impact could occur if truck movements were to occur along the north side of the proposed building(s), during nighttime hours or if best management practices are not followed during project construction. However, the applicant has stated that such truck movements would not occur and could therefore be considered a condition of approval. Likewise, in regard to construction noise, the implementation of the provided best management practices would ensure that there is no impact to noise-sensitive land uses and should be considered as conditions of approval.

In regards to Wilson Ihrig’s “suggestion” that the analysis include either the application of an “absolute noise level” or “relative noise increase” as a method to determine annoyance potential, and provides a comment regarding a provision of the General Plan; WJVA would note that the General Plan states *“For the purposes of CEQA analysis, a 5 db increase in CNEL or Ldn noise levels shall be normally considered to be a significant increase in noise.”* It should be noted, this provision of the General Plan directly corresponds to questions that is no longer included in the CEQA checklist for noise impact determination. CEQA previously applied the following, in regards to impact determination, and stated that an impact would occur if the project resulted in... *“A substantial permanent increase in*

ambient noise levels in the project vicinity above levels existing without the project?” and “A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?” The language in the General Plan clearly states *“For the purpose of a CEQA analysis...”* as previously jurisdictions would often set their own standards for determining what defines a “significant increase”, to address this CEQA checklist provision. However, several years ago the CEQA noise check list for noise impact determination was revised, and these check list items were omitted and are no longer applied when determining CEQA compliance. As such, the determination of a “significant increase” is no longer relevant to CEQA. CEQA focuses on compliance with local standards. That said, however, it is important to note that the noise study clearly determines that the project would not result in any increase in noise levels exceeding existing (without project) ambient noise levels. This determination is described multiple times within the technical noise report.

The comments state *“a fair argument exists that the Project may have significant noise impacts and an EIR must be prepared to sufficiently address these impacts.”* It is the opinion of WJVA that there is no merit to this comment as the noise study comes to a clear conclusion that, with inclusion of the conditions of approval stated in the impact summary of the technical noise report, that the project would not result in noise levels exceeding any applicable local noise standards or so much as result in an increase over existing ambient noise levels at nearby residential land uses/sensitive receptor locations.

Kimber Johnson, Air Quality and Climate Change Specialist

Education: Bachelor of Science Degree, Environmental Sciences, California State University, Fresno

Technical Expertise:

- Air Quality Analysis to support California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) review to support CEQA review
- Greenhouse Gas (GHG) Analysis to support
- Climate Change analysis to support NEPA review
- Energy Analysis to support CEQA and NEPA review
- Emission Estimate using California Emissions Estimator Model (CalEEMod)
- Human Health Risk Assessments performed using atmospheric dispersion modeling
- American Meteorological Society/ Environmental Protection Agency Regulatory Model (AERMOD)
- California Air Resources Board (CARB)'s Emissions FACTor model (EMFAC)
- Hotspots Analysis and Reporting Program (HARP)
- CARB's OFFROAD Model and Database
- Compilation of Air Pollutant Emissions Factors (AP-42)
- Assisting Applicants through Procedural Processes
- Sacramento Metropolitan Air Quality Management District's Road Construction Emission Model
- Extensive knowledge of Rules, Processes, and Compliance Requirements for several air districts throughout California, including San Joaquin Valley Air Pollution Control District (SJVAPCD), South Coast Air Quality Management District (SCAQMD), and Bay Area Air Quality Management District (BAAQMD)

Kimber Johnson is an Air Quality and Greenhouse Gas (GHG) Specialist with over seven years of experience in modeling and the preparation of associated CEQA documentation for development projects. Kimber has performed air quality/GHG analyses and health risk assessments to support CEQA documents using a wide range of models and has extensive knowledge of various quantification methods. Kimber also prepares other air quality compliance documentation, including Indirect Source Reviews (ISRs), GHG emissions inventories, and dust control plans. Kimber has a thorough understanding of the air quality and GHG emission regulatory requirements of numerous air districts throughout California.

Select Project Experience:

- **Mini Storage and Residential Project in Bakersfield, CA—Air Quality and Greenhouse Gas Technical Analysis**
 - JJM prepared the Air Quality and Greenhouse Gas (GHG) Technical Analysis for a mini storage and residential project in Bakersfield, CA.
- **Convenience Store, Retail, and Gas Station Project in Selma, CA—Air Quality, Greenhouse Gas Emissions, and Health Risk Assessment Technical Report**
 - JJM completed the Air Quality, GHG Emissions, and Health Risk Assessment (HRA) Technical Report for a Retail and Gas Station project in Selma, CA. The Air Quality Analysis included an HRA to evaluate toxic air containments from gasoline dispensing activities and heavy-heavy duty truck deliveries
- **Resource Recovery and Truck Maintenance Facility Project in Antioch, CA—Air Quality, Greenhouse Gas Emissions, Health Risk Assessment, and Energy Analysis**
 - JJM prepared the Air Quality, GHG, and Energy analysis for a Resource Recovery and Truck Maintenance Facility Project in Antioch. The project site was located approximately 200 feet from the project site, and the air quality analysis included construction and operational HRAs.

- **Truck Parking/Truck Maintenance Projects in Fresno County (Multiple Projects)**
 - JJM has prepared several Air Quality analyses for truck parking and truck maintenance projects that would generate trips from heavy-heavy-duty trucks. JJM appropriately assessed regional and localized impacts to air quality resources from the increase in emissions from these projects. HRAs and/or HRA screening analyses were included.
- **Construction and Cumulative Health Risk Assessments for a Phased Redevelopment Project**
 - JJM prepared a standalone construction HRA for a phased residential development that included the redevelopment of affordable multi-family housing. The assessment considered existing and planned sensitive receptors for each phase of construction, taking into account the movement of construction activity and movement of existing and proposed on-site sensitive receptors. The assessment involved over ten scenarios each completed using dispersion modeling. JJM prepared the emission estimates using CalEEMod, proposed and quantified reductions for relevant mitigation measures, completed dispersion modeling using AERMOD, and evaluated health risk impacts for existing and proposed off-site and on-site sensitive receptors for the phased construction activity.
- **Other Relevant Project Work Experience**
 - Prepared Air Quality/GHG/Energy technical analyses for several distribution center, warehouse, and industrial park projects throughout CA*
 - Prepared Air Quality/GHG/Energy technical analyses for commercial and industrial projects in the Antelope Valley region of Southern CA*
 - Provided Pre-construction Air Quality Permitting Compliance Services for Solar Photovoltaic Projects in the San Joaquin Valley Air Basin*
 - Prepared Air Quality/GHG/Energy technical analyses for several residential, commercial, and mixed used projects throughout CA, including hundreds in the San Joaquin Valley*
 - Prepared Air Quality, GHG, and Energy technical analyses to support Environment Impact Reports for specific plans and general plan updates*
 - Assisted in completing updates to GHG Inventories and Climate Action Plans*

*Denotes project experience outside of Johnson Johnson & Miller Air Quality Consulting Services

References

References available upon request.

Debbie Johnson, Air Quality and Climate Change Specialist

Education: Bachelor of Science Degree, Plant Science, California State University, Fresno

Technical Expertise:

- Air Quality Analysis to support California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) review
- Human Health Risk Assessments performed using atmospheric dispersion modeling
- California Emissions Estimator Model (CalEEMod)
- American Meteorological Society/ Environmental Protection Agency Regulatory Model (AERMOD)
- California Air Resources Board (CARB)'s EMISSIONS FACTOR model (EMFAC)
- Hotspots Analysis and Reporting Program (HARP)
- CARB's OFFROAD Model and Database
- Compilation of Air Pollutant Emissions Factors (AP-42)
- Assisting Applicants through Procedural Processes
- Sacramento Metropolitan Air Quality Management District's Road Construction Emission Model
- Extensive knowledge of San Joaquin Valley Air Pollution Control District (SJVAPCD) Rules, Processes, and Compliance Requirements

Debbie Johnson is an Air Quality and Climate Change Specialist with over 19 years of air quality experience in the public and private sectors with practice in such areas as rule implementation, rule development, criteria pollutant emissions modeling and analysis, and environmental document preparation and review. Debbie has project experience spanning several project types, including infrastructure, linear, transportation, residential, commercial, oil field, and industrial projects. Debbie is experienced in developing and working in multi-discipline project teams and is adept at applying her collaboration skills to produce technically sound and highly defensible air quality analyses to meet the needs of various stakeholders.

Debbie has a strong background in air quality science and possesses extensive knowledge related to air quality analyses and rule compliance for projects in the San Joaquin Valley through her 16-year tenure as an Air Quality Specialist at the San Joaquin Valley Air Pollution Control District (SJVAPCD). Debbie's broader experience involves reviewing and commenting on CEQA/NEPA analyses, plan development, rule development, evaluating permit applications, implementing grant and incentive programs, performing air quality modeling and analysis, and organizing and leading interagency meetings.

In 2019, Debbie joined two other environmental professionals to establish Johnson Johnson and Miller Air Quality Consulting Services (JJM). In this capacity Debbie uses her extensive knowledge of environmental matters related to air quality, rule compliance, and CEQA compliance to provide air quality and greenhouse gas analyses for projects across California. Debbie and the team at JJM are skilled in using various emissions quantification methods to estimate emissions and prepare the related environmental review documentation.

Select Project Experience:

- **Chevron U.S.A. Inc. Coalinga Heavy Oil Production Facility Steam Generators Project—IS/MND**
 - The SJVAPCD served as the lead agency for the environmental review of the Chevron U.S.A. Inc. Coalinga Heavy Oil Production Facility Steam Generators Project. An Initial

Study/Mitigated Negative Declaration (IS/MND) and related technical analyses were prepared. The project consisted of installing 18 natural gas-fired steam generators located at three separate project sites that were zoned for agricultural use. Serving as the lead agency's CEQA contact for the project, Debbie authored several sections and provided oversight in all aspects of the project. She was responsible for coordinating all activities related to the preparation of the IS/MND and completing the environmental review process, including directing activities to ensure legal defensibility, technical accuracy, and objectivity.

- **Herndon Avenue Eastbound Widening from Brawley Avenue to Blythe Avenue—ISR**
 - SJVAPCD reviewed the Air Impact Assessment application and prepared the Indirect Source Review (ISR) for the Herndon Avenue Eastbound Widening from Brawley Avenue to Blythe Avenue project in the City of Fresno. The project included road improvements—including road widening—for an approximately 0.50-mile portion of Herndon Avenue from Brawley Avenue to Blythe Avenue. As the SJVAPCD Air Quality Specialist tasked with completing the ISR for the project, Debbie reviewed and verified project information, completed the air pollutant emissions modeling, prepared the fee estimates, and prepared the documentation necessary to verify and record the project's compliance with Rule 9510. Debbie also served as the SJVAPCD's point of contact for the project and was responsible for all coordination and communication related to SJVAPCD's ISR analysis and approval for the project.

- **Highway 198 at 19th in Lemoore—ISR**
 - As an Air Quality Specialist with SJVAPCD, Debbie completed the ISR for the Highway 198 at 19th transportation project in the City of Lemoore, CA. Debbie coordinated with the California Department of Transportation and the general construction contractor to facilitate the preparation, review, and approval of the ISR in compliance with SJVAPCD Rule 9510.

- **Heavy-Duty Engine Incentive Program—Administration and Technical Analysis**
 - Debbie performed project administration and provided technical assistance in the SJVAPCD's Mobile Source Program Section. Debbie was responsible for processing applications, advising applicants, and preparing technical analyses and documentation to support the planning activities of the Mobile Source Program and CEQA Sections of the SJVAPCD. Specific tasks included application processing, educating the public, calculating emission reduction, maintaining databases and spreadsheets, and answering programmatic and technical questions. Debbie's work related to the Heavy-Duty Engine Program extended to the Alternative Fuel Infrastructure component, the REMOVE Program, and reporting requirements for the Moyer Program.

- **Fresno Chaffee Zoo – Africa Project—ISR**
 - As an Air Quality Specialist with SJVAPCD, Debbie completed the ISR for the Fresno Chaffee Zoo – Africa Project in the City of Fresno. Preparation of the ISR involved analyzing project information, completing emissions modeling for construction and operation of the project, preparing fee estimates, preparing documentation necessary for approval, identifying enforcing agencies for proposed reduction measures, and identifying and ensuring compliance with applicable SJVAPCD rules and regulations.

- **Confidential Client—Construction and Cumulative Health Risk Assessments for a Phased Redevelopment Project**
 - With JJM, Debbie has assisted in the preparation of various air quality/greenhouse gas, HRA, and energy analyses that were prepared to support CEQA analyses for commercial, residential, mixed-use, and other land use development projects. A notable project was the preparation of a standalone construction HRA for a phased residential development that included the redevelopment of affordable multi-family housing. The assessment considered existing and planned sensitive receptors for each phase of construction, taking into account the movement of construction activity and movement of existing and proposed on-site sensitive receptors that would be relocated as the project proposed replacing existing occupied multi-family residential buildings with new multi-family residential buildings. The assessment involved over ten scenarios each completed using dispersion modeling. JJM prepared the emission estimates using CalEEMod, proposed and quantified reductions for relevant mitigation measures, completed dispersion modeling using AERMOD, and evaluated health risk impacts for existing and proposed off-site and on-site sensitive receptors for the phased construction activity.

References

Debbie's references will attest to her responsiveness and ability and willingness to adapt to best serve the needs of various stakeholders. Debbie's references will also vouch for her demonstrated ability to effectively communicate and present technical information.


Reference Contact Information:


Manuel Salinas, Air Quality Engineer, San Joaquin Valley Air Pollution Control District
1990 E Gettysburg Ave, Fresno, CA 93726
(559) 230-6000 | Manuel.Salinas@valleyair.org

Additional references available upon request.

Richard Miller

Air Quality and Climate Change Specialist

 979.549.8478

 miller.jjm.environmental@gmail.com

Summary

Richard Miller is an owner of Johnson Johnson & Miller Air Quality Consulting Services and an Air Quality/Climate Change Specialist with three years of experience in air quality and greenhouse gas emission CEQA analysis and modeling for various development projects. Richard has worked on over 40 projects ranging from small-scale residential to large-scale industrial projects to create technically sound and legally defensible environmental documentation pertaining to all facets of AQ/GHG analysis through the use of CalEEMod, AERMOD, and HARP2.

Experience

Johnson Johnson & Miller Air Quality Consulting Services Clovis, CA

OWNER / AIR QUALITY & CLIMATE CHANGE SPECIALIST June 2019 – Present (November 2021)

- Conducts air quality and greenhouse gas emission CEQA analyses for various development projects
- Models projected construction and operational emissions
- Coordinates with remote, inter-agency team members and stakeholders to create a final product while meeting demanding deadlines
- Efficiently and effectively provides punctual, high-quality quality products to the firm's clients
- Provides evaluations of criteria pollutant, hazardous air pollutant (HAP), and greenhouse gas (GHG) emissions

Education

Fresno City College / Associate of Science Degree: Business Administration

Fresno, CA

Fresno State University / Bachelor of Arts Degree: Geography

Fresno, CA

Relevant Skills

Tools

- Mastery of Microsoft Word, Excel, PowerPoint, Publisher, and Access
- Extensive working knowledge of CalEEMod, AERMOD, HARP2, Adobe Acrobat, Google Earth, Google Apps, and ArcGIS

Other Skills

- Troubleshooting methodologies
- Excellent written and verbal communication skills
- Exemplary professional writing and editing skills
- Extensive presentation and public speaking experience
- Experienced with using computer-mediated communication to effectively work with remote team members

Kathy Kinsland

CISEC, QSP, TOR-QISP

Highlights

- Over 30 years of experience with environmental review under various state environmental policy act and NEPA reviews.
- Project Manager for environmental review of an environmental resources plan for the U.S. Bureau of Recreation.
- Deputy project manager for a joint state/NEPA review of a 230-mile natural gas pipeline under the Federal Energy Regulatory Commission.
- Prepared and implemented a Public Involvement Program for U.S. Bureau of Reclamation and for energy development projects in CA.
- Project Manager for preparation of CEQA documents for infrastructure projects.
- Assigned to team of specialists working for the U.S. Army Corps to conduct environmental reviews for levee restoration following floods or flood control system throughout the U.S.
- Assigned as Project Manager for NRG's California Energy Generation Facility Licensing Amendment Petition and environmental review
- Prepared/coordinated FERC filings for LNG transmission projects within numerous states.
- Served as Co-chairman for California Storm Water Quality Association's (CASQA) Construction Subcommittee.
- Former U.S. Army Corps of Engineers staff assigned to Regulatory and Engineering Divisions. Was selected as a member of the Value Engineering Team for project reviews.

Relevant Experience

Environmental Review; NEPA/CEQA,

Over the past 30 years, Ms. Kinsland has managed or assisted in the preparation of numerous municipal, state and federal environmental review documents, primarily for infrastructure projects, ranging from full EIR/EIS's to Environmental Assessments and Mitigated Negative Declarations and categorical exclusions (ECs). Ms. Kinsland

Education

BS, Aquatic Biology, Chemistry Minor, Eastern Michigan University, Ypsilanti, MI;

Masters Certificate NEPA (in progress), Utah State University

Certifications/Associations

Certified Inspector Sediment & Erosion Control (CISEC- 311)

California Storm Water Quality Association (CASQA), Executive Planning Committee and Co-Chair of the Construction Subcommittee – 2003-2006

Key Positions

Staff scientist, U.S. Army Corps of Engineers, Detroit District and Sacramento District;

Manager of Environmental Services Division, RMI/Navigant; Owner/President; Argonaut Ecological, Inc.

Training

Storm Water Pollution Prevention on Construction Sites

Storm Water Pollution Prevention for Transportation Construction

Advanced Wetland Delineation and Management Training

has served as the project manager or technical lead in preparation of technical studies as part of the environmental reviews for residential land development, land fill expansion, electric generation and transmission, infrastructure, and commercial development. Some of her key projects include the following:

- AADS Landfill Clean Closure (CA CEQA)
- Frontier Communications Expansion Project (Categorical Exemptions)
- Dry Creek Levee Improvement Project (SAFCA CEQA)
- Shepherd Avenue Intersection Improvement Project (City of Clovis, CEQA)
- Roosevelt Regional Landfill Vertical Expansion (Draft Supplemental EIS)
- SMUD/USBR/Arden-Cordova Water Agency Emergency Water Supply Project (CEQA/NEPA).
- Tuscarora Natural Gas Transmission Pipeline Environmental Impact Statement (CA, OR, NV, CEQA/NEPA)
- Kern County Waste Management, Habitat Conservation Plan Amendment (CEQA/NEPA)

- Fink Road Landfill, Vertical Expansion Project (CEQA)
- Animas-LaPlate Dam Removal Project; U.S. Bureau of Reclamation (NEPA).

Construction Monitoring – Stormwater and Biological

Ms. Kinsland has been part of numerous Construction Management teams, responsible for providing pre-construction and construction phase compliance services to local municipalities for several roadway, bridge, and infrastructure projects. Services provided include preparation of compliance database and compliance tracking of all permit conditions, including CEQA MMRP, pre-construction biological surveys; assistance with project permitting; coordination with regulatory agencies, review of SWPPPs; development of a CM stormwater verification compliance program, development and implementation of worker training programs for stormwater and sensitive species protection; stormwater inspections; and wetland delineations. Some representative projects include:

- Eight Mile Road/UPRR Grade Separation Project; Stockton, CA
- Cook Riolo Bridge Replacement Project; Roseville, CA
- Kammerer Road Widening Project, CA
- Dog Creek Culvert Project, CA.
- Industrial Avenue Bridge Replacement, CA
- Galt Wastewater Treatment Plant
- Auburn Folsom Improvement Project; Folsom, CA
- Highway 65/Sunset Interchange Project, Placer County, CA.
- Miramar Naval Base, Pipeline Replacement
- San Pedro Naval Facility, Tank Closure

Land Development and Biological Permitting:

Over the past 25 years Ms. Kinsland has worked on a variety of land development projects. She has managed large technical teams including hydrologist, biologist,

botanists, archaeologists, and geologists. In addition, she has performed numerous wetland delineations and habitat assessments throughout the Central Valley. The services Ms. Kinsland has provided include the following:

- Special Status Species Surveys/Habitat Assessments
- Wetland Delineation & Permitting (Section 404, Section 10, 401 Water Quality Certification, 1600 Agreements, and mitigation planning)
- CEQA/NEPA reviews
- Mitigation Monitoring; wetland and habitat restoration/creation 5-year monitoring studies
- Habitat Restoration Monitoring, Laguna Creek Improvement Project, City of Sacramento, Dog Creek Widening Project (Clovis), Fancher Creek Relocation Project (Fresno County Flood Control District)
- Biological Constraints Analysis, NE Specific Area (3.800 acres) in NE Clovis, Ca

WALTER J. VAN GRONINGEN
President
WJV Acoustics, Inc.

Experience:

Mr. Van Groningen is the founding consultant of WJV Acoustics, Inc. His technical skills include the prediction and analysis of aircraft, traffic, railroad and construction noise and the evaluation of community noise problems and litigation support. He has prepared technical noise studies for a variety of projects requiring CEQA or NEPA documentation and has developed noise level criteria and implementation programs for addressing noise-related conflicts and long-range noise compatibility planning. Mr. Van Groningen has particular expertise in preparing traffic noise assessments for federally funded roadway improvement projects using the Caltrans Protocol. Mr. Van Groningen has also prepared general plan noise elements and noise element updates for several California jurisdictions.

Mr. Van Groningen became involved in community noise control in 2005, when he joined the consulting staff at Brown-Buntin Associates, Inc. Since that time, he has conducted short- and long-term aircraft noise monitoring and acoustical testing for federally funded aircraft sound insulation programs and conducted and/or managed numerous environmental noise analyses, including the following:

- Environmental noise assessments addressing aircraft, traffic, rail, commercial, industrial and construction sources for projects requiring CEQA/NEPA documentation. Many of these studies have involved controversial projects and significant public interest in the agency review process.
- Aircraft noise analysis and preparation of noise exposure maps and summary reports for Las Vegas McCarran and Reno-Tahoe International Airports.
- Federally funded school and/or residential sound insulation programs for Los Angeles, Reno-Tahoe, Phoenix Sky Harbor and Anchorage Ted Stevens International Airports.
- General Plan Noise Elements for numerous California jurisdictions.
- Acoustical analyses and noise monitoring for numerous mining operations and construction projects.

Professional Affiliations:

- Member, Institute of Noise Control Engineering.
- Member, Acoustical Society of America.

Software Skills and Certifications:

- FHWA Traffic Noise Model Certified
- FAA Integrated Noise Model (INM)
- Aviation Environmental Design Tool (AEDT2B)
- Larson Davis Laboratories, AutoCAD, Microsoft Word, Microsoft Excel, SoundPLAN
- SoundPLAN Software & Noise Modeling Seminar

Education:

- B.A. Physical/Environmental Geography, Humboldt State University, 1999.
- Post Graduate studies in Hydrology, California State University Chico, 1999-2002.

Attachment 13: Comment Letter GSEJA

<https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011>

Attachment 14: Response Letter to GSEJA Comment Letter



1234 O Street
Fresno, CA 93721
(559) 449-4500

Via Email

April 7, 2022

Robert Gran Jr., Chairperson
City of Madera Planning Commission
205 W. 4th Street
Madera, CA 93637

Robert Smith, Senior Planner
City of Madera
205 W. 4th Street
Madera, CA 93637
rsmith@madera.gov

RE: Response to Comment Letter received from Blum Collins & Ho LLP on the Initial Study/Mitigated Negative Declaration (ISMND) for the Amond World Cold Storage Warehouse, Site Plan Review (SPR) No. 2021-41

Dear Chairperson Robert Gran Jr. and Members of the Planning Commission:

On behalf of the City of Madera, Precision Civil Engineering, Inc. (PCE) has prepared the following letter in response to the comment letter received from Blum Collins & Ho LLP on April 4, 2022, about the Initial Study and Mitigated Negative Declaration (IS/MND) prepared for the Amond World Cold Storage Warehouse, Site Plan Review (SPR) No. 2021-41.

Comments received from Blum Collins & Ho LLP are focused on the Project Description, impacts related to Air Quality/Greenhouse Gas Emissions, Energy, Land Use and Planning, and Transportation. Therefore, the responses on the following pages are concentrated on these section and impact areas.

Project Description

Comment #1: "It is notable that the MND does not include a detailed site plan, floor plan or elevations for Phase II. The basic components of a Planning Application include a site plan, floor plan, elevations, and a project narrative describing the proposed use in detail. The site plan provided in Figure 2-5 does not provide any detailed information such as the earthwork quantity notes, parking requirements, site coverage, floor area ratio, etc. The MND has excluded the proposed detailed site plan, floor plans and elevations from public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as these documents contribute directly to analysis of the problem at hand."

Response to Comment #1: Phase II of the proposed project is not currently being entitled through site plan review. Only Phase I is proposed for approval. According to Laurel Heights Improvement Association v Regents of University of California (1988)

47 Cal. 3d 376, for a phased development project, even if details about future phases are not known, future phases **must** be included in the project description if they are a reasonably foreseeable consequence of the initial phase and will significantly change the initial project or its impacts. Thus, Phase II was analyzed since it is a known, future phase, but project specific details regarding the project (including floor plans and elevations) are not currently available for this phase.

Comment #2: “Providing this information is vital as the Air Quality Appendix states “Based on applicant-provided information, cut and fill and is expected to balance on-site.” There is no method for public verification of this anecdotal statement in the MND. An EIR must be prepared and circulated for public review including a grading plan for public verification of earthwork quantities.”

Response to Comment #2: An EIR is not required to verify earthwork quantities. The information provided was prepared by the project Civil Engineer and was an accurate representation of what was known at the time of the analysis. It is not typical to have a grading plan completed at the time of preparation of an initial study.

Comment #3: “Additionally, the project site is described throughout the MND as vacant with no improvements or structures on the site. However, several aerial images of the project site throughout its Appendices, such as Figure 2: Project Vicinity within the Noise Appendix depict at least four residential structures on the north side of the project site with access from Boles Street. Demolition of the onsite residential structures is implementation of the proposed project prior to CEQA review and alters the environmental setting. Removing these structures required site preparation, demolition, and hauling trips that are not analyzed in the MND. An EIR must be prepared to accurately analyze the potentially significant impacts, including those related to project implementation prior to CEQA review.”

Response to Comment #3: This is an incorrect statement. The project does not propose the demolition of any residential structures.

Comment #4: “Further, Figure 2-5 Site Plan depicts a building that is not included for analysis in the MND. On the east side of the Phase I building, a building called “ready roast” is identified as “NIC”, assumed to stand for “not in contract/not included”. Figure 2-6 Phase I Site Plan depicts the ready roast building as a landscape area. “

Response to Comment #4: This is an incorrect statement. The site plan depicts this “Ready Roast” building across the future Condor Road alignment on both Figures 2-5 and 2-6.

Comment #5: “Additionally, Figure 2-5 states that the project will extend Condor Road for vehicle access to the project site from Aviation Drive. The MND does not include this road extension for analysis, which is vital in the Land Use and Planning analysis and any growth inducement analysis. Both these items are components of the proposed project that is not included for analysis. The MND does not accurately or adequately describe the project, meaning “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (CEQA § 15378).”

Response to Comment #5: This is an incorrect statement. On page 2-8, under Project Setting, it states that “Condor Road is proposed to be extended south to Aviation Drive, past parcels identified as APNs 013-200-12 and 013-200-13.” The extension of Condor Road is also discussed on page 2-9 under Site Circulation and Parking.

Comment #6: “CEQA § 15165 - Multiple and Phased Projects requires that “Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project as described in Section 15168.” The MND misleads the public and decision makers by circumventing adequate and accurate environmental analysis for the whole of the action to include the ready roast facility and extension of Condor Road to Aviation Drive. A program EIR must be prepared which accurately represents the whole of the action without piecemealing the project into separate, smaller development projects or development areas to present unduly low environmental impacts.”

Response to Comment #6: As described above, the whole of the project (proposed and known) is included in Chapter 2 (Project Description) of the MND. An EIR is not required given that all impacts have been determined to be less than significant with mitigation imposed.

Air Quality, Energy, and Greenhouse Gas Emissions

Comment #7: “The MND does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0¹, CalEPA’s screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project’s census tract (6039000503) ranks worse than 78% of the rest of the state overall in pollution burden. The surrounding community, **including residences to the southeast**, bears the

impact of multiple sources of pollution and is more polluted than other census tracts in many pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 75th percentile for ozone burden and 79th percentile for PM 2.5 burden, which are attributed to heavy truck activity in the area.”

Response to Comment #7: A Health Risk Assessment (HRA) was prepared for the proposed project. As described on page 4-16 of the IS/MND, The SJVAPCD’s 2015 GAMAQI does not currently recommend analysis of TAC emissions from project construction activities, but instead focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years. In addition, the most intense construction activities of the project’s construction would occur during site preparation and grading phases over a short period.

There are no conditions unique to the project site that would require more intense construction activity compared to typical development. Examples of situations that would warrant closer scrutiny may include sites that would require extensive excavation and hauling due to existing site conditions. In addition, the project screened out of needing to complete a more refined analysis to determine the project’s potential to expose sensitive receptors to substantial concentrations of TACS during project construction based on the screening analysis summarized on page 4-15 of the IS/MND.

Because construction is short-term, it is appropriate to use the localized screening analysis to determine if a more refined analysis is necessary to determine the project’s potential to exposure sensitive receptors to elevated levels of TACs during the construction period. It is common for PM2.5 or PM10 to be used as a proxy for diesel particulate matter (DPM). As shown on page 4-15 of the IS/MND, the project’s maximum on-site daily emissions of PM would not exceed the SJVAPCD’s 100-pounds-per day screening thresholds for either PM2.5 or PM10. Based on this information, coupled with the proposed project’s anticipated construction schedule, it can be concluded that the health risks resulting from construction of the proposed project would not exceed the SJVAPCD’s applicable thresholds.

Comment #8: “The census tract ranks in the 91st percentile for groundwater threats. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes². The census tract ranks in the 83rd percentile for hazardous waste impacts. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people³. The census tract ranks in the 88th percentile for impacts from pesticides. Exposure to high levels of some pesticides can cause illness immediately

or conditions such as birth defects or cancer later in life⁴. The census tract ranks in the 84th percentile for impacts from toxic releases. Chemicals given off by toxic facilities can be detected in the air of nearby communities and people living near facilities may breathe contaminated air regularly or if contaminants are released during an accident.”

Response to Comment #8: The project will not negatively impact groundwater as the project will comply with all regulations and standards and is connecting to City water and wastewater systems. The proposed project is not a “toxic” facility. An Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum was prepared for the project to evaluate whether the estimated criteria air pollutant, ozone precursor, toxic air contaminant (TAC), and/or greenhouse gas (GHG) emissions generated from construction and/or operation of the proposed Facility would cause significant impacts to air or GHG resources. The methodology followed the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) prepared by the San Joaquin Valley Air Pollution Control District (SJVAPCD) for the quantification of emissions and evaluation of potential impacts to air resources. The GHG Analysis follows and the SJVAPCD’s Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under the California Environmental Quality Act (CEQA). The evaluation found the impacts to be less than significant.

Comment #9: “Additionally, the project’s census tract and the adjacent census tracts are identified as SB 535 Disadvantaged Communities⁶, which is not discussed or presented for analysis in the MND.”

Response to Comment #9: Senate Bill (SB) 535 is not related to CEQA. SB 535 directed that at least a quarter of the proceeds from the State’s Cap-and-Trade Program go to projects that provide a benefit to disadvantaged communities and at least 10 percent of the funds go to projects located within those communities.¹

Comment #10: “The State of California lists three approved energy compliance modeling softwares⁷ for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod energy calculations in the MND do not comply with the 2019 Building Energy Efficiency Standards and under reports the project’s potentially significant GHG and Energy impacts to the public and decision makers. Since the MND did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. An EIR with modeling in one of the approved software types must be circulated for public review in order to adequately analyze the project’s

¹ <https://calepa.ca.gov/EnvJustice/GHGInvest/>

potentially significant environmental impacts. This is vital as the MND utilizes CalEEMod as a source in its methodology and analysis, which is clearly not one of the approved softwares.”

Response to Comment #10: Energy modeling is not required to analyze project energy impacts under CEQA.

Comment #11: “It must also be noted that Madera is not listed as a jurisdiction with local energy standards approved by the CA Energy Commission⁸. According to the CA Energy Commission, “Local jurisdictions are required to apply to the Energy Commission for approval, documenting the supporting analysis for how the local government has determined that their proposed Standards will save more energy than the current statewide Standards and the basis of the local government’s determination that the local standards are cost-effective.” Therefore, compliance with the City’s General Plan does not comply with CA Energy Commission standards or AB 32/SB 32. The MND is misleading to the public and decision makers by stating compliance with these standards when the local jurisdiction standards have not been approved by the CA Energy Commission. An EIR must be prepared with adequate analysis of project impacts utilizing an approved modeling software in order to be a reliable informational document in compliance with CEQA.”

Response to Comment #11: The 2019 Building Energy Efficiency Standards (Energy Code) are the standards of the CA Energy Commission. The “Local Ordinance Exceeding the 2019 Energy Code”, or local energy standards approved by the CA Energy Commission, are only applicable to “*local jurisdictions wishing to enforce locally adopted energy standards*”. Since the City of Madera adopts the Energy Code as is, the Project is subject to the Energy Code standards, thus is compliant with CA Energy Commission standards. The Project has been reviewed for compliance with the Energy Code through the entitlement process and will be further reviewed for compliance during the building permit process.

Comment #12: “Additionally, the MND utilizes uncertain language in discussing energy impacts. The MND concludes that “the results of the analyses do not *rise to a level of significance* given the nature of the Project (i.e., non-residential) and the Project’s required compliance with various energy efficiency regulations and policies including CALGreen, Title 24 (e.g., Lighting Power Density requirements), the General Plan, California Code of Regulations (e.g., Title 13, Motor Vehicles), and CARB (e.g., Airborne Toxic Control Measure). Thus, through compliance, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources and a less than significant impact would occur.” As noted above, the project has not demonstrated compliance with Title 24 and compliance with General Plan measures is not an approved standard by the CA Energy Commission. The MND does not specify a level of significance threshold that would quantify a significant impact. An EIR

must be prepared to provide an adequate analysis of the project’s GHG and Energy impacts in compliance with CEQA.”

Response to Comment #12: According to Appendix F: Energy Conservation of the CEQA Guidelines, energy impacts shall be considered to the extent relevant and applicable to the project. In other words, a quantitative analysis is not required under CEQA. Further, according to Appendix F, consideration of energy impacts may include the degree to which the project complies with existing energy standards. Thus, it is appropriate to include compliance with various energy efficiency regulations and policies. As discussed above, the Project is compliant with the Title 24 Energy Code, which is the CA Energy Commission’s standards. In addition, project measures, including the planned installation of solar, were discussed to demonstrate that not only will the project comply with energy efficiency standards, but that the project will include an energy generation component, further demonstrating that the project, as proposed, would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Land Use and Planning

Comment #13: “The MND does not provide a consistency analysis with all General Plan goals and policies. An EIR must be prepared that includes a consistency analysis with all General Plan goals and policies, including but not limited to the following:”

Response to Comment #13: CEQA does not mandate that the initial study list every general plan policy to demonstrate project compliance. The project was reviewed against general plan policies and determined to be consistent. Below are responses to specific policies that were identified in the comment letter.

Policy CI-22: The City shall seek to maintain Level of Service (LOS) C at all times on all roadways and intersections in Madera.

According to the Governor’s Office of Planning and Research, “*Even if a general plan contains an LOS standard and a project is found to exceed that standard, that conflict should **not be** analyzed under CEQA. CEQA is focused on planning conflicts that lead to environmental impacts. (The Highway 68 Coalition v. County of Monterey (2017) 14 Cal.App.5th 883; see, e.g., Appendix G, IX(b) [asking whether the project will “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?”].) Auto delay, on its own, is no longer an environmental impact under CEQA. (See Pub. Resources Code, § 21099(b)(2).)”²

Goal CON-11 Air quality that meets or exceeds all state and federal standards.

As mentioned above, an Air Quality, Health Risk Analysis, and Greenhouse Gas Technical Memorandum was prepared for the project to evaluate whether the estimated criteria air pollutant, ozone precursor, toxic air contaminant (TAC), and/or greenhouse gas (GHG) emissions generated from construction and/or operation of the project would cause significant impacts to air or GHG resources. The methodology followed the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) prepared by the San Joaquin Valley Air Pollution Control District (SJVAPCD) for the quantification of emissions and evaluation of potential impacts to air resources. The GHG Analysis follows and the SJVAPCD’s Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under the California Environmental Quality Act (CEQA). The evaluation found the impacts to be less than significant. This analysis and report demonstrate that the project is in compliance with all state and federal air quality standards.

Goal CON-12 Meet or exceed all current and future state-mandated targets for reducing emissions of greenhouse gases.

The project complies with this General Plan Policy. A greenhouse gas analysis was prepared for the project, as mentioned above. This study, along with the related impact assessment contained in the MND (Section 4.8.2 on the MND document) demonstrate that the project meets or exceeds all current and future state-mandated targets for reducing emissions of greenhouse gases.

Policy CON-29 The City shall require new air pollution point sources (such as, but not limited to, industrial, manufacturing, and processing facilities) to be located an adequate distance from residential areas and other sensitive receptors. “Adequate distance” will be based on site-specific conditions, the type and location of sensitive receptors, on the types and amounts of potential toxic emissions, and other factors.

The project complies with this General Plan Policy given that the Project is well below the SJVAPCD thresholds and is thus not considered a new air pollution point source.

² <https://opr.ca.gov/ceqa/sb-743/faq.html>, Access on 4-7-22

Comment #14: “The MND does not provide any consistency analysis with the Madera County Transportation Commission (MCTC) adopted 2018 RTP/SCS⁹. Due to errors in modeling and modeling without supporting evidence, as noted throughout this comment letter and attachments, the proposed project has significant potential for inconsistency with Goal 5 to maintain the efficiency, safety, and security of the region’s transportation system, Goal 9 to protect the environment and health of our residents by improving air quality and encouraging active transportation, Strategy 5 to Enhance the Environment: the transportation system improves the environment through energy conservation, improving the quality of life, and promoting consistency between transportation improvements, planned growth, economic development, and environmental justice issues, Objective 14 to improve and maintain an integrated transportation network that reduces congestion and minimizes safety issues, and Objective 41 to avoid disproportionately high adverse environmental impacts upon low-income individuals, the elderly, persons with disabilities or minority populations consistent with Title VI regulations. An EIR must be prepared to include accurate Air Quality/HRA, Energy, and GHG modeling and provide an analysis of potential inconsistency with the 2018 RTP/SCS document.”

Response to Comment #14: Goals of the RTP/SCS are “broad policy statements that describe the purpose of the plan”, which do not specify actions for compliance. In addition, the RTP/SCS is not designed to be implemented at the project level, and compliance with the city’s municipal code and General Plan would provide compliance with the RTP/SCS. That said, the Project does not affect the region’s transportation system since it does not propose new or alternations to existing regional transportation networks, such as state routes or public transit (compliance with Goal 5) and the Project proposes sidewalks, which would encourage active transportation such as bicycling and walking (compliance with Goal 9, Strategy 5). The Project was review by the city’s traffic department which provided conditions to ensure the traffic safety (compliance with Objective 14). The ISMND did not find environmentally significant impacts in the areas of impact analyzed (compliance with Objective 41).

Population and Housing

Comment # 15: “The MND concludes that “while the Project would generate employment (i.e., nine (9) employees), it is not at a level that could induce population growth,” resulting in a less than significant impact. The MND does not provide a source methodology for its determination that the project will generate 9 employees. There is also no calculation of the employees generated by the construction of the project...” .

Response to Comment #15: Project employment numbers were determined by the applicant’s operational statement, which is a standard methodology. Employment generated by project construction will be temporary and thus it is reasonable to conclude that the construction of a project of this size will not “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)”.

Comment #16: “As noted above, at least four residential structures on the north side of the project site with access from Boles Street were demolished prior to CEQA review. An EIR must be prepared that analyzes the need for replacement housing and compliance with SB 330: Housing Crisis Act of 2019.”

Response to Comment #16: Homes are not proposed to be demolished.

Transportation

Comment #17: “The MND excludes medium and heavy truck trips from the VMT analysis. The MND states that, “Pursuant to CEQA Guidelines Section 15064.3, ‘vehicle miles traveled refers to the amount and distance of automobile travel attributable to a project. The term automobile” refers to on-road passenger vehicles, specifically cars and light trucks. Thus, trips associated with large trucks are excluded from the VMT analysis and only employee and customer trips must be considered for VMT analysis without providing a statutory source.” CEQA Guidelines do not provide a definition of the term “automobile.” The MND sources the OPR’s 2018 Technical Advisory which provides a definition of “automobile” stating that “here, the term automobile” refers to on- road passenger vehicles, specifically cars and light trucks.” However, the purpose of the OPR Technical Advisory document is purely advisory, stating in its introduction:

“The purpose of this document is to provide advice and recommendations, which agencies and other entities may use at their discretion. This document does not alter lead agency discretion in preparing environmental documents subject to CEQA. This document should not be construed as legal advice”

The OPR document is not a legal interpretation, court decision, or amendment to the CEQA statute that clarifies the definition of automobile. The term “automobile” is not defined in the CEQA statute and application of the OPR interpretation is speculative and does not provide an analysis of the “worst-case scenario” for environmental impacts. Widespread public understanding and perception indicates that trucks, including medium and heavy-duty trucks associated with the industrial nature of warehouse operations, are automobiles. An EIR must

be prepared to remove this misleading information (including the erroneous statement that CEQA Guidelines define the term “automobile”) and include all truck activity, including medium and heavy trucks, for quantified VMT analysis. The operational nature of industrial/warehouse uses involves high rates of medium/heavy truck/trailer VMT due to traveling from large regional distribution centers to smaller industrial parks and then to their final delivery destinations. Table 4.2 Trip Summary of the Air Quality Appendix CalEEMod output sheets indicates that the project will generate approximately 998 average daily trips for passenger cars, resulting 2,915,196 annual VMT ($2,915,196 / 365 \text{ days} = 7,986$ daily total VMT). The project will generate approximately 70 average daily trips for trucks, resulting 1,123,297 annual VMT ($1,123,297 / 365 \text{ days} = 3,077$ daily total VMT). This is exponentially higher than the TAZ VMTs reported in the MND. The project’s truck/trailer activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude the truck/trailer activity from VMT analysis. An EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer activity to adequately and accurately analyze the potentially significant project transportation impacts.

Response to Comment #17: A VMT Analysis was prepared for the project which indicates that the project screens out based on two separate screening thresholds. “Screening out” signifies that the project will have a less than significant impact. This analysis is provided in Appendix E of the MND and included (partially) below for reference:

Screening Threshold for Small Projects (110 Daily Trips or Less)

Approximately nine (9) employees and two (2) customers are expected to work at and/or visit the facility per day. Assuming one (1) in and one (1) out trip per day, the total average daily trips (ADT) made by automobiles would be 22 total per day. Thus, based on the expected customers or drivers resulting from the Project, passenger vehicles can be expected to generate a total of 22 ADTs per day. As such, total ADTs for the Project would be significantly less than the 110 ADT threshold. Even if truck trips are included in the analysis (which should be excluded based on the OPR Technical Advisory), the project would still generate well under 110 ADTs.

Map-Based Screening

The Madera County Transportation Commission has established a screening map to determine if projects impacts related to VMT can be determined less than significant based on proposed use and project location. The map utilized the Madera County Travel Demand Model. According to the VMT Baseline Table³, “The SB743 VMT Tool can be used to calculate VMT per capita by TAZ for a residential development project,

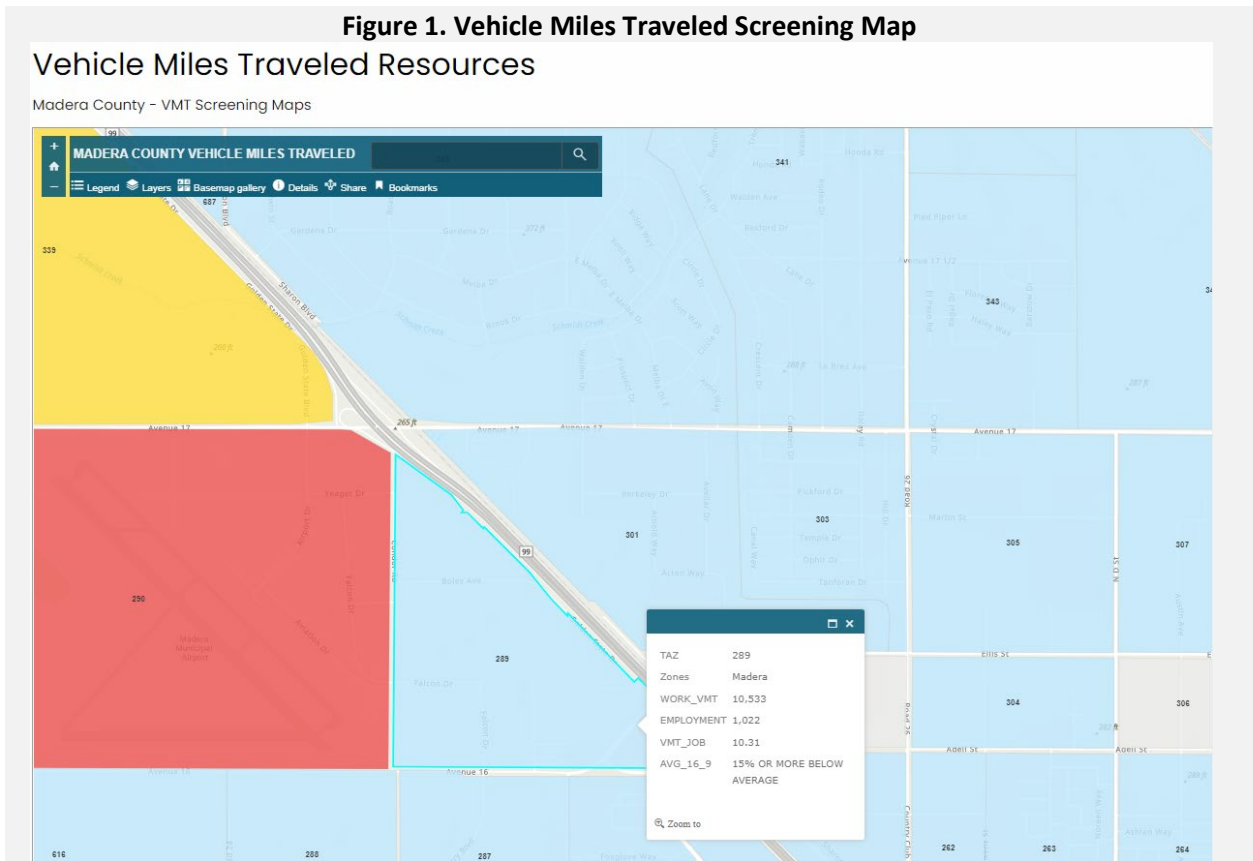
³ <https://www.maderactc.org/transportation/page/vehicle-miles-traveled-resources> Accessed February 1, 2022

or VMT per job by (Transportation Analysis Zone) TAZ for an office development project for SB743 analysis using the MCTC Model outputs. The Madera County subregional baseline VMT per capita/job for the selected TAZ will also be reported for screening purposes.”

According to the above-mentioned document, “VMT per job were generated by home-based work (HW) trips at the attraction ends. Thus, for work VMT we summed up all inbound HW trips to each internal TAZ. The origin-destination (O-D) distances were skimmed off the highway network between each O-D pair in the model including gateway TAZs. For the IX/XI trips, external average trip lengths, per gateway, were added to the skimmed O-D distances. The product of total HW trips and the total O-D distance was the work VMT for that TAZ. The baseline VMT per job for an air basin was calculated by dividing the total work VMT by the total jobs in that air basin.”

VRPA, the traffic consultant who assisted with the effort has indicated that this type of project (Amond World Cold Storage project) can use the VMT/employee map for industrial, office, or any other use that is employment related.

According to the screening map (see **Figure 1 below**), the proposed project is located in Transportation Analysis Zone (TAZ) 289. TAZ 289 has a total of 10,533 work/employment related vehicle miles traveled with a current employment population of 1,022. This is equivalent to 10.31 VMTs per job, which is more than 15% below the County Average of 16.9 VMTs per job. Given that this is below the identified threshold of significance, it can be determined that a less than significant impact would occur and the Project would not conflict or be inconsistent with CEQA Guidelines Section 15064 (b).



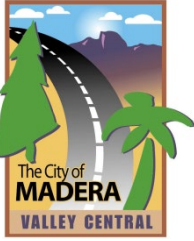
Statement of Finding

The Project would have a less-than-significant impact for any net increase in total VMT and is consistent with CEQA Guidelines Section 15064.3, subdivision (b). No mitigation measures are required.

Comment #18: Additionally, the MND has not provided a level of service (LOS) analysis for the proposed project which is required by the City’s General Plan Policy CI-22. An EIR must be prepared with a Traffic Impact Analysis that analyzes LOS impacts in order to comply with the General Plan.”

Response to Comment #18: As mentioned above, LOS can no longer be considered in the CEQA analysis. However, the City of Madera does have a project LOS threshold policy. Like most jurisdictions, the city has a reasonable threshold for when a traffic study is required and this is dependent on peak hour trips generated by a proposed project. The City’s threshold for requiring a traffic study is 100 peak hour trips. A Trip Generation Memo is included in Appendix D of the MND. This memo analyzed the worst-case scenario (per standard practice) and thus the ITE manual Land Use 157 was utilized, even though the proposed use is not truly defined as “high-cube” cold storage. Thus, this overestimated actual project trip generation. Even so, this memo

determined that a high-cube cold storage use of this size would have a peak hour trip generation rate of less than 100. Thus, a traffic study analyzing LOS was not required.



REPORT TO THE PLANNING COMMISSION

Prepared by:
Arnoldo Rodriguez

Meeting of: April 12, 2022
Agenda Item: 3

SUBJECT:

Variance (VAR 2022-02) and Site Plan Review (SPR 2022-01) for parking lot expansion for the Madera Police Department

RECOMMENDATION:

Conduct a public hearing and adopt a resolution recommending Planning Commission adopt a categorical exemption pursuant to CEQA Guidelines Section 15332 (Infill Development) and approve Variance (VAR 2022-02) and Site Plan Review (SPR 2022-01) (Madera Police Department Secured Employee Parking Area).

PROPOSAL:

A variance and site plan review application to expand the City of Madera Police Department’s employee parking lot. The applicant is proposing the following:

- VAR 2022-02: allows for an 8-foot slatted chain linked fence
- SPR 2022-01: establishes 42 additional parking stalls

Table 1: Project Overview

<i>Project Number:</i>	VAR 2022-02, SPR 2022-01
<i>Applicant:</i>	City of Madera
<i>Property Owner:</i>	City of Madera Police Department (PD)
<i>Location:</i>	320 South C Street, Madera, CA 93638 (APN 007-191-017), intersection of East 7th Street and South C Street and adjacent to the Madera Police Department Headquarters.
<i>Project Area:</i>	0.32 acre or approximately 14,209 square feet (sf)
<i>Plan Land Use:</i>	C – Commercial
<i>Zoning District:</i>	C1 – Light Commercial
<i>Site Characteristics</i>	The proposed site sits on a 0.32-acre lot (approximately 14,209 sf). There is an alleyway abutting the rear located southwest of the property. Adjacent to the lot is the Police Department Headquarters. All other surrounding uses are commercial with the Post Office located west of the property. A 65 ft wide Madera Irrigation District (MID) easement runs through the proposed site and makes 66 percent of the property unusable except for parking.

SUMMARY:

The City is proposing Site Plan Review (SPR) 2022-01, for the expansion of PD’s employee parking area. The proposed site is located on 320 South C Street, Madera, CA 93638 (APN 007-191-017), is approximately 14,209 sf in size, and is vacant and undeveloped. The City is proposing 42 parking stalls secured by an 8-foot slatted chain link fence.

SURROUNDING LAND USES:

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Church	C – Commercial	C1 – Light Commercial
<i>East</i>	Madera Cleaners and Laundry	C – Commercial	C1 – Light Commercial
<i>South</i>	Madera PD Headquarters	C – Commercial	C1 – Light Commercial
<i>West</i>	Massetti Bros	C – Commercial	C2 – Heavy Commercial

ANALYSIS:

Site and Entitlement History:

The proposed project is located on vacant and undeveloped land and has had no prior entitlements for any development. Resolution No. 18-100 approved an agreement between the City and Fred C. Jr. and Diane J. Massetti for the sale of the proposed parcel in 2008. Since the purchase, the lot has been used as a parking area that serves the Police Department.

Site Plan Review 2022-01

The project is proposing an expansion of the employee/equipment parking area. The proposal calls for 42 additional parking stalls secured by an 8-foot slatted chain linked fence. The site has sufficient access to utility services and will not put additional stress to public services and infrastructure.

Parking

Currently, there are only 55 parking spaces available for the public and employees. Part of the challenge is that additional employees are housed at PD today in comparison to several years ago. This includes Animal Control, Parking Control, and Code Enforcement. Moreover, additional equipment has been acquired to better serve the community. As a result, additional parking is required. The proposed project corrects this parking deficiency by adding 42 parking stalls. Two parking stalls are compliant with the American Disabilities Act (ADA), 11 are compact stalls per MMC § 10-3.1207 requirements, and the remaining are standard parking stalls.

Fence

MMC § 10-3.412 prohibits any fence, wall, or screen of any kind exceeding 6 ft. in height to be erected between the front property line and the rear property line. Only permanent material such as wood or chain link should be used for fencing and should be maintained, repaired, and replaced as needed. SPR 2022-01 proposes an 8-foot slatted chain linked fence to secure the parking area. To comply with MMC 10-3.412, SPR 2022-01 would only allow for a 6-foot slatted chain linked fence.

Fence Variance

Issuance of a variance shall be granted by the Planning Commission if the applicant provides all required documentation and information outlined in MMC § 10-3.1405. Pursuant to MMC §10-3.1402, the applicant is also responsible for demonstrating that the literal and strict application of a specific provision established in the MMC will result in:

Deprivation of privileges enjoyed by other properties in the vicinity under identical zoning classifications due to special circumstances applicable to the property including size, shape, topography, location, or surroundings.

City facilities are essential during catastrophic events. Thus, ensuring that City personnel and/or equipment is safeguarded is essential. Moreover, recent national events have resulted in attacks targeting public facilities, in particular law enforcement. While a 6-foot fence is adequate in the vast majority of cases, ensuring that City equipment and personnel remain safe is paramount for the Police Department. In short, the increased height would increase safety measures for City employee safety. Moreover, the existing facility is secured by an over height fence and the proposed fence would match.

Lighting

All parking areas within City limits should provide sufficient lighting and should be directed away from residential areas. Lighting poles should not exceed 20 ft. in height and should be surrounded by low landscaping. Concrete bases and pillars supporting lighting poles should not exceed 3 feet above ground and should be made of material capable of withstanding weathering. SPR 2022-01 proposes 3, 15-foot light poles equipped with security cameras and meets all City lighting standards for parking areas.

General Plan Conformance

PD's secured employee parking area proposal provides conformance with goals and policies established in the General Plan's Community Design Element. With sufficient landscape throughout the parking area, the proposal supports a high-quality urban design and an aesthetically pleasing commercial development.

- Community Design Goals:
 - Goal CD-1: High quality urban design throughout Madera.
 - Goal CD-12: Aesthetically pleasing commercial development.
- Community Design Policies:
 - Policy CD-49 – Parking lots shall be landscaped, including shade trees to create an attractive pedestrian environment and reduce the impact of heat islands.

ENVIRONMENTAL REVIEW:

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

COMMISSION ACTION:

The Commission will be acting on the following findings approving VAR 2022-02 and SPR 2022-01.

A variance may be granted by the Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict

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

Motion 1: Move to approve VAR 2022-02 and SPR 2022-01 in conjunction with the findings and conditions of approval as listed below.

1. Findings to Support a Variance (VAR 2022-02)

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

Finding a: Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted.

Finding b: Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

City facilities are essential during catastrophic events. Thus, ensuring that City personnel and/or equipment is safeguarded is essential. Moreover, recent national events have resulted in attacks targeting public facilities, in particular law enforcement. While a 6-foot fence is adequate in the vast majority of cases, ensuring that City equipment and personnel remain safe is paramount for the Police Department. In short, the increased height would increase safety measures for City employee safety. Moreover, the existing facility is secured by an over height fence the proposed fence would match.

The General Plan establishes policies that support the health and safety of the residents through the use of emergency response. This variance provides support for General Plan Policy HS-35, "The City shall ensure that safety and protection of Madera and its community members by providing appropriate first response to emergencies and ensure that sufficient resources are available to expand protection as the community grows" (Madera General Plan, p. 6-30).

2. Findings to Support Site Plan Review (SPR 2022-01)

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

SPR 2022-01 provides conformance with the City's General Plan by supporting land use goals and policies that desire, "comprehensive planning to ensure individual projects are integrated with

existing and future projects and considers the form and function of the surrounding area” (City of Madera General Plan, p. 8-7).

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

The property is not located within the boundary of a 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.

The project has been reviewed and is consistent with the surrounding uses and with all applicable requirements for development in commercial zoning district. Public improvements exist and on-site utilities are consistent with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, and traffic.

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

SPR 2022-01 will not have a significant impact on traffic or the environment. With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

The Commission’s action on the Variance and Site Plan Review are final unless appealed for consideration by the City Council.

ALTERNATIVES:

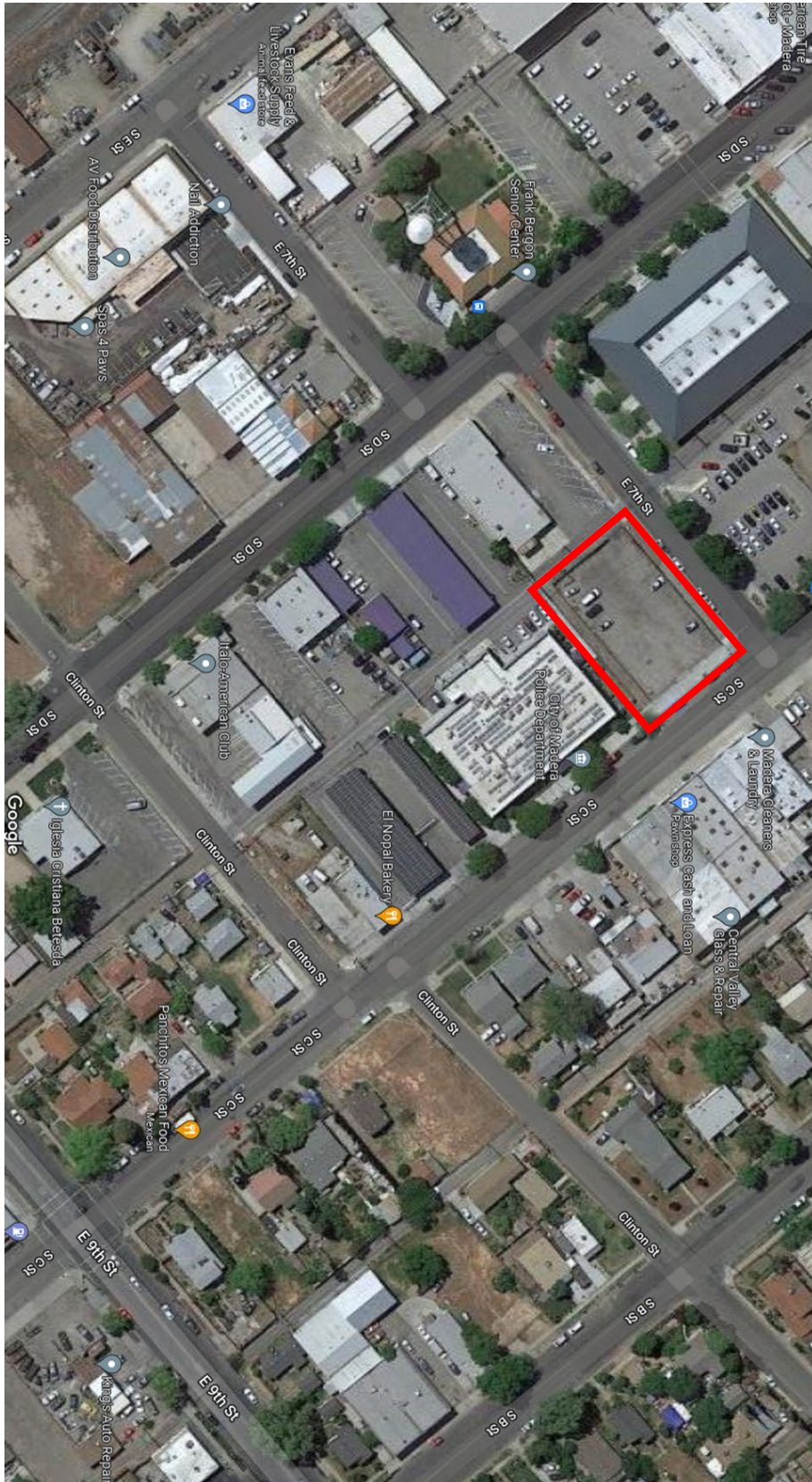
As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the April 12, 2022, Commission meeting with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)
2. Move to continue the application for SPR 2022-01 and VAR 2022-02 to the April 12, 2022, 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.)

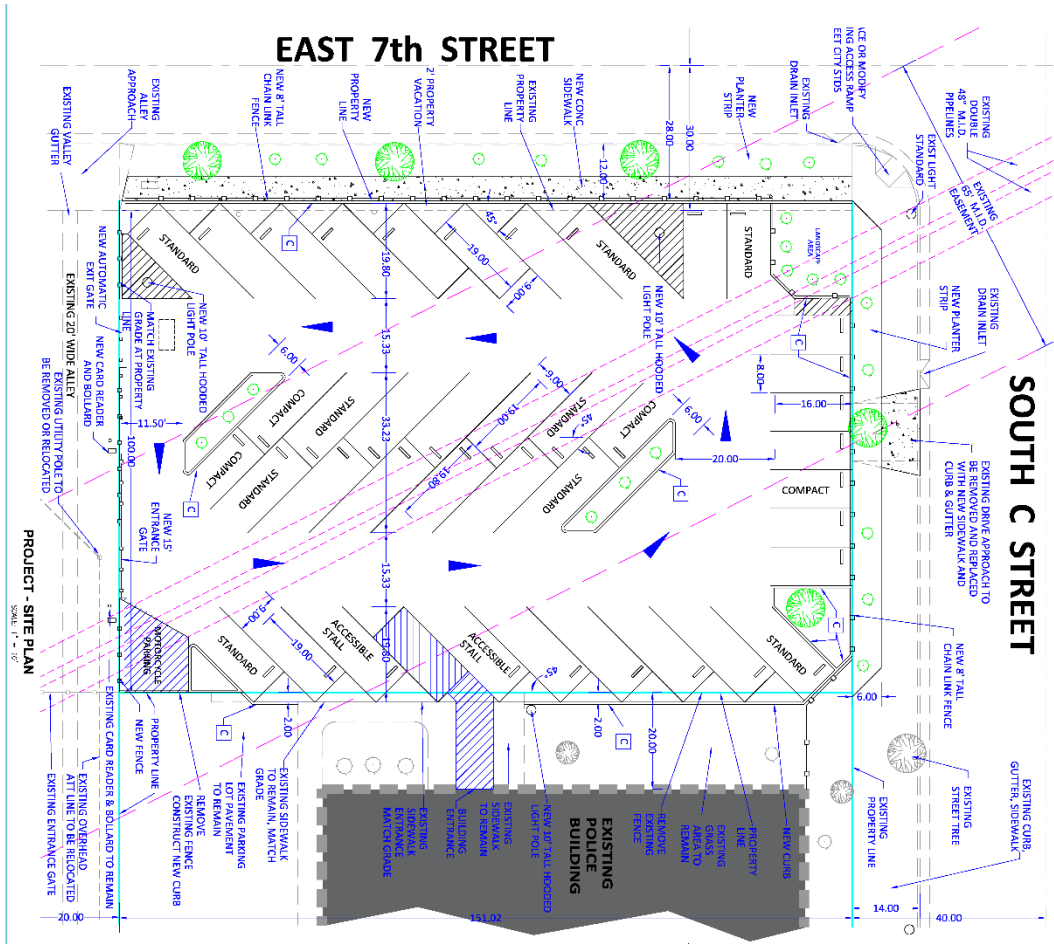
ATTACHMENTS:

1. Aerial Photo
2. Site Plan
3. Resolution

Attachment 1 – Aerial Photo



Attachment 2 – Site Plan

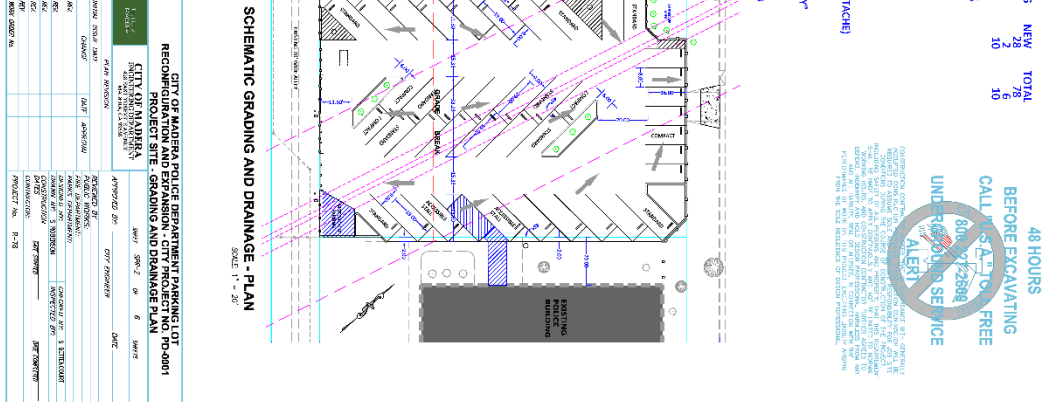


LEGEND:

- 15 GAL. PISTACHIA CHINENSIS (CHINESE PISTACHE)
- 5 GAL. NANNING DOMESTICA "MOON BAN"
- (DWARF HEAVENLY BAMBOO)
- INDICATES PROPOSED 6" CONCRETE CURB

SITE NOTES:

- 1.1. THERE IS AN EXISTING WATER SPOUT AND LIGHT POLE THAT WILL BE REMOVED.
- 1.2. THE SITE IS CURRENTLY BEING USED FOR P.D. SUPERVISOR PARKING.
- 2.1. THE SITE CURRENTLY HAS A 6 FOOT TALL CHAIN LINK FENCE THAT WILL BE REMOVED.
- 2.2. THE SITE CURRENTLY HAS A 6 FOOT TALL CHAIN LINK FENCE THAT WILL BE REMOVED.
- 3.1. A SITE GRADING AND DRAINAGE PLAN SHALL BE PREPARED BY A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA.



NO.	DATE	BY	DESCRIPTION
1	08/12/22
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Attachment 3 - Resolution

RESOLUTION NO. 1915

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES
SECTION 15332 (INFILL DEVELOPMENT) AND APPROVING VARIANCE (VAR 2022-
02) AND SITE PLAN REVIEW (SPR 2022-01) (MADERA POLICE DEPARTMENT
SECURED EMPLOYEE PARKING AREA)**

WHEREAS, the City (“Owner”) owns the property at 320 South C Street in Madera, California (“site”); and

WHEREAS, resolution No. 18-100 approved an agreement between the City and Fred C. Jr. and Diane J. Massetti for the sale of the proposed parcel in 2008

WHEREAS, the site has been used as a parking area that serves the Madera Police Department’s employees and equipment.

WHEREAS, applicant is seeking a fence height variance to allow for reduced parking fence requirements associated with the activities on the site, as proposed by SPR 2022-01; and

WHEREAS, the project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (Infill Development); and

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

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

WHEREAS, the Planning Commission received and reviewed VAR 2022-02 and SPR 2022-01 at a duly noticed meeting on April 6, 2022; and

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

WHEREAS, the Planning Commission now desires to adopt a Categorical Exemption for the project, and approve VAR 2022-02 and SPR 2022-01, with conditions.

NOW THEREFORE, be it resolved by 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 project is exempt under Section 15332 (Infill Development) of the State CEQA Guidelines because the project will occupy an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes involving negligible or no relative expansion of use. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
3. Findings to Approve VAR 2022-02: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of VAR 2022-02, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.1402. 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:

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

Finding a: Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted.

Finding b: Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

City facilities are essential during catastrophic events. Thus, ensuring that City personnel and/or equipment is safeguarded is essential. Moreover, recent national events have resulted in attacks targeting public facilities, in particular law enforcement. While a 6-foot fence is adequate in the vast majority of cases, ensuring that City equipment and personnel remain safe is paramount for the Police Department. In short, the increased height would increase safety measures for City employee safety. Moreover, the existing facility is secured by an over height fence the proposed fence would match.

The General Plan establishes policies that support the health and safety of the residents through the use of emergency response. This variance provides support for General Plan Policy HS-35, "The City shall ensure that safety and protection of Madera and its community members by providing appropriate first response to emergencies and ensure that sufficient resources are available to expand protection as the community grows" (Madera General Plan, p. 6-30).

4. Findings to Approve SPR 2022-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2022-01, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.801 through 10-3.805. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

SPR 2022-01 provides conformance with the City's General Plan by supporting land use goals and policies that desire, "comprehensive planning to ensure individual projects are integrated with existing and future projects and considers the form and function of the surrounding area" (City of Madera General Plan, p. 8-7).

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

The property is not located within the boundary of a specific plan.

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.*

The project has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the commercial zoning district. Public improvements exist and on-site utilities are consistent with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, or traffic.

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

SPR 2022-01 will not have a significant impact on traffic or the environment. With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

5. Approval of VAR 2022-02 and SPR 2022-01: Given that all findings can be made, the Planning Commission hereby approves VAR 2022-02 and SPR 2022-01 as conditioned set forth in the Conditions of Approval attached as Attachment

6. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 12th day of April 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit "A" – Conditions of Approval for VAR 2022-02 and SPR 2022-01

SPR 2022-01 (MADERA POLICE DEPARTMENT PARKING LOT EXPANSION)
CONDITIONS OF APPROVAL April 12, 2022

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through site 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 2022-01 (Madera Police Department Secured Employee Parking Area) 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, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of APN 007-191-017 that are being developed under SPR 2022-01 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

General

1. Approval of this site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. Approval of this site plan review may become null and void if development is not completed in accordance with all the conditions and requirements imposed on this site plan review and all City standards and specifications.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
4. Failure to act on SPR 2022-01 within one-year following the date of this approval shall render the site plan null and void unless a written request extension has been submitted to and approved by the Commission.

Planning Department

5. Variance applicable to the fence shall prohibit any future fence on the property to exceed 8 feet in height.
6. Fence shall be maintained and replaced as needed to avoid neighborhood blight.

Fire Marshall

7. Provide a Knox a powered override switch at the gate or Knox Box/Padlock if unpowered.

Engineering

General

8. Deferrals are not permitted for any condition included herein, unless otherwise stated.
9. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.

10. 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.
11. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
12. The improvement plans for the project shall include the most recent version of the City's General Notes.
13. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
14. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Water

15. New or existing water service connection(s), including landscape areas, shall be constructed or upgraded 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. Each parcel shall have a separate domestic water service.
16. A separate water meter and backflow prevention device will be required for landscape area.
17. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.

Storm Drainage

18. Storm runoff from this project will surface drain into existing facilities and eventually into the MID Canal. Water runoff from the site must be cleaned before entering the existing storm water system to the satisfaction of the Madera Irrigation District through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
19. A Madera Irrigation District (MID) approval block shall be shown on the final improvement plans.
20. 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

21. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, sidewalk and adjacent alley approach to current City and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.

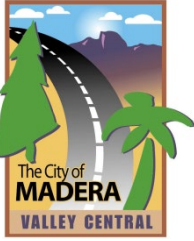
22. Existing access ramp located at the southeast corner of South C Street and East 7th Street shall be removed and reconstructed or modified, as necessary, to meet current City and ADA standards.
23. The developer shall install sidewalk along the East 7th Street project frontage in accordance with City and ADA standards.
24. The park strip in public right-of-way along East 7th Street and South C Street shall be landscaped per current City standards.
25. Existing drive approach on South C Street shall be removed and replaced with concrete sidewalk, curb and gutter in accordance with City standards.
26. The developer shall install streetlights along East 7th Street project frontage in accordance with current City standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.

Dry Utilities

27. 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 and alley (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.

Madera Irrigation District (MID)

28. A 65 ft wide Madera Irrigation District (MID) easement runs through the proposed site that allows for maintenance of a twin 54" pipe. The pipeline in question has no as-builts to reference and pipeline in nearby locations has been shallow with very little coverage. As such, MID requires any and all grading activity to be done with great care and potholing prior to construction activities be done prior to construction work.



REPORT TO THE PLANNING COMMISSION

Prepared by:

Ricardo Olea, Assistant Planner

Meeting of: April 12, 2022

Agenda Item: 4

SUBJECT:

Conditional Use Permit 2022-01 (CUP 2022-01) and Site Plan Review 2022-03 (SPR 2022-03) – Compa Franks on-site sale and consumption of alcoholic beverages.

RECOMMENDATION:

Conduct a public hearing and adopt a Resolution adopting a Finding of a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and approving Conditional Use Permit (CUP 2022-01) and Site Plan Review (2022-03) for 1816 Howard Road, Suite 5 for the on-site sale and consumption of alcohol.

PROPOSAL:

Entitlements to allow for the on-site sale and consumption of alcoholic beverages. Including:

- Conditional Use Permit (CUP) 2022-01: allows for on-site sale and consumption of alcoholic beverages. CUP 2022-01 is specifically limited to the on-site sale and consumption of beer.
- Site Plan Review (SPR) 2022-03: affirms the restaurant, Compa Franks, as business at 1816 Howard Road, Suite 5, requirements to permit the restaurant to operate at this location, as well as where alcohol is allowed to be served and consumed on the premise.

Table 1: Project Overview

<i>Project Number:</i>	CUP 2022-01, SPR 2022-03
<i>Applicant:</i>	Benny Francisco Izaguirre
<i>Property Owner:</i>	Ramirez Family Properties, LLC
<i>Location:</i>	1816 Howard Road, approximately 138 feet east of the intersection between Dwyer Street and Howard Road.
<i>Project Area:</i>	Proposed unit encompasses 1,682 square feet (sf)
<i>Plan Land Use:</i>	C – Commercial
<i>Zoning District:</i>	C1 – Light Commercial
<i>Site Characteristics</i>	<p>The project site is part of a larger commercial shopping center encompassing approximately 10,888 sf on a 45,567-sf parcel. The building is divided into 5 separate units:</p> <ul style="list-style-type: none"> ▪ Suite 1: Madera Unified School District (MUSD); 2,215 sf ▪ Suite 2: MUSD; 800 sf ▪ Suite 3: Fricks Refrigerator; 936 sf

	<ul style="list-style-type: none"> ▪ Suite 4: De Sal; 1,100 sf ▪ Suite 5: Compa Franks (project site); 1,681 sf ▪ Suite 6: UDW Foundation; 1,170 sf ▪ Suite 7: Loans Massage; 950 sf ▪ Suite 8: Architect; 2,036 sf
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SUMMARY:

The project site consists of a 1,681 square foot (sf) tenant suite (Suite 5) of an existing 10,888 square foot (sf) commercial building and 575 sf outdoor patio abutting Suite 5. The commercial building and out-door patio are in an established commercial center (Refer to Attachment 1). The commercial building is composed of eight tenant suites of varying sizes as noted above in Table 1. The subject property is designated Commercial and zoned C1 – Light Commercial. Restaurants are an allowable use in C-1 Zone District. Suite 5 was previously occupied by a restaurant (Player’s BBQ) which included on-site alcohol (beer) sales and consumption.

SURROUNDING LAND USES:

The commercial building is surrounded by commercial uses to the north, east and west. A multi-family residential apartment complex can be found south of the property. Table 2 lists all the immediate uses adjacent to Suite 5.

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Madera Unified School District	C – Commercial	C1 – Light Commercial
<i>East</i>	General Building Supply	C – Commercial	C1 – Light Commercial
<i>South</i>	UDW Foundation	C – Commercial	C1 – Light Commercial
<i>West</i>	Del Sal	C – Commercial	C1 – Light Commercial

ANALYSIS:

Site and Entitlement History:

The following table provides a synopsis of previous entitlements relative to the site and their status.

Table 3: Entitlement History		
<i>Permit #</i>	<i>Project</i>	<i>Status</i>
SPR 1974-14	Deans Tire Company	No longer active
SPR 1992-44	Pichette Restaurant	No longer active
CUP 2021-16, SPR 2021-14	Players Smoked BBQ <i>Note: An alcohol license was issued for this business on June 1, 2016 and expired on May 31, 2020. Since then, there have been no alcohol license renewals for this location.</i>	No longer active

Alcohol Beverage Control License Type 41

The California Department of Alcoholic Beverage Control (ABC) administers and issues licenses that allow establishments to serve alcohol. The applicant has applied for a Type 41 license, which would authorize the on-site sale and consumption of beer at the restaurant.

Conditional Use Permit

Madera Municipal Code (MMC) § 10 3.405 requires a use permit for all establishments that wish to serve alcohol. CUP 2022-02 would allow for the on-site sale and consumption of alcoholic beverages (beer) in Suite 5. CUP 2022-02 limits alcohol sales to inside and consumption to the dining area and the gated outdoor patio. The applicant proposes to serve beer in 12-ounce portions and that the beer will be stored in a separate storage room within the restaurant where consumption does not occur.

Site Plan

Pursuant to Section 10.3.4.0102 of the MMC, a site plan review is required for all projects which require a use permit, including a change in use where no on-site construction is proposed. SPR 2022-03 establishes the restaurant, Compa Franks, the site's layout and where alcohol may be served and consumed. Alcohol consumption is limited to the restaurant's 575 sf indoor dining area and to the restaurant's 186 sf fenced outdoor dining patio (Refer to Attachment 2 and 3).

Presently, Compa Franks food preparation and dining services are manageable with only two employees. The applicant's future business plan anticipates up to five employees will be required as the anticipated number of daily patrons is expected to reach 85. Compa Franks' hours of operations a currently Monday through Sunday, 9:00 am to 9:00 pm.

The restaurant is within a commercial building that provides adequate parking spaces to meet MMC § 10 3.1202 (Parking Spaces Required) and requirements set forth by the American Disabilities Act (ADA). A total of 33 parking spaces, of which 3 are ADA compliant are provided. In addition, the suite previously housed a restaurant with alcohol sales and has proven to be able to operate in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large.

General Plan Conformance

CUP 2022-02 and SPR 2022-03 support goals and policies established in the General Plan. In allowing this establishment to expand their business to include alcohol sales, these entitlements support Vision Madera 2025 and encourage, "economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally" (General Plan, p. 1-2). CUP 2022-01 and SPR 2022-03 also support goals and policies outlined in the General Plan's Sustainability Element:

- Goal SUS-1 – Establish and maintain a diverse and sustainable local economy
- Policy SUS-11 – The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.

ENVIRONMENTAL REVIEW:

Staff has performed a preliminary environmental assessment and has been determined that the project is categorically exempt under Section 15301 of the State CEQA Guidelines because the project will occupy an existing building on an existing parcel with existing services and utilities, and no modifications or expansion to the structure are to occur. Moreover, no expansion of existing or former commercial uses will occur. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

COMMISSION ACTION:

The Commission will be taking action on the CUP, SPR, and Categorical Exemption. All the required findings for approval under the Municipal Code and law can be made and are described in the proposed Resolution attached to this report.

The Commission's action is final unless appealed for consideration by the City Council.

ALTERNATIVES:

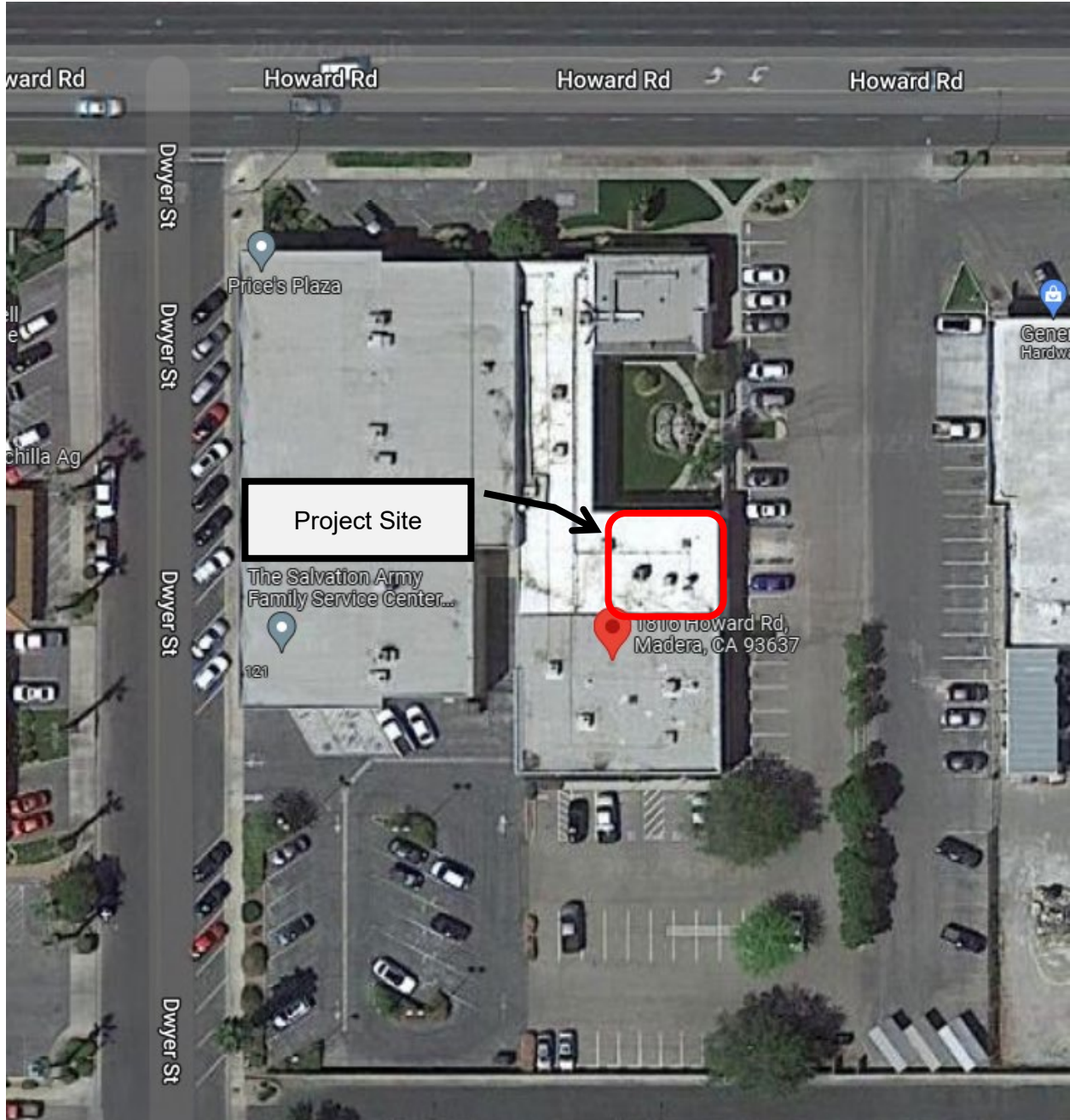
As an alternative, the Commission may elect to:

1. Move to continue the request to a date specified, for the following reasons or in order for the following information to be provided: (please specify date and reasons for continuance).
2. Move to deny the request for based on the following findings (please specify reasons).

ATTACHMENTS:

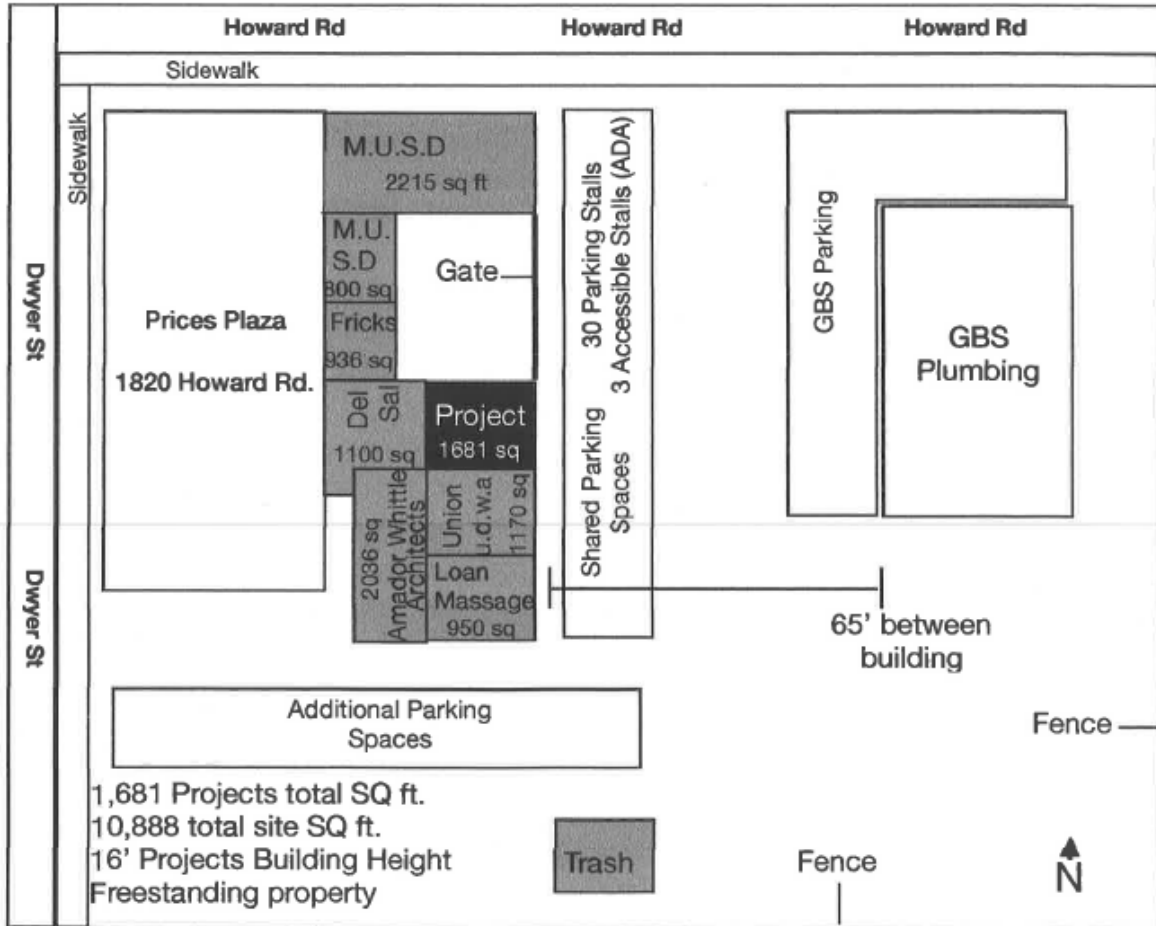
1. Aerial map
2. Site plan
3. Floor layout
4. Resolution
Exhibit "A" Conditions of Approval

Attachment 1: Aerial Map



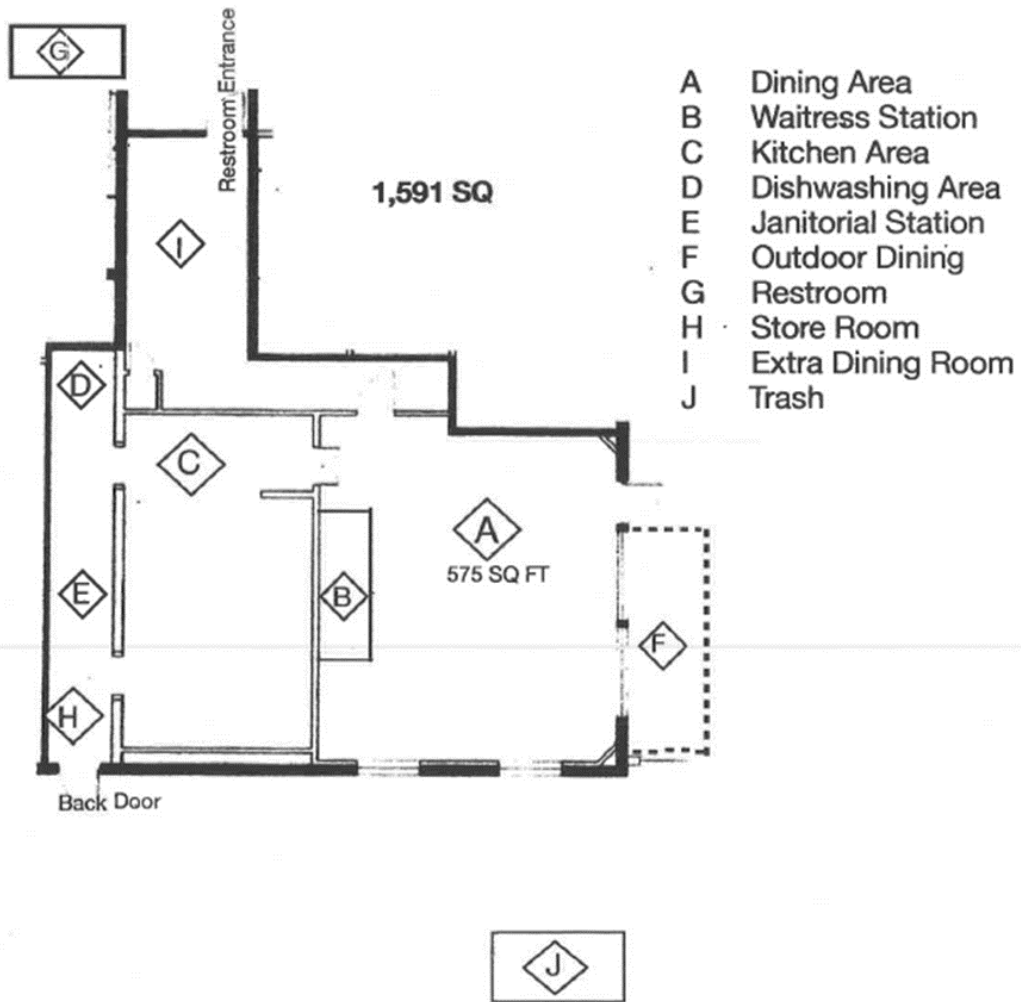
Attachment 2 – Site Plan

Site layout



Attachment 3 – Floor Layout

Floor layout



Attachment 4 - Resolution

RESOLUTION NO. 1916

RESOLUTION OF THE PLANNING COMMISSION ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND APPROVING CONDITIONAL USE PERMIT (2022-01) AND SITE PLAN REVIEW (SPR 2022-03) (COMPA FRANKS, 1816 HOWARD ROAD, SUITE 5)

WHEREAS, Benny Francisco Izaguirre (“Applicant”) owns Compa Franks located at 1816 Howard Road in Madera, California (“site”); and

WHEREAS, Compa Franks is an existing restaurant providing in-door and out-door dining services; and

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

WHEREAS, the Applicant proposes Conditional Use Permit (CUP) 2022-01 to allow for on-site alcohol sales and consumption; and

WHEREAS, on-site alcohol sales and consumption shall be limited to beer; and

WHEREAS, on-site alcohol sales and consumption shall be limited to the restaurant’s 575 square foot indoor dining area and to the restaurant’s 186 square foot outdoor dining patio; and

WHEREAS, the site provides sufficient parking space to support the proposed use and all other uses associated with the existing commercial building; and

WHEREAS, SPR 2022-03 has been determined to be able to operate in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

WHEREAS, the project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities); and

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

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

WHEREAS, the Planning Commission received and reviewed CUP 2022-01 and SPR 2022-03 at a duly noticed meeting on April 12, 2022; and

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

WHEREAS, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA, and approve CUP 2022-01 and SPR 2022-03.

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 Recommendation: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project will occupy an existing

building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes involving negligible or no relative expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

3. Findings to Approve CUP 2022-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2021-15, as conditioned. 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:

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

The General Plan designates the subject site for commercial uses and is consistent with its zoning district of C1 – Light Commercial. CUP 2022-01 is found to be consistent with all regulations set forth by MMC § 10 3.405 (Uses).

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

The project site is suited for commercial uses. The project site is located within a commercial center and is surrounded by like uses to the north, east, and, west of the property. As conditioned, the use will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

The proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The request will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of surrounding uses.

4. Findings to Approve SPR 2022-03: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2021-23, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

In allowing this establishment to expand their business to include alcohol sales, these entitlements support Vision Madera 2025 and encourage, “economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally” (City of Madera General Plan, p. 1-2).

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

The property is not located within the boundary of a 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.

The project has been reviewed and is consistent with the surrounding uses and with all applicable requirements for development in a C1 – Light Commercial zone district. There are no public right improvements required and on-site utilities are consistent with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, and traffic.

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

SPR 2022-03 will not have a significant impact on traffic or the environment. With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

5. Approval of CUP 2022-01 and SPR 2022-03: Given that all findings can be made, the Planning Commission hereby approves CUP 2022-01 and SPR 2022-03 as conditioned and set forth in the Conditions of Approval attached as Attachment A.
6. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 12th day of April 2022, 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 2022-01 & SPR 2022-03

EXHIBIT "A"
CUP 2022-01 AND SPR 2022-03 COMPA FRANKS
CONDITIONS OF APPROVAL April 12, 2022

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through site 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 CUP 2022-01 will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission, and all discretionary conditions of approval for SPR 2021-03 (1816 Howard Road, Suite 5) 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, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of 1816 Howard Road, Suite 5 that are being developed under CUP 2022-01 and SPR 2022-03 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

General

1. Approval of site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development. (Applies to only SPR 2022-03.)
2. Approval of site plan review may become null and void if development is not completed in accordance with all the conditions and requirements imposed on this site plan review and all City standards and specifications. (Applies to only SPR 2022-03.)
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.

Planning Department

4. Hours of business operation shall be limited as follows:
 - a. Monday through Sunday from 9:00 AM – 9:00 PM.
5. SPR 2022-03 requires a separate permit for signage for all signs on the exterior of Suite 5.
6. No permanent or temporary signage shall be placed within the outdoor patio dining area or affixed onto the outdoor dining patio fence.
7. CUP 2022-01 is specifically limited to on-site sale and consumption of beer beverages.
8. Sale of beer beverages for on-site consumption is conditioned upon obtaining a Type 41 ABC license from the Department of Alcoholic Beverage Control. The applicant, its operators and successors shall comply with all applicable City, State and Federal requirements and standards.

9. There shall be no allowance for alcohol beverages to be stored or displayed in areas accessible to the public. All alcohol beverages shall be accessible to employees only.
10. CUP 2022-01 allows for the sale of beer only. Changes or expansion in the type, sale and/or consumption of alcohol shall require an amendment to CUP 2022-01.
11. Alcohol consumption is limited to the restaurant's 575 square foot indoor dining area and the 186 square foot, gated outdoor dining area consistent with the applicable laws of the State of California Department of Alcoholic Beverage Control. (Applies only to CUP 2022-01.)
12. All alcohol sales shall occur inside the restaurant. (Applies only to CUP 2022-01.)
13. Alcohol shall only be sold and consumed during official business hours of operation of the restaurant. Business hours is limited to Monday through Sunday, 9:00 AM to 9:00 PM. (Applies only to CUP 2022-01.)
14. Any action taken by the owner, applicant, and/or business manager found to be in violation of any of the provisions set forth by the Alcohol Beverage Control License Type 41 shall render CUP 2022-01 revocable. The use must comply with any license requirements for the subject property by Alcohol Beverage Control at all times. (Applies only to CUP 2022-01.)

Fire Marshall

15. Fire and life safety requirements shall be maintained for the existing businesses in accordance with the California Fire Code. Any changes to the existing conditions will require fire approval for code compliance.